



# SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

July 25, 2014

Mr. Ryan Wulff  
National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

*[Sent via email to: BDCP.comments@noaa.gov](mailto:BDCP.comments@noaa.gov)*

## **Re: Draft Bay Delta Conservation Plan and associated Draft Environmental Impact Report/Environmental Impact Statement (BDCP EIR/EIS)**

Dear Mr. Wulff:

The San Joaquin Farm Bureau Federation (SJFB) is a private, not for profit, volunteer based organization that is committed to the growth and development of the agricultural industry in the San Joaquin and Delta region since 1914. We are the largest agricultural organization in the county, currently working on behalf of over 3,800 members to find solutions to the unique issues that local farmers face every day. We appreciate the opportunity to comment on the Draft EIR/EIS for the Bay Delta Conservation Plan (BDCP).

From our review of the environmental documents, we find the following:

### **I. The Project Is Inconsistent With The Delta Reform Act**

The Delta Reform Act of 2009 established the co-equal goals of water supply reliability and ecosystem restoration and conditioned their achievement on protection and enhancement of Delta resources to include agriculture. Section 29702 (a) states that "The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources and agricultural values of the Delta as an evolving place." The Delta Reform act also created the Delta Stewardship Council and directed it to develop the Delta Plan. Chapter 5 of the Delta Plan establishes policies and goals to protect Delta agricultural resources (Delta Plan: Pages 183 and 192-198).

The Delta Reform Act included a mechanism for the BDCP to be included in the Delta Stewardship Council's Delta Plan. Water Code §85320 lists requirements that BDCP must achieve in order to be included in the Delta Plan. The Draft EIR/EIS claims consistency (Appendix 31), but does not achieve the conditions of §Water Code 85320 (b)(2)(A) which requires that a series of studies be completed which "...will identify the remaining water available for export and other beneficial uses." The studies may have been performed, but the amount of water available for export has not been determined and remains subject to adaptive management, which inevitably threatens the quality of water in the Delta.

In addition, the Delta Reform Act of 2009 as explained in Water Code §85021, requires that reliance on the Delta in meeting California's future water needs be reduced. Certainly a 50-year

permit will be operating in the future, and therefore, the BDCP should demonstrate that it reduces reliance on the Delta through strategies such as regional self-reliance, local and regional water supply projects, and other strategies. On the contrary, the BDCP seems to increase rather than reduce dependence on the Delta as a source of future water. The document fails to address the operational concerns of those within the Delta and offers no commitment to operate the BDCP in a manner that is consistent with prevailing California water law and issues of priority. We must see a determination of consistency for every implicated water law and policy consideration.

## **II. Unmitigated Loss Of Agricultural Land**

We find the EIR to be constructed in a roundabout, convoluted manner that leaves us unable to discern the true impact of lands removed from production or the extent to which losses would be mitigated. The construction and operation of the project will remove a cumulative total of over 140,000 acres of prime farmland from production within the statutory Delta. The San Joaquin County General Plan recognizes the importance of both protecting the Delta and the importance of preserving agricultural land and county code strictly enforces 1:1 mitigation for the loss of agricultural land. From what we can discern, the EIR only provides 1:1 mitigation for 5,000 acres.

Another example of inadequate mitigation is the Agricultural Land Stewardship Plan (ALSP) proposed as mitigation for AG 1,2,3,4 and ECON 6,7,12,13, and 18. “Agricultural land stewardship means farm and ranch landowners—the stewards of the state’s agricultural land—producing public environmental benefits in conjunction with the food and fiber they have historically provided while keeping land in private ownership (California Water Plan Update 2005, Agricultural Land RMS).” Continued agricultural production is a key element of the definition of agricultural land stewardship. In the BDCP draft EIR/EIS, BDCP proponents are tasked with developing ALSPs by choosing from a group of strategies to offset impacts. Some of the suggested strategies are:

1. Strategy A: Have farmers manage habitat land (14B-14).
2. Strategy C: Designate habitat production as agricultural production (14B-14).
3. Strategy E: Work with counties to include habitat lands in Williamson Act Preserves (14B-15).
4. Strategy Q: Consider opportunities to develop sustainable agricultural land community in the Delta Region consistent with ecosystem conservation and restoration (14B-17).

None of these strategies is consistent with the definition of agricultural land stewardship because they do not provide for production of food and fiber. The ALSP is inadequate as mitigation because it allows the project proponents to choose from a group of strategies, some of which advance biological goals of the BDCP rather than mitigate for impacts to agricultural resources. In addition, ALSP mitigation is inadequate because it is not defined, and therefore, is not feasible. It is not enforceable nor is it funded. Mitigation as proposed in the BDCP draft EIR/EIS that is discretionary, deferred, unfunded, not enforceable, ungoverned or where feasibility has not been determined, is inadequate.

With the construction and operation of CM-22, there is also the increased potential for more land to be removed from agricultural production because it will result in increasing populations of endangered species and other conditions which will impact neighboring agricultural resources. Farmers must be able to indemnify themselves from liability for the agricultural practices that are necessary to continue farming, such as pumping water they are entitled to.

Finally, we remain adamantly opposed to the state's use of eminent domain to acquire habitat within the Delta. Despite assurances from the Department of Water Resources that the land would only be acquired from willing sellers, there is no such guarantee within the EIR. We would like written, enforceable documentation from DWR to this end.

### **III. The Degradation of Water Quality Will Lead To Agricultural Losses Within The Delta**

The Delta relies on two rivers, the Sacramento River and the San Joaquin River to supply the fresh water necessary to repel salt intrusion into the vast agricultural landscape. The construction of CM-1 will divert a significant and important source of fresh water away from the Delta. The intake on the Sacramento River that diverts the fresh water into an isolated conveyance system will undoubtedly affect the salinity of the Delta downstream water quality impacts WQ7, WQ8 and WQ11 show significantly increased salinity in Delta water downstream from the proposed northern intakes. Furthermore, modeling shows increased salinity will occur in much of the Delta (8-436-438). The result will be regular violations of water quality standards (acknowledged as violation 8H-1 line 17).

This impact is not adequately analyzed with respect to its effect on agricultural resources. The data shows the number of days standards will be violated and the percent of days in violation (Appendix 8H). However, this analysis falls short of having any true meaning to Delta farmers. It is not enough to know that the standard will be violated a certain number of days, but rather it is more important to know how significant the violation will be. The magnitude of the impact to the crop will be determined by the amount of salt, not the amount of days in violation, therefore the water quality impacts as they relate to agricultural production in the Delta are inadequate.

We are also concerned that construction impacts are considered "short term impacts" for which the EIR offers no mitigation. The construction of a project of this size will undoubtedly be a lengthy process and the impacts of the short term construction will lead to long term impacts on Delta agriculture, particularly where water quality is concerned. During construction, in order to de-water construction sites, there will be large amounts of drainage water generated. According to the EIR/EIS, the drainage water will be treated if necessary and discharged into "local drainage channels or rivers" (6-58). This will lead to inevitable impacts on water quality that remain unaddressed in the EIR.

### **IV. Conclusion**

In San Joaquin County, agriculture is a 2.8 billion dollar industry that strengthens our community by providing employment and a reliable tax base. Farms in the Delta are among some of the oldest in the area, with many families that have been on the land for more than five generations.

Over the last two decades, as water exports from the Delta have increased, our farmers have been left with unfulfilled promises of water quality standards that are routinely violated that have led to increased salinity in the water and ever increasing salt buildup in some of the most productive soil in the world. The San Joaquin Farm Bureau sincerely believes that California has a significant water supply deficit, not a conveyance issue. The historical policies that just move water to one area of the state at the expense of another are not sustainable over the long term and do nothing to address the deficiency of overall water supply. There are better, more affordable projects to enhance the available water supply in California such as north of the Delta fresh water storage projects and desalination that enhances regional self reliance. Neither of these key elements is included in the Draft BDCP. The San Joaquin Farm Bureau Federation remains committed to protecting the family farms in the Delta and will continue to advocate that any project in the Delta is in accordance with the Delta Reform Act of 2009.

Again, we wish to express our appreciation for your consideration of our comments and concerns as they relate to the BDCP Draft EIR/EIS.

Sincerely,

A handwritten signature in blue ink that reads "Jack Hamner". The signature is written in a cursive style with a large, looping initial "J".

President