

ON YOUNG, CHAIRMAN

U.S. House of Representatives
Committee on Resources
Washington, DC 20515

August 26, 1999

Mr. Lester Snow
Executive Director
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Lester:

I know that you are aware of the recent press reports that the CALFED documents released on June 25, 1999 indicate that CALFED is strongly considering policies that may lead to construction of a significant conveyance facility between Hood and the Mokelumne River, beginning perhaps as early as year 5 of Stage 1. Specifically, the "Preferred Program Alternative" discussion on page 109 of the "Revised Phase II Report" identifies "a screened diversion of up to 4000 cfs" as a component of the Conveyance Program. This project is referred to in several other locations in the CALFED documents as a diversion at Hood or a "pilot screened diversion" (PSD).

I understand that no final decisions have been made, no funds have been committed, and that many conditions and findings would have to precede construction of such a facility. However, the financial, environmental, and political implications of building such a large canal in this area of the Delta are substantial and troubling.

Obviously, the comparisons of the PSD to the first reach of a Peripheral Canal (of any size) are inevitable if for no other reason than the proposed canal alignments are quite similar. If CALFED is proposing construction of *any* new diversions and conveyances from the Sacramento River, of whatever size, I want to be sure I have a clear understanding of exactly what projects are on the table, and why CALFED planners believe construction might be justified. As exemplified by the proposed 4,000 cfs pilot screened diversion, it appears decisions on conveyance projects are being driven primarily by the desire of CALFED planners to satisfy drinking water agency demands for increased supplies, including substantial amounts of Sacramento River fresh water.

This letter identifies significant issues affecting CALFED's decision to include the 4,000 cfs "pilot screened diversion" (page 130, Revised Phase II Report, June, 1999) as part of the "Preferred Program Alternative". I have referenced the CALFED documents to indicate how it is possible to conclude that CALFED policies appear to many to virtually presume the construction of a large water diversion and conveyance facility on the Sacramento River near Hood, and perhaps even to the Peripheral Canal.

I request your written response to these concerns no later than September 15, 1999.

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1. CALFED's June, 1999 reports clearly show that construction of a 4,000 cfs diversion at Hood is planned for Stage 1, assuming certain conditions are met. The capacity of this proposed canal is significantly larger than the largest water supply canals serving the largest Bureau of Reclamation Projects (for example, the Central Arizona Project), and it is nearly as large as the capacity of the Delta-Mendota Canal (4,600 cfs).

- 1.1 *How was the diversion rate of 4,000 cfs determined? What agencies and/or stakeholder representatives participated in selecting this diversion rate?*
- 1.2 *By what specific method would CALFED measure whether the Hood diversion could be constructed without "adversely affecting fish populations," within the meaning of paragraph 3 of the North Delta Improvements section on page 130 of the 6/99 Revised Phase II Report? Does this language mean, for example, that if any developmental stage of an endangered species would be entrained or injured by a Hood diversion that neither that diversion nor the remainder of the Peripheral Canal (also called the Isolated Conveyance Facility) would be constructed?*
- 1.3 *Please explain exactly how the Hood diversion would improve the North Delta.*
- 1.4 *Of what specific benefit would the Hood diversion be to drinking water quality? Please provide copies of all expert opinions and supporting documents with references to page numbers.*
- 1.5 *What is the anticipated cost of a 4,000 cfs North Delta Improvement Pilot Project Hood diversion, including fish screen and, if applicable, pumps? Please show all individual cost items and the bases for these calculations.*
- 1.6 *Specifically locate the endpoints and alignment of a 4,000 cfs Hood diversion, provide plot maps and exact property descriptions including all County Recorder parcel numbers, identify the current owners of the property, and state whether, in what manner, and at what cost they have made or would make this property available to CALFED or to a construction agency acting pursuant to a CALFED directive.*
- 1.7 *Specifically locate the endpoints and alignment of the Isolated Conveyance Facility, provide plot maps and exact property descriptions including all County Recorder parcel numbers, identify the current owners of the property, and state whether, in what manner, and at what cost they have made or would make this property available to CALFED or to a construction agency acting pursuant to a CALFED directive.*

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- 1.8 *If there is any significant difference between the endpoint and/or alignment of the 4,000 cfs Hood diversion and the endpoint and/or alignment of the first segment of the Isolated Conveyance Facility, describe those differences in detail and provide maps which specifically depict those differences.*
- 1.9 *Please describe specifically the sources for all monies CALFED intends using to evaluate, plan, and construct the 4,000 cfs Hood diversion, including fish screen and, if applicable, pumps, and state the dollar amount anticipated from each source and the fiscal year of each expected receipt and expenditure.*
- 1.10 *Describe the specific measurement process CALFED intends to use to determine whether or not there has been "fisheries recovery" within the meaning of the Isolated Facility Component section on page 131 of the 6/99 Revised Phase II Report and identify the document and page where this methodology appears in the EIS/EIR.*
2. **The 4,000 cfs pilot conveyance facility was not identified as part of the Draft Implementation Plan and Revised Phase II Report dated December 18, 1998. That document contemplates a facility half the size of the June, 1999 project, and it is shown as an evaluation, not as a construction project for Stage 1:**
- "9. Evaluate whether a 2,000 cfs screened diversion from the Sacramento River at Hood to the Mokelumne River can be constructed to improve or maintain central Delta water quality, without compromising fish protection achieved by operation of the Delta Cross Channel or creating other adverse fishery impacts." (pages 110-111, Revised Phase II Report, December 18, 1998).*
- 2.1 *Who made the decision between December 18, 1998 and June, 1999 to double the size of this facility? How was it decided that the project "would be constructed" beginning perhaps as early as Year 5 of Stage 1, rather than simply "evaluated?"*
- 2.2 *Was BDAC consulted regarding these decisions? Which stakeholder groups, including representatives of urban drinking water supply agencies, were consulted, and when were meetings or conversations conducted?*
3. **Information provided to Congressional offices and staff following the release of the CALFED Draft Programmatic Environmental Impact Statement/Environmental Impact Report (June, 1999) failed to highlight the 4,000 cfs pilot screened diversion project. In fact, a document distributed to Congressional staff entitled "Recent CALFED Program Refinements", dated**

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June 23, 1999, identified eleven distinct and substantive changes that were made between December 18, 1998 and June, 1999, but the 4,000 cfs pilot screened diversion at Hood was not included in this list.

3.1 *Why were the substantial changes to this facility between the December and June drafts not identified or discussed when the June, 1999 documents were released?*

4. **The decision to proceed with construction of the 4,000 cfs screened diversion pilot project will be based in large part on whether CALFED attains its own drinking water goals:**

"If the Water Quality Program measures are consistently not achieving drinking water quality goals, and the evaluation demonstrates that a screened diversion of up to 4000 cfs would help achieve those goals without adversely affecting fish populations; [sic] a pilot screened diversion would be constructed." (Page 109, Revised Phase II Report, June, 1999)

This requirement creates a clear linkage between CALFED'S own drinking water quality goals and construction of the 4,000 cfs pilot screened diversion and naturally invites questions on the validity of this linkage and whether CALFED's measures will or will not achieve its drinking water quality goals.

5. **Appendix "D" to CALFED's 6/99 Water Quality Program plan and other portions of the June, 1999 documents contain a Stage 1 source water target for bromide of <50 micrograms per liter. According to Footnote "II" on page D-8 of the Water Quality Program Plan, this target for bromide levels at the drinking water intakes was recommended by a panel of experts convened by the California Urban Water Agencies (CUWA)**

5.1 *Why has CALFED decided to focus almost exclusively on source water constituent levels rather than on treatment measures which could also afford protection of the quality of drinking water?*

5.2 *Why does CALFED characterize its source water goals, which would measure not the quality of post-treatment drinking water but in-Delta constituent levels, as drinking water goals and drinking water quality targets?*

5.3 *Has the Environmental Protection Agency promulgated any standards or criteria for bromide levels at the intakes of water supply systems?*

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- 5.4 *Are the Drinking Water Quality Targets for Parameters of Concern, which are listed in Appendix D of CALFED's 6/99 Water Quality Program Plan Report, the same as CALFED's drinking water quality goals referred to in paragraphs 2 and 3 of the North Delta Improvements section on page 130 of the 6/99 Revised Phase II Report? If not, set forth those drinking water quality goals, and identify the documents and pages where they are they listed in the EIS/EIR.*
- 5.5 *Describe the specific measurement process CALFED would use to determine whether or not it has made "adequate improvements toward CALFED's drinking water quality goals" within the meaning of paragraph 2 of the North Delta Improvements section on page 130 of the 6/99 Revised Phase II Report, and identify the document and page number where this methodology appears in the EIS/EIR.*
- 5.6 *Describe the specific measurement process CALFED would use to determine if its Water Quality Program measures "are consistently not achieving drinking water quality goals," within the meaning of paragraph 3 of the North Delta Improvements section on page 130 of the 6/99 Revised Phase II Report, and identify the document and page number where this methodology appears in the EIS/EIR.*
- 5.7 *State why in the Isolated Facility Component section on page 131 of the 6/99 Revised Phase II Report, constituent parameters are set forth for total organic carbon and bromide while neither parameter was previously stated in the parallel section of the December 18, 1998 Draft of the Revised Phase II Report. Explain the origin of these constituent parameters and how they were derived.*
- 5.8 *State whether or not the constituent parameters for total organic carbon and bromide which appear in the Isolated Facility Component section on page 131 of the Revised Phase II Report and are referred to in that section as "measurable water quality goals," are among the "drinking water quality goals," referred to in paragraphs 2 and 3 of the North Delta Improvements section on page 130 of the 6/99 Revised Phase II Report. If not, state CALFED's specific drinking water quality goals for total organic carbon and bromide, identify the document and page number of the EIS/EIR where they are set forth, and state the origin of these drinking water quality total organic carbon and bromide goals and how they were derived.*
6. CALFED's June, 1999 Water Quality Program Plan concludes (page 3-46) that it is unlikely that the bromide target can be met:

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"it appears unlikely that Water Quality Program actions can be expected to greatly reduce bromide concentrations in drinking water supplies from the Delta."

Thus, the acknowledged inability of CALFED's own Water Quality Program measures to meet one of CALFED's most-discussed drinking water goals makes it almost a certainty the diversion project will be constructed, assuming that it can be constructed and operated "without adversely affecting fish populations."

- 6.1 *Why has CALFED linked construction of the 4,000 cfs pilot screened diversion project directly to achieving source drinking water quality goals for bromide that cannot be met?*
- 6.2 *Was the linkage between source water protection and the 4,000 cfs pilot screened diversion project reviewed and approved by stakeholder representatives and/or BDAC before it was included in the EIS/EIR as part of the "Preferred Program Alternative?"*

7. CALFED's own documents show that bromide source water target levels are not necessary to protect drinking water quality. Bromide is an abundant and harmless constituent of sea water. It is not bromide which raises health concerns, but rather some brominated byproducts formed when Delta waters are disinfected through chlorination or ozonation. For this reason, EPA's criteria under the Safe Drinking Water Act describe levels for *post-treatment tap water* brominated constituents, not for naturally occurring bromide. Extensive discussion of the bromide and disinfection issues are included in the CALFED Bromide Report, included as Appendix E to the June, 1999 Water Quality Program Plan.

- 7.1 *Given the infeasibility of controlling naturally occurring bromides in Delta waters, why has CALFED established stringent targets for bromide rather than promoting the use of alternative treatments to diminish the disinfectant byproducts themselves?*
- 7.2 *Has CALFED considered abandoning its attempt at setting source water targets for bromide and instead considered funding or other incentives to implement treatment alternatives that would assist in meeting post-treatment tap water criteria?*
- 7.3 *State whether or not CALFED will expend any funds to research and implement advanced water treatment technologies, including ultraviolet irradiation, during Stage 1, and if so identify the document and page number of the EIS/EIR where this intention is set forth, and for each fiscal year state the dollar amount, source of funds, and specific manner in which the funds are to be used. If CALFED will not expend*

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funds for this purpose, please explain how that position was arrived at. Has CALFED engaged in discussions with several urban water districts that reportedly are contemplating substantial efforts at expanded treatment as a feasible means for addressing water quality targets?

As is evident by this letter, the public concerns about the Pilot Screened Diversion exist on two serious levels. The emphasis on source water quality as a trigger for such a controversial project appears unrealistic given CALFED's own documentation that strongly suggests the impossibility of meeting its bromide goal. Therefore, the "option" of the PSD, or as some view it, a mini-Peripheral Canal, has the appearance of a foregone conclusion. Some understandably view such a construct as a cynical maneuver to guarantee failure and thus justify the isolated facility.

Secondly, there are the serious and justified concerns that the sudden appearance of such a volatile proposal late in the CALFED process, with little or no apparent consultation with deeply interested and affected interests in Washington and in California, does serious damage to CALFED's credibility and undermines its claim to be a stakeholder driven process.

I remain convinced that a strong CALFED program can serve as a workable and effective means for identifying options for the long term resolution of California's water quality and quantity issues, while retaining a full commitment to enforcement of existing state and federal laws. I look forward to your timely response to the questions raised herein which will help preserve the integrity of the CALFED process and explain how this controversy developed and how we can assure that it does not do severe damage to the future of CALFED.

Sincerely,


GEORGE MILLER
Senior Democrat

Copies to: Hon. Bruce Babbitt
Hon. Patricia Beneke
Hon. Mary Nichols
Hon. Tom Hannigan
Hon. Carol M. Browner
Felicia Marcus