

September 30, 2008

Honorable Philip Isenberg, Chair  
Delta Vision Blue Ribbon Task Force  
650 Capitol Mall, 5<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Chairman Isenberg:

The Department of Food and Agriculture (Department) has reviewed the fourth staff draft of the proposed strategic plan for the California Delta. We offer these comments in addition to those provided on August 4<sup>th</sup> on the second staff draft.

1. **Agricultural Strategy.** I am pleased to see that a number of the recommendations of our August 4<sup>th</sup> comment letter have been incorporated into the fourth staff draft of the strategic plan. However, I remain convinced that the production of food and fiber, and the social, economic and environmental values that are incidental to the Delta's primary land use, agriculture, deserves a strategy of its own. This strategy would integrate the actions your staff has included on agriculture with each other, with the following additional suggested actions, and with the other strategies of the plan.
2. **Co-equal Values.** Strategy 1.1 makes Delta ecosystem restoration and the creation of a reliable water supply, co-equal goals. Ecosystem restoration, according to the draft plan, will entail additional environmental flows that will in all likelihood come at the expense of other water users, including agriculture. According to the introduction to Volume 1 of, and elsewhere in the fourth staff draft of the plan, it is pointed out that with a growing population and static supplies, assuring a reliable water supply for California water users, including the environment, will result in all users learning to do with less water. Thus, it is apparent to me that these goals are not co-equal; i.e., that assuring additional and reliable flows for ecosystem restoration, creates a hierarchy where reliability for other users is secondary to ecosystem flows, again, including flows for the production of food and fiber. I recommend that a sustainable agriculture be part of both of the strategic plan's co-equal goals; i.e., a sufficient and reliable water supply for California's food security and to support on-farm wildlife habitat. This broadened goal would encompass the continuing ability of California farmers and ranchers to sustainably produce healthy



and safe food for its own citizens -- who increasingly demand an adequate, secure supply of locally grown food – as well as for the nation, and for export to other nations that rely on California for an adequate and diverse food supply. It would also recognize the role that a sustainable agriculture can, and does, play in providing habitat for healthy ecosystems.

There are others of the six goals set forth in your executive summary where agriculture should be addressed. I recommend that the second goal call out agriculture as key to the health of the Delta as a “unique and valued place.” The goal could be rewritten as follows:

“Designate the Delta as a unique and valued place with healthy agricultural, recreational and tourism industries that support vibrant Delta legacy communities, all critical to achieving our co-equal goal.”

Also, consistent with comments 1 and 3.a, I recommend that Goal 3 include both a healthy ecosystem and one that is integrated with other uses of the Delta. The Goal could be rewritten as follows:

“Make the Delta the core of a healthy estuary whose habitats are integrated where feasible with other uses of the Delta, such as wildlife friendly agriculture, eco-tourism and flood management.”

Finally, Goal 5 should be amended as suggested in recommendation 7, below, but also specifically call out the importance of water reliability to the primary economic use of water that provides California with food security.

“Expand options for water conveyance, storage and improved reservoir operations and ensure they both restore the Delta ecosystem as well as provide water supply reliability to all users, especially to such industries as agriculture, whose ability to provide Californian’s food security is particularly dependent on a steady water supply.”

- 3. Cumulative Impacts – Land.** Key to achieving this proposed goal is an ample supply of high quality and diverse soils and microclimates. The proposed draft strategic plan would have potentially significant impacts on the conversion of agricultural land within the Delta and its watershed to environmental, recreation, flood management (both in terms of expanding off-channel flood storage and increasing the frequency and depth of Yolo and other by-pass flooding) and infiltration and groundwater recharge purposes. The Delta vision strategic plan may not be the place for a cumulative assessment of this loss and its implications for agricultural sustainability, though the study called for in action 2.1, element 3.f could

be the venue for such an assessment. At a minimum, the plan should call for the proposed Delta governing council to conduct such an assessment and propose actions that mitigate the losses actions that are internal to the proposed California Delta Ecosystem and Water Plan.

*a. Working Lands Approach.* As we commented on August 4<sup>th</sup>, one of the actions that we recommend be included in the strategic plan and reflected in the eventual CDEW Plan, is the avoidance of the best farmlands and minimizing the impacts where avoidance is not possible by integrating agriculture into the plans for ecosystem restoration, floodplain and storage management, groundwater recharge and recreation. I am pleased to see in the fourth draft additional language that recognizes the additional environmental values that agriculture provides and of which more can be generated. For example, element 3 in Strategy 2.1 rightfully enumerates several of those incidental but often inherent values: carbon sequestration, flood management, recreational opportunities, soil-building, wildlife habitat and tourism.

We recommend that a criterion for actions to achieve these other resource objectives be an assessment of the possibility to integrate these objectives into compatible agriculture through the use of conservation easements, incentives and regulatory assistance. This kind of approach to agriculture is inferred in strategy 2.1, particularly under element three, but this approach needs to be reflected throughout the plan. In addition, it needs to be recognized that adaptation of, and co-existence with, often competing land uses should work in both directions. In other words, agriculture is often treated in the plan as the land use that must evolve to produce other public benefits besides or in addition to food and fiber, but the reverse should also be part of the evolving Delta and Delta watershed. Ecosystems, flood management and other public land use objectives can be met by approaches that accommodate and improve agriculture sustainability. Both approaches are needed to keep enough agricultural lands in production to support the agricultural service industries necessary for agriculture to survive in the Delta and its upstream agricultural regions.

4. **Cumulative Impacts – Water.** The plan calls for specific flows during times of the year that would adversely impact farming operations, depending on the year and region. First, as others have suggested, the specific flow volumes should be scientifically validated; i.e., that they are necessary to achieve species recovery and viability. Second, as suggested above, an assessment of the impacts on the viability of agriculture of the timing of the flows should be conducted, either as part of the proposed study called for by Strategy 2.1, element 3.f, or as part of the CDEW plan or its CEQA document.

5. **Farm Bill Funding.** Element three of Strategy 2.1 includes an action that calls for the Department to "... earmark directed specialty crop funding in support of Delta agriculture...." This is an action that cannot work as stated. This funding comes to the Department through the recently enacted Farm Bill with restrictions that prevent "earmarking;" this program was strictly established as a competitive grant program. Calling for a special set-aside of these funds would jeopardize this new and important program to California, the nation's top specialty crop state. Rather, we recommend the following language:
  - a. Delta local governments, and agricultural other economic development interests, should assess the opportunities in the new Farm Bill for funding that supports agricultural marketing including labeling, direct marketing and the development of new crops, crop varieties and value-added products. Among the Farm Bill titles that should be assessed are Research, Conservation, Rural Development, Energy, and Nutrition. Appropriate collaborations should be formed to apply for, and secure funding, including potential funding from Title X: Horticulture and Organic Agriculture, Title VI: Rural Development; Title VII Research and Title II Conservation of the U.S. Farm Bill. Funding from Foundations should also be sought. Collaborations should include, but not be limited to, the Delta Conservancy, the Delta Protection Commission, the Delta Resource Conservation and Development Council, agricultural commissioners, the University of California, the USDA Cooperative Research, Education and Extension Service (CREES), and the California Department of Food and Agriculture.
  
6. **Environmental Water Flows.** I support the more flexible and diverse portfolio approach to securing additional water for environmental flows. The previous plan appeared to take a rather heavy-handed approach, with an emphasis on the Public Trust Doctrine and the Beneficial Use principle to take water from agricultural and other water users for environmental purposes. While the current plan continues to recognize these tools as valid, they are now enumerated among a number of other options to secure needed environmental flows from reductions in upstream water diversions, including "providing alternative supplies, conservation, increasing efficiencies, retiring marginal lands, recycling, reuse, desalination, conjunctive use of surface and groundwater supplies...market mechanisms...[and] agreements among willing parties." The plan also recognizes improved storage and conveyance capacity as important to achieve improved water reliability and ecosystem function.
  - a. *Water Use Efficiency.* As you know, achieving greater water use efficiencies in agriculture is a complex proposition, though one worth continuing; agriculture has already achieved significant efficiencies over the past decades while at the same time increasing productivity.

I support the approach taken in Goal 4, strategy 4.1, with its reliance on state support for the local development of water conservation and management plans, working with the Agricultural Water Management Council that receives renewed support from the state. I do not support mandated targets for agriculture at the state level because of California's inherently diverse agricultural and water use landscape, and markets, an approach of which the draft appears to steer clear. I do support the involvement of growers and water districts at the basin or regional level through Integrated Regional Water Management Plan groups to develop district and farm-level strategies and practices that make sense for that region and its environment and economy. Particularly, I support tying action 4.1.3 with these integrated regional water management plans, creating a mechanism to tie the conservation of sufficient land and water for regional agricultural sustainability in the face of urbanization pressures.

*b. Return Flows.* Action 4.1.6 calls for "the SWRCB to certify equipment and methods which significantly reduce or eliminate any return flows to surface water and groundwater...to comply with the Irrigated Lands Regulatory Program." I support a certification program as a clear path for growers to relative certainty in compliance with water quality regulations, but worry that the SWRCB, by itself, should be directed to certify best management practices. I recommend that the SWRCB be directed to seek the advice of a technical advisory committee made up of experts from DWR, the USDA-Natural Resources Conservation Service, CDFA, University of California Cooperative Extension Service, the CSU-Fresno California Agricultural Technology Institute, and others, in complying and certifying return flow reduction technologies.

*c. Information on Water Use.* Actions 4.2.5 and 6 call for SWRCB to "ensure accurate and timely information...on all surface [and groundwater] diversions...." This will be a difficult task that should rely on a district-level gathering of information, and respect the privacy of legal diverters. Because of the complexity and controversial nature of the task, 2012 may be too short of a time period to hold water users accountable (by withholding access to state grants and loans, and approval for water transfers). Such restrictions should take into account the complexity of the task and consider exceptions for applications for funds that further the objective of these actions.

7. **Water Infrastructure.** Goal 5 calls for the expansion of options for water conveyance and storage. Subsequent actions refer to the construction of new surface and groundwater storage and conveyance facilities. I recommend that Goal 5 be amended to be more explicit in keeping with the actions outlined to achieve the goal; i.e., the goal should add to "Expand options," *by constructing new storage and conveyance facilities.*

8. **Levees and Agriculture.** The plan recommends matching levee improvements with the value of the assets and land uses protected by the levees. The plan infers that some agricultural lands (“low-value private uses”) should not be protected by levees that, if they fail, will be repaired, but, instead, advocate the lands be allowed to convert to wetlands, open water or flood-tolerant uses. I recommend that, in valuing the agricultural land uses protected by levees, all of the values that agricultural production and landscapes provide be quantified. These include habitat value of actively farmed lands, especially field crops, the value of green open-space to the surrounding urban dwellers, and the value of locally produced food within short transportation distances from several major metropolitan areas, at least two of which, look to the Delta as part of its “foodshed.” This type of valuation is consistent with principle 7 of Strategy 6.1.
9. **Delta Conservancy.** Whenever the purposes of the Delta Conservancy are referenced, it is in the context of protecting ecosystems or their buffer lands. I recommend that the purpose of the Conservancy be clearly described to include agricultural land conservation easements. The Conservancy should work closely with local agricultural land trusts and acknowledge the strategic work of the Delta Protection Commission with respect to the use of agricultural easements, in the exercise of acquisition activities. Towards this end, I recommend that Strategy 7.1 include agricultural land sustainability in its purposes for the Delta Conservancy.
10. **Easements versus Fee Title Land Acquisition.** Again, I encourage the use of easements to achieve working landscapes in the Delta that achieve multiple resource goals while keeping as much agricultural land in production when needed, or with the flexibility to be brought into production, as possible.
11. **Governance.** Goal 7 calls for a new governance structure with a small membership, independent council made up of Governor-appointed individuals who do not have direct geographic ties to the Delta. The Goal also calls for other entities, including public advisors, a science panel, and the Conservancy. Regardless of geographic representation, I recommend that agriculture, or agricultural expertise, be represented on all new entities recommended. Given the extensive nature of agriculture in the Delta and the influence of agriculture on the Delta’s economy and land use, the governance structures should be composed so that agricultural expertise is brought to bear with advice on decisions that affect the use of the Delta.

Honorable Philip Isenberg, Chair  
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Thank you for the opportunity to provide additional input on the staff draft Delta Vision Strategic Plan. Please contact me if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'A.G. Kawamura', with a long horizontal line extending to the right.

A.G. Kawamura  
Secretary

Enclosure

cc: Mr. Mike Chrisman, Secretary, California Resources Agency  
Mr. Al Montna, President, State Board of Food and Agriculture  
Mr. John Kirlin, Executive Director, Delta Vision Blue Ribbon Task Force  
Ms. Linda Fiack, Executive Director, Delta Protection Commission