
Sacramento River below the diversion and could adversely affect fish migration and survival. The isolate facility would have a capacity between 5,000 cfs and 10,000 cfs. Higher capacity diversion would pose problems similar to Alternative 2. Additionally, construction-related impacts, land conversion and impacts from operation of the isolated facility, such as seepage, would be substantially greater under the Preferred Program Alternative.

In addition, during scoping and public meetings, many stakeholders and agencies voiced numerous concerns, including the difficulty of in ensuring the appropriate operation of such a facility, fear that an isolated facility will decrease the incentive to manage the Delta as a “common pool” in which export water supply is coupled with the preservation of the Delta, that decreased dependence on a on a through-Delta approach could undermine the commitment for balanced solutions involving maintaining Delta levees, improving in-Delta quality and pursuing ecosystem restoration.

For these reasons, Alternative 3 presents the most serious challenges in terms of cost, scientific uncertainty, assurances and implementation. While Alternative 3 may technically perform better for certain resource areas than the Preferred Program Alternative, it is not clear that the additional cost and risk associated with the isolated facility would be worth the benefits. Years of scientific evaluation would be necessary to determine whether an isolated facility would be needed to meet water quality, water supply reliability and fisheries objectives. At the earliest, evaluation, design and permitting the facility would take ten years. Lastly, the isolated facility is so contentious that stakeholder support for the Program would be significantly eroded. Such lack of support could threaten the viability of the entire Program.

The Preferred Program Alternative has a high likelihood of success in a shorter time period. The Preferred Program Alternative also has lower risk, is less controversial, and would require less modification of the environment than Alternative 3. Alternative 3 is rejected as infeasible due to social and technical considerations, based in large part due to the contentiousness and time associated with an isolated conveyance facility and the uncertainty that it will achieve the Program objectives any better than the Preferred Program Alternative.

2.1.5 Environmentally Preferable/Superior Alternative

As described above, the Preferred Program Alternative adopts a set of programmatic actions designed to achieve the objectives for each of the resource areas while evaluating the effectiveness of those actions, and assessing whether modifications may be needed to meet Program goals and objectives. Accordingly, the Preferred Program Alternative is the “Environmentally Preferable Alternative” under NEPA and the “Environmentally Superior Alternative” under CEQA.

The problems and potential solutions facing the Bay-Delta involve a complex set of interrelated biological, chemical, and physical systems. This complexity, coupled with the broad scope and number of actions needed to implement the Program, the 30-year or more implementation period,

the need to test hypotheses, and resource limitations make it necessary to implement the Program in stages. Consequently, the Preferred Program Alternative provides for implementation of the Program in a staged manner and establishes mechanisms to obtain the necessary additional information to guide the next stage of decision making.

The Preferred Program Alternative consists of a through-Delta conveyance approach, coupled with ecosystem restoration, water quality improvements, levee system improvements, increased water use efficiency, improved water transfer opportunities, watershed restoration, and additional surface waters and groundwater storage. The Preferred Program Alternative meets the Program's multiple purposes, reduces adverse environmental effects, and provides a system of research and monitoring to determine whether modifications or additional actions are needed. It provides multiple benefits, including but not limited to:

- C Modifying the timing and magnitude of flow to restore ecological processes and to improve conditions for fish, wildlife, and plants in the Bay-Delta system.
- C Improving and increasing aquatic and terrestrial habitats.
- C Modifying and eliminating fish passage barriers.
- C Constructing fish screens that use the best available technology.
- C Reducing the loads and impacts of bromide, total organic carbon, pathogens, nutrients, salinity, and turbidity.
- C Reducing the impacts of pesticides.
- C Reducing the impacts of trace metals, mercury, and selenium.
- C Improving and maintaining the stability of the Delta levees and, after evaluation, appropriately improving and maintaining the Suisun Marsh levee system.
- C Enhancing flood protection for key Delta islands.
- C Expanding and implementing agricultural and urban conservation incentive programs.
- C Implementing better water management for managed wetlands.
- C Facilitating water transfers while protecting third parties from potentially significant adverse impacts.
- C Supporting local watershed restoration, maintenance, and conservation activities.
- C Developing appropriate groundwater and surface storage in conjunction with specified water conservation, recycling, and water transfer programs to provide water for the environment at times when it is needed most, and to improve water supply reliability.
- C Modifying existing Delta conveyance systems for improved water supply reliability and water quality, improved ecosystem health, and reduced risk of supply disruption due to catastrophic breaching of Delta levees.

Although the CALFED Agencies did not rule out the possibility of constructing an isolated conveyance facility in the future, they were mindful that, even if approved immediately following the ROD, such a facility could not be studied, approved, funded, and constructed within Stage 1 of implementation.

In light of the technical and feasibility issues discussed above, the CALFED Agencies propose to begin with through-Delta modifications. As part of the Preferred Program Alternative, the Program also would:

- C Continue to investigate storage opportunities in the context of the broader water management strategy.
- C Evaluate and implement storage projects, predicated on complying with all environmental review and permitting requirements. These efforts will be coordinated under CALFED's Integrated Storage Investigation.
- C Implement the Stage 1 of the Ecosystem Restoration, Water Quality, Water Use Efficiency, Water Transfers, Watershed, and Levee System Integrity Program Plans.
- C Monitor the results of these actions to determine whether an isolated conveyance facility as part of a dual-Delta conveyance configuration is necessary to meet the Program objectives.

If the Program purposes cannot be fully achieved with the actions proposed in the Preferred Program Alternative, additional actions including an isolated conveyance facility will need to be considered in the future. Until additional information is available to determine whether water quality objectives and fish recovery goals can be met and which, if any, additional actions will be necessary to achieve the Program goals and objectives, the Preferred Program Alternative is the best alternative to achieve overall project purposes and provide significant beneficial improvements over the conditions anticipated under the No Action Alternative, while establishing a process for obtaining this additional information. Moreover, the way the alternatives are structured, going forward with the Preferred Program Alternative does not preclude the Program's ability to undertake additional conveyance actions in the future, subject to appropriate environmental review.

2.1.6 Mitigation

Mitigation Measures Adopted

The Final Programmatic EIS/EIR sets out many potential mitigation measures (see Appendix A to this ROD) to be used during project-specific planning where appropriate. The CALFED Agencies will consider and adopt these measures when conducting second-tier environmental review. In addition to the mitigation measures identified at the programmatic level, the CALFED Agencies will also consider and adopt feasible mitigation measures intended to address project-specific impacts.

In considering effects from the CALFED Program together with effects of other similar projects, the cumulative impact analysis did not identify any additional effects that individually would be minor, but collectively significant. As a result, the analysis of the CALFED Program's contribution to cumulative effects is very similar to the analysis of its long-term effects. The

mitigation strategies identified for the CALFED Program effects are also applicable to mitigate the CALFED Program's cumulative effects.

Mitigation Measures Not Adopted

Generally, mitigation measures were not adopted in this ROD where they were inappropriate or not practicable. Specifically, a measure was not adopted where a mitigation measure is similar to a measure incorporated, a measure is less effective than a measure incorporated, a measure is ineffective for mitigating an adverse effect, a measure is too project-specific for a programmatic document, a measure addresses an impact that is not caused by the CALFED Program, a measure does not address an environmental effect or a measure is not practicable.

Appendix B to this ROD, incorporated herein, contains a list of mitigation measures not adopted and includes reasons why specific measures were not adopted.

Mitigation Monitoring Plan

Projects and activities that implement the CALFED Preferred Program Alternative will be monitored to ensure that mitigation strategies developed in the Final Programmatic EIS/EIR are considered, adopted and implemented. CALFED Agencies will use this mitigation monitoring plan for projects that are within the scope of the Final Programmatic EIS/EIR and carried out or funded by CALFED Agencies as part of the CALFED Program. If and when a new governing agency with authority to carry out CALFED projects is created, this plan would apply to that new agency as well.

Projects and activities implementing the Preferred Program Alternative will undergo future environmental analysis tiering from the Final Programmatic EIS/EIR. In order to qualify for CALFED funding, any implementing project must demonstrate its compliance with this mitigation monitoring plan. As part of these second-tier environmental reviews, the lead agency for each of these projects will use the mitigation strategies (see Appendix A to this ROD) as a starting point to determine appropriate mitigation measures. Because all the potential actions and impacts for tiered projects cannot be anticipated at a programmatic level, each project needs to select those strategies and actions applicable to the specific location and type of action and to consider additional project-specific mitigation measures.

The mitigation monitoring plan includes review, guidance, and reporting components. The CALFED Agencies will prepare a checklist of the mitigation strategies (Appendix A to this ROD) to provide guidance to lead agencies preparing environmental documents that tier from the Final Programmatic EIS/EIR. The lead agencies for second tier documents will note which applicable programmatic mitigation strategies are being adopted and explain why others are not. They will provide a schedule for implementing the adopted mitigation measures, and for reviewing the implementation of those measures. The lead agencies will provide a written report periodically,

communities and the public health and financial impacts of ERP and Water Quality Program actions on the large numbers of minorities and disadvantaged people living in urban as well as rural areas. The CALFED Program and its participating agencies are committed to seeking fair treatment of people of all races, cultures, and incomes, such that no segment of the population bears a disproportionately high or adverse health, environmental, social or economic impact resulting from CALFED's programs, policies, or actions. The CALFED Agencies will be responsible for ensuring this policy is carried out across all program areas through the development of environmental justice goals and objectives.

By the end of December 2000, the CALFED Agencies will collaborate with environmental justice and community stakeholders to develop a comprehensive environmental justice workplan across all program areas. This workplan will ensure that the CALFED Agencies develop the capacity and process to understand, monitor, and address environmental justice issues as the program moves into implementation, including identifying and developing specific methods to address and mitigate environmental justice impacts. This workplan should, at a minimum, include commitments such as the development of environmental justice goals and objectives for each program area, investments in staff and resources across program areas and agencies, development and implementation of an environmental justice education program for agency and program staff, collection and analysis of additional demographic information to assist in the identification of impacts, and actions to ensure effective participation on technical and advisory workgroups by those populations adversely impacted.

Tribal Consultation. Consistent with the President's April 29, 1994, Memorandum, the CALFED Agencies will assess the impact of CALFED project-specific plans, projects and activities on tribal trust resources and tribal government rights and concerns. The CALFED Agencies will actively engage federally recognized tribal governments in the planning and development of specific projects in their areas and will consult with such tribes on a government-to-government basis, to the greatest extent practicable and to the extent permitted by law, prior to taking actions that affect such tribal governments. At the request of any tribal government, the CALFED Agencies will enter into a Memorandum of Understanding with that tribal government or multiple tribal governments that will specify the process for how the federal, state and tribal governments will work together, on a government-to-government basis, in developing CALFED projects.

Land Acquisition. Successful implementation of the CALFED Program will affect some agricultural lands. As an important feature of the State's environment and economy, agricultural lands will be preserved during implementation of the Program in a manner consistent with meeting program goals, minimizing impacts to agriculture. Some of the land needed for program implementation is already owned by the Federal or State government and that land will be used to achieve program goals. Partnerships with landowners, including easements with willing landowners, will be pursued to obtain mutual benefits if public land is not available for the intended purpose. Acquisition of fee

title to land will be from willing sellers only, and will be used when neither available public land nor partnerships are appropriate or cost-effective for the specific need. Such acquisitions will consider the potential for third-party and redirected impacts. In addition, to the maximum extent possible, the CALFED Agencies will seek to implement the Program through technical and financial assistance to locally based, collaborative programs such as the Sacramento River Conservation Area/SB 1086 program.

CALFED Agency Coordination. The CALFED Bay-Delta Program has established an important precedent in coordinated and cooperative State and Federal agency relationships. These improved institutional relationships are expected to extend to other programs in which these agencies continue to have roles. Other programs include those developed to address statewide water supplies and demands.

Integration of Non-Signatory Agencies. The CALFED Agencies intend to work with Federal and State agencies that implement other programs that relate to CALFED's mission. While these agencies will not serve as part of the governing structure or incorporate their programs into CALFED, the CALFED Agencies will coordinate their implementation of the CALFED programs with these non-CALFED programs. The CALFED Executive Officer and staff will coordinate with the other agencies' programs and identify conflicts as soon as possible. In some cases, CALFED Agencies or a successor agency may establish contractual relationships with non-CALFED Agencies to implement certain CALFED programs.

Environmental Documentation. The CALFED Agencies will fulfill their respective legal responsibilities for environmental analysis, documentation and permitting pursuant to NEPA, CEQA and all other environmental laws. As indicated below, the CALFED Agencies and/or the new CALFED Commission will complete the necessary programmatic and project-specific analysis of programs and projects.

Permit Clearinghouse. The CALFED Agencies will establish a clearinghouse for obtaining the necessary permits and approvals for CALFED Program implementation. This permit clearinghouse will be established by December 2000.

Adaptive Management/Science. The CALFED Agencies will use science-based adaptive management in the implementation of the CALFED Program.

Beneficiaries Pay. A fundamental philosophy of the CALFED Program is that costs should, to the extent possible, be paid by the beneficiaries of the program actions.

Compliance With Water Rights Laws. The CALFED Agencies will comply with California's water rights laws, including area-of-origin statutes, applicable to their respective actions. Nothing in this ROD is intended to affect existing water rights or water right holders. In the few areas where CALFED Agencies may propose changes to California law (e.g., transfers, appropriate water use measurement), the CALFED

2.2.6 Conveyance

As indicated in the Preferred Program Alternative, the CALFED Agencies have chosen to pursue a through-Delta conveyance strategy. The CALFED Agencies therefore will take all reasonable actions to optimize the use of the Delta as the means for conveyance of State and Federal project export water.

The CALFED goal for Delta conveyance is to identify and implement conveyance modifications that will improve water supply reliability for in-Delta and export users, support continuous improvement in drinking water quality, and complement ecosystem restoration. More specifically for export and environmental purposes, conveyance improvements are needed to improve the pumping capabilities of SWP export facilities to: (1) restore water project reliability and operational flexibility; (2) allow the EWA to transfer and store water; (3) allow a reliable water transfer market to function; (4) allow SWP facilities to convey larger amounts of water during periods of high quality water in the Delta to improve water quality for urban use; and (5) provide greater capability for SWP facilities to be used to improve the reliability of CVP supplies for both its water users and wildlife refuges. DWR, Reclamation and USACE will lead efforts to implement these conveyance projects.

DWR and Reclamation will work with the other CALFED Agencies to pursue significant improvements in the water conveyance facilities in the Delta in Stage 1, which will be pursued through project-specific environmental review and permitting.

Actions Included in the Programmatic EIS/EIR

The following projects and actions were analyzed on a programmatic basis in the Final Programmatic EIS/EIR. As CALFED Agencies pursue project-specific environmental study, additional project-specific mitigation may be necessary.

South Delta. The specific actions listed below are components of, or are directly related to, the “South Delta Improvement Program” which has been under study and development for a number of years. The CALFED Agencies intend for these actions in the South Delta to address the needs of the export projects, the Delta ecosystem and local, in-Delta agricultural water users. These components will go forward following the completion of project-specific environmental review and permitting. DWR will lead the CALFED Agencies in implementing these south Delta actions. Environmental review will be completed by the end of 2002. These actions, related to providing for more reliable long-term export capability by the SWP and CVP and protection of local diversions in the Delta, are in addition to historic and current efforts (including annual installation of temporary barriers as well as current year local dredging and diversion improvements).