

From: Colusa Glenn Subwatershed Program [REDACTED]
To: <awlaputz@waterboards.ca.gov>
CC: Susan Fregien - CVRWQCB <sfregien@waterboards.ca.gov>, Mark Cady <MCady@...>
Date: 03/31/11 3:49 PM
Subject: Long-Term ILRP Comment Letter
Attachments: CGSP_CommentLetter_ILRP_Framework_3-31-2011.pdf

Please find the Colusa Glenn Subwatershed Program's Comment Letter on the Irrigated Lands Regulatory Framework.

For further information or questions, please contact Larry Domenighini, President at (530) 570-2084 or larrydom@sbcglobal.net.

Thank you,

Kandi Manhart
Outreach & Education
Colusa Glenn Subwatershed Program

[REDACTED]

Colusa Glenn

Subwatershed Program

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March 31, 2011

Katherine Hart, Chair
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, California 95670-6114

RE: Comments on the Irrigated Lands Regulatory Program *Framework*

Dear Chair Hart:

Water Quality is important: we need clean water for the farms and homes of the over 1,740 members and their 286,000 acres of irrigated agriculture that comprises the Colusa Glenn Subwatershed Program (CGSP). The CGSP is enrolled in the Sacramento Valley Water Quality Coalition (Coalition) Conditional Waiver of Waste Discharge (Waiver). For seven (7) years now surface water quality monitoring has taken place at nine (9) sites. Nearly 3,000 samples have been analyzed for nutrients, pesticides, toxicity, legacy pesticides, and salinity. We have spent more than \$2,000,000 over this time to fund the monitoring data and reports required by the ILRP in addition to an average \$35,000 in state fees annually. This extensive monitoring shows one thing - surface water quality is very good in Colusa and Glenn Counties, in fact in the whole Sacramento Valley, with relatively few problems identified.

Where exceedances of water quality objectives have occurred triggering management plan requirements we have worked with the Coalition, our County Agricultural Commissioners (CAC), our Resource Conservation Districts (RCD), and other partners to conduct source evaluation and identification studies, documented our management practices for irrigation, pesticide application and handling, and nutrient management. As part of our governance structure set up by all of the Coalition subwatersheds, CGSP works closely with the CACs, RCDs, University of California Cooperative Extension Service, local Farm Bureaus, local media, and other partners to conduct both targeted and general outreach and education for our members and the general public. Through our partnership with the Colusa and Glenn Resource Conservation Districts, we have secured almost \$6,000,000 in USDA National Resource Conservation Service (NRCS) Agricultural Water Enhancement Program (AWEP) funding that we are targeting to increase the already high percentage of our growers who are implementing

water quality and conservation best management practices (BMPs). These BMPs are protective of surface and ground water quality. Through these and other partnerships we have built strong working relationships based on mutual trust, respect, and dedication to enhancing water quality. These partnerships have proven to be effective, efficient, and economical. In Colusa and Glenn Counties, indeed the whole Sacramento Valley, the ILRP is a success story to be proud of.

The proposed Framework will be counterproductive to improving water quality of the state in the Sacramento Valley. Why? Four areas of concern would be especially difficult:

1. Regional Board staff, which has been provided all the data and documentation, has expressed the belief that a “linkage” doesn’t exist between the Coalition and the growers. Nothing could be further from the truth in the Sacramento Valley. The linkage is the Memorandum of Understanding your Board, the State Water Resources Control Board, and the Butte and Glenn County Agricultural Commissioners signed. The linkage is the RCDs who inform growers of water quality regulations and specific exceedances of water quality objectives. The linkage is our AWEP funding. The linkage is the Agricultural Commissioners who educate growers on appropriate spray practices when they renew their private applicator licenses and restricted materials permits. The linkage is the surveys we have our growers fill out about their management practices. The linkage is the documentation we provide to the Regional Board staff through the Coalition. The linkage is the relationship we have successfully developed between our growers and partners over these past seven years.
2. The Framework proposes growers complete Farm Evaluations when they have already filled out surveys. Our growers who pay to support the data and reports sent to the Regional Board will not understand why they have to duplicate their efforts. They will be suspicious of providing information directly to the Regional Board, fearing greater regulatory oversight, expecting regular visits from regulators, and exposing themselves to potential litigation from groups who are paying nothing to improve water quality. Having growers report directly to the Regional Board will be more costly to administer and for Regional Board to staff, and technically impossible for many growers given the communication infrastructure in rural areas. People who don’t report do not have an incentive to comply with the ILRP, which is NOT good for water quality.
3. Under the Framework the information we have collected, analyzed and submitted to Regional Board staff will now be subject to comment by “other interested stakeholders”. Stakeholders, who are not scientists, who have no obligation to balance out the needs of the agricultural economy and environment, and not held to the same technical veracity as the information submitted by the Coalition is held. The expansion of the process to include other stakeholders in developing water quality management plans will hinder the existing process making it more political rather than scientific. We have developed a good working relationship in addressing water quality issues. To modify this process is taking a step backwards, not forwards. Approval and implementation of programs and practices to improve water quality could be subject to delay. Delay does not improve

water quality. The Regional Board staff is qualified and trained to represent the public interest. They do an exemplary job in our opinion of fulfilling that mission.

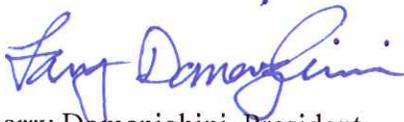
4. The introduction of separate multiple tiers for surface and groundwater along with the splitting off of irrigated pasture and organic production. These proposed changes will greatly expand the complexity of the program while concurrently degrading the efficacy of the program. The ILRP has a proven record of success and efficacy in dealing with surface water quality concerns

On page one of the Framework it states *"...staff recognizes there is no "perfect" regulatory framework that can anticipate all issues and challenges that will occur. Given lack of perfect foresight on the effects and effectiveness of any regulatory program it is difficult to strike the correct balance between enough regulation to ensure that water quality is protected and too much regulation that creates unnecessary cost to business and government."* We agree. The ILRP, while it may not be "perfect", is a program that comes close and does strike that "balance". The ILRP is a success story in Colusa and Glenn Counties. As you add the groundwater component and create the Long-Term Irrigated Lands Regulatory Program remember these components for success:

- The Memorandum of Understanding your Board, the State Water Resources Control Board, and the Butte and Glenn County CACs signed has been fundamental to our success and has built an exceptional working relationship between our members and the Agriculture Departments. The partnership has allowed us to address surface water quality issues in an effective, economical manner. The CACs provide a unique, technical component to assist us in addressing water quality issues. We urge the Regional Board to continue the Memorandum of Understanding in Butte and Glenn Counties, and expand it to other counties in the Sacramento Valley.
- To change the surface water quality component of the ILRP for the Sacramento Valley from its current status to that proposed under the Framework will change our current focus from implementing management plans to enhance water quality. The existing ILRP is just now reaching maturity. We are just expanding on a phase where we are increasing awareness of surface water quality issues and the development and implementation of solutions. Our greatest successes are just now in front us. The framework will stop that momentum, and shift our focus from achieving success to implementing a new process that is not needed in the surface water quality program. The Framework will not be as effective, efficient, or economical in enhancing surface water quality in the Sacramento Valley.
- While keeping the successful surface water quality portion of the ILRP the same, it is vital to include a groundwater component that is manageable and efficient. The Coalition and Regional Board staff needs to build upon the substantial groundwater quality data already in existence and develop and coordinate processes with other regulatory agencies already involved in the regulatory arena in the Sacramento Valley.

Water Quality is important to our irrigated landowners; we need clean water for agricultural production and domestic use. We have been good stewards of both surface and ground water in our area. Monitoring shows that, and we truly want to preserve and enhance the water quality in the Sacramento Valley. We have a successful program with a proven ability to do just that.

Sincerely,



Larry Domenighini, President
Colusa Glenn Subwatershed Program

Cc: Dr. Karl Longley, Regional Board Member
Dan Odenweller, Regional Board Member
Sandra Meraz, Regional Board Member
Lyle Hoag, Regional Board Member
Pamela Creedon, Regional Board Executive Officer
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David Guy, Northern California Water Association
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Joe Damiano, Colusa County Agricultural Commissioner
Jim Donnelly, Glenn County Agricultural Commissioner