Please include these comments for the record.

These are the comments of the San Joaquin Farm Bureau Federation.

San Joaquin Farm Bureau Federation  
3290 N. Ad Art Road  
Stockton, CA 95215  
209-931-4931

May 14, 2009

Ms. Delores Brown, Chief  
Office of Environmental Compliance  
Department of Water Resources  
P.O. Box 942856  
Sacramento, CA 94236

Re: BDCP Scoping Comments

Dear Ms. Brown,

In an effort to protect and promote the viability of Delta agriculture, the five Delta County Farm Bureaus-Contra Costa, Sacramento, San Joaquin, Solano and Yolo-have joined together, to form the Delta Caucus. The Delta Caucus understands and supports the need for water reliability statewide and supports efforts and processes to responsibly plan for California's water future.

Within the framework of the limited information available, the Caucus is concerned that BDCP scoping comments may not be comprehensive or complete. As environmental and conveyance plans are developed, the BDCP must solicit additional comments, especially from Delta interests.

However, based upon our knowledge of the BDCP at this time, the San Joaquin Farm Bureau Federation Caucus has the following concerns which we have grouped into three categories: fundamental questions, conveyance, and fish recovery efforts:

Fundamental Questions:

1. Has exporting water from the Delta damaged the environment and socio-economic health of the Delta?

2. Will increased reliance and investment to move water from North to South through the Delta institutionalize, perpetuate, and accelerate damage in the Delta?

3. Will species-specific restoration damage the ecosystem and diminish abundance of other sensitive species?

4. Is there enough developed water to support the considerable investment in the Delta being proposed by the BDCP and would that investment be better used to support development of other options such as regional self-
reliance?

5. Should Delta conveyance be an interim solution while other viable options to develop a reliable water supply for the State of California are identified and developed?

6. Why is it that an insufficient range of alternatives been considered in this proposal. To date, there has only been one alternative, a Peripheral or other “conveyance” facility.

7. Why is it that Delta interests have been ignored in this process?

8. Has the BDCP determined how it will mitigate for the massive amounts of farmland in the Delta will be REPLACED within our geographic regions? To date, there has been no conversation regarding the mitigation for the loss of farmland and HOW THIS WILL IMPACT OUR FOOD SECURITY, let alone where the BDCP process will create NEW FARMLAND that will be preserved in perpetuity to ensure our food supply locally and for export abroad. As this essential step is missing and because local interests have been precluded from meaningful input in this process, we believe that the entire process should be re-started, so we can address our entire states water needs and how we minimize our impact to the food production of our region.

Conveyance:

1. The EIR must clearly show how each proposed alternative is designed to operate within the multitude of existing legal restrictions, water quality requirements, and contractual constraints such as but not limited to the North Delta Water Agency contract with the State of California, area of origin priorities, and Delta salinity standards. The EIR must include a detailed analysis of all legal constraints on water exports and a thorough explanation detailing how each alternative will comply with them.

2. The EIR must quantify how much Delta outflow is needed to maintain a healthy fresh water Delta. This information is critical to determine how much water is available for export and will aid in the overall evaluation of each alternative.

3. The EIR must explain why the BDCP isolated facility (peripheral canal) is being designed to convey 15,000 cubic feet per second. Do normal river flows justify an isolated facility capable of conveying 15,000 cubic feet per second? How much water will be conveyed “through Delta”? Will smaller capacity isolated facilities be considered? Why build a very expensive, disruptive facility if it is not needed, if it may be used only occasionally, if it could divert substantially all of the Sacramento River summer flow, and if it has the potential to devastate the Delta.

4. The EIR MUST INCLUDE A FULL RANGE OF ALTERNATIVES THAT COULD BE ALLOWED INCLUDING INTERIM MEASURES THAT WOULD ENSURE A SUBSTANSTIAL AMOUNT OF WATER CONVEYED (THROUGH THE DELTA) CAN BE UTILIZED BY ALL RESIDENTS WITH MINIMAL DISRUPTION OF ONGOING DELTA OPERATIONS. AS THERE ARE MANY PROSPECTS HERE THAT HAVE NEVER BEEN CONSIDERED, WE HAVE BEEN LIMITED BY THE AGENCIES SUPPORTING THIS ONE AND ONLY PROPOSAL FROM HAVING MEANINGFUL INPUT INTO THIS PROCESS. FURTHER, THIS PROCESS HAS PRECLUDED THE INPUT OF LOCAL INTERESTS THAT STAND TO BE IMPACTED THE MOST.

5. The EIR should compare and contrast upstream diversions and their effects on water quality entering the Delta from the Sacramento and San Joaquin Rivers. This information should be used to evaluate the effects of BDCP alternatives which divert water from the Sacramento River before entering or traveling through the Delta.
6. The EIR should examine alternatives in depth to determine if “Through Delta” conveyance is more friendly to the entire Delta ecosystem than removing water from the common pool in the North Delta and conveying it for export in an isolated facility.

7. The Delta Protection Act of 1992 was passed to protect the Primary Zone of the Delta for agriculture, habitat and recreation. The EIR should determine how these Delta resources will be negatively impacted and how alternatives can be designed to be compatible with the Act and its objectives. For example, water from isolated facilities could be piped underground across reclamation districts rather than in surface canals to eliminate negative impacts to drainage, flood control and irrigation systems caused by dividing reclamation districts.

8. The EIR must identify how facilities and changes in river elevations will impact ground water elevations. Plans must be developed to mitigate for seepage and other negative impacts associated with changes in ground water elevation.

9. The EIR must develop governance structures which will protect the Delta environment and its socio-economic interests while allowing all economic interests the ability to survive should water concerns over endangered species need to be addressed. In this process, we should not undermine the rights of existing water rights holders.

10. Because in the near and intermediate term, water exports must be conveyed through Delta, every effort should be made to make this alternative work for the long term and thus avoid the additional expense and considerable negative impacts of building an isolated facility.

11. The EIR must identify all negative impacts to the Delta economy and ecosystem caused by each of the alternatives, must quantify the cost of the impacts, and must define in detail mitigation actions which will be required. For example, how will the BDCP mitigate for loss of farmland and loss of Swainson’s Hawk foraging habitat? Further, how will this process comply with the Agricultural mitigation ordinance that requires that ANY conversion of agricultural resources be addressed? Our expectation is that for every acre converted under this plan to public land, that 5 acres of new farm land be created in our jurisdiction (county) where the conversion took place. Meaning, if you convert 50,000 acres of farmland in our county to habitat and the canal, that you would need to create 250,000 acres of NEW FARMLAND in our county.

12. The EIR must determine how each conveyance alternative will affect flood control and especially how each alternative will impact flood plains such as the McCormack Williamson Tract, and the Hood-Franklin pool. BDCP projects must not adversely impact flood safety in the Delta.

13. Loss of income to special districts and counties must be considered. A mechanism must be developed to ensure that tax revenue is not lost due to public acquisition of property for conveyance facilities.

Fish Recovery Efforts (Wetlands/Tidal Wetlands/Fish Habitat):

1. The EIR should identify in detail all factors which influence the abundance of targeted fish and only propose those actions which show a strong positive correlation to increased fish abundance.

2. While the adaptive approach might work for small projects, large-scale conversion of agricultural lands should be avoided at all costs as they lead to the permanent devastation of our food security potential.
3. Where sound science shows a strong positive correlation between fish abundance and habitat creation, land already owned by the public should be utilized to meet this objective. Eminent domain should not be used to acquire habitat restoration sites.

4. The EIR must analyze the implications of creating wetlands within the borders of reclamation districts. How will flood control, drainage, and irrigation systems be impacted within reclamation districts where fish habitat is created? Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and further analyzed. For example, if fish populations do not increase, how much additional land from the region must be converted (subject to mitigation) to maintain the water quality that needs to exist to protect these species, and where will the agency acquire that water?

5. As with conveyance alternatives, the EIR must identify all negative impacts to the Delta economy and ecosystem caused by water quality changes and conversion of land from agricultural production. It must clearly articulate how the BDCP will mitigate for loss of farmland and habitat such as Swanson’s Hawk foraging habitat and countless others species that depend on Delta lands. As most species spend most of their lives on private ground, how will this process ensure that only private working landscapes are utilized to preserve sensitive resources?

6. The EIR should identify in depth all plant communities and avian and terrestrial species which will be adversely impacted by creation of fish habitat within the Delta and the catastrophic conversion of a fresh water habitat system into a salt water dominated system. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to habitat. These conversions too, would be subject to the agricultural mitigation ordinance.

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In conclusion, the San Joaquin Farm Bureau has presented an insufficient range of alternatives and has created a system that precludes meaningful public input into this process. We suggest that the BDCP broaden its focus to include more than the Delta. As the agencies involved see only one objective, we believe this precludes our ability to provide meaningful input on how we can best achieve our goals of delivering water for urban and agricultural water uses in our state. If we can improve upon this process, the water supply for millions of Californians will be more secure and reliable by increasing regional supplies and reducing dependence on the Delta.

Thank you for this opportunity to submit our scoping comments at this time.
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Bruce Blodgett
Executive Director
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