

California Rice Industry Association
Comments on CALFED Bay-Delta Program
Draft Programmatic Environmental Impact Statement/
Environmental Impact Report

Need for transparency. CALFED lists its primary objectives as improving "ecosystem quality," "water supply" "water quality (for all beneficial uses)," and "vulnerability of Delta functions." To the extent these goals often dovetail with each other, there has been some confusion about where policies will develop inside the CALFED process. For example, "Watershed Coordination" was recently removed from the Water Quality Program and promoted to program status. Meanwhile, the Ecosystem Restoration Program, itself a "common program," contains many elements of both watershed management and water quality. The Water Quality Technical Group established "Parameters of Concern" for constituents in surface waters, but it remains unclear what linkage this process will have to others within CALFED. It also remains unclear what role the Comprehensive Monitoring, Assessment and Research Plan (CMARP) will play in the overall scope of CALFED water quality efforts. In rice cultivation (as in nearly all of agriculture), tailwater/agricultural drainage management is an issue of critical concern. CALFED has not yet made it clear how these issues will be processed, nor in which intra-CALFED forums they will be discussed. The inherent lack of structure in the process makes a fertile environment for "underground regulation," in which discussions that could become durable policy are taking place, increasingly, in a diverse number of forums, sometimes with little, if any, appropriate and meaningful notice to interested parties. We at CRIA believe it is critical that CALFED strive aggressively for transparency and simplicity in this process.

Performance targets. Over the past year, we have suggested that great care be exercised to ensure that CALFED identifications of water bodies and contaminants of concern do not go beyond the federal Clean Water Act's Section 303(d) list, nor beyond those outlined in the Central Valley Regional Water Quality Control Board's Basin Plan. We also have advocated that a process be included to ensure that as the Basin Plan and 303(d) listings are updated, corresponding CALFED documents be revised to remain consistent. In other words, any CALFED reporting of listed contaminants or numeric targets should show a direct link to the regulatory agency that created that information, and a direct link to the site in question. There should not be a separate list of "CALFED numbers." So far, CALFED has shown a willingness to adhere to this value of "not setting numbers," and we support a continued commitment to that theme. In the case of the insecticide carbofuran, CALFED linked its "performance target" directly to the Regional Water Board's Basin Plan, a concept we support.

Carbofuran. Notwithstanding the comments in #2 above, we remain in opposition to CALFED's identification of carbofuran as a constituent of concern in the Sacramento River and Delta, despite the fact that it is not identified under Section 303(d) of the Clean Water Act as impairing the Delta, and was recently removed from the main stem Sacramento River portion of the 303(d) list. Members of the Water Quality Technical Group opted to keep carbofuran on CALFED's list, citing the fact that carbofuran remains on the 303(d) list as

impairing the Colusa Basin Drain. Presumably, the logic here is that somehow, carbofuran applied to rice fields could impair the Delta or Sacramento River. In fact, recent monitoring from the Sacramento River Watershed Program has shown that carbofuran is not even linked to toxicity in the Colusa Basin Drain, where it would be expected to have its highest concentrations. Tracing the logic that leads to its inclusion in the PEIS/EIR, one would have to conclude that any pesticide that impairs any water in the Central Valley should be included as a "parameter of concern." In light of CALFED's mission statement, "to restore ecological health and improve water management for beneficial uses of the Bay-Delta," it is difficult to understand why and on what basis carbofuran was included. Unfortunately, this does not leave us with a comfortable assurance that other crop protection materials will not be targeted in the future under potentially capricious circumstances.

Coordination of monitoring. It is critical that any new water quality monitoring authorized by and funded by CALFED (as described in the PEIS/EIR) be coordinated carefully with existing monitoring programs, such as the Sacramento River Watershed Program, to avoid both duplication and inefficiency. Much is already known about contaminants that do (and many that do not) have discernible impacts on the Bay-Delta ecosystem. Working with these existing programs will help to ensure that a comprehensive approach is taken to monitoring, and may help prevent an unfair or unwarranted focus on specific regions, agricultural practices or constituents. By examining some work already completed by these programs, it may also ensure that assumptions about pollutants are based on data and science instead of speculation.

Scientific basis for assumptions about chemicals and pesticides. In its Water Quality Component, CALFED has recommended specific actions and targets in relation to certain constituents of concern. Presumably, under the "adaptive management" strategy detailed in the PEIS/EIR, targets could change, new constituents be listed, and more actions be recommended. While "adaptive management" is sensible policy, we strongly urge CALFED to provide assurances that strategies affecting agricultural drainage and pesticides management will be solidly based in science and (as stated above) coordinated with ongoing regulatory efforts. CALFED should avoid the often-popular assumption that all pesticides and chemical fertilizers, in any amounts, in any waters, cause significant harm to the environment. The rice industry and many wildlife groups strongly believe that fertilizers and pesticides, managed wisely, sustain an industry that offers many environmental and economic benefits, including habitat for waterfowl and other creatures, green-space buffers around urban environments, and the addition of \$1 billion annually to the region's economy. Protection of economically feasible crop production methods is essential to maintaining the stability of this industry and the benefits it provides; without it, the region would likely experience a net decline in habitat and supplemental habitat for waterfowl and other creatures, a result that would seem to run counter to CALFED's mission.

Relative impact of ecosystem stressors. The draft PEIS/EIR does not outline a clear blueprint leading to a basis for informed decisions about resource allocation toward ecosystem restoration. Before these decisions can be made, we must have

a better idea of what factors are responsible for ecosystem decline, and how much of a role each factor plays. For example, if pesticide contamination of surface water is hypothetically thought to be responsible for less than 1 percent of ecosystem decline, while altered and/or reverse flows make up, hypothetically, 50 percent of the problem, overfishing 20 percent, and invasion of native species 30 percent, it makes sense to allocate resources accordingly. The PEIS/EIR certainly does not offer enough information to support those types of resource allocation decisions, but it also does not contain a plan to secure this vital information. There is no detailed explanation on how CMARP or any other component of CALFED would gather the research data and other scientific basis for making that sort of decision. This type of a blueprint is essential to prevent waste of resources, such as expensive solutions to a "problem" that wasn't contributing significantly to ecosystem decline in the first place.

Emphasis on Best Management Practices and voluntary incentives. The rice industry supports the CALFED Water Quality Program's emphasis on financial and regulatory incentives, rather than regulatory mandates, in meeting program objectives. We would repeat here that it is critical for CALFED to remain an instrument of cooperation for existing regulatory structures, and avoid the temptation to create yet another regulatory framework. To the extent that CALFED funding can support voluntary, incentive-based methods – for meeting CALFED program goals and regulatory goals where they coincide – CALFED should do so.

Preferred alternative "water quality" impacts unclear. While the term "water quality" tends to vary somewhat in meaning throughout the CALFED process, it is particularly problematic in the discussion of preferred alternatives. Presumably, selection of a preferred alternative centers on the question of which alternative provides the best export water quality from the Delta (with "quality" in this context based largely on those factors most beneficial to providers of urban drinking water), while also improving the in-Delta ecosystem. However, it remains unclear whether any of the preferred alternatives would, on balance, provide an overall net benefit in water quality or, more to the point, satisfy the CALFED mission statement. Alternative 3, the most expensive of the proposed solutions, would dramatically improve water quality for some exporters but not others, and would do little for water quality in the Delta; in fact, in some parts of the Delta, it may actually harm water quality. While it promises to be the most effective in minimizing the effects of diversions on fisheries – certainly a positive attribute – not enough is known about the other impacts and consequences to the ecosystem of this major alteration in the structure of the river and watershed. Without a comprehensive analysis, including projected species recovery, role of preferred alternatives in relationship with common programs, relative roles of system stressors (see #6 above), it is profoundly difficult to develop the cost-benefit assumptions necessary to select an alternative. In other words, those who will pay for whatever preferred alternative eventually goes forward must know that they will be getting water quality "bang for their buck" – and that assurance must be stronger than simply knowing that drinking water quality for south Delta exporters will be improved.

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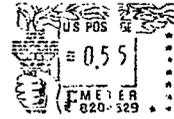
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