

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 21-22, 2017

Prepared on August 28, 2017

ITEM NUMBER: 16

SUBJECT: Irrigated Lands Regulatory Program – Schedule for Development of the next Agricultural Order and Review of Public Scoping Meetings

STAFF CONTACT: Arwen Wyatt-Mair, 805/542-4695, Arwen.WyattMair@waterboards.ca.gov
Chris Rose, 805/542-4770, Chris.Rose@waterboards.ca.gov

KEY INFORMATION:

Location:	Region-Wide
Type of Discharge:	Irrigated lands discharges to surface waters and groundwater
Existing Orders:	Order No. R3-2017-0002

THIS ACTION: Informational

INTRODUCTION

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) approved Agricultural Order No. R3-2017-0002 (Ag Order 3.0) and associated Monitoring and Reporting Programs (MRPs) on March 8, 2017. Ag Order 3.0 was adopted for a period of three years and will expire on March 7, 2020. Additionally, at the time Ag Order 3.0 was adopted, the Board directed staff to develop the next Ag Order (Ag Order 4.0) as rapidly as reasonably possible, while acknowledging that significant water quality issues must be addressed within Ag Order 4.0. In meeting the Board's direction, sufficient time must be provided within the project schedule for the development of identified order components and extensive, associated stakeholder outreach. Ag Order 3.0 must either be renewed or replaced with Ag Order 4.0 prior to its expiration date.

In anticipation of the expiration of Ag Order 3.0, and to allow time for both 1) the development of a subsequent Order that complies with all relevant policies, including Nonpoint Source, Antidegradation, CEQA, California Water Code, and the Central Coast Basin Plan and 2) the implementation of a robust public input process, staff has begun planning and development efforts for Ag Order 4.0.

Two and a half years remain to develop Ag Order 4.0, and an extraordinary amount of staff work must be done to meet the deadline for a new order. Staff developing the new order have scheduled their work to meet the deadline, while including ample public outreach and opportunities for stakeholder comment. Staff also included many opportunities for Board

updates and direction in the schedule. This comprehensive process is balanced such that we can meet the time frame adopted by the Water Board and include participation by the Board and broaden the spectrum of engaged stakeholders. It is also important to note that staff communicates directly with growers every day regarding the issues associated with the current Ag Order 3.0 requirements, reporting, data, management practices, etc. This regular interaction influences and informs Water Board staff in real time on an ongoing basis.

To initiate the Ag Order 4.0 development process, staff hosted several public scoping outreach events in August 2017, referred to as listening sessions, where staff facilitated discussion of potential improvements to Ag Order 3.0's structure, content, and requirements. The listening sessions were attended by growers, technical assistance providers, environmental and environmental justice representatives, and other interested parties.

This staff report provides a summary of the timeline for development of Ag Order 4.0, including outreach events, draft orders, comment periods, and Board meetings and other interactions. Staff also provides a summary of the feedback received during the August 2017 listening sessions as part of this report.

DISCUSSION

Background: The first agricultural order, Ag Order 1.0, was adopted by the Central Coast Water Board on July 9, 2004, and expired on July 8, 2009. The renewal process for Ag Order 2.0 began in August 2008 and included five draft orders, six public comment periods, over 60 outreach events where staff hosted or presented information, and four renewals or extensions, until Ag Order 1.0 was ultimately replaced with Ag Order 2.0 on March 15, 2012. The renewal process proceeding adoption of Ag Order 2.0 took almost four years.

The renewal process leading to Ag Order 3.0 began in July 2016, ahead of the March 2017 expiration of Ag Order 2.0. The process included the release of two drafts, one public comment period, and over 15 outreach events, until Ag Order 2.0 was replaced by Ag Order 3.0 on March 8, 2017. Ag Order 3.0 was largely unchanged from Ag Order 2.0 in most respects, but included new compliance dates, an expansion of Total Nitrogen Applied reporting, and updates to the MRPs. The renewal process leading to Ag Order 3.0 took less than a year due to the pending expiration of 2.0 and drove the limited changes in the Ag Order 3.0.

The renewal process leading to Ag Order 4.0 will be much more comprehensive relative to the process for Ag Order 3.0. However, having learned from multiple experiences, staff is confident in our ability to deliver a comprehensive draft order to the Board by March 2020 with the current project schedule.

A complete copy of Ag Order 3.0 and the associated MRPs is available online at:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/index.shtml

Proposed Timeline: The proposed timeline for Ag Order 4.0 development and outreach is included in Attachment 1. The development process will include three main phases: 1) Initial Planning and Development, 2) Refinement, and 3) Finalization. There will be public outreach events throughout the process, including public scoping meetings in August 2017 (completed), CEQA scoping meetings in early 2018, the release of a draft order in summer 2018 with a public comment period and outreach events, the release of another draft order in summer 2019 with an additional public comment period, and the release of the final draft order prior to the adoption

hearing, which will be scheduled ahead of the March 7, 2020 expiration date. The proposed schedule also includes numerous opportunities for informational items at board meetings throughout the process.

Public Scoping Meeting/Listening Sessions: To encourage stakeholder engagement and provide staff the opportunity to hear input, staff held several public scoping listening sessions in August 2017. Spanish translation was available upon request at all in-person meetings. Table 1 includes a list of the outreach events conducted so far.

Meeting Date	Location	Attendees
August 3, 2017	Webcast	10 grower representatives and technical assistance providers
August 7, 2017	Salinas	40+ interested parties
August 10, 2017	Santa Maria	30+ interested parties
August 14, 2017	Webcast	7 environmental and environmental justice representatives
August 15, 2017	Watsonville	40+ interested parties
August 16, 2017	San Luis Obispo Farm Bureau	12 growers and farm bureau representatives

The listening sessions provided stakeholders an opportunity to discuss the existing Ag Order 3.0 and its associated monitoring and reporting requirements. Staff sought feedback regarding areas where improvements could potentially be made. The scope of the discussion topics included enrollment, tiers, surface receiving water monitoring, groundwater monitoring, third-party monitoring entities for both surface and groundwater monitoring efforts, total nitrogen applied reporting, individual discharge monitoring, irrigation and nutrient management plans and effectiveness reporting, water quality buffer plans, and a discussion soliciting any water quality issues not addressed by Ag Order 3.0.

The purpose of the listening sessions was to get input and feedback from stakeholders, not for the purpose of immediately responding to, or resolving, the issues raised. Staff will use the input and feedback to inform the development of Ag Order 4.0. Likewise, the purpose of this portion of the staff report and agenda item is simply to summarize the topics raised by stakeholders. A broad spectrum of topics and perspectives were expressed during the August outreach/listening sessions, including, as an example of breadth, the need for more requirements and more reporting of data to the need for less requirements and less reporting of data. Attachment 2 provides a brief summary of comments from the listening sessions. This summary is not meant to be exhaustive of every comment made, but provides the types of comments and the spectrum of perspectives.

CONCLUSION

Staff has initiated efforts to develop Ag Order 4.0 on schedule for March 2020. The proposed schedule includes time for staff to develop an order that is compliant with all relevant policies, provides substantial opportunities for stakeholder and board involvement, as well as time for staff to incorporate stakeholder comments and suggestions. Outreach has already begun with a series of public scoping meetings at which staff heard from a range of stakeholders and

interested parties. Staff looks forward to receiving additional feedback from Board members, interested parties, and the public during this discussion item and going forward in this process.

ATTACHMENTS

1. Ag Order 4.0 Development and Outreach Calendar
2. Summary of Ag Order 4.0 Public Scoping Meetings