TCAG
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July 31, 1996

John Davis
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

RE: Interior Department's Draft Administrative Proposals for CVPIA Implementation Issues

Dear Mr. Davis:

On Monday, July 15, 1996, the Governing Board of the Tulare County Association of Governments (TCAG) reviewed the Interior Department's draft Central Valley Project Improvement Act (CVPIA) administrative proposals for: 1.) San Joaquin River, 2.) Restoration Fund, 3.) Urban Water Supply Reliability, 4.) Water Conservation Criteria, and 5.) Water Transfers. The review generated a number questions and concerns, requiring further input and assistance from the Interior Department. Therefore, I will ask that the Bureau of Reclamation respond to each comment submitted herein. TCAG represents both the incorporated and unincorporated areas of Tulare County. Most of the drafts will, to some degree or another, impact Tulare County. The Interior Department's assistance, in providing additional information, will allow the Governing Board to complete its review and present the results. The subject questions and concerns are presented in the order of the drafts listed above.

1.) San Joaquin River Administrative Proposal

For the draft San Joaquin River administrative proposal, our first set of questions and concerns regard the proposal by the San Joaquin workgroup, as presented on page 4 under the consensus discussion, to spend Friant surcharge revenues on water and habitat acquisition programs within the San Joaquin River Watershed. Since Congress has prohibited the San Joaquin River Comprehensive Plan from being developed and the referenced "geographic boundary area map" (where acquisitions would be directed) is absent from the draft administrative proposal, the Bureau of Reclamation's response to the following is necessary for TCAG to understand the true scope of the proposal.

To start, the San Joaquin workgroup's proposal to acquire water, for mitigating and enhancing environmental values impacted by the storage and diversion of Friant Dam, appears to possibly conflict with Section 3406 (c) (1), which prohibits the Secretary of the Interior from restoring flows between Gravelly Ford and Mendota Pool to reestablish and sustain salmon runs from

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Friant Dam to the Delta (at least until Congress authorizes such action); unless, however, such proposed San Joaquin River watershed activities would be developed and implemented only north of Mendota Pool. If this is the case, the Interior Department needs to inform TCAG as much, providing a copy of the geographic boundary area map (illustrating the approach) and description of the facilities to be utilized and proposed delivery point. If, however, the recommendation is for spending Friant surcharge revenues to release water from Friant Dam for purposes which the San Joaquin workgroup has determined would not violate Section 3406 (c) (1) or the CVPIA, e.g., delivering a level of flow from Gravelly Ford to Mendota Pool which is classified as not restoring salmon runs from Friant Dam to the Delta, the Interior Department needs to immediately identify and describe those purposes to TCAG.

It also appears that the proposal may prevent Friant surcharge revenues, i.e., Section 3407 (a) restoration funds, from being spent within Tulare County. That is, the recommendation seems to state that the entire amount of Friant surcharge revenues is to be spent only within the San Joaquin River basin. Since Section 3406 (c) (1) does not specify where the in lieu of fees should be spent and Congress clearly intended the Restoration Fund to assist all CVPIA environmental goals, the Interior Department needs to clarify for TCAG whether or not the intended purpose is to direct all Friant surcharge revenues to the San Joaquin River basin. In addition, the unmet biological needs, as referenced at the top of page 5, requires a detailed description by the Interior Department. We have no idea if the Interior Department is referring to unmet biological needs (regarding the San Joaquin River) above Friant Dam, between Friant Dam and Mendota Pool, or north of Mendota Pool.

Finally, regarding the proposal to prepare additional biological studies to guide future projects in the San Joaquin River basin, TCAG would like to recommend (for such guidance purposes) that before funds are spent on new studies, the Interior Department utilize the San Joaquin Valley Multispecies Recovery Plan, which has already been developed by the Bureau of Reclamation and Fish and Wildlife Service. If there are reasons why this document is not suitable for the proposed projects, could you please identify those reasons for TCAG.

2.) Restoration Fund Administrative Proposal

Regarding the restoration fund "Expenditure" issue, would you please send TCAG a copy of the December, 1995, draft Five-Year Plan on funding priorities and a copy of the Restoration Fund Roundtable's April 2, 1996, letter criticizing that report. The information will help TCAG better understand the issues involved. In addition, would you please send TCAG a notice on the Interior Department's meeting that will be held in September, 1996, regarding the annual work plan for fiscal year 97 and expenditure planning for fiscal year 98. I would also greatly appreciate it if you would send TCAG a copy of the 67/33 apportionment guidelines that will be presented in

September, 1996. The information should help TCAG better understand why the required 67/33 apportionment split is considered overly inflexible.

TCAG applauds the Bureau of Reclamation's and Restoration Fund Roundtable's program to develop more detailed, accessible, and understandable income and expenditure reports. I would greatly appreciate it if the Bureau of Reclamation would place TCAG on the distribution list to receive the once a month income and expenditure report updates.

3.) Urban Water Supply Reliability Administrative Proposal

Regarding the urban water supply reliability administrative proposal, would you please send TCAG a copy of the 'simplified' draft Municipal and Industrial water shortage policy, which will be ready in December, 1996. The draft will allow TCAG to further review the issues involved.

4.) Water Conservation Criteria Administrative Proposal

When the new guidelines for water conservation criteria are presented for review and comment, please send TCAG a copy.

5.) Water Transfers Administrative Proposal

Since the CVPIA "water transfers" provision allows reallocation outside the CVP service area, and, therefore, has the potential to change, to one degree or another, the economic landscape of the San Joaquin Valley, TCAG has questions and information requests for several of the major topics outlined by the Interior Department. They are submitted as follows.

For the "review and approval process" issue, TCAG needs a detailed explanation for the reasons why contractors are limited to providing data and comments on proposed water transfers. Section 3405 (a) (1) is quite specific in stating that transfers involving more than 20% of contracted CVP water are subject to review and approval by the subject contracting district or agency. Because President Bush's signing statement for P.L. 102-575 resolved any perceived conflict with the Constitution, there appears to be no reason to prevent such authorized decisions from being delivered. Our confusion turns to concern when we consider the fact that some very important transfer provisions will sunset in 1999. As well, the public notice requirements, pursuant to Section 3405 (a) (2) (B), would appear to serve no real purpose if contracting districts and agencies cannot submit informed decisions. Since the Secretary of the Interior does have final authority over every proposed water transfer, prohibiting the submittal of decisions for approval or denial appears counterproductive to the intended oversight for such applicable water transfers.

For the Interior Department's program to "streamline water transfer approvals", would you please send TCAG a copy of the programmatic review criteria and environmental documentation already completed for the Friant Division. This information will allow TCAG to better understand the process and rate to which water transfers can be accelerated within the Friant Division.

Our final concern involving water transfers, regards the issue under "third party impacts". TCAG applauds the Interior Department's proposal to develop a clearinghouse to track water transfers. The clearinghouse would serve as a useful tool for TCAG to adequately inform Tulare County on the type and number of water transfers being approved in the Central Valley. However, it is not clear from the draft whether the proposed clearinghouse is only an idea or a real project. Would you please provide TCAG with more information, clarifying whether or not the proposal will in fact be developed.

If you have any questions, please do not hesitate to contact my staff, Wayne Clausen, at (209) 733-6790. On behalf of the TCAG Governing Board, I want to thank you for your assistance in this matter.

Sincerely,

Bill Sanders

Bill Sanders
Supervisor, District One
Chairman, Tulare County Association of Governments

cc: Roger K. Patterson, Regional Director-U.S. Bureau of Reclamation
H. Dale Hall, Assistant Regional Director-U.S. Fish and Wildlife Service