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## RECLAMATION DISTRICT NO. 2068

June 19, 1998

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

Subject: Comments on the CALFED Bay-Delta Program  
Programmatic EIS/EIR and Phase II Interim Report

Dear Mr. Breitenbach:

This letter represents the comments of Reclamation District No. 2068 on the Draft Programmatic Environmental Impact Statement/Report (March 1998) for the Bay-Delta Program.

These comments focus on several significant issues raised by the current Draft EIR/EIS. We understand that CALFED will be releasing a Revised Draft Programmatic EIS/EIR later this year which will include a draft preferred alternative to replace the current Draft's three alternatives. We will provide additional comments on the preferred alternative.

This district has supported the CALFED process and we have serious concerns regarding the current proposal.

### General Comment

The Delta is one of the oldest developed agricultural regions in California. It is apparent that the effect of the CALFED planning process has led to the point where the Delta is being targeted for "restoration" not to restore historically important in-Delta habitat, but rather to mitigate for ecosystem declines that have little to do with historical in-Delta activities. In other words, the Delta has become a surrogate for solving problems created by the growth and development of the upstream tributary areas and the CVP and SWP service areas of California. The projects proposed for the Delta region, in most cases, create conditions and habitats that lack a historical basis. As a general observation we find an obvious unwillingness in the EIS/EIR to address these problems at their source, either upstream or downstream of the Delta. We feel that the CALFED plan inappropriately and

disproportionately places the burden of a solution upon the Delta region.

### **Delta Water Exports**

The concept of a Delta Common Pool is intended to assure that all of the water diverted from the Delta flows through the Delta during the dry portion of all years. The Delta Common Pool assures that in-Delta and water exporters will maintain a mutual dependence on Delta levee integrity, Delta conveyance capacity and Delta water quality.

Alternatives 2 and 3, to the extent that they would reduce the dependency of export water users on the Delta Common Pool, is a concern to the district. While we do not rule out the possible need for limited isolated conveyance around the Delta, we strongly support a CALFED preferred alternative that is based on a continued reliance on the Delta Common Pool concept for all or substantially all export water supplies, especially during the dry portion of all years.

### **Impacts on North Delta Agriculture**

1) CALFED estimates that it will seek to convert up to 191,000 acres (ERPP, VII, pg 57) for environmental and habitat purposes in the Sacramento-San Joaquin Delta over the next 25 years. This is in addition to substantial acreage proposed to be taken out of agriculture to allow for the reconstruction of levees, the possible construction of water storage and conveyance facilities and other elements of the CALFED program. While it is understood that the specific locations of lands to be acquired for restoration cannot be precisely identified at this stage in the planning process we feel that it is impossible to adequately evaluate environmental impacts of these land use changes even at the programmatic level without a more specific location breakdown of these project components. For example, the 70,000 - 110,000 acres of land slated for conversion to "Wildfire Friendly Agriculture" or "Fresh Emergent Wetlands (tidal)" in the Delta are not identified in any way as to location. Other land use changes, to the extent they are identified as to location, are only broken out into four regional categories: North Delta, South Delta, Central and West Delta and East Delta.

The acreage estimates of proposed land use conversions need to be identified in the Final Draft EIR/EIS as to specific location and be consistent with the "visions" presented in the ERPP. These estimates should be identified for categories such as wildlife friendly agriculture, lands removed from agriculture for habitat restoration, lands needed for levees and water conveyance or storage.

Aside from the difficulty in assessing the impacts due to the lack of specificity, these acreages are excessive, inappropriate and create a disproportionate impact upon the Delta and its residents.

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2) Land purchases for wildlife conservation purposes are exempt from further separate reviews under the California Environmental Quality Act (Class 15 Categorical Exemption). Thus if the "big picture" is not provided for public consideration at the programmatic review stage, a later opportunity may never be provided for a comprehensive public review. But the current description is so vague and general in nature that it is almost meaningless in providing an understanding of how CALFED will affect Delta interests.

3) The District is concerned that the most attractive location for CALFED to locate many of these types of habitats will be in the North Delta, the ERPP identifies "restoration on non subsidized lands" and places emphasis upon land "prudently distant from the south Delta pumping facilities". The restoration of shallow water habitats is a major objective of the ERPP, and as such, it is likely that fringe areas of the Delta, such as eastern Solano County and the Yolo Bypass area, will be prime areas for land acquisition. The current land use in the area is exclusively agriculture.

We are concerned with the land use impacts these land conversions could have on the general agricultural economy and the secondary impacts associated with diminished or altered agricultural activity. The current level of detail provided in the Draft EIR/EIS is inadequate. The inadequacy is so significant that it prevents us from understanding the full scope of CALFED's impacts.

Both of the counties in which we operate, Solano and Yolo, have worked hard to preserve agricultural lands through local land use restrictions and are concerned about the potential impact of the ERPP and other CALFED program elements on the agricultural land base. The EIR/EIS recognizes the potential conflict with local land use plans, and the mitigation proposed is to:

"work with regional jurisdictions to amend local plans and policies to bring Program features into compliance" (Section 8.1.3.5).

This is unacceptable, any CALFED plan needs to commit to work within local determinations, not in defiance of such.

We must strongly disagree with the conclusion of the Draft EIR/EIS in Section 8.6.2.7 regarding agricultural impacts that:

"No significant economic impacts are expected. Substantial effects on farm revenues and employment may occur as agricultural lands are converted to other uses."

Given the magnitude of the land conversions planned under the program the EIR/EIS must be revised to identify that the economic impacts of CALFED agricultural land conversions are both substantial and significant. Any attempt to claim otherwise undermines the credibility of the entire Draft EIR/EIS.

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It is our position that the conversion of agricultural lands for habitat purposes do result in significant impacts, CALFED should implement program elements and mitigation measures that would reduce these impacts to insignificant. These measures might include the following:

- 1) Limiting habitat development to lands currently owned by governmental entities or not currently developed for agricultural production.
- 2) Relocation of habitat projects to areas other than the Delta, such as the upper Sacramento Valley and the San Joaquin Valley.

It appears that CALFED has abandoned its concept of "no significant redirected impacts" and is bent on imposing such impacts upon the Delta region. We find this concept of "no significant redirected impacts" impossible to reconcile with the Mitigation Strategies, Section 8.6.2.6, that state:

"Phase project elements to allow local economies to gradually adjust to new conditions."

and,

"Minimize job loss to the extent possible by relocating facilities and shifting agriculture to new areas."

This approach is unacceptable, the Delta regional economy and agriculture is not expendable, and certainly should not be exported to other areas regardless of the perceived benefits.

#### **Fiscal Impacts on Local Governments**

1) Given the scope of the proposed land conversions in the Delta, the resulting reductions in revenue to local governments need to be described and quantified in the EIR/EIS and mitigation measures incorporated to reduce impacts to local governments. This issue is largely ignored by the Draft EIR/EIS. The only references we identified in the Draft EIR/EIS concerning governmental fiscal impacts were in Sections 8.1.4.4 and 8.6.2.4.

"Additionally, the loss of farmland may adversely affect the financial viability of local agencies, especially water and reclamation districts."

"The loss of property taxes would have a substantial negative effect on public finance for county and municipal jurisdictions within the area."

Since the impact is identified as substantial but not significant, no or inadequate mitigation measures are proposed in the Draft EIR/EIS to mitigate for these effects. These effects must be discussed in detail and identified as significant.

2) Mitigation measures should be incorporated into the EIR/EIS and enabling legislation

for the CALFED program which would amend State and Federal statutes to provide for a payment in lieu of assessments and taxes to Delta jurisdictions for lands taken off tax and assessment rolls. Alternatively, we suggest that the Final EIR/EIS and the ERPP specify that land acquisitions be undertaken, owned and managed by private nonprofit entities such as the Nature Conservancy or County Land Trusts. Private entities are subject to assessment and property taxation. This issue deserves serious consideration as CALFED proceeds to design institutional structures necessary to implement the ERPP. Delta agencies cannot afford multimillion dollar reduction in land based revenues.

### **Specific Reclamation District Concerns**

Unless CALFED demonstrates its responsiveness to the legitimate concerns of adjacent agricultural interests regarding issues like levee maintenance, seepage and endangered species it will be viewed as forcing neighbors to become "unwilling" sellers. This will inevitably undermine the long term viability of any CALFED program within the Delta. Habitat conservation, restoration and creation must be undertaken in such a way to insure that problems are resolved in a collaborative, forthright and timely manner and that fully recognize the needs of agricultural neighbors.

1) Levees in the Delta are maintained by local reclamation districts. We are concerned that land acquisitions by state and federal agencies will interfere with the future ability of those agencies to fulfill their obligations for levee maintenance and repair. Land purchases under the CALFED program have the potential to remove significant acreage from the assessment rolls in reclamation districts. If the land is owned by government agencies, they may not be obligated to fund district operations. Because State and Federal agencies can be difficult or impossible to assess or collect for reclamation or other land based costs, these costs are necessarily shifted to the remaining property owners. Increased assessments directly threaten the continued viability of agricultural operations as well as the facilities maintained by the districts (See Section 8.1.4.4 above).

The work accomplished by these districts serves to maintain an interdependent flood control system. The actions or inaction of any one district can and does have a direct effect on surrounding districts. Financial distress of any of the local districts will have impacts on the others.

2) The creation of wetlands next to existing agricultural operations also presents the potential problem of seepage from areas of created wetlands onto adjacent properties.

3) The introduction of special status species due to habitat creation, relocation or modification can bring ESA restrictions on existing pumping, levee maintenance and agricultural practices. It is essential that "safe harbor" or other appropriate mitigations are implemented along with CALFED program implementation in the Delta. Such provisions under the Endangered Species Act must protect owners and agencies from restrictions

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stemming from the establishment or enhancement of these species.

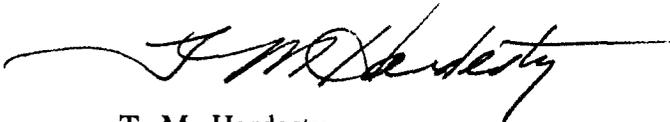
**Other Issues**

Reclamation District No. 2068 endorses the detailed comments made by North Delta Water Agency, June 5, 1998, the Central Valley Flood Control Association, June 26, 1998, and the Solano County Water Agency, June 29, 1998 (attached).

We look forward to reviewing your response to our comments in the Final Draft document.

Sincerely,

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T. M. Hardesty  
Manager