

Gore Lands, Inc.
P. O. Box 28
Durham, CA 95938

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June 28, 1998

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

RE: Comments on the CALFED Bay-Delta Programmatic Draft EIS/EIR

Dear Mr. Breitenbach

My husband and I have a family farm located on the Butte Basin aquifer in Butte County in the Sacramento Valley. We rely solely on ground water for irrigation of our orchard and field crops and for our domestic use. Since our livelihood and our lifestyle revolve around the availability and affordability of adequate ground water, I am submitting the following comments on the CALFED Bay-Delta Draft Programmatic EIS/EIR.

WATER SUPPLY & STORAGE

New water demands must be met by new water supplies, not supplies that have been redirected from agricultural users through the retirement of ag land and its associated water to other beneficial uses. Such redirection will only extend and expand the problems facing the Bay-Delta and the realization of the CALFED goals. On-stream storage facilities would be the most cost-effective, as they could be financed by power production and would afford the greatest flood control benefits. But in the legal and environmental climate of today, such facilities will not be built. Therefore, new off-stream storage, both north and south of the Delta, should be the focus of CALFED in order to accomplish true, new, clean, high quality water. Off-stream storage will capture flood flows which can be used to control down stream flood damage, maintain stream flows during critical fish migration, aid in salinity control in the Bay-Delta and improve water reliability and water quality for export. In addition, the evaluation and analysis of raising the height of existing on-stream dams should be taken under serious consideration. Increased surface storage will afford greater protection of the economic viability of local communities which rely on ground water supplies.

The feasibility of de-salinization plants on the coast near major metropolitan areas is another option that should be taken under consideration. De-salinization may be costly, but it would truly be new fresh water. Capital costs of desalting plants could be shared with the entire state, ensuring the economic viability of the regions from which CALFED is proposing water transfers be made. Available funding could be funneled into research and development to improve desalting techniques, placing the answer to urban water needs in their own backyard. In the long run, with diminishing water supplies and the population increasing, it may be the eventual answer to the urban users need for adequate water supplies. This supplemental water would relieve the pressure on existing supplies allowing agricultural production to continue to supply the state, the nation and the world with high quality food and fiber. Reduction of urban

dependence would also free up additional water for environmental uses without the concerns equated with the construction of dams and conveyance facilities.

Ground water storage and conjunctive use have been used in certain areas of the state where aquifers have been overdrafted and the capacity for storage has been created. CALFED's proposal of 250,000 acre feet of ground water storage for the Sacramento Valley must indicate the location of the potential storage areas. Currently the Butte Basin Aquifer has no capacity for ground water storage because historically, unless there is a time of continued drought, it refills in the winter months. CALFED must recognize the geologic and hydrologic limitations of ground water storage and not subscribe to the policy of pre-evacuation of a ground water basin in order to artificially create ground water storage capabilities. Ground water storage and conjunctive use programs must be locally initiated and supported by local ground water users and communities based on what is best for the basins or sub-basins involved. Even with adequate support such programs should not be viewed as the foundation of new water storage. Agricultural ground water users in basins or sub-basins not currently managed by ground water storage and/or conjunctive use programs must be assured through these locally supported programs that historical ground water levels will be protected to prevent overdraft and the subsequent increases to pumping costs. CALFED must acknowledge the importance of maintaining ground water levels for agricultural, urban and environmental uses. Any effort to manage ground water conjunctively with surface water must recognize and avoid impacts to third parties and honor the ground water rights of farmers, ranchers and other water rights holders.

WATER TRANSFERS

Water transfers do not create new water, but simply move water from one beneficial use to another. Some locally driven transfers between ag users and water districts within basins and/or among irrigation districts have been beneficial, but out of basin transfers have the potential for devastating effects on local economies, livelihoods and environments. Page 16 and 17 of the Programmatic EIS/EIR Executive Summary lists several mitigation strategies, one of which is "...regulating ground water withdrawals so that they do not exceed the perennial yields of the basin..." The term perennial yield was used in the California Water Plan Update, Bulletin 160-98 in place of safe yield, which had been used in prior updates. Bulletin 160-98's definition of perennial yield allows the perception that there is an increase in water production where no additional new water supply truly exists. The Bulletin states, "Perennial yield can increase as extraction increases, as long as the annual amount of recharge equals or exceeds the amount of extraction". The increased yield comes from increased extractions forcing the ground water basin into "a new hydrologic equilibrium with a new perennial yield." The new equilibrium ratchets down the water level in the basin, therefore a short term fix has created a long term problem. The Bulletin defines overdraft as "additional annual extraction from a ground water basin over a long period of time above the annual perennial yield". With the new equilibrium concept, perennial yield could allow the ground water basin levels to drop each year as extractions increase, leaving ground water users with localized annual overdraft which may not be recognized as a problem by CALFED and its future entities, or by state or local water agencies.

The correlative water rights of ground water users must be acknowledged by CALFED as a legal user of water. Third party impacts forcing the defense of ground

water rights places an unreasonable burden on water users who receive no benefits, neither monetary nor in the form of increased water supply. In fact the very opposite is true. Lowered water tables increase energy costs to lift water from deeper levels, increase energy costs to apply sufficient water for crop needs, increase maintenance costs for additional hours operated, plus additional capital expenditures for deepening wells and adjusting pump settings to maximize efficiency.

CALFED should adhere to the following objectives when transfers are being considered:

- a. Water sales or exchanges that would result in degradation of ground water quality or in ground water overdraft within basins or sub-basins should be avoided.
- b. Area of origin water users must be assured that their own water supplies have been protected and they have existing authority to the water that originates from that area of origin watershed.
- c. Third party impacts must be avoided.
- d. California's surface water storage and conveyance facilities must be enhanced before transfers can be a part of the solution to water supply deficiencies.
- e. CALFED must not acquire jurisdiction by purchasing pre-1914 water rights.
- f. Water sales should not be a substitute for development of new water supplies.
- g. Short-term transfers must not develop long-term demand.
- h. Fallowing or land retirement must not be the source of water for transfers.
- i. Transfers which include any depletion of any nearby water way must not be considered new water and will not receive compensation for those potential instream flows.
- j. Land subsidence must be monitored in the transferring regions and procedures must be in place to terminate transfers if subsidence occurs.

WATERSHED MANAGEMENT STRATEGY

CALFED's support of the coordinated efforts of agencies and local governments, stakeholders, watershed groups and conservancies, and landowners will form a strong basis for the improvement of the overall health of the Bay-Delta and its watersheds. But, CALFED's participation should be limited to arranging funding, technical assistance and data standardization for approved projects which have been initiated by local stakeholders to address local problems. By encouraging locally initiated watershed management all affected landowners can be involved in the process, thereby eliminating the potential for conflicts which may arise from management strategies initiated by CALFED or some other mix of federal and/or state agencies. Protection of landowner property rights and impacts on current land uses must be considered before moving forward on any proposed watershed projects. CALFED must not consider the practices of agriculture, timber harvest and livestock grazing as a negative aspect of watershed health. These highly productive industries, which have contributed significantly to state and local economies for years, have remained sustainable through environmentally sound management practices such as irrigation technology for efficient water use and closed return irrigation systems to prevent pollution from chemical runoff, reforestation and selective timber cutting, and livestock grazing to stimulate grass growth for erosion control, and at the same time reducing fire fuel load.

Page 2 of the CALFED Watershed Management Strategy (Draft), January 7, 1998, states, "Actions in the lower watersheds could also include ground water management and conjunctive use of surface and ground water as methods of supplementing water supplies for all uses." Since the lower watersheds, or ground water basins, are being targeted as the solution for a majority of the Bay-Delta's water supply reliability and water quality problems, the inclusion of ground water management and conjunctive use of surface and ground water in watershed management strategy will only increase future strain on already taxed aquifers. CALFED must quantify the amount and timing of any "methods of supplementing water supplies for all uses" before implementing even eco-system-wide coordinated programs. Pre-evacuation of a healthy aquifer to support conjunctive use for watershed management purposes will not meet the CALFED goals of everyone "getting better together", nor will it prevent the redirection of significant impacts. Bay-Delta solutions should not be at the expense of the environmental health of affected watersheds and the economic well-being of local landowners.

COST ALLOCATION

CALFED's adoption of a "beneficiary pays" concept over a punitive cost concept supports the principles of equity, fairness, and benefits-based allocation. Continued cost allocation plans must consider the importance of maintaining a vibrant agricultural industry in California. Since many participants involved in the CALFED process view Northern California as the source of "liquid gold", water users in the north state must not be asked to pay more than their fair share. New potential CALFED water allocations, plus current and future allocations of CVPIA, ESA and others, targets the very foundation of the ag industries which support the economies of many northern counties. The taking of our natural resources, then asking us to pay for that taking, is unacceptable.

IMPLEMENTATION AND ASSURANCES

CALFED should focus on a balanced, near-term incremental implementation of the CALFED programs, including investments in off-stream storage capacity where the potential for significant benefit to both water users and the environment is the greatest. Due to the length of time that will be required for developing, permitting and constructing new surface storage (estimated at 20 years), CALFED should include such projects in the initial rounds of funding once the final EIR is approved. Surface storage construction, above and below the Bay-Delta, must be assured and implemented in the beginning, to be a part of the solution for water reliability, water quality and environmental issues in the Bay-Delta problem area. Surface storage construction in the beginning must be assured to protect existing water supplies, area of origin water rights and the vitality of local economies in the solution areas.

IN SUMMARY

Water Supply & Storage

- a. New water demands must be met by new water supplies.
- b. New supplies must not be acquired from the retirement of ag land and its associated water.
- c. New off-stream storage north and south of the Delta should be the focus of CALFED.

- d. Look to de-salinization as an option for new fresh water supplies.
- e. Ground water storage and/or conjunctive use programs supported by ground water users and local communities should be considered only in basins or sub-basins where capacity currently exists.
- f. No pre-evacuation of basins or sub-basins where capacity does not exist.
- g. CALFED must acknowledge the importance of retaining ground water level and recognize the ground water rights of farmers, ranchers and other water rights holders.

WATER TRANSFERS

- a. Water transfers do not create new water.
- b. Terms related to ground water withdrawal must include safe yield, not perennial yield.
- c. Terms which refer to a new equilibrium for ground water basins must not be included in CALFED documents.
- d. Ground water users with correlative rights must be considered legal users of water.
- e. Avoid water transfers which degrade water quality or create overdraft.
- f. Assure protection of area of origin water supplies.
- g. Avoid third party impacts.
- h. Enhance surface storage before transfers can be part of solution.
- i. Short-term transfers must not develop into long-term demand.
- j. Fallowing or land retirement must not be the source of transfers.
- k. Land subsidence must be monitored.

WATERSHED MANAGEMENT

- a. CALFED should continue its support of coordinated efforts with agencies, stakeholders and landowners.
- b. CALFED's participation should be limited to funding, technical assistance and data standardization.
- c. CALFED should participate in locally initiated and supported watershed projects.
- d. Projects must include protections for private property rights and consider impacts to current adjoining land uses.
- e. Ground water management should not be included in watershed strategies because ground water sources are already being included as major water source for other CALFED Common Programs.

COST ALLOCATION

- a. Beneficiary pays supports the principles of equity, fairness and benefits-based allocation.
- b. North state water users must not be asked to pay more than their fair share.

IMPLEMENTATION AND ASSURANCES

- a. CALFED must focus on a balanced, near-term incremental implementation.

- b. Due to the length of time required for permitting and construction, implementation of projects for off-stream storage must be initiated as soon as possible.
- c. Construction of off-stream storage must be linked to the other elements of the CALFED Common Programs.

Please take my comments into consideration and thank you for the opportunity to participate in the CALFED process.

Sincerely



Sharon Gore

Gore Lands, Inc.
P.O. Box 28
Durham, CA 95938

Rick Breitenbach
CALFED Bay/Delta Program
1416 Ninth St., Suite 1155
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