

**Central Valley Water Board Irrigated Lands Regulatory Program  
Draft Programmatic Environmental Impact Report (PEIR)  
Meeting Summary, Chico Public Workshop**

**September 10, 2010, 5:00 p.m. – 8:00 p.m.  
Chico Holiday Inn and Conference Center  
685 Manzanita Ct., Chico, CA 95926**

**Attendees: 42**

Babbitt, Ken	General Public
Barkhouse, Bob	Barkhouse Ranch
Bertagna, Paul	Shasta County Cattlemen's Association
Bettencort, Stan	Bettencort Farms
Black, Mark	Agricultural Community Glen County
Calvert, Carl & Eleanor	Trdolae Farms
Carlson, Linda	
Carter, Denise	Colusa County Subwatershed, Benden Farms
Cecil, Colleen	Butte County Farm Bureau
Downsend, Jim	
Domenighan, Larry	Colusa Glenn Subwatershed
Ferdon, Noelle	Food and Water Watch
Garner, John	Colusa Glenn Subwatershed
Gosselin, Paul	Butte County Department of Water
Graves, Bill	
Hacking, Heather	Chico S.R.
Hennigan, Bob & Barbara	BSBAGU
Karkoski, Joe*	Central Valley Water Board
Laputz, Adam*	Central Valley Water Board
Letton, Ben	Central Valley Water Board
Love, Christal*	Center for Collaborative Policy
Magill, Sam*	Center for Collaborative Policy
Mansisider, Joe	California Olive Ranch
Manhart, Kandi	Colusa Glenn Subwatershed
Mann, Carlene	Priority Farms
Martinez, Joe	California Olive Ranch
Messina, Lester	Glen County Ag Commissioner
Miller, Jean	Glenn County Ag Commissioner
O'Growney, JAS	Shasta Tehama Watershed Education Center
O'Sullivan, Dick	O'Sullivan Cattle Company
Pfeiffer, Mary	Shasta Ag Commissioner
Price, Richard	Butte County Ag Commissioner
Roberson, Mark*	Economic Analysis Consultant
Roney, Billie	Roney Land and Cattle Company
Roney, Wally	Roney Land and Cattle Company
Rushton, Mike*	ICF International
Schohr, Ryan	Butte County Water Commission, Farmer
Senior, April	Knight Farms
Senior, John	Reager Ranch

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Smith, Megan*	ICF International
Smith, Richard	
Strong, James	Deseret Farms California
Toney, David	
Townsend, Joan	Butte County
Townsend, James	
Venturini, Louis	Butte County Farm Bureau
Webster, Joan	CWA
Weinzinger, Aaron	Weinzinger Farms
Yosrg, Henry	Butte City Farm

\* Workshop team

This summary only includes the presentation and comments made during the PEIR workshop. An agenda and summary of the long-term program were also provided to workshop participants and can be found here:

[http://www.swrcb.ca.gov/rwqcb5/water\\_issues/irrigated\\_lands/long\\_term\\_program\\_development/index.shtml#ilrppeir](http://www.swrcb.ca.gov/rwqcb5/water_issues/irrigated_lands/long_term_program_development/index.shtml#ilrppeir)

Written comments and responses will be available for public review in the Final PEIR, scheduled to be released early 2011.

## Welcome and Opening Remarks

Joe Karkoski, Central Valley Regional Water Quality Control Board (Board) Staff welcomed the workshop participants, stated the workshop purpose and asked the Board Members, Board Staff and consultants present to introduce themselves. No Board members were present at the workshop. Sam Magill, Center for Collaborative Policy Facilitator, reviewed the meeting room logistics, agenda and workshop materials. Ms. Smith clarified the PEIR public comment process requirements.

## Overview of Proposed Modifications to the Irrigated Lands Regulatory Program (ILRP) and Draft PEIR

Mr. Karkoski stated the mission of the Board and outlined the following goals of the workshop:

- Review project background of the Irrigated Lands Regulatory Program.
- Provide an overview of the Draft PEIR.
- Hear questions and comments from workshop participants.

Mr. Karkoski explained that the Board has the responsibility to implement the water quality laws, specifically the federal Clean Water Act and the State Porter-Cologne Water Quality Act. In addition to regulating irrigated lands, the Board also regulates storm water from cities, construction sites, industry, dairies, treated wastewater and contaminated sites. Mr. Karkoski added that unlike other programs, the discharger to staff ratio for the irrigated lands program is relatively high: approximately 1,500 dischargers to every 1 Board Staff member.

Mr. Karkoski provided the following overview of the ILRP background:

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- 2003 the Board adopted a conditional waiver for discharges from irrigated agricultural lands. The waiver was considered an interim program set to expire in 2006.
- 2006 the Board adopted a new conditional waiver that extended the interim program until 2011. An EIR on the ILRP was required.
- There are 8 coalition groups working directly with the growers under the current program:
  - Goose Lake
  - Sacramento Valley
  - California Rice Commission
  - San Joaquin County and Delta
  - East San Joaquin
  - Westside San Joaquin River
  - Westlands Water District
  - Southern San Joaquin Valley

Mr. Karkoski showed a map of the number and location of water quality management plans currently required based on monitoring results. He explained that a management plan is required when there have been two or more surface water pollutant exceedances at a particular site within a three year time period.

Adam Laputz, Board Staff, provided a summary of the ILRP development and the accomplishments of the Stakeholder Advisory Workgroup.

- Staff was directed to prepare an EIR for the long-term irrigated lands program as part of the 2003 waiver program.
- A draft Existing Conditions Report (ECR) was developed using water quality data collected by the Board. The ECR was circulated for public review in 2006 and finalized in 2008.
- Board Staff conducted a series of California Environmental Quality Act (CEQA) public scoping meetings during March and April of 2008. Many stakeholders expressed a desire to be actively involved in the ILRP development.
- The first long-term program stakeholder advisory workgroup meeting was held on October 9, 2008.

Mr. Laputz then reviewed the ILRP goals and objectives that were developed by the stakeholder advisory workshop and board staff.

### **Goals**

- Restore and/or maintain the highest reasonable quality of state waters, considering all the demands being placed on the water.
- Minimize waste discharge from irrigated agricultural lands that could degrade the quality of state waters.
- Maintain the economic viability of agriculture in California's Central Valley.
- Ensure that irrigated agricultural dischargers do not impair Central Valley communities and residents access to safe and reliable drinking water.

### **Summarized Objectives**

- Restore and/or maintain beneficial uses by ensuring that all State waters meet applicable water quality objectives.

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- Encourage implementation of management practices that improve water quality.
- Provide incentives for agricultural operations to minimize waste discharges to State waters.
- Promote coordination with other regulatory and non-regulatory programs to minimize duplicative regulatory oversight while ensuring program effectiveness.

Mr. Laputz summarized the five programmatic alternatives that are evaluated in the Draft PEIR and the Draft Economics Report. Mr. Laputz explained that in response to the request of the Stakeholder Advisory Workgroup, Board Staff evaluated all five alternatives at an equal level of detail. He added that the Stakeholder Advisory Workgroup did not vote for a single alternative, but rather, felt that the five alternatives represented the best range of options that should be evaluated in the PEIR.

Board Staff created a recommended alternative using a combination of elements from the five programmatic alternatives. The recommended alternative includes the following components:

- Including groundwater in addition to surface water discharges within the program scope.
- Third-party or coalition group lead entity, rather than the Board.
- 8-12 geographic and/or commodity-based orders.
- A specified timeframe for implementation.
- Prioritized requirements.
- Regional surface and groundwater quality management plans as opposed to individual water quality management plans.
- Regional surface and groundwater quality monitoring rather than individual or no water quality monitoring.

Ms. Smith presented a synopsis of the PEIR process, the types of management practices that were analyzed, and the potential impacts of the ILRP. She explained that the analyzed management practices are a sample of those most likely to cause an environmental and economic impact. While all CEQA-recognized environmental resources were analyzed in the PEIR, potentially significant impacts could result to each of these resources: cultural resources, noise, air quality, climate change, vegetation and wildlife, fisheries, hydrology and water quality and agricultural resources. Ms. Smith then described the mitigation measure process and provided an example.

Mr. Karkoski presented an overview of the cost analysis; stating that the Board decided to go beyond the level of cost analysis required by the Porter-Cologne Water Quality Act. The expansion of the cost analysis was necessary in order to evaluate whether alternatives were consistent with the program goal to “maintain the economic viability of agriculture in California’s Central Valley.” The cost analysis focused on the compliance costs, net income effects on growers and landowners, potential impacts on regional farm economies, and effects on government entities associated with the program.

Mr. Karkoski closed the presentation by reviewing the following next steps:

- Comments on the draft PEIR are due by September 27<sup>th</sup>, 2010.
- Final ILRP and PEIR early 2011.
- Board consideration of final ILRP and PEIR no later than March 31, 2011.

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- Orders to implement long-term ILRP developed during year following board certification of the PEIR.

## Open House to Discuss Staff Report, Cost Estimates, and Draft PEIR for the ILRP and Report Back

### Small group discussion comments on the cost estimates for the ILRP

- Participant expressed concern about the cumulative impact of the various fees.
- Participant asked that the Board consider the fact that agricultural practices have improved over time.
- Participant voiced a concern that there could be a concentration of costs paid by participating dischargers due to a lack of participation of other dischargers.
- Participant suggested the cost estimates include additional background / historic data.
- Participant suggested that non-structural changes in operations may be less expensive than structured practices (i.e. pressure irrigation).
- Participant offered for consideration the assumption that practices are already in place.

### Small group discussion comments on the Draft PEIR

- Participant voiced concern that there would be indirect effects on other resources if forage crops were reduced by implementing the long-term ILRP.
- Participant suggested that current ILRP-related surface water monitoring should include identifying the ecoli bacteria found. Without this identification, the source of the ecoli would be speculative and is usually blamed on grazing operations.
- Several participants indicated that non-irrigated agricultural operations (cattle grazing) in coalition groups cannot afford the added monitoring and administrative costs associated with implementing a long-term ILRP.
- Participant asked for an explanation of how we determined the negative effects of the long-term ILRP on agricultural resources.
- Participant asked whether there was adequate “good science” to support the claim that human-generated greenhouse gas emissions were resulting in a change in climate.
- Participant asked whether the staff recommended alternative was derived from the five alternatives analyzed in the body of the PEIR, or was developed separately.

### Small group discussion comments on the Staff Report Recommendations

- Participants asked why the recommended program did not appear in the PEIR.
- Participant asked how sources of groundwater contamination will be identified in the program.
- Participant asked if there is existing data being collected on non-agricultural contaminate sources.
- Participant recommended the Board program focus on contaminate hotspots rather than apply the regulations to the entire region.
- Participant stated that the Board should not require improvement in areas without water quality problems.
- Participants suggested the Board clarify that they are interested in working with coalition groups rather than increasing the number of State employees.

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- Participant asked how legacy pesticide issues are going to be dealt with.
- Participants asked for clarification about which dischargers would be designated tier 1 and tier 2.
- Participant asked how the program deals with issues such as dissolved oxygen, pointing out those recent steps to irrigate more efficiently have created many of the dissolved oxygen problems.
- Participants expressed concern that certain crops would be forced out of business as a result of the ILRP.
- Participants stated that the Board should be concerned with the economic impacts in addition to drinking water quality.
- Several participants supported the no change alternative; stating that there was no need for additional regulation.
- Participants suggested the Board conduct additional research before moving forward with the ILRP.
- Participants stated that the loss of farms is an issue of national security.

### **Large group discussion comments pertaining to the Staff Report, Cost Estimates, and Draft PEIR for the ILRP**

- Participant asked if consideration was given to areas with climates that would not easily allow for crop transition.
- Participant recommended Board Staff look at current crop conditions and patterns before assuming that crop transition is possible.
- Participant asked if the ILRP will impact individually held water rights.
- Participant asked if the program would include private groundwater well monitoring.
- Participant requested Board Staff identify what the benefits to farmers would result from the ILRP.
- Participants requested examples of the likely regulatory requirements that would result from the ILRP.
- Participant requested more explanation regarding the ILRP decision making process.
- Participants asked whether the proposed program ever included non-irrigated pasture.
- Participant suggested that current ILRP-related surface water monitoring should include identifying the ecoli bacteria found. Without this identification, the source of the ecoli would be speculative and is usually blamed on grazing operations.
- Participant suggested that the nitrate data used in the analysis is inaccurate.
- Participants stated that northern California does not have a water quality problem.
- Participant stressed the importance of gathering credible greenhouse gas data.

## **Meeting Recap and Next Steps**

Mr. Karkoski thanked the workshop participants, requested that comments be submitted in writing, and invited anybody with questions regarding the ILRP to contact Mr. Laputz:

**Email:** [awlaputz@waterboards.ca.gov](mailto:awlaputz@waterboards.ca.gov)

**Phone:** (916) 464-4848

## **Adjourn**