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JUN 29 1998

Mr. Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814

June 25, 1998

Re: Draft Programmatic EIS/EIR

Dear Mr. Breitenbach:

The following are comments to the CALFED Bay-Delta EIS/EIR which was released for public review on March 16, 1998.

Butte-Sutter Basin Area Groundwater Users Corporation (BSBGU) is a non-profit corporation established in 1991 to represent and work for the benefit of its membership, all of whom are groundwater users deriving their water from the Butte-Sutter Basin Aquifer which underlies portions of Butte, Glenn, Colusa and Sutter Counties. The corporation currently has approximately 200 members who use groundwater for agricultural, domestic and commercial purposes.

Following a review of the EIS/EIR, BSBGU offers the following general comments, followed by comments on specific issues included in the document.

GENERAL COMMENTS

The problems and concerns facing the Bay-Delta are a direct result of the increasing population of the state resulting in the need for the development of NEW water. If projections of population increase are true, (15 million additional people in the next 20 years) it is imperative that the CALFED process go beyond solving the problems in the Bay-Delta alone and move towards a well defined solution to statewide water supply problems. Only when statewide water needs are honestly and directly addressed will the Bay-Delta be assured of continued health and prosperity.

STORAGE

Based on the above comments regarding future water needs of the state, it is apparent to BSBGU that the single most important aspect to the success of the CALFED Bay-Delta process is the development of new surface water storage facilities both north and south of the Delta.

Surface water storage is easier and more reliable to monitor and operate than are groundwater storage options. Such storage provides greater flexibility to control the stream and river flows necessary for improved fisheries and at the same time provide for the water needs to insure Bay-Delta purity and all necessary urban, agriculture, and environmental supplies. Surface water storage has the added benefit of enhanced flood protection during extreme flood events by capturing surface water runoff closer to its origin and then releasing it at a more constant rate over a longer period of time.

In addition, increased surface water storage meets the need to develop NEW water supplies by capturing water that is currently being lost as it flows to the ocean. This alleviates the problems associated with the reallocation of current water supplies from one area or user to another.

The CALFED Bay-Delta program must provide definite assurances that new surface water storage facilities will be constructed at the maximum level possible. Additionally, due to the length of time it is projected to take for approval and construction of such facilities, it is absolutely critical that surface water storage facilities be given top priority and that such facilities not only be studied to determine their feasibility, but actually be constructed and operable at the earliest possible time. The EIR/EIS should specifically identify all the possible locations being considered for new or improved surface water storage facilities and rank these locations in order of their development potential. Finally, time lines with definite dates for completion of these facilities must be included in the document.

WATER TRANSFERS/GROUNDWATER/LOCAL ORDINANCES

Due to the inherent complexities that exist when dealing with groundwater and the aquifers in which it is contained, BSBGU feels that it is essential that the EIR/EIS specifically state that conjunctive use in the Butte Basin area take place on a very limited basis, only in time of emergency water needs and not be considered as a continuous source of water to be depended on in the future.

The true cost of water transfers must be addressed. Specifically, the costs of mitigating third party economic impacts to agriculture, industry and communities which have the potential of being millions of dollars annually must be documented.

If and when water transfers take place, it is essential that extensive monitoring and mitigation plans be in place to insure that the local citizens, economy and environment are not adversely effected. Additionally, all local and regional ordinances designed to protect local or regional water needs must be acknowledged and adhered to. California's "No Injury Rule" and full area of origin protection must be included and adhered to under any water transfer scenario.

The CALFED Bay-Delta process must expand its description of "water rights" to acknowledge and include the California correlative groundwater rights rule which entitles each overlying landowner to a fair and just portion of the available groundwater. Additionally, a distinction must be made that groundwater transferred outside an area which overlies a specific groundwater basin is subject to the appropriative rule which requires that there be surplus water.

Surplus water is defined as water in excess of the safe annual yield of the aquifer and the surplus water must not be needed by overlying land owners.

The EIR/EIS references that there is a potential for groundwater storage both north and south of the Bay-Delta. All future documents must specifically identify the aquifers being considered as possible groundwater storage sites and detail the necessary precautions that will be taken to insure that the integrity of these aquifers and the overlying communities and environment are not compromised.

ECO-SYSTEM RESTORATION PROGRAM (ERP)

In reviewing the Eco-system Restoration Plan (ERP) it is apparent that there are major inconsistencies in the plan. The most glaring of which calls for the restoration of the delta water purity standards to levels meeting the "post-dam" salinity levels of the late 1960's and early 1970's. These "post-dam" salinity levels are totally artificial and scientifically indefensible. It is apparent that they are being used only as a method of promoting the continued use of the Bay-Delta as a conveyance device to move fresh water south of the Delta and to the communities surrounding the Delta. This results in a massively inefficient system that wastes millions of acre feet of water annually.

The ERP must target the restoration of the Delta to "pre-dam" salinity and delta flows must be limited to more natural "pre-dam" levels. Plans must be developed and included in the EIR/EIS to develop new more efficient methods, such as canals and pipelines of moving fresh water around the Delta and to the communities surrounding the Delta.

Another area of concern that BSBGU has with the ERP is the plan to restore the eco-system along the rivers and streams that feed the Delta through the use of "meander zones" and river bank re-forestation.

More in depth analysis needs to be done in this area. Unlike the Delta, these rivers and streams currently provide the most efficient and cost effective method available for conveying water south to the Delta. Meander zones and bank re-forestation have the potential of decreasing the effectiveness of these conveyance systems by creating greater potential for river siltation and the clogging of the channels with debris from overgrown trees and other vegetation. Additionally, these concepts could have extremely detrimental and costly effects on local communities, economies, private property and infrastructures that have developed along or in close proximity to these waterways. It is essential that the EIR/EIS more accurately review the concepts of meander zones and re-forestation to determine and identify all the adverse impacts that these concepts will have.

WATER SUPPLY RELIABILITY/ PREFERRED THROUGH-DELTA ALTERNATIVE

BSBGU realizes that a crucial factor in the success of the CALFED Bay-Delta Program is the ability to develop a more efficient and environmentally sound method of moving water through or around the Delta. As discussed above, trying to accomplish this task by moving water through

the Delta is a grossly inefficient method. BSBGU therefore would be in support of Alternative 3 and the construction and use of an open channel isolated facility to transport water around the Delta.

This support comes however with two major conditions.

The first condition is that the construction of an isolated facility must be directly linked to the construction of surface storage facilities both north and south of the delta. These storage facilities are absolutely critical to insure that a consistent and adequate supply of water is always available for the transfer facility's efficient operation without adversely impacting other water users in the state.

The second condition is that the Delta be returned to its "Pre-Dam" salinity levels. It makes no sense to build an isolated facility to move water south and continue the wasteful practice of flushing the Delta with artificially high amounts of fresh water.

CONCLUSION

BSBGU understands the CALFED Bay-Delta Program is one of immense proportions and it is the first time in the history of the world that a plan of this magnitude has been undertaken. We are encouraged by the direction the program has taken to this point and remain committed to stay involved through the ultimate completion of the program.

BSBGU is concerned with the overall lack of detail contained in the EIR/EIS as it has been presented and feels it should be augmented with a more site specific analysis in the next draft.

CALFED needs only to abide by its own solution principals:

- Reduce conflicts in the system
- Be equitable
- Be affordable
- Be durable
- Be Implementable
- Have no significant redirected impacts

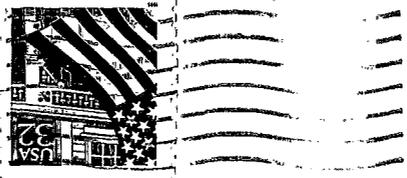
and it will have met the needs and concerns of the membership of Butte-Sutter Basin Area Groundwater Users Corporation.

Sincerely,



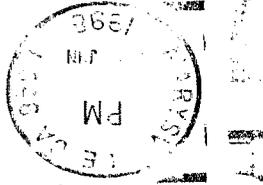
Mark Kimmelshue
President

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DEPARTMENT OF
WATER RESOURCES
SACRAMENTO

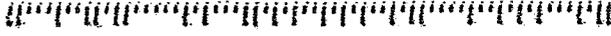
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