

From: Charlotte Mitchell [cmitchell.scfb@msn.com]
Sent: Monday, September 27, 2010 2:32 PM
To: ILRP Comments; cmitchell.scfb@msn.com
Subject: ILRP Comments
Attachments: Comments_to_DPEIR_for_Central_Valley_ILRP[1].doc

Importance: High

Find attached comments on the Irrigated Lands Program.

Charlotte Mitchell, Executive Director Sacramento County Farm Bureau 8970 Elk Grove Blvd. Elk Grove, CA 95624 916-685-6958 phone 916-685-7125 fax www.sacfarmbureau.org



SACRAMENTO COUNTY FARM BUREAU

8970 Elk Grove Boulevard • Elk Grove, California 95624-1946

(916) 685-6958 • Fax (916) 685-7125

September 24, 2010

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 Sacramento County Farm Bureau (Farm Bureau) is providing the following comments on the Draft Program Environmental Impact Report for the Central Valley Irrigated Lands Regulatory Program (DPEIR).

The most significant concern we have is the unnecessary expansion of a current program that places a financial burden on our members who farm and ranch in Sacramento County. The business of producing food for the region, State and nation has become increasingly costly due to the layers of regulatory programs placed upon an industry that cannot pass these costs onto its customers. Farming and ranching is unique in that capacity and should be protected against any unnecessary, costly regulatory programs. The Regional Board estimates in the DPEIR the costs to administer the program will range from approximately \$4 million to \$66 million depending on the Alternative selected. Up to 97% of these costs would be funded by agriculture through acreage fees assessed by the Regional Board. The *Economic Analysis* estimates it would cost a grower \$5,000 in low impact areas, in addition to costs for water quality testing. This is simply unacceptable. This is concerning as the water quality monitoring performed is also a public benefit. The proposed Long Term Irrigated Lands Program must utilize existing monitoring programs. **Our family farmers and ranchers are unable to absorb anymore regulatory costs!**

In addition, the current Irrigated Lands Regulatory Program (ILRP) has shown very few water quality problems caused by agriculture and therefore does not constitute the need for a major expansion to this current program.

To Represent and Promote Agriculture in Sacramento County

The following comments are specific to the DPEIR.

1. Alternative 1 does not accurately represent the “No Project” scenario; Continuation of the existing ILRP would be a project subject to CEQA.

The DPEIR states that Alternative 1 constitutes the “No Project” Alternative, which the DPEIR defines as ‘full implementation of the present program.’ This description of Alternative 1 is misleading. In actuality, the DPEIR does not include a true “No Project” Alternative that represents what would happen if the Regional Board took no action. The “No Project” Alternative is a mandatory component of an EIR. The purpose of this CEQA requirement is “to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” (California CEQA Guidelines.)

2. The DPEIR does not adequately evaluate the Program’s direct and indirect effects on the environment.

The DPEIR acknowledges, under the alternative analyzed, the higher cost of irrigation would result in less water being used and some land going out of production. What the DPEIR fails to analyze is the impact of less irrigation water returning to streams and diminished groundwater recharge. The process of irrigation has many benefits; including the recharging of groundwater basins. Numerous entities rely on that recharged groundwater to meet their water supply needs, including urban agencies, private domestic users, industry and agriculture. Irrigation water in many cases recharges area streams providing positive environmental benefits. In a specific situation, a nearby creek receives the benefit of irrigation water from corn, this creek would normally dry up in the summer time but with return irrigation water it runs year-round providing habitat for a variety of species.

In addition, the DPEIR does not fully address the impacts it would cause by increase irrigation costs and therefore loss of actively farmed land on the Sacramento County General Plan and the South Sacramento Habitat Conservation Plan. Both of these plans rely upon actively farmed land to achieve their goals and objectives. The DPEIR does not discuss how these plans would be affected.

The DPEIR also does not analyze any conflicts with the County’s land use plans, regulations, or zoning ordinances.

3. The DPEIR makes the assumption that all irrigated agriculture creates a discharge of waste is inappropriate.

To presume that irrigated agriculture discharges water that is toxic waste is inaccurate and has no evidentiary support. This inaccurate assumption then places the entire burden to the farmer or rancher to disprove that they have created a discharge of waste. The Staff Report makes a broad assumption that all irrigated agriculture creates a discharge of waste, subjecting operations. This clearly provides that at farmer or rancher is guilty and must then prove his or hers innocents to the quality of water discharged. This is unacceptable. The Staff Report goes on to acknowledge that some of these operations *do not* create a discharge of waste. This appears to be inconsistent.

4. Tier Classifications are concerning.

The Tier 1 and Tier 2 approach needs revision. All operators of irrigated agriculture land should be identified as Tier 1 unless quality data indicates otherwise. Again, the proposed language assumes that all irrigated agriculture creates waste discharge. This is faulty and is an unsupported acquisition. It would appear then the Regional Board would need to asses all individual agricultural operations to determine if each operation would either become a Tier 1 or Tier 2. This approach is infeasible. The Regional Board should revise the Tier 1 and Tier 2 classifications to clearly indicate the designation of water bodies between Tier 1 and Tier 2 must be limited based on the use of scientific, quality controlled data. Tier 2 groundwater designations should be initially limited to DPR groundwater management zones and areas where nitrates or other constituents are known to effect drinking water quality. It should also be recognized that in some areas of the County all water quality standards are met except for bacteria. It is very difficult to show that these exceedances are caused by irrigated agricultural operations. In many cases this is caused by nature; something that agriculture cannot control nor should they be held accountable for.

5. Periodic Review of Approved Management Plans

The Recommended Program Alternative requires review of the management plans to occur every two or five years, depending on the type of management plan, by third party groups and other interested parties. While we concur that a periodic review is necessary, we disagree that 'other interested parties' should be involved in that review process. The Regional Board represents the public interest and therefore it would be unnecessary and not legally subject to allow for the general public to review such documents.

Sacramento County Farm Bureau is concerned about the proposed Long Term Irrigated Lands Program and has outlined some of the challenges it presents to our family farmers and ranchers. We support the technical and legal comments submitted on behalf of the Sacramento Valley Water Coalition, several agricultural organizations and other water quality coalitions, by Teresa Dunham, Esq.

Again, we thank you for the opportunity to submit comments. However, we strongly encourage you to review the comments and suggestions that we have provided as well as the California Farm Bureau and the Sacramento Valley Water Quality Coalition. Agriculture is the backbone of our State and nation. We must protect it from further regulatory erosion. While we agree that water quality is important not only to our farm and ranch families but for urban users as well, agriculture cannot absorb anymore regulatory costs before they are put out of business.

Sincerely,

Charlotte Mitchell

Charlotte Mitchell,
Executive Director