

### Comment Table, Water Transfer Program Plan

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Comment Number	Chapter/ Sub-Chapter	Page Number	Paragraph, Section, or Table No.	Commentor/ Agency	Comment
	2	2-3	Last 3 paragraphs	DWR	Citing and grouping individual water code sections in this manner could be misleading. Several water code sections cited here apply to specific types of water transfers (e.g. temporary and long-term transfers). The reader could interpret an individual water code section out of context and get a false sense of what is and is not permissible.
	3	3-4	Paragraph # 2 "There is.."	DWR	Add sentence: "Pursuant to water code section 1215 water code section 1220, does not apply to the CVP or SWP"
	3.3.2	3-6	3-6 Potential Solution Options	DWR	Bullet #1 – What does "Modification" of the rules mean? Bullet #2 – Akward wording, suggest "Streamlining the Permit process for..." if this is what was intended to be stated.
	3.4.1	3-9	First paragraph	DWR	Delete "Generally" Gives the impression that there is a law saying transferable water must be "real water."
	3.4.1	3-9	Fourth paragraph	DWR	Last sentence delete "Some argue that"
	3.5.1	3-14	Third paragraph	DWR	Rephrase as follows: "Pumping and conveyance of project water has priority over non-project transfers. This coupled with operational restrictions based on unpredictable conditions such as water quality levels and environmental constraints that vary continually, make it difficult for project operators to make firm commitments regarding the conveyance of non-project water, more than a few months (or sometimes weeks) in advance. The pumping and conveyance of project water is subject to these same unpredictable variables."

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	3.5.1	3-14	Fourth paragraph	DWR	Rephrase the first sentence to delete the word "discourage" as follows: "This lack of predictability in the availability of project facilities for pumping, conveyance and storage of transferred water is another complication associated with cross-Delta transfers. .
	3.5.1	3-14	Fourth paragraph	DWR	Rephrase the ending of the last sentence as follows: "...it is impossible for project operators to provide a greater degree of reliability for transferred water than they provide for project water deliveries.
	3.5.1	3-15	Bullet #2, 3 & 4	DWR	<p>Bullet #2 – delete "which" and insert "...as a side benefit..."</p> <p>What about additional storage and conveyance capacity specifically dedicated to and paid for by transfers as a solution for "predictable access for transfers?"</p> <p>Bullet # 3 – Delete and replace with the following: "Assemble and distribute information that governs access to facilities including how to process requests and how to estimate unused capacity."</p> <p>Bullet #4 – Delete and replace with the following: "Assemble and distribute information regarding transfer windows and risk factors."</p>
	4.4	4-3	Last paragraph	DWR	Rephrase end of sentence as follows: "...formulate policy, consistent with existing authorities, for the preparation and composition of water impact analyses of specific water transfers."

	4.4.1	4-4			<p>move bullet 4 right after bullet 2; seems to be further discussion of baseline analysis leading to development of accepted methods/models.</p> <p>Add another bullet discussing: "Resolve disputes and eliminate conflicts in differing methods and models used to analyze water transfers."</p>	
	4.4.2	4-6	First paragraph first sentence	DWR	Add "... will review and revise, <u>if necessary</u> , current policies..."	
	4.4.2	4-6	First paragraph second sentence	DWR	<p>Seems like you are limiting analyses to these three areas and CEQA requirements. Need to clarify that some level of analyses is currently required under existing water codes governing water transfers.</p> <p>To the extent permitted by existing law, the agencies will require transfer proponents to provide analysis of the impacts of a proposed transfer in three additional areas, in addition to CEQA or other required environmental and water right analyses.</p>	
	4.4.2	4-6	Second paragraph first sentence	DWR	Is it "This analysis..." or "These analyses..." plural?	
	4.4.2	4-7	Second paragraph second sentence	DWR	Rephrase as follows; "This obligation to determine if there is injury or unreasonable effects would appear to give DWR the authority to require that a transfer proponent requesting use of SWP facilities provide analysis of potential impacts. These potential impacts could include but are not necessarily limited to: environmental, groundwater, downstream surface water, water quality, and socioeconomic impacts of the proposed transfer	

	4.4.2	4-7	Last paragraph first sentence	DWR	Since these additional analysis can be justified under the "extent permitted by existing law" they are not DWR and USBR requirements; they are part of the law. Rephrase as follows; ".....into the DWR and USBR review process." Or delete entire paragraph.	
	4.5.1	4-9	First sentence	DWR	Rephrase as follows: "The Guidebook... will explain current laws and rules governing water transfers, agencies' procedures regarding...."  Most of what people see as "agencies' rules" are in fact laws that must be followed by us and all others, it is unfair to characterize these as some arbitrary rule some agency decides to impose on a whim.	
	4.5.2	4-10	Second paragraph	DWR	After third sentence insert the following: "However, during these excess conditions the projects normally operate their facilities to full capacity."	
	4.5.3	4-11 & 12	Entire section	DWR	De-emphasize this section. To much discussion in comparison to other equally important issues.	
	4.5.4	4-13	General Comment	DWR	Need to add reference to information on the requirements of various laws and rule covering water transfers. This section seems to concentrate on agency criteria, when in reality these criteria are merely application of existing laws and rules. The draft guidebook has attempted to cover the numerous water code and SWRCB policy governing transfers.	
	4.5.5	4-14	General Comment	DWR	As Jerry Johns with SWRCB has mentioned, in the past the SWRCB has approved a transfer where SWRCB approval was given within a few days after receiving the application and concurrent with the public notice period.  Expediting the process anymore will involve a proponent telling the SWRCB about the transfer after it happens.	

	4.6.1	4-15	First Sentence	DWR	This was covered in the May 12 TAG Meeting. Rephrase sentence as follows: "CALFED agencies will assist DWR and Reclamation staff to more widely disclose information that governs access to facilities, transfer windows and risks."	
	4.6.2	4-15	Title	DWR	This was covered in the May 12 TAG Meeting. Delete "Procedures" replace with "Policy."	
	4.6.2	4-15	First sentence	DWR	This was covered in the May 12 TAG Meeting. Rephrase sentence as follows: "During 1999.....a process to review and develop modified policy for use of available....."	
	4.6.2	4-15	Second sentence	DWR	Replace the word "calculate" with "estimate." Availability of project facilities is not a fixed calculated quantity.  With the numerous variables imposed on the projects for meeting species concerns, water quality and other flow requirements it is not fair to give the reader the impression that a hard number can be calculated.	
	4.6.2	4-15	Second paragraph	DWR	General Comment – While it is very positive and optimistic to say we will look for ways to increase availability, the reality is that windows of opportunity to transport other water in existing project facilities should theoretically diminish as water demands and deliveries through the facilities are projected to only increase (we do not see any decreasing demands from our water contractors). Of course in severe drought years when the projects cannot delivery full allocations there would be ample unused capacity to move other water.	
	4.6.2	4-16	Third paragraph	DWR	This paragraph appears misplaced. Section 4.6.2 titled "...EXISTING PROJECT FACILITIES," yet this paragraph discusses future developments.	

