STATE OF CALIFORNIA PETE WILSON, Governor

DEPARTMENT OF FOOD AND AGRICULTURE
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September 29, 1997

Mr. Lester Snow, Executive Director
CALFED Bay-Delta Program
1416 Ninth Street
Sacramento, CA 95814

Dear Lester:

Subject: CALFED Draft EIR/EIS Document Comments

Thank you for the opportunity to provide comments on the documents entitled "Affected Environment and Environmental Impacts Land Use Economics" and "Affected Environment and Environmental Impacts Agricultural Economics":

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1. "Affected Environment and Environmental Impacts Agricultural Economics". Page 1, Sources of Information. This does not include the Resources Agency, Department of Conservation, Farmland Mapping and Monitoring Program. The CDFA specifically identified this as an important data source for CALFED to use in defining the existing environment. The failure of CALFED to utilize this important data source, which is maintained at significant expense by one of the CALFED member agencies, is a major flaw in the program. The Farmland Mapping and Monitoring Program of the Resources Agency has very detailed geographic information system (GIS) data on the existing environment, CALFED is remiss in not utilizing these data in the programmatic analysis in order to avoid, reduce, and mitigate impacts. Any subsequent documents should include maps which show the massive adverse impacts of the proposed program in the clear and readily understandable format of detailed mapping.

2. "Affected Environment and Environmental Impacts Agricultural Economics". CDFA has, on numerous occasions stressed that agriculture is a part of the existing environment, and that treating impacts on this resource only in term of economic and social consequences is totally inadequate and contrary to CEQA. From this document, it does not appear that CALFED is complying with CEQA for this element of the existing environment. This is a very significant, fundamental flaw in the program, which would preclude meaningful review and comment, if the EIR is published with this flaw.

3. "Affected Environment and Environmental Impacts Agricultural Economics". Nowhere in this document is there a treatment of the tax revenues from agricultural use of the existing environment. The massive social engineering CALFED program is proposing would have very large impacts on local, regional and State tax bases, with consequent impacts on the fiscal viability of schools, public safety, public health and other essential systems funded all or in part by tax revenues. This impact must be quantified, and the consequences of if it fully disclosed. The document does not reflect any effort to communicate with or involve the jurisdictions whose tax bases would be impacted.

4. "Affected Environment and Environmental Impacts Agricultural Economics" Page 6. In a single phrase it is acknowledged that the study area produces about 55% of the nation's vegetables. The program CALFED is proposing has the potential to have very significant adverse impacts on the nations food supply. The importance of diet to human health is well established. For example recent studies suggest that a large proportion human cancer deaths are preventable by increasing consumption of vegetables. Adverse impacts on human health via the nation's food supply merit far more serious consideration, and a real effort to avoid, reduce, and mitigate the significant impacts at the programmatic level.

5. "Affected Environment and Environmental Impacts Land Use Economics" CEQA requires an EIR to discuss any inconsistencies between the proposed project and applicable general and regional plans (15125 (b))." While there is a limited discussion of regional plans and the fact that CALFED is proposing actions contrary to them, there is no meaningful discussion of local plans. Many local jurisdictions also have zoning and land use planning authority over lands which CALFED is targeting for acquisition and conversion to economically non-productive uses. These communities could be severely impacted by the program as proposed. At the very least they should be identified.

6. "Affected Environment and Environmental Impacts Agricultural Economics Technical Report" page 1. There is a statement that "(t)he report also contains a brief description of mitigation strategies designed to reduce Program impacts to a less-than-significant level." There does not appear to be a section on mitigation in this document. In addition, there is no discussion of programmatic level alternatives or mitigation measures. This is one of primary purposes of a Programmatic EIR.

7. "Affected Environment and Environmental Impacts Agricultural Economics Technical Report" page 5. The section entitled "Significance Criteria" presumably is an attempt to define thresholds of significance. It is totally inadequate. There is no discussion of or apparent basis for the criteria. In addition, there is a public agency charged under State law to protect agriculture: CDFA. This agency was not consulted regarding these apparent thresholds of significance for impacts on the resources under it's statutory authority. In addition, these criteria do not take cumulative impacts into account. In fact, the statement that "(c)hanges of this magnitude are easily within historical variations due to weather, water, supply, and farm programs..." seems to imply that CALFED considers a context of cumulative impacts to raise the thresholds of significance.

8. "Affected Environment and Environmental Impacts Land Use Economics, Land Use Technical Report" pages 2-3. The terse discussion of mitigation is totally inadequate. One of the primary reasons for preparing a programmatic EIR is to"(a)llow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts..." (State CEQA Guidelines, section 15168 (b) (4)). Deferring alternative analysis (and thus impact avoidance) and any meaningful analysis of mitigation measures until subsequent tiers of environmental review is contrary to all four of the basic purposes of CEQA, refer to Section 15002 (a) of the State CEQA Guidelines.

9. "Affected Environment and Environmental Impacts Agricultural Economics". Much of the land targeted for conversion from agricultural use has associated water rights and histories of water use. The loss of these water resources to agricultural use is a significant impact which needs to be quantified. There must be programmatic measures to avoid, reduce, and mitigate these impacts.

10. "Affected Environment and Environmental Impacts Land Use Economics, Land Use Technical Report" page 3. Section 2.3 is entitled Summary of potential Significant Unavoidable Impacts". The apparent underlying conclusion that impacts on agriculture are unavoidable is incorrect. CALFED has not made any effort to avoid, reduce, or mitigate these impacts at the programmatic level and this conclusion is simply not based on fact or analysis.

As the State agency responsible for the protection of California agriculture, the CDFA is very concerned about CALFED's treatment of the rare and unique environmental resources which are the foundation for California's diverse and productive agriculture. We remain available to assist CALFED in planning a long-term program under the solution principals, and preparing an EIR which meets the requirements of CEQA.

Sincerely,

A.J. Yates
Undersecretary