

This proposed project may significantly affect the quantity and quality of water in the Big Sur River, including subterranean flows, and impact resources that are dependent on the riverine environment. In addition, place of use impacts on and adjacent to the 292 acres where the water is proposed to be discharged must be evaluated. The DEIR must include information from surveys that have been conducted to assess the presence of special status species and habitats, as well as addressing the potential for impacts to occur to these resources as a result of implementation of the proposed diversion and application of water as irrigation. In addition, analysis of the quantity and quality of water remaining in the stream after this proposed diversion as well as the other diversions within the watershed is critical in assessing the type and magnitude of impacts to sensitive resources.

A number of sensitive resources are either known or believed to occur in association with the riverine habitat of the Big Sur River including but not limited to:

1. Steelhead - South/Central California Coast ESU (*Oncorhynchus mykiss*), listed as threatened under the Endangered Species Act (ESA) and a California species of special concern;
2. Tidewater goby (*Eucyclogobius newberryi*), listed as endangered under the ESA and a California species of special concern;
3. California red-legged frog (*Rana aurora draytonii*), listed as threatened under the ESA and a California species of special concern;
4. Coast range newt (*Taricha torosa torosa*), a California species of special concern;
5. Southwestern pond turtle (*Clemmys marmorata pallida*), a California and Federal species of special concern;
6. Two-striped garter snake (*Thamnophis hammondi*), a California species of special concern;

7. Pacific lamprey (*Lampetra tridentata*), a species in decline; and

8. Central California Sycamore Alluvial Woodland, a rare and declining natural community of high inventory priority to DFG.

Surveys should be conducted at the appropriate time of year to determine if: 1) these resources occur on the project site, and 2) if the proposed project will have any impacts to these resources. Measures should be identified which would avoid or minimize all identified potential impacts to public trust resources.

Of particular concern to DFG is the information which will be needed to assess the effects that diversion of 1800 acre-feet (af) of water will have on the flows of the Big Sur River and the resources supported by those flows. The applicant submitted a report entitled *El Sur Ranch Hydrologic Investigation*, an analysis of the river prepared by Jones and Stokes Associates (JSA) in April 1999. This report was reviewed in October 2001, by the Department of Conservation's Division of Mines and Geology (DMG) through an interagency contract with DFG (see attached). DMG found a number of deficiencies with the JSA analysis. We request that the deficiencies identified by DMG be addressed.

A water availability analysis should be conducted to determine if this application, in addition to flows currently diverted from the Big Sur River, would significantly reduce the water available for public trust resources in the vicinity of the diversion. Such an analysis should include a water budget which would address water availability and water consumption in the watershed, and propose defensible flow reservations for the various trust resources dependent on the riverine environment. The water analysis should be stratified by five water year types (Wet, Above Normal, Median/Average, Below Normal/Dry and Critically Dry); and segregated base on 20 percent-40 percent-60 percent-80 percent exceedence flows. We

recommend that an Instream Flow Incremental Methodology (IFIM), or other fisheries flow analysis that is acceptable to DFG and the National Marine Fisheries Service, be conducted in order to define flows necessary to support public trust resources. Analysis should also address the effects the diversion has on water temperature, riparian health and canopy, salinity, and other water quality parameters which may be influenced by the diversion.

Discharge of 1800 acre-feet of water onto the upland environment can have a number of impacts, ranging from acceleration of seabluff retreat and coastal erosion, increased runoff that can lead to erosion and sedimentation, alteration of habitats, and decline of associated species. In the vicinity of the place of use for WA 30166, a number of sensitive resources are known or have the potential to occur, including but not limited to:

1. Smith's blue butterfly (*Euphilotes enoptes smithii*), listed as endangered under the ESA;
2. Monarch butterfly (*Danaus plesippus*) wintering sites;
3. Black swift (*Cypseloides niger*), a California species of special concern;
4. Little Sur manzanita (*Arcotostaphylos edmundsii*), of which the form found in the area (*parvifolia*) is listed as California rare;
5. Monterey paintbrush (*Castilleja latifolia*);
6. Hutchinson's larkspur (*Delphinium hutchinsoniae*);
7. Fragrant fritillary (*Fritellaria liliacea*);
8. Dudley's lousewort (*Pedicularis dudleyi*), listed as California Rare;
9. Adobe sanicle (*Sanicula maritima*), listed as California rare;

10. Maple-leaved checkerbloom (*Sidalcea malachroides*); and
11. Central Dune Scrub and California Oatgrass Grassland, sensitive natural communities of high inventory priority to DFG.

Surveys should be conducted at the appropriate time of year to determine if these resources occur on the place of use for the project site and, if so, what the impacts on these resources will be as a result of the proposed project. Other potential place of use impacts, such as accelerated bluff retreat, coastal erosion, or other erosion and sedimentation, should be identified and evaluated, and measures proposed to avoid or minimize all identified potential impacts. This should include identification of irrigation technology which would maximize water conservation, and/or other measures intended to reduce water demand.

While the NOP refers to the diversion of 1800 af for use on 292 acres, it does not provide information on the amount of water also diverted by the applicant under riparian claim for use on 90 acres of El Sur Ranch property. Any use of additional water under a riparian claim, above the 1800 af requested in WA 30166, should be disclosed to allow adequate assessment of the full potential impact of this project. Even if the total amount of water diverted is limited to the 1800 af requested, our agency believes that 6 af per acre is far in excess of that necessary for the proposed beneficial use of pasture irrigation and may constitute waste, unreasonable use, or unreasonable method of use balancing the proposed use against the potential significant impacts on this sensitive area. In addition, this amount may not be consistent with either the amount that the applicant has a legal right to use or the historic use of the wells in question. This latter issue should be addressed in order that the CEQA baseline for evaluation of impacts be appropriately established; we agree with SWRCB's initial determination that the baseline should be the pre-project condition in 1975, and we would be concerned if the unpermitted use of water would provide the only basis

for establishing a new baseline. Information needed to establish baseline use should include data such as parcel and water right conveyances, easements, well logs, water meters, or electrical bills demonstrating water use, or other information that would clarify historic use and basis for any riparian rights.

The DEIR needs to identify whether this request, in combination with other allocations from the Big Sur River, would be consistent with the *Big Sur River Protected Waterway Management Plan*, prepared in April 1986 by the County of Monterey. In addition, the diversion itself and the impacts on the place of use need to be evaluated for consistency with the Big Sur Local Coastal Plan; with the terms and conditions of any conservation easement placed over the El Sur Ranch lands; and terms and conditions which may have been placed at the time of conveyance of Department of Parks and Recreation (DPR) lands from Frances Molera to The Nature Conservancy and from The Nature Conservancy to DPR. DFG requests full disclosure of the location of all water use, including whether any portion of this will require an out-of-basin transfer. Significant additional impacts may result from such an action. The diversion needs to be evaluated for consistency with any Monterey County policy or other policies which may preclude or counsel against such transfers.

Thank you for the opportunity to identify information needed to adequately analyze the effects that the proposed project may have. Should you have any questions regarding our comments, please contact Deborah Hillyard, Staff Environmental Scientist, at (805) 772-4318; or Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Attachment

cc: See next page

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