

JCL

California Department of Food and Agriculture
Comments
July 17, 1998

July 8 draft - Developing a Draft Preferred Program Alternative

- (1) Page 1: Program description of six common program elements and two variable elements - storage and conveyance. *Will storage features change appreciably among conveyance alternatives? If so, how? If not, then why is the storage element not considered a common program element subject to the same process of evaluation and evolution through adaptive management as the other program elements? The IDT work showed that none of the alternatives perform well without a storage component. Many in the agricultural community take the position that the additional water required for the ERP (for both flows and habitat) should come from developing new supplies, not from reallocating existing resources.*
- (2) Page 4: Second paragraph - Focus on the uncertainty surrounding the ICF; leave storage out of this discussion.
Third paragraph - "However, this is not a commitment to build these facilities." In the context of the ICF, this statement is reasonable. In the context of surface storage, this could cause a strong adverse reaction from the agriculture community. *There needs to be a commitment by CALFED for a tangible storage component. Making the storage component a common element would help in this regard, while not committing CALFED to any specific storage facility.*
- (3) Page 5-6: 1. Program Element Linkages - This is so easy to say and so difficult to do. This needs to be fleshed out with some examples - at least one that shows "progress together" for each stakeholder group: e.g. Ecosystem land and water linked to water supply reliability; Delta conveyance and fish populations, drinking water quality; storage facilities and ERP water requirements.
- (5) Page 6: 2. Conveyance - How are criteria, thresholds, triggers, etc. developed? This question also applies to 4. Surface Storage also.
- (7) Page 7: 4. Surface Storage - Linkages are made to common program elements such as WUE and Transfers. Do these linkages apply to water used for environmental purposes, as well as to urban and agricultural uses? Where and how is accountability for environmental use of water built in to the CALFED program? The draft ICP report on refuge water supply clearly shows that consumptive use of water for habitat exceeds agricultural consumptive use, often by factors 2 to 6. What is appropriate demonstration of progress concerning groundwater and conjunctive use to trigger progress on surface storage facilities? Many in the agricultural community believe that since new water demands are coming from the need for habitat and flows, that before any ERP actions requiring water can be implemented, a water supply source should be identified, with a strategy to pay for it. If the source is agricultural, then appropriate mitigation measures should be implemented - replacing that water with water of similar quality, reliability, and affordability.

Appendix A: Components of a Preferred Program Alternative in the ROD and Findings

- (8) Page A-1. Finance Package - There is no element in the package to address the cost to mitigate adverse impacts resulting from program actions. These costs must be identified and recognized as part of the CALFED Program. Any finance strategy must include mechanisms to fund mitigation costs. While this may be addressed on a project by project basis, there may be requirements and opportunities to address this at the programmatic level that benefit the entire program.
Environmental Documentation - *A fourth bullet should be added: Mitigation Policy/Principles*
- (9) Page A-2. Governance and Assurances - third bullet - Description of ~~forum~~ process for stakeholder involvement. Add another bullet: Mitigation policy/principles/strategy for agricultural resources.

- (10) Page A-3. Water Use Efficiency Program - second bullet - Description of requirements for agricultural conservation plans that meet both either AB3616 and or CVPIA (for volumetric measurement) criteria.

Appendix B: Example Stage 1 Implementation

- (11) Page B-1: Third paragraph - Mitigation measures need to be included in the PEIS/R at the programmatic level in the form of policy and principles, no necessarily in the form of specific actions that address specific project impacts. *Will impacts to agricultural land and water resources be mitigated as a part of the CALFED Program? What are the guiding policies and principles going to be to determine appropriate mitigation at the project level?*

- (12) Page B-1 and B-2: Assurances -

1. Complete programmatic implementation plan (1yr) *Will this include mitigation policies and principles?*
2. *CDFA requests a formal role in agency coordination or in a new agency to assure that agricultural resource impacts associated with ERP actions are identified, characterized, evaluated, and mitigated.*

There is no action item to address a primary concern of agricultural interests: that much of the ERP will be implemented in stage 1, more (cheap) water will be reallocated from agriculture to habitat and flows, and if agriculture then wants to make it up with new expensive water, it can. The agriculture view is that the new water demand is coming from new habitat and flow requirements. Before any ERP actions requiring water can be implemented, a water supply source should be identified, with a strategy to pay for it. If the source is agricultural, then appropriate mitigation measures should be implemented - replacing that water with water of similar quality, reliability, and affordability.

- (13) Page B-2: Finance - There is no acknowledgment of the cost of mitigation measures that may be required for the CALFED Program, or how they would be financed.

- (15) Page B-3: Monitoring, Research, and Adaptive Management

Since it is stressed in action 1. that all elements of the program will be monitored, the following additional actions should be included:

10. Establish a monitoring element to evaluate progress on improving water supply reliability. *Work with the water user community (and other stakeholders) to establish historical water supply reliability performance (pre- and post- CVPIA); establish water supply reliability objectives; monitor how WUE, Transfers Program, ERP, are affecting supply reliability.*

11. Establish a monitoring element for the Water Use Efficiency Program for implementation of EWMPs/BMPs and resulting impacts on water supplies; water quality; fisheries, etc.

- (16) Page B-3: Water Transfer Framework -

Actions 1. and 2. There is concern that the information and analysis required by the Clearinghouse will be tantamount to a CEQA review. This could present an unwanted barrier to water transfers.

- (17) Page B-4: Water Use Efficiency -

Action 6. - What does implement fully mean? Does this include acreage thresholds? This action should include the idea that plans developed either for the Council or for CVPIA would meet CALFED requirements.

Action 9. This item is very weak. Refuge water uses should be subject to the same accountability as agricultural uses.

- (18) Page B-5: Levees -

Insert an action item after item 3: Develop and implement an outreach and coordination program with local landowners including individuals, Reclamation Districts, Resource Conservation Districts, Water

Authorities, etc. to assure participation in planning, design, construction, and maintenance of levee projects.

Add to Action 5. - ...and minimize impacts to agricultural land and operations.

(19) Page B-6 and B-7: Ecosystem Restoration -

Insert an action item after item 1: Develop and implement an outreach, coordination, and partnering program with local landowners including individuals, Reclamation Districts, Resource Conservation Districts, Water Authorities, irrigation districts, Farm Bureaus, etc. to assure participation in planning, design, implementation, and management of ERP projects.

Insert an action item before Action 5: Establish a research and monitoring program to determine the role of introduced species as a stressor on target species. It is difficult to persuade agricultural interests that a major reallocation of resources is prudent given the uncertainty of success. Demonstrate the benefits of habitat enhancement on existing public lands first while developing information on the role of introduced species as a stressor, and the interactions between habitat enhancement, introduced species, and impacts on target fish species. This action should be implemented in conjunction with and to support and direct action 11.

Action 5: How does the level of detail in this action item relate to the level of detail of agricultural land and water impacts presented in the current draft PEIS/R? Shouldn't the PEIS/R include maps and quantification of impacts be Delta region, with quantified estimates of water use requirements/impacts? Also, agricultural interests will perceive this as confirming their fears that CALFED is front loading ERP actions, with associated impacts to agriculture, with no benefit to agriculture, and no assurance that benefits will accrue later (new surface storage for which permitting and cost allocation would be insurmountable barriers).

Action 6: Does this action relate to interior island subsidence? If it does, then it should be removed. This issue is beyond the scope of CALFED since the time horizons are well beyond the 20 - 30 year CALFED time frame.

(20) Page B-7 and B-8: Water Quality -

Action 2 should also support existing programs such as the Department of Pesticide Regulation/State Water Resources Control Board MAA, the SWRCB Nonpoint Source Program, etc.

Action 8 should not specify an acreage target for land retirement, but instead should coordinate with and support the activities and recommendations off the San Joaquin Valley Drainage Program.

(21) Page B-9: Storage - Does the storage component vary among conveyance alternatives? If so, how?

While progress on siting and permitting surface storage is a part of stage 1, there is still no assurance that any new surface storage will be built. Agricultural interests are very concerned that much of the ERP will be implemented in stage 1, more (cheap) water will be reallocated from agriculture to habitat and flows, and if agriculture then wants to make it up with new expensive water, it can. The agriculture view is that the new water demand is coming from new habitat and flow requirements. Shouldn't the new facilities be built to meet those demands? Other new water demands are coming from urban growth. Shouldn't new urban recycling and reclamation projects and new facilities meet these new demands. Agriculture is the only sector that has consistently reduced demand over the last decade - often involuntarily.