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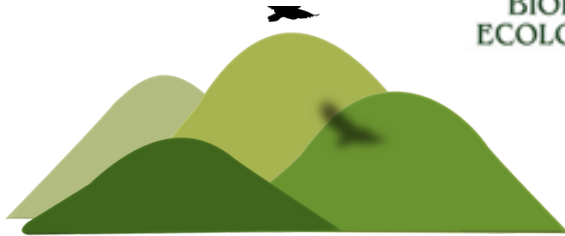
Tuolumne River
TRUST



MOUNT SHASTA
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SIERRA NEVADA
— ALLIANCE —



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MONO LAKE
COMMITTEE



AMERICAN
RIVERS



PLANNING AND CONSERVATION LEAGUE



June 5, 2023

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30x30: Start by protecting and restoring our streams and other freshwater resources

Secretary Crowfoot and Secretary Garcia,

On behalf of the undersigned groups who are part of the San Joaquin Valley 30x30 ROn behalf of the undersigned groups who are part of the Power in Nature coalition, we commend the California Natural Resources Agency (CNRA) for its leadership in our state's 30x30 initiative, which is critical for protecting California's unique biodiversity, helping our landscapes and communities become more resilient to the warming climate, and improving equitable access to the outdoors. CNRA's roadmap for achieving the state's 30x30 goals, Pathways to 30x30, provides a compelling rationale for why the state must protect at least 30 percent of its lands and coastal waters by the year 2030. We are pleased that the report includes some language regarding the importance of water sources and freshwater ecosystems.

However, the Pathways report is lamentably short on details or guidance to assist agencies, non-governmental organizations, and Tribal Nations to achieve these ambitious policy goals. Information regarding what constitutes "conservation" in the context of preserving and revitalizing our freshwater resources is necessary to appropriately direct available funding and conservation action.

To properly elevate freshwater conservation as a specific priority in the 30x30 initiative, and to help focus funding and human resources toward this goal, we respectfully suggest the state (1) prioritize watershed-scale conservation planning and (2) evaluate freshwater resource-areas based on five priorities: connectivity, watershed disturbance, flow alteration, water quality, and biodiversity.



In addition, we urge the state to take the following actions:

(1) Define the metrics for success in conserving and protecting and restoring California's freshwater resources. Employing the Clean Water Act antidegradation regulations is a natural fit for the conservation and protection of freshwater. Many freshwater resource-areas would benefit from stronger water quality protections, for example the Medicine Lake Volcano-Mount Shasta region. However, the State of California currently lacks a process for designating Outstanding National Resource Waters (ONRWs) for enhanced water quality protection. To address the issue, CalEPA should direct the State Water Quality Control Board to adopt and implement a formal process for designating ONRWs. While that process is being developed, we suggest that CalEPA direct the State Water Quality Control Board and the Regional Water Quality Control Boards to prioritize the designation of tribal beneficial uses, the incorporation of instream flow water quality standards, and review of instream flow petitions to further 30x30 goals. Other methods of achieving these goals could include designating wild and scenic rivers, establishing and implementing a cultural easement policy and increasing conservation easements, especially where such tools protect wetlands, floodplains, and meadows in perpetuity.

(2) Strongly advocate for and pass drought preparedness legislation. The California Assembly is currently considering two bills that would make significant progress towards this goal: (1) Assemblymember Wood's AB 1272; and (2) Assemblymember Bauer-Kahan's AB 460. Together these initiatives have the potential to ensure effective and equitable drought response, while protecting our water resources by strengthening the State Water Board's enforcement authority.

(3) Intensify efforts to restore and reconnect overworked watersheds. Too many of California's rivers are subject to excessive and poorly timed diversions, climate change impacts, obsolete flood control programs, and other human use factors that degrade water quality, reduce streamflows, and jeopardize our future water security. The state should complete watershed-based planning and increase funding for restoration work in priority watersheds that support native salmon and steelhead populations. Such actions will restore watersheds function and could enhance and restore biodiversity. Underserved, water-rich resource-areas such as the Southern Cascades and especially the Medicine Lake Volcanic Aquifer are especially in need of scientific research and conservation planning. Additionally, CNRA should work to implement the California Environmental Flows Framework throughout the state, prioritizing de-watered rivers, such as the Tule and Kern Rivers.



(4) Remove obsolete dams that no longer serve their designated purposes, are at risk of failure in a major seismic or weather event, or endanger imperiled species or downstream communities. Removing old and unsafe dams helps rivers, salmon and other native fishes, water quality, climate resilience, and preservation of tribal cultural values – few other actions deliver such rapid and substantive benefits for river health, fish and wildlife, and indigenous peoples. The state is an advocate for dam removal on the Klamath River and should extend that advocacy to other rivers whose water quality, ecology, resilience to climate change, and cultural values are being harmed by obsolete dams, including the Eel River, Ventura River, and Battle Creek.

(5) Better protect and restore headwaters and higher elevation meadows. The state must invest in and expand this restoration work from the few watersheds where it is currently being implemented to the entire Sierra Nevada and southern Cascade ranges which provides 75% of California's drinking water supply. Implementing nature-based solutions, such as partnering with beavers, in meadows will restore the ability of these vital landscape features to act like carbon sinks as well as sponges releasing water slowly into streams during the summer. Mountain meadow restoration also improves water quality, diminishes flood events, and provides valuable habitat to wildlife.

(6) Invest in restoring streams and water bodies in urban and suburban areas. This will revive the ecological and recreational potential of our rivers, improve groundwater recharge and filtration, reduce impacts on stormwater systems, and help California realize its goal of improving equitable access to the outdoors. In addition, CNRA should support this goal by urging the State Water Board to establish a protective standard for harmful algal blooms for recreational beneficial use of waterways.

(7) Address historical wrongs and legacy inequities by restoring tribal water rights. The water rights system was established when Indigenous people had no property rights and thus were excluded from claiming rights to water. Many tribes that survived settler colonialism were forced from their homelands and their traditional water sources. Despite their use of water from all fresh water sources since time immemorial, even when federally recognized tribes do obtain recognition of their water rights (usually via multi-decadal court battles) those more senior water rights are often not recognized in practice. The goal of tribal water rights restitution for federally and non-federally recognized tribes should be formally expressed, and progress toward it measured, in CNRA's reports to the California legislature on the 30x30 initiative.

(8) Facilitate application of Traditional Ecological Knowledge (TEK) to watershed stewardship. Applying TEK to watershed custody has considerable potential to improve protection and revitalization of freshwater ecosystems, improve landscape resilience to wildfire and climate change, and help redress historic wrongs. According to Governor Newsom's 2020 *Statement of Administration Policy on Native American Ancestral Lands*, the state intends to "partner with California tribes on land management and stewardship utilizing [TEK]." The Pathways report mentions this policy goal only once in the entire document, which should be more broadly applied to planning for use and conservation of freshwater ecosystems.



(9) Encourage and support tribal co-management of water resources and related infrastructure, including dams and hatcheries on priority salmon and steelhead rivers. A primary purpose of the 2020 Statement of Administration Policy on Native American Ancestral Lands is to facilitate tribal access to, use, and co-management of state natural lands -- the Pathways report should reflect this policy intention. Return of land and water resource areas to tribes also could help the state achieve 30x30 goals related to protection of freshwater dependent biodiversity and enhancing landscape resilience to climate change, in addition to helping revitalize tribal cultures and communities.

(10) Promote application of traditional fire management to watersheds. TEK-based burning along stream channels and riparian corridors helps make runoff cooler and cleaner, remove invasive plants, and provide smoke coverage to lower water temperatures for salmon and other species. TEK-based fire management also reduces extreme wildfires that render topsoil barren and prone to high-volume mudslides or debris runoff after heavy weather events; on the Klamath River in 2022, just such an event killed nearly every fish in a 50-mile stretch of the river. An example of how to integrate traditional fire practices in land and water stewardship may be found in the co-management plan being developed between CalFire and the Coyote Valley Band of Pomo Indians for the Jackson Demonstration State Forest, which may implement tribal methods of prescribed fires that helped sustain the Noyo River's salmon runs for millennia.

(11) Work closely with tribes to implement the Sustainable Groundwater Management Act and strategic agricultural land retirement. Numerous groundwater basins in California are in states of overdraft due to unsustainable water use practices which negatively impacts water supply reliability and surface water availability. Overdrafted basins are developing Groundwater Sustainability Plans (GSPs) within their local Groundwater Sustainability Agencies (GSA), which include considerations for groundwater-dependent ecosystems. GSAs are applying for funds under the Department of Conservation Land Repurposing Grant Program to deliver GSP goals and objectives. These grants programs and other processes for retiring agricultural lands for groundwater sustainability should reflect traditional tribal knowledge and connection to groundwater and surface water related resources, and contribute to restoration of tribal water rights.

(12) Prioritize floodplain restoration in and around at-risk communities, especially in the greater Bay-Delta and Southern San Joaquin Valley regions. Floodplain restoration and levee modifications are vital for protecting at-risk communities and provide benefits for fish, wildlife, and water quality, groundwater recharge to improve availability of drinking water, natural capture and retention of surface water runoff and opportunities for recreation and economic development. Funding, planning, and implementing floodplain restoration and levee improvements must be grounded in the best available science rather than inequitable status-quo practices and expectations for water management and water quality protections. Floodplain restoration must elevate in priority the needs and sentiments of local communities and reflect California's commitment to environmental justice; it also should ensure investments support local entities with expertise in executing and monitoring floodplain restorations.



The Pathways report notes that our rivers and streams connect all Californians, and that we must do more—and quickly—to restore these resource-areas where they have become degraded. The actions we outline above will help California realize the full potential of its 30x30 initiative. Further, we urge the state to prioritize creation or updating of watershed management plans and implementation of projects that leverage the work some of our Power in Nature coalition members are already doing to protect and restore water quality, enhance streamflows and water supply security, and conserve freshwater habitats and species.

Sincerely,

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