



August 17, 2016

Felicia Marcus, Chair
California State Water Resources Control Board
P.O Box 100
Sacramento, CA 95812-0100

Tam Doduc, Hearing Officer
California State Water Resources Control Board
P.O Box 100
Sacramento, CA 95812-0100

RE: WRITTEN COMMENTS TO PART 1 OF THE WATER RIGHT CHANGE PETITION HEARING FOR THE CALIFORNIA WATERFIX PROJECT.

Dear Chair Marcus and members of the board;

The Delta Caucus is comprised of the five Delta County Farm Bureaus -- Contra Costa, Sacramento, San Joaquin, Solano, and Yolo. In 2008, these five Delta County Farm Bureaus joined to form the Delta Caucus with the goal of protecting and promoting the viability and sustainability of Delta agriculture. Agriculture is the main economy in the Delta and food production is deeply woven into the fabric of the community, with many incidental businesses in the region supported by crop production.

Agriculture is so essential to the Delta, we have expressed concerns regarding the CA WaterFix and the effects it will have on water quality, the amount of prime agriculture land lost to construction and mitigation, and how this will affect the Delta community; economically or otherwise. In the January 2012 Delta Protection Commission's Economic Sustainability Plan for the Delta region, Delta agriculture contributes to \$5.3 billion in economic impact to California's economy. It is the "dominant land use and 80 percent of the land is classified as Prime Farmland, the highest quality designation given by the California Farmland Mapping and Monitoring Program. In contrast, less than 20 percent of all farmland

in California is Prime Farmland.”¹ Delta agriculture adds 25,000 jobs and food commodities to feed not only the region but the world.

The Delta Caucus has submitted formal comments on the recirculated Draft Environmental Impact Report Supplemental Draft and Environmental Impact Statement (RDEIR/SDEIS) identifying numerous concerns with the document as briefly outlined below:

1. Inconsistencies with laws and regulations protecting Delta agriculture resources.
2. Collective impacts of the CA WaterFix on Delta agriculture resources.
3. Unidentified impacts.
4. Inadequate analysis of proposed mitigation.
5. Inadequate study of alternatives.
6. Reduce reliance on water exports from the Delta.

The Delta Caucus urges the State Board to deny the Change Petition as this action is premature given so many discrepancies in the existing environmental documentation. None of the issues raised in our comments dated 10/30/2015 have been addressed. Analysis of all issues raised in comments to the DEIR and RDEIR and especially those dealing with water quality, changes in river flow and ecosystem impacts is needed to adequately proceed with the Change Petition request.

Moreover, water rights holders would be negatively impacted from the new diversion site as this would reduce downstream river flows, resulting in poor water quality and lower river levels downstream of the proposed diversion site. This would directly result in agricultural lands being damaged, ecosystems destroyed and critical habitat degraded. Water quality standards are consistently violated in the south Delta because of inadequate flows from the San Joaquin River. Even if D-1641 requirements are met, the flow between the new diversion points and the point of outflow measurement will be reduced, forcing saltwater higher into the Delta and concentrating contaminants that would negatively impact water rights holders and the environment

In addition, DWR’s analysis is inadequate and modeling does not examine or address the effects on water rights holders in years of drought. During Part 1 of the State Water Resources Board hearing process (July 26 & 27, 2016), it became apparent during DWR’s testimony that staff was unable to answer important questions as they relate to modeling done during drought years. It was not known how water right holders would be impacted by years of drought. Not having sufficient modeling or suggesting that operations of the system will be managed differently during times of drought, is inappropriate and that in itself warrants denial of a Change Petition. Speculating without sufficient modeling will likely damage downstream water right holders and the environment.

Lastly, the Change Petition and the California WaterFix project does not conform to the Delta Reform Act’s requirement of reducing reliance on the Delta and advancing the co-equal goals in a manner that

¹ Delta Protection Commission. *Economic Sustainability Plan*. January 2012. www.delta.ca.gov/ESP.htm
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protects and enhances the Delta's resources, including agriculture. The Delta Reform Act §29702, states. *"The co-equal goals shall be achieved in a manner that protects and enhances the Delta's cultural, recreational, natural resources and agriculture as an evolving place."* The proposed Change Petition advances only one of the co-equal goals at the expense of the other and the unique cultural, recreational, and natural resources including Delta agriculture.

The Delta Caucus urges the State Water Resources Control Board to deny the California Department of Water Resources and the U.S. Bureau of Reclamation petition to change the point of diversion.

Respectfully,



Russell van Loben Sels
Chair



Wayne Reeves, President
Contra Costa County Farm Bureau



Jim Vietheer, President
Sacramento County Farm Bureau



Andrew Watkins, President
San Joaquin Farm Bureau



Ryan Mahony, President
Solano County Farm Bureau



Jeff Merwin, President
Yolo County Farm Bureau

cc. Delta Counties Coalition