CALIFORNIA FARM BUREAU FEDERATION
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Via First-Class Mail & Email
dv_context@calwater.ca.gov

Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force
650 Capitol Mall
Sacramento, CA 95814

Re: Comments on the Delta Vision Strategic Plan Third Staff Draft

Dear Chairman Isenberg and Members of the Task Force:

The California Farm Bureau Federation ("Farm Bureau") is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 91,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau appreciates the opportunity to submit comments on the Third Staff Draft of the Delta Vision Strategic Plan.[1]

PAGE- AND SECTION-SPECIFIC COMMENTS

Pages 3-4: Regarding references to "special status," "privileged position," "preferential treatment," we agree: Neither disproportionate benefits to some, nor disproportionate impacts to others, though at all times recognizing unique and varied needs and circumstances around the state.

Page 4: Regarding the statement re: "no significant source of captured water likely in foreseeable future," we agree that in the current climate of weak state leadership and with the current lack of vision as to the future water supply needs of the state, this prediction is probably

[1] Please note that we have completed at this time only a partial review of the Third Draft. We reserve approaching opportunities for both oral comment and possible additional written comments on the fourth and final draft of the Plan.

accurate. It should be noted, however, that this is not something to which we should allow ourselves to be resigned or complacent. Indeed, without a sea change in this area, efforts to meet a range competing needs out of the Delta that continue to fail to make the connection to future storage needs will likely fail.

Page 6: Regarding subordination of human water supply needs to environmental needs, while this does describe the current regulatory approach, we question whether this is necessarily good or an inevitable long-term policy. Just as societal values have shifted away from human needs to the environment, the pendulum may swing back, for example, if the cost of continued inflexible expansion such policies and future demand or change overtakes and overwhelms other things of inherent value to human society. The point is that human needs, as well, must be accommodated and balanced against competing environmental goals, in a reasonable manner. The Vision should chart a course to ensure that this balance is struck to the maximum extent possible.

Page 7: Regarding "current" reliance on "capture, storage, and conveyance," these things will always be the backbone of water management in California, so long as we have a viable statewide economy. Rather than suggesting falsely that something else can replace these things, the emphasis should be not on elimination, but rather on sustainable adaptation of these traditional elements of California water management to the competing needs of the natural environment. In fact, to meet all needs, sustainable long-term strategies may involve not any significant shift *away* from such things as capture, storage, and conveyance, but rather a significant *expansion*, as well as more aggressive and yet more environmentally sensitive use of such facilities and infrastructure.

Page 9: Why is the Delta Vision Strategic Plan referencing a prediction by the NRDC? NRDC is an advocacy group, not a fisheries agency or any independent scientific source. The sentence is unnecessary and should be removed.

Page 13: Regarding Strategy #14, please consider rewording as follows: "Ensure that land uses in the Delta region are resilient to change over time and that they reflect a reasonable and mutually supporting mix of desirable human and environmental services."

Page 15: Regarding the application of reasonable use and the public trust as the sole source of water "required to revitalize the ecosystem," we are strongly opposed to the proposed approach. Water that is made up through more efficient use should be at least partly, if not entirely available to close the state's significant and growing supply gap and to satisfy unmet demand, within existing water rights structure. Similarly, as acknowledged on page 7, both reasonable use and the public trust require "balancing," such that "no single interest or principle automatically prevails." Environmental needs, consistent with the public trust, must be balanced against other needs in the public interest. Furthermore, alternative means of obtaining water for the environment include will-sellers purchases and transfers (either long-term or temporary), modifications of existing operations and infrastructure, and public investment in water development. Water in California is too precious and water management too uncertain to take

any tool off the table, or to say one tool will absolutely meet all needs or that one tool need replace all others—particularly when the tool in question implies aggressive, governmental encroachment on the rights and livelihoods of private citizens.

Page 17: Regarding "expansion" of "flood conveyance capacity of rivers," this should begin in existing National Wildlife Refuges Areas and existing bypasses, with adequate compensation to private landowners in the form of flood easements and sufficient protection and mitigation of adverse impacts on adjacent landowners and adjacent infrastructure. Dredging out accumulated sediments in existing bypasses is one way to increase "flood conveyance capacity." Raising and improving existing levees is another. In other areas, bypass design and management should seek to minimize adverse impacts to the existing agricultural land base, while maximizing multiple uses and benefits.

Page 18: Regarding Middle River Conveyance, such conveyance may or may not be technically feasible. The answer to this question depends on design details, biological benefits and risks, water quality effects, infrastructure requirements, the level of future South-Delta exports, and the physical routing or flow split of water off the San Joaquin at and below Head of Old River. It is questionable whether such conveyance is indeed "near-term." Feasible near-term measures could involve different barrier options for different purposes, whereas an "isolated" Old River Corridor could take much longer, if it is in fact implemented at all. All of this depends on many technical details and unknowns. The current description in the Strategic Plan is dated and the commitment to a particular approach and sequence is premature and uninformed. To get a sense of the true range of possible alternatives, Delta Vision should confer with the BDCP, on one hand, as well as the South Delta Water Agency and Dr. Russell Brown of the consulting firm Jones & Stokes, on the other. In addition, Delta Vision would likely do well to speak with the Department of Water Resources' Bay-Delta Office, as DWR embarks on its CEQA/NEPA and alternatives analysis for the BDCP EIR/EIS.

Page 19: Regarding the Task Force's recommendations on the BDCP EIR/EIS, the meaning of "sustainable water supply" is unclear. A very real risk, however, is that, if excessive restrictions render reliable water supplies from a new conveyance insufficient to meet current and future demand, this may in turn jeopardize timely implementation of necessary ecosystem and water supply improvements, leading to further deterioration of conditions in the Delta and around the State.

Page 20: Regarding Delta Vision's "five characteristics" the goal of "Stressors below adverse effects levels" is likely unachievable. We suggest substituting the language that follows below, referring to reduction to "levels below critical thresholds."

Page 22: Modify the first sentence of the second full paragraph to read as follows: "New urbanization can also threat the unique cultural, <u>agricultural,</u> and historical character of the Delta. Further below, we are unclear on the meaning of the sentence referring to "designation" of the Delta for "specific agricultural programs," and so cannot evaluate the intent of this proposal.

The statement needs elaboration or, perhaps, cross-referencing to some other portion of the text, where the concept is spelled out in greater detail.

Page 22: We suggest modifying the second sentence of the fourth full paragraph, to recognize that in many areas of the Delta long-term sustainability issues related to subsidence are either not a problem or are less of a problem than in other more deeply subsided areas of the Delta. Even in these areas, levee risks and flood risks can be effectively overcome through relatively modest levee improvements that could in turn enable the land uses in many areas to persist indefinitely. As revised, the sentence would read, "The current configuration of large areas of the Delta landscape may not be sustainable over the long run...."

Page 25: The proposed performance measures for levees on page 25 focus almost exclusively on public safety and risks to residential areas. The performance measures say nothing of risks to agricultural lands and private property, crops, livestock, cultural resources, assets, or infrastructure. As a more general performance measure, that is not specific to public safety or residential areas, we suggest, at the very least, a target of miles of levees brought up to variable levels of "appropriate levees design and flood protection" (though, in reality, the list of measures in this regard should be more carefully reviewed and significantly expanded). In contrast, the proposed "accommodation space" performance measure currently included in the matrix is precisely the opposite of a performance measure or set of performance measures that seeks to reduce risks to current land uses and assets in the Delta. Perversely, under this performance measure, a positive outcome would be to flood as many islands over time as possible. This is not an acceptable measure of "risk reduction" in the Delta and it should be removed.

Page 25: Regarding the proposed performance measure relating to Delta agriculture, the term "sustainable agriculture" needs clearer definition. The definition should not be too narrow or restrictive. Also, the term "sustainability" is relative. Much of Delta agriculture could likely continue indefinitely without any environmentally unacceptable consequence whatsoever. However the term is defined, there must be recognition that productive farmland in the Delta has inherent value to society. It is part of the fabric of the Delta today and should be protected and preserved relative to other values and priorities wherever possible. Also, regarding "gross regional product" as the sole proposed measure of progress on "agriculture," some types of agriculture generate less income than others, yet respond to fluctuating demand within the marketplace, or may be driven by physical and practical limitations of the land. Crop diversity has value separate from economic value alone. In addition, some lower value agricultural lands may provide significant habitat values.

Page 26: Under performance measures for "Water Use Productivity," add a performance measure for "Water consumed through evapotranspiration as a result of aquatic habitat relative to the net biological benefit and water supply cost."

Page 26: Regarding the performance measures related to agricultural water quality, this should have separate in-Delta and out-of-Delta components. With new conveyance, for example, the

quality of water supplies to areas south of the Delta could improve significantly, but might simultaneously decline in the Delta itself. The fact that a farmer in the San Joaquin Valley sees an improvement in his water quality, does nothing to help a farmer in the South or Central Delta, if the Delta farmer's water quality has meanwhile declined. Similarly, an abundant, high quality water supply in the Delta does the San Joaquin Valley farmer no good, if none of that water makes it to his farm. As a matter of general policy, no agricultural region should be deprived of reasonable reliability or useable water supplies to grow crops, if there are practicable means to deliver this water, while simultaneously supplying the needs of other regions as well. Nor, as a general matter, should one group of users or region of the state benefit disproportionately at the expense of another.

Page 27: The performance measures referring to fall outflow, fall salinity, and fall pulse flows on the San Joaquin lack any scientific basis sufficient to justify their inclusion in the matrix. Furthermore, as we have commented previously, increased outflow in the fall while simultaneously maintaining high outflow in the spring would likely make a "wet-period diversion" strategy that meets the Vision's "co-equal" water supply reliability goal quite impossible.

Page 28: Regarding performance measures for "Government Responsiveness," not only materials posted or distributed, but also comments received and responded to, hearings and workshops held, agenda items acted upon, public testimony heard, etc.

Page 28: Regarding CDEW Plan consistency, we disagree that CDEW should not credit possible "inconsistent" actions undertaken pursuant to an approved HCP/NCCP conservation strategy and plan, for example, especially to the extent many proposed ecosystem actions from Delta Vision currently diverge quite significantly from actions being considered for the Bay-Delta Conservation Plan.

Strategy 4—Improvement Reliability And Predictability Of Diversions:

At the bottom of the page, while true perhaps that diversions in the future may need to shift away from the old paradigm based on a single "maximum permitted" level of diversions regardless of hydrology or ecosystem and fisheries concerns, it is probably also true that the "maximum permitted" limits of the past should become more variable than in the past—in other words, ranging both significantly above and below current thresholds relative to differing biological risks and hydrologic conditions in different years and seasons. In addition, there will be a need in the future for greater conveyance and storage capacity to optimize the timing of diversions, in order to simultaneously meet co-equal ecosystem and water supply objectives to the greatest extent possible. Again breaking with old paradigms, however, a significant portion this expanded conveyance and storage capacity may well need to be dedicated to public benefits associated with ecosystem benefits, in order to provide indirect benefits to water supply by increasing overall system capacity and flexibility, closing the supply-demand gap, and thus reducing acute conflicts among human and environmental uses.

Page 41: In the second paragraph, revise: "construction of sizable infrastructure to capture and convey water from areas of local abundance and wet periods for subsequent storage and use at drier times and in drier regions of the State...."

Page 41: In the second indented bullet, revise: "analyze and refine possible, longer term Middle River Conveyance options, including...."

Page 42: Regarding the goal for new storage, to what storage and groundwater projects does the 50 percent goal refer?

Strategy 11—Designate The Delta As A Unique And Valued Place:

Page 60: Add, towards the end of the first paragraph, "recognition of unique natural, agricultural, cultural, and historic character."

Page 60: The terms "sustainable agriculture" and "appropriate [agriculture]" are unclear. Presumably , this refers to agriculture that is not limited over time by subsidence and levee risks, as well as agricultural that is able to coexist with (and not unduly limit or impair) some necessary level of ecological functionality. These terms may imply other considerations as well; however, this is unclear. As they occur in the text currently, the terms are overly vague. Some greater specificity would enable the public to better evaluate the true meaning and intent of the proposed strategy.

Page 61: The proposals directing action by the CDFA and creation of "market structures and incentives" are generally good and, it seems, more concrete than what we recall from the previous draft. What may need further spelling out, however, is some discussion of new initiatives to overcome obstacles and inertias of the past that have so far failed to muster more focused and intensive investment of Farm Bill conservation program dollars in the Delta, for example. This is not the first time such concepts have been touted and yet never aggressively pursued to date. What can provide some greater certainty that this time these things can and will actually occur? In addition, since Farm Bill funds are stretched quite thin and are, generally, not as available to Western States as to other regions, it may be that as with water the State of California cannot 'wait on' the federal government and should consider creation of one or more state-funded programs designed to produce tangible environmental benefits in the Delta.

Page 61: Regarding AB 32, whether carbon farming in the Delta can truly become a viable source of tradable carbon credits is a question that will require significant, aggressive, and sustained research and development, as well as attention to institutional implementation. Delta Vision can help to stimulate such investment and perhaps make such proposals more "real," by making some more specific recommendations in this regard. The related recommendation on page 71 provides some such guidance. However, further and more specific strategic and action-level directives are needed, including early expansion of existing pilot level and demonstration

projects and programs; possible creation of a long-term management plan and a special management zone for these publicly owned lands; public funding for research and long-term sustained large-scale implementation of projects.

Pages 68: The recommendation regarding long-term preservation of potential "future sea-level-rise accommodation" areas could, to an extent, work quite in conjunction with the potential agricultural mitigation and easements described in Strategy 11. Outside of the Delta's Primary Zone, however, in the existing Secondary Zone, this strategy must nonetheless strike a balance between agricultural and open space preservation and habitat restoration, on one hand, and private property rights, investments, and planned and approved development on the other. The same comment applies more forcefully to the language on page 71 regarding acquisition of easements, purchase options, and fee title acquisition of lands in "areas adjacent to *all* remaining ecosystem restoration areas."

CONCLUSION

Thank you for the opportunity to provide our comments and concerns. We look forward to further involvement and discussion with Delta Vision on the development of the Strategic Plan

Sincerely,

Justin E. Fredrickson
Environmental Policy Analyst

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