

Via Email: commentletters@waterboards.ca.gov



January 23, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814-0100

Re: *Comment Letter – 2016 Bay-Delta Plan Amendment & SED*

On behalf of the California Fresh Fruit Association I write to provide comment on Phase 1 of the draft Substitute Environmental Document (SED) concerning the water quality control plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta) Program. Our members produce permanent crop, fresh fruits throughout California. Please see the following comments:

Prioritize Cost-Effective, Scientifically Sound Options

Placing greatest emphasis on increasing flow requirements (Alternative 3) on the Lower San Joaquin River tributaries for addressing ecosystem concerns appears to underestimate the potential value generated from non-flow actions. Using data gathered from irrigation districts along the tributaries, approximately \$25 million was spent to assess actions on the Tuolumne to improve native fish species, including a 2012 predation study which found that greater than 90% of out-migrating juvenile salmon were negatively impacted by predatory fish before reaching the San Joaquin River. At present, the draft revised SED is solely convinced that a positive net result is predominately derived through additional flows yet stronger emphasis should be placed on non-flow actions and in assessing their role for improving ecosystem conditions while accounting for cost-effectiveness. If improvement in habitat conditions, improvements to spawning grounds, and a reduction in predation all significantly increase the likelihood of an improved ecosystem then non-flow options should garner at least equal consideration.

Despite the reliance given to increasing flows for their modeled impacts onto ecosystem condition improvement (i.e. beneficial temperature and water quality effects) known data gaps should give pause to any direct advancement toward increased flows as the best solution. For instance, using the example of the Vernalis Adaptive Management Plan experiment, additional flows might not be the key to attaining restorative goals within the plan area (Figure 2-1a). As acknowledged within the SED, many factors are likely to blame for species decline nevertheless ecosystem improvement likewise is influenced by a multifactorial suite of management tools, of which non-flow options deserve stronger consideration.

Negative Impacts Extend Beyond Plan Area

The SED will have impacts that expand well beyond the plan area. In addition to the added flows in the tributaries, export limits, as identified within the SED, placed on surface water deliveries from the Central Valley Project and State Water Project (SWP) operations will trigger agriculture surface water reductions in the Friant service area. For instance, if San Joaquin River “exchange contractors” faced a reduction in surface water delivered, a net water loss would result for surface water right holders within the Friant system as well as SWP contractors spanning as far south as Kern County and into Southern California. Therefore, while the tributaries serve as the core focus of Phase 1 decisions made to induce net surface water losses within the San Joaquin River basin will reduce water available elsewhere, a major factor which is unconsidered within the current draft SED.

In addition, the SED underestimates the interconnection between net water losses and lost agricultural production. At issue is the net loss of surface water. The SED implies that its negative impact may translate current productive land to a non-ag purpose, while presupposing the existence of remaining value for the landowner. Urban development and resulting land conversion is a limited option. For most of the impacted acreage, the net reduction would undoubtedly lead to overreliance upon groundwater pumping or forced termination of production. Groundwater basins, as viewed through the lens of the Sustainable Groundwater Management Act, are not unending water accounts from which withdrawal is open-ended for the purpose of meeting a beneficial use. Thus, for farmers of permanent orchard and vine crops severe water limitations means crop loss. That narrative is one that concerns many farmers, their families, and farm communities which have come to rely upon surface water deliveries; together, they instead view the SED’s findings covering a range of options from no change to 20-60% unimpaired flows as imbalanced for not thoroughly considering non-flow options, their cost-effectiveness, and foreseeable harm onto production agriculture. Forcing three Lower San Joaquin River tributaries (Merced, Tuolumne and Stanislaus) to increase unimpaired flows to 40% presents quite a concerning negative risk that merits a more concerted mitigating look for protecting beneficial uses in ways that work and are cost-effective.

Thank you for the opportunity to provide comment. Please feel free to reach out with any related comments or questions.

Regards,

A handwritten signature in black ink, reading "Christopher Valadez". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Christopher Valadez
Director, Environmental & Regulatory Affairs