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VIA E-MAIL

Joe Karkoski, ILRP Program Manager
Katherine Hart, Board Chair
Regional Board Members
Central Valley Regional Water Board
11020 Sun Center Drive
Rancho Cordova, CA 95670-6114

Re: **AG WAIVER AGENDA ITEMS**

Dear Joe, Board Chair and Board Members:

On behalf of the Southern San Joaquin Valley Water Quality Coalition, we submit as attached brief written comments on Regional Board agenda items 6, 9 and 10, all related to the ag waiver. I attach them separately to make it more convenient to divide them to agenda item files.

Sincerely,

William J. Thomas
of BEST BEST & KRIEGER LLP

WJT:lmg

attachments

Agenda Item 9 – ILRP

The recently advanced ILRP Framework has been a source of confusion and frustration since it surfaced from the staff shortly prior to the last Regional Board meeting. It was designed to augment the staff preferred alternative (neither of which were subject to the CEQA review), and raised a number of new and impacting issues not the least of which were:

- 1) a new 3-tier structure, including a new regulatory tier based on not having data to support such regulation;
- 2) confusion as to how such lands would be classified into tiers, and this concern was augmented by staff posting maps on the wall depicting most lands to be in heavily regulated tiers;
- 3) a complex mix of general orders and waivers, whereas organic operations, pastures, foothill operations, and Tulare Lake Basin lands would have different regulatory programs which would be laid one over the other;
- 4) a suggestion of fencing foothill water courses to keep cattle from watercourses;
- 5) nutrient management plans limiting nitrate applications by the nitrate levels taken off in harvested portions of the crop;
- 6) public participation at the farm and coalition levels on farm and management plans;
- 7) mandating the collection of groundwater quality trend data and compliance time schedules on groundwater.*

These and other issues were of concern to Board members and the Chair which resulted in the Board deciding not to take this Framework up for a vote. Now, it is not scheduled for a clarifying action by the Board. Therefore, the framework components have not been adopted; yet, the staff expressly indicates they are using it to guide the next waivers and general orders. The staff has acknowledged that some of the components may be narrowed (i.e., tiers, nitrate, public participation). This “some, none or all” guidance does not comport to transparency or clarification.

* *further detail is in our March 21, 2011 submittal.*