

**Community Alliance with Family Farmers COMMENTS:****State Clearinghouse Number 96032083- Draft Programatic Environmental Impact Statement/ Environmental Impact Report, CalFed Bay/Delta Program****General Comments:**

The CalFed Draft EIR/ EIS is very difficult to evaluate as written. It is based upon too many contingencies and possibilities, as well as far too many possible solution options to have any clear sense of how the program might realistically be implemented. The final Draft EIR/ EIS should contain much greater specificity on the following points:

- a) How much water will the CalFed program reallocate?
- b) Where will that water come from?
- c) How much land conversion will take place, and where will it take place?
- d) What sort of mitigation measures will be instituted for environmental and economic impacts from these changes?
- e) How will mitigation costs be paid for?
- f) How will impacts be monitored?
- g) What are the costs associated with each of the storage options?
- h) How will the CalFed solution be operated in conjunction with other programs affecting the Bay/Delta system?

At around 1,400 pages, the EIR/ EIS is also very lengthy, making it difficult to evaluate in a four month period, particularly for non-water professionals. The final Draft should have a longer review period to give citizens and groups who are not able to work full-time on CalFed adequate time to study and comment on the Draft.

Following are general comments on various aspects of the CalFed program:

- The six CalFed Program Elements need to include specific plans, goals, and evaluation procedures, particularly in light of the "staged" implementation agreed to by Governor Wilson and Secretary Babbitt. In addition, the Draft should include an implementation schedule that shows specifically what program actions are expected to be implemented when and in what order.
- Outreach to communities likely to be affected needs to be vastly expanded. The Draft EIR/ EIS section on Environmental Justice and the Public and Agency Involvement Section do not indicate that CalFed has made an effort to inform *individual* communities or groups that are likely to be impacted by water allocation or land use changes that the program could result in economic hardship to their communities. No mention is made, for example, of attempts to contact schools, labor groups or religious organizations in the Sacramento or San

Joaquin Valleys where farm jobs may be lost in order for the CalFed solution to go forward. Such outreach would give affected communities an opportunity to plan for such changes, and contribute constructively to the CalFed solution. The Draft EIR/EIS states that such outreach isn't necessary on a programmatic level, but only on a project-specific level. By the time such projects are preparing environmental documents, however, local communities may not have sufficient time to plan for and absorb impacts from these projects.

- There needs to be greater specificity regarding program financing. CAFF disagrees with the "user pays" principle, except in very limited cases. If the actions contemplated by CalFed are truly for the public good, then the public will pay for them. A program with broad public buy-in will get the necessary electoral support for bond or other fiscal measures, as Proposition 204 showed. The principle of "user pays" would give too much power and control of solution operations to those entities that are financially capable of paying for them. This is counter to the public interest, as it would give disproportionate control of water management to wealthier agencies and regions.

- CalFed should seriously study the option of equipping farmers and landowners to utilize practices that will benefit the water system and the environment. Technical solutions and land purchases that must be managed in perpetuity by the state are both expensive and potentially counterproductive. Allowing farmers and landowners the opportunity to manage their property for the benefit of the environment will allow for local control and buy-in necessary for the success of CalFed in addition to preserving a rural farming base that will have local and state economic benefits. In the long run it is more cost-effective to give this responsibility to landowners rather than the state.

- There is not nearly enough information on how CalFed programs will coordinate with various other programs, including the Central Valley Project Improvement Act, future water transfer programs such as the Department of Water Resources' Supplemental Water Purchase Program, the Vernalis Adaptive Management Plan that has been proposed by San Joaquin River and tributary interests, possible changes in Colorado River allocations that could affect the Bay Delta system, water rights changes, possible new endangered species listings, and so on. There is mention of each of these issues and others, but there is no blueprint for how to coordinate outside developments with CalFed. It may be that specific planning in regard to these measures is premature, but a CalFed solution clearly needs to incorporate flexibility to deal with outside developments such as these, and needs to be addressed in the programmatic EIS/EIR.

- There is some question as to the assumptions for both baseline and projected water demand in urban areas in the Department of Water Resources' Bulletin 160-98 upon which the Draft EIS/EIR is basing its analysis. Some independent analysts have estimated urban water demand to be far lower than Bulletin 160-98

currently indicates. To help resolve this issue, it would be helpful if DWR would provide the data and methodology behind its baseline assumptions and demand projections for independent review. Obviously, water supply needs and therefore program solutions will be based upon this information, so it is very important that there be public understanding and consensus on these assumptions and projections.

Following are more detailed comments on two CalFed program elements:

#### WATER TRANSFERS:

The current Draft EIR/EIS includes estimates for transfer demand and thru-Delta transfer capacity that are highly contingent on hydrologic conditions, operational variabilities and restrictions, timing and demand, and other factors. The document implies that making water available through transfers could be difficult without increased conveyance capacity through the Delta and storage south of the Delta. This assumes that most of the water that could be made available for transfer would need to go through the Delta, presumably from the Sacramento Valley.

This analysis of a CalFed alternative's impact on available transfer capacity requires further discussion. It is our understanding that one of the primary reasons that transfers are being promoted in the first place is that they would decrease the need for new storage and conveyance, and promote greater efficiency and cost-effectiveness in water management. Yet, the analysis in the Draft EIR/EIS comes to an entirely different conclusion. If making water available from market transfers actually increases pressure to construct new storage and conveyance, this needs to be brought out, and the "cost-effectiveness" or "efficiency" value of making water available from market transfers needs to be evaluated in light of the *total* costs.

Much of the policy framework discussion for transfers focuses on development of a solution option through the Bay Delta Advisory Council's Water Transfer Work Group. In general, the Draft EIR/EIS fairly reflects the issues and concerns addressed by the work group, as well as the fact that there are numerous technical, legal, environmental, social, institutional and other problem areas that are as yet unresolved.

The issue of how to treat so-called third party impacts has been a particular concern of the work group. CAFF supports the options listed for addressing third party impacts. The final Draft EIR/EIS should reflect the adoption in some form of the following options:

- a) Defining third party impacts and the limits of "acceptable" impacts;
- b) Limits on land fallowing and water transferred from any given area;
- c) A mitigation fund for transfer impacts funded by a tax on transfers;
- d) Strict limits on groundwater substitution;

- e) On-going monitoring for environmental and economic impacts;
- f) A "Clearing House" for information on amounts, locations, and impacts of transfers.

The Clearing House discussion in the Draft EIR/EIS includes setting up a sort of brokerage or bulletin board to "post" water availability/demand information, or the use of the Clearing House as a water "bank". These ideas were repeatedly and soundly rejected by the BDAC Water Transfer Work Group. Taxpayers should not be subsidizing the facilitation of profit-making transactions where there is such clear potential for losers as well as winners. It potentially provides a service for rich districts and water "haves" to benefit further at the expense of already-struggling rural communities. If there is a need for a Clearing House of this type, the private sector can certainly take care of it.

The impetus for this type of a water availability/demand Clearing House appears to come from the successful "bulletin board" for transfers within the Westlands Water District. This "spot board" was effective in large measure because it dealt with short-term needs within a single district where there were no issues about water rights, agency jurisdiction, conveyance issues, or other complicating factors. It is not at all clear that the idea could easily work on a state-wide basis.

#### LAND CONVERSION:

CalFed is considering so-called land "conversion", which mostly involves fallowing farmland, for habitat restoration and possibly for water quality purposes. Some interests are still advocating fallowing farmland as a measure both to improve water quality by reducing contaminated irrigation drainage problems and to increase supplies. Other interests reject land fallowing for either purpose.

CAFF supports land fallowing where continued farming will unavoidably increase unmanageable salt loads and heavy metals contamination in irrigation run-off with drainage problems. However, most plans to fallow such land only involve paying off landowners in order to take the land out of production. Local communities that depend on the income generated from those lands have not been considered. The government made the decision to make water available to farm those lands, and people who settled those areas in expectation of continued water for farming did so in good faith. It is the government's responsibility if it determines that such lands should no longer be farmed that the communities be compensated as well, preferably through some package of economic development measures.

As is often noted in discussions on water marketing, agricultural communities are often among the poorest in the state, with high levels of poverty and unemployment, and with agriculture-related income as the basis for the

economy. CalFed should not be solving the state's problems at the expense of these communities.

CalFed has indicated that it would not include fallowing land for water supplies as part of its solution, and CAFF fully supports this position. Fallowing land is neither a water efficiency measure nor a "soft path", as it would be damaging to the local environment and economy.

Land "conversion" to restore riparian and other habitat and for other environmental purposes is clearly a necessary part of Delta restoration. However, CalFed has not sufficiently considered the advantages of allowing existing farmers and landowners to carry out and manage this restoration, rather than relying on state agencies. Many farmers who are already participating in watershed restoration programs, or who are providing wildlife habitat areas on their farms, either independently or with local Resource Conservation Districts, could be used as "model farms" and show other farmers how it is done, what the costs and benefits are, and so on. The model CAFF has pioneered with its BIOS program, including researchers, mentor farmers, technicians, and local agency officials to provide assistance, monitoring and evaluation for participating farmers, could be one approach to implementing such a program. There are other successful models from Ohio, New York, Maryland, Florida and other states where landowners participated in restoration efforts.