



98-438
file

December 11, 1998

Mr. Steve Ritchie
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

Dear Mr. Ritchie:

The Northern California Water Association (NCWA) appreciates the opportunity to assist you in your efforts to revise the CALFED Bay-Delta Program draft "Modified Phase II Report" ("Report"). We greatly appreciate your consideration of our comments.

General Concerns

While the Report does contain some encouraging discussion – especially the repeated emphasis on program integration and agency coordination - Stage 1, as presently drafted, must be improved in order to provide tangible benefits for Northern California agricultural water interests. The report heavily emphasizes increased water use efficiency measures, transfers and conjunctive use to meet growing water demands, while new surface storage development is contingent upon uncertain and potentially unachievable conditions. It appears that significant farmland acreage will be converted to habitat use, particularly along the Sacramento River. Additional Northern California water supplies will be dedicated to ecosystem stream flow requirements and will also likely be retrieved to fill and replenish a new "environmental water account". Many of these policy issues have yet to be resolved, and we look forward to constructively working with you, Secretary Babbitt and the Davis Administration to address these matters in 1999.

Specific Concerns

Page 16 – Interrelationships

The proposed language contained in the last two paragraphs is excellent. We recommend adding the following paragraph to this discussion:

"The CALFED program also includes many actions that essentially continue or programs currently funded by various federal, state and local agencies. Examples include the Delta levee program,

wetlands protection and projects financed through the CVPIA restoration fund and other state and federal accounts. To ensure maximum environmental benefits and the most efficient use of existing funding sources, CALFED will take all reasonable measures to integrate current federal and state ecosystem programs, projects and funding that benefit the Bay-Delta system.

Page 25, “Potential Water Supply Reliability Measures”

The footnote for this table implies that a small Shasta Dam enlargement and groundwater projects will be developed prior to other potentially feasible surface storage projects, including Sites Reservoir. This footnote should be consistent with the assumptions used in the draft implementation plan. Also, the cost per acre-foot for Sites is far below the \$250-\$500 shown in the table for new storage costs.

Page 26, “Environmental Impacts”

We question the underlying assumptions used in this discussion suggests that new offstream storage is inherently more damaging to the environment, costly and less beneficial than groundwater storage. Please add the following text after second sentence in the third paragraph:

“However, both types of projects will increase water supplies in summer months and dry periods and surface storage is more suited to rapidly discharging or receiving large volumes of water. This provides a distinct advantage for real-time management of high river flow periods and the release of environmental storage. Proper implementation of new surface storage may provide more overall benefits to the environment than conjunctive use.”

Page 41, “Response to Water Conservation Issues”

All reasonable analyses of future water supplies conclude that additional storage will be necessary to effectively manage California’s water resources. The text proposed for modification at the bottom of this page should be left intact and read, “Water conservation is an important part of any Bay-Delta solution. Water conservation alone can not provide a complete and comprehensive solution to problems facing the Bay-Delta...”

Page 43, “Response to New Facility Issues”

Again, we do not see how CALFED can choose to ignore the reality that new storage is needed in California. Insert after the second sentence in the second full paragraph:

“New surface and groundwater storage is essential to the realization of CALFED’s numerous goals, including increasing stream flows, improving water quality, ecosystem supply and facilitating both voluntary water transfers and conjunctive use programs. Surface storage also increases flood control protection, provides groundwater recharge, power generation and regulation and recreational benefits.”

Page 43, “Response to Agricultural Issues”

Suggested revision to third bullet point: “Working with local landowners, agencies and organizations to develop projects that meet CALFED objectives while also benefiting the local landowners community and complementing existing farming, irrigation and flood control activities”.

Page 48 – “Staged Implementation and Staged Decision Making”

Suggested revision to fifth bullet point: “Address the conditions and linkages (assurances) necessary before proceeding with storage and conveyance, and acquisition of water and land for environmental restoration purposes.”

Page 49 – “Staged Implementation and Staged Decision Making”

We strongly object to the statement that “broad agreement” has been reached on proceeding with the ecosystem restoration plan. Consensus-supported implementation of this program can only be achieved after a representative public process is better defined, a comprehensive flood/restoration plan has been developed and assurance issues relating to “natural process replication” are resolved. The ecosystem restoration reference should be moved to the last sentence and read, “...there is not complete agreement on ERP assurance issues, or the need for surface storage and dual Delta conveyance (with isolated facility) to achieve the CALFED purpose.”

Page 50 – “Identifying and Managing the Total Risk to Delta Levees”

The Delta Long-Term Levee Protection Plan does not appear to address levee construction or reconstruction in other parts of the CALFED study area, such as setback levees associated with upstream ecosystem restoration activities. Existing levees along tributaries that are subjected to ever-increasing flow fluctuations as water is moved from upstream storage to the Delta should be afforded the same level of attention and emphasis given to Delta levees. The risks to Delta levees

associated with “developing storage south of the Delta” and “releasing more water stored north of the Delta” apply equally to both Sacramento River and Feather River levee systems. A risk assessment similar to the Delta Levee assessment should also be made for all tributary areas that will be impacted by land acquisition and flow modifications related to the ERP. Specific recommended revisions relating to this issue are discussed further below.

Page 51 – “Base-Level Protection Plan”

The newly proposed language is excellent. Similar language should also apply to applicable upstream areas, as discussed above.

Page 57 – “Trace Metals”

Are we certain that copper derived from agricultural sources “impacts” water quality? Suggested revision: replace “reduce” with “study” in first two sentences under “Trace Metals” bullet.

Page 64 – “Ecosystem Restoration Program”

The integration discussion is excellent.

Page 68 – “Water Use Efficiency Program”

CALFED has stipulated that a high level of water use efficiency will be a condition for permitting of any new surface storage projects. This condition is unrealistic and possibly counterintuitive within Stage 1. Suggested revision to last paragraph, second sentence: “~~Widespread demonstration of efficient use by local water suppliers and irrigation districts~~ Demonstrated progress and commitment to improved water use efficiency by beneficiaries of storage projects¹, commensurate with level of opportunity identified and economic feasibility of implementation, should be developed concurrently with CALFED’s implementation of new storage projects. ”

Page 71 – “Measurable Objectives”

In developing new water sources, traditional concepts of water conservation will have limited success in the Sacramento Valley². This fact is acknowledged on page 8.1-37 of the Draft

¹ Including those agencies complying with AB 3616, CVPIA and other approved agricultural water conservation plans; and those with locally adopted IRP’s and CUWCC certification.

² See DWR Bulletin 160-93, Vol. 2 at 129.

PEIS/EIR³. Sacramento Valley water use is at or near its maximum efficiency and the amount of water applied to farmland that is not consumptively returns to surface or groundwater sources, proving numerous beneficial uses, in addition to its primary agricultural use. In light of this, we recommend that the sentence in this section, “Objectives must result in reduced demand on Bay-Delta systems...,” be deleted.

Page 71 – “Assurances”

As discussed above, we recommend a similar revision to the current text included in this section: “The assurance mechanisms are structured to ensure that urban, agricultural and refuge water users implement the appropriate efficiency measures, commensurate with the level of opportunity identified and commensurate with economic feasibility of implementation.”

Page 73-76 – “Water Transfer Program”

Our attorneys are currently reviewing this section. I will deliver comments to you later this afternoon.

Page 80 – “Storage”

The Volume 1 Issue Paper prepared by the Ag/Urban Policy Group found optimal surface storage volumes to be approximately 2 MAF in the Sacramento Valley and 1 MAF located adjacent to the Delta or in export regions. We recommend that these values be considered for use by CALFED.

Page 81 – “Storage”

Given the recent public reaction to fund a study to decommission Englebright Dam using CALFED ecosystem funds, regulatory agency wishes do not always mesh with the interests of local communities. We recommend that the second sentence in the second paragraph be modified as follows: “Under the ecosystem restoration program element, some dams and stream obstructions will may be removed to open additional areas of fishery habitat.”

Page 82 – “Reservoir Sites for Additional CALFED Consideration”

We question why this table does not include two other important storage facilities that received

³ “...because virtually all applied surface water losses are recoverable and reusable in the Sacramento River Region, no net savings in consumptive use or recoverable loss (i.e. “real” water savings) are likely.”

favorable consideration in DWR's Bulletin 160-98. Parks Bar Reservoir and Waldo Reservoir received the highest rankings by DWR for new storage development in the Sacramento River Region⁴. Please add to the last paragraph on page 81 – “CALFED will consider recent findings published by DWR in Bulletin 160-98 and ongoing offstream storage studies conducted under the authority of Proposition 204 to ensure that all viable surface storage sites are addressed.”

Page 83 – “Groundwater/Conjunctive Use Programs”

Insert immediately after bullet point as introductory discussion: “Different implementation strategies will be utilized for conjunctive use programs in order to address varying regional characteristics and local concerns. Project environmental documentation, permitting and design for large scale conjunctive use programs, such as those suggested for areas south and east of the Delta, will likely not be implemented until later CALFED stages in the Sacramento Valley. Early Sacramento Valley conjunctive use actions will focus on studies and groundwater management planning, with emphasis on the development of pilot projects or small-scale conjunctive use programs.”

Page 84 – “Surface Storage”

Item “a” represents an impediment to the realistic development of new storage projects. Replace “A high level of water use efficiency is achieved throughout the solution area” with “Demonstrated progress and commitment to improved water use efficiency by beneficiaries of storage projects⁵, commensurate with level of opportunity identified and economic feasibility of implementation.”

Page 101 – “Water Quality Implementation Plan”

In the discussion of heavy metals pollution, the fourth bullet point suggests that human introductions of copper are already a problem that must be resolved. Further study is needed to determine the magnitude of human-related copper sources relative to natural background copper levels. Suggested revision: “Participate in Brake Pad consortium to ~~reduce~~ assess introduction of copper.”

Page 103 – “Ecosystem Restoration”

⁴ The California Water Plan Update Bulletin 160-98 Table 8-5, Page 8-20, November 1998.

⁵ Including those agencies complying with AB 3616, CVPIA and other approved agricultural water conservation plans; and those with locally adopted IRP's and CUWCC certification.

Last paragraph, last sentence on this page should be modified to read “The intent is to maximize habitat benefits while ~~minimizing land use impacts~~ complementing existing farming, irrigation and flood control activities”.

Page 104 – “Ecosystem Restoration Implementation Plan”

Item 6: Item 7 notes the “uncertainties” associated with in-stream flow and recommends continued evaluations of in-stream flow needs. Yet at the same time, Item 6 promotes the acquisition of 100,000 acre-feet of water for ecosystem needs. Until this target value is scientifically justified and supply sources identified, this number and the related cost should be deleted.

Item 9: Suggested revision – “. ~~Proceed with completing the 60 percent of the easements or fee title for the Sacramento River meander corridor~~ Develop a comprehensive flood analysis in conjunction with the ongoing Corps of Engineers basin study and SB 1086 work for the Sacramento River. Identify “hard points” along the river that must be maintained and protected. Develop pilot projects to adaptively manage and monitor small-scale replications of natural processes on the Sacramento River. Provide assurances for and participation by Sacramento River users and landowners that provides “Safe Harbor” protections, streamlined permitting for levee and stream bank repairs and maintenance, and indemnification of affected parties against flooding impacts on neighboring landowners and impacts on water diverters. Proceed with completing the 60 percent of the easements or fee title for the Sacramento River meander corridor.”

Page 105 – “Ecosystem Restoration Implementation Plan”

Revise Item 17: “After developing strong local support, evaluate the feasibility to implement projects on selected streams to remove dams or other barriers to provide additional fishery habitat.”

Add new item: “Develop a risk assessment similar to the Delta Levee assessment for all tributary areas that will be impacted by land acquisition and flow modifications related to the ERP.”

Page 107 – “Water Use Efficiency Implementation Plan”

See discussion relating to this issue under “Page 71 – Measurable Objectives.” Suggested revision: remove “Objectives must result in reduced demand on Bay-Delta systems, in increased water quantity or improved timing of in-stream flow or other specific CALFED objectives.”

Page 108 – “AWMC Evaluation of Agricultural Water Management Plans”

Remove “Access to CALFED benefits for a given agricultural district will be contingent upon AWMC’s endorsement of the adequacy of its water management plan and implementation.”

Page 110 – “Water Measurement Program”

Agricultural water districts already keep accurate records of water entering and leaving their districts. Why should “all state water users” be mandated by state legislation to do so? Would this legislation also apply to the hundreds of thousands of individual groundwater pumpers in California? This represents a considerable expense and will likely be hotly contested by a huge number of water users. We recommend that Item 14 be deleted.

Page 112 – Water Transfers Program Implementation

Our attorneys are currently reviewing this section. I will deliver comments to you later this afternoon.

Page 113 – “Groundwater Banking and Conjunctive Use”

Add to Item 9: “Project environmental documentation, permitting and design for large scale conjunctive use programs, such as those suggested for areas south and east of the Delta, would most likely not be implemented until later CALFED stages. Early Sacramento Valley conjunctive use actions will focus on studies and groundwater management planning, with emphasis on the development of pilot projects or small-scale conjunctive use programs.”

Page 114 – “Surface Storage”

Item 1: (Reoperation analysis) - delete. To paragraph six, add the following: “This analysis may vary depending upon local participation, the exact role of local participants, identified needs, the project definition and purpose and the CALFED role.”

Items 7, 9 – 11: The selection, permitting and financing of new surface storage site selection should not be delayed 5-6 years into Phase I. Current studies underway by DWR under authority and funding granted by Proposition 204, as well as local storage studies, may allow these actions to be reached at an earlier time. Suggested revision: remove bracketed time frames from Items 7, 9, ten and eleven.

Page 124 – “Environmental Water Account - Process”

Add to first paragraph: “All water transfers or purchases, for economic or environmental purposes, shall comply will all relevant state and federal law, and local ordinances.”

Page 127 – “Stage I Assurances”

Insert the following in an appropriate section of the Assurance discussion: “The state and federal Endangered Species Act assurances provided by the Bay-Delta Accord should also be extended equally to all actions taken by individuals and entities within the Sacramento Valley who have initiated or implemented fish and wildlife restoration measures. Individual and entity water rights holders within or upstream of the Delta, who have initiated or implemented sufficient mitigation or restoration programs or projects, shall not be affected by restrictions imposed due to the listing of new aquatic species or modifications or new requirements in aquatic species related biological opinions.”

Page 133 – “Contingency Response Process”

Suggested Revision – “It can provide an accountable process that promotes appropriate actions by program managers when contingencies or potentially damaging circumstances affect program functions or if unforeseen damages occur because of program actions.”

Page 137, 139 – “User Fees”

This section is premature and will require considerable discussion, analysis and legislative oversight before CALFED can specify that such a fee be authorized within the next year. How can CALFED recommend that the public fund common programs through a new tax, but require stringent conditions and a mandatory “beneficiary pays” policy for storage and conveyance facilities? While user fees may be a consideration, it is far too early to specify the establishment of any new tax on California’s citizens. Suggested revision: delete this section or insert discussion from earlier CALFED documents.

Page 141 – “Estimated CALFED Stage 1 Program and Capital Costs in Millions”

The Ag/Urban Policy Group previously submitted a draft memo to CALFED that presented recommended revisions and additions to this table. We support this analysis and attach the memo for your use.

We will continue to work with CALFED and view its process as the best means of resolving the Bay-Delta's chronic environmental and related water supply problems. Please do not hesitate to call me if you have any questions regarding this letter.

Sincerely,

Dan Keppen
Member and Government Relations

cc: Lester Snow, CALFED
NCWA Directors and Members

