



# CALIFORNIA FARM BUREAU FEDERATION

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# LATE COMMENT

December 16, 2016

Public Comment  
Bay-Delta Phase II Working Draft Report  
Deadline: 12/16/16 12:00 noon

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000



**Re: Comment Letter – Bay-Delta Phase II Working Draft Science Report**

Dear Board Members:

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 more than 48,000 agricultural, associate and collegiate 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 viewed the Water Board's Phase 2 Workshop held on December 7, 2016 and found the Sacramento Valley Water Users’ panel and much of the public exchange with and amongst the Board members and their staff very informative. The presentation by Dr. Rene Henery concerning the biological importance of active floodplain habitat was also quite helpful and important.

Despite the usefulness of this discussion, Farm Bureau is frustrated with the flawed unimpaired flow concept again being set up as the "basis" for the formal Phase 2 regulatory flow objectives proposal expected sometime next year. This frustration is informed by the features of the Board's Phase 1 flow objective proposal which has as its "basis" the same flawed approach.

If the reasons for our frustration were only that the Board's proposal, if implemented, will very negatively impact our globally important Central Valley agricultural economy, the Board could perhaps dismiss our concerns as an industry reaction from an affected industry. Worse than the extreme negative impact on our

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industry, however—if that in itself were not concern enough—we are even more concerned that the Board's approach is an approach that would trigger all of these devastating impacts while at the same time failing to achieve proportionate progress towards the Board's purported objective of salmon protection and recovery.

The reasons for this failure are essentially two-fold: First, the Board's approach involves an incomplete solution to a problem requiring a holistic solution. Second, even after alleged "balancing," as seen in the Board's Phase 1 proposal, the Board's approach seeks to impose an operational regime on our existing water system that simply does not work.

The reasons the Board's approach will not work are many but here are just a few: First, an operational regime that focuses on a percentage of a watershed's theoretical "unimpaired flow" during the main fish migration period in winter and spring does not take sufficient account of the operational consequences for the remainder of the year. One important consequence of this is the impact on cold water resources needed by fish at other times in the year. The approach makes it very difficult to store water at times of the year when there is water to be stored, and then forces operators to deplete whatever water can be stored in struggling to meet minimum requirements throughout the rest of the year.

This type of an operational regime creates a world where we are constantly operating at a deficit and struggling to meet the basic objectives of our existing water systems. This has enormous human consequences without a commensurate benefit for the non-human species in whose name we would impose this burden on millions of Californians.

Looking at water in simplistic terms of a certain percentage of a theoretical total natural flow also ignores all of the many physical, legal, institutional, social and economic considerations that ultimately render such a simplistic view almost irrelevant to the real world.

The Board's approach ignores constraints relating to vested water rights and water rights priorities. While implementation would defer the necessity to grapple with this issue to a subsequent phase, it is disingenuous and generally unproductive to found an eventual regulatory proposal on the notion that theoretical percentages of a theoretical "block of water" can be simply superimposed on our existing systems and uses in the monolithic manner contemplated.

The assumption that we can simply conform so many molecules of water to a certain percentage of flow over the course of an entire year, again, ignores all of the other physical, legal, operational, regulatory, and practical constraints that actually constrain such action—at least without catastrophic redirected and unintended consequences.

All of this—and, in fact, much more—underscores the importance of abandoning the inflexible regulatory approach proposed and instead making it the Board's first

priority to work with affected agencies on acceptable alternatives to the proposed action per Governor Brown's clear September 19, 2016 direction to the California Natural Resources Agency and Board.

As emphasized in the Sacramento Valley Water Users' panel presentation, such alternatives should not focus inflexibly on percentages of theoretical unimpaired flows, but rather on measures to protect other beneficial uses of water and reduce regional economic and water supply impacts through the efficient use of water, and through robust incorporation of readily achievable non-flow improvements.

Should the Board and the State of California fail to enable such a solution, we fear we could all spend the next many years watching the ill-advised nature of the Board's approach unfold in the extended legal battles that will inevitably ensue. Now is the time to come to the table and fashion livable solutions pursuant to the Governor's clear direction, not to double down on an approach that the affected public has already rejected.

Thank you for the opportunity to share these views.

Very truly yours,

A handwritten signature in black ink, appearing to read "Justin E. Fredrickson", with a long horizontal stroke extending to the right.

Justin E. Fredrickson  
Environmental Policy Analyst

JEF