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Subject: Comments on the Negative Declaration for the 2020 Temporary Groundwater Substitution Water Transfer (SCH: 2020050212) 6/9/2020
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Attachments: [image001.png](#)

Governor's Office of Planning & Research

Jun 10 2020

Dear Mr. Johnson:

STATE CLEARINGHOUSE

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Negative Declaration (ND) from the City of Sacramento for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. ^[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

It is the mission and responsibility of the Department to manage viable populations of fish and wildlife resources throughout the State. Watershed and aquifer protection, fishery access to headwater reaches, and adequate instream flows for all life stages of fishery resources are focal points of the Department's efforts to manage native populations of fish and wildlife.

Project Description:

The City of Sacramento prepared a Draft Negative Declaration on behalf of Golden State Water Company (GSWC) for a 2020 temporary water transfer wherein GSWC will temporarily transfer up to 2,500 acre feet (af) of its pre-1914 water rights water supplies, made available by groundwater substitution, during the summer and fall of 2020. The proposed transfer is a component of a regional 18,500 af groundwater substitution transfer. Transfer water will be exported by DWR using existing State Water Project (SWP) facilities during the summer and fall of 2020. However, the transfer water may be temporarily stored in San Luis Reservoir for later delivery to an individual Buyer's service area.

Comments:

The GSWC Negative Declaration is submitted in concert with an additional 16,000 af of proposed groundwater substitution water transfers from the City of Sacramento and Carmichael Water District for a cumulative regional transfer of 18,500 af.

Surface Water

This proposed 18,500 af regional transfer is among several other proposed transfers that may impact the Folsom cold water pool in terms of timing and volume of releases to meet downstream diversions. The Department has concerns over the potential cumulative adverse impacts on the sensitive anadromous and/or resident fisheries within the Lower American River (LAR) from water transfer changes to the quantity, timing, and duration of flow. The LAR is considered temperature impaired (U.S. EPA 2003) and water temperatures frequently exceed optimal conditions for summer rearing of juvenile steelhead and for fall-run Chinook salmon (*Oncorhynchus tshawytscha*) spawning in October and November. Folsom Reservoir operations directly influence conditions in LAR. Releases out of Folsom to meet contracted LAR water diversions or 2020 water transfer needs can substantially influence conditions, including temperature, in the LAR. Water transfer releases from Folsom Reservoir can have both positive and negative effects on habitat quality and quantity in the river. Increasing reservoir releases in spring may encourage emigration of juvenile salmonids and improve survival whereas a high-volume transfer completed in summer or fall may cause rearing steelhead to redistribute to less desirable habitat (Snider 2001). The Department recommends close coordination with U.S. Bureau of Reclamation (USBR) and regulatory agencies on the release timing of transfer water out of Folsom to minimize cold-water pool loss associated with a water transfer.

In recognition that Folsom Reservoir summer releases affect LAR habitat quantity and quality and that warming associated with water residence time in Lake Natoma can be minimized at specific reservoir releases, the Department further recommends working closely with USBR on adaptively accounting for transfer water. As opposed to block releases of transfer water that can result in substantial flow fluctuations and a large usage of cold-water pool, the Department recommends optimizing releases to provide stable flows across summer and fall months at targeted release rates which minimize warming in Lake Natoma. Targeting a stable, optimized flow within which transfer water can be accounted for will better maintain rearing habitat for steelhead.

Groundwater

The Department is also concerned with potential cumulative impacts associated with proposed and future groundwater substitution water transfers within or adjacent to the Sacramento Valley - North and South American Subbasins (subbasin numbers: 5-021.64 and 5-21.65) that have the potential to impact groundwater dependent ecosystems. On September 16, 2014, Governor Brown signed into law a three-bill legislative package collectively known as the Sustainable Groundwater Management Act (SGMA). SGMA requires Groundwater Sustainability Agencies (GSAs) to develop and implement Groundwater Sustainability Plans (GSPs) that will ensure long term groundwater sustainability in the state's medium and high priority groundwater basins, including the North and South American Subbasins.

Ecological communities or species that depend on groundwater emerging from aquifers or

on groundwater occurring near the ground surface are collectively known as groundwater dependent ecosystems (GDEs) (23 Cal. Code Regs. § 351(m)). These GDEs include seeps and springs; wetlands and lakes; rivers, streams, and estuaries; and terrestrial vegetation. Water transfers made available by groundwater substitution have the potential to affect groundwater hydrology due to increased groundwater extraction and reduced groundwater recharge. Correlating effects could be temporary and/or long-term declines in groundwater levels, reduction of groundwater storage, depletions of interconnected surface water, land subsidence, and degraded water quality. These effects have the potential to adversely impact GDEs in basins where water transfers are made available by groundwater substitution.

According to the Natural Communities Commonly Associated with Groundwater Dataset (DWR 2018), there are potential vegetated and aquatic GDEs overlying or adjacent to the project locations. SGMA requires GSAs to identify and consider impacts to beneficial uses and users of groundwater, including GDEs, during the development and implementation of GSPs (23 Cal. Code Regs. § 354.16 (g) and Water Code § 10727.4(l)). Therefore, Department staff believe it is essential for the City of Sacramento to ensure water transfer activities are considered in the development of the North and South American Subbasin GSPs to avoid long-term undesirable results to beneficial uses and users of groundwater. The City of Sacramento has the opportunity to provide information on how water transfer activities in the basin may impact GDEs and interconnected surface waters, thereby supporting the development of sustainability goals, minimum thresholds, and measurable objectives within the North and South American Subbasin GSPs.

As outlined in the DWR's 2015 Draft Technical Information for Preparing Water Transfer Proposals and acknowledged in the petition, the City of Sacramento must demonstrate that the proposed groundwater substitution water transfers are consistent with local requirements (DWR 2019). For groundwater substitution transfers, DWR also requires groundwater monitoring and a mitigation plan designed to alleviate possible injury to other legal users of water including environmental users. The Department respectfully requests the City of Sacramento provide groundwater monitoring plans, mitigation plans, documentation demonstrating the North and South American Subbasin GSAs have been notified of the proposed transfer, and details on how the proposed groundwater substitutions will be consistent with local requirements. Effective, comprehensive monitoring will help understand both hydrologic patterns and corresponding habitat/GDE trends to inform both project operations and GSP development. Accordingly, groundwater monitoring should be accompanied by habitat monitoring and designed and deployed to capture seasonal and operational variability and follow accepted technical procedures and best practices established by the USGS (Cunningham 2011) and DWR (DWR 2016) respectively. Monitoring plans and data should be made publicly accessible.

The Department appreciates your consideration of these comments when reviewing the water transfer petitions. If you have questions regarding these comments, please contact Briana Seapy, Water Program Supervisor, at (916) 508-3345 or Briana.Seapy@wildlife.ca.gov or Dylan Wood, Environmental Scientist, at 916-358-2384 or dylan.a.wood@wildlife.ca.gov.

Sincerely,

Dylan Wood

California Department of Fish and Wildlife
Environmental Scientist

(916) 358-2384



REFERENCES

Cunningham, W. L., and C. W. Schalk. 2011. Groundwater Technical Procedures of the U.S. Geological Survey

Department of Water Resources. 2016. Best Management Practices for Sustainable Management of Groundwater.

Department of Water Resources. 2018. Natural Communities Commonly Associated with Groundwater Dataset.

Department of Water Resources. 2019. Draft Technical Information for Preparing Water Transfer Proposals.

Snider, B. 2001. Evaluation of effects of flow fluctuations on the anadromous fish populations in the lower American River. California Department of Fish and Game, Habitat Conservation Division. Stream Evaluation Program. Tech. Reports No. 1 and 2 with appendices 1-3.

U.S. Environmental Protection Agency. 2003. EPA Region 10 Guidance for Pacific Northwest State and Tribal Temperature Water Quality Standards. EPA 910-B-03-002.

^[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.