

**15 October 2021 BOARD MEETING
DISCUSSION AGENDA ITEM**

AGENDA ITEM: 10

SUBJECT:

Amendments to multiple ILRP Waste Discharge Requirements General Orders for Growers that are Members of a Third-party Group.

BOARD ACTION:

Consider adoption of Order to exempt managed wetlands from requirement to obtain ILRP coverage.

BACKGROUND:

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) will be considering an Amending Order to exempt exclusively managed wetlands from obtaining regulatory coverage in the Irrigated Lands Regulatory Program (ILRP) through Waste Discharge Requirements General Orders (General Order). The affected ILRP General Orders include the Sacramento River Watershed Area (R5-2014-0030-09), San Joaquin County and Delta Area (R5-2014-0029-06), Eastern San Joaquin Watershed Area (R5-2012-0116-10), Western San Joaquin River Watershed Area (R5-2014-0002-10), and Grassland Drainage Area (R5-2015-0095-06).

There are approximately 227,000 acres of managed wetlands in the Central Valley Region. Managed wetlands are defined as publicly or privately-owned wetlands that receive seasonal, semi-permanent, or permanent flooding to simulate natural processes that promote food production and habitat for the benefit of wetland-dependent species. Along with artificial flooding, other routine maintenance and management activities are typically required to maintain habitat, wildlife, and other ecological benefits. Activities and practices associated with managed wetlands differ significantly from irrigated agriculture. Managed wetlands generally have a minimal risk of impairing the quality of surface waters and groundwater.

The ILRP requirements are generally not pertinent to managed wetlands. The proposed changes in the above-named General Orders will allow the

exemption of exclusively managed wetlands from ILRP requirements. Voluntary enrollment in a third-party group and the General Orders will be allowed should it be desired. However, irrigated lands that combine commercial agriculture and managed wetlands operations on a rotating basis will be required to obtain ILRP coverage.

On 5 May 2021, staff released an administrative draft resolution for a 30-day public comment period. On 11 May, staff also provided an example of the proposed Order revisions. Eight comment letters were received. Of these, five letters were in support of the exemption. One letter supported the exemption and requested that the Board allow managed wetlands to be voluntarily enrolled in the ILRP. Staff added this option to the resolution. Another letter requested staff to clarify language in the Orders about coordinated agriculture and wetlands operations. Staff added language to clarify that irrigated lands that combine commercial agriculture and managed wetlands operations on a rotating basis are required to obtain ILRP coverage. Lastly, one letter requested a minor clarification that parcels managed for rice production are not managed wetlands, which staff added to the resolution.

On 20 August 2021, staff released an exemption resolution for a 30-day public comment period and notice of public hearing. Two comment letters were received, one from Sacramento Regional County Sanitation District (Regional San) and one from the California Department of Fish and Wildlife. Both letters support the proposed exemption. In addition, Regional San commended staff for clarifying that on some land parcels managed wetlands and agricultural operations occur in rotation and for allowing ILRP enrollment of exclusively managed wetlands where appropriate.

RECOMMENDATION:

Staff recommends adoption of Order to exempt exclusively managed wetlands from the requirement to obtain ILRP coverage.

REVIEWS:

Management Review:	SYM 9/21/21
Legal Review:	JMJ 9/23/21

BOARD MEETING LOCATION:

Internet Zoom Meeting