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"Every Day is Earth Day on the Farm"

P. O. Box 365, Maxwell, California 95955

October 13, 1997

Mr. Lester Snow
CALFED Bay Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Mr. Snow,

Family Water Alliance has reviewed the ERPP volumes I, II, III and the Executive summary. We are very concerned about the breadth, and depth of this portion of the CalFed project. In addition, we have participated in the Seven County CALFED Policy Workgroup. In doing so we have contributed to, and supported the concerns/recommendations of the policy group. We would like to request that the attached copy of these concern/recommendations be incorporated into the comments.

To many the relationship between habitat restoration and water supply is unclear. This relationship becomes increasingly apparent as the ERPP is digested. Water is a major contributor to the success of these proposals. The CALFED plan identifies numerous projects such as: in stream temperatures limits and flows, increase in all wetlands, both natural and seasonal, and the restoration of salmon runs in streams that have been non-bearing fish streams for years. All these projects require water. Where is this water to come from, and more importantly where will it end up? The ERPP is only one in a growing list of proposals that would transfer the wealth of northern California to other areas either in the name of the environment, or to "balance" the water supply. Northern California cannot, and should not carry a disproportionate burden for restoration of habitat, recovery of species, or an over committed water supply. Further, environmental restoration should not be used as a "tool" to accomplish water transfers that otherwise would not be approved by the citizens of the north state. There are several ERPP proposals that deserve scrutiny:

With thirty two rivers, creeks, and tributaries listed as targets in the ERPP, the scope of the plan encompasses most of northern California. Currently, there are several projects underway to benefit the fisheries. These local projects are partnerships between stakeholders, environmental interests, and State and Federal agencies. It is appropriate that such projects remain under local

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control, since the effects are felt locally, and partnerships are formed on a local basis.

The ERPP proposes significant protections for species that are not listed as endangered under the federal or state ESA, but are considered "species of concern." The treatment of species, such as the Pond Turtle and the Longfin Smelt, as though they were threatened or endangered is unproductive. The focus of resources should be on species that have been listed, so that those recoveries can be maximized. The additional burden of "species of concern" can only dilute the recovery effort, and further reduce the funds available for each listed species. Any proposal to ensure the recovery of a species should include a target number. Without such a guideline, the only thing ensured is significant damage to local economies.

The ERPP proposes that the Striped Bass be recovered to its 1960's level. The Striped Bass is not an endangered species. The Striped Bass is not a native species. The Striped Bass is a known predator of the salmon, which is an endangered species, and a priority in the CALFED mission. The proposal to increase its numbers is a violation of the Endangered Species Act which states that no action can be taken that harms, threatens, harasses, or annoys a listed species. It is not justifiable to increase the numbers of Striped Bass to ensure sport fishing when the emotional, and economic cost of salmon recovery is so high.

Policies for species protection should be consistent. Take for example, the decision to kill the Northern Pike in Davis Lake to protect the salmon. Northern pike are a non-native species, just like the Striped Bass. If it is the policy to eliminate non-native predator species in one instance then logic would dictate that we should eliminate all non-native predator species to help other endangered species, i.e. salmon. It is not justifiable to increase the Striped Bass because it is a sport fish when doing so negatively impacts the salmon that we spending millions of dollars to restore. The people of the north state are continuously caught in a vice of conflicting agency policy.

Stressors listed by the ERPP include water diversions, and gravel mining among others. Further restriction of water diversions for ag will adversely impact the economies of communities throughout the north state. The reduction of gravel mining is of consequence to Glenn County where a substantial percentage of county revenues are generated by gravel extraction. Levees are also considered a stressor by the ERPP, as is bank protection. The floods of January 1997 have taught northern California that levees must be maintained properly for flood protection, and not for habitat.

The ERPP proposes that several creeks, and the Sacramento River maintain fish friendly average daily temperatures during the Spring and Fall. This would require large releases of colder water from Shasta Dam, and Black Butte Reservoir, further stressing the north state water supply during peak agricultural periods. Outflows, and stream flows are addressed in the ERPP by calling for increases. The months of March, April, and May are mentioned most often with an accompanying cfs range. These are critical months for agriculture in northern California. This proposal would impact the water supply available for irrigation of crops that are essential to the

economic stability of northern California communities.

Approximately 220,000 acres are targeted by the ERPP for restoration, management, or both. The largest block of 100,000 acres is classified as wetlands restoration. No matter where this acreage is located, it will require a tremendous amount of water to maintain the viability of such a vast restoration. The stress on the northern California water supply for continued outflow, and flush will compromise our vital water supply.

In reviewing these documents and in attending numerous meetings it has become clear to us that while the intent of the CALFED process is to "Fix the Delta," the underlying motive is to " reduce the mismatch between (water) supply and demand." In a letter to Dan Keppen on July 26, 1997, you stated, "While CALFED is not charged with solving California's water problems ..,." you go on to admit, "in addressing water supply reliability for the Bay-Delta, which is such an important part of the state's water supply system, we may directly address a significant portion of the states water supply problem." It appears that the north is being held responsible for the degradation in the Delta.

Since the installation of the State and Federal pumps in the Delta, at Tracy, the increase in the decline of salmon has been directly related to the increase in Delta exports. This direct correlation is noted in a comparison of Exhibit A and B. Until this situation is corrected, salmon populations will continue to decline, in spite of the projects to restore the upper Sacramento Valley.

It is apparent that one of the objectives of the CALFED program is to balance water supplies, to look for new water, as well as "fix the Delta." This raises two key issues that need to be addressed prior to moving forward with the process: Area of Origin water right, and land owner rights. Because the ERPP is so dependent on water for its success, the protection of Area of Origin, and all water rights currently held by the people of the north state is of primary importance. These rights must be upheld if any water is to be earmarked for restoration projects. The respect, and adherence to these rights promote the cooperation and local partnerships.

Another key issue is the recognition, and respect for land owner property rights. Does CALFED view the property owner as an obstacle to overcome, or as a viable partner? Extraordinary goals have been set, and plans are being made for the use of private property with out the land owners knowledge. How many landowners on Cache Creek, Putah Creek or Thomes Creek were involved, or even consulted in the planning stages of the ERPP? What efforts have been made to contact individual landowners regarding restoration plans of private property?

The definition of a stake holder must be clarified. Many agencies, as well a environmental groups are claiming that they are stake holders, thus justifying their ability to impose their agendas. With out the voluntary involvement of the land owners this process will collapse. For instance, the ERPP proposal to increase bank overflows along Cache Creek, and Putah Creek will be of interest to the communities, and private property owners located near those waterways.

Local input is absolutely necessary when contemplating a plan with widespread ramifications to people and property. Until the property owner is engaged in the process, no further recovery planning should occur. **Only when agencies, and legislators embrace private property rights will the process move forward**.

The cost of implementing the ERPP will be astronomical. The scope is broad, the area included is approximately 1/3 of California, and the 25 year time frame is smothering. The most effective efforts will be focused on getting the largest long-term benefit for the dollar invested. Emphasis on the mainstream of the Sacramento River until it is ready to hold, and maintain salmon populations has more merit than trying to restore dry creeks. Limiting sport fishing to one fish per day vs. two per day is a low cost way to return spawners to the river, and has an immediate effect. Limiting Native American takes with gill nets will help the fish recover. Common sense, and economics need to play a prominent role in any recovery plan.

We request written answers to the following questions:

1. What is the total amount of water targeted for restoration projects?

2. At what point will the demand be satisfied? Will there be a cap on water dedicated to restoration? Who will guarantee that the demand will level off?

3. Will overlying water rights be jeopardized by the co-mingling of ground, and surface water?

4. If the ERPP causes damage to private property , will a fund for damage mitigation be established? Who will administer such a fund? Who will determine the extent, or existence of damage? Who will guarantee local, and county governments that the economic losses caused by the ERPP will be recovered?

5. What benefit will accrue to northern California?

6. Will there be an analysis of total water demands for restoration versus total water availability? Who will conduct the study?

7. Will landowners along the listed creeks, and tributaries be contacted? When will they be contacted?

8. Will more copies of the ERPP be supplied, and the comment period extended?

9. Why are species of concern contained within this proposal?

10. What is the estimated TOTAL cost for the proposals contained in the ERPP?

11. How will the 220,000 acres be acquired, or managed?

12. How will average daily stream temperatures be maintained.?

13. Will reservoirs be managed for flood control, hydro-electric power, and irrigation, or will they primarily be managed for temperature control?

14. The ERPP suggests that 90,000 acres of ag land be managed. Who would the manager be? Would private property be impacted by this management plan?

Family Water Alliance appreciates your effort to answer the above questions in a timely manner. We understand the magnitude of the CALFED mission, and appreciate the efforts of both you, and your dedicated staff.

Sincerely,

Susan Sutton
President

Marion Mathis
Executive Vice President

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