



August 7, 2014

Ms. Jeanine Townsend, Secretary
State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814



Re: Draft Conclusions of the Agricultural Expert Panel

Dear Ms Townsend,

Our organizations have participated in the development of the Irrigated Lands Regulatory Program in the Central Valley for many years. Now that the orders have been adopted, we are interested in ensuring that their implementation is effective, practical, and most of all, results in a reduction of nitrogen loading to groundwater.

Our perception is that everyone engaged in the development and implementation of these orders understands that it will take time to create the information and mechanisms needed to both measure and ensure success. This panel has a unique opportunity to assist the board and the agriculture industry by identifying and prioritizing actions that will improve the program over time and assist farmers in implementing needed practices and reporting.

While the location of the panel's meetings in San Luis Obispo made regular attendance infeasible, we were able to attend one meeting and found the panel to be thoughtful and able to provide good feedback on the questions posed. Unfortunately, the thoughtful discussions of the panel are not reflected in the recommendations. We understand the concern that the broad variation in crops and local conditions may make general recommendations infeasible; but the resulting statements seem too vague to provide direction to the Water Boards or to the regulated community.

Charges to the Panel

The questions to the panel may have been more complex than necessary, as it seems to have obscured the charge to the panel to

- **Assess** existing agricultural nitrate control programs

- **Develop** recommendations, as needed, to ensure that ongoing efforts are **protective of groundwater quality**.
- Provide ... **indicators and methodologies** for determining risk to surface and groundwater quality, **targets** for measuring reductions in risk, and the use of **monitoring** to evaluate practice effectiveness.

Perhaps a reorganization of the report to better reflect the objectives above would be helpful. For instance, guidance on the development of indicators, methodologies and targets are not readily available in this report but could be highlighted in a reorganized draft.

Panel findings

3.1 Essential background concepts

Our organizations previously expressed concern that this panel was not properly constituted to make recommendations about groundwater monitoring and assessment, and the generalizations about groundwater in this section reinforce that opinion.

Bullet 10 (“ The data that have been cited in many reports are dated; caution must be used in making policy based on outdated data. Agronomic practices and crop mixes constantly change.”) makes the point that current data is not always available. This is a common comment throughout the report, and would seem to indicate that a separate section – or chapter, or appendix - on data gaps is needed.

Bullet 13 (“ Regulatory efforts should consider three points...”) seems to indicate that the panel was not sufficiently versed in the requirements of the current orders, particularly in the Central Valley, as it opines that there are no metrics to determine best practices. The Central Valley order contains a requirement that coalitions develop programs to evaluate best practices. We strongly recommend that this panel provide guidance on how those programs might be developed, what metrics should be developed, and what practices should be prioritized for review.

3.2.1 Risk and Vulnerability

We recommend that questions about groundwater vulnerability and risk assessment be removed from this report and instead addressed to a panel with the proper expertise and experience in groundwater modeling and data analysis.

3.2.2 Application of Management Practices

This section provides less detail than the nutrient management plan requirements in the orders themselves. A helpful change in the final report could be a review of the current nutrient management plan requirements in those orders.

This section also identifies another data gap - efficiency of N fertilizer uptake. Is this a solvable information gap, and if so, how would the panel recommend moving forward?

3.2.3 Verification Measures

This section is disappointingly brief. The panel agrees that a metric is needed to evaluate the effectiveness of fertilizer programs, but fails to provide a recommendation. The panel agrees the trend monitoring of groundwater is a good idea, but, without explanation, states the first encountered groundwater should not be used.

It seems in other sections that the panel agrees that total nutrient application is an appropriate reporting requirement. The panel feels that groundwater quality monitoring is appropriate for trend analysis, but not verification. If the panel can't recommend another metric, is the board then forced to rely on site inspections for the purpose of verification?

3.2.4 Reporting

Our organizations have long argued that nutrient application data be collected and reported as part of the ILRP, and are happy to see that the panel agrees with us.

This section identifies yet another data gap – about applied water volumes to fields. Is there an alternative metric that can help the board and/or coalition prioritize operations? Would it be irrigation type?

Conclusions

Our organizations were disappointed at the tone of the recommendations, which seemed focused on what should not be done instead of advising on how to move forward. Perhaps staff can provide a more thorough briefing on the current orders so that the panel can understand that the orders are being implemented with the understanding that much of the initial effort will be to collect information that helps to improve the program as it moves forward. In our comment letter at the outset of this process, we recommended that the panel be specifically tasked with making recommendations about the development of the Management Practice Effectiveness Program required under the Central Valley Program. That Program could be used to address many of the data gaps pointed out in this report.

Thank you for inviting us to participate in this process. We look forward to reviewing the final report.

Sincerely,



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