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Subject: Response to Comments Document, Admin Draft Review
Date: Fri, 17 Dec 1999 16:57:46 -0800
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Campbell,

We have relatively few comments on the draft response to comments document. There are a few things that we are not commenting on at all, including: issues already discussed in the Small Group (e.g., the Hood diversion) comments on the Multi-Species Conservation Program (our staff is still working with CALFED on these responses; we do not need to repeat any changes here); other comments related to ESA or other fish and wildlife assurances (which should go through the MSCS team first); and issues which appear to be cleared up in our brief review of the summary of changes document. We will provide additional comments on the summary of changes, and of course on the actual changes in the environmental documents where appropriate in the future.

1. Water Quality Program, Introduction, WQ-1.0.0-2: This response suggests that dioxins, dioxin-like compounds, and furans will be added to the Water Quality Program Plan. This may turn out to be the right approach to take; however, these constituents should be subjected to the same process as others in the WQP already have been. Clarify the response to say that while the comment itself does not provide enough information to include these compounds, the WQP will actively consider adding them to the Program; no CALFED actions will be proposed to address source control of these compounds until additional information is available.

2. Water Quality Program, Problem Description, WQ-10.4.0-1: Clarify the first sentence of the response (we have generally followed your instructions not to review for grammar, etc., but this sentence might pass muster with the grammar checker even though it seems meaningless). Also, delete the sentence "Sections addressing sedimentation above the dams will be removed." Start the next sentence "Instead, sedimentation in upper watersheds" Delete the next sentence (on the next page), and revise the next sentence to clarify where this will be "retained"? (In the WQP? the ERP?)

3. Ecosystem Restoration Program, ERP-0.1-1: The comments seems to reflect a concern with a reduction in Delta inflow, while most of the proposed response is related to ecosystem use of water within the

Delta. Moreover, the response suggests we are for some reason concerned with the ERP's effects on Delta inflow independent of the effects of the rest of the CALFED program. The response should be clarified to say that, as the entire CALFED program is implemented, water users will benefit from increase water supply reliability. A shorter discussion of the effects of the ERP on Delta inflow could be included, using the first half of the third paragraph of the existing response. (The rest of the third paragraph could be completed, as long as it was discussed as the effects of the ERP on water supply reliability, not just on Delta inflow.)

4. Ecosystem Restoration Program, ERP II 13.10-1: This response should indicate that, although there is considerable overlap (for example, the Refuge will accomplish most, if not all, of the ERP habitat targets for the Yolo Bypass), the North Delta Refuge is independent of CALFED. If CALFED was to stop today, the Service would proceed with the North Delta Refuge. While the Refuge is independent of CALFED, it is not "in addition" to CALFED; the Service and the ERP have worked together, and expect to continue working together, to plan and implement habitat protection and restoration in the north Delta. CALFED has funded acquisition of land in the north Delta that is expected to become part of the Refuge, once established, where it will be managed to meet CALFED's goals. This is one of hundreds of ecosystem restoration projects funded by CALFED prior to the completion of the programmatic EIS/EIR. The Service is going through the required environmental documentation process for establishment of a new National Wildlife Refuge unit, which will be completed before CALFED's record of decision.

Note that the environmental document we're releasing next week is an EA, not an EIS. If it would be helpful, I can provide the language from the EA that discusses the relationship between the proposed Refuge and CALFED; I'll get it out of the EA next Monday.

5. Ecosystem Restoration Program, ERP III 5.0-5, second comment: The MSCS is not the only place in the CALFED program where we'll find assurances. The response should be clarified to say that it is CALFED's intent to establish an assurances program/policy that provides assurances that all parts of the program (including ecosystem restoration as well as water supply reliability) are fully implemented. (Note that this isn't an assurance that a "goal" will be met, but that the program will be implemented as designed, including adaptive changes to better meet goals and targets.) The MSCS is one mechanism to establish these assurances. The MSCS assumes that the ERP is fully implemented, and the ESA agencies rely on this assumption in providing regulatory assurances. These assurances are only as solid as the foundation they are built on. If this assumption is not true, and the ERP is not fully implemented, then the assurances may be invalid.

6. Chapter 2, IA-2.1-19: The list of "functional equivalents" to tidal barriers is incomplete. When we referred to functional equivalents, we generally meant features that met the same goal but were not necessarily structurally similar. Key examples might be extended, screened intakes in deeper water, consolidated diversions, or alternative supplies (e.g., a direct pipeline from CCF).

7. Chapter 5, IA -5.2-11: The statement "Since no project would go forward that would cause adverse effects in the South Delta" seems to overstate the case. We can't continue to promise everyone that "none of this is going to hurt". Building any of the barriers (not just Grant Line), or going to 10,300 cfs export at the Banks Pumping Plant, will have adverse effects on fisheries, and on hydrodynamics and water circulation in the south delta. SDWA thinks not building Grant Line will have adverse effects on their water supply and quality (though the baseline isn't clear). The question is, are these effects significant? mitigable? Delete this sentence from the response.

8. ST-32: The response seems to confuse the roles of the ag barriers and the HOR barrier. HOR can be operated primarily for helping fish migration and managing dissolved oxygen, but not the ag barriers. Clarify the response: "CALFED agrees that the barriers should be operated for multiple purposes. HOR can be operated to both help fish migration and address dissolved oxygen problems near Stockton. The ag barriers"

Thank you for the opportunity to review the draft responses. Please let me know if you have any questions about these comments.

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