

September 15, 2003

Via E-Mail and First-Class Mail

Ms. Delores Brown
Chief, Mitigation and Restoration Branch
Department of Water Resources
3251 S Street
Sacramento CA 95816

Ms. Sammie Cervantes
United States Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Re: Glenn-Colusa Irrigation District's Comments on the Draft Environmental Impact Report / Environmental Impact Statement for the Environmental Water Account (Dated July 2003)

Dear Ms. Brown and Ms. Cervantes:

These comments to the July 2003 Draft Environmental Impact Report/Environmental Impact Statement for the Environmental Water Account ("EWA DEIR/S") are submitted on behalf of the Glenn-Colusa Irrigation District ("GCID") in accordance with the California Environmental Quality Act and the National Environmental Policy Act.

At the outset, it bears emphasis that GCID has been at the forefront in transferring water under appropriate conditions, and GCID remains firmly in support of voluntary market-based water transfers. In this regard, GCID adopted its formal Water Transfer Policy in early 1995. Under this policy, GCID commits to utilize water conservation practices that are intended to keep agricultural land in production and provide the opportunities to make water available for transfer. Moreover, the policy encourages conjunctive use within GCID. The policy enables GCID to market water if and when it is surplus to the needs of GCID's landowners. In addition, GCID is a party to the Sacramento Valley Water Management Agreement ("SVWMA"), and is actively participating in the related Sacramento Valley Water Management Program ("SVWMP"). Accordingly, GCID is keenly interested in ensuring that the EWA is administered and implemented in a manner that is consistent with principles and goals of the SVWMA, and facilitates voluntary market-based water transfers.

GENERAL COMMENTS

GCID concurs with, and incorporates by reference, the comments that have been separately submitted by the Northern California Water Association ("NCWA") and the Yuba County Water Agency regarding the EWA DEIR/S. In this regard, GCID concurs that the

EWA DEIR/S inappropriately assumes that in nearly all cases groundwater pumping will have an effect on surface water bodies. The document then enumerates an extensive set of conditions and mitigation measures that must be met by sellers to the EWA program in order to avoid this assumed effect. This type of approach will present numerous unnecessary obstacles, given that in most cases the limited pumping of wells in the Sacramento Valley for EWA transfers would not have a significant impact on the flow in surface streams.

Similarly, the EWA DEIR/S improperly refers to and relies on the Department of Water Resources' ("DWR") so-called water transfer "White Papers" as the origin for many of the avoidance and mitigation measures set forth in the document. *See* EWA DEIR/S, at 6-143, n.20. GCID and other NCWA members have consistently expressed their concerns with certain aspects of these documents. Many of these concerns are set forth in NCWA's written comments submitted during the development of the documents. A copy of these comments are attached hereto as Exhibit A, and incorporated herein by reference.

The EWA DEIR/S also states in several places that non-EWA transfer projects involving the DWR and/or USBR, including the SVWMP, would be undertaken in a manner that implements the EWA's proposed mitigation and avoidance measures. This statement is incorrect, particularly with regard to the SVWMP, where the parties are still determining the scope and extent of any measurement and monitoring conditions, and any avoidance measures, that may be implemented under that program.

SPECIFIC COMMENTS

Page 4-4, section 4.1.2.1.2:

This section inaccurately describes GCID's water rights, and its diversions from the Sacramento River, Stony Creek, and other tributaries thereto. In this regard, GCID holds pre and post-1914 appropriative water rights to divert from these sources. GCID diverts water under these water rights in accordance with the terms of GCID's Sacramento River Settlement Contract with the USBR. The Settlement Contract also provides for deliveries of Central Valley Project water during the months of July and August each year.

This section is also misleading as to the application of the State Water Resources Control Board's Standard Permit Term 91 to GCID's diversions. In this regard, Term 91 only applies to GCID's diversions under GCID's recently granted SWRCB Water Rights Permit No. 21101 (App. No. A030838). Term 91 does not apply to GCID's diversions under its pre-1914 water rights, and under its other post-1914 licensed water rights.

Page 4-44, section 4.2.10, n.18:

Footnote 18 in this section erroneously states that the recent crop idling water transfers between upstream water agencies and the Metropolitan Water District "are part of Dry Year

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Program.” This statement is incorrect at least as to the 2003 Option and Short-Term Water Purchase and Sale Agreement Between GCID and MWD, which did not include DWR as a party thereto.

Page 22-4, section 22.2.1.1:

The second paragraph of this section should be revised to state that the deadline for upstream users to provide 185,000 acre-feet of capacity is June 1, 2007, and not 2005. This is in accordance with the Phase 8 Management Committee’s recently adopted Resolution No. 2003-01.

GCID appreciates your consideration of these comments, and please do not hesitate to contact the undersigned if you have any questions or concerns.

Sincerely,

Andrew M. Hitchings

Encl.

cc: Kirk Rodgers
Michael Spear
O.L. “Van” Tenney
David Guy