
From: Lloyd, Larry - Yuba City, CA [Larry.Lloyd@ca.nacdnet.net]
Sent: Monday, September 27, 2010 3:32 PM
To: ILRP Comments
Cc: Joe Karkoski; Adam Laputz; Bruce Houdesheldt; Steve Danna
Subject: BYSWQC Comment Letter on the Draft PEIR for the Central Valley ILRP
Attachments: ILRP Comments.pdf

Ms. Smith,

Attached are comments on the Draft PEIR for the Central Valley ILRP from the Butte/Yuba/Sutter Water Quality Coalition. We appreciate the opportunity to comment on the Draft PEIR.

Sincerely,

Larry Lloyd

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September 27, 2010

ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

Subject: Comments on the Draft Program Environmental Impact Report for the
Central Valley Irrigated Lands Regulatory Program

Dear Ms. Smith:

The Butte Yuba Sutter Water Quality Coalition (BYSWQC) supports comments prepared jointly by the Central Valley Water Quality Coalitions relative to the Draft Program Environmental Impact Report (DPEIR) for the Central Valley Irrigation Lands Regulatory Program, the Draft Staff Report and the Recommended Program Alternative (RPA).

The area of concerns relative to the DPEIR and the RPA are:

- A. The DPEIR Does Not Accurately Describe or Analyze the Proposed Project
- B. The Cumulative Impacts of the Preferred Alternative Are Not Accurately Analyzed
- C. Alternative 1 Does Not Accurately Represent the "No Project" Scenario; Continuation of the Existing ILRP Would Be a Project Subject to CEQA, Not the "No Project" Condition
- D. The DPEIR Misrepresents the Baseline Conditions, So the Entire Environmental Analysis Is Tainted
- E. The DPEIR Fails to Evaluate the Program's Reasonably Foreseeable Direct and Indirect Effects on the Environment
- F. The DPEIR Grossly Understates the Program's Potential Impacts on Land Use
- G. The DPEIR's Conclusions Regarding Global Warming Are Not Supported by Substantial Evidence
- H. The DPEIR Arbitrarily Imposes Measures That May Not Be Legally Imposed

In summary, the issues that should be addressed in the Staff Preferred Alternative are as follows:

1. Consistent with the recommendations contained in the Groundwater Quality Protection Strategy "Roadmap", the Regional Water Quality Control Board, Central Valley Region (Regional Board) should expand on partnerships opportunities that rely upon the appropriate local entities and state agencies involved in groundwater monitoring and protection (Department of Water Resources, Department of pesticide Regulation, Department of Public Health, etc.) to compile, analyze, and utilize existing groundwater data and protection programs, and identify gaps, prior to proceeding with the adoption, regulation, and enforcement upon potential dischargers of groundwater monitoring programs within the LT-ILRP. The appropriate local entities will vary throughout the Central Valley and may include the coalitions, local public agencies, and integrated regional water management planning agencies.

- a. Reasonable time frames (no less than three years) must be established to develop local programs through the LT-ILRP that address prioritized groundwater quality problems.
 - b. Sources of existing groundwater data should be fully utilized and include, but are not limited to: Groundwater Ambient Monitoring & Assessment Program (GAMA), Department of Pesticide Regulation (DPR), CV-SALTS, Department of Public Health, Department of Toxic Substances Control, and data compiled by local groundwater management agencies and the Integrated Regional Water Management Plan (IRWMP).
 - c. Targeted identification will allow for proper determinations and prioritization regarding necessary and appropriate actions to take to address groundwater quality problems at the local level.
 - d. Without such foundational steps, requirements within the LT-ILRP may be duplicative and conflict with other local and state programs managing groundwater.
2. Recognition within the program the exceedances of constituents of concern with significant natural and other non-ag sources, such as DO, pH and pathogens (fecal / coliform / *E. coli*), will not constitute significant monitoring and regulatory compliance burdens.
 3. Criteria used to designate Tier 1 and Tier 2 must be clarified and limited to scientific, quality-controlled data. Management Plan triggers, excluding natural and non-ag source DO, pH and pathogens, should serve as the basis for Tier 2 Surface Water designation. Tier 2 Groundwater designation should be initially limited to DPR groundwater management zones and areas where nitrates or other constituents are known to affect drinking water quality.

In conclusion, the BYSWQC appreciates the opportunity to comment on the DPEIR, RPA and associated documents. As indicated above, we have significant concerns with the DPEIR and the RPA. However, we continue to believe that Alternative 2 provides the necessary protection for water quality while allowing the BYSWQC the ability to assist growers and the Regional Board in developing reasonable programs for the protection of surface and groundwater in the BYSWQC Sub-Watershed. Further, unlike the RPA, Alternative 2 has been analyzed in the DPEIR and therefore is less vulnerable to CEQA challenge than the RPA. Thus, we encourage the Regional Board to consider the comments provided above and recommend Alternative 2 as the preferred alternative for Regional Board consideration.

Sincerely,



James Cornelius, P.E.
Water Resources Engineer
Coordinator BYSWQC
Sutter County Resource Conservation District

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