

**Smith, Megan**

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**From:** Brian Morris [brianmorris@countyofplumas.com]  
**Sent:** Monday, 27 September 2010 10:15  
**To:** ILRP Comments  
**Subject:** ILRP Comments Plumas County  
**Attachments:** ILRP DPEIR Plumas County Comments 20100927.pdf

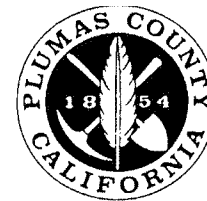
Please find attached a comment letter from the County of Plumas regarding the draft EIR for the Irrigated Lands Regulatory Program.

Thank you.

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# PLUMAS COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

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September 27, 2010

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

Dear Ms. Smith:

Thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Report for the Irrigated Lands Regulatory Program (ILRP).

The County of Plumas previously submitted comments dated April 13, 2010, noting the diversity of water quality conditions and problems across the Central Valley watershed and asking that the ILRP be implemented in a manner that is appropriate to the situation in each particular area and groundwater basin. We are pleased that Alternative 2 in the Draft EIR presents a tiered approach to the ILRP based on risk assessment and provides a framework that can be used to establish an effective program that makes the best use of both private and public funds to improve and protect water quality. We encourage the Regional Board to move forward with Alternative 2 as the basis for the long-term program.

To effectively address our general concerns and obtain the benefits of a tiered approach, elemental aspects of the program will need further consideration and definition, which seems to be acknowledged by both regional board members and staff:

- How exactly will the lines be drawn between the different risk-based tiers?
- Given the current state of the economy and the strained resources of both local and state agencies to provide assistance and coordination that would otherwise support the most effective program, what is the timeline for implementation and how will priorities be established?
- How can the ILRP benefit from synergies with programs of the Department of Water Resources, including IRWM and CASGEM?
- What are the equitable considerations and what are the consequences for maintaining the economic viability of agriculture in higher-elevation watershed areas where the economic returns are relatively "low value" and the agricultural practices are relatively low-impact and low-risk?

## **Tiered Approach**

The staff report accompanying the EIR includes Figure 23 on page 161 with an example of a prioritization scheme for requiring different levels of surface and groundwater monitoring based upon known or potential water quality problems. The lesser level of monitoring requirements is based upon an area having "no irrigated agriculture related water quality problems." Depending

upon how such a standard is interpreted, it could create a “zero tolerance” requirement that would eliminate any practical distinction offered by the multi-tiered approach.

Unless management plans have been required as a result of exceedances of water quality objectives (or water quality impairments caused by agricultural operations have resulted in 303(d) listings), Tier 1 should be the appropriate monitoring level. Beyond that, where water quality is not in a state where beneficial uses are impaired, trends in water quality should be analyzed in each specific situation to determine an appropriate response based on the likelihood that the trend will actually lead to degradation of beneficial uses.

### **Implementation Timeline**

A timeline for the long-term ILRP should consider prioritizing implementation actions by balancing the needs of public health and the environment against current economic conditions and the financial challenges currently faced by both private and public participants. It is understandable that where practices on irrigated lands are significantly impacting the quality of drinking water or habitats for sensitive species, the most immediate practicable implementation timeline would be desired. However, in apparently low-risk regions where significant water quality impairments have not been identified or where there is a paucity of reliable data, additional implementation time would allow collaboration with stakeholders that may still be on the periphery of the irrigated lands program, such as local environmental health agencies, municipally-focused groundwater management programs, and the groundwater programs of the Department of Water Resources.

Simply being able to budget costs over two years instead of three or over three years instead of five can enable local agencies to participate in collaborative programs from which they may otherwise have to refrain. And without the ongoing participation of those agencies, the ILRP program will lose data, expertise, and financial resources that would otherwise make the program more efficient and more effective in the long run. In the case of the County of Plumas, our workforce has been reduced from over 450 employees in 2005 to less than 370 today – a reduction of nearly 20 percent. While we look toward an economic recovery that is now projected for California in 2012, we would be much more optimistic about engaging in coordination and support with the irrigated lands program if we could look to working over a longer time period.

That is to say nothing of the burden the ILRP could place on private landowners during these difficult economic times. The EIR identifies some loss of agricultural resources as an unavoidable impact of the program. Given the current economy, the sooner the program is implemented the more likely it is that we will see greater failure or abandonment of agricultural operations. To the extent those losses result in loss of open space and habitat and in conversion to uses that have other water quality impacts, an irrigated lands program that induces conversion seems to be at cross-purposes with the stated program goals.

### **Coordination with Department of Water Resources Programs**

Another consideration in establishing an implementation timeline should be the opportunity to coordinate with ongoing developments in the Integrated Regional Water Management program (IRWM) and the California Statewide Groundwater Elevation Monitoring program (CASGEM).

CASGEM establishes new requirements for local agencies to implement comprehensive groundwater elevation monitoring programs against the threat of losing eligibility for all water-related financial assistance from the State. In the Upper Feather region we are in the process of surveying local agencies to determine existing groundwater monitoring practices for both water elevations and water quality. Our next steps will be to determine lead agencies in each of our groundwater basins, identify data gaps, and implement a comprehensive groundwater monitoring and management program. To the extent this regional program can help efficiently address ILRP needs (even if it is to only verify that there are no water quality issues), it could reduce the financial burden on agricultural landowners and increase the prospects for continued economic viability.

The Prop. 50 phase of the IRWM program was initiated around the same time as the initial push of the ILRP. In the Feather River region, we ended up with two groups of interests working on parallel tracks when both should have been working hand in hand. Fortunately, in Sierra Valley, our largest groundwater basin, the local groundwater management agency had the foresight to include an inventory and capping project for old and abandoned wells as part of a Prop. 50 grant we obtained. That kind of opportunity is exactly the type upon which the ILRP should capitalize.

With the Prop. 84 phase of the IRWM program now underway, the ag waiver coalition in our region has become a member of the regional water management group. We are working together to incorporate ILRP needs into our regional planning process and to extend previous successful efforts to use available funds to advance BMPs on irrigated lands.

However, for the ILRP to gain the full benefits that may be achieved through working with regional water management groups, including efficiencies of coordinated planning and monitoring activities, the stately pace of the IRWM program must be considered. Prop. 50, which was approved by the voters in 2002, has only recently begun to see money put to work on the ground. For Prop. 84, which was approved in 2006, the earliest that even planning funds will be available will be well into 2011.

Timelines for achieving ILRP benchmarks that do not consider the status of these other ongoing processes will force agriculture to fend for itself when opportunities for coordination, assistance, and efficiency are coming over the horizon.

### **High-Elevation Watersheds**

A final important consideration is the special combination of factors that define conditions in the high-elevation watersheds like those of the Upper Feather River region, where most of the irrigated lands are found between 3,500 and 5,000 feet in elevation.

The relatively low-value-per-acre agricultural activities identified in the EIR's economic analysis are the predominant uses of irrigated lands in the Upper Feather River region. To the extent program fees are applied on a per-acre basis, the relative economic burden on agricultural operations is only increased for the people in our region.

On the other hand, the upper watersheds have the benefit of generally good water quality – both for surface water and groundwater. As part of the information item presented to the Regional Board on September 22, there was one presentation focused on Environmental Justice that included three maps of the Central Valley watershed: one showed wells exceeding the nitrate MCL; one showed wells exceeding 50% of the nitrate MCL; and one showed wells with pesticide contamination. Not one of those maps reflected a single well in the Upper Feather River watershed, including Plumas, Sierra, and Lassen Counties. This general picture is confirmed by the Plumas County Division of Environmental Health, which monitors water quality in public water supply wells and sees no such wells with nitrate levels that exceed or even come close to the MCL.

Where existing water quality data does not indicate any significant problems related to irrigated lands, and where acreage-based program fees already impose disproportionate burdens, it does not seem reasonable or equitable to require extensive monitoring programs in order to “prove a negative.”

### **Conclusion**

Thank you again for the opportunity to comment further on the development of the ILRP and for advancing the framework of a tiered approach to implementation. We look forward to seeing the details of the next steps of the program and to engaging in the stakeholder and CEQA processes that will accompany them.

Sincerely,

A handwritten signature in black ink that reads "Brian L. Morris". The signature is written in a cursive style with a large initial "B".

Brian L. Morris  
General Manager