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September 14, 2015

FESSRO
Floodway Ecosystem Sustainability Branch
P. O. Box 942836
Sacramento, CA 94236-0001

Re: Central Valley Flood System Conservation Strategy

To Whom It May Concern:

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 57,000 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 appreciates the opportunity to offer the enclosed public comments on the Department of Water Resources ("Department")'s Draft Conservation Strategy ("DCS"). Our primary concern with the DCS relates to the more than three-fold jump in the amount of Central Valley land targeted for potential habitat restoration or enhancement. As detailed in the habitat acreage tables and other information in Attachments 1 through 6, as adapted from the DCS itself, there are large acreage targets for the various habitat types that significantly exceed the acreages identified in the Department's 2012 Central Valley Flood Protection Plan ("CVFPP").

The 2012 Flood Plan's proposed creation of up to 10,000 acres of permanent new habitat within the 35,000 to 40,000-acre footprint of a proposed expansion of the existing Sacramento Valley Sutter and Yolo bypass system. In contrast, the Department's January 2015 Draft Conservation Strategy builds and significantly expands on the 2012 CVFPP and Conservation Framework documents, detailing wetland and riparian habitat objectives amounting to some 20,000 acres in the Sacramento River and Feather River basins, and some 9,000 acres along the San Joaquin River. Total acreages for setbacks and proposed habitat areas, combined, increases

the overall footprint to some 35,000 acres acres in the Sacramento Valley, and some 15,000 acres along the San Joaquin River.

To the extent agriculture constitutes the dominant existing land use in and around the state's Central Valley flood system, the large acreages of land identified in the DCS raise major concerns for Farm Bureau members in the Sacramento and San Joaquin Valley, whose lands, operations, and local and regional economies may be directly and indirectly impacted.

As the planning process moves toward the Department's 2017 update to the Flood Plan, we urge both the Department and the Flood Board hear the concerns of potentially affected agricultural stakeholders and rural communities, and to be very mindful of the need to avoid and minimize impacts to agricultural lands and economies to the greatest extent possible.

Attached, we include various comments on specific content in the DCS. Thank you again for the opportunity to comment.

Very truly yours,

Justin Fredrickson
California Farm Bureau Federation

Cc
Leslie Gallagher, Executive Director, Central Valley Flood Protection Board
Butte County Farm Bureau
Colusa County Farm Bureau
Glenn County Farm Bureau
Madera County Farm Bureau
Merced County Farm Bureau
Sacramento County Farm Bureau
San Joaquin County Farm Bureau
Stanislaus County Farm Bureau
Yolo County Farm Bureau
Yuba-Sutter County Farm Bureau

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Draft Conservation Strategy, 1.1 Purpose and Scope, p. 1.3:	"[T]his Conservation Strategy is a planning document. It does not establish any new performance obligations upon DWR or other LMAs within the SPFC areas of responsibility with regard to attaining ecological restoration objectives. All proposed actions are subject to feasibility constraints, such as available funding, statutory authority, policy constraints, cost-effectiveness, and acceptability. The proposed framework of measurable objectives is intended to begin the process of developing a scientifically supportable and stable framework for evaluating progress over time rather than setting absolute performance criteria for DWR to meet. They do not impose a new regulatory framework on DWR, nor does DWR have the authority to impose such a framework on LMAs."	This clarification as to the scope and application of the proposed Conservation Strategy is important and is appreciated. In contrast, this statement is *not* consistent with the statement in this same section, on p. 1-2, that "This Conservation Strategy is to be implemented by DWR and its partners in flood management and conservation in the Sacramento and San Joaquin Valleys."
Draft Conservation Strategy, 1.1 Purpose and Scope, p. 1-3	"The Conservation Strategy was crafted with an understanding of the evolving regulatory framework, which at times impose conflicting mandates on DWR and other agencies with responsibility for flood system operation, maintenance, and capital improvements. Foremost among these conflicting mandates are the federal flood system maintenance criteria codified in 33 Code of Federal Regulations (CFR) 208.10, which requires rigorous maintenance of flood system integrity and capacity, and the host of environmental protection laws enacted mostly after the State accepted responsibility for perpetual maintenance of federal project features. In many cases, it is not possible to simultaneously comply with both federal project maintenance and	The phrasing of the last sentence is unclear. An appropriate rephrasing would be, "until and unless these conflicting mandates are resolved over time, the Conservation Strategy seeks to encourage restoration *consistent with* mandated flood system operation and maintenance actions, while mitigating potential attendant adverse effects to sensitive and protected species." Farm Bureau does not feel it is appropriate to prioritize restoration and species protection at the expense of required "flood system integrity and capacity," nor it is consistent with the overarching policy goals of the CVFPP as a whole.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	environmental protection imperatives. Until and unless these conflicting mandates are resolved over time, the Conservation Strategy seeks to encourage restoration to the extent that mandated flood system operation and maintenance actions no longer poses a threat to sensitive species."	
Draft Conservation Strategy, 1.2.2 Conservation Planning Areas, p. 1-6	"Restoring ecosystem functions and aquatic habitats in the Delta has been and continues to be the focus of various State, federal, and local efforts. These efforts are guided by the Delta Stewardship Council's Delta Plan, the Delta Vision Strategic Plan, and the Bay Delta Conservation Plan (BDCP) (Governor's Delta Vision Blue Ribbon Task Force 2008; Delta Stewardship Council 2013; DWR 2013a). Local agencies are responsible for flood risk management in these areas, supported by the State's Delta Levee Program. DWR is working to foster compatibility among these State, federal, and local efforts and the principles of the FloodSAFE California initiative."	The description in this section needs updating: The Delta Stewardship Council Delta Levees Investment Strategy will provide recommendations for investments in state interests in Delta levees, including, but not limited to the ecosystem. This process is relatively new and, at this point, not well developed, or properly informed by, or integrated with a variety of more mature, existing efforts on the ground. The Delta Vision Strategic Plan is a document that has been replaced by the DSC's Delta Plan. Rehabilitation goals from old Bay-Delta Conservation Plan have, as of this writing, been replaced by the California WaterFix proposal, which overlaps, to a large extent, with the RPAs in the CVP/SWP biological opinions.
Draft Conservation Strategy, 1.3 Conservation Strategy Development, p. 1-6	"A Conservation Framework was part of the 2012 CVFPP. This Strategy updates and expands upon that Conservation Framework as part of the 2017 update to the CVFPP. Since 2012, the Strategy has been formulated in close coordination with two Basin-Wide Feasibility Studies (BWFSs), for the Sacramento River system and the San Joaquin River system, and six RFMPs for subdivisions of those basins (Figure 1-2). Below, the Strategy's development is described in greater detail."	Further explanation as to what specific aspects, information or assumptions from the Basinwide Feasibility studies, and also from the six RFMPs were taken into account in developing the Draft Conservation Strategy, would be helpful. In particular, it would be helpful to understand whether, and specifically how the proposed targets and objectives in the Draft Conservation Strategy were in any way informed or constrained by these parallel efforts.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Draft Conservation Strategy, 1.3 Conservation Strategy Development, p. 1-7	"Input from environmental and agricultural stakeholders provided guidance for much of the Conservation Framework. In particular, the Environmental Stewardship Scope Definition Work Group (ESSDWG) and the Agricultural Stewardship Scope Definition Joint Subcommittee provided helpful input. Both were chartered early in the process of developing the 2012 CVFPP. The ESSDWG prepared a summary of the group's efforts, the *Environmental Stewardship Scope Definition Work Group Summary Report* (DWR 2009). The Agricultural Stewardship Scope Definition Joint Subcommittee developed a framework that was included in the draft report *Important Considerations for the Central Valley Flood Protection Plan Related to Sacramento-San Joaquin Valley Agriculture* (DWR 2010b)."	For the record, the consensus of most of those involved in the efforts describes was that the ag stakeholder input provided through this work group process was not well translated into the policies and approaches ultimately adopted in the CVFPP. The targets and objectives in this Conservation Strategy now move several steps further away from the preferences and concerns expressed in the ag workgroup.
Draft Conservation Strategy, 1.3 Conservation Strategy Development, p. 1-8	"After release of the public draft of the CVFPP in January 2012, DWR began to develop this Conservation Strategy from the Conservation Framework, *consistent with the direction of Resolution 2012-25 of the CVFPB*[...] [T]his Strategy has aligned with the locally led RFMP efforts and the State-led BWFSs. The RFMP efforts identify projects and strategies to address local and regional flood risk management needs."	With due respect, we do not see any clear substantiation of these assertions in the direction of the Draft Conservation Strategy itself. The CVPFF targeted a large, but comparatively much smaller habitat restoration area than the Draft Conservation Strategy (about 10,000 acres versus some 30,000 acres now proposed in the DCS). The CVFPB's Resolution made many commitments related to minimization of impacts on agriculture and rural communities, preservation of flood capacity. However, the DCS appears to make little effort to avoid or minimize impacts to existing agricultural lands. Similarly, the expansive targets and objectives in the Draft Conservation Strategy appear to bear little resemblance to the regional habitat restoration preferences and priorities in the RFMPs

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
		which are typically much more targeted and practical in nature and scope. Lastly, details of the Basinwide Feasibility Studies have not yet been publicly released, and so are not available to assess their relationship to the Draft Conservation Strategy.
Draft Conservation Strategy, 1.3 Conservation Strategy Development, p. 1-8	"During development of this Strategy, guidance was sought from the IAC, from representatives of agricultural, rural, and conservation groups, and from local governments with a strong interest in the future of the SPFC. Through public workshops, participation in public and informal meetings with RFMP partners, and close coordination among DWR's programs and offices, the development of the BWFSs, RFMPs, and this Strategy have been coordinated, and data and tools shared."	Regarding this statement, we are aware of intense and on-going involvement from various private conservation groups in the Conservation Strategy, as referenced elsewhere in the Strategy. Unfortunately, we are so far uninformed of any comparable involvement from the agricultural community.
Draft Conservation Strategy, 2.0 Need for Improved Conservation of Rivers and Floodplains, p. 2-1	"In the recent historical period (i.e., during the last 160 years), these ecosystems have been adversely affected by a variety of stressors: human settlement, historical and current land use, nonnative species invasions, water diversions, flood management, and other modifications to conditions that once characterized the watersheds of the Sacramento and San Joaquin Valleys."	Requiring the flood projects--or, indirectly, private agricultural landowners--to bear responsibility in mitigating legacy impacts of past growth and development of California's economy is inappropriate. Responsibility for past environmental harm cannot fairly be placed disproportionately on the shoulders the persons and communities and economic activities occupying the landscape today and their present-day activities.
Draft Conservation Strategy, 2.0 Need for Improved Conservation of Rivers and Floodplains, p. 2-3	"In addition, fish rearing habitat has been substantially reduced. As a result of the alterations in flow caused by dams and diversions, and the isolation of floodplains from rivers by levees, more than 90 percent of historical rearing habitat has been lost in the Sacramento and San Joaquin	This and other portions of the text in the referenced section again appear to convey a mistaken notion of the scope of the task before those proposing the current Conservation Strategy. The purpose is *not* to undo 160 years of history and physical alteration of the landscape, but rather, if possible, to integrate

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	Valleys (Figure 2-2) (San Joaquin River Restoration Program [SJRRP] 2012; NewFields and Cramer Fish Sciences 2014 [see Appendix H])."	some reasonable level of environmental mitigation and restoration, as these goals relate logically and feasibly to implementation of the CVFPP.
Draft Conservation Strategy, 2.0 Need for Improved Conservation of Rivers and Floodplains, p. 2-4	"Approximately 95 percent of historical wetlands and riparian habitats no longer exist in the Sacramento and San Joaquin Valleys (The Bay Institute 1998) (Figure 2-3)."	Similar to the statements about loss of historic spawning range, historic water development, farmland conversion, etc., statements like this again seem to reveal a desire to unfairly impose on the CVFPP and the State Plan of Flood Control's modern-day beneficiaries, broad responsibility for past environmental harm not caused by, or reasonably related to any current flood management activity today.
Draft Conservation Strategy, 2.0 Need for Improved Conservation of Rivers and Floodplains, p. 2-7	"[I]n the past several decades, conversion of farmland to nonagricultural uses has reduced the extent and quality of agricultural habitats and the distribution and abundance of associated species. Agricultural acreage in the Central Valley peaked around 1959, and has since gradually declined as urban areas have expanded into the floodplains of the Sacramento and San Joaquin Rivers. From 1990 to 2004, approximately 95,000 acres of agricultural lands were converted to nonagricultural uses in the Sacramento and San Joaquin Valleys (excluding the Tulare Lake Basin) (American Farmland Trust 2007)."	These statistics indeed highlight the importance public policies and planning and management decisions that affirm and sustain the economic viability and value of existing agricultural land in the Central Valley.
Draft Conservation Strategy, 2.0 Need for Improved Conservation of Rivers and Floodplains, p. 2-7	"Flood risk management activities are among the human influences that can adversely affect these processes, habitats, and species. State and federal resource agencies have responded to these	The quoted language highlights an important and troubling dilemma. To the extent the Conservation Strategy can help to alleviate this problem as it relates, specifically, to flood management activities

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	problems by strictly regulating construction, operation, and maintenance practices and requiring more extensive mitigation for their impacts. Flood risk management agencies find it increasingly difficult to fulfill their public safety missions under these restrictions. In particular, more stringent permitting and mitigation requirements exacerbate the funding challenges faced by flood managers and complicate the performance of O&M. Funding of flood risk management improvements and O&M has been inadequate and unreliable, which has hindered local flood management agencies from achieving flood risk reduction goals and contributed to maintenance backlogs."	as distinguished from historic alteration of natural environment, the Strategy has potential to serve a useful purpose. Achieving better outcomes for species and the environment, and also for flood control without disproportionate redirected impacts to affected communities and industries, is a worthy goal.
Draft Conservation Strategy, 3.1 Guiding Principles, p. 3-1	"DWR used the following principles to develop the Conservation Strategy, and will also use them to implement it: [...] • Achieve greater permitting efficiencies for capital improvements and system maintenance. • Reduce maintenance costs and secure funding to maintain restored habitat. • Plan and implement ecosystem improvements that avoid significant hydraulic and other unintended impacts. [...]"	One of the best ways to achieve all three of the "guiding principles" quoted is to ensure that active farming remains as a central feature within our flood bypasses. Farming in the bypasses is also potentially compatible with many of aquatic species benefits that the Conservation Strategy seeks.
Draft Conservation Strategy, 3.2.1 CVFPP Primary and Secondary Goals, p. 3-2	"This Conservation Strategy supports the CVFPP's goals. The CVFPP has one primary goal and four supporting goals (Figure 3-1). The primary goal is to improve flood risk management. The supporting goals are to improve O&M, promote ecosystem functions, improve	The Conservation Strategy's pursuit of support goals to "[p]romote ecosystem functions" must not compromise either the primary "flood risk management" goal of the CVFPP or the supporting goal to "[i]mprove operations and maintenance." "[P]romoting eocnomic sustainability," "seek[ing] to

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	institutional support, and promote multi-benefit projects. Promoting ecosystem functions means to integrate the recovery and restoration of key physical processes, self-sustaining ecological functions, native habitats, and species into flood management system improvements (DWR 2012a). Promoting multi-benefit projects means to design and implement flood improvement projects that achieve multiple benefits. In addition to flood safety and conservation, these benefits include agricultural conservation, water supply and quality, groundwater recharge, recreation, and power (generation/supply)."	preserve rural agricultural landscapes, minimize the loss of agricultural production by using agriculture to achieve habitat values [...]," and "minimiz[ing] the impacts to adjacent landowners from construction of flood system improvements that include newly created habitat" are additional goals identified by the Central Valley Flood Protection Board in its Resolution No. 2012-25 as part of the implementation framework for the CVFPP. (See CVFPB Resolution No. 2012-25 at pp. 11 and 14.) As the Flood Board's Resolution states, "[a]griculture in the Sacramento and San Joaquin River Basins provides substantial economic and societal benefits to the region, the nation, and the world, providing vast quantities of food and fiber. Many specialty crops produced in these Basins are grown only in a few other places in the world. Agriculture provides substantial open space and habitat. *This agricultural economy needs to be protected whenever possible.*" (See Resolution 2012-25 at p. 3.) "The primary goal [of the CVFPP] is to improve flood risk management, which means to reduce the chance of flooding, damages once flooding occurs, and improve public safety, preparedness, and emergency response, [...] portecting urban areas and other lands of the Sacramento and San Joaquin River Basins and the Delta." (See ibid.)
Draft Conservation Strategy, 3.2.2 Conservation Strategy Goals, p. 3-3	"Native species addressed by this Strategy include species that are primarily associated with riverine	This portion of the text indirectly raises a cross-cutting issue related to the DCS as a whole. This

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	habitats and that are at risk of extirpation or extinction. Although the preceding goals are the foundation for species conservation, this goal emphasizes the need to avoid and minimize adverse effects on sensitive species, develop compensatory habitat (particularly on adversely affected sites), and contribute to species recovery in addition to mitigating impacts. "	issue has, essentially, two distinct components: First, if the DCS is setting goals to achieve *conservation* of species and their habitats, a related question is then what level of habitat or species improvements would correspond to the lower *mitigation* floor of the CVFPP's proposed valley-wide plan of flood control. Second, if *conservation* of the species is the broader goal, it is then also pertinent to ask what portion of this aspirational responsibility or endeavor is properly assignable to present and future operations of the state flood system. Put another way, what environmental or biological harms can be properly separated out from historic activities, as opposed to any impacts of current planning works or O&M activities of the modern flood system such as these exist today? A major shortcoming of the DCS is that it provides no clear answer to either of these questions, resulting in a theoretical planning exercise without any definite point of reference to the practically important question of mere mitigation.
Draft Conservation Strategy, Table 3-1. Contribution of Conservation Strategy to the Attainment of CVFPP Goals, p. 3-4	"*Primary Goal* Improve flood risk management • Increased system flexibility and reliability. Because of their greater potential for improving floodplain ecosystems, this Strategy promotes structural improvements that increase the size of the floodway, including bypass expansions, new transient storage areas, and setback levees. These structural improvements improve flood risk management by increasing system flexibility and reliability.	Habitat restoration activities of the kind identified in the DCS can *potentially* be implemented in a manner that supports, or at least does not interfere with the primary and supporting CVFPP goals identified above; implemented inconsistently, however, these same habitat restoration activities have potential to *frustrate* these same goals. Poorly sited, insufficiently maintained habitat that reduces system capacity over the long-term can ultimately frustrate the primary "flood risk management" goal of the CVFPP. Habitat planning efforts that impose

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	Supporting Goals Improve O&M • Reduced conflicts with habitat. Multi-benefit projects can locate habitat where conflicts with O&M are minimized; thus, multi-benefit projects can reduce the amount of vegetation and sediment that needs to be removed from channels. • More reliable and less costly permitting. This Strategy proposes a system of regional programmatic permitting agreements, advance mitigation and enhancement measures, long-term maintenance, and incorporation of multi-benefit features into projects that would proactively improve habitat quality and resiliency. These programmatic agreements and physical changes could increase the reliability and cost-efficiency of the permitting process for new capital outlay projects and O&M tasks. Improve institutional support • More reliable and less costly permitting process. As described for "Improve O&M," this Strategy proposes a system of programmatic agreements and physical changes that could increase the reliability and cost-efficiency of the permitting process for new capital outlay projects and O&M tasks."	large, but nebulously linked conservation responsibilities on CVFPP flood projects and activities may do little to actually streamline permitting processes--and could potentially only complicate matters further. Similarly, poorly sited, permanent habitat that removes existing agricultural uses and ultimately clogs our floodways will not help, and could instead work at direct cross-purposes to the stated goal of "improved O&M."
Draft Conservation Strategy, 4.1.1 Targeted Ecosystem Processes, *Riverine Geomorphic Processes*, p. 4-3	"While ecologically important, channel migration can damage roads, farms, infrastructure, and other improvements, which represent substantial investments. Thus, these investments generally are protected by revetment that impedes channel migration (see Section, 4.3.1, "Revetment and Levees")."	This recognition of potential redirected impacts is appreciated.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Draft Conservation Strategy, 4.1.2 Targeted Habitats, *Floodplain Agriculture*, p. 4-6	"*Floodplain Agriculture* Substantial portions of native habitats in the Sacramento and San Joaquin Valleys have been converted to agricultural or urban uses, or have been otherwise disturbed. Compared to other new land uses, agricultural lands are better suited to providing surrogate habitat for fish and wildlife species, and on periodically inundated floodplains, they can be managed to provide habitat for some of this Strategy's target species." "Rice fields can provide relatively high-quality wildlife habitat (Brouder and Hill 1995). Seasonal flooding of rice fields creates surrogate wetlands that can be exploited by giant garter snakes and a variety of resident and migratory birds. Dry and fallow rice fields can attract rodents and their predators (e.g., raptors). Flooding of agricultural land along rivers and within bypass channels can provide rearing habitat for juvenile salmonids (Sommer et al. 2001). Other field crops and row crops provide forage for raptors, waterfowl, and small rodents at various times of year. For example, pasture and irrigated hayfields provide valuable foraging habitat for raptors, particularly after disking or plowing, when rodents may be especially available for these species." "On floodplains, agricultural lands in close proximity to natural land cover can provide functions that complement and increase the habitat value of the natural land cover. For example, several raptors (such as Swainson's hawks) nest in riparian forests and woodlands but	As noted, agriculture is a major, highly integrated and compatible land use within the existing flood system. As noted elsewhere in these comments, agriculture provides valuable and highly cost-effective maintenance for the existing bypasses. Moreover, existing agricultural uses provide important ecological services and habitat of varying degrees, whether specifically managed for these purposes or not. Agricultural land uses should be recognized for their inherent ecological values and benefits, and should be incorporated as an integral component of the overall CVFPP and DCS design.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	forage in grasslands and croplands (see the Swainson's hawk plan in Appendix G, "Identification of Target Species and Focused Conservation Plans"). Also, on ecologically functional floodplains along river channels and in the bypass system, this land provides aquatic habitat value when the floodplain is inundated for an adequate duration during the appropriate time of year. Agricultural land is a target of this Strategy despite these lands having less habitat value for the Strategy's target species than natural lands, and reducing some habitat values of adjacent natural vegetation. Agricultural land can provide habitat for some target species and is the most extensive land use in and adjacent to the SPFC. Because agricultural practices strongly affect habitat values and can affect the habitat values of adjacent natural vegetation, the floodplain agriculture target is included to specifically support wildlife-friendly agricultural practices that benefit the target species."	
Draft Conservation Strategy, 5.1 Basis of Objectives, p. 5-2	"Objectives also were not developed for levees and revetment. Various amounts of levee and revetment modification, combined with other actions, could provide comparable benefits to ecosystem processes, habitats, and species. Therefore, needed changes to levees and revetment would be determined during project planning as means to enhance ecosystems, not as objectives in and of themselves."	Project-by-project analysis of levees and revetment, rather than hard-and-fast objectives, is appropriate. In particular, local public safety and flood risk implications must be carefully considered in each case.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Draft Conservation Strategy, 5.1.2 Enhancement Amounts for Ecological Objectives, p. 5-3	"Enhancement amounts have been based on the size of conservation needs and of opportunities for multi-benefit projects to provide that needed conservation. There is a moderate to high level of uncertainty regarding the size of conservation needs, and also regarding the scale and feasibility of potential opportunities. Therefore, the preliminary objectives provided in the following sections would be reevaluated and revised as necessary, such as during adaptive management of implementation to support effective conservation and wise use of State funds."	Frankly acknowledging uncertainties and highlighting the need for project-by-project analysis and for cost and feasibility considerations, as is done here, is quite sensible. Also, where there is great uncertainty bracketed ranges of highs and lows are appropriate. As it currently stands, the DCS's needs, opportunities, and objective tables identify ranges for "needs" and "opportunities," but not for "objectives." This suggests a precision and certainty to the "objective" figure that is probably real. High and low ranges for "objectives" as well as "needs" and "opportunities" would be desirable.
Draft Conservation Strategy, 5.2 Enhancement Amopunts for Ecological Objectives, p. 5-3	"multi-benefit flood projects by flood management agencies could provide ecosystem improvements. The potential extent of these opportunities for providing needed conservation was estimated from an evaluation conducted for the Strategy (see Appendix I, "Floodplain Restoration Opportunity Analysis") and preliminary data from the BWFSs. Because of the preliminary nature of the data used, ranges were estimated for the size of potential opportunities."	A problem with the current objectives, as derived from the assessment of "needs" from existing recovery plans and from the "Floodplain Restoration Opportunity Analysis," is that these sources look *only* at "needs" of the species and at land elevations as the main parameters defining "opportunities" in isolation from the actual flood management needs of the system. This approach would of course tend to result in objectives that overlook competing considerations and limitations, and which may therefore lack real-world grounding.
Draft Conservation Strategy, Table 5-1. Metrics for Ecosystem Process, Habitat, and Stressor Objectives	"Floodplain Agriculture--Wildlife-Friendly / Habitat Amount—total amount (acres) of wildlife-friendly agriculture in floodways: The area of floodplain agricultural land with wildlife-friendly agricultural practices is a direct measure of its quantity. Wildlife-friendly practices are those increasing habitat value for target wildlife species; fish habitat provided by inundated agricultural	To measure the value of "floodplain agriculture" solely in terms of its potential *habitat* benefits ignores the value of agriculture in our floodways from a maintenance and flood management perspective. Similarly, limiting consideration of the potential habitat benefits of agriculture to the narrow set of activities defined as "wildlife-friendly

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	land is addressed under inundated floodplain. Areas implementing wildlife-friendly practices have not yet been mapped.	agriculture" overlooks potential benefits of conventional farming in the broader sense.
Draft Conservation Strategy, 5.1.2. Enhancement Amounts for Ecological Objectives	"Where identified needs for improvement of river and floodplain ecosystems are smaller than the potential contributions of multi-benefit flood projects, the size of the objective corresponds to the size of the need for recovery of target species. Where identified needs are greater than the potential contributions of multi-benefit flood projects, the objective corresponds to the potential contribution of multi-benefit flood projects to species recovery needs. In other words, objectives are based on realizing potential contributions to unmet conservation needs."	Clearly distinguishing "needs" in general from the "needs" that may be properly assigned to the subset of flood risk management activities under the CVFPP is very important. Again, the mitigation and conservation needs of the world must not be unfairly placed upon the shoulders of the flood projects, their beneficiaries, and on the privately owned property, existing land uses, and economic activities adjacent to the same. The difference between what is *actually*, and not only *theoretically* possible as a practical matter is an important distinction that appears to be largely missing from the DCS.
Draft Conservation Strategy, 5.1.2 Enhancement Amounts for Ecological Objectives, p. 5-6:	"The Synthesis of Fish Migration Improvement Opportunities in the Central Valley Flood System identifies structures that potentially impede fish passage and priorities them for remediation, based in part on the potential benefits for anadromous fish."	Providing fish access to areas where there are at this time seldom or never any fish may expose existing activities and adjacent landowners to potential new liabilities. To remove this potential disincentive, private landowners and land managers should be held harmless from new liabilities relating to the presence of new species.
Draft Conservation Strategy, 5.2 Regional Conditions, Needs, and Objectives, p. 5-6	"Major River Reach: Approximately 2-mile-wide corridors of land (i.e., corridors extending 1 mile to each side of the river's centerline) along the Feather, Sacramento, and San Joaquin Rivers and the lowermost reaches of major tributaries." "Other Facility/Waterway: One-mile-wide corridors of land (i.e., corridors extending 0.5	The DCS's addition of new habitat objectives within the mentioned "2-mile-wide corridors" along "major river reaches," and in the mentioned 1-mile "Other Facility/Waterway" corridors, appears to be one of elements that has resulted in the DCS's roughly three-fold jump over the habitat acreages originally identified in the 2012 CVFPP. Since these habitat

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	mile to each side of the facility's centerline) along SPFC levees (and Urban Levee Evaluation nonproject levees) in the Sacramento and San Joaquin Valleys that are not part of any of the preceding types of landscape units."	acreages would require major (1- to 0.5-mile) setbacks in areas where no such setbacks had been formerly considered, it is questionable whether these objectives are in fact reasonable and achievable. Major habitat acreages in areas that were not previously identified and contemplated in the 2012 CVFPP should be distinguished from amounts and geographic locations previously considered in the CVFPP and perhaps identified as low-priority, second-tier objectives subject to major funding and feasibility constraints not previously disclosed or properly vetted in any public way.
Draft Conservation Strategy, 5.2.1 Upper Sacramento River CPA, *Conservation Needs, Opportunities, and Objectives*, p. 5-12	"By physically lowering or notching the crests of overflow weirs and modifying operations, bypasses could carry a larger fraction of floodflows, discharge overflow earlier in each flood season and during individual flood events, and continue to discharge for longer durations. The more frequent and longer inundation of the bypasses could provide more productive rearing habitat for juvenile salmonids and other native fish. However, in addition to habitat effects, SSIA investigations of modifications to weir operations would also consider effects on public safety and current land uses, in particular, the economic viability of agriculture, which is strongly affected by growing-season length, water supply, and drainage."	The last sentence is appreciated. Where CVFPP actions would reconnect and rivers and more frequently inundate fields in bypass areas, the mentioned issue is, indeed, a key concern for potentially affected agricultural stakeholders.
Draft Conservation Strategy, 6.1.2 Integrating Restoration with Flood	"At selected locations, levees could be relocated and floodways expanded with the following features, as appropriate:	This type of modification is indeed necessary to avoid and minimize impacts to existing and remaining agricultural lands.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Risk Management Actions, Floodway Expansion, p. 6-6	• Design features that minimize effects on highly productive agricultural land and provide the infrastructure (e.g., access roads, drainage ditches, and water supply canals) necessary for continued agricultural use."	
Draft Conservation Strategy, 6.1.2 Integrating Restoration with Flood Risk Management Actions, Bypasses and Transient Storage Areas, p. 6-6	"At selected locations, levees could be relocated and floodways expanded with the following features, as appropriate: • Design features that minimize effects on highly productive agricultural land and provide the infrastructure (e.g., access roads, drainage ditches, and water supply canals) necessary for continued agricultural use."	This type of modification is indeed necessary to avoid and minimize impacts to existing and remaining agricultural lands.
Draft Conservation Strategy, 6.1.2 Integrating Restoration with Flood Risk Management Actions, Bypasses and Transient Storage Areas, p. 6-6	"approximately 25 percent of the area added to bypasses could be restored to marsh, seasonal wetland, and riparian habitats (DWR 2012b). These habitats could be restored where bypasses connect to rivers, on land between rivers and transient storage areas and bypasses, along the Feather River where it flows through the Sutter Bypass, on historical floodplain landforms in transient storage areas, and adjacent to canals, drains, and existing managed habitat. As described in the 2012 CVFPP, floodplain agriculture, including wildlife-friendly agriculture, will be encouraged by DWR where habitat is not restored (see Section 6.3, "Agricultural Land Stewardship," for additional information)."	The reference to 25 percent of the bypasses expansion areas is a reference to what was in fact disclosed and publicly vetted for inclusion in the 2012 CVFPP. The new DCS habitat targets and objectives, including major river corridors and other areas, and representing a more than three-fold increase over the 2012 amounts, are a fairly radical departure from what was known to the public in 2012. Before such major expansions are included in the 2017 CVFPP, DWR should allow full public vetting of the issue in connection with all other elements of the 2017 CVFPP update.
Draft Conservation Strategy, 6.1.2 Integrating Restoration with Flood Risk Management Actions,	"There are potential opportunities for removing revetment while still meeting flood risk management needs, but removal is not feasible	Recognition of real-world, life and property constraints such as these is greatly appreciated. This is a good example of the kind of "common

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Bypasses and Transient Storage Areas, p. 6-7	where sufficient alternate protection cannot be provided and banks would actively erode toward nearby infrastructure. Unprotected banks recede at varied rates, depending on their position along the channel, substrate erodibility, vegetation and bank heights, human activities, and flow regime. Along the upper Sacramento River, some unprotected banks may recede several feet per year, or more in years with greater flows (DWR 1999). At such actively eroding sites, even infrastructure 50–100 feet or more from the channel could soon be damaged, so bank protection is needed to limit or arrest bank retreat. " "Biotechnical bank protection is the combined use of plants and other materials to stabilize streambanks and levees; it can effectively limit erosion rates in some settings (Hart and Hunter 2004), but it is generally ineffective where high, steep banks erode below the rooting zone (unless used in conjunction with revetment or other structures along the toe of the bank) (Shields et al. 1995; DWR 1999). Because high, steep banks are widespread along major rivers in the Sacramento and San Joaquin Valleys, revetment is often the most effective form of bank protection at actively eroding sites. If the erosion site is not located at the levee toe, however, woody vegetation may be incorporated into revetment, or approaches combining biotechnical bank protection, revetment, and structures may be used to arrest bank retreat."	sense filter" that should be applied to all assessments of proposed restoration needs and opportunities in subsequent, more detailed planning stages, and at the individual project level. Localized impacts which will necessarily vary from one location to the next must be taken into account and balanced against relevant practical and economic considerations on a case-by-case basis.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Draft Conservation Strategy, 6.3 Agricultural Land Stewardship, p. 6-18	"DWR considers agricultural land stewardship to be an important element in its efforts to achieve the public safety, economic stability, and ecological sustainability goals of the CVFPP and this Conservation Strategy. Recognizing that conservation projects can create legitimate issues or constraints for agriculture, for instance by converting productive agricultural land to restored habitat, DWR is committed to developing flood risk management practices in collaboration with agricultural stakeholders. The goal of this collaboration is to benefit agriculture while enhancing flood protection and furthering conservation goals. To achieve these benefits, DWR has initiated an effort to improve agricultural stewardship policies associated with flood risk management activities. Several Central Valley DWR programs have recognized the concerns of agricultural interests and are engaging agencies, agricultural stakeholders, and other nongovernmental partners in crafting a comprehensive toolbox of agricultural land stewardship strategies. Using these strategies, farmers and other project proponents can voluntarily pursue solutions that: • keep farmers on the land, • maintain agricultural and economic viability in the project area, • provide environmental and habitat benefits, • are consistent with State and regional polices, and • support the stability of local governments and special districts.	There is much thoughtful content in "Agricultural Land Stewardship" section. At the same time, as a general matter, we would like to see agriculture in the DCS afforded a more natural and organic place in the management and maintenance of our state flood facilities. Farming is a generally compatible and beneficial existing land use that can be closely integrated for multiple benefits into the on-going maintenance of our flood systems. It should have a formal, deliberate, and more prominent place in the architecture of the CVFPP valley-wide strategy and approach.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	Specifically, concerns may be addressed effectively by DWR and other project proponents and land managers using the following key stewardship strategies and tools: • Help maintain farming, such as by: - focusing conservation efforts on public lands or low-productivity lands offered by willing landowners; - creating agricultural stewardship plans when planning habitat restoration; - working with farmers and agencies to identify and resolve impediments to farm productivity; - encouraging voluntary engagement in Safe Harbor Agreements (SHAs) and in CDFW's Voluntary Local Program (VLP), and supporting a Good Neighbor Policy (see the following section); - involving and assisting farmers in planning projects, both to avoid loss of productive agricultural land and to identify mutual benefits and incentives wherever feasible; - providing for agricultural conservation easements; - identifying mitigation or assistance that is appropriate for the environmental and social/economic impacts of a project; and - controlling weeds, such as by prioritizing invasive weeds for regional control (see Section 6.2.3)."	
Draft Conservation Strategy, 6.3.1 Good Neighbor Policies, Safe Harbor Agreements, and Voluntary Local Programs, p. 6-21:	See referenced section generally.	Stated quite bluntly, most farmers would like simply to be able to continue doing what they do, and are therefore not usually inclined to assume lots of new liabilities and responsibilities only to be told that

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
		they can continue to do what they have always done (i.e., farm their land). While assurance options may have their place, as a practical matter, what we have seen elsewhere is that such options garner little actual participation, and can in fact become an negatively impact individual farmers perceptions of neighboring conservation activities. Specifically, farmers who learned of a so-called "good neighbor policy" may become suspicious or mistrustful of conservation activities in their area if there is a perception that these activities may mean more restrictions and further challenges to their going concern. From this standpoint, adopting a general 'no harm' policy with respect to pre-existing and continuing farm operations could very well be more productive than a "good neighbor policy" of the kind proposed.
Draft Conservation Strategy, 6.3.2 Wildlife-Friendly Agricultural Practices, p. 6-22	See referenced section generally.	While notions of special wildlife-friendly farming and management practices are a noble aspiration and certainly have their place, we would like to see more recognition for direct and indirect habitat and species and environmental benefits of agricultural in general, and not only of "wildlife-friendly agriculture." Agricultural has a major, natural place in the management of our flood management systems. State policies in this areas should seek to work *with* agriculture, not against it.
Draft Conservation Strategy, 7.0 Regulatory Compliance and Regional Permitting, p. 7-2	"Implement regional permitting processes, coupled with long-term monitoring and adaptive management. Regional permitting will be the primary institutional approach to improving long-	The DCS here appears to indicate that conservation actions contemplated in the DCS will be implemented through "regional HCPs and NCCPs." Several areas within the CVFPP and DCS planning

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	term permitting efficiency. The specific approaches to doing so are based on existing laws, which are the basis of comparable programs, such as regional HCPs and NCCPs. Agreements forged within these regional planning frameworks are expected to ultimately yield cost savings for more rapid project execution and more efficient O&M. It also would result in more effective conservation outcomes. Permitting on a regional basis would make the permitting process manageable in terms of participants, area of coverage, range of issues, and management complexity. It would cover capital improvements and O&M."	area have existing HCP/NCCPs already. Such programs can take many years or even decades to develop. Moreover, these programs in themselves can adversely impact agriculture values in various ways. How will future HCP/NCCPs to implement actions in the DCS be integrated into existing efforts, and how will this process avoid duplication of mitigation efforts and obligations, which can in turn impose increased burdens on private lands and industries?
Draft Conservation Strategy, 7.3 Advance Mitigation, p. 7-4	"DWR is planning and funding the development of projects to be used as advance mitigation for habitats and species most commonly affected by flood risk management (i.e., the targets of this Strategy), as further described in Appendix B, "Advance Mitigation." Advance mitigation establishes habitat before flood projects or actions that need mitigation are permitted. Thus, the created mitigation credits (in the form of habitat) are ready to use at the time of project permitting (where impacts are treated as debits), potentially increasing the efficiency of the permit process and reducing project approval delays and the temporary loss of habitat. Generally, the success of a mitigation effort and preservation of the underlying land (through an easement or other mechanism) needs to be documented and supported by agreements with regulatory agencies before it can count as mitigation."	Advance mitigation and regional mitigation approaches must have clear documentation, consistent crediting, and clear agreements in place to ensure they will work as planned. They should result in an acceptable level of certainty, with no unexpected changes or shifting rules over time. Such legal and institutional assurances become especially important when one considers that the proposed DCS's potential impact to tens of thousands of acres of existing agricultural lands. Given these very high stakes, affected agricultural landowners and rural communities should be given clear assurances that promised benefits will occur before they are implemented.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
Draft Conservation Strategy, 7.4 Regional Permitting Programs, p. 7-5	"Developing a permitting program within regions, rather than for the entire flood system at once, is desirable because the permitting process requires (1) considerable funding; (2) extensive data collection, compilation, and analysis; (3) significant public, stakeholder, and agency coordination; and (4) region-specific decisions regarding appropriate permit conditions. Hence, the SPA is too large for a single permitting effort to be feasible. "	During the interim period before regional permitting programs can be completed and put in place, what alternatives or interim options will local agencies have to move necessary flood projects ahead, and is there any expectation that regional permits contemplated, but not yet completed could provide retroactive coverage for projects undertaken in the interim?
Draft Conservation Strategy, 7.4.1 Regional Permitting Program Approach and Implementation, p. 7-9	"Representatives from various State and federal agencies (i.e., CDFW, NMFS, and USFWS) would assist with regional conservation program governance and administration by providing technical assistance and guidance, primarily through participation in a technical review committee. The technical review committee would comprise representatives of CVFPB, DWR, and other plan participants, including CDFW, NMFS, and USFWS."	This section does not speak to the role third-party stakeholders in the planning process. Farm Bureau requests that the Department establish safeguards to ensure that regional permitting processes remain primarily in the hands of the permitting agencies and the permittees. Safeguards should be put in place to ensure that outside third-party stakeholders do not exert undue influence over the process or of the decision-making of any regulatory agency.
Draft Conservation Strategy, 7.4.2 Near-Term Tracking of Conservation Efforts and Mitigation Credits, p. 7-10	"In the near term, before the regional permits described above can be acquired, some construction, operation, and maintenance activities are already producing conservation benefits (such as advance mitigation projects funded to restore and preserve habitats). Conservation, mitigation actions, and impacts resulting from covered activities will therefore be tracked from 2012, when the PEIR for the 2012 CVFPP (DWR 2012) was adopted. As appropriate, improvements to ecosystem and habitat conditions will be applied toward the attainment of conservation targets under the	As noted, near-term tracking and crediting of conservation actions which may precede ful regional permitting is important to ensure fair and consistent rules, build confidence in the system, and demonstrate its long-term utility.

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
	regional permitting programs, and impacts on covered species and habitats will be tracked."	
Draft Conservation Strategy, Adaptive Management Process, p. 8-2	"In general, adaptive management uses new information (primarily from monitoring) to identify when remedial actions or changes to objectives may be necessary to attain goals. If monitoring indicates that outcomes are insufficient to meet an objective, or progress toward an objective is not effective in fulfilling goals, there are three possible responses: [...] • Modify CVFPP actions and/or the objectives of this Conservation Strategy. The objectives may be modified in response to changes in the CVFPP, for consistency with regional permits, or if monitoring indicates that attaining the objective would not be effective in fulfilling this Strategy's goals."	From the perspective of a permitee—or of an industry that is either indirectly affected by a particular set of require conservation actions—the danger of "adaptive management" is that the rules change and that new and additional mitigation or conservation is required down the road. To attract participation and justify third-party impacts, any future permitting mechanisms used to implement the DCS should provide upfront assurances to minimize the risk of shifting targets and objectives over time.
Appendix I. Floodplain Restoration Opportunity Analysis	Appendix I, Tables 6-3 and 6-4	Table 6-3 ("Acreages of Potential Floodplain Modification Action Areas – Final Areas") and Table 6-4 ("Acreages of Potential Setback Levee Action Areas – Final Areas") in Appendix I ("Floodplain Restoration Opportunity Analysis") show restoration opportunities within each region, prioritized into "Low," "Moderate," "High," and "Highest" priority categories. Acreages for the "High" and "Highest" priority actions are much smaller than for "Moderate" and "Low" priority actions. Given limited funding and high uncertainty concerning the efficiency and feasibility of the DCS proposed habitat objectives, a logical and reasonable approach to implementation would be to start with "Highest" and "High" priority actions first, before

California Farm Bureau Federation Public Comments on the Department of Water Resources' January 2015 Draft Central Valley Flood System Conservation Strategy		
Reference	**Textual Reference**	**Comment**
		progressing to "Moderate" and "Low" priority actions as appropriate thereafter. (However, a major short-coming of Appendix I's "Potential Floodplain Modification and Setback Levee Action" analysis is that it focuses on the major river corridors and that it *does not* include any relative priorities for the bypasses.)
Appendix F, Existing Conditions	Conservation Planning Area Maps	Like the prioritized "Potential Floodplain Modification" and "Potential Setback Levee Action" objectives in Tables 6-3 and 6-4, GIS information such as that presented in the DCS's Appendix F "Existing Condition" "Conservation Planning Area" maps, showing such things as "Conserved Areas," "Floodplain Inundation Potential," "Land Cover" types (including both "Agricultural" and "Natural" land cover types), should help to prioritize and focus limited dollars on feasible actions in the highest priority areas, as potential means to avoid more extensive impacts across broader areas of potentially impacted lands.