

# Cherokee Watershed Group

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Mr. Rick Breitenbach  
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01455  
JUL 0 1 1998

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

Cherokee Watershed Group represents farmers, homeowners, and environmental interests within the Cherokee Watershed, in Butte County, Northern California. Because we are grappling with developing an awareness of natural resource and land use issues, we have followed your CALFED program with interest and concern. We feel that the holistic approach to resource management implied in your Watershed Element is the only realistic, long term vehicle for solving California's environmental and resource problems including the Bay/Delta. This also implies responsibility for Watershed problems and solutions lie with the landowners within the specific watershed. Your interpretation of a watershed reflecting a political or economic territory predicated on an artificial distribution of water resources is worrisome. It is not the responsibility of a distant watershed to "mitigate" for unsustainable land use decisions and growth allowed in another watershed. Local control, private property values and rights, and county planning cannot respond to unknown actions in other parts of the State.

Land use decisions are part of the problem and solution for the CALFED program goals. Responsibility for new water demands which exceed firm water supply must be recognized by planners and your program. Any growth must be calculated and identified under the "beneficiary pays" policy. This price and the projected time delays for acquiring this new water must be disclosed before growth is approved in each county. Small local storage projects must be a viable option along with local in basin transfers or rationing to live within firm water supplies. We recommend a mandatory EIR category on water availability and local alternatives to fill the demand locally in every general plan update, zoning change, or building permit issuance. If the State undertakes off stream storage and conveyance construction, new demand cannot be allowed to come first.

As watersheds try to protect and enhance their fisheries, we question the biologic opinion or economic opinion claiming more fresh water for the Delta's striped bass. How can you justify scientific environmental and species restoration work and allow exotic species to take up limited habitat niches. The Striped Bass, a salmon predator carrying the designation of economic importance must not be allowed to threaten salmon. Disclose justification for any other environmental standard. Develop a mitigation plan for recreational striped bass fishing in a project that compensates for lost striped bass in native endangered species niches.

We remind you that the United States Bureau of Reclamation and the California Department of Water Resources primarily deal with their dam projects and are not part of overlying landowner resource water use decisions. Water Districts' 3030 Management Plans extend to their district borders only. This means that watersheds must come together as landowners and local interest must initiate plans for current and future local water needs. There is a danger in assuming water

resources are available for out-of-basin water sales. An example of outside pressures stressing a watershed would be the 1994 Drought Water Bank imposed on the Cherokee Watershed by the Department of Water Resources and a small special interest water district, Western Canal Water District which was formed to distribute pre 1914 water appropriated to use on land within the district boundaries.

We note that the 1994 Drought Water Bank was a demonstration project. Here is a list of impacts from only one year's operation.

- Closed down one of two wells supplying the community of Durham... independent domestic well water for others was intermittent and of questionable quality
- Caused crop damage where wells were unable to be refitted and pump adequate water due to dropping water table.
- Many Valley oaks died with this final assault on the water table
- Water levels didn't return for 2 years for many neighbors even with the 1995 record rains the following winter.

CALFED's participation in watersheds 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. Isolated projects have potential for cumulative impacts, so they must have a site specific EIR.

CALFED must not consider the practices of agriculture, timber harvest and livestock grazing as automatic stressors of watershed health. These highly productive industries, which have contributed significantly to local economies for years, have remained sustainable through environmentally sound management practices such as efficient water use, prevention of non point and chemical pollution runoff, reforestation and selective timber cutting, livestock grazing to stimulate grass growth for erosion control, and preservation of open space or natural recharge zones.

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.

We include our comments on the Ecosystem Restoration Plan with specific concerns regarding its implementation and lack of consideration for consequences to water source areas.

Cordially,



Gary Cole, Director  
Cherokee Watershed Group

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RE: Comments on the CAL/FED Ecosystem Restoration Program Plan (ERPP)

As a Watershed Group in the Northern Sacramento Valley we note that much of the restoration activity may be accomplished through landowner groups such as ours while proposed environmental water may be procured through conjunctive use water sales from willing sellers. This reallocation of water is potentially significant for the areas of origin.

We respectfully submit the following comments on the Ecosystem Restoration Program Plan circulated for comment by October 1997. We will submit individual comments, but wish to emphasize that the issue surrounding the omission of groundwater as part of the hydrologic system to be "managed" by the plan is of common concern and must be addressed..

The ERPP is flawed starting in Volume I with its oversight of groundwater stress as an issue in changing management practices engendered by the CAL/FED program alternatives designed to achieve ecosystem health in the Delta system. On page 24 the mention of conjunctive use and willing sellers as part of the supply side of the plans' strategy cannot be ignored.

The interrelationship between groundwater and surface water has been well documented. You mention "Groundwater and surface runoff generate flows into the stream networks in each tributary basin." (Vol. I pg. 21) There is just one hydrologic system rather than two related systems. The splitting of the system into surface and groundwater has been the outgrowth of man's manipulation of natural flows. Surface flows, once harnessed, became the subject of manipulation and claims of property rights. Surface water then becomes the focus of the rest of your document to the exclusion of groundwater considerations in source areas.

Ground and surface water have historically been a shared resource whose use came with the ownership of land within the water basin. Riparian lands adjoining stream flows are easily recognized. Lands overlying groundwater basins have been accorded the same rights to access (of groundwater) as riparian lands have to stream flows. This is an outgrowth of centuries old English common law. The environment's right to and need for groundwater is as important as the riparian environment's need of surface water.

Native vegetation, the habitat niches, and the terrestrial wildlife they support should be accorded protection to groundwater as well as overlying land owners. This has never been a matter of concern in the Sacramento Valley as groundwater levels have been stable. Groundwater is an integral part of the stream and river systems of the valley. The Sacramento River is a "gaining system" with groundwater contributing to stream flows. Reductions in groundwater levels through significant pumping projects (singly or cumulatively) create a reduction in surface flows. Only a few exceptions to the groundwater-contribution dynamic exists in the Sacramento Valley. A Department of Water Resources study of conjunctive use opportunities on the M & T Chico Ranch showed that 2000 gpm of the 3500 gpm (57%) pumped from the studied well was Sacramento River water. (Appendix A) Your proposal to shift riparian diverters to "alternative sources" (Vol. II pg. 222-3) such as groundwater, needs to be justified in light of the study implication and the air pollution or additional power consumption that results from questionable pumping schemes. (Appendix B)

Reducing groundwater availability to native vegetation and small tributary systems will diminish the larger valley groundwater systems thereby risking their habitat. Native oaks, Blue and Valley, have root systems adapted to specific groundwater ranges. (Appendix C) The manipulation of groundwater extractions that cause a variation in water levels will stress the trees leaving them vulnerable to disease with little hope of recovery. You mention lowering groundwater levels below root zones as a stressor for riparian habitats. (Vol. I pg. 102) The same holds true beyond riparian habitats.

Springs, ephemeral streams, and intermittent tributaries are critical to the cyclic nature of identified temperatures and flows of waterways. Dr. Paul Maslin's recent work at California State University, Chico shows intermittent tributaries to be crucial juvenile salmonid habitat for non-natal rearing. Denying their contribution, creates an artificial situation where ever more human management of water contributions will be necessary. This leaves greater opportunity for error and environmental damage.

As these small systems are lost, the fish, birds, and mammals are forced into ever smaller ranges. This will result in diminished gene pool, vulnerability to decimation through disease, and population reductions due to inherent species' territoriality and forage needs.

These negative consequences are in direct conflict with the stated goals of the ecosystem restoration plans in other areas of the State. The stated goal of the CAL/FED Program includes no shifting of impacts. Ignoring groundwater's part in watershed integrity is inconsistent with CAL/FED principles.

It is our observation that the resolution to restore degraded systems elsewhere has created a blind spot in your thinking. Our groundwater is the link to maintaining our healthy ecosystem. Just as the ERPP recognizes the importance of historical patterns of natural stream flows, historical groundwater levels and flow patterns which are part of that system must be protected. We think CAL/FED's proposed reliance on groundwater (as a Core Element and ERPP Vol. I pg. 24, conjunctive use) will redirect significant impacts to our area. We have numerous endangered and threatened species other than fish and wetland fowl. They contribute to overall species resilience. (Appendix D) Their habitats and existence also should not be risked.

At the September 15, 1997, 21<sup>st</sup> Biennial Groundwater Conference in Sacramento, Herman Bouwer from the US Water Conservation Laboratory presented a paper attesting to the sacrifice of native vegetation with the initial dropping of a basin's water table. This being an undesirable outcome, we stress the opinion that your document must acknowledge the inadvisability of obtaining additional water for restoration projects from any basin where "operation" for your project will contribute to or cause exceeding historical depths. (Appendix E)

The further shrinking of our functioning ecosystems must not be an outcome of reclamation plans. Reclamation is speculative. Protect existing functional systems. Sloughs, ephemeral springs and streams all provide the diverse habitat range and historic cycles needed to support the preservation of our ecosystem as well as our endangered species.

How can we accept the ERPP as adequate for the Sacramento Valley basins with the assumed reallocation of groundwater envisioned for restoration? These reallocations must be addressed as a whole rather than considered as a single pump decision taken in isolation. The M&T study conducted by DWR stresses the reallocation implications in light of project frequency as well. That report envisions conditions justifying conjunctive use water sales in 12 out of 20 years if the last 20 years are a cyclic indication. (Appendix F) How can you factor this activity and the resultant "willing sellers" into your program without adequate study of this practice and its proposed application?

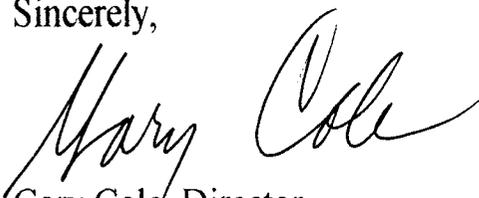
The following questions must be addressed:

- How workable is your ecosystem restoration plan without the conjunctive use water sales component? Identify what aspects would be dropped.
- How can you propose a much larger scale groundwater reallocation through willing sellers without comprehensive studies when from experience the smaller Water Bank sales have been controversial?

- What research will be done to establish the environmental safety of this kind of direct or indirect groundwater export before this long term reallocation will be used?
- What criteria will be used to determine if degradation occurs after environmental water reallocation is initiated, who will be monitoring, evaluating the environment, and what frequency of evaluation will be established ?
- How timely will an evaluation be when considering the risk to healthy ecosystems of dropping groundwater levels? An example of this concern is the risk to old growth oak stands which are unlikely to be restored once lost.
- What mechanism is anticipated to identify lost range for wildlife and plant population resulting from altered hydrologic cycles in areas contributing environmental water?
- What safeguards or independent scientific review boards will be established to protect the environment against deniability from participating agencies and water market participants?

Thank you for attention to our concerns. We look forward to hearing from you.

Sincerely,



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Draft Programmatic EIR's Comments

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