

## Butte Environmental Council



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### Activities and Events

Environmental Advocacy  
Environmental Education  
Groundwater Protection  
Endangered Species Faire  
Bidwell Park Cleanups  
Chico Area Creek Cleanups  
Recycling Referrals  
Wetlands Preservation

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December 1, 2009

Tim Snellings  
Director, Butte County Department of Development Services  
7 County Center Drive  
Oroville, CA 95965

Dear Tim Snellings,

The Butte Environmental Council (BEC) respectfully submits the following comments to the draft Water Resources Element of the Butte County General Plan Update 2030. We are very pleased that the general plan update includes a water resources element. Overall, we would like to see a more aggressive approach to planning for water in the future than detailed in the element, and I will describe a strategy that is outside of the box of current policy.

Policies in the draft need more action items to be effective. A policy without an action item lacks defensibility.

We support environmental sustainability for Butte County's water resources for all future generations. One challenge to this thinking is that the state considers surface water resources in Butte County their resources. So far DWR does not own groundwater, though trying to manage it appears to be a trend. The state has mismanaged water in the past and has not provided for regional equity.

**Going forward local management of local water resources should be Butte County's overarching policy and goal and stated in the water resources element.** Just as states' rights sometimes trump federal law, county rights may sometimes trump state law in achieving local management of local water resources in this area of the state.

Conversations about water in the community should be a policy with associated action items. Local dialogue coupled with research should help shape policies as we go forward, having to adapt to increasing populations and decreasing water.

The state's premises for future water use in the county need to be debated locally. One such premise may be that the state appears to prefer that Butte County be using surface water rather than groundwater. This is apparent by the state's policy that Butte County must pay to use water from the Oroville Reservoir or lose the allocation of the water that naturally flows in this county. What the county should pursue instead of cooperating with this unfair premise, and so state in policies and actions in the water resources element, is a better contract, one where Butte County retains the allocation and need not pay whether we retain the allocation in the lake for boating (the allocation may not add up to even an inch on the grand scale of the reservoir) or use it in the county. The county is aware that the dam has taken more from Butte County than the project provides, and the county should continue this pursuit by taking a stronger stance in the water resources element in reclaiming what was lost with the dam.

Salmon, for example, are near extinction in large part because of the dam on the Feather Rivers. The discussion with the state and planning for the future could be looking forward to a future without a dam in Oroville. A cost benefit analysis of the dam for the county and for the state should appear in the element as policy and action items to see if the benefits of the dam outweigh the costs for the county. It is more and more apparent that the salmon runs cannot be effectively restored by adaptive management. Adapting our lives to the bigger demands of nature and planning for homes that are not in flood plains, and in some areas for homes that are designed to withstand periodic flooding may make more sense.

More and more we learn that the sediment from rivers are needed for sustainable agriculture and for salmon runs as well as for the entire ecosystem. Also the salmon are needed to replenish ecosystems far upstream, and the nutrients are not getting upstream because of the Oroville dam. Butte County should consider whether or not the dam is worth the costs, instead of having policies in the water resources element to implement ways to become dependent on the costly allocation that the state threatens to take away from the county. Smaller dams further upstream and other smaller water projects may make more sense looking into the future. Butte County could opt out of State Water Projects in the future should an analysis show a project is more expensive than it is worth to us.

Instead of continuing to work within terms that are not in Butte County's best interests, question the state's premise that we must "use or lose" our allocation of water in the State Water Project. Sustainable growth for homes, business, agriculture, power, and the environment is possible without the superstructure dam established in 1968. Were the few jobs worth it to Butte County? **Butte County should state a policy and action item to undertake an analysis, and question the premise that we have to "use or lose" our relatively small yet expensive allocation.** The state applies the "use or lose" imperative to water in Butte Creek, and that too appears to be unfair to the county. We need to pay close attention to the state's review of this creek.

As for groundwater, we all know that Butte County sits on one of the last mostly natural aquifers in the world. Does Butte County really want to go along with state-wide conjunctive management that is in the draft State Water Plan? The scientific testing that DWR has offered so far is for the benefit of the rest of the state and not our own, and the results very likely would not support the state's hope that there is more water to share than we are sending south already. The Four County Group already manages the aquifer, and in that management we know that the aquifer is at maximum use already, with the groundwater tables sinking in times of drought. There is no excess groundwater to transfer south, even while some might prefer to profit by doing so. It is intuitive that the upper aquifer is connected to the lower aquifer and that taking water from the lower aquifer will affect the upper aquifer and all the thousands of users with wells in the upper aquifer. Letting the state proceed with their conjunctive management strategy will most likely be a losing proposition for the county, and we should not cooperate with scientific testing of the deep aquifer or state planning that is not in our best interest. Neither is there surplus groundwater nor is there surplus surface water in any season to inject back into the ground. Just say no, we do not need any tests to prove what we already know, that we have no more water to transfer. **Make a policy and action item to match this perspective -- that science must be designed to be in our best interests -- in the water resources element so that the county has a better way forward than the state appears to be proposing, one that is in the best interest of the people of Butte County.**

What Butte County could use are studies to better understand the natural recharge of the groundwater. An agency other than DWR might better fund such research, one that is less about providing water for transfers and more focused on geology and ecology. **State this in the water element to give direction to the Department of Water and Resource Conservation.** The WRC needs to have direction from the water resources element as well as the Department of Development Services and the Board of Supervisors into the future.

**The county could also use a policy and action item to address the privatization of water.** Butte County should support only public control of uses of water, and the right for humans in this county to have access to clean water for our lifestyles and for making a living. Butte County should not give away any water rights to private water companies that export water out of the state. If we allow such mining and export, we should at least not give it away for free. **Explore a policy and an action to craft an ordinance to protect our water from such mining.** If you do not support that, then at least figure out how to charge for water that companies may export from the county, and state that policy and action item in the water element.

The draft references Policy Alternatives. Will these remain in the final water resources element? If so they should state the policy alternatives for clarity in the text, in a footnote, or in an appendix.

Likewise, the Settings and Trends Report information should remain in the element or referenced in-text with the full text available as an appendix.

Within the water resources element add specific and comprehensive monitoring and enforcement systems for management of the local groundwater.

There should be a policy and action item for water resources as a habitat for many species:

Protect, enhance and restore Big and Little Chico Creeks, Butte Creek, Feather Creek, Dry Creek, and Honcut Creek as wildlife corridors to provide safe passage, habitat, and spawning grounds for salmonids (salmon and steelhead) which are endangered and threatened species. These waterways provide the vital niches for the last, best runs of wild, spring run, Chinook salmon in California and need to be preserved as part of our natural heritage and as a public trust. Water in creeks and habitat corridors are needed everywhere.

Following are a few specific suggestions and questions at this time. What is the process going forward for working out action items, and formulating an action plan to implement the action items? We would like to be part of that process. **Will the element be adaptive as the process goes forward, between January 2010 and the time that the supervisors formally adopt the general plan?**

Goal W-2 Ensure an abundant and sustainable water supply to support all uses in Butte County.

Questions:

Why does W-P3.3 only focus on subsidence?

Why does W-P3.4 only focus on wetlands as recharge areas?

Action:

The County will take a leadership role in coordinating, collaborating and communicating with nearby counties on water-related issues with the objectives of: 1) achieving greater efficiencies in use of common water resources, 2) protecting the sustainability of common water resources, and 3) improving competitiveness for State and Federal Grant funding for water-related research studies and projects.

Action:

The County will use watershed and groundwater basin overlays throughout all land use approval processes.

Action:

The County will require restoration of streams in conjunction with associated land use approvals to facilitate groundwater recharge and filtration to ensure high-quality water.

Goal W-3 Effectively manage groundwater resources to ensure a long-term water supply for Butte County.

Action:

The County will maintain a monitoring program addressing groundwater elevation, groundwater quality and land subsidence.

Action:

The County will work cooperatively with local entities to further develop and implement joint groundwater management practices.

Action:

The County will compile information from groundwater users to determine the amount of groundwater pumping that can occur within County sub-basins annually without exceeding a safe yield.

Action:

The Basin Management Objective (BMO) program will include provisions for exercising corrective or mitigation measures to be taken by the Board of Supervisors when a sustainable, high quality groundwater supply is compromised.

Action:

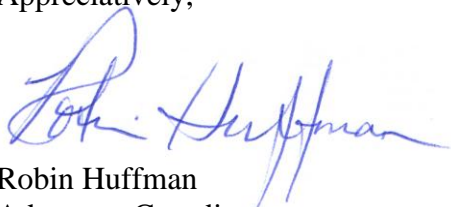
In coordination with groundwater distribution system operators, groundwater user groups, environmental organizations, and municipalities, the County will develop an annual groundwater budget methodology with the objective of cooperatively containing groundwater use within the limits of a sustainable aquifer yield, using the following steps: 1) determine existing water use patterns, 2) determine water use factors for different types of land use, 3) calculate future demands based on water use, including water conservation assumptions, and 4) develop a basis for comparing future water needs against future water supplies.

In summary, the water resources element should address the serious context of the state's water supply in the face of continued population growth. Additionally, every policy item needs supportive action items, and a means to fund the implementation of the policies and action items.

As a policy in the water resources element, state that development and growth should pay for itself, including studies necessary to show that there is sufficient water for the proposed projects and that the proposed uses will not seriously affect the supply or cost or quality of water to everyone else already living in the county.

Thank you for all your hard work in making this general plan update the best one Butte County has ever had. We look forward to continuing to work with you in planning for a more sustainable future.

Appreciatively,



Robin Huffman  
Advocacy Coordinator  
Butte Environmental Council

CC: Paul Gosselin, Director of Water and Resource Conservation