

Comments

CALFED Revised Phase II Report

Dec. 9, 1998 Version

December 10, 1998

Submitted by the Offices of John S. Mills
on behalf of
the

Regional Council of Rural Counties

Page 12, Ecosystem Quality, the term "Bay-Delta System" is used (without definition). I suggest that this term, in order to be consistent with the solution area map and description be changed to the "Bay-Delta Watershed (and the Trinity River Watershed)". The Trinity issue is clearly stated on page 1 of the document (see Geographic Scope for Problems and Solutions).

Page 13, paragraph one. It should be noted that the implementation of the CVPIA has also resulted in the Federal Government's Bureau of Reclamation and Western Area Power Administration failing to respectively provide a local water supply contract to the County of Tuolumne (through refusal to enter into a contract) and to comply with the provisions of the 1962 Flood Control Act (Public Law 87-874) which has resulted in proposed reductions in the amount of First Preference Power provided to Tuolumne and Calaveras Counties. Clearly impacts have not solely been on the export water supply customers. These impacts should also be identified in this section.

Suggested language is:

"Requirements imposed as part of the CVPIA and administrative actions developed in response to the Delta Accord, have resulted in federal failure to provide local benefits as provided in the 1962 Flood Control Act (Public Law 87-874). Local benefits which have been impacted include local water supplies to areas of origin as well as reductions in First Preference Power entitlements inconsistent with the original enabling legislation."

Page 25, Potential Water Supply Reliability Measures. Information for this table should be developed for Watershed Management actions as well as water quality control actions. In addition, water supply reliability should specifically examine the opportunities for supplying delta exporters from east side San Joaquin reservoir capacity increases (with non-Delta conveyance), contingent upon the proposed increase in capacity in Millerton Reservoir. We believe that the cost per acre foot for the San Joaquin option should reflect the higher value of that water due to its avoidance of delta quality mixing problems as well as reliability by avoiding Delta pumping conflict problems.

Page 29, Adaptive Management. We urge that CALFED recognize through a clarifying statement in this section that Adaptive Management will only work if the process for changing management actions is based upon an open, public process with stakeholder/public involvement through a formal process. Regardless of data, a process which places such decision making in the hands of "independent scientists", unfettered by peer review, public scrutiny, public meeting requirements, or legislative oversight, will be open to harsh criticism and distrust.

Suggested language:

"The Adaptive Management process will utilize an open, public, stakeholder process which provides ongoing discussions, examination of data and assumptions, periodic reporting and solicitation of comments."

Page 35, last two paragraphs. We believe that CALFED must study the potential (during Stage 1) for development of additional water supplies for urban export areas from the development and non-Delta conveyance of increased east side San Joaquin surface storage. This commitment should be included specifically within this section.

Page 44. Area of Origin Water Rights Issues. The CALFED response to this issue fails to recognize that CALFED agencies are actively frustrating the claims, made by area of origin counties to develop water (even on existing reservoirs). These actions are based on a failure to "recognize" the

Comments.CALFED Revised Phase II Report, Dec. 9, 1998 Version, J.S. Mills
page 2 of 6

watershed and county of origin statutes, instead claiming that "project" (CVP) supplies have precedence.

In absence of a clear change in policy by the Bureau of Reclamation on this issue, there will be continuing, significant, conflicts between the areas of origin and any action, including a CALFED solution, which threatens source area water supplies. As of the release of this report, the Bureau has made no such recognition of area of origin claims. Thus, a clear and open conflict between areas of origin and the CALFED agency community exists.

While we applaud the CALFED staff in their efforts to seek comprehensive solutions with no redirected impacts, the facts of the matter cannot be swept aside by CALFED's claim that "The CALFED Bay-Delta Program is not proposing to change water rights law in California...". Clearly, while not changing the law, the Bureau of Reclamation is either ignoring, or misinterpreting the law.

Such a treatment of a past assurance provides an all too clear picture of the potential "shelf life" of new CALFED assurances. It also points out the fundamental problem with a CALFED "assurance" - CALFED is a program and any assurance it proposes can simply be disregarded by its member agencies.

Page 47 first bullet regarding success of Stage 1. Please note the undefined term "Bay-Delta system" is again used. Please refer to our first comment on this subject for page 12.

Page 48 second bullet. See previous statement regarding "Bay-Delta system".

Page 56, second paragraph. The characterization in this summary regarding water quality should reflect the potential to relieve part of the problems through the use of San Joaquin storage and conveyance as described in our comments related to page 25. Suggest language would be:

"Therefore, unlike most of the other water quality parameters of concern to CALFED, the choice of CALFED conveyance options can profoundly influence the concentrations of bromide and other salts in Delta waters. In

Comments.CALFED Revised Phase II Report, Dec. 9, 1998 Version, J.S. Mills
page 3 of 6

addition, alternate water sources which are not affected by ocean influence and non-Delta conveyance alternatives which may provide relief to some municipal customers, now dependent upon the Delta, will be examined. The bromide question is, therefore, inseparably linked to source location, conveyance and other water management options...

Page 64 second paragraph, add:

“Any actions taken by CALFED agencies in pursuit of their other responsibilities and regulatory obligations, shall be consistent with the CALFED solution principals.”

Without this assurance, CALFED agencies will simply “slip” in and out of uniform as CALFED agencies to perform actions without the hindrance of CALFED solution principals. CALFED solution principals should be binding not only on the CALFED program but also upon the individual CALFED agencies.

Page 64 last paragraph, change to read:

“...some have suggested that this goal could be coupled with a tailored water transfer, enlargement of Millerton Reservoir capacity, ground water storage...”

This point has consistently been made by myself and other representatives of the Regional Council of Rural Counties, since the CALFED DEIR Scoping meetings in early 1996. This key element must be included.

Page 79, third bullet. We note that you only address increases in runoff which are attributable to intensified land use. This does not recognize the potential for incremental increases in water yield due to forest thinning and meadow restoration efforts. While many will argue the amount of change possible, no reasonable party has denied there is a relationship between coniferous forest canopy in snow pack areas, meadow restoration and water yield (both as a function of total yield and timing). We suggest the following language be included:

“Additionally, it may be possible to achieve increased yield in coniferous

Comments.CALFED Revised Phase II Report, Dec. 9, 1998 Version, J.S. Mills
page 4 of 6

forest watersheds due to thinning of small vegetation, control burns and meadow restoration efforts. CALFED will fund and evaluate pilot projects in various areas to determine the potential benefits and impacts of such objectives during Stage 1.”

Page 89, related to the establishment and activities of a Delta Drinking Water Council. This council should rather be a California Drinking Water Council which is charged in part with addressing the problems of the Delta water supplies. However, the Council should have a broader point of view on drinking water quality than just the Delta.

In addition, the Council should have a public oversight committee composed of stakeholders and other interested parties. This oversight committee should be appointed by the legislature and Governor to represent all areas of California's people. The committee should hold regular public meetings, throughout the state. The committee should review the work of the Council and make regular reports on the activities and progress of the Council to the legislature and the Governor. This committee should be appointed simultaneously with the selection of the California Drinking Water Council.

Page 91, add item 11. Area of Origin and watershed of origin water supplies shall be protected and recognized in the development and operation of any new conveyance facility. Such recognition shall be binding upon the independent actions of all CALFED member agencies.

Page 102 last dash item. See previous comments related to page 89.

Page 105 item 17 change to read: “Implement projects on selected streams to evaluate fish passage barriers and develop alternatives approaches to provide for passage so as to provide access to upstream fishery habitat.

Page 113 Watershed Program add item 11:

CALFED will fund and evaluate pilot projects in various areas to determine the potential benefits and impacts of alternatives to increased yield in coniferous forest watersheds through to thinning of small trees, vegetation, control burns and meadow restoration efforts.

Comments.CALFED Revised Phase II Report, Dec. 9, 1998 Version, J.S. Mills
page 5 of 6

Page 137 final paragraph:

Please see our comments on page 12 regarding the term "Bay-Delta system".

END

Comments.CALFED Revised Phase II Report, Dec. 9, 1998 Version, J.S. Mills
page 6 of 6