

CALAVERAS COUNTY WATER DISTRICT

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July 27, 2018

Via Electronic Mail

LSJR-SD-Comments@waterboards.ca.gov

Jeanine Townsend

Clerk to the Board

State Water Resources Control Board

P.O. Box 100

Sacramento, California 95814-0100

Re: Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments

Dear Ms. Townsend:

Calaveras County Water District (“CCWD” or the “District”) appreciates the opportunity to provide these comments on the proposed amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the “Bay-Delta Plan”) and the supporting proposed final Substitute Environmental Document (“Final SED”). The proposed amendments to the Bay-Delta Plan generally include new and revised flow objectives for the Lower San Joaquin River (“LSJR”) and its tributaries, as well as a program of implementation for these objectives.

A. Background

CCWD is a county water district whose boundaries encompass approximately 650,000 acres of land that range from the 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, Mokelumne and Stanislaus Rivers. Within the Plan Area as defined in the Final SED, CCWD holds re-diversion rights at Lake Tulloch below New Melones Dam. This service area includes year-round and seasonal residential populations as well as significant recreational use and commercial use.

B. The Unimpaired Flow Requirements are Impermissibly Broad

Unfortunately, the Final SED released on July 6, 2018 does not address the concerns of the District and other water managers in the Stanislaus Watershed. Specifically, the Board

indiscriminately requires an unimpaired flow requirement in the range of 30-50% across the all San Joaquin River tributaries with no consideration for the individual ongoing operations or activities on each watershed. Wide-sweeping actions affecting the economies and large population centers of this magnitude must be addressed with more granularity. The Board is obligated to consider whether the proposed changes would be reasonable “considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.” Water Code § 13000. The proposed unimpaired flow approach adopted in the Bay-Delta Plan does not properly consider impacts on the individual watersheds at issue. Nor does the broadsword approach of unimpaired flow allow for a coordinated approach that utilizes flow and non-flow measures on any individual watershed. As a practical matter, establishing unimpaired flow objectives of 30-50% also greatly diminishes the odds that agencies across the watersheds at issue can effectively proceed with a Joint Settlement Agreement as proposed by the Governor’s Principles for Voluntary Agreements, which contemplate both flow and non-flow measures.

C. The Proposed Amendments Improperly Ignore Impacts Outside of the Bay-Delta

The Proposed Final Amendments would amend the Bay-Delta Plan to add new water quality objectives for the tributaries to the San Joaquin River, which are not within the legal Delta and are not within the waters protected by the Bay-Delta Plan. Impacts to upstream locations outside the legal Bay-Delta, including the District’s service area, have not been considered in the proposed amendments to the Bay-Delta Plan. Adopting water quality objectives without undertaking the statutorily mandated analysis of the competing uses for this water in these areas is improper. Water Code §§ 13170, 13240-13244.

D. The Board Failed to Consult with Groundwater Sustainability Agencies

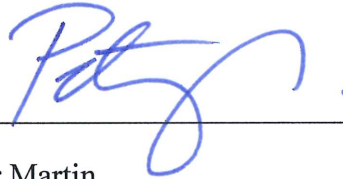
The SED has not adequately identified or analyzed impacts to regional Groundwater Sustainability Agencies’ (GSA) interests and obligations under the Sustainable Groundwater Management Act (SGMA). CCWD partially overlies the “critically overdrafted” Eastern San Joaquin Groundwater Subbasin, and has a long history of proactive management of groundwater resources in the region. Prior activities include CCWD’s groundwater management plans adopted in 2001 and 2007. More recently, the District has formed the Eastside San Joaquin GSA, a multi-agency GSA comprised of Calaveras County, Calaveras County Water District, Rock Creek Water District and Stanislaus County.

CCWD’s role in managing groundwater resources within the Stanislaus River watershed and the sub-basin will continue under partnership with the 17 GSAs covering the Eastern San Joaquin Groundwater Subbasin, the northernmost “critically overdrafted” subbasin according to the Department of Water Resources Bulletin 118. As the lead agency in the Bay-Delta Plan

update, the Board has a duty to consult and request comments from the GSAs, as each GSA is a local agency with jurisdiction and authority over groundwater resources potentially affected by the proposed project. The District does not believe the SED adequately addresses the concerns, nor has the Board consulted with these GSAs throughout this process.

If you have any questions or would like more information about our Comments, please contact CCWD's Manager of Water Resources, Peter Martin, at (209) 754-3094 or peterm@ccwd.org.

CALAVERAS COUNTY WATER DISTRICT



Peter Martin

Manager of Water Resources