

ITEM:

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SUBJECT:

Consideration of a Resolution Adopting a Framework for a Long-Term Irrigated Lands Regulatory Program

BOARD ACTION:

Approval of a Long-Term Irrigated Lands Regulatory Program Framework

BACKGROUND:

On 22 June 2006, the Central Valley Water Board approved coalition and individual conditional waivers applicable to discharges from irrigated agriculture to surface waters. The 2006 conditional waivers are set to expire on 30 June 2011. When the Board approved the 2006 conditional waivers, it directed staff to begin developing a long-term irrigated lands regulatory program (ILRP) to protect water quality in accordance with state law. The Board also directed staff, in developing the ILRP, to continue preparation of an Environmental Impact Report (EIR).

In fall 2008, the Central Valley Water Board convened the Long-Term ILRP Stakeholder Advisory Workgroup. The Workgroup included a range of stakeholder interests representing local, State, and federal government, industry, agricultural, and environmental / environmental justice groups throughout the Central Valley. In August 2009, the Workgroup approved long-term ILRP goals and objectives and a range of alternatives to be considered in the EIR.

In July 2010, the Central Valley Water Board released a Draft Programmatic Environmental Impact Report (Program EIR) and Economics Report for the Long-Term Irrigated Lands Regulatory Program (ILRP). The Draft Program EIR provides programmatic analysis of impacts resulting from the implementation of six alternatives. Five of the alternatives were developed with the Long-Term ILRP Stakeholder Advisory Workgroup. The sixth alternative was developed by staff in attempt to fulfill program goals and objectives, meet applicable state policy and law, and minimize potentially adverse environmental impacts and economic effects.

In consideration of comments received on the Draft Program EIR, staff developed a *Recommended Irrigated Lands Regulatory Program Framework Staff Report* (ILRP Framework Report), March 2011. Included as an attachment to the ILRP Framework Report is a Recommended Long-Term ILRP Framework (the Framework) (Attachment A of this Item). The Framework is based upon the sixth alternative, and is composed of elements from the range of alternatives evaluated in the Draft Program EIR.

The recommended approach in the Framework consists of developing ten to twelve geographic/ commodity specific general waste discharge requirements (WDRs) and/or conditional waivers of WDRs to regulate the discharge of waste to ground and surface waters of the state from irrigated agricultural operations. The orders and regulatory actions would include the following elements: regulation of surface water and groundwater; a three-tiered approach to ensure regulatory requirements are appropriately tailored to the water quality conditions in an area; conditional authorization of third-party groups to represent growers and proxy with staff; requirements for regional surface water and groundwater management plans; requirements for regional surface

water and groundwater monitoring; individual farm evaluations; and individual certified nutrient management plans in groundwater basins impacted by nitrates. Individual dischargers not represented by third-party groups would be governed by general waste discharge requirements. Individual dischargers are ultimately responsible for compliance with any applicable Orders. The proposed timeframe for establishment of the program calls for Board adoption of the geographic/commodity specific WDRs and conditional waivers of WDRs within twelve months.

The Final Program EIR identifies the significant and unavoidable adverse impacts for Alternatives 1-6. The Framework is constructed from elements of Alternatives 1-6. Attachment B, Findings of Fact and Statement of Overriding Considerations, describes that implementation of the Framework would result in the following significant and unavoidable adverse impacts: 1) conversion of prime/ unique farmland, and farmland of statewide importance to nonagricultural use, 2) cumulative climate change impacts, 3) cumulative vegetation and wildlife impacts, and 4) cumulative impacts from the conversion of prime/ unique farmland, and farmland of statewide importance to nonagricultural use. The Final Program EIR also identifies potential growth-inducing impacts from conversion of farmland to urban land uses.

Mitigation measures have been identified that will reduce other potentially significant effects of the program to a less than significant level. The Framework is consistent with the identified mitigation measures. A program-level Mitigation Monitoring and Reporting Program (MMRP) has been developed and is included as Attachment C. Project level MMRPs consistent with the Program EIR will be incorporated into WDRs and conditional waivers implementing the Framework.

The Framework is not a regulation and does not establish a policy or regulation, but will provide direction to staff for development of the orders to be brought back to the Board for approval. At the time the Board considers issuing those orders, the Board may include conditions or requirements that are outside of the Framework, provided that the Board has conducted any additional necessary analysis and makes the appropriate findings.

Staff recommends that the Board approve the Framework.

Mgmt. Review _____
Legal Review _____ APM

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