

DEPARTMENT OF WATER RESOURCES

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**VIA EMAIL**

April 15, 2020

Governor's Office of Planning & Research

APR 15 2020

STATE CLEARINGHOUSE

Mr. Eugene Massa
Biggs-West Gridley Water District
1713 West Biggs Gridley Road
Gridley, CA 95948
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SCH# 2020039051, Biggs-West Gridley Water District 2020 Water Transfer Program
Draft Initial Study and Proposed Mitigated Negative Declaration (IS/MND)

Dear Mr. Massa:

The California Department of Water Resources (DWR) reviewed the Draft IS/MND for Biggs-West Gridley Water District (BWGWD) 2020 Water Transfer Program and have the following comments. These comments are in addition to another letter DWR submitted today regarding rice evapotranspiration rate of applied water.

Biological Resources Mitigation Measure Bio-4 - Giant Garter Snake (*Thamnophis gigas*)

Mitigation Measure Bio-4 for the Giant Garter Snake explains that areas with known important giant garter snake (GGS) populations will generally not be permitted to participate in cropland idling/shifting transfers, but that no known important GGS are in the area. To support the conclusion, the IS/MND asserts the 2019 Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report Final (LTWT EIR/EIS) does not identify any known important GGS populations within, immediately adjacent to, or directly abutting BWGWD. This assertion is not correct and cannot be a basis for the IS/MND mitigation measure analysis.

The 2019 LTWT EIR/EIS's section 3.8.4 includes an explanation of how the application of Mitigation Measure VEG and WILD 1 would avoid substantial adverse effects on special-status species, including GGS. (see p. 3.8-39). This mitigation measure prohibits fields abutting or immediately adjacent to areas with known important GGS populations from participating in cropland idling/shifting transfers. The LTWT EIR/EIS list of areas considered important giant garter snake populations, including:

- -Little Butte Creek between Llano Seco and Upper Butte Basin Wildlife Area
- -Butte Creek between Upper Butte Basin and Gray Lodge Wildlife areas
- -The land side of the Toe Drain along Sutter Bypass.

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The IS/MND needs to re-analyze its application of the 2019 LTWT EIR/EIS's section 3.8.4 and modify the mitigation measures for GGS as needed.

The IS/MND needs to provide additional information to explain the conditions under which the project would idle lands in areas with known important GGS populations and how such idling does not impact GGS. Additional analysis is required to explain how **generally** not idling crops for areas with known important GGS populations is an adequate mitigation measure and under what conditions the project would idle lands in areas with known important GGS populations.

DWR requests the IS/MND explain why the GGS mitigation measures included in the 2018 BWGWD water transfer program IS/MND are no longer necessary. That IS/MND states BWGWD **would not idle lands** that were immediately adjacent to or abutting naturalized lands and refuges and corridors between these areas, such as fields abutting or immediately adjacent to: Little Butte Creek between Llano Seco and Upper Butte Basin Wildlife Area, Butte Creek between Upper Butte Basin and Gray Lodge Wildlife Areas, and the land side of the Toe Drain along the Sutter Bypass, except on a case by case basis as these were identified as "GGS priority areas," (page 11-12).

Please send future correspondence and questions to:

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If you have any questions or need additional information, please contact me by phone at (916) 653-6840, fax (916) 653-0952, or email Nancy.Finch@water.ca.gov

Sincerely,



Nancy Finch

Senior Attorney