



January 28, 2011

Ms. Terry Macaulay  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814

Submitted Via Email: [deltaplanscoping@deltacouncil.ca.gov](mailto:deltaplanscoping@deltacouncil.ca.gov)

**RE: Delta Plan, Notice of Preparation**

Dear Ms. Macaulay:

In an effort to protect and promote the viability of Delta agriculture, five Delta County Farm Bureaus (Contra Costa, Sacramento, San Joaquin, Solano and Yolo) joined together in 2009 to form the Delta Caucus. The Delta Caucus understands the need for water reliability statewide and supports efforts and processes to responsibly plan for California's water future and to protect and restore the Delta ecosystem while enhancing the recreational, natural resources and agricultural values.

As the effort begins to establish your required Delta Plan, we would like you to consider the following comments directed specifically at the notice of preparation:

1. The scoping document for the Delta Plan includes measures to promote a more reliable water supply by applying the public trust doctrine and the principles of reasonable and beneficial uses of water. In the EIR, these principles need to be thoroughly explained and defined above and beyond the California Constitution, with measures to petition any decision made by the Council. In addition, the EIR must explain how these principles will operate within the multitude of existing legal restrictions, priorities, water quality requirements, and existing water contracts such as but not limited to the North Delta Water Agency contract and riparian rights. The EIR must include a detailed analysis of all legal constraints on water exports in order to develop a range of conveyance alternatives, including the Delta Corridors Plan, which are consistent with the amount of water available for export from the Delta watershed.
2. The scoping document identifies two planning areas:
  - The Primary Planning Area (The Delta Suisun Marsh).
  - The Secondary Planning Area (The Delta watershed, tributaries to the Delta watershed, and areas that use water exported from the Delta watershed.)

For purposes of the EIR, we would suggest further dividing the Secondary Planning Area into two separate units:

- The Delta watershed and adjacent tributaries to the Delta watershed; and
- Areas that use water exported from the Delta watershed via state and federal projects.

Water use within a watershed and exporting water from a watershed create different impacts. Once water is exported from a watershed, all beneficial uses within the watershed cease, causing a different set of impacts than if the water were used within the watershed where runoff is captured and used again and again both for economic purposes and by the environment of the watershed. In addition, the impacts associated with removal of water from a watershed will vary depending upon quantity removed, when it is removed, point of removal and other factors. For example, an in watershed user may use an allocation, treat it or recycled it, leaving the water to be inserted back into the basin thus creating multiple uses of the same water molecules. Exported water however does not enjoy the same opportunities.

3. The Delta Plan must include quantified or otherwise measurable targets for achieving the objectives of the Delta Plan. Two areas which should be subject to quantifiable evaluation are reduced dependence on the Delta and protection of the Delta as a place to include Delta agriculture.

4. Within the EIR, proposed requirements for agriculture must be based on economic feasibility and allow for flexibility (in the presence of all regulatory requirements) in order to provide a viable, sustainable agricultural environment.

5. The NOP (p. 23) refers to expanding the use and ability to use eminent domain to further the policy objectives of the plan. There needs to be a clear understanding of the chilling affect of the threat of eminent domain. Already the threat of eminent domain has killed land sales and depressed land values, and some landowners have stopped investing for the future of their family farms. To the greatest extent possible, eminent domain should be rejected as a means to accomplish the goals of the Delta Plan. Failure to do so will shut down the economic engine of the Delta, Agriculture.

6. To protect and enhance the Delta and develop land use regulations, strategies to combat the effects of global warming should be developed assuming existing sea level and hydrological conditions and a range of future conditions over time.

7. The EIR should also address the funding mechanism and requirements for implementation of this plan. There are many proposals that require other state agencies and processes to complete research and studies, and implementation and oversight that will likely not have funding available to carry out these responsibilities. The EIR should address these fiscal issues in detail.

8. It has been long understood the state water system has been woefully unable to provide for the state's rapid growth in population. These high rates of growth have been typically in regions with less rainfall, correlating to with increasing dependence on the Delta. Additionally, there has been significant deterioration of groundwater resources due to over drafting scenarios. As such, in its current condition, our state water system is struggling to support almost twice the population than the system was designed for. This alone has created an emergency situation. We believe there must be a wide breadth of storage and new supply alternatives studied in this EIR to equate Agriculture, Environment, and Urban needs on equal footing. Agriculture must continue to receive a high priority, because without food and fiber we cease to provide for the population demands of this state and our nation, as well as continue to hold value with beneficial

habitat for an important ecosystem.

In addition, we have these general comments regarding impacts and concerns about the Delta Plan:

1. Improving the water conveyance system in the Delta does not necessarily mean building a new system. The EIR should thoroughly explore whether or not major investment in new conveyance around the Delta is consistent with reduced reliance on the Delta as a reliable water source for the State of California. Is there enough water in the Delta watershed to support a major investment, and will that investment result in a reliable water supply or just institutionalize, perpetuate and accelerate ecosystem damage in the Delta? Would regional self-reliance and investment in projects to enhance and develop water supplies in areas which have become dependent on Delta water be more reliable over time than dependence on Delta water and 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?
2. 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, the Hood-Franklin Pool, and the Yolo Bypass. The Delta Plan must not adversely impact flood safety in the Delta.
3. The EIR should identify in depth all plant communities and avian and terrestrial species which could be adversely impacted by creation of fish habitat. The analysis should include impacts caused by changes in water quality as well as large-scale conversion of both agricultural and wildlife habitat to fish habitat.
4. Redirected impacts caused by moving targeted fish from one area of the Delta to another must be identified and mitigated. For example, if distribution of Delta Smelt changed due to Delta Plan projects, water users where new populations become established should not be restricted from pumping.
5. The Delta Plan may contain elements which result in conversion of large areas of agricultural land into aquatic habitat and may result in destruction of critical agricultural infrastructure. Because agricultural lands tend to be considered the inventory for all other land uses, the EIR should examine the cumulative impacts of conversion of agricultural lands in the region to all other uses. Impacts should include loss of habitat for species such as the sandhill crane and loss of foraging habitat for migratory waterfowl. Conversion of agricultural land to other uses should be avoided to the greatest extent possible.
6. Finally, the EIR should study and detail the role of all levees in the Delta Plan. Delta levees are sustainable over time and will play a key role in the following:
  - Conveyance systems in the near and long term.
  - Protection of water quality for export as well as the fresh water Delta.
  - Maintaining critical terrestrial and avian habitat.
  - Protecting the Delta as a place, its agricultural and natural assets.
  - Reducing risks to people, property and the state interests.

Levees will play a key role in mitigating and avoiding negative impacts caused by the

Delta Plan in these areas identified in the NOP:

1. Agriculture
2. Biological Resources
3. Cultural Resources
4. Economics
5. Energy Resources
6. Geology and soils
7. Hydrology and Water Quality
8. Land Use and Land Use Planning
9. Mineral Resources
10. Paleontological Resources
11. Population, Employment and Housing
12. Recreation
13. Utilities and Public Service

Levees are key to the Delta Plan.

Thank you for the opportunity to submit scoping comments at this time. We look forward to further commenting on draft plans as they are developed. Should you have any questions regarding these comments, please contact Katie Patterson at the San Joaquin Farm Bureau Federation (209) 931-4931.

Sincerely,

Farm Bureau Delta Caucus Members:

Contra Costa County Farm Bureau  
Sacramento County Farm Bureau  
San Joaquin Farm Bureau Federation  
Solano County Farm Bureau  
Yolo County Farm Bureau