

COMMENTS OF THE STOCKTON EAST WATER DISTRICT
ON CALFED BAY-DELTA PROGRAM
JUNE 9, 2000 A FRAMEWORK FOR ACTION

Primary Concerns:

- **Redirected impacts to upstream users**
- **Disproportionate benefits to exports**

In our discussions, members of the CALFED team emphasized that the improvements that were included in the Framework for Action document were in no way intended to impose direct or indirect re-directed impacts on upstream water users. In fact, you expressed your intention that the package was intended to improve the condition of all water users. This stated intention is important, but appears nowhere in the document. It should be included as a fundamental premise for each of the Plan Components.

Examples:

I. Water Supply Reliability – primary goal is to improve reliability of water supply statewide. To address this CALFED proposes to:

- Provide a commitment that there will be no reductions, beyond the baseline regulatory levels, as contained in Appendix B, in Delta exports to state and federal project water users resulting from measures to protect fish.
 - ✓ Because this commitment is to improve water supply reliability, it should not be directed to exporters only. The commitment should be to state and federal project water users, and the words "in Delta exports" should be deleted from the sentence.
 - ✓ If the intention of the commitment is to reduce the impact to CVP and SWP water users who have been directly and adversely impacted by the list of regulatory actions contained in appendix B, New Melones must be included, as it has been directly impacted by each of those actions except the 1993 winter-run Biological Opinion.
 - ✓ New Melones contractors have received a maximum supply of 33% of their contractual supplies as a result of implementation of the regulatory requirements listed in Appendix B. It is important to note that there are many issues affecting the water supply from New Melones – and New Melones contractors acknowledge that they may not receive a 100% supply even without regulatory impacts. However, the 200,000 to 500,000 acre foot allocation made each year from New Melones for the regulatory requirements have severely impacted water supplies and carryover storage upon which contractual allocations are based.
 - ✓ A third sentence should be added to the bullet as follows: "In addition, this commitment will be conditioned upon no re-directed impacts to non-state and federal project water users."

2. Page 10 makes the following statement (similar statements are made on Page 22):

- "Water for south-of-Delta CVP agricultural water service contractors, who have been disproportionately affected by regulatory actions in recent years, will be

increased by 15 percent (or greater) of contract totals to approximately 65 to 70 percent in normal water years."

- ✓ As we discussed, in relation to contractors from the New Melones Project, south-of-Delta CVP agricultural water service contractors have not been disproportionately affected by regulatory actions in recent years. New Melones Contractors have been similarly affected by the same regulatory actions: 1995 Delta Water Quality Control Plan, 1995 Delta Smelt Biological Opinion, Full Use of 800 TAF Supply of Water Pursuant to Section 3406(b)(2) of the CVPLA.
- ✓ In order to be equitable, the term "south-of-Delta CVP agricultural water service contractors" must be defined to include New Melones Contractors.

3. South Delta Actions: The statement is made that "These actions, related to providing for more reliable long-term export capability by the SWP and CVP and protection of local diversions in the Delta, are in addition to historic and current efforts. . . ."

- Increase SWP pumping from 6,680 to 8,500 cfs.
 - ✓ The current language that: "Such increased pumping is conditional upon avoiding adverse impacts to in-Delta water supply reliability" must be amended to read: "Such increased pumping is conditioned upon avoiding adverse impacts to in-Delta and above-Delta water supply reliability and mitigation requirements."
- Increase SWP pumping to the maximum capability of 10,300 cfs.
 - ✓ In our discussions, members of the CALFED team made it clear that increased pumping capacity was intended to be utilized only when truly surplus water was available, so that no adverse redirected impacts would be experienced. This intention should be verbalized at the beginning of this section.
 - ✓ The current language that: "Full use of this capacity will depend on protection of agricultural diversions and navigation in the South Delta, hydrologic conditions, fisheries conditions, availability of storage south of the Delta, and use for non-SWP purposes" must be expanded. The following language is suggested: "Full use of this capacity will depend upon protection of agricultural diversions and navigation in the South Delta, hydrologic conditions, no adverse impacts to fisheries either in-delta or in upstream watersheds, the absence of redirected impacts, availability of storage south of the Delta, and use for non-SWP purposes."

4. Appendix D: This appendix contains the limitation of benefits to CVP or SWP exports. Again, because New Melones Contractors have been equally impacted by the same measures listed in Appendix A, they should be included within the protections provided by the regulatory commitments.