



July 3, 2003

Mr. Dan Ray  
California Bay-Delta Authority  
650 Capitol Mall, 5<sup>th</sup> Floor  
Sacramento, CA 95814

**RE: Comments on The Nature Conservancy Implementing a Collaborative Approach to Quantifying Ecosystem Flow Regime Needs for the Sacramento River**

Dear Mr. Ray:

The Northern California Water Association (NCWA) continues to have concerns with The Nature Conservancy's (TNC) Ecosystem Restoration Program proposal, "Implementing a Collaborative Approach to Quantifying Ecosystem Flow Regime Needs for the Sacramento River."

NCWA represents nearly 70 water suppliers and individual farmers who collectively irrigate over 890,000 acres of fertile Northern California farmland. Several of our members also deliver water to state and federal wildlife refuges and a large portion of this land serves as important seasonal wetlands for migrating waterfowl, shorebirds and other wildlife.

We have had several conversations with the project proponents and have appreciated their efforts to revise their process. The revised proposal, however, like the earlier proposals, still does not address a fundamental issue involving local feasibility. Specifically, the proposal contains no recognition of the limitations current water supplies, rights, allocations and laws would have on the availability of water for more "naturalized" flows envisioned in the proposal. For example, the proposal on page 13 lists a number of "water-related planning and conservation efforts" currently impacting the allocation and availability of water in the Sacramento River, including: "the Environmental Water Account (EWA), the Environmental Water Program (EWP) the Central Valley Project Improvement Act (CVPIA), the Anadromous Fish Restoration Plan (AFRP), the Integrated Storage Investigation (ISI), the North of Delta Off-stream Storage investigation (NODOS), the Water Management Strategy Evaluation Framework (WMSEF), and the Phase 8 resolution of the State Water Resources Control Board's current Bay-Delta Water Rights Hearings (Phase 8) [Which has subsequently been stayed by the State Board so that the collaborative Sacramento Valley Water Management Program (SVWMP) can be implemented]." The proposal, however, does not recognize the extent to which these laws and programs will limit the availability of water for "naturalized flows" during certain times of the year. Because

this proposal does not consider current water rights, allocations and laws, it is questionable whether it is locally feasible.

Additionally, we have strongly encouraged participation by the TNC and other project proponents in the NODOS Technical Advisory Group (TAG). We hope that this continues. We still believe that the different flow regime studies should be combined for investigation within the TAG, rather than outsourcing specific study elements to different sectors. For CALFED to derive benefit from this proposal, the activities of this study should be incorporated within the NODOS TAG efforts to determine how best to use the available water supplies while meeting multiple CALFED objectives and meeting the timelines called for in the Record of Decision (ROD).

As you know, this application is fraught with underlying controversy within the Sacramento Valley. Opponents to the construction of new, offstream surface water storage projects have suggested that the diversion of water off of the Sacramento River into NODOS during seasonal high water flows will cause environmental harm. Additionally, the project proponent is looking “to restore a continuous 100-mile stretch of ecologically viable riparian habitat to flood-prone lands along the river between Red Bluff and Colusa. On some sites the river will revegetate its banks and meander through the natural process of winter flooding and deposition.” As we move forward on the highly contentious issue of Sacramento River flow regime, CALFED needs to serve as an unbiased entity and recognize that, with the finite water resources, the implementation/funding of one project can come at the expense of another. The appearance of impartiality is critical to the acceptance of flow regime information.

The Sacramento Valley is currently involved in one of the most cooperative and collaborative eras in its history. The SVWMP, outreach to other areas of the state and a more cooperative relationship between state and federal agencies (which has been fostered by the CALFED program) have all contributed to this newfound regional “détente.” In the 2002 CALFED Annual Report, Patrick Wright states, “Our challenge will be to build upon our accomplishments to date with a renewed commitment to the strengths of the program: collaborative, locally based solutions, science-based decision-making, extensive public and stakeholder involvement, strong interagency coordination at all levels, and balanced implementation.” All projects, including the proposal before you, must fit into this CALFED framework.

Please consider this project in the context of the negative effect it can have on the overall CALFED program and the development of regional solutions in the Sacramento Valley.

Sincerely,



Todd N. Manley  
Director of Government Relations

cc: Patrick Wright