

October 10, 2004

Jim Abercrombie, General Manager  
Amador Water Agency  
12800 Ridge Road  
Sutter Creek, California 95685-9630

SUBJECT: Revised section of 4.1 of the Environmental Impact Report (EIR) for the Transmission Project.  
(State Clearinghouse #2000022106)

Jim Abercrombie:

As directed by the Amador County Superior Court you were to take the actions necessary to bring the water resources section of the EIR (Chapter 4.1) into compliance with the California Environmental Act (CEQA). In its opinion, the Court of Appeal stated: "We conclude the Agency abused its discretion because the EIR does not contain a required statement indicating the reasons why the Agency determined that the reduction in the surface flow of local streams would not be significant."

After reading and rereading this document a number of things stand out and provoke me considerably. My comments and related experiences will touch on the few that disturb me most.

As stated (4.1-6) Water Supply In the latter portion of the paragraph: "In addition to those households served by the Agency, there are numerous private domestic wells. Virtually all local streams are impounded by farm and stock ponds or are diverted seasonally by riparian landowners for agricultural irrigation and to provide water for livestock."

I am pleased that you have recognized these *landowners* many of whom have for generations made a modest living working very hard on their ranches and small farms. As you have stated in this revision, many of them have and still do very much depend upon discharges from the Amador Canal for their "farm and stock ponds." They and other private residences have "*private wells*," and *springs* that may be dependent upon groundwater due to the Amador Canal and the perennial flow of Jackson Creek.

Does the Agency care about the potentially devastating effects the dewatering of the canal and streams may have on all who are dependant on these sources? Do you know how many wells and springs might be influenced by either the canal or by stream flow?

I see no mention of tests, evidence of any kind of thorough investigation or plan to mitigate on a case-by-case basis. Is there anything in the Basin Plan that would apply to registered water rights held by these landowners?

The statement below: (4.1-7) Your use of the word "considered" is a questionable term used in a significant document. Considered by what source, measurement technique, or study.

In your estimation the Jackson Creek watershed covers approximately 67.0 miles of stream channels and only 20.4 miles are considered perennial, the rest considered intermittent or ephemeral.

I find it difficult to agree with these figures, for these streams I know quite well and are to this day late in the fall running clear, cool and with enough volume to support a number of species of fish, amphibians and other forms of aquatic life as they have for years. Many of these species could not exist or complete their life cycle in intermittent or ephemeral conditions. So just how is it that they still thrive and that they have been able to persist in many branches of Jackson Creek for the almost fifty years that I have known these streams?

Your statement (4.1-11) top paragraph: “There are no stream gaging (gauging) records for any location in any sub basin that can be used to determine the unimpaired (or natural) hydrology of local streams. Therefore, the hydrology of each sub-basin potentially receiving canal leakage was reconstructed using standard hydrological modeling techniques to estimate the mean monthly unimpaired flows of local streams in absence of any canal leakage and in absence of the canal intercepting any local runoff (i.e., if the Amador Canal and associated reservoirs were not there.”

There should have been *gauges* and *gauging records* for all the three branches of Jackson’s three forks and *gauges* of some kind measuring the many wetland seeps, leaks and other hydrological contributions to those three branches. These should have been your *gauges* used to monitor and record current conditions in all streambeds that might be subject to impact from either project.

You cannot effectively ‘reconstruct’ the hydrology using modeling techniques and ‘estimate’ flows for these healthy streams and come to conclude there will be less than significant impact to them. This is at best a GUESS or at the other extreme a feeble attempt at a shortcut that could destroy one of Amador County’s remaining few healthy wetlands.

Anyone can create a model to arrive at a favorable conclusion, however, those who drafted the CEQA document purposely guarded against that very scenario. What they require are facts from actual records of the stream, river, lake or wetlands in question, in this case the three branches of Jackson Creek.

In stream flow assessments, stream temperature monitoring and habitat assessments are just part of a fact generating program that does not allow for guesswork and potentially dangerous assumptions.

This stream-monitoring program is detailed and is conducted over a designated period of time, to ensure the wellness of the stream, before, during and after the project, not a ‘snap shot’ technique. According to California Department of Fish and Game, ‘There has been an estimated loss of greater than 90% of stream habitat in California, therefore, this impact is cumulatively significant.’ Your final document then should fully identify any potential impacts to the stream, habitat or riparian resources and provide adequate avoidance, mitigation etc.

The last paragraph page 4.1-11 ‘The data in the four tables indicates that under natural conditions all of the local streams in the project area that could capture leakage from the Amador Canal, except Sutter Creek would be intermittent in some reaches by late summer or early fall in all but above normal or wet water - years. This conclusion is supported by field observation and anecdotal records.’”

Again there are no in stream measurements, stream monitoring studies, or habitat assessment techniques mentioned. And though you have stated these streams would without the contribution of the canal become intermittent in some reaches, how can you possibly think this not a significant change? It in fact would be a deadly change to many species that currently inhabit a cool year round flowing healthy stream. Not only are there no studies or assessments mentioned but also it seems little if any desire to identify or study these habitats for possible impact, all of which are required by responsible agencies.

I have no doubt that without the contributions of the Amador Canal the South Fork as well as all the other forks of Jackson Creek would indeed become intermittent if not ephemeral and it might even occur earlier than summer or early fall. Without required studies just the mention of lower flows leads to a high probability of ‘significant impact’. As lower stream flow results in warmer waters, higher stream temperatures would not support the current ecosystem and lower flows would give way to stagnant pools. The once healthy balanced ecosystem now destroyed and colder oxygen rich flowing waters gone elsewhere, little is left to control mosquito populations; not a pleasant thought these days. Instead of three wonderful healthy branches of Jackson Creek, now this 67miles of stream becomes a potential health hazard.

My concerns now turn to page (4.1-24) your third from last paragraph:

“Prior to the construction of Lake Tabeaud in 1901, local residents believe that springs on the Tabeaud homestead contributed to the flow in the South Fork of the South Fork Jackson Creek which, in turn, contributed to the South Fork Jackson Creek. These springs are now under the surface of the reservoir and no longer discharge to the South Fork. As previously discussed, the data presented in Table 4.1-11 indicate that the impaired flows in the South Fork, in the absence of any influence by springs on the Tabeaud homestead or elsewhere, would be very low during the summer and early fall, and even intermittent in drier water years, until winter and spring rains recharged the small watershed. This conclusion is supported by a California Department of Fish and Game unpublished stream file reference from 1951, which quotes a local landowner as stating that the South Fork Jackson Creek was dry (at least in some locations) late in the summer. As indicated by the data presented in Table 4.1-11, leakage from the Amador Canal during 1998 contributed to the flow of the South Fork, particularly during August and September when the stream would have naturally contained very low flows or been dry. This finding is consistent with local anecdotal information”

I totally agree that since P.G.& E. constructed Lake Tabeaud these springs are now under the surface of that reservoir and the South Fork of Jackson Creek has not only lost those mentioned springs but in addition it has lost hundreds of acres of watershed that normally would have also contributed to Jackson Creek and is captured, impounded and diverted elsewhere by Lake Tabeaud. The Amador Canals waters emanating from Lake Tabeaud have, however, always returned these contributions to this South Fork of the South Fork, and thus the South Fork of Jackson Creek and by design eventually contributed to all the other forks of Jackson Creek. It has therefore replenished the waters depleted by the construction of Lake Tabeaud. Section 5937 of the California Fish and Game Code requires that the owner of any dam shall allow sufficient water to pass over, around or through the dam to keep in good condition any fish that may be planted or exist below the dam.

Your statement as presented here is as you have stated: *anecdotal information* and something worth looking into for added facts that might help support and clarify your assumption. But I see no follow up here and like the majority of this document only assumptions, very few pertinent facts, measurements and studies that are all important to the project and the survival of this watershed and wetlands.

The South Fork of Jackson Creek is over ten miles long. Where was it dry? On what date or month was it dry? For instance could it have been during the week or two that the P.G.&E.crew cleaned the canal as they normally do and no water from the Canal was contributed to the South Fork? Had a rancher or ranchers above diverted some of the creek to irrigate their fields that day? How long was it dry, a few hours, or only during the day hours? The lack of further information here supports little, is not consistent, and can produce any number of conclusions. However, further investigation could be very meaningful! And why if you are truly concerned about the possible effects upon this watershed did you not talk to the hundreds of people living along the three forks of Jackson Creek? Many of them have lived there for three generations; some of them may have kept records and diaries. Certainly this is no substitute for required stream monitoring, but interviews and surveys often reinforce a good study, especially if they were from a large sampling as would be available to you here.

Here's a little personal history for you that might help explain why I firmly disagree with your attempt to push a project through without properly assessing what you might destroy.

I can remember the South Fork in the early 50's being nearly dry only in the town of Jackson during

extremely hot weather and a long very hot summer. However, there was early morning flow, not much, but this kept at least ten or twenty big holes that were full of Squawfish, Perch, and hundreds of tadpoles, frogs and Crayfish alive. These are tough critters and only occupied the warmer waters of the stream in and below Jackson. But somehow there were a few trout there too.

I can also remember that there were at least six to eight small diversion dams up the creek that were used to irrigate fields and gardens at this time of the year. In fact P.G.and E., who then owned the canal, would gladly release water if they knew the creek was low in the South Forks upper reaches where there were German Brown and Rainbow Trout but no Squawfish or Perch. Fish and Game was very strict about keeping fish water at a proper level, flow and temperature to maintain these streams in a healthy state. Fish and Game and P.G.and E. cooperatively worked together to maintain these streams in good health.

In the upper reaches of Jackson's South Fork the Amador Canal contributes to the South Fork of the South Fork a branch flowing just below and south west of the Lake Tabeau earth filled dam. Most of this branch is on the ranch where I was born and spent most of my free time until I was ready to head to college. It to my knowledge has never been dry and the small mile long private ditch coming from that branch supplied the garden, the ranch house and the 500-gallon storage tank that would spill over to irrigate the chestnuts, apples and then the upper bottom. This tank was one of the huge old oak wine storage units used on the ranch in the late 19<sup>th</sup> century. Because it was on the hill above the house we had plenty of pressure should there be a fire. When the tank stopped overflowing it was not because of a low creek, but that meant one of my uncles or grandfather had to walk the little one-mile ditch and plug the gopher holes. That became my job when I was old enough. We were never without water because of low flows in the creek. In fact, though the South Fork of the South Fork was small it had some nice big holes that produced some very nice 14"-16" Brown Trout. This was in the late forties and early fifties and it is still very much the same today. The last recorded planting of Brown Trout in the South Fork was in 1937.

Just a couple of hundred yards below the ranch house is the old barn. Below it the little South Fork of the South Fork joins the main South Fork of Jackson Creek. Here the South Fork or (Clinton Creek as we know it) is about twice the size of the South Fork of the South Fork and it was here from atop the old bridge just north of the barn that I caught my first Rainbows. I was not quite eight and no one would let me use a fishing hook yet so I fashioned my hooks out of bailing wire I found in the barn. They worked surprisingly well that day and each time I caught a fish I ran all the way up to the house to show my prize and then head back again for another, running and falling all the way, stopping by the mulch pile to find a worm. This wasn't a very big hole under that bridge, the fish were small and so was I, but to me that creek was a *mighty important* part of my life **AND IT STILL IS!**

Your last paragraph page 4.1-43 states:

'Because groundwater aquifers are recharged by seasonal precipitation over large areas during the winter rainy season when soils become saturated, it is not expected that elimination of leakage from the Amador Canal would substantially affect any groundwater aquifers...'

Where are the studies for this assumption? Words like expected and estimated really don't convince people who have good wells and springs or who plan to buy real estate with a well their only option.

23.2 miles of the Amador Canal carries water toward Jackson at a rate of 30 cubic feet per second, 12,850 plus acre ft. per year flows continuously day and night. You have stated that over half is lost to leaks, and seeps that flow into the upper reaches of Jackson's many tributaries. Your chart, 4.1 -9) page (4.1-23) of Annual Demands and Losses shows for 1999 an estimated loss of 7,527ac.ft. this year alone finding its way into the three main forks, flowing into a stream system below the Amador Canal and another 5,323ac.ft.in the canal itself.

Then you state on page 4.1-44: Percolation to groundwater does occur, but is estimated to be minor. I have a severe concern with your hydrology estimates. Was there a field study? Again words such as estimated used in such a report brings me to wonder how you arrived at those results. If this might affect Jackson Basin's ground water we surely shouldn't rely on an assumption. Has someone consulted a *hydrologist*?

Although the history of a stream is very important to any study it is imperative to find out what is there currently before the project begins, this information can then be compared with the information gathered during and after the project to watch carefully for changing negative as well as positive conditions.

This is again the very reason stream and habitat studies are important. They are not difficult; elementary school children all over the U.S. do stream studies and stream watches. In fact this type of study has enabled kids to save streams, bring dead streams to the attention of those who had given up on them, then clean and made them healthy again. Look on the Internet; people are doing stream watches and stream studies all over the place because most of us value what's left and we want our next generations to understand and value them forever. Remember, in the span of only 164 years California has less than 10% of their original stream habitat left.

Responsible agencies under CEQA discourage the "conversion of wetlands or development which could result in a reduction of wetland acreage or habitat values unless project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage."

Gentlemen of the AWA, I fear that this document falls dangerously short of its intended duty and that the information that you have bluntly put forth may bring forth ill effects for years to come. If studies are not properly conducted, the Amador Canal is dewatered and the creek channels become intermittent or ephemeral, old wells and springs could soon become dry or their quality poor.

The ranches and homeowners, who live along and have used, enjoyed and appreciated Jackson Creek and the Amador Canal for generations, may suffer great losses if these dependant sources for water are depleted and it may well threaten their economic survival, their ability to control fires threatening their property and greatly devalue their property. For generations these waters have provided pasture, livestock water, orchards, fire protection and recreation. These people can seek legal help to mitigate for this devaluation of their properties and economic income losses. Those who have their wells dry up can sell and move and those who are too busy to care about the environment and the historical town and county in which they live won't even know it's gone, or at least, like other things, it's too late. The tourist will ask the most questions until they seek greener, cooler more beautiful spots like Love Creek in Murphys or come only as far as Sutter Creek where ducks can still swim below town bridges on warm summer days.

Oh yes, Jackson Creek will still flow, in the winter. Streambeds change if they are not healthy and held in place by grasses, trees, ferns and ... well, who knows how they will change? Maybe someone should consult the advice of a hydrologist and find out before... Maybe there will be no danger little if any health risk at all and except for the dry tall weeds that line the arid mossy stagnant pools of this wash you will have NOTHING to ponder at all!

The many animals, birds and plant species in these 60 square miles of watershed, 38,433 acres, 67 miles of stream channel, and 23 miles of the Old Amador Canal, cannot fend so easily. Many may adapt or move. Some will die because water needs to be underground in a pipe these days. It's been said that this saved water will leave Amador County entirely to be sold to the Bay Area at a fraction of what we can buy if for. I know you think the water is wasted if it's in Jackson Creek. Maybe that's what happened to the over 90% of stream habitat Fish and Game was referring to. And as one member of the water board expressed his concerns about the displaced wildlife, "They'll go somep lace else." I'll never forget his statement and his complete lack of concern and respect for habit! That was over two years ago, but this attitude is still evident throughout this report.

The City of Jackson should well be concerned about the very stream that their town was founded on. Concerns about tourism, real estate values, water table issues (wells), health issues, flood issue, aesthetics, fire danger, and many others, should be addressed at real hearings. Water board meetings and town meetings should be held at the convenience of the people, not just the board members, so that everyone with concern have a free opportunity to be present and may be respectfully heard. Public concerns should be given not only thought but also consideration. Promises and documents produced from both sides of the table should be honored in a timely manner. If I sound like I am asking for procedures guaranteed by our constitution and the return to a democratic process, you are getting the picture. All too often I have had the feeling that there is only one concern, one agenda and one tactic. *Get the pipe in the ground and what ever is in the way be damned!*

I expected more from this revised Section 4.1. As directed by the courts, I expected that the project leaders would now not only have their goals better in mind but also would have earned more respect for the people they are representing and must work with. Most of all I expected to see evidence of an honest attempt by the agency to finally consider the habitat they must enter and be ready to begin a comprehensive study of not only the area of construction, but also the areas this project may impact. If the project is a true success this must be done! The three branches of Jackson Creek are of major concern as well as the old Amador Canal that will always be "*MORE THAN JUST A CANAL*." To me the aqueducts of ancient Rome have less purpose and importance and I truly hope that someday *THE OLD AMADOR* will be afforded the respect it deserves. For over 130 years it has worked beyond expected design, delivered its treasures faithfully and has not only sustained life but also as water more often does, created its own environment while in that intended service to mankind.

I had hoped too that the agency had finally opened their minds and hearts to the understanding that they were not organized just to sell and deliver water, but to also respect the environment from which it comes. Water is the essence of all life and it is not for man alone to hoard. Man is only a small part of this ecosphere and although thought to be the most intelligent is often the most destructive and ignorant when it comes to the protection of that very system that has born him and nurtures him.

The pipeline project may well be a fine thing. As for my personal benefit it may deliver water under pressure anywhere on the ranch as the pipeline will as planned cross the ranch right down the middle. But it would at this stage, also threaten the contributions that keeps every branch of Jackson Creek and its 60sq. mile habitat alive. This like a crescent surrounds the oak and pine covered foothills, north, and north east of Jackson. It would also destroy an old veteran of 130 years that has silently but proudly served far beyond the call of duty, the expectations of those who designed her and that fragile habitat that surrounds her.

And the notion of this very water, this so called wasted water leaving Amador County entirely is unacceptable without further investigation.

Over two years ago when this project first started I was in favor of the project until I asked the Amador Water Agency if you intended to monitor the creeks and when warm weather or low rainfall made it necessary, would provisions be in place to release enough water to sustain that system. You would not agree to do so. Why, I cannot humanly understand!

Again I remind you and hope you either agree or are forced to comply with a respect for this habitat and the very water that sustains it!

Lakes, rivers and streams are not just water but the very essence of life for far more living things than we can possibly contemplate. Kill Jackson Creek or any part of it and you destroy not only what has taken almost a century and a half to create, and never ever begin to replace. Without required study and a desire to understand this system, you may well begin another chain of events more costly, more annoying and possibly more dangerous than you anticipate.

If any of you are loosing sleep over this now wondering if you are doing the right thing, call me for a walk on the ranch; I'll even take you to meet some nice neighbors. They are all in good spirits and they are sleeping well because we know we are doing the right thing.

All of these and more issues should be cooperatively worked out before a project rams its way through and tears apart not only a historical canal, but might very well destroy a lot more, a wetlands that makes Jackson basin a lot more pleasant because of the 67.0 (plus) miles of stream channels. Channels that have continued to flow for over a hundred years should continue to flow. This is water not wasted, but water that sustains life and water that must stay in Amador County!

Respectfully awaiting the best for Amador County,

GARY G. CRANFILL  
Teacher, Author, Property Owner Amador County

Gary G, Cranfill  
6353 Buckeye Lane  
Granite Bay, California 95746-9681