



**WATER RESOURCES ASSOCIATION
OF YOLO COUNTY**

June 15, 1998

Rick Breitenbach
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Dear Mr. Breitenbach:

The Water Resources Association of Yolo County would like to offer the following comments on the Draft Programmatic Environmental Impact Statement/Environmental Impact Report entitled "CALFED Bay-Delta Program".

The Draft EIR/EIS focuses more on policy than projects. There is no lead agency, no identified project and associated impacts, and mitigations are "proposed as strategies in this programmatic document and are conceptual in nature." (Draft EIR/EIS page 8.1-38). It is hard to provide meaningful comments on such a document.

We support CALFED's general goals of addressing water quality, levee integrity, water supply reliability, and environmental problems associated with the Delta. We recognize the benefits associated with restored ecological functions in the Bay-Delta. We view this as a resource that benefits all Californians. However, we feel that undue burdens should not be placed on water users in the Sacramento Valley in order to restore the Delta.

One of the Solution Principles of the CALFED program is:

"No Significant Redirected Negative Impacts. Solutions will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in their entirety, within the Bay-Delta or to other regions of California." (Phase II Interim Report, pg.9)

No redirected impacts is desirable, but the phrase, "when viewed in their entirety", implies that redirected impacts are acceptable if one area benefits more than another area loses. If this is the case, then there will certainly be redirected negative impacts.

There is a need for clear articulation, on a project-by-project basis, of negative impacts associated with all aspects of the program and appropriate mitigation of these impacts.

Assurances -- According to the Technical Appendix "Implementation Strategy", assurances are "the mechanisms necessary to assure that the long-term Bay-Delta solution will be implemented and operated as agreed."

Assurances need more focus and must meet the criteria of no redirected impacts, specifically;

- Areas upstream of the Delta should not be negatively impacted.
- Benefits should extend to upstream areas as well as Delta and South-of-Delta areas. There appear to be big benefits for exporters and few for the Sacramento Valley.
- Currently, allocation of benefits from the proposed program is not balanced between water users north of the Delta and the State and Federal projects that divert water south from the Delta. There is no an acre-foot per acre-foot equivalence between diversion in the Sacramento Valley and diversions from the Delta at the State and Federal projects.
- The burden of fixing the Delta should be balanced with the benefits received.
- Area of Origin water rights should include groundwater, and should be defined and protected. The Sacramento Valley should get credit for Delta water diverted by the State and Federal projects since the water originated here.
- Area of origin water users should have use of project facilities.
- USBR transfer regulations should allow water to be moved around in the area of origin.
- Groundwater should be under local control.

There are inconsistencies in the Draft EIR/EIS, e.g., one section recommends leaving management to local agencies, and another section recommends a new agency/authority to deal with implementation of the CALFED proposals.

The discussion of the need for the program lists several actions that have impacted the Bay-Delta ecosystem. It includes upstream water development and use, and export of water from the Delta. If upstream diversions have caused any adverse impact to the Delta environment, they have been insignificant compared to impacts caused by export projects. We assert that the primary cause of the diminishment of the Bay-Delta ecosystem, and hence the need for the CALFED program, is export of water from the Delta. The Draft EIR/EIS should be expanded to explain the primary cause(s) of Bay-Delta impacts. The CALFED program approach seems to be to assign responsibility to mitigate for Delta conditions to areas that have not contributed substantially to those conditions, a violation of the CALFED solution principles.

The Census Bureau predicts California will have nearly 18 million more people by the year 2025. The CALFED program identifies the need for millions of acre-feet of water to meet the program's needs. However, the program's analysis of water supply alternatives is limited and unlikely to produce adequate supplies to meet California's future needs. We are concerned that the program includes an unrealistic reliance on water transfers and reduced agricultural water use in the Sacramento Valley as new sources of water. That approach would result in an unacceptable negative impact in the Sacramento Valley. The program should consider a full range of alternatives, including development of new onstream storage facilities in order to comply with CEQA.

It is essential that the program determine whether the development of new water supplies for Bay-Delta purposes will adversely effect the ability of the areas of origin to develop water supplies to meet their ultimate water needs. Yolo County, for example, needs to develop additional supplies to meet future water needs. We believe it will be difficult for us to acquire additional water supplies if we must

compete with a massive CALFED water acquisition program. The Draft EIR/EIS should examine if and how the CALFED program will adversely affect our ability to acquire water.

The proposed water use efficiency program has the potential to cause significant adverse impacts in the Sacramento Valley that would violate the CALFED principle that "solutions" will not result in redirected impacts. The Draft EIR/EIS recognizes that conservation of agricultural water use in the Sacramento Valley does not result in new water supplies because water not consumed by crops remains in the water system for multiple use. Nevertheless, the program proposes (1) reduction of agricultural water use by hundreds of thousands of acre feet, and (2) substantial redirected impacts in the Sacramento Valley, such as decreasing production of agricultural land and land fallowing, increasing groundwater pumping, and related socio-economic impacts.

Urban Water Suppliers--CALFED recommends endorsement or certification of water supplier's compliance with the terms of the Urban MOU regarding urban water conservation, fees for non-compliance, and funding the SWRCB to exercise its authority regarding violations of waste and unreasonable use.

Water conservation should be implemented only if it increases the available water supply and is economically and environmentally feasible. In our area, irrigation recharges groundwater aquifers. Reducing applied water could reduce the groundwater supply and interfere with ongoing conjunctive use programs that are vital to local water supplies, especially during droughts.

The proposal to increase the cost of agriculture water in the Sacramento Valley by \$45 to \$72 per acre foot per year to implement "conservation" measures would substantially impact agricultural production (page 8.1-37), without any real water savings. New water might become available in the Sacramento Valley if agricultural production ceases due to increased water costs. Significant groundwater overdraft and associated problems may result if agriculture switches to groundwater. CALFED should clarify whether these will be project impacts. The CALFED program should be revised to avoid these significant redirected impacts.

The definition of "water use efficiency" is cause for concern. The Draft EIR/EIS states (Water Use Efficiency Component pg. 2-1): "Efficiency can also be defined in economic terms: deriving the greatest economic output from a given input such as a unit of water . . . Program actions that facilitate a water transfer market will likely result in improved economic efficiency." The Sacramento Valley will support voluntary and locally controlled water transfers if they play a limited role in meeting California's water needs. The Sacramento Valley and other areas of origin will oppose the concept that "efficiency" dictates the transfer of water from beneficial uses in the area of origin to uses in export areas with water uses that are perceived to have higher values. Once that concept of efficiency is accepted, there is concern that water transfers from areas of origin will be required rather than permissive.

The Draft EIR/EIS states that the program's water transfer policy "must also provide a means of assuring that water transfers do not merely improve short-term water supply reliability at the expense of local communities or groundwater resources (pg. 2-15). However, there is nothing in the proposed transfer policy that creates that assurance. We request that the CALFED program and EIR/EIS incorporate the following principles:

1. Transfers should be voluntary, and the essence of a voluntary transfer is that the consent of the water right holder is needed. The policy should not pressure water right holders to consent to user-initiated water transfers.
2. CALFED should declare that fallowing agricultural land in the Sacramento Valley will not be pursued as a source of water under the CALFED program.
3. Any conjunctive use transfer program must (a) be controlled by local public agencies in the areas from which the water is to be transferred, (b) include a program of data collection to establish the safe yield of the affected aquifer, (c) carefully monitor the program to avoid impacts, (d) include a program to mitigate impacts, and (e) include local benefits from the program.
4. CALFED should not pursue already developed water supplies from areas whose long-term water supplies will not meet long-term needs. CALFED should pursue water supplies from areas that have identified a long-term surplus.
5. CALFED should pursue water supplies through development of both onstream and offstream storage facilities, instead of relying on water transfers and reduction in the application of agricultural water in the Sacramento Valley.
6. Bulletin 160-98, the California Water Plan Update, published by the Department of Water Resources (one of the CALFED member agencies), states California is overdrafting groundwater statewide by 1.6 million acre feet per year. Bulletin 160-98 also states that groundwater overdraft is expected to increase about 10% by the year 2020. We recommend the CALFED DEIR/EIS be consistent with information provided in Bulletin 160-98.

The Draft EIR/EIS acknowledges that the water transfer program could have significant adverse impacts in the Sacramento River region, including an increase in groundwater pumping, increased pumping costs, exacerbation of groundwater overdraft, reduction of groundwater recharge, reduction in crop yields due to poorer water quality, reduced farm output, land subsidence making affected areas more susceptible to flooding, infrastructure damage and reduce wildlife habitat. The Draft EIR/EIS states: "Pumping and subsidence occurring near levees or other flood control facilities could cause settlement of the underlying substrate, resulting in levee slumping, or more significant damage" (pg. 8.4-23). These would all be significant redirected adverse impacts in the Sacramento Valley from implementing the CALFED program. These types of impacts from water transfers in Yolo County have been documented in the University of California report "California Water Transfers: Gainers and Losers in Two Northern Counties", by Coppock and Koreith, 1992. The EIR/EIS must provide mitigation for these negative impacts.

Water purchases to implement the ecosystem restoration program must not cause redirected impacts. Even if the program proposes purchases from willing sellers, competition of CALFED for water supplies with water-deficient areas in the area of origin could cause a redirected adverse impact. Conversion of 34,000 acres of agricultural land in the Sacramento Valley to implement the ecosystem restoration program could result in redirected adverse economic impacts, which would violate CALFED principles. The Draft EIR/EIS (Table 3-1) shows extensive potential negative impacts to agricultural economies from implementing the program.

The Draft EIR/EIS estimates the CALFED ecosystem restoration program will result in loss of crop revenue of between \$13 million and \$34 million per year in the Sacramento River region, and acknowledges that there would be substantial adverse economic impacts on farm revenues, income generation, employment levels and the financial viability of water districts. These impacts are identified

in the Draft EIR/EIS as “potentially significant unavoidable impacts” (pg. 8.1-31). The program should be revised to avoid these redirected impacts.

The Draft EIR/EIS does not identify adequate mitigation measures, nor does CALFED assume the responsibility to mitigate significant negative impacts caused by its program. The Draft EIR/EIS states “final mitigation would need to be approved by responsible agencies as specific projects are approved by subsequent environmental review” (pg. 8.1-38). The Draft EIR/EIS sets forth numerous vague strategies e.g., “provide advice on how to stretch existing water supplies in cost-effective ways to keep water acquisition costs down . . . provide advice on ways to keep production up even as acreage goes down” that are supposed to mitigate for the significant economic and other impacts that would result in the Sacramento Valley from implementation of the program.

Although for a program EIR, mitigation measures may be general, the EIR must describe measures that could minimize the significant adverse impacts of the CALFED program. Mitigation measures may not be deferred until a future study or project. An offer to “provide advice” is not mitigation. In order to comply with CEQA, the mitigation measures must be expanded and strengthened.

The water use efficiency component of the CALFED program would result in substantially higher water charges for agricultural and urban water users in the Sacramento Valley. These additional costs could make agricultural production uneconomic. The EIR/EIS socio-economic analysis must be expanded to address these impacts.

CALFED proposes a tax on all water diversions within the Bay-Delta watershed to pay for ecosystem restoration (pg. 26 of the Implementation Strategy). The evidence suggests that the export of water from the Delta has been the primary cause of degradation of environmental resources in the Bay-Delta. We would strongly oppose imposition of any such tax or fee on water in the area of origin.

wra/harrison/CALFED comments. board

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