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July 3, 2000

Mr. Steve Ritchie
 Acting Executive Director
 CALFED Bay-Delta Program
 1416 Ninth Street, Suite 1155
 Sacramento, CA 95814

Subject: California's Water Future - A Framework for Action

Dear Mr. Ritchie:

We have reviewed the subject document, released for public review on June 9, 2000. This is the latest step in our participation as a stakeholder, which began shortly after the inception of CALFED. The process began with a search for middle ground among the stakeholders. Everyone was to get better together, without significant redirected impacts. Middle ground elements did emerge early in the process. Unfortunately, these moderate elements have given way to "win-lose" proposals that benefit one stakeholder at the expense of the others, particularly Northern California.

Few of the current proposals could stand alone, on their own merits. Bundling them into a deal may make the package more marketable to some of the stakeholders. However, for us, each element retains its individuality, and its problems. The deal trades lawless operation of the delta pumps, for dubious projects and actions elsewhere. Some stakeholders may count enough "wins" for themselves among the proposals to entice them to agree to the deal, at least initially. However, we feel that the Framework as proposed will not provide an enduring solution to California's water problems. We encourage our fellow stakeholders to return to the original spirit of cooperation that existed at the inception of CALFED, and to move the plan components towards the middle. Our specific concerns are as follows:

ECOSYSTEM RESTORATION/WATERSHEDS

CALFED's ecosystem restoration plans have historically been moderate and reasonable proposals. Increasing the abundance and productivity of the Bay-Delta ecosystem is in everyone's best interests. We are pleased to see that these programs are already substantially funded, and under way. However, much of this work entails heavy construction and/or extensive land use impacts. Such public works projects should be considered tentative until the site-specific environmental studies have been completed. Hence, we feel that it is inappropriate for CALFED to set goals and objectives for specific projects and programs at this time.

WATER SUPPLY RELIABILITY

This is an important area for all water purveyors in California, including those in Shasta County. We have consistently advocated for increased water supply reliability by conventional means, meaning storage for export users and enhanced water rights via area of origin protections for in-basin users. The Framework's approach is unconventional, at best. There is no precedent for the regulatory grace period that has been proposed for the Delta pumps. An arbitrary freeze, and a 15 percent rollback, in the impact of regulations on Delta pumping is anathema to the "Adaptive Management" approach espoused by CALFED in the Framework. Regulations have ostensibly been promulgated and enforced by the various CALFED agencies in a fair and judicious manner, and they should continue to be. This deal would also stand existing water rights laws on end; junior export users would take theirs "off the top," while senior in-basin users are left to mitigate their damage, and to divvy up what remains. This proposal is unprecedented, and for good reason.

STORAGE

The proposed storage element is weak, insufficient even to meet the needs of the proposed environmental set-asides, let alone to backfill lost supplies and provide for growth. However, the proposed facilities are not completely inconsequential and there could be localized benefits from some of the proposals. The Framework repeatedly mentions the potential for local project proponents to take the lead on their own behalf in this area. We concur, knowing that such local projects can aid local communities in cost-effectively meeting their own needs, to the benefit of all users. In order for these surface storage and groundwater storage proposals to succeed, CALFED must avail local project proponents of tangible resources, commensurate with the investments that are being made elsewhere. To date, CALFED has been notably remiss in assisting such local efforts.

Groundwater management is a potential bright spot in the Framework, affirming that groundwater is a resource to be cooperatively managed at the local level. Shasta County is implementing basin-wide planning and control as envisioned in the Framework. The Redding Area Water Council (RAWC) represents all of the land area overlying the Redding Groundwater Basin within Shasta County, and virtually all beneficial uses overlying that basin. If groundwater is to be effectively managed in California it will be along the lines of the RAWC. CALFED should be open to receiving and supporting specific proposals from the RAWC and other local groundwater management agencies for local projects to meet local needs, and thereby improve water supply reliability statewide.

CONVEYANCE

This is an issue with most purveyors in California, including some of those in Shasta County. There is a lot of potential here for us all to get better together. However, the Framework contents itself with increasing Delta pumping capacity, and pursuing a thru-delta facility. This proposal is unbalanced and divisive.

ENVIRONMENTAL WATER ACCOUNT AND ESA COMMITMENTS

This element is preoccupied with providing regulatory stability for export interests. Regulatory stability is anathema to the "adaptive management" philosophy, and potentially to the welfare of the Bay-Delta ecosystem. The ESA is a last-line-of-defense, providing a "floor" level of protection for listed species and, by extension, for the ecosystem. Regulations governing the Delta pumps have been promulgated and enforced by the various CALFED agencies in a fair and judicious manner, and they should continue to be. As the future unfolds, the pump vs. fish equation may necessitate compromise on either side, and adaptation should not be subject to prior constraint.

CONSERVATION

Water Conservation does not lend itself to a one-size-fits-all approach in California. Indeed, CALFED's own studies have concluded that there is little new water to be gained through conservation efforts in the Northstate. Nevertheless, a one-size-fits-all approach has been espoused by CALFED, at least in past documents. It appears that Northstate water users will be left with regulations tailored for coastal areas.

The Framework proposes to assist water conservation efforts through competitive grants and loans for cost effective water use efficiency measures. However, Northstate users will be uncompetitive for grants to fund the improvements necessary to meet these standards, because they won't be able to show any new water for their efforts. There should be consistency between reality, regulations, and grant criteria.

Water measurement language in the Framework is vague, ambiguous, and menacing. The Framework proposes legislation to require measurement of all water uses. Taken literally, we will be measuring instream flows, private wells, evaporation from ponds, water reclamation, and many other "uses," the measurement of which would be difficult, and of little import. Such an unqualified statement has no place in such an important document.

Transfers initiated and controlled by individual landowners within water districts create a dichotomy between accountability and control; districts are accountable for the diversion and use of the water, both of which are to be under the landowner's control. Water districts and other local agencies should be involved consistently; their involvement should not be mandated and excluded as expediency may dictate.

WATER QUALITY

The proposed targets for Bromide and TOC are arbitrary, and predispose the process to a future through-Delta conveyance. This subterfuge will not further solutions to California's water problems.

Water quality degradation in the Sacramento Valley is not a significant contributor to drinking water problems, here or at the export pumps. Consequently, the proposed source controls appear to be an unnecessary imposition upon land uses in the Sacramento Valley.

WATER TRANSFERS

Transfers often enjoy broad support in concept, only to wither in the implementation phase. We would draw a distinction between small, local transfers to meet established needs, as opposed to transfers that would move large amounts of water, over great distances, to bring about profound changes in land use. Transfers of small amounts (<1,000 AF) of existing water supplies to nearby users (1-2 miles) to meet the bonafide needs of established land uses should be possible, practical, and happening on a daily basis in California. Such transfers could be very beneficial in promoting efficient land and water use. However, such transfers are precarious ventures, easily thwarted by costs and uncertainty. A clearing house and a web site may be of some utility, but in many cases, the potential transfer partners are already known. What is needed is a quick and simple procedure. A track record of small, local transfers would build support for the concept, and would provide badly needed experience upon which to build. This should be the starting place for any proposed CALFED actions.

SCIENCE

Much of the CALFED program is based on an Adaptive Management approach. The proposed regulatory freeze and rollback for the Delta pumps is a notable, and unwarranted, exception. Short term stability via a regulatory freeze may be a comforting image for export interests, but it is only a narrow and short-term solution. Adaptive management is a more reliable vehicle long-term. Adaptive management of the Delta pumps, via the existing regulatory/ESA process, holds greater potential for enhancing reliability over the long term.

GOVERNANCE

The Framework says that CALFED's current voluntary association of 15 state and federal agencies is not durable. It lacks structure and accountability. Stakeholders strongly believe that a new public agency must be created to oversee implementation.

We are a stakeholder, and we disagree. We feel that policy leadership should come from the stakeholders, and should course through the elected officials who oversee the state and federal agencies involved.

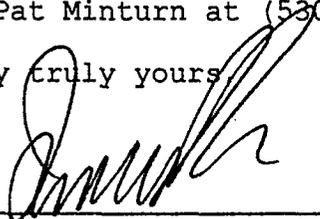
REGIONAL APPROACH TO ECOSYSTEM/WATER MANAGEMENT

Throughout the Framework and the appendices, there are repeated references to proposed changes in California water law. These references appear in the context of surface water rights, and groundwater management. We would espouse caution in modifying existing water law, particularly in order to consolidate or reallocate control of these resources. Current water law in California evolved in order to provide an orderly and efficient manner of allocating scarce water resources, which is exactly the situation in which we find ourselves today.

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Thank you for your consideration of our comments and concerns. If you have any questions, please contact Supervisor Irwin Fust at (530)225-5557 or Pat Minturn at (530)225-5133.

Very truly yours,



Irwin Fust, Chairman

cc: Assemblyman Dick Dickerson
Senator Maurice Johannessen
Congressman Wally Herger
Regional Council of Rural Counties