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March 21, 2011

Sent via email: AWLaputz@waterboards.ca.gov

Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Attention: Adam W. Laputz

Re: Comments on the Irrigated Lands Regulatory Program (ILRP) Framework

Dear Mr. Laputz,

We appreciate this opportunity to comment on the reference document, The El Dorado County Farm Bureau represents over 1300 member families, many of whom will be affected by the proposed regulation of irrigated agricultural lands.

1. The Sierra Foothills Setting. In El Dorado County, the majority of our irrigated agricultural operations are contained within the 1,000 to 3,500 foot elevation range on the western slope, yet there are no areas where agriculture is truly the dominant land use. The average size of operation is approximately 10 acres and our farms and ranches are nestled in among recreational uses, undeveloped open space, rural subdivisions, and public roads.

Comment: The Framework includes the flexibility of establishing a geographic order that will allow us to address our excellent water quality and the minimal impact that our agriculture has on the waters of the state. We support this new approach that provides the opportunity for the El Dorado Subwatershed to meet criteria to be included in Tier 1, recognizing the low threat to surface and ground water quality.

2. No Ground Water Basins identified. The topography and hydrology of the western slope require that deep wells be drilled through fractured rock to water interstices whose water origins are unknown. Within this region of the county, which is included in the proposed regulation, there are no ground water basins or sub-basins identified by DWR Bulletin 118 and there are no Hydrogeologically Vulnerable areas or DPR Groundwater Protection Areas within the county. Since there is no vulnerability for leaching identified in this region, El Dorado County is rendered a low priority area or, stated another way, it presents no threat to ground water quality from agricultural sources.

Comment: The proposed Framework allows flexibility to minimize regulatory processes in geographic areas with no defined water basins and no vulnerability for ground water leaching. We support such a mechanism as it recognizes that ground water monitoring and sampling should occur in those areas where the possibility of ground water impacts exist and provides a mechanism for a region, such as El Dorado, to be included in Tier 1 with appropriately reduced monitoring requirements.

3. Economic Impacts Minimized. The economic analysis for the previous alternatives understated the financial impact that ground water sampling would have on our local agriculturists. The effects to our local agriculture would have been onerous and disproportionate to the size and income levels of our farmers and ranchers.

Comment: The Framework allows for costly monitoring to shift away from geographic areas that do not require such monitoring. That flexibility will allow the El Dorado Subwatershed to provide data necessary to participate in a Tier 1, practices-based program.

4. Electronic Program Implementation. The overall Watershed Coalition Group approach, which includes the Subwatershed Coalitions, provides assistance to the Regional Board in implementing the ILRP and generally works well. The individual member growers know the local coalition leadership and participate in on-going education. They cooperate in providing information when requested to support the management objectives of the program. Subwatershed Coalition transparency and accountability to the members already exists. All management practices, monitoring and quality reporting is done at a summary level which provides the Regional Board necessary data while protecting the individual farm records of coalition members.

Comment: Requiring coalition members to file Farm Self-Evaluations electronically with the Regional Board will undermine the role of the coalitions with their members. Not all of the members in the rural areas own and utilize the electronic means necessary to comply with such a requirement.

Further, requiring such a submission would be a “quasi” individual farm water quality approach that becomes a “point source” program that is inconsistent with the ILRP. Individual farm information would be publically available instead of reported at a coalition level. Finally, this methodology was not identified in previous alternatives and it has not been studied in accordance with CEQA. For these reasons, we do not support this approach.

5. Program Objectives. We appreciate the program objectives for the proposed Framework. We agree with the objective to coordinate efforts with other government programs for groundwater protections. By relying on other program data it should be apparent that El Dorado irrigated agriculture has no demonstrated negative impact to ground water basins or sub-basins within the state because none are identified. We agree that implementation of management practices can be utilized to maintain water quality for both surface and ground water.

Comment: For the Sierra foothill regions like El Dorado incorporating the flexibility of drafting geographic specific orders will help us meet the objectives without the onerous consequences of a “one size fits all” regulation. Expanding the Pilot Program to identify practices that benefit ground water quality will allow the Subwatershed Coalition to apply appropriate measures in a least regulated tier to preserve our excellent water quality and provide ground water protections.

In general, we support the methodology outlined in the ILRP framework which allows flexibility within geographic regions to find regulatory solutions that work while upholding the objectives of the program. They say that “the devil is in the details” and we recognize that, in order for the flexible approach to be successful, all parties will need to work cooperatively and in good faith to develop specific orders that are achievable without sacrificing the economic viability of the coalition members or the program objectives.

The previously recommended regulatory approaches would have resulted in a disproportionate economic impact to the small family farms and ranches that populate El Dorado County. We appreciate the efforts of staff to provide an additional regulatory tier to address that not all areas within the boundaries of this Region are the same.

We welcome the opportunity to work with the Regional Board and the El Dorado Subwatershed to develop a specific Order that allows a least regulated, tiered approach that would provide ground water protections without sacrificing the economic viability of El Dorado County’s small farms and ranches.

Sincerely,

A handwritten signature in black ink on a light green rectangular background. The signature reads "Merv de Haas" in a cursive script.

Merv de Haas, President

cc: Bruce Houdesheldt, Sacramento Valley Regional Water Quality Coalition
Pamela Creedon, Central Valley Regional Water Quality Control Board
Carolyn Mansfield, El Dorado County Agricultural Water Quality Management Corporation
Kari Fisher, California Farm Bureau Federation