

Siskiyou Land Conservancy

July 20, 2012

Ben Zabinsky
North Coast Regional Water Quality Control Board
Sent via email bzabinsky@waterboards.ca.gov

Comments on NCRWQCB Irrigated Lands Discharge Program DRAFT Program Scope and Framework

Thank you for the opportunity to participate in the NCRWQCB Irrigated Lands Discharge Program.

We are concerned that in the Draft Tier 1, the use of the term "certain pesticides" could imply the construction of controversial and arbitrary lists that might preclude protecting water resources from potentially harmful agricultural practices.

We want to ensure that groundwater is protected, and therefore we request that analysis of the irrigated activity specify the presence of wells as a factor for tier consideration, similar to Class I or II streams. Policies should also reflect the fact that irrigated pasture with no visible tailwater and no buffers may still pose a risk to groundwater. Irrigated pasture that is rotated from practices that could threaten water resources (such as pesticide use) should not be eligible for Tier 1.

Siskiyou Land Conservancy also respectfully submits the following suggestions and concerns for further discussion in the Irrigated Lands Discharge Program.

- Any pesticide use potentially affecting waters inhabited by species listed under state and/or federal laws as Threatened or Endangered should undergo consultation with NOAA Fisheries and/or USFWS as part of the enrollment process to be compliant with the Clean Water Act and the Endangered Species Act.

- Irrigated pasture where pesticides or other potential WQ pollutants have been applied within the past four years cannot be excluded from the Program or be enrolled in Tier 1.
- Pasture that rotates in and out of agricultural uses that pose a risk of water quality pollution are ineligible for Tier 1.
- The threshold for Tier 1 should include no use of potential water quality pollutants/chemicals that could affect water quality, irrespective of acreage. Uses on the land, topography, and soil conditions should guide tiering. In other words, relative risk to receiving waters should guide eligibility, not size of operation.
- In addition to buffers related to Class I, II, and III streams, add wells.

We acknowledge that monitoring issues will be taken up in due course, but this refers to the relationship between Best Management Practice exemptions and monitoring:

- BMPs which are relied upon for regulatory relief from pesticide or other potential pollutant regulations must be tested for site effectiveness with a comprehensive, strategic monitoring program that considers timing of applications with respect to weather and any other factors that affect the likelihood of detection.
- Regular water quality monitoring should be a requirement for any activity placed in Tier I or Tier II.

Sincerely,



Greg King
President/Executive Director