



California Water Plan Update 2018
Strategic Water Planning Branch Statewide Integrated Water Management California Department of
Water Resources
P.O. Box 942836 Sacramento, CA 94236-0001
Attn: Francisco Guzman
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RE: Comments to the California Water Plan Update 2018.

Dear Strategic Water Planning Branch Statewide Integrated Water Management California Department of
Water Resources

The California Indian Environmental Alliance is submitting these comments to the California Water Plan Update 2018. We are appreciative of the outreach that DWR conducted in order to update this Water Plan. We would have preferred to have a longer comment period after the Draft document was released since this year has been extremely difficult for communities and Tribes in California and this comment period coincided with multiple other periods for environmental programs and policies.

Our enclosed comments fall into two categories 1) those that suggest changes to the text which will advance the success of the Water Plan through Tribal inclusion in key areas of the plan, and 2) those that express our concern that Projects have been included with bias towards their advancement before review has been properly completed by communities or Tribes.

Executive Summary

Within the Executive Summary ‘List of Challenges to Sustainability’ we recommend including the following in that list:

Traditional Tribal management of ecosystems at the local and watershed scale are missing from all regions in California contributing to the collapse of California’s hydrologic, atmospheric and biological systems and resources

Subsequently within the document we recommend expanding on this bullet to include the following at minimum:

Traditional Tribal management of ecosystems at the local and watershed scale are missing from all regions in California this has contributed to the collapse of California’s hydrologic, atmospheric and biological systems, and the resources that sustainably had provided regional life and contributed to globally to sequester carbon.

Similarly in the Executive Summary, under ‘Bold Action to Overcome Challenges,’ we recommend including:

Empower California Native American Tribes to reintroduce traditional management systems to protect local and global ecosystems from collapse

Subsequently within the document we recommend this be expanded to include:

For over 150 years Tribes have been systematically kept from accessing areas in need of Tribal management activities. This has resulted in mismanagement of riparian zones, forests, upland meadows, wetlands and other fragile ecosystem areas in the state. Tribal activities were the application of local and watershed-wide management strategies developed over thousands of years. This information and the application of those techniques is now often referred to as Traditional Ecological Knowledge. These strategies are what Tribes in California would like to reintroduce in order to restore systems, combat Climate Change and, as quickly as possible, protect resources from extinction. This requires conversations within and among Tribal communities and subsequent actions guided by regional Tribes in coordination with neighboring Tribes in each watershed and with Tribes in other neighboring states.

We recommend that in the **Goals** chart in the Executive Summary and subsequently within the document that the following italicized actions or text be added:

Improve Integrated Watershed Management

1.4 Support the inclusion of California Tribes and Tribal communities in IRWM decision-making bodies

Restore Critical Ecosystems Functions

3.4 Support aquatic ecosystems for fish habitat

Empower California’s Under-Represented or Vulnerable Communities

Add “and statewide” into 4.1 Improve Tribal Involvement in Regional *and Statewide* Planning Efforts

Support Real-Time Decision Making, Adaptive Management, and Long-Term Planning

6.8 Include Tribal Science, Traditional Ecological Knowledge and Tribal Environmental Planning

Initiatives and Investments

In this section the Water Plan Update highlights current initiatives and investments. Of these CIEA is concerned that the **California WaterFix** is not only included, it is being promoted. We do not believe this section should characterize the Water Fix as the best scenario with advancement as being the only solution. This is a dangerous project with potentially deleterious results and one which has not engaged in Consultation with all Tribes and communities whose beneficial uses will be impacted.

The WaterFix is a highly contentious and potentially environmentally destructive Project that as it is currently being pressed through, is larger in capacity than northern California rivers could ever provide without sacrificing the beneficial uses of stakeholders in northern California. It is worth noting that this Project affects more than the Sacramento River since water is transferred into the Sacramento River from

other basins. In this Water Plan Update this Project is mischaracterized as beneficial to all Californians when in reality it will not. It promotes a continuance of non-sustainable methods of farming, agriculture and unsustainable conveyance of water to urban areas. Moving water from river systems has not provided sustainable outcomes to source waters as evidenced in the Owens Valley, where lakes and rivers now run dry, and the Central Valley where subsidence due to over drafting is visibly evidenced.

In our review of the WaterFix project we consulted with Tribes, a distinguished fisheries biologist and a hydrologist. Each expressed concern that the Project plan did not sufficiently protect the continuation of the Sacramento River, Bay Delta, and the San Francisco Bay environmental resources. The project does not sufficiently provide evidence that mitigation can protect the environment from the resulting harms that construction and operations of the Project would have on the ecosystems that provide water to the Sacramento River, nor on those that the Sacramento River supports.

The SWRCB and DWR should not have approved the WaterFix project due to the threat to the continuation of Fish and Aquatic Resources and Terrestrial Biological Resources since they were insufficiently addressed, the impacts neglected, impacts erroneously evaluated, and the Project plan improperly mitigated for damages. The Project plan has not provided details to fully assess the impacts from the Geotechnical Exploration Areas, Temporary Barge Unloading Sites, Concrete Batch Plants, Tunnel Work Areas, or to the source or receiving waters.

We are concerned of the effects on Wildlife Species (BIO-44, BIO-46, and BIO-52) endangered and threatened species and that the following species will be sacrificed regardless:

- California red-legged frog
- California tiger salamander
- western pond turtle
- piscivorous avians (pelicans, cormorants, tern species, gull species, mergansers), shorebirds, waterfowl, mammals (river otters, beavers, sea lions, and harbor seals).

All species have a place in Native American culture and a relationship with Tribal Trust Resources. CIEA contends that the Terrestrial Biological Resources fails to place amphibians in the fish and aquatic resources sections and fails to mention aquatic mammals anywhere in the document. Additionally, the consequences of construction activities on the physiology and behavior across species and life stage fail to be assessed. The WaterFix report acknowledges that “Construction of the proposed project would still result in a long-term impact on recreational fishing opportunities. Consequently, this impact would be significant.” *This should be unacceptable and the Project should be reassessed.*

We are concerned that the Project does not consider or address interbasin transfers & did not conduct Tribal Consultation with impacted Tribes. Tribes outside of the project footprint area were not re-engaged after the release of the Draft EIR when the document was available for review, but, the WaterFix will impact tribes up and down and across the state of California. This means that those Tribes in the source water area were denied the ability to meaningfully participate. The following two interbasin transfers are examples of such water sources:

- a) From Klamath and Trinity Rivers to get the water to the Central Valley, Clear Creek Tunnel transports water 11 miles from Lewiston Reservoir through the Trinity Mountains to Whiskeytown Reservoir, 10 miles southwest of Shasta Dam. Trinity River water is then transported through a 3-mile tunnel to Clear Creek, into the Keswick Reservoir and into the Sacramento River.

b) The Potter Valley Project similarly is an interbasin water transfer which delivers water from the Eel River basin to the headwaters of the Russian River through a diversion tunnel, Grindstone and Stony creeks. This system like many in Northern California is precipitation reliant.

We are not convinced that the “California Water Fix will allow for more natural flows in the Delta to benefit salmon, smelt, and other species.” “California Water Fix involves construction of three new intakes, each with a maximum diversion capacity of 3,000 cubic feet per second, on the east bank of the Sacramento River between Clarksburg and Courtland in the north Delta”. The existing California State Water Project (SWP) comprises more than 700 miles of aqueducts, tunnels, siphons, and pipelines as well as 34 storage facilities, 30 dams, 23 pumping plants, and 9 hydroelectric power generation plants (source: <https://water.ca.gov/Programs/State-Water-Project/SWP-Facilities>), yet we have never seen a report showing the removal or decommissioning of the existing intakes, diversions, pumps, or other export devices. It has failed to show how it will lead to more natural flows to benefit salmon, smelt, and other species.

The WaterFix Supplemental EIR/EIS was Fast-Track and that the comment period was not appropriate or timely especially given the unprecedented fires experienced in northern California in the late summer and fall of 2018. During the summer of 2018 fires took place during the time period that corresponded to the WaterFix comment period. These fires took place in areas that this project may critically impact disallowing those Tribes to provide comment. Since the U.S. Bureau of Reclamation’s NEPA publication had not been released for public review, we have had no way to validate if the modification to the water conveyance facilities addressed in the Supplemental EIR/EIS would reduce the intensity of some of the environmental impacts disclosed for the approved project alongside those modifications yet put forward in the NEPA document.

We recommend that instead of mischaracterizing this Project the Water Plan Update should include the potential of exploring alternative plans to arrive at similar results such as those that reestablish local hydraulic systems, mitigate climate change and promote water reuse in urban and rural source water areas.

Chapter 2 Challenges to Sustainability

In this section CIEA proposes changes to the meaning and intent of the word sustainable. The following language currently in the Water Plan Update 2018 promotes a repressed and myopic definition that will not result in resiliency or sustainability:

“What Is Sustainability? Sustainability of California’s water systems means meeting current needs — expressed by the water community as public health and safety; healthy economy; ecosystem vitality; and opportunities for enriching experiences – without compromising the needs of future generations.”

This is not correct. Sustainability means meeting the needs of future generations and growing our resiliency to provide a widening amount of water and natural resources including natural food systems for future generations. Fish and wildlife could and should sustain future generations. Similarly we are concerned that the Water Plan Update seeks as a goal for sustainability to maintain minimum flows.

We recommend including language to support mechanisms to combat climate change by bolstering natural systems and widening our natural food stocks by addressing the environmental degradation, toxins in our water systems and mitigate climate changes while sequestering carbon. We recommend promoting long-term innovation.

Strengthen Resiliency and Operational Flexibility of Existing and Future Infrastructure

We are concerned that this section of the Water Plan Update does not go far enough to address poor land management or to acknowledge that large capacity storage and water conveyance systems are more damaging to the ecosystems and may be creating infrastructure for future unbridled mismanagement. Smaller systems have a lighter impact, create a more resilient model and collectively could still meet the needs of a wider variety of beneficial uses for a wider variety of stakeholders.

Tribes in water resource areas should be brought back into water infrastructure development and management. There is a dangerous trend to only include communities and Tribes in the footprint area of water projects. This ignores those communities in the source and receiving waters and Tribal water rights. We are concerned that this trend may result in future destruction of watersheds, that it will inadvertently continue to erode water management resiliency, and that it may open the door for unnecessary future legal actions.

Scope and Setting

In this section we recommend that “Tribal” be added in the first sentence of this section so that it reads:

*“Although local, federal, **Tribal**, and other stakeholders play a crucial role in funding water management actions, the scope of Update 2018’s funding recommendations focus on State government...”*

Supporting Documents

In this section of the Water plan update we are surprised that the comments from Tribes in the Russian River Watershed and those Tribal Representatives of the North Coast Resources Partnership (NCRP) and that of the full governance body of the NCRP have not yet been included in this Water Plan Update 2018. Within this section the Water Plan Update includes the following:

Sustainability Outlook Pilot Project: Russian River Watershed (in preparation)

The Russian River watershed was selected as a pilot area because of established relationships. In addition, the innovative and participatory local entities involved have fewer distinctive jurisdictions or agencies compared with other watersheds in the state. As planned, this pilot is applying the outcome-based planning concepts advanced by Update 2018 at a watershed scale.

CIEA is the Tribal Engagement Coordinator of the NCRP and was given instructions to develop comments to the Russian River Pilot Project under the direction of the NCRP Tribal Representatives. These comments expressed that:

“none of the content of this pilot be cited or used by any agency or entity for this or any other watershed management plan, since much of the content was created outside of the stated intent or scope of this pilot. The lack of information for watershed planning goals, matrices, and suggested activities glaring because we were not intentionally informing this portion of the pilot as it was not in the stated scope.”

At minimum we requested that DWR include disclaimer language in the introduction of the document. The following is the accompanying disclaimer that we request be included in this summary of this Project in the California Water Plan Update:

“The Tribal engagement for this pilot was not completed therefore the goals, success metrics and any subsequent actions relying on it would be incomplete and inaccurate. As a first step to utilizing any information in this document each Tribe with traditional territories in the source waters, footprint area or receiving waters must be invited early in planning processes to meaningfully consult with the agency or entity initiating the project.”

Thank you for the opportunity to provide these comments. Should you require additional information including any of the reports we reference in these comments please contact me.

We would be happy to provide more information and support convening North Coast Tribes through our role in the NCRP in order to assist.

Sincerely,

Sherri Norris

Executive Director

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