


**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(510) 688-8000 FAX (510) 688-8122

November 18, 1998

Directors

Joseph L. Campbell
President

James Pretti
Vice President

Elizabeth R. Anello
Bette Boatman

Noble O. Elcenko, D.C.

Walter J. Bishop
General Manager

Jim Waldo
Gordon, Thomas, Honeywell
P. O. Box 1157
Tacoma, Washington 98401

Dave Blau
EDAW, Incorporated
753 Davis Street
San Francisco, CA 94111

Steve Hall
ACWA
910 K Street, Suite 250
Sacramento, CA 95814

Wiley Horne
MWDC
P. O. Box 54153
Los Angeles, CA 90054-0153

RE: *CCWD comments on Ag/Urban and CALFED documents relating to Stage 1 implementation*

Dear Jim, Steve, Dave and Wiley,

Contra Costa Water District (CCWD) has reviewed three Ag/Urban and one CALFED documents relating to CALFED Stage 1 implementation. These documents are: (1) September 30, 1998 draft of the Ag/Urban comments on CALFED's August 5, 1998 "Developing a Draft Program Alternative" document, (2) CALFED's "Draft Preferred Program Alternative" document, dated November 2, 1998, (3) Ag/Urban Substage 1A Actions Matrix being developed by Dave Blau and Wiley Horne, and (4) "Preferred Alternative Critical Issues" dated October 15, 1998 prepared by Steve Hall. CCWD has the following comments on these documents.

Draft Ag/Urban comments on CALFED's August 5, 1998 "Developing a Draft Program Alternative" document

The language on page 21 pertaining to Section 3 states: "To address the staged decision-making for the dual conveyance, the program 404 findings needs to conclude that if public health or fishery recovery standards established in the Programmatic EIS/EIR are not met during Stage 1 or thereafter, that alternative 3 will constitute the least environmentally damaging practicable alternative." The program 404 finding cannot establish that a dual conveyance with an isolated facility constitutes the least environmentally damaging practicable alternative (LEDPA). This Ag/Urban

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statement ignores impacts from the isolated facility and assumes facts that are not in evidence.

Ag/Urban has not done any analysis whatsoever that supports this claim. The conclusion cannot be justified, the statement has no technical basis and the policy group has not agreed to this statement. An isolated facility determined to be needed to meet drinking water quality needs could still have significant fisheries impacts and an isolated facility determined to be needed to provide additional benefits for fish may still have significant water quality impacts. Without a full technical and environmental analysis, a conclusion regarding the LEDPA cannot be made. The programmatic LEDPA decision will be made on water quality and ecosystem considerations. There is no compelling reason to make a LEDPA finding based on water supply.

CALFED's "Draft Preferred Program Alternative" document, dated November 2, 1998

In developing Ag/Urban documents on CALFED's Preferred Program Alternative, the following points need to be taken into account:

1. The final version of the document needs to acknowledge that all water quality, water supply and other impacts on CCWD resulting from the operable flow barriers described on page 63 will be mitigated.
2. CALFED's commitment to "*preserve*" in-Delta water quality (page 65) needs to be extended beyond preservation to include "*improvement*", consistent with the central CALFED principle of "*getting better together*." Note that even if, under a CALFED solution, CCWD were to receive higher quality water from a higher quality source upstream of the Delta, there are other (smaller) in-Delta municipal and industrial users that still need to be protected (for example, the City of Antioch).
3. The reaffirmation of area of origin water rights (page 65) needs to be extended to include reference to the Delta Protection Act.

Ag/Urban Substage 1A Actions Matrix

The "STORAGE" section fails to establish the linkage between water quality and the need for the storage mentioned under this heading.

The current language in the STORAGE section mentions the small Shasta Dam expansion project, but not Sites Reservoir which is emphasized in the Ag/Urban Volume I document. The Ag/Urban Volume I document describes the Sites Reservoir project (or

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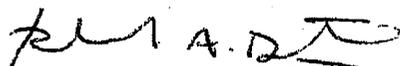
one with similar attributes) as the Ag/Urban's recommended #1 priority for North-of-Delta storage. This inconsistency needs to be clarified with the Ag/Urban Policy Group.

"Preferred Alternative Critical Issues" dated October 15, 1998

- With respect to the second issue regarding no uncompensated reduction in water supply, use of the word "*baseline*" can obscure the issue. The central issue is the water supply reliability that will result from the CALFED preferred alternative.
Suggested language for bullet 2a: The expected water supply reliability and exports in dry and wet years must be clarified.
- Regarding the third issue relating to water quality improvements, the document needs to acknowledge protection of the Delta and enforcement of the Delta Protection Act as factors that need to be considered with respect to the development of water quality criteria. Note should refer to 3b not 2b here.
Suggested language: Item 3b needs to be crafted in a way that is fair from an urban perspective while protecting the Delta and being consistent with the Delta Protection Act.
- Regarding the fourth issue, the final 404 permitting process for surface storage needs to be based on water quality, ecosystem needs, or water supply reliability, not water supply.
- Policy declarations included within a preferred alternative must include reference to the Delta Protection Act as well as area of origin (page 2, 6b).
- The meaning of "*Development of an agricultural mitigation policy*" in the Policy Declaration section is unclear (page 2, 6f).

If you have any questions, please contact me at (925) 688-8187 or Greg Gartrell at (925) 688-8100.

Sincerely,



Richard A. Denton
Water Resources Manager

RAD/DAB