



California Farm Bureau Federation

DEPARTMENT OF ENVIRONMENTAL ADVOCACY

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Mary Scoonover
Cal-Fed Bay/Delta Program
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Dear Mary:

The following will outline some initial comments regarding the September 13, 1996 draft assurances plan for the Cal-Fed Bay/Delta Program. As a general comment, Farm Bureau appreciates Cal-Fed's efforts to be inclusive with regard to the numerous concerns and needs throughout the state. This type of process takes time and it frustrates many who believe that they already have the answers, but we firmly believe that this deliberative process in the long-term will be essential to maintain the faith and confidence of those that are highly suspicious of the program. Although we do not want to belabor the process, we do encourage you to maintain the deliberative process that you have begun.

The following are specific comments that we believe are important to farmers and ranchers throughout the state and should therefore be incorporated into the assurances process.

1. Apparent Conflict Between Adaptive Management and Assurances

There has been significant discussion regarding the apparent conflicts between adaptive management and the conventional wisdom regarding assurances. This issue is not going to disappear. We therefore believe that it would be useful for Cal-Fed to explicitly recognize this apparent conflict up-front and to make your best effort to explain how the two concepts can fit together as part of a Cal-Fed solution.

2. Compliance with NEPA/CEQA

With respect to the needs/objectives, there is an over-arching need and objective that Cal-Fed will comply with both NEPA and CEQA. Although this appears obvious, it would be useful in your outline (possibly as a new §VIII in part III) to explicitly recognize this need, and more specifically, to state that a mitigation and monitoring plan or a similar assurance document will be part of the environmental review process that will significantly guide the implementation phase. Mitigation measures will likely include actions resulting

from all of the different program components, and will range from habitat type mitigation to any necessary mitigation for land retirement. By acknowledging that this type of mitigation will be necessary, you can provide for these type of assurances without pre judging the environmental process.

3. Operations

In most cases the project or the action will not create impacts or concerns, but instead the operation of the project is what concerns people. The word operation is noticeably absent in several places in the outline and should be inserted whenever appropriate.

4. Durability

Durability is one of the solution principles, but once certain measures are implemented, there are no assurances that additional burdens will not be placed on water users or landowners. This is particularly troublesome in light of adaptive management. These types of assurances are very important to secure farmer's participation in many processes, particularly when they are incentive driven.

5. Water Rights

There are numerous references to water rights throughout the document, some of which are preceded by the word "existing." (See i.e., part III, section Vd and Vid.) At the risk of being technical, the word existing in these places must be deleted. As you know, there are certain water rights in California that do not need to be exercised to remain valid. It should not be the purpose of this program to extinguish or even to suggest that these rights would somehow be extinguished. Using the word "existing" could be construed to suggest that these rights will not be recognized or protected. Moreover, the word "existing" is superfluous. You either have a water right or you don't. We therefore urge you to delete "existing" in reference to water rights.

6. Water Quality as Part of Water Rights

Although there is a general recognition to protect agricultural water quality, additional protection is needed within the context of water rights. As an example, in part III, §Vd, it is stated "the conveyance improvements will not impair existing water rights." We encourage a reference in this sentence to make sure that the right to water includes a right to a suitable quality of water. As an example, water right holders in the delta may have all the water that they can use, but if it is not of useable quality, the water right is worthless. This must be recognized by Cal-Fed, particularly with respect to an improved conveyance.

7. Area of Origin Protection

We strongly encourage you to mention "area of origin" concerns and the need for these protections. Although the current draft hints at this issue, it fails to address it square on.

8. Funding for Ecosystem

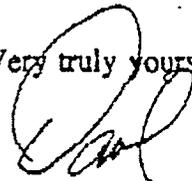
Funding is not limited to the ecosystem as suggested in Part III, §IC, but applies equally to all programs in the Cal-Fed. We therefore urge you to delete the funding mechanism under the ecosystem and instead include this under Financing, §VII.

In conclusion, your slow, inclusive approach to this issue is necessary and sound. At some point in the near future, there will be a need to roll up our sleeves and to work through these issues in more detail. To assist in this process, we believe that it would be helpful to work through certain components of Alternative 3. This is not an endorsement of Alternative 3 or an attempt to pre-judge the process over the next several years. It is simply a recognition that Alternative 3 has the most variables and will likely require the greatest detail and array of assurances. It therefore serves as a very useful model in this process.

The advantage to working on the assurances (and the financing) parallel to the component refinement process is that it will allow the necessary give and take between the implementation strategies and the component refinement. For example, it may be that an implementation strategy is determined not to be feasible, which may dictate that a particular component will need to be refined accordingly. This feedback loop is very important. Also, by using a specific example, we can get beyond the abstract discussion that is otherwise inevitable and allows us to focus on the heart of the matter--what will ultimately be the preferred alternative.

Thank you for the opportunity to comment on this important process. If you have any questions, please call.

Very truly yours,



DAVID J. GUY

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cc: Hap Dunning, Chair
Lester Snow