

CEQA SCOPING MEETING  
 Irrigated Lands Regulatory Program  
 Ag Order 4.0  
 Santa Maria - March 27, 2018

	Possible Management Practices	Adverse Environmental Impacts associated with Management Practices?	<i>Level of Impact:</i> • No Impacts? • Less than Significant? • Potentially Significant?	Alternatives or mitigation?	Evidence? / Cost?
1	Denitrifying bioreactors	-taking ag land out of production -hydrogen sulfide,			
2	Planting cover crops	-increased nitrate infiltration			-what isn't taken up by the plant in a rainfall event will infiltrate, less surface runoff but greater infiltration -growers cannot efficiently plant during the winter, have to destroy cover crop before you can plant, if have wet winter you may not be able to get your plant down , difficult to implement with cool season vegetables -evidence case-by-case basis, experience -Richard Smith & Michael Cahn in cover crop studies (Monterey County) may just be a paragraph or two
3	Buffer zones				

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	Possible Management Practices	Adverse Environmental Impacts associated with Management Practices?	Level of Impact: <ul style="list-style-type: none"> <li>• No Impacts?</li> <li>• Less than Significant?</li> <li>• Potentially Significant?</li> </ul>	Alternatives or mitigation?	Evidence? / Cost?
4	Detention basin	-recharging high nutrient water potential effect to GW			
5	Changes in water management practices				
6					
7					
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16					

**Cumulative Impacts?**

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**Alternatives to the Ag Order. How would these alternatives reduce impacts?**

**Other general comments?**

**Advocate for agriculturally superior alternative..something that would be protective of agricultural resources, CEQA normally identifies environmentally superior alternatives...would be helpful to include alternatives to protect agriculture...**

**Checklist for development..CEQA questions are developed for people that are developing/converting land...this is not the best exercise bc it does not get to what is the outcome of the permit...does not get to the effect of regions ability to farm, economic aspects, etc... really assessing if it is going to convert land to development...not asking the appropriate questions for non point source regulation**

**CEQA checklist vs CEQA law....regional board could change checklist so it is more effective to impact of this regulation... CCR on CEQA includes 'thou shall analyze these things' questions come from association of env planners**

**Confirm/question flexibility of CEQA checklist \* (with regard to changing)**

**Benefits/reasons would want to change checklist: are we asking the right questions? Are we looking at the right EIR options/range of alternatives/range of impacts?**

**Programmatic EIR for SB looked at resource categories and clarification of resource impacts but did not include checklist b/c is not required, not development in the way more familiar with CEQA and where CEQA may be more applicable to (aka very specific land-use, development project) vs how it applies to a region-wide project**

**Ex: under public services roman numeral 8, pg 87 cant check an impact because of the way the questions are asked, ex2: under utilities & service systems; the more monitoring you are requiring the more you are going to have electricity, such as solar or a connection to pg&e, ex3 reduction of freshwater flows in terms of hydrology**

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**pg 79 ....section 8.10 hydrology and water quality there are no questions that asks whether this program will reduce the amount of freshwater flows, it would be appropriate to discuss b/c it is def going to be an unintended consequences of this order...under D, surface water runoff?**

**Way questions are asked under geology pg. 72 you address the issue of salinity under natural resources but not under soils, in a quasi-arid environment if you don't have appropriate leaching you can destroy your soil or structure....collapses soil structure and you increase infiltration with increasing salinity...increased concern...subsidence...not on checklist**

**Under 8.5 biological resources, E, does this conflict with any local policies or ordinances/ is possibility/probability will conflict with FSMA Food Safety Monitoring Act \*not a question on state or federal policies\* also cumulative impact, which is a mandatory finding of significant. Does project have probability to cause impacts on safety and stability, would be in violation of FSMA/ (pg.92)**

**Under 8.3.3 pg. 63 talk about "staff will provide list of possible funding..." gross revenue is too great to qualify for EQUIP or some of funding sources often listed...that caveat should be included that not all growers may qualify for these funding sources...should clarify that , many readers get false sense that growers have all this money, but many growers do not**

**On alternative is there a component where continuing education may come into play as an alternative, many educational seminars focusing on research, is there any way to incorporate to an alternative? Constantly as an avo industry about many new technologies focused on increasing production, but is there a component that could address Ag Order for ex, leaching of nutrients, sediment flow, etc? Ag Waiver optional voluntary everyone talking about education, the way it has evolved, believed that as a community we have taken great strides and would hate to lose strides of that momentum**

**Draft order could easily act has a barrier to technological development depending on how it is written...important bc ESJ got it completely wrong on nitrate and irrigation water, tried to do it right, has very strong potential that it will degrade, bc if it creates a disincentive to use high nitrate GW , very concerned about final wording**

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**Basically growers are penalized if they use high nitrate irrigation water, they are saying they should use that water as a treatment actually, but because of East San Joaquin order that growers will be outliers and be penalized if total application numbers are too high... What they may be doing is incentivizing water to go deeper and they could potentially contaminate drinking water ...says precedential statewide.... regional board may not have that much wiggle room when writing 4.0 \*\*\*\*Very concerned \*\*\*\* way doing calculations, growers will be considered outliers if they are using/applying high-nitrate irrigation water**

**Application of GW / well water, amount of nitrate in them....more concentrated nitrate more nitrate you have to add**

**Statewide precedential requirements, 20 plus?**

**Major concern is what is the value of CEQA when not applicable to non-point source?**

**What happens to CEQA when you write an order that has requirements that were not addressed during initial CEQA analysis?**

**Difficult b/c we don't know what project/program is and taking shots in the dark and making assumptions**

**How will this checklist be used in the EIR?**

**R3 has expedited CEQA process, how is that different to regular CEQA process? Thought applied to ag waiver permits, thought that during Ag order 2.0 staff may have said they have an expedited CEQA process**

**Understanding that CEQA process is different for regional board vs the process for maybe a county planning commissioner?**

Table 4.3 ...why regional board hasn't done more to try to vet/verify some of these stats... ex: nutrient practices, "95 growers..." kind of doubt that...TNA is also self-reporting but do a great job in verifying information, R3 doesn't do much to verify...presenting info as fact that hasn't been verified .. wish the regional board/staff would verify the accuracy of the

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information before it was public...some stats don't make sense .. if go down to pesticide one...enzymes, nothing commercially available, yet people reported it so they don't know what they are doing....there are no enzymes available to do what is claimed.... 98 growers say they don't do management practices...just don't believe that

Staff responded that the table states, "self-reported."

A lot of time spent to verify accuracy of TNA, but not spending time to verify accuracy of this reporting (in reference to Initial Study specifically Table 4.3)

4.4 interconnection between SW & GW...we should know that SWQ monitoring results are highly influenced by brackish waters, naturally brackish and poor quality to begin with...influence on SW would be few because water is naturally like that

Has WB ever been sued over CEQA?

**Why Project instead of Programmatic EIR?** Not sure that we agree with doing project EIR and not programmatic EIR. Ex: Land-use component...ex of advantages of programmatic EIR: CalRecycle seems to give you more options, good description , magnitude of implementation options, policy options, more detailed

As Kirk stated last week, Previous CEQA analysis included previous permits, did not just start at date of negotiations of that particular permit...ex Ag 2.0 spoke about Ag 1.0, so they weren't projects, they were more programmatic because they were looking beyond the permit...

Concerned about the baseline, establishing the baseline now...(as relates to issue of improvement)...establishing a baseline now basically says "everything you've done for improvement before this date is meaningless" especially for CEQA because you're starting the baseline as Fall 2017

CEQA attorney to establish a response to this may have court cases stating argument on baseline

Type of permit, could make the argument if conditional ag waiver with discrete 5 yr term than should be described as permit, where as WDR should be programmatic because does not finite term

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Programmatic v project, caseline that states importance of what is being analyzed, semantic itself of project v programmatic language is less importance than the scope. Incomplete when focusing on implementation of management practices rather than boarder implementations.....brings back the question of whether it should be programmatic EIR that considers the more broader implementation

Pg 8. "staff will aggregate data..." Are staff using data to analyze prior to baseline date?

GW Section reads pretty strong reference to installing monitoring wells...to what extent would this be an indication of direction?  
Concern about expenses of monitoring wells

Pg. 7 "there are many areas to be considered w/baseline conditions..." things not mentioned to be considered: invasive species, inappropriate beneficial use designations, crop patterns, climatic gradients, drought, flood, soil type

Pg. 76 Table 8-8, H "exposing people to..." (fire sect) ..in south coast, cant remember which fire, orchards have consistently been an important part of a defensible space...important mitigation of catastrophic events, or where events could have potentially gotten worse, has been important part of fire scape...fires around 2008...if changes in irrigation practices lead to a hire fuel load, if orchards are dryer due to irrigation..or if there aren't enough irrigated fuel breaks....if there are requirements related to vegetative corridors and that types of things, then they would not have the same beneficial fuel break properties that they have...people to talk to about that would be SB Farm Bureau..Paul VanLeer....fire crews will regularly use their reservoirs for fire suppression activities

Table 4.1 "where using prime farmland...important designations of land" little puzzled because have definitions of irrigated crops, but these designations have nothing to do with crops, but have everything to do with land

Tentatively agree with decision of significant impacts of ... agricultural resources.... CEQA reasonably re-locate , is it reasonably feasible to rotate crops? Would that lead to reduction of growth .. is it economically feasible to not grow some fo the crops that are growing? What are feasible mitigation measures? Could argue reason people growing high value crops is bc that is what economics require in lieu of urbanization....

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A lot of crops grown with consideration to Location closer to cooling infrastructure, growing infrastructure ex: rock quarry, encourage look at lens of ability to relocate these ag resources, esp with regard to crops need to be grown near essential infrastructure ...cessation of substitution of crops ....

Food Safety...also point of feasibility of mitigation measures..vegetative treatments with regard to Food Safety...include/look at FSMA which is different than when Ag order was first created

Would like to see a reasonable range or alternatives, be important because management measures, “cant mandate mitigation efforts as standards, but we are going to outline these mitigation efforts...” concerns about these being outlined

Properness of citing the SB guidelines, meant as local jurisdiction, taking beyond the context of local land-use ordinance and applying it region-wide ....don't necessarily agree with those being referenced in a regional manner... concern is it being an overstep...regulatory creep example...giving it credence and taking it out of context to apply it to a different situation as concern....way to address that could be ‘this is already regulated through other land-use regulations...’ ‘mitigation measures’ instead of re-creating mitigation efforts, referencing those that are already existing... local state federal ...whatever has that ... SB county is a little more strict than maybe other places in our region ... ex: biological is adequately protected by CA fish and wildlife ... ensuring somebody/other entity doesn't already have authority over aspect being addressed

Staff report produced for last week, basically said that improvement is irrelevant, the only thing that matters is meeting water quality standards. Find it interesting that presentation today 3/27 says main goal is to improve water quality when that is not what was said today. Have a lot of clients that spend a lot of time trying to make improvements and take it as their improvements are made in vain...

What is the point of compliance? The geographical? At what point? At what point are the supposed to comply?

Initial study: two options...\*\*\*quoting from pg 69 of CEQA I.S. (8.5.4 conclusion) .. understood as improvement is irrelevant

Have some clients that have spent hundreds of thousands of dollars since 2012 and WB basically saying that is not good enough

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Pg. 79 of initial study, “it is not uncommon to have instances...” footnotes cite Pesticide Action Network, not deemed credible reference as not applicable to project b/c not in Region 3...not applicable to baseline condition...issue with reliability of source, how old when the occurrences happened in the study? Probably occurred more than 15 years ago...

Pesticide Action Network not reliable as source, non-regulatory and non-peer-reviewed, similar to saying “I saw it on Facebook....”

DPR reliable source or County Ag Commissions

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