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SEP 22 1999

Association of California Water Agencies

Comments on CALFED's Draft Programmatic Environmental Impact Statement / Environmental Impact Report (EIS/EIR)

by
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September 22, 1999

I. Introduction

The Association of California Water Agencies (ACWA) is pleased to have the opportunity to provide input on the CALFED Bay-Delta Program's June 1999 Draft Programmatic Environmental Impact Statement / Environmental Impact Report (EIS/EIR). As the representative of 440 public agencies responsible for more than 90% of the delivered water in this state, ACWA represents a community that has a tremendous stake in the solution CALFED eventually crafts to restore the environmental health of the Bay-Delta and safeguard the water future of California.

ACWA was a signatory to the 1994 Bay-Delta Accord which created CALFED, and recognizes that the task before CALFED demands a difficult reckoning of interests that are varied and broad. Unfortunately, while CALFED has produced a draft plan that is extremely broad, our members are deeply concerned that the revised EIS/EIR and Preferred Program Alternative are far from comprehensive. Serious questions remain as to how the program will meet even basic water quality and supply needs, both within the current water picture and in future years with an expected increase of 15 million Californians by the year 2020. In our members' view, if these questions are not resolved well before CALFED moves toward Stage One implementation, it is unlikely that the CALFED agenda or entity can survive.

II. Deficiencies in the CALFED Plan

In order for rural, agricultural and urban water agencies to meet their customers' current and future needs, improved water supply adequacy and reliability, quality, infrastructure and operational elements must be incorporated. These are necessary for water agencies to meet basic

demands, and the absence of these elements from the revised CALFED documents preclude this from happening.

Water Supply

There are currently no supply targets for new water supplies in the June 25th Draft EIS/EIR. While the plan aims to provide 250,000 to 375,000 acre-feet of new water in Stage One without building reservoirs, the program doesn't contain the specific plans, facilities or other measures necessary to make this a reality.

CALFED has also not quantified area of origin water needs. CALFED commitments made to areas of origin in last December's Revised Phase II Report (page 43) are completely absent from the latest Phase II Report.

On page 127 of CALFED's June 1999 Revised Phase II Report, the text notes that "New offstream storage and/or expansion of existing onstream reservoirs could add up to several million acre-feet of new surface storage," but does not indicate how the 'several million acre-feet' are arrived at or where such storage would be. Without these specifics, mountain and foothills-area water districts' view CALFED's report as inadequate.

Water Quality

Next, there exists no assurance that current or increasingly stringent new water quality targets will be met by the current CALFED plan. Interim water quality milestones are not established in the EIS/EIR, and there is no schedule for achieving any specific improvement in water quality.

In order for new, non-reservoir supply water to become available to our members, conveyance measures including the South Delta Improvement Projects must deliver on their purported benefits. Unfortunately, the bulk of these supply increases, if they actually become a reality, appear to be allotted in advance to environmental priorities.

Operations

Finally, an Operating Agreement is not addressed in the current version of CALFED's proposed alternatives. Such an agreement could govern commitments to meeting any additional environmental mandates. New operating criteria that could be imposed, whether through water acquisition or Environmental Water Account storage, pose a very serious threat to water agencies already struggling to meet the basic needs of their customers.

In response to these shortcomings, many of ACWA's member agencies rightly question the value of the CALFED Program and supporting its efforts. Insofar as the current plan does not meet the agreed-upon priorities of the Bay-Delta Accord, a proactive effort to amend the plan must take place immediately in order for the people of California to realize worthwhile benefits from the CALFED Program.

III. What Needs to be Done

Urban, rural and agricultural water agencies need stronger assurances that specific water supply, water quality, infrastructure and operational objectives will be met by CALFED before the program moves to Stage One implementation.

Water Supply

Water supplies for cities and farmers must be increased with a goal of at least 200,000 acre-feet within the first few years of the CALFED Program, and by 400,000 acre-feet by the end of Stage One. Moreover, we need a commitment that Banks Pumping Plant will be permitted to operate at 8,500 cfs in the first two years of Stage One, and be permitted to reach 10,300 cfs by the end of Stage One.

We need a commitment that the Preferred Program Alternative will result in State Water Project and Central Valley Project water contractors actually receiving the water to which they are entitled and need to meet their customers' demand.

Area of origin water needs must be quantified, and these issues must be discussed in the text of the CALFED Program plan. CALFED must address the need for new water for the Sacramento

Valley, and evaluate proposals to compensate for water already lost due to the Central Valley Project Improvement Act and the Endangered Species Act.

Water Quality

CALFED must implement programs to improve the quality of Delta source waters while increasing the available water supply. This includes Stage One implementation actions in the Record of Decision (ROD) to achieve continuous improvement in source water quality and identification of actions which may ultimately be necessary to achieve long-term source water quality targets for municipal supplies from the Delta of 50 micrograms per liter for bromide and 3.0 milligrams per liter for total organic carbon. The plan must reduce salinity levels in the Delta and deliver water quality that meets on average a level of 150 milligrams per liter total dissolved solids in order to minimize demands on the Delta, enhance water use efficiency, recycling and conjunctive use in southern California. These objectives will require the evaluation of future storage and conveyance improvements which may be necessary to meet drinking water quality and fish recovery goals. In addition to and in concert with these efforts, CALFED must implement groundwater storage and conjunctive use projects to increase the available water supply in the near-term.

We need a commitment that CALFED will ensure the ability of local water providers to protect public health by meeting anticipated more stringent regulations on disinfection byproducts and pathogens to protect public health, either through water quality improvements in Delta water supplies, or through a cost-effective combination of alternative source water, source improvement and treatment facilities.

Funding

The Delta watershed's ecosystem has had a substantial infusion of new money over the past several years. California's voters, water users and the state and federal governments have provided more than $1 billion for Delta ecosystem improvements since 1994. The possible adoption of a $1.97 billion water bond in March 2000 promises several tens of millions of additional dollars for environmental priorities in the Delta, irrespective of funding in the state and federal budgets. We need a commitment that statewide funding (including public funds) as

well as federal funding will be provided for the environmental and recreational costs of the CALFED solution.

Operation Agreements

CALFED must reach closure on issues of Operational Agreements by the time of the Record of Decision next year. Current law encourages the multiple uses of water, an approach that is undermined by reactive regulatory mandates like those witnessed in the spring of 1999 with the handling of the Delta Smelt. If any of CALFED's other programmatic objectives are to be met, the issue of Operational Agreements must be resolved and regulatory shut-downs curtailed.

Water Quality Account

Finally, we need a commitment to establish a Water Quality Account, including state and federal funding sources, to implement water quality improvement projects for salinity management and public health requirements. Given these facts, before the CALFED Program can claim to have crafted a balanced plan, the same certainty afforded to the above-referenced environmental initiatives must also be applied to the water quality and supply reliability needs of water customers.

In addressing these broader problems, the CALFED Program should and must consider the specific concerns already communicated by water agencies across the state who will be forced to accept and even help implement a Bay-Delta fix from CALFED.[1] If CALFED does not commit itself to reaching a greater level of consensus among the water community, any solution proposed by CALFED, and any hope to sustain the agency's efforts long-term, is, in our view, destined to failure.

IV. Conclusion

The Association of California Water Agencies is committed to helping CALFED realize its original goal – which was shared by urban, environmental and agricultural interests – of a restored Bay-Delta estuary capable of meeting the state's water needs. In 1994, ACWA was part

[1] In particular ACWA directs the Program's attention to the two attachments. Attachment 1 contains recommendations from ACWA's Ag-Urban Policy Group. Attachment 2 is a September 3, 1999 letter from the Bay-Delta Urban Coalition (BDUC).

of a coalition that drew strength from the hope and promise of an agency at last equipped to end the protracted water wars that have defined our state's water policy for decades. Today, this same coalition stands on the verge of collapse after months of regulatory turmoil, years of uncertain supplies, and the realization that CALFED is not succeeding in what it set out to do.

Please grant serious consideration to these recommendations in processing the many responses generated during the public comment period. We look forward to building a better plan that strengthens and revitalizes not only CALFED, but the future of California's water for decades to come. Thank you.

Attachments (2)

Cc: California Congressional Delegation
CALFED Policy Group
Governor Gray Davis
Department of the Interior, Secretary Bruce Babbitt