WESTERN AGRICULTURAL PROCESSORS ASSOCIATION

1785 N. Fine Avenue, Fresno, California 93727
559-455-9272
f: 559-251-4471
www.agprocessors.org

March 17, 2017



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

Re: ***AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY AND SUPPORTING DRAFT REVISED SUBSTITUTE ENVIRONMENTAL DOCUMENT***

Dear Ms. Townsend,

On behalf of the members of the Western Agricultural Processors Association (WAPA) which represents tree nut hullers and processors of almonds, walnuts, pecans and pistachios, we appreciate the opportunity to comment on the proposed "Amendment to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Supporting Draft Revised Substitute Environmental Document (SED)." This proposal would have the devastating potential effect of implementing "unimpaired flow" requirements on the Stanislaus, Merced and Tuolumne Rivers of 30 to 50% of the natural occurring runoff in these rivers. This proposal will have profound impacts on the agricultural community in Merced, Stanislaus and San Joaquin Counties, especially the tree nut industry including growers, hullers and processors and anyone involved in the supply chain for those particular commodities. We are very concerned that the unimpaired flow approach will have significant and irreparable impact to the agricultural industry.

Our concerns center on the insufficient economic analysis, failure to account for the imposition of the Sustainable Groundwater Management Act (SGMA) and failure to account for other stressors impacting salmon runs in the Delta and these tributaries.

Economic Impact

We are very concerned that the state has completely underestimated the economic impact to the agricultural community. First, the economic study peculiarly uses cotton and pistachios in the analysis, which are two crops with little to no acreage in the impacted areas. Meanwhile, it does not analyze walnuts, which has significant acreage in the impacted counties. The walnut acreage is as follows: San Joaquin County – 39,012 acres; Stanislaus – 26,269 acres; and Merced – 6,789 acres[1]. Is this accurate, and if so, would it significantly skew the results by leaving out a crop that will be significantly impacted by large reductions in surface water availability?

[1] 2015 California Walnut Acreage Report, USDA-NASS, May 24, 2016.

Furthermore, the SWRCB is requiring the reservoirs in these tributaries to hold back water for cold water pools for fish. This includes holding back 700,000 acre feet at New Melones, 800,000 acre feet at Don Pedro, and 300,000 at McClure Lake. These are very significant levels that will have huge impacts on downstream water availability for agriculture. It is our understanding that water releases to the Oakdale Irrigation District and South San Joaquin Irrigation District would have stopped in June this past year to maintain the required level. This loss of water must be quantified and factored in to the economic analysis. It is our understanding that in 2015, farmers in the Turlock Irrigation District and Merced Irrigation District would have received no surface water. That is a tremendous impact to the crops grown in those Districts and the people employed in those areas, that must be accounted for.

Sustainable Groundwater Management Act (SGMA)

There also seems to be a lack of recognition of the impact from the implementation of the Sustainable Groundwater Management Act (SGMA) that will undoubtedly reduce groundwater pumping. Currently, the SED, as laid out in Chapter 9, assumes groundwater pumping will make up for any lost surface water and does not consider SGMA as a limiting factor. Discussions with local water districts and recently formed Groundwater Sustainability Agencies (GSAs) say that is simply not a reasonable assumption, and that the State Department of Water Resources (DWR) will clearly manage groundwater and protect overdraft of impacted basins. This is simply unreasonable to ignore, and the SEC must be revised to make some consideration of the limiting factors SGMA will impose.

Salmon Impacts

The SWRCB's proposal fails to account for all stressors. These other stressors to salmon populations include commercial fishing, predation, habitat loss, downstream pollution and others. According to one paper[2], "Juvenile salmon are clearly consumed by fish predators and several studies indicate that the population of predators is large enough to effectively consume all juvenile salmon production." It has been reported that a reduction of at least 10% of the predation can achieve the same as a 35% unimpaired flow. We believe there may be solutions, other than unimpaired flows, such as river and habitat improvements including gravel improvements, removal of water hyacinth, and riparian vegetation expansion.

It is also important to note the results of a recently published twelve (12) year study[3] on Fall-run Chinook salmon in the San Joaquin River that concluded the installation of a "rock barrier" provided "positive and consistencies influences on daily counts in the years it was installed". By contrast, results showed "managed pulse flows only appeared in 2 of the 11 complete years of data analyzed." Furthermore, the study also noted a drop off in daily counts when pulse flows exceeded 20 $m^3$/sec. The study suggests that the pulse flows may actually do more harm than good, and make the point that more work and study is necessary.

---

[2] "Effects of Fish Predation on Salmonids in the Sacramento River – San Joaquin Delta and Associated Ecosystems", Grossman, et al., September 25, 2013.

[3] "Environmental Factors Associated With the Upstream Migration of Fall-Run Chinook Salmon in a Regulated River", Peterson, et al., North American Journal of Fisheries Management, Volume 37, 2017 – Issue 1, December 21, 2016.

In closing, we believe strongly that alternative solutions can, and should, be worked out with local water districts that can produce more reasonable and less impactful results. We encourage the SWRCB to work with local irrigation districts to find more reasonable and acceptable alternatives to the unimpaired flow approach.

Sincerely,

Roger A. Isom
President/CEO