



December 2, 2016

Re: Agenda Item 11: "Irrigated Lands Program Update: Amended Monitoring and Reporting Requirements"

Dear Water Board Members and Staff:

Thank you for the opportunity to publicly comment on the August 2016 revisions to the MRPs. The Grower-Shipper Association represents over 170 growers, shippers, farm labor contractors, and supporting agribusinesses. Our members grow diverse field and nursery crops such as broccoli, strawberries, vegetable transplants, and wine grapes. If upheld, the August 2016 MRP revisions will have a lasting impact on the ability of farmers to grow safe, healthy produce on the Central Coast and support vibrant rural communities. **We ask the Board to direct the Executive Officer to recall or overwrite the August 22, 2016 MRPs and revert to the 2014 MRP requirements; we ask that any changes to the MRPs be addressed publicly through the 2017 Order.**

Expansion of Monitoring and Reporting Program (MRP) Requirements

We oppose the following expansions in the August 2016 MRPs:

- **Expansion of domestic groundwater monitoring program.** While we agree with the importance of protecting public health, we do not agree with memorializing the expansion of the Irrigated Lands Regulatory Program requirements from "all wells that are used or may be used for drinking water purposes" to "groundwater wells that are located within the property boundary of the enrolled county assessor parcel numbers (APNs)... For the purposes of this MRP, a well that is used or may be used for domestic use purposes is defined as any groundwater well that is connected to a residence, workshop, or place of business that may be used for human consumption, cooking, or sanitary purposes."

The latter definition prohibits any site-specific considerations that clearly differentiate a well used for drinking water purposes from any and all spigots that happen to be on the same APN as the enrolled ranch. The cost and public availability of this information goes far beyond protecting the health of potential users and fails to recognize safeguards that are already in place, such as onsite treatment, signage, and/or provision of alternate drinking water supplies. We maintain that a sampling requirement that is congruent with the boundaries of the irrigated farm/ranch acreage is most appropriate for an Irrigated Lands Regulatory Program. **We ask that the MRPs maintain the 2012 definitions of a drinking water well for groundwater monitoring.**

- We ask that the wording of the groundwater sampling requirement be revised to clarify that the requirement is for the **primary irrigation well per farm or ranch** and not per APN to reflect the variety of well and APN configurations throughout the Central Coast.
- We do not agree with the addition of neonicotinoids to the surface water sampling requirement. **We understand that this would set statewide precedent and do not believe that there have been transparent or sufficient findings to substantiate the increased cost and reporting burden.**

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- We are particularly concerned with the **cumulative increase in cost of the surface water cooperative monitoring program due to changes in the frequency and constituents being sampled.** We defer to our colleagues at Preservation, Inc. to articulate the impact of these changes on the cooperative surface water monitoring program. As price-takers competing with other states and countries, Central Coast agriculture has limited opportunities to pass these increases in cost on to buyers and consumers. **We are concerned with the precedent, relative benefit of the additional information, and the further impact on Central Coast agriculture’s economic viability.** We ask the Water Board and Staff to consult with the cooperative surface water monitoring program to match sampling frequency and constituents to need and benefit.

Procedural and Process Concerns

We have been extremely disappointed in the “public process” regarding the August 2016 MRP release. We believe that a more transparent process with open dialogue would have resulted in a better process and outcome.

During early, formative Board meetings, the Staff reports and presentations were falsely couched as “informational items” and did not convey the substantive changes being contemplated when, in fact, substantive Board discussion and changes in direction occurred only *after* the close of public comment.

In July, the Staff report for Agenda Item 6 included the following language: “The proposed 2017 ag order (version 3.0) will be largely unchanged from the current order in most aspects, but will have new compliance dates...” and “...without a large degree of change from current version.” This position was also conveyed in the Staff presentation. However, after public comment closed, Board discussion resulted in Staff interpreting this discussion as direction to make very substantive changes that emerged as the August 2016 MRPs. **The specifics of these MRP changes were never disclosed or afforded public review prior to the Board issuing direction in July.**

August 2016 MRPs Undermine Cooperative Approach

We strongly believe that industry-led engagement and cooperation is the best way to meaningfully improve water quality in the long term. We are concerned with the MRPs’ treatment of cooperative groundwater and surface water monitoring. Based on the changes to the MRPs, we are concerned that the increase in cost and requirements will make it difficult for cooperatives to create enough of an incentive for operations to choose cooperative participation over individual compliance. Concerns with the increase in cost and fragmentation of the agricultural community are amplified if a vines and wines WDR is pursued. **We ask that the Board carefully consider the implications that its decisions may have on the ability of cooperatives and coalitions to effectively provide leadership in implementing the Order and improving water quality.**

We believe we will move towards the goal of improved water quality much sooner if there is a positive working relationship between the Water Board and the agricultural community. Goodwill from both sides can be developed and maintained if regulatory requirements are carefully considered, have meaningful impact relative to the burden they impose, are fundamentally fair, and are developed in a transparent public process. We believe addressing the points listed above would be tremendously helpful in moving in that direction.

Sincerely,



Claire Wineman, President