

**Irrigated Lands Discharge Program (Program)  
Advisory Group Meeting #2  
Eureka Sub-Regional Meeting  
Meeting Summary  
2/17/2012**

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**Attendees**

**Advisory Group Members & Staff**

Andrea Souther, NRCS  
Linda Crockett, Del Norte Farm Bureau  
Harry Harms, Del Norte Grower  
Jeff Dolf, Humboldt Co. Ag. Commissioner  
Lee Riddle, Easter Lily Research Foundation  
Ben Zabinsky, North Coast Water Board Staff  
Rebecca Fitzgerald, North Coast Water Board Staff  
Katharine Ziemer, Humboldt Co Farm Bureau  
David Leland, North Coast Water Board Staff  
Ken Miller, Siskiyou Land Conservancy  
Mike Rourke, Trinity County RCD Board Member

Andrew Orahoske, EPIC  
Darrin Mierau, CalTrout  
Jovita Pajarillo, North Coast Water Board Volunteer

**Public**

Pat Pierce, Grower  
Vivan Helliwell, PCFFA  
Ken Fetcho, Yurok Tribe  
Brian Durcell, Laco Associates  
Frank Vickner, Laco Associates  
Ruthann Schulte, Buckeye Conservancy

**Phone**

Kari Fisher, CA Farm Bureau Federation

**ACTION ITEMS**

1. Water Board staff will develop a list of existing water quality programs similar to this Program for review at the next Advisory Group meeting.
2. Staff will work with Water Board counsel to provide information on the California Water Code authority to regulate irrigated and unirrigated agriculture at the next Advisory Group meeting.
3. Staff will forward the Sotoyome RCD horse presentation to Advisory Group participants.
4. Staff will provide a summary of SWAMP data at the next Advisory Group meeting.
5. Staff will develop a draft definition of Program scope for discussion and comment at the next Advisory Group meeting.

**SUMMARY**

**\*\*PRESENTATION AVAILABLE ONLINE AT**

**[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/irrigated\\_lands/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/irrigated_lands/)\*\***

**Opening, Introductions, and Logistics Issues**

David Leland opened the meeting and thanked participants for attending. Sam Magill reviewed the agenda, discussed meeting logistics, and informed participants that any suggestions for additions to the Advisory Group membership should go through the formal process laid out in section three of the Advisory Group Charter.

### **Presentation & Discussion of Key Terms for the Program**

Ben Zabinsky presented information on key, legally defined terms for the Program, the proposed Program scope, and a potential name change for the Program. After the presentation, the following discussion was recorded:

- Participants asked if timber and dry land grazing are included in this Program. Mr. Leland responded that they are covered by other programs/processes and explicitly excluded from the Program.
- Andrew Orahoske asked if brown water spraying on dairy pasture is part of the dairy program. Mr. Leland responded that it is.
- Participants asked how property will be included in the Program if it is not in full time production, crops are rotated on a regular basis, or the type of agricultural operation is changed from year to year (i.e., row crops one year, dairy pasture another year, etc.)
- Linda Crockett asked if the Program will cover gravel mining operations. Mr. Leland responded that it will not; gravel mining is covered in the in-stream gravel mining and storm water programs.
- Participants asked if golf courses or other “urban” agricultural operations will be covered by the Program. Mr. Leland responded that they will not; they are covered by the storm water program.
- Mr. Orahoske asked staff to develop a list of water quality programs to avoid any overlap with this Program (**see Action Item #1**).
- Mike Rourke asked if landowners will have to enroll in multiple monitoring programs if they are enrolled in different permitting programs (i.e., dairy, timber, etc) even if all monitoring requirements are the same. Mr. Leland responded that it depends on the monitoring requirements for each permitting process.
- Participants asked if the suggested title change from “irrigated lands discharge program” to “agricultural lands discharge program” was initiated by Board members or staff. Mr. Leland responded that staff initiated the change based on feedback at the Redding meeting of the full Advisory Group in December 2011. Kari Fisher noted that dry land farming is a proposed component of the Santa Ana Region’s proposed program for agricultural lands; the San Francisco Bay Region also has some language about dry farming to cover vineyards. Since agriculture in the North Coast Region includes substantial amounts of dry farming (mainly for vineyards) it was determined that it made sense to capture everything in one program. Mr. Leland acknowledged that the specifics of how all dry farming will be covered by the Program will be developed by the Advisory Group, but confirmed that dry grazing will not be.
- Ken Fetcho suggested that all conditions of the Program should be consistent with other agricultural discharge programs throughout the state.

After an initial discussion of Program scope and the potential name change, Advisory Group members were asked to provide their general level of comfort with the name change. Three

members thought the name change was appropriate; three were neutral; four disagreed with the change. After the straw poll, members provided the following commentary:

- Participants commented that the name change increases the scope of the program significantly. While acknowledging that it makes sense to cover all agricultural under one program, the Program will be more manageable if it distinguishes between irrigated and unirrigated agriculture. Linda Crockett noted that a decision would be easier to make with more information on what the California Code says regarding irrigated agriculture. Staff will work with Water Board counsel to provide information on authority to regulate irrigated and unirrigated agriculture based on California Water Code (**see Action Item #2**).
- Mr. Orahoske asked if it could be possible for a single landowner to develop a comprehensive farm water quality management plan to address all of the requirements of this Program, the timber program, the dairy program, and others as needed. Mr. Leland responded that this is feasible.
- Mr. Orahoske and Mr. Fetcho suggested that enrollment in the Program could relieve liability from landowners by providing a conditional permit- if the conditions of the permit are met, the landowner is released from liability. Mr. Harms disagreed, stating that in the past programs like Superfund on the federal level have backfired on landowners trying to cleanup legacy issues, instead exposing them to additional liability.
- Ms Crockett commented that if the name is going to be changed, additional stakeholders need to be included in the process. Some types of agriculture may not be represented on the Advisory Group and could be surprised by a new regulation.
- Jeff Dolf asked for a definition of “receiving waters.” Mr. Zabinsky responded that receiving water are the water bodies a landowner discharges to. This could include any waters of the state, as defined by the California Water Code. This includes groundwater, wetlands, and surface water.
- Darrin Mierau asked if there are any other regulatory programs that address the Anti-Degradation Policy. Mr. Leland responded that all Water Board permits do.
- Mr. Mierau asked if Total Maximum Daily Loads (TMDL) are the only programs to address degraded water. Mr. Leland responded that all water quality programs do. The impetus for this Program comes from the Porter-Cologne Water Quality Act and the Non-Point Source Enforcement Policy.

### **Presentation and Discussion of Program Principles and Goals**

Participants discussed proposed goals and principles for Program development. After the presentation, the following discussion was recorded:

- Ms Ziemer noted that roads in Southern Humboldt County produce a lot of sediment runoff. She commented that there are community issues, not agriculture-specific issues. Mr. Leland agreed, and noted that private rural roads are not covered by this Program. Mr. Orahoske noted that this issue is being looked in the Humboldt County General Plan Update.
- Mr. Rourke commented that marijuana growing is a huge issue with significant contributions to water quality problems. Participants and staff agreed, and noted that an outreach effort has been made to the Humboldt Grower’s Association to participate in Program development.

- Mr. Orahoske commented that the largest issue for EPIC is pesticides and toxic metals from lily farming. Mr. Harms responded that while there was a find of high copper levels on the Smith River, it was not adjacent to lily farming on Delilah Creek. He added that because pesticide application is highly regulated, many of the problems of the past have been remedied. Tests for pesticides in recent years have not resulted in a significant number of exceedances.
- Mr. Fetcho asked if this Program will cover groundwater as well as surface water. Rebecca Fitzgerald responded that it will.
- Mr. Harms commented that since “waters of the state” cover most (if not all) water used for agriculture, it is difficult to perform any agricultural operation without being regulated. Mr. Zabinsky concurred, and said that assessing risk appropriately will be important to ensure that regulations are not applied too broadly.
- Mr. Harms noted that a number of key question such as “When does a ditch become a creek?” have not been answered and could have a significant impact for the purposes of this Program. Mr. Zabinsky agreed, and added that in the Central Valley Region, ditches are considered waters of the state.
- Mr. Dolf asked if the Advisory Group accepts peer reviewed research on pesticide issues. Staff responded that these materials would be useful for the Advisory Group.
- Mr. Dolf mentioned monitoring for forestry herbicides by the Department of Pesticide Regulation and that it could be instructive when considering whether or not precipitation plays a role in pesticides entering receiving waters. Here is a link to the reports on DPR’s website: <http://www.cdpr.ca.gov/docs/specproj/tribal/reports.htm>
- Mr. Dolf asked if the Central Coast Ranch Water Quality Management Plan could be adapted to meet the needs of this Program. Mr. Leland responded that it could be; other regions also have programs that could be adapted.

**Group Exercise: Identifying Local Risks to Water Quality**

Meeting participants identified local risks to water quality and opportunities for improvement based on the goals presentation discussed above. The following table represents the results of the exercise:

RISK	OPPORTUNITY
<ul style="list-style-type: none"> <li>• Sedimentation</li> <li>• Pesticide application rates</li> <li>• Pesticide residence times</li> <li>• Presence of threatened and endangered species</li> <li>• Proximity to surface water</li> <li>• Slope and topography</li> </ul>	<ul style="list-style-type: none"> <li>• Plant appropriate cover crops to reduce erosion</li> <li>• Develop BMPs to address specific pesticide practices as needed</li> <li>• Develop an MOU between the Water Board and counties similar to the Central Valley Region program for pesticide monitoring</li> </ul>

In addition to the discussion of risks and opportunities, the following discussion was recorded:

- Ms Ziemer noted that there are a lot of farmer’s markets in the region. Most of the farms are small (5-10 acres). The agriculture commissioners should have more information on the number of growers. Pat Pierce noted that while organic farmers and

producers for farmer's markets may cause sedimentation issues, they generally don't use pesticides like larger commercial operations. Mr. Harms noted that organic and naturally occurring pesticides can be just as toxic as synthetic pesticides.

- Ms Ziemer noted that approximately 90% of cattlemen in Humboldt County do not irrigate. She added that she only knew of one operation in the County that uses irrigated pasture. Mr. Rourke confirmed that the same estimated percentage is true in Trinity County.
- Mr. Orahoske noted that nurseries should be considered for inclusion in the Program. Mr. Leland added that if a nursery is found to pose significant risk, the Water Board would be interested in including it.
- Mr. Leland commented that the Water Board will be interested in identifying thresholds for inclusion in the Program. Whether this means some operations would be exempt entirely (except in unique cases where substantial risk is determined) or whether they would be covered but have minimal requirements if they pose little risk to water quality is open for discussion. Mr. Dolf commented that there are about 50 small nurseries in Humboldt County. The best approach may be to provide a minimum operation size, but decide exemptions on a case by case basis.
- Vivian Helliwell asked how this Program can address temperature issues, dissolved oxygen, and nutrient loading without cross-coordinating flows with the Department of Water Resources and not permitting activities that don't have a legal water source. Mr. Leland commented that the Water Board is working with the State Water Resources Control Board Division of Water Rights on this issue. Water rights are typically not under the authority of the regional water boards.
- Participants noted that vineyards are not a major land use in the Humboldt/Trinity/Del Norte sub region. Mr. Rourke noted that irrigated ag in general is not a large land use in Trinity County, but out of the ag there, vineyards is probably makes up the largest percentage that would be included in the program. And it appears that vineyard activities may increase.
- Andrea Souther suggested that one option for the Program could be to start small and expand as needed, and asked how people will know if they need to enroll. Mr. Leland commented that this is a key area for input by the Advisory Group. The Water Board uses a suite of outreach tool now such as LYRIS, the Water Board website, presentations at local community meetings, etc. Mr. Magill noted that Advisory Group members should also get input from their local constituencies. Mrs. Fitzgerald mentioned that education and compliance assistance will be a main focus of staff efforts following adoption of this Program, should it be adopted.
- Participants noted that horse breeding and boarding may not be covered by CAFO. While it's not clear whether small horse operations are considered agriculture, several participants noted that they can cause water quality problems. Water Board staff will forward Sotoyome RCD's horse presentation to Advisory Group participants for more information (**see Action Item #3**).
- Mr. Orahoske commented that Water Board staff should develop a list of what types of agricultural activities should be covered by the Program for comment by the Advisory Group. Additionally, the development of a hypothetical property with multiple types of agriculture and how the Program will be implemented could be useful.

- Participants commented on the concept of a fee structure for enrollment in the Program. Mr. Orahoske suggested that a higher fee could be issued if more pesticides or more tillage is used on a particular property. Mr. Zabinsky responded that there were more options for fees in the past. The State Water Resources Control Board adopted a statewide fee structure.
- Participants asked if it would be possible to look at maps to identify areas of concern for the Program. Staff suggested that high-level, low resolution maps showing general crop patterns could be developed for discussion. Participants stated that mapping capabilities at the county level may not be readily available, and soils mapping from NRCS are not complete for Del Norte and most of Humboldt counties. Ms Ziemer said that Martha Spensor from Humboldt County has some good agriculture maps of the area.
- Mr. Orahoske requested pesticide use reports from the Agriculture Commissioner's Office in Humboldt County. These reports are available to the public, but must be obtained in person at the Commissioner's Office. Mr. Leland noted that the area of pesticide regulation is special because there are already other agencies that have pesticide permitting/regulation programs in place. Water Board staff considered relying on those programs to deal with pesticides for this Program. Mr. Fetcho noted that federal pesticide programs regulate pesticide labeling, but do not include a pesticide monitoring component. This should be addressed in the Program.
- Ms Ziemer asked if the Advisory Group will be drilling down to the individual parcel level to develop the Program. Mr. Leland responded that this level of detail will come during the implementation phase of the Program.
- Mr. Harms suggested that as a starting point for the enrollment threshold, five acres with a restricted use pesticide permit could be used.

### **Wrap Up and Next Steps**

After closing comments from staff, Advisory Group participants made the following requests for completion prior to the next meeting:

- Mr. Dolf offered the Humboldt County Agricultural Center for the next meeting of the Advisory Group.
- Ms Souther asked for a summary of SWAMP data (**see Action Item #4**).
- Ms Souther asked for a draft definition of the Program scope for discussion and comment at the next meeting (**see Action Item #5**).