



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

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Via Email

driddle@waterboards.ca.gov

Ms. Diane Riddle, Staff Environmental Scientist
Hearings and Special Programs Section
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Comment Letter—Workshop to Receive Information on the Development of a Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta

Dear Ms. Riddle:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the State of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 91,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

Farm Bureau appreciates the opportunity to provide comments in response to the State Water Resource Control Board’s notice of public workshop on the development of a strategic workplan for the San Francisco Bay/Sacramento-San Joaquin Delta in conjunction with the Central Valley Regional Water Board and the San Francisco Bay Regional Water Board (collectively “Water Boards.”). Farm Bureau joined a coalition letter on March 11, 2008, expressing some of its concerns regarding the development of development of a strategic workplan for the San Francisco Bay/Sacramento-San Joaquin Delta. As an individual entity, the Farm Bureau is pleased to present the following additional comments and concerns regarding the Board’s approach and development of a strategic plan.

Resolution Specific Comments:

- Parallel Processes (Resolve No. 1):
 - Allow transparent parallel processes to proceed subject to final CEQA/NEPA review.
 - Coordinate closely with, comment upon, and integrate work plan and activities with these processes.
 - Listen to the legitimate concerns of all stakeholders.
 - Avoid duplication and concentrate on important gaps suited to unique Water Board authorities.
 - Avoid any too narrow focus on a subset of issues that could leave important issues unaddressed, or inappropriately addressed in the end.
 - Avoid any overly expansive role that could impede necessary progress or undercut earnest, good faith efforts on other fronts.
 - Avoid either “rubber stamping” of final outcomes or “surprise endings.”

- Beneficial Uses (Resolve No. 1):
 - The State and Regional Boards are bound to protect all beneficial uses. In the context of the Pelagic Organism Decline (POD), this means protection of fish and wildlife resources, but also reasonable protection of other designated beneficial uses.

- Salinity (Resolves Nos. 3, 11 [salt and boron TMDLs].):
 - Salinity poses a serious threat to beneficial uses in the State of California.
 - Water Board initiatives to address salinity problems, both in the South Delta and on the west side San Joaquin Valley and Tulare Basin should be priorities of the highest order.
 - Approaches to these interrelated problems should look to reduce conflicts among regions.
 - Water Board actions on salinity should acknowledge limitations on salinity control relating to the inadequacy of existing infrastructure.
 - Regulatory programs to control salinity must remain flexible and adaptive, while seeking to enable long-term solutions for the future.

- SWP and CVP Diversions (Resolves Nos. 4, 6):
 - An inquiry into the “reasonableness of the SWP’s and CVP’s method of diversion” (Resolve No. 6) is inappropriate and unnecessary at this time.
 - Similarly, the Water Board’s proposed process to amend water rights permits and license requirements to “provide additional protection to pelagic organisms” (Resolve No. 4) is unnecessary in light of current and future ESA restrictions on SWP and CVP operations and long-term planning efforts to conserve species.
 - The Wanger interim remedy for delta smelt, recently adopted measures for longfin smelt, and the forthcoming OCAP biological opinion for delta smelt all aggressively address concerns relating to SWP and CVP operations either presently or in the near future.
 - Programs including the Delta Vision, the BDCP, and CALFED are currently examining ways to improve current conveyance for the SWP and CVP on both an interim and long-term basis, while reducing impacts on public trust resources in the future.

- Public Trust (Resolve No. 6):
 - Public trust values exist alongside other beneficial uses of water. The two goals should be complementary and coexistent and not mutually exclusive or antagonistic.
 - A post hoc overlay of public trust obligations must not be allowed to trump or negate existing water rights and the beneficial uses dependent upon them.
 - An open ended water rights proceeding for the protection of public trust values would be unwieldy, would greatly impede progress on current planning efforts, and is inappropriate and unnecessary at this time.

- Other Stressors (Resolves Nos. 10, 17, and 18):
 - The following are potentially important POD stressors that have received inadequate attention in the past and which warrant much higher prioritization in the Water Boards’ strategic workplans:
 - Blue-green algae (Resolve No. 10.);
 - Direct and indirect impacts on pelagic fish species from once-through cooling power plant structures at Pittsburgh and Antioch (Resolve No. 17.);
 - Regulatory controls to prevent future introductions of invasive species (Resolve No. 18.).

- Pesticides (Resolves Nos. 11, 14):
 - The DPR's re-registration process and sound science must precede regulatory action on pyrethroids.
 - Direction to agricultural commissioners on pyrethroids and "special restrictions" in the Delta are premature at this time.
 - Future studies on pyrethroids should assess not only potential agricultural sources of that contaminant, but also urban stormwater.
- Water Efficiency (Resolve No. 20):
 - The Water Boards should forego direct regulatory action on water efficiency and defer to current water efficiency planning in Delta Vision and the California Water Plan Update.
 - Interim action by the Water Boards or State of California could include monetary grants to incentivize improved water efficiency.

General Comments:

- Soft Landing for Delta:
 - Solutions in the Delta should prevent disproportionate and redirected impacts on any one area of the State, sector of the economy, or segment of the public.
- Delta-centrism:
 - Problems in the Delta branch into other areas of the State and, in like manner, originate both within and outside the Delta itself.
 - Problems within the Delta cannot be solved without meaningfully and effectively addressing related causes and effects and limitations elsewhere in the State.
 - Past and existing efforts, including voluntary efforts outside of the Delta, should be acknowledged and built upon and not replaced with new mandates and incremental demands.
- Sound Science:
 - Likely causes of the POD are varied.
 - In attempting to address these causes, the Water Boards should avoid the temptation to focus excessively on one or two stressors in derogation of other potential problems.

- Where problems and the relative contribution of different stressors are unclear, sound science and sufficient data within a strategic framework should precede regulatory action.
- Infrastructure:
 - If proper analyses indicate that solutions to old problems and future challenges may require new infrastructure, it should result in greater flexibility and reliability, while at the same time avoiding disproportionate and redirected impacts.
 - Measures to avoid such impacts may require deliberate features to reconcile competing demands for export water supply and in-Delta water quality.

Again, Farm Bureau appreciates the opportunity to comment in response to the State Water Resource Control Board's notice of public workshop on the development of a strategic workplan for the San Francisco Bay/Sacramento-San Joaquin Delta.

Sincerely,



CHRISTIAN C. SCHERUING
Managing Counsel

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