

Western Growers Association

Serving the California and Arizona Fresh Produce Industry



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June 30, 1998

CALFED Bay-Delta Program
1416 Ninth Street, #1155
Sacramento, California 95814

Attention: Mr. Rick Breitenbach

Re: Comments on CALFED Draft Programmatic Environmental Impact Statement/Environmental Impact Report

Western Growers Association (WGA) is an agricultural trade association whose members grow, pack and ship the majority of the fresh vegetables, as well as a significant amount of the fresh fruit and nuts produced in California and Arizona. WGA, on behalf of our membership, is pleased to submit the following comments on the CALFED draft programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

Introduction

WGA strongly believes that a solution to managing the Sacramento-San Joaquin Delta is critical to all of California, and is committed to solutions that will assure a reliable, adequate and affordable water supply for all Californians and the environment. To this end WGA supports in concept the objectives of the CALFED Program, and supports the principles stated to achieve those objectives. For CALFED to be successful it must arrive at an equitable solution – one in which all parties “get better together”. California farmers and ranchers and the rural communities in which we live will judge the CALFED Program and the preferred alternative based upon adherence to the program’s solution principles.

WGA understands that CALFED intends to prepare a revised draft EIS/EIR that will identify a draft preferred alternative and which will be available for public review and comment before preparation of a final programmatic EIS/EIR in 1999. Based upon our review of the current draft EIS/EIR WGA is of the opinion that CALFED that extensive revision will be required. It is WGA’s hope that our comments will assist CALFED in identifying key areas where revisions will be necessary if production agriculture is to support the "final" solution. To be successful, the final solution must provide benefits to a broad geographic range, including rural counties upstream of the Delta, areas within and adjacent to the Delta, as well as to the export regions.

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California's economic and ecological health depends upon a sustainable solution, which provides significant improvements in the areas of water supply, water quality, system integrity, and environmental enhancement. The projected California population increase from the present 33 million people to nearly 50 million people by the year 2020 is not something which can continue to be ignored as it has in the past. These additional 17 million people will need not only new water supplies but they will also need a reliable food and fiber supply. According to the California Farm Water Coalition each Californian uses an average of 178 gallons of water per day for all indoor and outdoor needs, not including the intake of water through food. When the daily requirement for food is considered, the demand for water for each person jumps to approximately 894 gallons per day. CALFED must start immediately the studies and evaluations necessary prior to permitting of facilities providing new water supplies to meet current and projected future water needs.

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Protection of water rights is the key to the ultimate CALFED solution. CALFED must assure water rights holders that both their surface and groundwater rights will not only be protected but also enhanced by the CALFED process. Area of origin rights must also be protected and enhanced to ensure that the water supply needs of areas of origin can be met adequately and affordably. Existing contractual obligations of the state and federal government must also be maintained.

Water Supply and New Water Storage

Rather than redirect water from productive agricultural uses, California must fully utilize and conserve the water (above and beyond the water dedicated to the environment) that now flows to the ocean. The most effective way to conserve outflow is to increase surface storage.

The CALFED solution must provide for substantial new storage capacity and substantial new yield to meet the water supply and water quality needs of water users and the environment. WGA also believes that the importance of new water storage capacity and new water yield merits a storage component designated as part of the "common programs".

While CALFED has identified the need for substantial new water supplies to meet the Program's goals, the analysis of water supply alternatives excludes new onstream storage facilities. The Program should consider a full range of alternatives including development of new onstream storage facilities. New storage should consist of both surface (off-stream and on-stream) and groundwater storage. New water yield as opposed to storage capacity, as well as multiple benefits, should be high on the list of criteria against which storage options are evaluated.

WGA supports new surface storage in the Sacramento Valley, adjacent to the Delta, and south of the Delta. To provide immediate benefits for water users and the environment, CALFED should consider the early implementation of north of the Delta storage, which could be accomplished, in the near term. The CALFED solution should spell out up front procedures which will be followed for obtaining needed permits in a timely manner.

There are geologic and hydrologic limitations to groundwater storage in California and groundwater storage and conjunctive use options alone will not meet the State's need for increased storage and yield. WGA believes that groundwater storage and conjunctive use programs must be locally initiated and controlled if they are to be locally supported and viable. Where there are to be supply benefits outside of the local area, there must be appropriate contractual mechanisms in place. These programs must assure the agricultural groundwater users in basins that are not currently managed that groundwater levels will be protected to prevent overdraft and the subsequent increase in water cost. This can best be accomplished by recognizing the groundwater rights of the overlying landowners and providing for mitigation of potential impacts. Once a groundwater storage and/or conjunctive program is put in place, based upon sound technical information, monitoring of groundwater levels and quality will be an important component to assist in protecting local interests.

CALFED can play an important role in the development of locally sponsored groundwater programs by assisting local entities with technical assistance, and providing funding for needed studies and assessments i.e. assessments of local geologic structure, groundwater quality, aquifer response to pumping, etc.

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Where potential conflicts exist between the ERPP and for example levee stabilization, assurances must be provided that ERPP actions will not adversely impact the operation or maintenance of flood control facilities.

Agricultural Land/Water Conversion and Retirement

While land retirement is technically "off the table" as a strategy for reducing agricultural water demand there continues to be some who champion the benefits of extensive farmland retirement south of the Delta. Agricultural land retirement, for the purposes of demand management, must remain "off the table" if agriculture is to support the final CALFED solution.

The number of acres of agricultural land proposed to be retired or converted is of great concern to WGA. Agricultural land in California is a resource of global significance that as a matter of good public and social policy should not be converted without all due consideration. The EERP calls for conversion of agricultural land and water to wildlife habitat, and agricultural lands are further proposed to be retired in "drainage problem" areas. Construction of levees, the use of setback levees, flood control easements, and storage and conveyance facilities will also take agricultural lands out of production.

Large-scale retirement and conversion of agricultural land and water will have enormous economic and social consequences. As a society we must evaluate the full range of impacts that would result. These impacts include related economic activity, the loss of jobs, and loss of an important tax base for rural communities. Every effort must be made to keep to the minimum the loss of productive agricultural lands, and wherever possible public lands and non-agricultural lands should be utilized.

WGA recommends that CALFED evaluate and give priority to ecosystem restoration alternatives that provide for wildlife benefits and maintain land in private ownership. Recent amendments to the California Endangered Species Act authorize voluntary local programs under which farmers and ranchers may incorporate habitat and species-friendly practices into their operations and in return receive protection from prosecution for incidental "take" of state-listed species. The law also provides protection from prosecution for "accidental" take. Similar authorization and protection for federally listed species could open the door to a substantial increase in habitat statewide without taking viable agricultural lands out of production.

Ecosystem Restoration Program Plan

The ERPP, if it is to be credible, must be scientifically sound and should contain clearly stated objectives. The stated objectives should be affordable, implementable, and have no significant

redirected impacts. Independent scientific review should be an integral component of all aspects of the program, and funding should be linked with other program elements to ensure balanced implementation.

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Alternatives/Solutions

The CALFED final solution package must provide for long-term solutions to the problems facing the Delta. The minor improvements identified in Alternative 1 are clearly inadequate to meet the identified needs. WGA believes that further analyses must be performed by CALFED on Alternative 2 and Alternative 3. Further work needs to be done to address the weaknesses of these two Alternative's, and to identify needed modifications.

Water Use Efficiency

Agricultural water districts and individual farmers have invested heavily in water conservation programs, projects and equipment over the years. WGA supports increased water conservation by the agricultural community, but also firmly believes that it can be demonstrated that agriculture is largely already using water efficiently.

CALFED has established a target of 5.5 to 6 million acres of irrigated farmland that must be covered by a water conservation plan by January 1999, relying for the time being on voluntary efforts through implementation of the water conservation plan endorsed by the Agricultural Water Management Council. CALFED has further stated that if these goals are not achieved by voluntary efforts regulatory or legislative mandates could result to require agricultural water conservation measures.

WGA believes that the CALFED target of 5.5 million to 6.0 million acres is unrealistic, unsupported, and the proposed timeframe too short. The Agricultural Water Suppliers Efficient Water Management Practices Act MOU is a district-based program. CALFED must recognize that significant irrigated acreage within the CALFED solution area is not served by any irrigation or water district. Agricultural water agencies began signing the MOU in 1997 which allows two years from the date of admittance for the development and submittal of a water management plan for Council approval. WGA does not believe that CALFED should attempt to mandate conditions contrary to the MOU.

CALFED has stated that water users will not benefit from CALFED programs or facilities unless they are participating in a water use efficiency program, including some form of mandatory water measurement and volumetric pricing. WGA opposes the inclusion of mandatory water measurement and pricing criteria, as these criteria are not consistent with the Agricultural Water Suppliers Water Management Practices MOU. Under the MOU these practices are only implemented after a net benefit analysis indicates the practices are appropriate for a signatory. Again, CALFED is attempting to alter the conditions of the MOU.

WGA is of the opinion that the CALFED stated goal of achieving 85 percent application efficiency throughout California agriculture is unsupported scientifically and unachievable practically. Agriculture is extremely varied throughout California, as are physical conditions, and it is simply unrealistic to establish a "one size fits all" goal. For example, in certain areas application of agricultural water recharges groundwater aquifers, and a reduction in application could reduce the groundwater supply and interfere with ongoing local conjunctive use programs. Another example where reduction in agricultural water application could adversely impact agricultural production is where soils require the application of water above the needs of the crop in order to leach salts from the soil's root zone.

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The environment is the largest consumer of water in California, and it too should be held to efficiency standards for all current and new environmental uses of water. WGA urges CALFED to develop a method for assessing and a system for ensuring that environmental water is used efficiently.

Water Quality/Watershed Management

WGA supports CALFED proposals to provide financial and technical assistance for development of best management practices to address nonpoint sources of water quality impairment. WGA does, however, object to CALFED efforts to establish target values for agricultural crop protection materials (see Water Quality Technical Appendix). CALFED is not the appropriate entity to establish such target values, and WGA requests that these values be deleted from the document.

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WGA recommends that CALFED recognize and support these existing efforts. A function CALFED can fulfill is one in which CALFED assists where possible by providing funding assistance for educational outreach and development of best management practices.

Water Transfers

Voluntary water transfers and exchanges have for decades been a component of water supply management in California. The majority of these voluntary transfers to date have been agriculture to agriculture transfers, and in time of drought agriculture to urban transfers have lessened shortages which would otherwise have inflicted significant hardship upon the urban population. In times of drought land fallowing has been used as a means to meet urgent urban needs. However, WGA believes that temporary land fallowing should be reserved for extraordinary conditions, and then should be done in a manner sensitive to the regional economy where the land are fallowed. There has also been some transfer arrangements between agricultural and non-agricultural users that have benefited both parties and have not depleted the long-term agricultural water supply.

It is important to understand that water transfers do not create "new" water; rather transfers simply move water from one use to another use. Agriculture generally is not adverse to voluntary short-term transfers of water to meet a temporary need, but does oppose short-term transfers that result in the development of long-term demand for agricultural water.

Increasingly some look to agriculture as a source of water, rather than viewing water transfers as a water "management" tool. It is extremely shortsighted to ignore the importance of the California agricultural industry to the economic well being of the state and nation. Short-term voluntary transfers can fill an important niche in the state's water management as the population grows and storage facilities are being designed, permitted and built, a process that will take years. However, WGA maintains that water transfers absent a strong up front commitment to additional storage violates the CALFED solution principles and is unacceptable to the agricultural industry.

WGA is concerned about the current lack of analysis regarding the actual amount of water that may be available for transfer on a voluntary basis, as well as the demand for water so transferred. It appears to WGA that unrealistic assumptions and conclusions have been made which will result,

unless such an analysis is conducted, in a significant overestimation as to the ability of water for transfer to meet the CALFED solution principles. Unrealistic expectations could in turn result in pressure to reallocate water from agriculture on other than a voluntary basis.

Not all groundwater users are part of a groundwater management program. Transfers or exchanges of water must not negatively impact agricultural groundwater users, and the burden of proof regarding groundwater impacts of transfers should be the responsibility of the parties to the transaction, and not on non-participating groundwater users.

Environmental water acquisitions and uses should be subject to the same rules as other transfers. Water acquisitions for the environment should be made with clearly stated objectives, and should achieve multiple benefits whenever possible.

WGA believes that CALFED involvement in water transfers should be limited to construction of the necessary conveyance and storage facilities that enable transfers to play a meaningful role in the State's overall water management. The most significant constraint to transfers through the Delta is reliable conveyance capacity, coupled with new facilities to provide the necessary operational flexibility.

Cost/Cost Allocation

A solution that is not affordable is not a solution. The costs of the CALFED program must be apportioned in a manner mutually agreeable to stakeholder interests.

New water demands on the system must look to newly developed water supplies. This new water demand includes new water supplies for long-term environmental uses. WGA strongly believes that agricultural water users must not be asked to pay any additional cost to replace water taken for environmental uses through regulatory actions (i.e. enforcement of state and federal Endangered Species Acts), or for replacing water dedicated to environmental protection by legislative action (i.e. the Central Valley Improvement Act), and the Bay-Delta Accord.

Implementation and Assurances

While the long-term solution package must focus on the long-term, it is clear that incremental implementation will be necessary. The implementation plan must be developed with "getting better together" as a guiding theme, and should include early investments in components, including system capacity, which provide for significant benefits to both water-users and the environment in the near-term

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Western Growers Association Comments on Draft CALFED Program and EIR/EIS

Assurances are a key element of the feasibility of any proposed solution, and no CALFED solution can be successfully implemented until an assurances package has been developed which is acceptable to stakeholders as well the state and federal agencies which make up CALFED.

The Assurances package should include triggers that ensure that implementation occurs in a balanced manner consistent with the philosophy of "getting better together". Linkages should be established between ecosystem improvements and project operational requirements, for example.

While it is understood that water users need assurances under the Endangered Species Act as part of the assurances package, WGA does not believe that enough attention has, to date, been given to the needs of landowners. Agricultural landowners will need assurances that their land will not be targeted as mitigation, nor their activities curtailed by, for example, the presence of nearby habitat.

Assurances should be developed before a preferred alternative is adopted.

Conclusion

In conclusion, WGA is of the strong opinion that the CALFED Program and draft EIR/EIS must be revised to address the concerns noted above. If needed changes are not made, there will clearly be significant adverse impacts upon California agriculture and the agricultural economy.

Questions may be directed to: Kathy Mannion, Director California Government Affairs, (916) 446-1435.

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New water demands on the system must look to newly developed water supplies. This new water demand includes new water supplies for long-term environmental uses. WGA strongly believes that agricultural water users must not be asked to pay any additional cost to replace water taken for environmental uses through regulatory actions (i.e. enforcement of state and federal Endangered Species Acts), or for replacing water dedicated to environmental protection by legislative action (i.e. the Central Valley Improvement Act), and the Bay-Delta Accord.

Implementation and Assurances

While the long-term solution package must focus on the long-term, it is clear that incremental implementation will be necessary. The implementation plan must be developed with "getting better together" as a guiding theme, and should include early investments in components, including system capacity, which provide for significant benefits to both water-users and the environment in the near-term

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Assurances are a key element of the feasibility of any proposed solution, and no CALFED solution can be successfully implemented until an assurances package has been developed which is acceptable to stakeholders as well the state and federal agencies which make up CALFED.

The Assurances package should include triggers that ensure that implementation occurs in a balanced manner consistent with the philosophy of "getting better together". Linkages should be established between ecosystem improvements and project operational requirements, for example.

While it is understood that water users need assurances under the Endangered Species Act as part of the assurances package, WGA does not believe that enough attention has, to date, been given to the needs of landowners. Agricultural landowners will need assurances that their land will not be targeted as mitigation, nor their activities curtailed by, for example, the presence of nearby habitat.

Assurances should be developed before a preferred alternative is adopted.

Conclusion

In conclusion, WGA is of the strong opinion that the CALFED Program and draft EIR/EIS must be revised to address the concerns noted above. If needed changes are not made, there will clearly be significant adverse impacts upon California agriculture and the agricultural economy.

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