

## **Issue Paper: Agricultural Impacts - Treatment in the PEIS/R**

**Issue Statement:** If the PEIS/R is to be able to fully inform the public and decision makers, be certifiable, and be able to withstand any legal challenge, then the document must provide: an adequate description of the existing environment; an adequate range of alternatives for the Common Programs; full disclosure of impacts; and appropriate mitigation measures. The issue before CALFED is whether or not the PEIS/R will meet these requirements given the current approach and level of effort. While this issue paper focuses on agricultural resources impacts, the issue is relevant to other elements of the affected environment.

**Action:** CALFED should evaluate the current draft EIS/EIR for adequacy and determine what changes and additions are necessary to assure full disclosure of potential actions and impacts, certification and legal sufficiency.

### **Background:**

The CALFED Program was planned under an initial assumption that adverse impacts of programmatic actions on the agricultural environment would result in socio-economic impacts only. Only during the latter stages of drafting the main draft PEIS/R were environmental impacts on the existing environment related to agricultural land and water supplies evaluated and included. However, the current draft document repeatedly states that these impacts are significant and unavoidable.

It is the position of CDFA that significant impacts to elements of the existing environment related to agriculture have not been fully identified in the PEIS/R. The document lacks an appropriate description of the elements of the existing environment related to agriculture. There is not a full discussion of potential measures to avoid, reduce and/or mitigate impacts of CALFED actions on the existing environment. There is not a sufficient analysis of range of alternatives for the Common Programs. If these issues are not addressed in the final PEIS/R, the document could be vulnerable to a legal challenge, seriously jeopardizing further CALFED progress. It is the objective of CDFA to assure that to the extent possible, a "bullet proof" PEIS/R is prepared.

The CALFED Program includes six Common Programs, four of which were identified early in phase I. CALFED envisioned that these Common Programs would not vary appreciably among the storage and conveyance alternatives. Also, each Common Program would be fully implemented under an adaptive management strategy that would modify program implementation based on increased scientific understanding, and results of actions implemented, as documented by a comprehensive monitoring and research program. It is the current CALFED position that a range of actions is embodied in each of the Common Programs as implemented through adaptive management. The impacts described in the draft EIS/EIR are maximum impacts, and should be reduced through the adaptive management approach. Furthermore, there is a question as to whether conversion of agricultural resources to wildlife habitat requires mitigation under CEQA.

Some state that habitat is a less intensive land use and thus mitigation is not necessary. Thus, it is the current CALFED position that the current draft PEIS/R should be adequate under CEQA.

Others state that many of the same land, water, and vegetation management practices that are used to maintain habitat are of the same or even greater intensity than those used for agriculture. In any event, conversion from agriculture to habitat is still a change in the existing environment under CEQA.

**Options:**

1. Maintain the current approach, presuming that the current level of alternatives analysis, disclosure of impacts, and discussion of mitigation is adequate.
2. Provide additional documentation in the PEIS/R including a full description of the existing environment, a range of alternatives for the Common Programs, full disclosure of impacts, and appropriate mitigation measures for impacts that cannot be avoided or reduced to a level of insignificance for the CALFED Program as it is currently proposed. These mitigation measures would be implemented either, prior to program implementation, or in stages, linked to implementation of program elements under the adaptive management approach.