



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

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Via First-Class Mail & Email

karen.scarborough@resources.ca.gov

beth.gerbutavicius@resources.ca.gov

Karen Scarborough
Under Secretary
NATURAL RESOURCES AGENCY
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Bay Delta Conservation Plan—January 29, 2010 Decisions Regarding Near- and Long-term Operations

Dear Ms. Scarborough:

Three years ago, the California Farm Bureau Federation (“Farm Bureau”) requested a seat on the BDCP Steering Committee. Farm Bureau’s executive leadership and staff have devoted considerable time and effort to the process because we recognize that the Delta is a linchpin not only for California’s agricultural industry, but also for the whole of the State’s economy. Areas south of the Delta simply cannot persist without an adequate and reliable supply from the Delta and such a supply will not exist until we have improved the water conveyance system in the Delta and put in place a robust and effective plan to stabilize Delta species and the Delta ecosystem.

A unique confluence of disparate interests have come together in the BDCP, making it perhaps the best hope of a broadly-supported, comprehensive solution today. As a statewide leadership organization, Farm Bureau recognizes that the status quo concerning the Delta is unacceptable. This is why we remain at the table, fully engaged and desirous to see the process through to a successful conclusion.

Notwithstanding the foregoing, and notwithstanding our general support for the BDCP to date, we do not come to the process without certain hopes and expectations, as well as certain duties to the various segments of our diverse statewide membership. In particular, one expectation that we have striven to articulate throughout the process is that a long-term conveyance solution in the BDCP should not be the cause of any substantial deterioration in water quality conditions in Delta that would preclude much of the existing agriculture in the Delta from coexisting in the future alongside the various conveyance or habitat improvements being currently considered.

At the BDCP Steering Committee's January 29, 2009 meeting, our understanding is that BDCP Steering Committee members will be asked to tentatively approve certain specific parameters for use in the "full effects analysis" process that will begin in March and run through June. Among these parameters are a set of proposed near- and long-term operations and a package of proposed conservation measures including a potential "isolated facility" and some 65,000 acres of restored tidal marsh over the 50-year term of the BDCP. The consensus which may be reached on the 29th is not intended to be a final decision; however, it does represent a significant step in the process, as we understand it, to the extent these decisions will determine the outlines of a general project description that will form the basis of the detailed effects and impacts analyses to be undertaken over the next several months, as the next important step in the BDCP process.

Construction and operation of an isolated facility and proposed tidal marsh restoration in the BDCP are activities that have potential to significantly alter existing flow and salinity patterns in the Delta. This could in turn impact the quality of the Delta's waters as a perennial irrigation water supply upon which several hundreds of thousands of acres of existing farmland in the Delta currently rely. Presumably, even if the BDCP were implemented in full, much of this existing farmland would continue to be farmed in the future—provided that such lands remain economically viable, unflooded, unimpaired by restoration actions, infrastructure, or other land use changes, and so long as they have access to a sufficiently fresh supply of water from adjacent Delta channels and waterways. Water quality in the Delta, however, is an especially important ingredient for Delta agriculture, since Delta farmland without an adequately fresh supply of in-Delta water is land lacking an essential resource for its continued viability. With respect to a supply of water meeting adequate quality standards therefore, Farm Bureau's position has been and remains that the BDCP process must make every effort to accurately predict and fully disclose potential adverse salinity impacts on Delta farmers and then take all feasible and necessary steps within the program's control to avoid and minimize the same.

Farm Bureau appreciates the DWR's, the BDCP Management Team's, and the BDCP modelers' scheduling of a recent "Modeling for Modelers" technical briefing held on January 20, 2010, of a previous technical workshop for modelers held October 28, 2010, in addition to numerous prior briefings related to water quality (for example, in the HOTT, Integration, and Conveyance Workgroup meeting in 2008). Also, particularly where we cannot know with any greater certainty what impacts may occur until a more complete analysis is completed, Farm Bureau appreciates the need to press ahead at this point with the full effects analysis of a straw proposal that can in turn serve as a basis for an eventual proposed project and project description. At the same time, however, many aspects of the BDCP's operations, hydrodynamic and water quality modeling to date remain in flux, while the totality of water quality and hydrodynamic information provided in BDCP to date remains too general and too preliminary to support any definite conclusions at this juncture.

To ensure a package that is reasonably protective of the legitimate interests of parties outside of the BDCP, there remains much uncertainty. Defensible answers to these questions will be important, not only from the perspective of a statewide agricultural organization such as Farm Bureau, but also in a broader political, legal and public relations sense. As noted, even as the BDCP Steering Committee is being asked to approve various elements of a proposed project for completion of the BDCP's full effects analysis by early summer 2010, the sheer number of unknowns make any definitive judgment or approval at this stage impossible. Final approval, however, is quite different from the kind of interim direction the Steering Committee is being asked to provide at this point, based on a tentative consensus of the parties in light of the draft plan elements discussed to date and the as yet incomplete body of information we have available to us at this time. Quite distinct from any sort of definitive approval, then, we believe such a tentative consensus to be both possible and appropriate at this time—at least, with the clear understanding that additional briefings (Steering Committee, technical, small group, or otherwise) will be needed as the BDCP's effects and impacts analyses progress and as more definitive modeling results are developed this spring.

Lastly, in regard to irrigation and potential salinity impacts in the Delta specifically, Farm Bureau's tentative consent at this time is premised on a reasonable expectation that the process will ultimately produce and make available at least following information, as specified:

Minimum Information Specifically Required in the BDCP Process to Support Eventual Policy Decisions Related to In-Delta Salinity:

1. Capturing different year types and different sequences of years (as opposed to mere historic averages):
 - Run the proposed project for all water year types individually (wet, above normal, below normal, dry, critical dry).
 - Run the proposed project showing multi-year trends for representative sequences of different year types (for example, 1987-1992 for a multi-year drought pattern, 1995-1999 as a series of wet years, and 1963-1969 as a series alternating wet and dry years).
 - Modeling results should incorporate effects of embedded tidal marsh restoration and climate change assumptions that would apply at each stage of implementation (i.e., near-term, early long-term, and late long-term).

2. Capturing the full range of different year types and different sequences of years (as described above) for each implementation period compared to existing and pre-BO conditions:

Run the above for (a) the pre-BO D-1641 condition, (b) the existing RPA condition, (c) the proposed project in the near-term implementation period, (d) the proposed project in the early long-term implementation period, (e) the proposed project in the late long-term implementation period.

3. Distinguishing effects of operations from effects of tidal marsh restoration and long-term sea level rise:

In addition to potential major operational changes associated with the BDCP's proposed project, proposed tidal marsh restoration and projected effects of future sea level rise in the early and late long-term implementation periods could also have significant hydrodynamic and salinity-related impacts in the Delta. The combined effect of these three factors, however, could potentially confound or mask the relative incremental impact of each individual factor in relation to the whole. For example, there is some potential for the "tidal dampening" effect of proposed tidal marsh restoration in the BDCP to act as a hydrologic buffer to some saltwater intrusion into the central and eastern Delta. Depending on the physical location of restored tidal marsh however, this new tidal marsh habitat could also alter the tidal prism, net salt transport and the like, in potentially unpredictable ways.

Similarly, proposed operations in the future could alter and affect salinity and flow patterns in the Delta, detrimentally, neutrally, or beneficially, depending on the location. Operational adjustments could mitigate some adverse effects, while others could be beyond the control of any operational response. Future sea level rise, for example, catastrophic levee failure, natural saltwater intrusion, upstream storage constraints, or limited inflow could potentially overwhelm any viable operational response.

At a minimum, to clearly distinguish and characterize the relative effect of these three important variables of proposed operations, proposed tidal marsh restoration, and projected future sea level rise, it will be necessary to carry out a series modeling runs that layers and clearly shows the incremental effect of each, as follows:

- Show results of the proposed project for each water year type for the early and late long-term implementation periods without tidal marsh or sea level rise/climate change.

- Compare to the above results for the proposed project in each water year type for the early and long-term implementation periods with tidal marsh, but without sea level rise/climate change.
- Compare to the first two runs, the results of the proposed project in each water year type for the early and long-term implementation periods with tidal marsh and sea level rise/climate.

4. Ease of comparison among differing conditions:

To be useful and easily understandable to technical and non-technical audiences alike, modeling results should be visually presented in graphs, graphics, and bar charts as appropriate to clearly, visually, and meaningfully facilitate:

- Cross-comparison of month-to-month trends and changes among differing years and scenarios, in addition to trends and changes within each individual year, for all years and conditions.
- Side-by-side comparison of conditions among differing year types (wet, above normal, below normal, dry and critical dry).
- Side-by-side comparison of conditions across different implementation periods relative to pre-BO and current RPA conditions.
- Visual references to facilitate comparison among differing salinities relative to existing regulatory standards.
- Clear delineation and visual presentation of relative salinities during the Delta's core irrigation season, from roughly April through September.
- Comparison of incremental and cumulative effects of operations, tidal marsh restoration and sea level rise/climate change in different year types and across all implementation periods.

5. Water levels & net flows:

In addition to salinity, water levels and lack of circulation have been cited as two significant problems for Delta farmers in certain years, certain months and certain locations in the South Delta in particular. Operations of the CVP and SWP export pumps in the South Delta have been identified by the State Water Resources Control Board in Water Rights Decision 1641 and elsewhere as one factor that can potentially affect water levels and flow patterns in the South Delta (along with inflow on the San

Joaquin River and the tides). It follows that altering CVP and SWP operations in the South Delta as part of a long-term dual-conveyance regime could affect water levels and flow patterns in the South Delta (negatively, positively, or neutrally), which could in turn affect local agricultural diversions and South Delta concentrations of salt. From a regional and also a statewide agricultural standpoint, it is therefore important to get a fair and complete assessment of the potential effects of the proposed project on water levels and flows, during the traditional April-September irrigation season in particular, in different year types and sequences of years. As with salinity effects, as described above, this should include:

- Water level and flow results for the South Delta in all year types (W, AN, BN, D, C), with a particular focus on relative effects during the relevant period of the Delta's traditional irrigation season from roughly April through September.

6. South Delta and San Joaquin River Flow Assumptions:

From a regulatory and environmental effects standpoint, unless and until the regulatory or environmental baseline changes, BDCP modeling and BDCP planning must assume existing San Joaquin River flow criteria and existing D-1641 and contractual M&I and agricultural standards will apply not only now, but in the future as well. On a parallel track, however, as part of the current periodic review of the Bay-Delta Water Quality Control Plan, the State Water Board has initiated an ongoing review of the existing South Delta and San Joaquin River flow standards in D-1641, which *could* lead to potential modification and revision of one or both standards. Something to be considered in the BDCP process is the potential for these possible changes in the regulatory and environmental baseline to alter or affect the body of modeling results, operations assumptions, effects and impact analyses that will have supported or formed the basis for various decisions up to the point at which such changes might occur.

7. Verification and Third-Party Review of BDCP Modeling Assumptions:

If implemented, the proposed project would represent a fairly radical departure from all past experience. Changes associated with the addition of up to five, preferentially operated diversion points in the North Delta, with a combined peak diversion capacity of 15,000 cfs, and a significant reduction in current pumping from the South Delta, would alter current conditions in the Delta considerably. These substantial changes then present a special challenge for BDCP modelers attempting to accurately predict these potential changes by adapting existing tools. In addition, the hydrodynamic and water quality effects of the phased restoration of some 65,000 acres of tidal marsh and up to a foot and a half of projected long-term sea level rise will make the BDCP modelers' task that much more complex.

The BDCP's modelers engaged in this task are no doubt among the best and most qualified in the state. Precisely because of the above mentioned uncertainties however, various interests have now expressly requested access to the "recalibrated" and "retrained" models and model outputs being developed as part of the BDCP process. As we have been informed, whether to release this information is ultimately a management, lead agency and policy-level call. On one hand, some hesitancy to release detailed modeling results that are, at this stage, perhaps still very preliminary and incomplete, is understandable. On the other hand, precisely because of the tremendous importance of the BDCP process, there may be a need for some higher standard of transparency in this case, to more solidly establish the integrity of the process and perhaps even partially overcome what has in various quarters amounted to a considerable amount of counterproductive anxiety, controversy, misinformation, and speculation.

Short of providing preliminary review of on-going modeling outputs then, there is at least an interim need for more meaningful, comprehensive, and detailed information, as described above, and for on-going third-party review of the BDCP modeler's technical memoranda as these are ready. In addition, all of the BDCP's core modeling outputs and assumptions should be ultimately included a technical appendix to the BDCP's Draft and Final EIR/EIS documents.

Conclusion:

In closing, Farm Bureau congratulates the BDCP Steering Committee and Management Team in anticipation of the attainment of this new milestone in the planning process. We have offered the foregoing observations and suggestions in the best spirit of collaboration and look forward to continued meaningful participation on these and other issues as the BDCP process moves forward.

Sincerely,


CHRISTIAN G. SCHEURING
Managing Counsel

CCS\mmm

cc: (See next page)

cc:

(Via Email)

Kenny Watkins, Committee Member & First Vice President (CFBF): kwatkins@cfbf.com;
Ann Hayden, Environmental Defense Fund: ahayden@environmentaldefense.org;
Anthony Saracino, The Nature Conservancy: asaracino@tnc.org;
Brent Walthall, Kern County Water Agency: bwalthall@kcwa.com;
Ara Azhderian, San Luis Delta-Mendota Water Authority: ara.azhderian@sldmwa.org;
Federico Barajas, U.S. Bureau of Reclamation: fbarajas@mp.usbr.gov;
Dan Castleberry, U.S. Fish and Wildlife Service: dan_castleberry@fws.gov;
Dan Nelson, San Luis Delta-Mendota Water Authority: dan.nelson@sldmwa.org;
Carl Wilcox, California Department of Fish and Game: cwilcox@dfg.ca.gov;
Gary Bobker, The Bay Institute: bobker@bay.org;
Greg Gartrell, Contra Costa Water District: ggartrell@ccwater.com;
Greg Thomas, Natural Heritage Institute: gat@n-h-i.org;
Greg Zlotnick, Santa Clara Valley Water District: GZlotnick@valleywater.org;
Jill Duerig, Zone 7 Water Agency: jduerig@zone7water.com;
Joe Grindstaff, California Bay-Delta Authority: jgrindstaff@calwater.ca.gov;
John Chillemi, Mirant Delta: john.chillemi@mirant.com;
Kim Delfino, Defenders of Wildlife: kdelfino@defenders.org;
Jerry Johns, California Department of Water Resources: jjohns@water.ca.gov;
Maria Rea, NOAA National Marine Fisheries Service: maria.rea@noaa.gov;
Melinda Terry, North Delta Water Agency: Melinda@northdw.com;
Paul Robershotte, U.S. Army Corps of Engineers: paul.j.robbershotte@usace.army.mil;
Richard Roos-Collins, American Rivers: rrcollins@n-h-i.org;
Roger Patterson, Metropolitan Water District: rpatterson@mwdh2o.com;
Steve Ottemoeller, Friant Water Authority: sottemoeller@friantwater.org;
Jason Peltier, Westlands Water District: jpeltier@westlandswater.org;
Tom Howard, State Water Resources Control Board: thoward@waterboards.ca.gov.