

DEPARTMENT OF WATER RESOURCES

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**VIA EMAIL**

April 15, 2020

Governor's Office of Planning & Research

APR 15 2020

Mr. Lynn Phillips
Sutter Extension Water District
4525 Franklin Rd
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STATE CLEARINGHOUSE

SCH# 2020039057, 2020 Sutter Extension Water District 2020 Water Transfer Program
Draft Initial Study and Proposed Mitigated Negative Declaration (Draft IS/MND)

Dear Mr. Phillips:

The California Department of Water Resources (DWR) reviewed the Draft IS/MND for Sutter Extension Water District (SEWD) 2020 Water Transfer Program. DWR has the following comments. These comments are in addition to another letter DWR submitted today regarding rice evapotranspiration rate of applied water.

Biological Resources Mitigation Measure Bio-4 Giant Garter Snake (*Thamnophis gigas*)

Mitigation measure Bio-4 states “[a]reas with known important Giant Garter Snake (GGS) populations will generally not be permitted to participate in the proposed land idling transfer. These areas include lands immediately adjacent to or directly abutting Gilsizer Slough and the lands side of the Toe Drain along the Sutter Bypass.” Mitigation Measure Bio-4 adds, “where land idling for participation in the proposed transfer occurs within areas of known important GGS habitat with a high likelihood of GGS occurrence, SEWD will coordinate with DWR to document that adequate water is maintained in its smaller irrigation and drainage canals.” DWR is concerned that the mitigation measure may not be adequate.

This mitigation measure is inconsistent with the 2019 Long Term Water Transfer EIR/EIS mitigation measure prohibiting areas with known important giant garter snake populations from participating in cropland idling/shifting (see 2019 Long Term Water Transfer EIR/EIS page 3.8.39). Because of this discrepancy, we request the IS/MND provide additional information to explain how **generally** not idling crops for areas with known important GGS populations is an adequate mitigation measure, including under what conditions the project would idle lands in areas with known important GGS populations, how such idling would impact the important GGS populations and how this mitigation measure is adequate. We request an explanation as to how this mitigation measure would provide GGS protection

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equivalent to prohibiting cropland idling/shifting in areas with known important giant garter snake populations.

Biological Resources Mitigation Monitoring and Reporting Plan

Mitigation Plan Bio-1

Mitigation Measure Bio-1 states the maximum percentage of land idled for the project would be limited to 20% of SEWD's irrigable acreage. Please provide the informational basis that demonstrates the 20% cap on idled irrigable acreage adequately mitigates for impacts to GGS.

Monitoring and Reporting Plan

Under the monitoring and reporting plan, SEWD and DWR are responsible for monitoring activities. The activities include SEWD submitting maps to DWR indicating the areas of known important GGS habitat with a high likelihood of GGS occurrence and all lands proposed to be fallowed. Under that plan, it appears that DWR's role is to receive information from SEWD without an opportunity to investigate or comment on its accuracy. If the plan does not provide for DWR's oversight and verification of the information, SEWD needs to explain how DWR limited role results in DWR being responsible for implementing the mitigation.

Mitigation Plan Bio-4

Under this plan, SEWD would coordinate with DWR to document that adequate water is maintained in certain areas.

Monitoring and Reporting Plan

Photos as the exclusive documentation of adequate water is not adequate. DWR requests that the monitoring plan expand to explicitly states that DWR may enter the idling acreage to undertake activities to document compliance with the mitigation measure.

Thank you for this opportunity to comment. Please send future correspondence and questions to:

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If you have any questions or need additional information, please contact me by phone at (916) 653-6840, fax (916) 653-0952, or email Nancy.Finch@water.ca.gov

Sincerely,

Nancy Finch

Nancy Finch

Senior Attorney