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April 14, 2017

The Honorable Laura Friedman
California State Assembly
State Capitol, Room 2137
Sacramento, California 95814

Regarding: AB-975 (Friedman). Natural Resources. Wild and Scenic Rivers.
(As Amended on March 23, 2017) - OPPOSE

Dear Assembly Member Friedman,

On behalf of the Mountain Counties Water Resources Association (MCWRA),
I write to OPPOSE Assembly Bill 975.

MCWRA advocates for the water interests of its
members in all or a portion of 16 counties from
the southern tip of Lassen County down to
Fresno County.

Over six trillion gallons (18.5 MAF) of water was
“depleted (irrecoverable)” by the nearly 40 Federal
and State Wild & Scenic Rivers in 2010, a
representative water year, according to the California Water Plan, 2013 Update
(Vol. 1, Ch. 3, California Water Today, pgs. 3-34 & 35). This is in addition to
water dedicated and applied to “Instream Flow” and “Delta Outflow”
requirements (12.2 MAF).

Our Association believes that AB-975 will “open the flood gates” for more
designations. A reasonable balance is needed between environmental and
human needs. A flood of new Wild and Scenic Rivers would further deplete
water supplies and would close off future options to raise or add reservoirs
contrary to the state water strategic plan, the California Water Action Plan, 2016
Update (CWAP). More Wild and Scenic Rivers would cripple three of the 10
action items in CWAP:



- Action No. 6 – Expand Water Storage Capacity & Improve Groundwater Management
- Action No. 7 – Provide Safe Water for All Communities
- Action No. 8 – Increase Flood Protection

Action 6 of the CWAP is based on a finding that “today, we need more storage to deal with the effects of drought and climate change on water supplies for both human and ecosystem needs.”

California is facing climate change, threats from longer droughts and unreliable water supplies. With the predicted increase in winter flood flows and extended droughts, additional storage is needed to protect beneficial uses.

Action – 7, Because of the declining groundwater supplies and quality, more surface water is needed for recharge and to provide safe water for all communities. “Disadvantaged communities, in particular, often struggle to provide an adequate supply of safe, affordable drinking water”.

Action – 8, over 7 million Californians live in a floodplain. “The effects of climate change on the state’s water runoff patterns will magnify these challenges.” Additional storage will reduce pressure on the fragile Delta levee system, which supports Action No. 8 as well as, reflects the California Water Plan, Update 2013, No. 6 Objective; “promote and practice flood management that reduces flood risk to people and property”.

AB-975 would also be contrary to Proposition 1 that targets over \$2 billion for increasing water storage. The Mountain Counties Area, where it is likely that more wild and scenic designations would take place, includes ten major watershed areas and accounts for about 25% of all natural runoff in California, over half of all snowmelt runoff in the State, and 40% of the state’s developed water supply, more than from any other single source. This increases to more than 60% of the state’s developed water supply when combined with other waters from sources within the entire Sierra Nevada. The larger Sierra Nevada Region is the source of water for 23 million Californians.

The Department of Water Resources (DWR) California Water Plan Update, 2013, refers to the statewide significance of this Mountain Counties Area. *Significant to California* is water stored behind reservoirs in the ten major watershed areas have dedicated in-stream flow releases designed to meet the many beneficial uses for the environment, provides clean renewable hydroelectricity (*more hydro facilities in this region than any other region in the state and provides for hydroelectricity to supply homes and businesses in the western United States*), year around recreation and tourism, agriculture, urban and municipal uses, and provides storage to reduce the magnitude of flood flows.

DWR recently detailed the complex interrelationship of beneficial uses in their February 2017 publication, “Connecting the Dots between Water, Energy, Food, and Ecosystems Issues for Integrated Water Management in a Changing Climate.” It is clear that understanding and careful management of these interrelationships is critical to balance different goals to adapt to and mitigate climate change.

There is already a significant number of Wild and Scenic designated river miles in the Mountain Counties Overlay Area. 383 miles are currently under federal and California law and include:

- 78 miles of the North and Middle forks of the Feather River above Lake Oroville (federal)
- 39 miles of the South Yuba River above Englebright Lake (State)

- 38 miles of the North Fork American River east of Colfax (federal and State)
- 23 miles of the lower American River below Nimbus Dam (federal and State)
- 83 miles of the Tuolumne River above Don Pedro Reservoir (federal)
- 122 miles of the Merced River and its South Fork above Lake McClure (federal)

While the goal of the bill may be to align California law with federal law regarding California's Wild and Scenic Rivers System and provide clarity, it does not. This bill would expand areas that could be designated "Wild and Scenic" from immediately adjacent to the river to one quarter mile on either side of the river on mostly private land, whereas federal wild and scenic applies to federal lands, and it would expand the types of areas that could be considered Wild and Scenic simply by definition interpretation. As a result, this bill would increase the number of Wild and Scenic designations, expand existing designations, and ultimately expand the number of Special Treatment Areas. As more designations occur, it would force special treatment rules to public and private landowners, reduce property rights, conflict with local and regional land use designations, reduce land value, and be incompatible with adopted county general plans and the assurance to provide an adequate water supply to serve the county's current population and projected growth.

The combined forces of population growth, rising sea level, climate change, extended droughts, and the concern for endangered species, habitat and sustainable forests to ensure reliable water supply and water quality, have put California's citizens, its economy, and its environmental resources at imminent risk of disaster. This is especially true in the Mountain Counties Overlay Area, which is mostly populated by disadvantaged communities. This bill, as written, poses a serious risk to water reliability in these disadvantaged Sierra Nevada communities, potentially precedent setting that may affect area-of-origin water rights, future water supplies, and a sustainable economy based on agriculture, hydropower generation, recreation, and tourism.

If AB-975 becomes law, it would set a precedent and could derail the State's long-term strategic CWAP, and create serious implications for regional water storage development and water diversions on major rivers in the watershed in the Sierra Nevada, which provides 60-70 percent of California's water supply.

The current Wild and Scenic Rivers law has worked for 45 years. Amending it to make it easier to add designations to the system in California isn't wise now. The legislature needs to follow the California Action Plan and the California Water Plan, Update 2013 to ensure future water supply reliability for all of California. Now is not the time to take water storage options off the table for California. For the reasons listed above, we have taken a position of oppose on AB 975 and request your consideration to pull the bill.

If you have any questions, please contact me at (530) 957-7879.

Sincerely,



John Kingsbury, Executive Director
Mountain Counties Water Resources Association

C: Board of Directors, Mountain Counties Water Resources Association

The Honorable:

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Senator Ted Gaines

Senator Jim Nielsen

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John Kennedy, Policy Consultant Assembly Republican Caucus

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Dennis O'Connor, Principal Consultant, Natural Resources and Water Committee