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Date: 03/23/11 9:39 AM
Subject: San Joaquin County & Delta Water Quality Coalition Comments on ILRP Framework
Attachments: March 21 2011 framework comments.pdf

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March 21, 2011

Katherine Hart, Chair
Central Valley Water Resources Control Board
11020 Sun Center Drive #200
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RE: Comment on Recommended Long-Term Irrigated Lands Regulatory Program Framework

The San Joaquin County and Delta Water Quality Coalition represents farmers and ranchers within San Joaquin County, Calaveras and Contra Costa County. As a water quality coalition that has been implementing the current Irrigated Lands Regulatory Program (ILRP), we have been able to experience first hand how the ILRP works and what needs to be improved. With this knowledge, we strongly urge the Regional Board to consider adopting Alternative 2 of the Long Term Irrigated Lands Draft Program Environmental Impact Report. This alternative is a workable solution to address water quality issues both in surface water and ground water. The Coalition has concerns about the current Long-Term Irrigated Land Regulatory Program Framework being proposed before the Regional Board on March 24, 2011.

The first area of concern is the requirement for irrigated agriculture to develop, maintain and possibly submit to the Regional Board farm evaluation plans with specific management practice, nutrient plans and other farm operation information. This requirement raises many concerns and questions. What is the purpose of having a farm evaluation? Does the Regional Board have the expertise in farming to determine if those practices are sufficient to address water quality issues? How can the Regional Board determine if the practices are sufficient? Even though the law prevents the Regional Board from specifying which practices should be implemented, does not the denial of management plans indirectly have the Regional Board telling agriculture how to manage their farms?

Current outreach and education by Coalitions within the agriculture community has been effective in having farmers change practices and implement management practices that improve water quality. This outreach and education is done by other farmers, UC Extension personnel and agriculture commissioners. In doing the outreach with people who understand agriculture, coalitions are able to show farmers how to improve water quality on the farm. Filling out farm evaluation plans for the Regional Board is an exercise in paperwork that does not give farmers solutions to issues they may be facing.

There are also privacy and confidentiality concerns with the submission of farm evaluations and nutrient plans. With the submittal of individual farm evaluations or nutrient plans to the Regional Board, the information then becomes public and thus the potential for individuals to be open to legal actions by persons or entities other than the Regional Board. This could cause significant harm to individuals within the agriculture community. As we have seen in the past, organizations and individuals have threatened and have filed suit against dairy farmers concerning water quality under the provisions of the Clean Water Act. There is the potential, even though we do not believe it is legal under Porter-Cologne, for organizations or individuals to take the information submitted to the Regional Board and use it to file lawsuits against individual growers. Such actions could cost the agriculture community millions of dollars and potentially be a disincentive for farmers to develop comprehensive plans for their farms.

Nutrient management plans sound easy and simple; however, they are a complex and can be extremely costly if they need to be developed to follow guidelines developed by the Regional Board. In the dairy program we have seen plans cost up to \$50,000. Requiring the plans to be developed and certified by a certified crop advisor is an expensive and unnecessary process that yields little, if any, water quality improvement. Most farmers have the expertise and knowledge of their operation to manage their nutrient applications and do not require outside persons or entities, that may have little knowledge about their operation, to inform them of the most efficient way to grow their crops. This provisions needs to be removed from the framework.

Allowing “interested stakeholders” to review, provide input and request changes to water quality management plans will cause delays in implementation of plans, increased cost for agriculture, and the potential to become an open ended process. This is further complicated by the proposal within the framework to allow “interested stakeholder” input on any changes in the plans or review of the plans. This type of process during the in depth development of a management plan that states specific management practices to be implemented on the farm could become very cumbersome, expensive, ineffective and time consuming for all parties involved.

“Interested stakeholder” will have the opportunity during the development of the individual WDR or Waivers to have public input. During the adoption of the WDR or Waiver interested stakeholders can comment on and make recommendations to changes in the program and the requirements for management plans. The Regional Board is the entity that is tasked by law to represent the public interest during the development of the management plans. The Regional Board has the authority with the interest of the public to request and require modifications to management plans that would be developed to address water quality issues.

The Coalition is also extremely concerned about the development and implementation of groundwater quality management plans. Tracking and determining the cause and source of groundwater contamination is not a simple or inexpensive process. It is also not a simple and inexpensive process for all of agriculture to implement groundwater quality

management plans because they “may potentially” impact waters of the state. Groundwater monitoring and evaluation is a complicated process that requires years of data to determine the actual cause of any problem that may exist and the necessary practices that can be implemented to improve water quality. In many areas, the groundwater quality issues become extremely complicated by soil types, movement of water, actual movement of constituents through the soil profile and movement of the underground aquifer and the influence of naturally occurring contaminants in an aquifer.

Locally developed groundwater management plans are the most effective way to manage groundwater quality in the local water basins. The framework allows for the use of local groundwater management plans to meet the Regional Board requirements. This provision of the framework however also requires all of irrigated agriculture in an affected basin to implement management practices. Requiring all of irrigated agriculture within a groundwater management plan to implement management practices to address water quality defeats the purpose of having local groundwater management plans instead of Regional Board approved groundwater quality management plans. Using local groundwater management plans allows those who understand the groundwater to develop strategies to address any issues with water quality. Those strategies may not include having all farm operations implementing and tracking farm practices yet the current framework requires all farms to implement nutrient plans and develop irrigation efficiencies that would be acceptable to the Regional Board regardless if they have an effect on groundwater quality.

Although there are many positive ideas within the framework being proposed, the Coalition would strongly recommend that any groundwater quality implementation plan remain at the local level, that information on management practices remain with the farm or coalition and that the process be efficient. Again, we encourage the Regional Board to adopt Alternative 2 of the Long Term Irrigated Lands Draft Program Environmental Impact Report which meets all the requirements and goals of the Regional Board.

Sincerely



Mike Wackman
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