

# *Butte County*

LAND OF NATURAL WEALTH AND BEAUTY

## **WATER AND RESOURCE CONSERVATION**

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**PAUL GOSSELIN**  
Director

January 14, 2008

Mike Hendrick  
Senior Environmental Scientist  
Department of Water Resources  
901 P Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Addendum to the Environmental Water Account Program (EWA) Environmental Impact Statement/Environmental Impact Report (State Clearinghouse #1996032083).

Dear Mr. Hendrick:

We appreciate the opportunity to provide comments on the Addendum to the Environmental Water Account Program (EWA) Environmental Impact Statement/Environmental Impact Report (State Clearinghouse #1996032083). Butte County has a vested interest to assure that the 2009 Drought Water Bank has the least impact upon its community, agricultural economy and environment.

The comments on the Addendum mirror those raised in the October 21, 2008 letter to Jerry Johns, Deputy Director, DWR regarding the 2009 Drought Water Bank. In that letter, we stated that the use of the existing EIR/EIS associated with the EWA cannot substitute for the requisite environmental review required by the local jurisdictions. The importance of that point is validated by the Addendum's inconsistencies and the program's shortcomings to recognize potential impacts.

A serious inconsistency exists between the Addendum and Final EWA EIS/EIR (January 2004) in regard to hydrology and water quality impacts. The Addendum states that groundwater impacts would be 'less than significant' in contrast to the Final EWA EIS/EIR that states those impacts as 'potentially significant before mitigation' (p. ES-21). We believe that the impacts may be potentially significant and are concerned that the suggested mitigation measure in the Final EWA involves a less-than-robust process and makes no provision for a transparent, locally vetted dispute resolution program.

The EWA EIS/EIR fails to adequately recognize the potential impacts during a drought. The EWA EIS/EIR characterizes the impacts as temporarily affecting routine seasonal fluctuations and suggests that there would not be any ecosystem impacts. Unfortunately, failure to acknowledge that groundwater conditions are currently impacted beyond routine seasonal fluctuations is a major shortcoming in the Addendum.

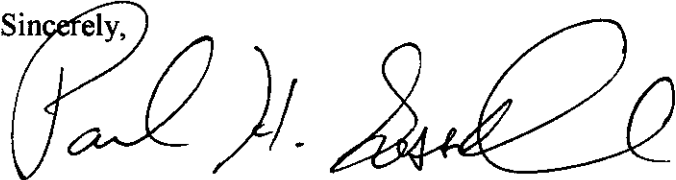
The Final EIS/EIR minimally recognizes concerns to ecosystem impacts upstream of the Delta. Butte County disagrees with the Final EIS/EIR's position that adequate data exists regarding stream/aquifer interaction. We believe that significant uncertainty exists. For that reason, Butte County will be initiating a study (Lower Tuscan Monitoring, Recharge and Data Management Study) to characterize that relationship. Until sufficient data becomes available, we recommend that the Addendum reflect a more cautious position regarding upstream ecological impacts.

We believe that language should be added to the EIS/EIR Addendum to improve the clarity and transparency of the 2009 DWB. The 2009 DWB is ill-served by continuing to rely on draft white papers and other documents. Additionally, the Addendum includes numerous instances of incomplete or "to be determined" values for specific acre-feet that willing sellers will provide for the 2009 Drought Water Bank. We recommend that the documents be finalized to foster transparency and instill public confidence.

We cannot underscore enough that actions taken by the DWR regarding the 2009 Drought Water Bank could cause grave economic and environmental consequences in the Sacramento Valley. Therefore, water transfer programs originating within the Sacramento Valley conduct an independent environmental review pursuant to local ordinances. The Addendum should incorporate language that requires adherence to local ordinances is an element of the 2009 DWB. We also suggest that the 2009 DWB be designed utilizing the approach of local ordinances used in the Sacramento Valley.

We appreciate the opportunity to offer comments on the proposed Addendum to the Environmental Water Account Program (EWA) Environmental Impact Statement/Environmental Impact Report.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul H. Gosselin". The signature is fluid and cursive, with a large initial "P" and "G".

Paul Gosselin, Butte County Director  
Department of Water and Resource Conservation

cc: Butte County Board of Supervisors  
Jerry Johns, DWR  
Teresa Geimer, DWR