



CALAVERAS COUNTY WATER DISTRICT

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March 16, 2017

Via email: commentletters@waterboards.ca.gov

Public Comment
2016 Bay-Delta Plan Amendment & SED
Deadline: 3/17/17 12:00 noon

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814-0100



Re: Comment Letter – 2016 Bay-Delta Plan Amendment & SED

Dear Ms. Townsend:

Calaveras County Water District ("CCWD") appreciates the opportunity to comment on the State Water Resource Control Board's ("Board") Recirculated Draft Substitute Environmental Document in Support of Potential Changes to the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary: San Joaquin River Flows and Southern Delta Water Quality ("SED"), released for comment on September 15, 2016.

Stanislaus River Water Rights and CCWD Resource Management Objectives

CCWD is a county water district whose boundaries encompass approximately 650,000 acres of land ranging from the valley floor of the San Joaquin Valley to the Sierra Nevada Mountains. CCWD holds significant water rights, including, but not limited to, water rights on the Calaveras and Stanislaus Rivers. Among other rights, CCWD holds the oldest pre-1914 water rights on the Stanislaus River as well as significant post-1914 consumptive permitted rights for both storage and direct diversion.

Within the Plan Area as defined in the SED, CCWD holds re-diversion rights at Lake Tulloch. This service area includes year-round and seasonal residential populations as well as significant recreational use and commercial use.

The unimpaired flow regime proposed in the SED may result in impacts far upstream of the "rim dam" on the Stanislaus: New Melones. CCWD has a long-term objective of maintaining safe, affordable and reliable access to water for our residents, communities, and upstream-ecosystem. This includes management of headwaters, watersheds and forests, and restoration of upstream ecosystems. District efforts include its Urban Water Management Plan, Capital Improvement Plan, participation in two Integrated Regional Water Management Plans (Mokelumne, Amador, Calaveras and the Tuolumne-Stanislaus) and a Groundwater Sustainability Agency in the Eastern San Joaquin Groundwater Subbasin. In short, CCWD carries out ongoing planning efforts to optimize the beneficial utilization and responsible stewardship of its natural resources. While CCWD strives to achieve its goals, it is appreciative of

the Board's attempts to resolve the challenges of a sound, sustainable, water quality control plan for the Delta. As the Board conducts its analysis, CCWD requests that its Stanislaus River consumptive water rights be considered in full.

Groundwater Management

CCWD overlies the critically over-drafted Eastern San Joaquin Groundwater Sub-basin, and has a long history of proactive management of groundwater resources in the region. Prior activities have included CCWD's groundwater management plans of 2001 and 2007. CCWD's role in managing groundwater resources within the Stanislaus River watershed and the sub-basin will continue under the Sustainable Groundwater Management Act (SGMA). Specifically, CCWD is currently forming a Groundwater Sustainability Agency in conjunction with other local agencies in Calaveras and Stanislaus Counties and will continue to responsibly manage groundwater resources.

Given its significant surface water resources and its responsibilities under SGMA, CCWD intends to put its resources to use for the benefit of the region and assist in bringing the over-drafted groundwater sub-basin into a sustainable condition. The District requests that its role and efforts be incorporated into the Board's analysis.

CCWD is concerned that the SED has not adequately identified or analyzed impacts to CCWD's interests – including but not limited to water supplies and sustainable groundwater management – and must be revised to include such analysis and disclosure. The very purpose of CEQA is, among others, to disclose to the public the significant environmental effects of a proposed discretionary project and to fully disclose to the public the agency's decision-making process¹. In its current form the SED does neither.

Integrated, Comprehensive Solution for the Delta

A healthy functioning Delta ecosystem as proposed in the Delta Plan² will not result from the application of an unimpaired flow regime for San Joaquin River tributaries or even additional (Phase II) Sacramento River main-stem and tributary flows. The need is for a more comprehensive, long-term, sustainable, ecosystem-based management program that addresses the co-equal goals³ of Delta Policy. This will require a focus on the multitude of species dependent on the Delta and its tributaries, including their requisite habitat and life cycle requirements. By definition this will include non-flow actions such as the management of predator species, the creation of suitable habitat,

¹ Ca. Pub. Res. Code. §21000 et seq.

² CWC §85059

³ CWC §85020, §85021 and §85054

a coordinated water export/net Delta outflow operation, as well as pollution control, floodplain management, stream channel restoration and effective groundwater management and recharge. Integrated resources management will be essential to achieving the protection of beneficial uses of water as well as sustaining the Delta ecosystem.

A rigorous science program coupled with real-time adaptive management, so as to better inform Delta managers and the Board consistent with the restoration objectives, must support these efforts. The SED's proposed unimpaired flow application to tributaries is not linked to any clear ecosystem objective. Indeed, the Delta Independent Science Board has called for the use of a more natural flow regime created to meet specific aquatic ecosystem needs based on location, duration, quantity, and temperature. An unimpaired flow "solution" will fail absent the use of other integrated resource actions as noted above.

Such a comprehensive approach can best be achieved through collaborative, voluntary solutions created and supported by local water government agencies, NGO's, the California Natural Resources Agency and other state and federal agencies. The utility of negotiated agreements are a proven approach to resolving complex resource management challenges. Resource managers as well as local, state, and federal agencies have supported these sorts of voluntary agreements that in turn produced successful outcomes. We urge the Board to allow the time, following the end of the SED comment period, for the development of such voluntary agreements, as encouraged by the Governor's office.

In summary, as the Board moves towards implementing its requirements under the Bay-Delta Plan, CCWD stands ready to be a willing partner to assist in meeting both the Board objectives as well as improving regional conditions. CCWD believes the Governor's September 19, 2016 call to work towards voluntary agreements achieves these ends, and welcomes the opportunity to cooperatively work on the solution. We therefore request that CCWD be included in any "settlement" discussions related to the Stanislaus River and its tributaries.

Thank you for your consideration of these comments.

Sincerely,

CALAVERAS COUNTY WATER DISTRICT



Dave Eggerton
General Manager

