



October 30, 2015

Karla Nemeth
Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814

Re: California Water Fix – The Importance of Regional Sustainability in the North State

Dear Ms. Nemeth:

The North State Water Alliance (*Alliance*) provides comments today on the California Water Fix and the related environmental documents, including detailed supporting technical analyses.

The *Alliance*, which came together to promote responsible statewide water solutions that protect the economy, environment and quality of life for the north state and for all Californians, remains committed to help the Administration implement a comprehensive California Water Action Plan (Action Plan). In fact, we are undertaking various efforts in the north state to meet the Action Plan's "three broad objectives: more reliable water supplies, the restoration of important species and habitat, and a more resilient, sustainably managed water resources system (water supply, water quality, flood protection, and environment) that can better withstand inevitable and unforeseen pressures in the coming decades." The *Alliance* partners are working with state and federal agencies to advance local and regional water management to support many beneficial purposes, including cities and communities, farms and forests, fish, birds and recreation.

Today, as part of our ongoing efforts to advance our region's sustainability, we are providing detailed technical comments expressing our concerns with the draft California Water Fix and the way in which it would impact regional sustainability in the north state. In sum, we remain concerned that Alternative 4(a) has not addressed our earlier comments (*see* July 28, 2014 letter and comments) regarding how the proposed project would redirect impacts--both water supply and financial--to the north state. In our view, the Administration should not advance the interests of one part of the state to the detriment of other parts of the state—in this case by redirecting impacts from the Bay-Delta to upstream areas and impeding upstream efforts to maintain or promote regional water sustainability. To avoid this conflict, the *Alliance* is committed to work with you and the Administration to develop a coordinated approach to managing the Delta as called for in the Action Plan.

More specifically,

- The California Water Fix appears to be designed to require additional flows into the Delta that would directly reduce available water supplies, both surface and groundwater, for the north state's economy and environment. Unfortunately, the California Water Fix and its environmental document do not identify or sufficiently address these impacts. This is particularly a problem with the pending change petition process before the SWRCB, where the petitioners must demonstrate that "the change will not operate to the injury of any legal user of water" and fish and wildlife will not be affected.
- The operations, although not adequately described in the documents, seem to pose a threat to our ability to serve water for various north state beneficial purposes—both now and into the future.
- California Water Fix does not demonstrate that it can meet the biological needs of covered salmonid and pelagic fish species and is more likely to harm these species than contribute to their recovery.

The Cal Water Fix Project is a "Covered Action" under the Delta Plan and must demonstrate consistency with the Delta Plan. For the reasons described in our comments, the Project, including the RDEIR/SDEIS, is inconsistent with the Delta Reform Act's co-equal goals for the Delta and numerous key Delta Plan policies because it fails to use the best available science; fails to properly define adaptive management; and will increase adverse effects to aquatic life. Thus a finding of consistency cannot be made.

As the *Alliance* has consistently stated, California needs to improve its water supplies, not just improve water conveyance across regions. The *Alliance* believes that the California Water Fix, as currently described, does not solve the state's water supply reliability problem, does not further the co-equal goals, and has the potential to cause significant impacts to the north state.

The technical supplements with our detailed comments are available at www.northstatewater.org.

The *Alliance* looks forward to engaging with you, the Administration, the project proponents, and various other parties to craft strategies that improve water sustainability statewide.

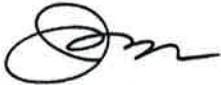
Sincerely,



David Guy
President
Northern California Water Association



Mike McKeever
Chief Executive Officer
Sacramento Area Council of Governments



John Woodling
Executive Director
Regional Water Authority



John Kingsbury
Executive Director
Mountain County Water Resources Association



Peter Tateishi
President and CEO
Sacramento Metro Chamber

Cc: State and Federal Officials
NSWA Participants

Statement of Sacramento River Settlement Contractors

NRDC Lawsuit on Sacramento River

November 10, 2015

The Sacramento River Settlement Contractors (SRSCs), representing approximately 450,000 acres of irrigated agriculture in the western Sacramento Valley, are extremely disappointed by the two motions filed on November 9 by the Natural Resources Defense Council, the Bay Institute and other environmental organizations who, for the past decade, have challenged the validity of the water rights settlement contracts executed in 2005 between the SRSCs and the Bureau of Reclamation (Reclamation). These settlement contracts have been in place for over 50 years, and are a fundamental operating component of the Central Valley Project and the statewide water system. Further, the SRSCs are disappointed by the disregard for the truth evidenced by NRDC and its partners in the media releases that accompanied their court filings. NRDC and its partners have blatantly misrepresented the actions of the SRSCs, as well as state and federal regulatory agencies, to reduce the impacts of the drought on fish, waterfowl and other beneficial purposes.

2014 and 2015 were two of the driest years on record and were the most challenging on the Sacramento River. To help Reclamation operate the water system in a flexible manner, the SRSCs voluntarily deferred their diversions during these unusual years in the spring to help provide more cold water for salmon and in the fall for birds along the Pacific Flyway. In October, there was 440,000 acre-feet more water in Lake Shasta than at this time last year, in largely due to the efforts by the SRSCs to collaborate and flexibly manage the water system for salmon and other beneficial purposes.

NRDC and its partners make unsubstantiated statements that the SRSCs “illegally diverted water,” and that there was “federal mismanagement of limited water supplies.” In fact 2015 was one of the most carefully managed years in recent history with an operations plan that was approved by the State Water Resources Control Board, California Department of Fish and Wildlife, and the National Marine Fisheries Service with real time meetings occurring to ensure that operations were protective of fish. NRDC’s own attorneys admit and reference these meetings and consultations in their litigation papers.

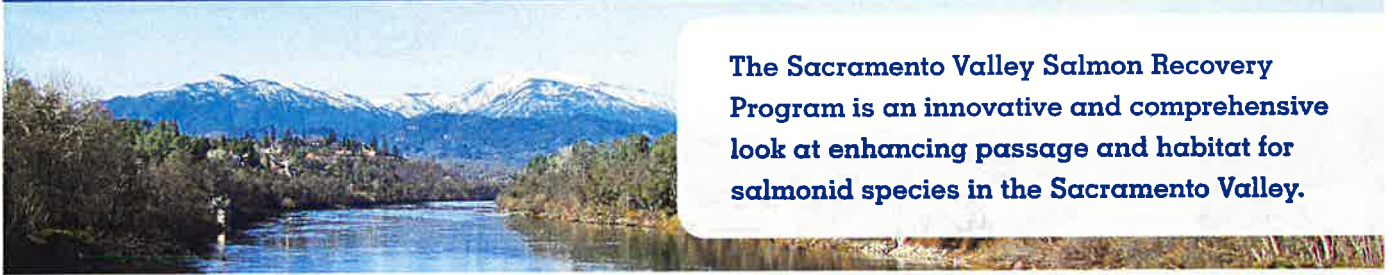
This court filing is another example of NRDC’s exclusive and very limited focus on litigation. Rather than work collaboratively with the SRSCs to develop creative new projects that actually benefit fish and the environment, NRDC and its partners have proven, once again, that their only approach to environmental challenges is to file more lawsuits.

In contrast, the SRSCs have collaborated with solution-oriented environmental organizations to manage water along the Sacramento River for the benefit of salmon and birds. These organizations include American Rivers, The Nature Conservancy, California Trout, Audubon California, Ducks Unlimited, California Waterfowl Association, Point Blue and many others. The *Sacramento Valley Salmon Recovery Program* is one of these innovative programs. This collaboration is all devoted to providing water for the environment, the economy and the communities of the Sacramento Valley.

The SRSCs and Reclamation cannot manage water for only one purpose as suggested by NRDC’s new legal filings. Instead, the SRSCs will continue to work with the federal and state agencies to manage water resources in the Sacramento Valley for multiple beneficial purposes that include water for cities, rural communities, farms, fish and wildlife and their habitats.

For additional information, please contact Lewis Bair at lbair@rd108.org, (530) 437-2221 or Thad Bettner at tbettner@gcid.net, (530) 934-8881.

Sacramento Valley Salmon Recovery Program



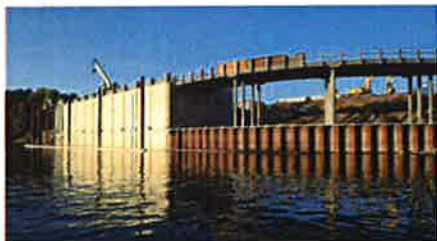
The Sacramento Valley Salmon Recovery Program is an innovative and comprehensive look at enhancing passage and habitat for salmonid species in the Sacramento Valley.

The Sacramento River is home for four runs of Chinook salmon: spring-run, fall-run; late fall run and winter-run. The spring-run and winter-run Chinook salmon as well as steelhead and green sturgeon are listed as either threatened or endangered by state or federal agencies. All of these fish are anadromous, which means that they move from salt water to fresh water to spawn.

There has been tremendous progress on projects that have had a positive impact on salmon, yet more work is ahead. As we look forward, the next salmon recovery priorities, which make up the Sacramento Valley Salmon Recovery Program, include the actions in the three categories listed below.

These priorities were originally developed as part of Dave Vogel's 2011 comprehensive report, *Insights into the Problems, Progress and Potential Solutions for Sacramento River Basin Native Anadromous Fish Restoration*. Importantly, the priorities complement the objectives contained in the National Marine Fisheries Service's Recovery Plan for the Sacramento River and Governor Brown's California Water Action Plan, and thus provide a comprehensive framework for the next generation of projects with state and federal agencies to benefit salmon in the Sacramento Valley.

Sacramento Valley water users and conservation partners are working together to advance this next generation of salmon projects, which includes:



1 Fish Passage Improvements and High-Priority Fish Screens — On the Sacramento River and its tributaries, many of the priority projects involve the removal of structural barriers to fish passage. Improving fishways, modifying riffles and eliminating predator habitat are examples of passage improvements included in the recovery program. Also, with the completion of the Meridian Farms Water Company, Natomas Mutual Water Company and Reclamation District 2035 Fish Screen Projects on the Sacramento River, all of the original high-priority diversions in the region will have been screened.

2 Re-Managing Flows — Improving flow timing on the Sacramento River and its tributaries is another priority that has been identified to improve salmon recovery in the Sacramento Valley. There are now opportunities to build upon previous flow agreements and develop and implement appropriately timed flows by: **a)** coordinating diversions on the Sacramento River to improve spawning juvenile salmonid survivability while also providing habitat for the Pacific Flyway. **b)** implementing projects to enhance flows on Deer and Mill Creeks will improve migration opportunities for Spring-run salmon.

3 Habitat Improvements — Habitat improvement projects have been identified as priorities on the Sacramento River and its tributaries to aid adult salmonid holding and spawning as well as juvenile salmonid rearing. Project examples include floodplain restoration, the creation of side channel spawning and rearing areas, the addition of habitat structures and spawning gravel, as well as innovative projects to create rearing habitat in rice fields.

While each of the projects included in the program provide independent value, the comprehensive implementation of the program through this creative partnership will help advance salmon recovery in the Sacramento Valley.

Sacramento Valley Fish Screen Program

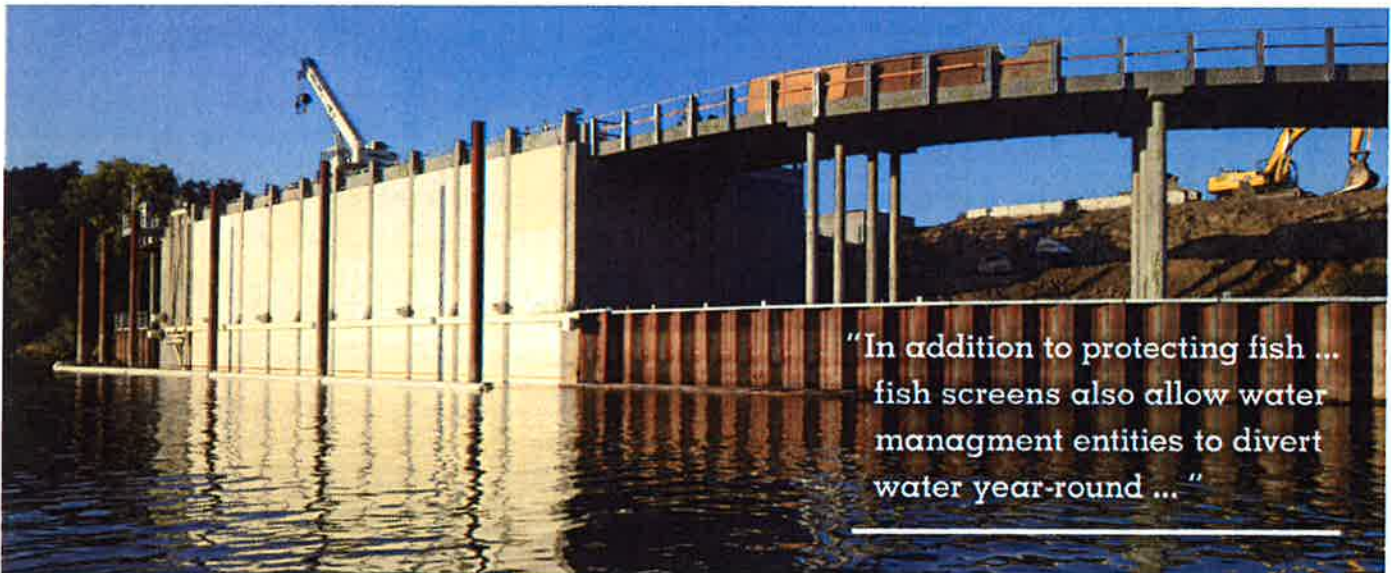
Nearly all of the major water diversions in the Sacramento Valley now pump water through state of the art fish screens. The fish screens, which create a barrier between fish in the river and the pumps diverting water from the river, protect both adult fish that are migrating up the river to spawn as well as resident or out-migrating juvenile fish.

In addition to protecting fish in the river, fish screens also allow water management

entities to divert water year-round, allowing diversions in the fall and winter months to provide habitat for the waterfowl, shorebirds, raptors and other species that utilize the Pacific Flyway.

In the mid-1990s, the Anadromous Fish Screen Program (AFSP), which consists of representatives from the state and federal fisheries agencies, created a comprehensive list of the diversions the program considered its highest priorities for screening.

Since that time, of the almost 30 diversions that were identified as a high priority by the AFSP, all but three have been screened. The three remaining diversions are in the process of being screened and could all be completed as soon as 2018.



Re-managing the Flow

The major rivers and streams of the Sacramento Valley provide essential pathways for spawning salmon and steelhead. Flow agreements to benefit these fish are on every major watercourse in the Sacramento Valley.



Trinity and Shasta Lakes are important sources of cold water storage. Timing the release of this cold water into the rivers is vital if spawning fish are to thrive.

Trinity Lake

Shasta Lake

Whiskeytown Reservoir

Keswick Reservoir

Clear Creek

In May and June, water is pulsed into Clear Creek to attract Spring-run salmon from the Sacramento River. From June through October, water released from Whiskeytown Reservoir keeps water temperatures cool.

Sacramento River Tributaries

Various flow agreements benefit spring run salmon.

Feather River

A water quality certification adopted in 2010 provides for specific flow and temperature requirements to accommodate spawning salmon and steelhead.

Yuba River

In 2008, the Yuba River Accord increased the streamflow requirements over previous levels, which benefits fish while insuring sufficient water supplies for irrigation and municipal uses.

Sacramento River below Keswick Dam

In 1960, flow objectives were established for the protection of fish and wildlife. In 1990 and 1991 this policy was modified requiring more cold water when warmer temperatures would be harmful to fish.

Sacramento River at Wilkins Slough

The Rivers and Harbors Act of 1935 mandated a specific flow rate at Wilkins Slough be maintained. The primary goals at that time were navigation and flood control. In 1992, Congress made protection of fish and wildlife a secondary goal and this requirement was updated in 2009.

Sutter Buttes

New Bullards Bar Reservoir

Folsom Lake

American River below Nimbus Dam

In 2000, the Flow Management Standard was developed, which established minimum flow standards to improve the conditions for fall-run Chinook salmon and steelhead. Additionally, releases are adjusted to maintain sufficiently low water temperatures for steelhead rearing in summer and Chinook spawning in the fall.



For more details visit www.norcalwater.org/efficient-water-management/instream-flows/

Priority Projects 2015-16

Sacramento Valley Salmon Recovery Program

The following are the priority projects that are being actively pursued by project champions participating in the Salmon Recovery Program (**Project Champions are in Bold Print**). To effectively implement the Salmon Recovery Program, the various partners in the program are “adopting” projects,

becoming the champion for the project and leading efforts to get the project implemented. Many of the project champions are adopting projects that are not located within their service area, with some projects sited many miles outside of the water management entity’s boundaries.

Sacramento River Settlement Contractor Projects

- Restoration of Painter’s Riffle on the Upper Sacramento River (Project Completed in 2014). **Glenn-Colusa Irrigation District**
- Creation of spawning riffle near the Market Street Bridge. **Glenn-Colusa Irrigation District**
- Restoration of 2 side channels on the Upper Sacramento River. **Glenn-Colusa Irrigation District**
- Tisdale Bypass, Notch Tisdale Weir; install operable gate and false weir. **Sutter Mutual Water Company**
- Add salmon rearing habitat structures in the upper Sacramento River (pilot projects). **River Garden Farms**
- Yolo Bypass, Tule Canal Fish Passage - Replace failed crossings with operable gates in the Tule Canal to prevent fish stranding and create 130 acres of high quality floodplain rearing habitat. **Cal Marsh and Farm, CalTrout & DWR, USBR, American Rivers**
- Yolo Bypass, Fremont Weir Fish Passage Enhancement Project: Retrofit fish passage structure in Fremont Weir to allow connectivity with river at 22 feet. Interim project will facilitate annual upstream migration of adult salmon and sturgeon & facilitate studying feasibility of entrainment of salmon juveniles from river into Bypass without disrupting Yolo Bypass land uses. **Cal Marsh and Farm, CalTrout & DWR, USBR**
- Yolo Bypass, replace Wallace Weir to block adult salmon entry into Colusa Drain and re-direct attraction flow to Tule Canal; incorporate a year-round fish capture facility to facilitate temporary trap and haul needed until passage created through Fremont Weir. **Cal Marsh and Farm, CalTrout & DWR, USBR**
- Yolo Bypass, Floodplain rearing on managed agricultural floodplains in Yolo Bypass and satellite locations throughout the Valley. **CalTrout & Cal Marsh and Farm**
- Cut earthen channel from Tule Canal to Fremont Weir; redesign Fremont Weir fishway. **Cal Marsh and Farm, CalTrout & DWR, USBR**
- Sutter Bypass, Replace Weir 1 with operable bladder-type weir, to solve adult fish passage, create floodplain rearing habitat for juvenile salmon, improve winter water management for managed wetlands on Sutter National Wildlife Refuge and a develop a Sutter Bypass water management plan. **Sutter Bypass Butte Slough Water Users Association, Tule Basin Farms, Cal Marsh and Farm, CalTrout, USF&W**
- Colusa Drain, Eliminate adult salmon passage through Knight Landing Outfall Gates (KLOG) using a physical barrier. **Reclamation District 108**

Upstream Tributary Projects

- Implement Deer Creek floodplain restoration projects to improve channel complexity and rearing habitats. **Deer Creek Conservancy and American Rivers**
- Increase late spring flows and fall flows in lower Deer and Mill Creeks for access from the Sacramento River including water rights acquisition, conjunctive use wells and water use efficiency plans and improvements. **Los Molinos Mutual Water Company and The Nature Conservancy**
- Modify critical riffles periodically near the mouth of Mill Creek to facilitate passage for migration. **Los Molinos Mutual Water Company and The Nature Conservancy**
- Improve fish passage at the Cemetery Ditch siphon on Mill Creek. **Los Molinos Mutual Water Company and The Nature Conservancy**
- Gravel additions and increased channel complexity in Mill and Deer Creeks. **Los Molinos Mutual Water Company**



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Collaboration maximized water resources in drought

As we start a new water year in California, it is valuable to take stock of how the Sacramento Valley endured during the fourth consecutive year of dry conditions.



Fritz Durst
Special to The Bee

As we have seen in Northern California, with little snow and rain, there was reduced water for cities and rural communities, farm fields were left fallow, our wildlife refuges and rice lands had less food and water for waterfowl and shorebirds, and there was less water in the rivers for migrating salmon.

As a fourth-generation farmer and conservationist in Yolo and Colusa counties, I have seen firsthand how people have struggled without water, while also watching and appreciating the tremendous efforts that many people have made to get us through this year. In the Sacramento Valley, we are not only blessed with a beautiful valley, we also have a culture of success and hard work that was key to getting us through this challenging year.

It is important to acknowledge, that despite conventional wisdom about water wars, we did not get through this year by filing lawsuits, arguing over abstract water principles, challenging contractors or attacking somebody else's water use.

In the Sacramento Valley, we followed a different path - one where water resources managers worked closely with progressive environmental and conservation leaders and state and federal agencies. We all rolled up our sleeves to maximize every drop of available water for the wonderful mosaic of cities and rural communities, farms, fish and birds throughout the region.

As an example, during the past several dry years, the water suppliers on the Sacramento River joined to work with federal and state agencies, including the fishery agencies, to develop and then implement a Sacramento River operations plan that was primarily designed to protect winter- and fall-run salmon, while also providing water for farms, wildlife refuges and managed wetlands.

Under the operations plan, water released from Shasta Lake served triple duty by first providing water for spawning salmon, and then for downstream use by farms, wildlife refuges, managed wetlands and cities. As a result, there is now 440,000 acre-feet more water in Shasta Lake than this time last year for salmon and other purposes.

Additionally, Sacramento Valley water suppliers

are partnering with leading environmental organizations - The Nature Conservancy, American Rivers and California Trout - on the Sacramento Valley Salmon Recovery Program, which provides a comprehensive plan for the next generation of projects to benefit salmon.

The water suppliers have screened their diversions to keep salmon safe in the rivers; they have changed their diversion schedule and remanaged the flow of water throughout the Valley to provide cold water and pulse flows for the benefit of spawning and migrating salmon; and they have formulated and implemented projects that will improve spawning habitat and the migratory corridors along the rivers. Importantly, this program will implement the federal National Marine Fisheries Service's Salmon Recovery Plan for

the Sacramento River and Gov. Jerry Brown's California Water Action Plan. With respect to birds, a broad coalition of environmental organizations that focus on waterfowl and birds are working closely with water suppliers and rice growers to secure water to enhance bird habitat during a dry year when there is little water available. The water suppliers deliver water to the wildlife refuges and the rice lands in the Sacramento Valley, which serve as the critical food source for migrating birds along the Pacific Flyway.

The drought has been difficult, but through the hard work of many people throughout the region, we can maintain the unique beauty and value of our Valley for generations to come.

Fritz Durst is a fourth-generation farmer from Yolo County.