From: Bruce Houdesheldt [bruceh@norcalwater.org]
Sent: Monday, September 27, 2010 2:53 PM
To: ILRP Comments
Cc: Joe Karkoski; Adam Laputz
Subject: SVWQC Comment Letter on PEIR, Program, Economic Analysis
Attachments: SVWQC Comment Letter on PEIR, Program, Economic Analysis.docx

Ms. Smith,

Attached are the comments of the Sacramento Valley Water Quality Coalition. We appreciate the opportunities afforded us during the development of the Long Term Irrigated Lands Regulatory Program, both during the stakeholder process that developed the range of alternatives, and afterwards.

These comments along with the comments submitted by Tess Dunham of Somach Simmons and Dunn, and several of the subwatersheds which comprise the 1.2 million irrigated acres, and nearly 8600 growers, ranchers, and managers of irrigated lands, reflect the scope of our views on the sufficiency of the legal, technical, and economic analysis of the programmatic alternatives.

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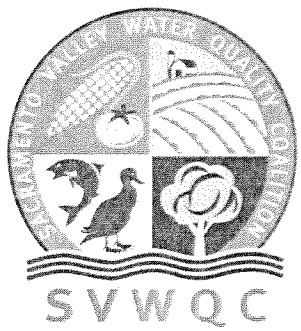


September 24, 2010

ILRP Comments
Ms. Megan Smith
630 K Street
Sacramento, California 95814

RE: ***Comments on Long Term Irrigated Lands Regulatory Program Programmatic Environmental Impact Report (PEIR), Recommended Program Alternative (Program), and Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economic Analysis)***

Dear Ms Smith:

On behalf of the 8000 plus members of the Sacramento Valley Water Quality Coalition (SVWQC) with over 1.2 million acres of irrigated lands enrolled in the Coalition Conditional Waiver of Waste Discharge, the following comments, questions and suggestions are made on the *Programmatic Environmental Impact Report (PEIR), Recommended Program Alternative (Program), and Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economic Analysis)* released on July 28, 2010. Let me start by expressing the SVWQC's appreciation for the opportunity provided by the Regional Board to participate in the year-long stakeholder process. This allowed for discussion of important water quality issues, interpretation of policies (e.g. Tributary Rule, anti-degradation), presentation of data and modeling on key constituents of concern and to develop the range of alternatives. The SVWQC and many of its subwatersheds leaders participated actively in that process.

This type of process allowed Regional Board staff and stakeholders the opportunity to dialog in depth on important elements of the current program, benefiting not only staff, and the regulated community, but the ultimate decision makers, the Regional Board.

At first glance the Regional Board staff appears to have crafted a document that recommends ***Best-Performing Program Elements*** (Page 136-142) which are responsive to comments and concerns made by the agricultural and water quality coalition stakeholders during both the year long stakeholder process as well as during review of the two iterations of the straw proposals earlier this year. An opportunity we also appreciate the Regional Board staff under your direction undertaking.

Elements recommended by staff and highlighted as follows, are responsive to the flexibility SVWQC believes is important in the current program and any future iteration:

> **Implementation Mechanism (Page 138)** - *Recommendation: A series of area-, geographically based, or commodity-based implementation mechanisms with prioritized requirements. Implementation mechanisms could include waivers in low-priority areas* (emphasis added) *and general WDRs in high-priority areas. Individual WDRS could be developed and implemented as an enforcement tool.*
>
> **Lead Entity (Page 138) -** *Recommendation: Third-party structure established in Alternative 1 and 2 (Coalition model) with additional structure and third-party transparency requirements.* The SVWQC already meets many of the transparency requirements.
>
> **Program Organization (Page 139)** – *Recommendation: Establish geographically based tiering system to reduce costs to low threat areas.*
>
> **Water Quality Management Plans (Page 140) - Recommendation**: *Regional water quality plans similar to those described in Alternatives 1 and 2 with additional requirements to (1) ensure the plans are designed to implement BPTC (best practicable treatment and control) to minimize degradation and address exceedances of water quality objectives, and (2) develop individual water quality management plans where regional plans have been ineffective (emphasis added).*

However, the ***Recommended Long-Term Irrigated Lands Regulatory Program (Program)*** paints in some cases an entirely different, confusing and/ or conflicting picture of compliance, leaves our members with the feeling that the regulatory proposal lacks flexibility we were lead to believe, and will cost growers exponentially more. For example, staff has recommended Tier 1 and Tier 2 areas, with Tier 1 being low threat areas. However, at the bottom of Page 151 is the following

"Examples of high-priority areas for surface water would be those under SQMPs (Surface water Quality Management Plans) in the current ILRP (where irrigated agricultural operations are a source of the water quality concern). Area priority may be re-classified by the Central Valley Water Board based on review of new information collected during program implementation (see feedback loop in Figure 22)."

This leaves the impression that everyone starts in Tier 2 and with justification can move to Tier 1. In the SVWQC we have 54 management plans that are related to E. coli, Dissolved Oxygen and/or pH. As part of our Management Plan approved in 2009, we are in the process of source identification, management practice surveys, and if agriculture is the source, establishing goals and a schedule implementation of additional management practices to address the exceedances. However with significant sources of DO and pH from non-irrigated lands, the SVWQC members could implement management practices on every acre of irrigated ground in the Sacramento Valley and the exceedances of water quality objectives

would continue, either as a result of natural causes, or flow, or both. Given the State Water Resources Control Board's recent adoption of a Delta Flow Report that threatens to dewater the farms and habitat of the Sacramento Valley and leave Shasta and Oroville Reservoirs at dead pool levels for longer periods of the year and more frequent years, the challenges of meeting these water quality objectives only increases.

There needs to be clearer prioritization. Perhaps if AWEP/EQIP, Prop 84/50 or other sources of funding are in place or about to granted to address the Management Plan issues, these areas would be viewed as having an "action plan" to improve water quality and categorized as Tier 1.

The following comments augment comments submitted on behalf of the Sacramento Valley Water Quality Coalition, several agricultural organizations and other water quality coalitions, by Teresa Dunham, Esq., are organized by the specific document (PEIR, Staff Report, Economic Analysis, etc.) and include recommended changes where appropriate.

I. Draft Programmatic Environmental Impact Report (DPEIR)

General Comment: The DPEIR does not analysis the Recommended Program Alternative (Program). The PEIR analyzes five proposed alternatives. Staff has combined elements of many of these alternatives to develop a sixth alternative, which staff is now recommending for approval. As the recommended alternative, the staff-developed alternative has become the proposed project. However, the Draft PEIR does not analyze this project at all.

Section 5.6 Climate Change: The DPEIR provides a narrative of the greenhouse gas inventories and impacts related to operation of well pumps, but do not take into account any carbon sequestration as an offset to air quality or climate change impacts from crop production.

II. Staff Report and Recommended Program Alternative (Program)

Surface and groundwater quality is vital to success of irrigated agriculture. Sacramento Valley growers are active stewards of this vital resource, as the number of acres in management practices, active participation of the Resource Conservation Districts, Farm Bureaus, and Agricultural Commissioners in our area, and the water quality results indicate.

The Recommended Program Alternative (Program) for the Long Term Irrigated Lands Regulatory Program represents a significant expansion of the programmatic requirements on family farmers, placing increased cost burdens on Sacramento Valley agriculture that are disproportional to the water quality monitoring results we have recorded for the last five years and stewardship practices exhibited by our growers to protect water quality.

A. **All Areas Classified As Tier 2 (High Impact)** – (Page 151) Despite assurances to the contrary our reading of sections like this in the Program

> "Examples of high-priority areas for surface water would be those under SQMPs in the current ILRP (where irrigated agricultural operations are a source of the water quality concern). Area priority may be re-classified by the Central Valley Water Board based on review of new information collected during program implementation (see feedback loop in Figure 22)."

Lead us to believe that irrigated agriculture would be classified as a Tier 2 (high threat) area if it is required to have a Management Plan under the current Irrigated Lands Program. Surface Water Quality Management Plans are required when 2 or more exceedances occur at a specific monitoring in a three year period. Currently the SVWQC has 54 Management Plan requirements related to DO and pH, and E. coli and seven related to pesticides.

In these instances irrigated agriculture could implement management practices on every acre and there would still be violations of DO and pH because of inputs from natural causes.

Figure 23. Long – Term ILRP Prioritization Scheme Example – (*Page 161)* This exposes the fact that very few if any areas will be Tier 1. In the portion of the diagram marked "Area A" it refers to exceedances without distinguishing if these are irrigated agricultural related exceedances, which trigger management plan requirements, as it does in the "Area B" diagram. It simply says "Surface Water Objectives exceeded" and "trending degradation of surface water attributable to ". Under this scenario an E. coli exceedance in surface water that has been determined to come from a wastewater treatment plant or non-irrigated agricultural sources would still fall under Tier 2.

Recommendations: There needs to be some better prioritization of constituents of concern.

It is requested that the language be eliminated that automatically places an area in Tier 2 if you have a Surface Water Quality Management Plans for E. coli, DO and pH in the Sacramento Valley. Additionally if AWEP/EQIP, Prop 84/50 funding is in place or about to granted, an area would be viewed as having an "action plan" to address the water quality exceedance and be classified as Tier 1 (low impact).

Figure 23 needs to refer to exceedances that are associated with irrigated agriculture, not as it does now "surface water quality exceedances. . ."

B. **Prioritization of Surface Water Quality Issues and Groundwater Quality Issues** (Pages 159- 160) The relationship between the prioritization of water quality issues and the *Priority Factors* (Pages 150-151) is unclear. Specifically if you have a management practice in place that is protective of water quality do you become a Tier 1 area?

> *Which water bodies are considered priority*?— streams tributary to water bodies in the Basin Plan with aquatic life uses based on the "tributary rule", tributary streams with identified municipal or domestic drinking water intakes; water bodies

Comment: Again aquatic life beneficial use includes DO, pH, and temperature as constituents of concern. Irrigated agriculture's ability to address this issue is limited. Also the tributary rule may potentially expand the number of water bodies beyond what should be a priority. Legacy OC Pesticides are a constituent of concern for human consumption beneficial use. Since existing background levels of Legacy OC Pesticides exist in the sediment almost 40 years after it was banned, detections and exceedances of water quality objectives will exist without a contribution from irrigated agriculture.

Recommendation: Eliminate or lower the priority of DO, pH, temperature and Legacy OC Pesticides as criteria for establishing a waterbody as a priority.

C. **Priority Groundwater Quality Issues** (Page 160)

Comment: The Regional Board has developed two important policies protective of groundwater quality. The first is its "Groundwater Quality Protection Strategy: A Roadmap for the Central Valley Region" and secondly, the alternatives for the Long-Term Irrigated Lands Regulatory Program (ILRP). The SVWQC are very committed to protecting and improving groundwater quality. To be clear, most landowners who irrigate their lands use groundwater in some manner and therefore have a vested interest in either maintaining or improving the quality of groundwater in their area. With this in mind, the SVWQC believes the following approach will help the Regional Board more effectively utilize its authorities to protect groundwater while providing a sound approach for farmers, ranchers and wetlands managers to address groundwater quality.

As the Department of Water Resources (DWR) Bulletin 118 (2003 Update) states about the Sacramento Valley Hydrological Region:

> "Groundwater quality in the Sacramento River Hydrologic Region is generally excellent. However, there are areas with local groundwater problems. Natural water quality impairments occur at the north end of the Sacramento Valley in the Redding subbasin, and along the margins of the valley and around the Sutter Buttes, where Cretaceousage marine sedimentary rocks containing brackish to saline water are near the surface. Water from the older underlying sediments mixes with the fresh water in the younger alluvial aquifer and degrades the quality.
>
> Wells constructed in these areas typically have high TDS. Other local natural impairments are moderate levels of hydrogen sulfide in groundwater in the volcanic and geothermal areas in the western portion of the region. In the Sierra foothills, there is potential for encountering uranium and radon-bearing rock or sulfide mineral deposits containing heavy metals. Human-induced impairments are generally associated with individual septic system (emphasis added) development in shallow unconfined portions of aquifers or in fractured hard rock areas where insufficient soil depths are available to properly leach effluent before it reaches the local groundwater supply.
>
> From 1994 through 2000, 1,356 public supply water wells were sampled in 51 of the 88 basins and subbasins in the Sacramento River HR. Samples analyzed indicate that 1,282 wells, or 95 percent, met the state primary MCLs for drinking water. Seventy-four wells, or 5 percent, have constituents that exceed one or more MCL. Figure 34 shows the percentages of each contaminant group that exceeded MCLs in the 74 wells."

The following chart from DWR's Bulletin 118 illustrates the groundwater quality issues in the Sacramento Valley.

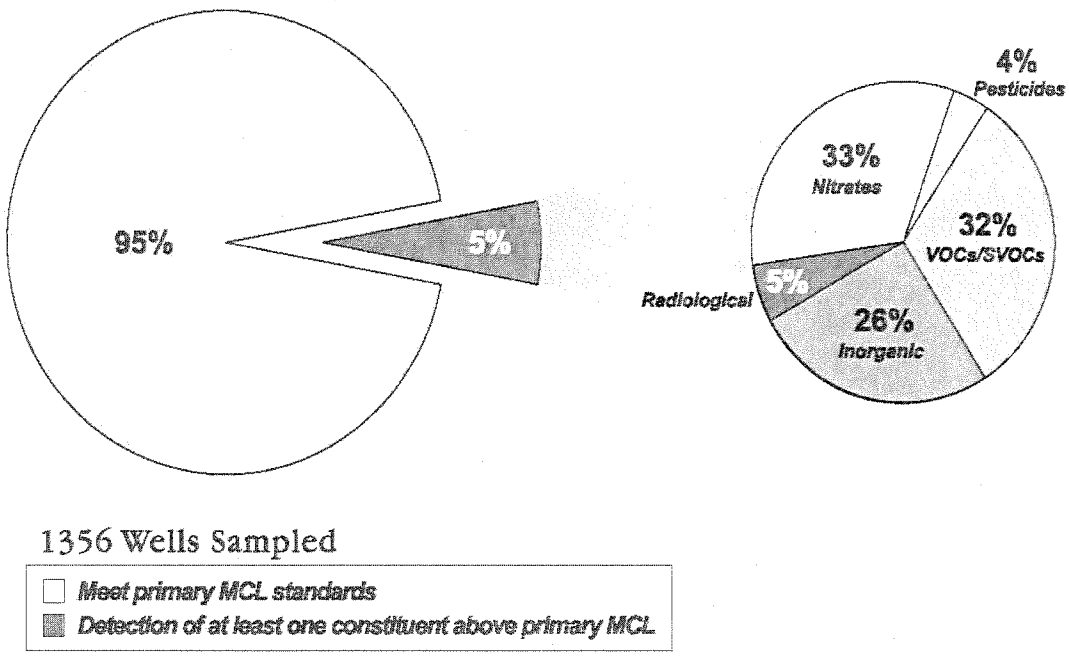


Figure 34 MCL exceedances in public supply wells in the Sacramento River Hydrologic Regior

Recommendations: The Regional Board has important authorities to protect groundwater quality. The Central Valley is a vast region and a strategic approach to groundwater quality will be important for these various programs to be effective and to assure that both the Regional Board and the Coalitions are utilizing their resources effectively to protect groundwater quality. To help carry out this authority, we urge the Regional Board to pursue the following:

1. As a foundation to the ILRP, compile, analyze, and utilize existing groundwater data prior to proceeding with the adoption, regulation, and enforcement of groundwater monitoring programs within the ILRP.

- Sources of existing data that should be fully utilized include: GAMA, Department of Pesticide Regulation, CV-SALTS, Department of Public Health, and Department of Toxic Substances Control data.

- Once all sources of data are analyzed collectively, gaps in groundwater data will be identified. Such targeted identification will allow for proper determinations regarding necessary and appropriate actions to take to address groundwater monitoring.

2. Provide a report to the Board that describes the groundwater data and helps prioritize the areas in the Central Valley that have groundwater quality issues. The report, to the extent possible, should demarcate agricultural-related from urban and natural issues.

3. Work with the SWRCB to extend a comprehensive monitoring program established in Water Code §10781 until 2024 as called for in Water Code §10782(a) (1).

D. Compliance time schedule—*5 to 10 years.* For watershed areas with multiple water body/pollutant issues to address, schedule may be staggered between 5 and 10 years, but cannot exceed 10 years.

Comment: When constituents of concern originate in nature, every management practice ag could do would not result in compliance. The Methylmercury TMDL has a longer compliance timeline.

Recommend: Eliminate compliance deadlines for DO, pH, temperature and Legacy OC Pesticides.

E. Appendix D - Surface and Ground Water Quality Management Plans

Comment: The submittal requirements in Appendix D appear to expand present requirements for management plans and add cost. Specifically ***Footnote 74,*** "The intent of data verification is to provide confidence that the information being reported is accurate. This may include field visits to a subset of growers reporting their data or other methods to confirm data validity."

Recommendations:

1. A general caveat should be included in the language on each of the Elements 4-9, which states "If irrigated agriculture is identified as the predominant source . . ." then, 4. identify practices to address constituents of concern, 5. evaluate management practice effectiveness, 6. describe outreach to growers, 7. track management practice implementation, 8. monitoring plan to track changes in water quality, and 9. Describe schedule and milestones. In some instances, despite best efforts to identify monitoring sites that are representative of irrigated agriculture, inputs from other non-point sources contribute to the exceedances.

2. Element 3 makes reference to ensuring that "all" growers are implementing practices to achieve BPTC for the parameter of concern. It might not be necessary to have "all" growers to implement practices to achieve WQOs. Recommend eliminating "all" and reference to BPTC.
3. Element 5 refers to "field studies" as an acceptable approach. Want to ensure this is not "the preferred" approach but one of a menu of approaches.
4. Footnote 74 refers to "field visits" as a method of data verification to give the Regional Board "confidence the information being reported is accurate." Again, in the SVWQC region it may only take broader implementation of management practices to improve water quality. The Regional Board might be able to improve their confidence level by compiling information available about AWEP/EQIP, Prop 50 and 84 grant funding, etc., to get a broad sense of what of management practices being implemented. It wouldn't provide specific locations, but would broaden the publics' understanding that agriculture is stewards of water quality.
5. Element 8 of the Groundwater Quality Management Plan requirements have cost implications. To track changes in water quality – which in groundwater's case may be decades before changes are realized—"The monitoring plan may need to include other sites or a different depth to groundwater (e.g. monitoring first encountered groundwater versus supply wells (emphasis added) or the frequency of sample collection. . ." Maintain regional monitoring unless there is a significant change in agricultural practices.
6. Lastly, Element 9, goals and schedules need to be reasonable. Management practices are slowly adopted and in some cases highly dependent on funding.

F. Three distinctly different timelines for developing a Groundwater Quality Management Plan

Page 152 2nd Paragraph under Tier 1 - Tier 1 it appears you have 5 years to "describe the area's existing water quality management objectives in a report to the Central Valley Water Board. Management Practices tracking, every 5 years would be the method by which the Central Valley Water Board would evaluate, in general, whether operations are continuing to meeting existing management objectives."
Low priority areas (Tier 1) described using factors on Page 150-151.

Page 154 ***High Priority Groundwater*** This section of the Program states there would be 18 months from adoption of WDR, which is 12 months after Water Board certifies Final PEIR. It is unclear, if and how the three (3) year phase-in (Page 143) would impact this timeline. See Footnote 59 which further confuses what the timeline is for submitting GWQ Management Plans where AB 3030 and SB 1938 programs exist.

Page 157 3rd Paragraph- Priority Undetermined - in the 3rd paragraph it states, "Areas with insufficient information to determine prioritization would be required to complete assessment monitoring or studies with 5 years of long term program adoption."

G. Public involvement in the Tiering decision of an area makes the process potentially political versus technical.

Page 151, last paragraph

"Third-party groups and the Central Valley Water Board would identify low and high-priority areas in the development of watershed/area/commodity–specific implementation mechanisms during the 3-year transition period. The Central Valley Water Board intends to use existing information in this prioritization. However, there will be the flexibility for third-party groups and other interested parties to provide additional information during the process."

See *Footnote 57* "During this process, there would be opportunity for public input.

H. Tier 1 Regulatory Requirements are contradictory

Comment: On *Page 152* Tier 1 requirements are described similar to the Pilot Management Practices in the SVWQC *Monitoring and Reporting Program Order R5-2009-0875*

> Under this tier, the Central Valley Water Board considers the existing level of management objectives as BPTC, and protective of surface and groundwater quality. Third-party groups are required to describe the area's existing water quality management objectives in a report to the Central Valley Water Board. Management practices tracking, every 5 years, would be the method by which the Central Valley Water Board would evaluate, in general, whether operations are continuing to meet existing management objectives.

On *Page 157* under Monitoring it states

> ***Surface Water***
> Monitoring would consist of tracking of management practices and watershed based assessment monitoring 1 year every 5 years (similar to the assessment monitoring required under the current ILRP). Monitoring and tracking results would be submitted in a report every 5 years to the Central Valley Water Board. Additional monitoring may be required where assessment monitoring identifies a water quality concern.

Recommendation: Do not require assessment monitoring every 5 years unless there is significant increase or change in the agricultural practices. In subwatersheds with little acreage or few members monitoring, even every 5 years is expensive.

I. **Other interested parties** (*Page 154, Paragraph 2 and 3*) –

Comment: Language here appears to open the door for negotiations on SQMP and GQMP to other parties – undefined. The SVWQC Management Plan (February 2009) and Monitoring and Reporting Program Order (December 2009) were approved by the Executive Officer and didn't not require Regional Board action or multi-party negotiations. This language also appears on Page 155, Paragraphs 1 and 2.

Recommendation: Delete reference to "other interested parties"

J. **Compliance Timelines of 5-10 years are problematic** - especially for groundwater quality and especially when constituents are legacy pesticides or the source of the constituent of concern is from non-irrigated agricultural sources.

K. **Ultimate Goal - Individual Farm Water Quality Management Plans** (*Page 155, Paragraph 3*) The Program states on the failure to meet water quality objectives will require Individual Farm Water Quality Management Plans (FWQMP) when water quality objectives are not met within approved time schedule for implementation or irrigated agriculture is not implementing requirements of Surface or Ground Water Quality Management Plans. As defined in Alternative 3 and summarized on Page 1-2 of the ***Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economic Analysis)*** Individual FWQMP "regardless of whether water quality problems have been identified.

L. **Fees** (*Page 160*) – "Fees charged will be dependent on the amount of State funding allocated through legislative appropriation and the State Water Board's analysis of the level of staff effort required to implement the program. The Central Valley Water Board will recommend that the fee structure reflect the differing levels of effort for the different tiers and oversight of irrigated agricultural operations as individuals versus as part of a third-party group."

Not sure how this works, but can understand how growers are tying the SWRCB action on the Ag Waiver Fee increase in the Governor's budget with the CVRWQCB Recommended Alternative.

M. **Point of Discharge** - First encounter of ground water is defined as groundwater that needs to be protected even though there are areas where first encountered ground water is not and has never been usable water for drinking or agriculture use.

The assumption that the act of irrigating a crop is considered a discharger to groundwater that causes the degradation of groundwater is not provable or plausible in many areas of the State. Many areas throughout the state are irrigated and do not discharge to groundwater.

Recommendation: Eliminate this as point of compliance. Use existing water quality data to determine if discharge is impacting surface or groundwater quality.

III. Economic Analysis

As the *Economic Analysis* states on Page 1-3, ". . . a change in the underlying assumptions . . . could substantially alter the study results." There are numerous instances in the document where is incorrect or based on faulty assumptions. As just one example, information provided on "Enrolled and Total Acres. . ." Table 2-3 on Page 2-4 and Table 2-4, "Enrolled and Total Growers", which are used to determine fees in Alternatives 1-5, bear no relation to reality. For instance, Table 2-3 shows enrolled acreage of 173,438 in Butte Yuba Sutter watershed. It does not appear all acreage or crops are included in this figure, since the SVWQC reported 220,000 and 206,000 enrolled acres in 2009 and 2010. In some cases there are more enrolled growers in a watershed than estimated growers (Upper Feather Upper Yuba, Delta Mendota).

Tables 2-3 and 2-4 are just two examples of where is it difficult to determine how the results in the Economic Analysis were arrived at, leaving us to ask the question teachers for years have preached "Show your work."

Comment: The Recommended Program Alternative has not been analysis as part of the economic analysis.

Recommendation: An independent review of the Economic Analysis should be conducted.

Comment: The Central Valley Production Model (CVPM) not appropriate for Foothill areas The model is applied to too large an area.

Chapter 1 - Analytical Objectives and Approach

1.2 Key Study Assumptions (Page 1-3, Paragraphs 2 and 3)

"As discussed further in Chapter 3, the model assumes that growers will react to increased costs and other compliance requirements by adjusting crop production as needed to maximize net income and stay in business. Results from the Central Valley were extrapolated to affected areas in the foothills and upper watersheds.

"It is likely; however, that growers will find or develop less expensive ways to modify their production practices, and therefore direct impacts on their revenues and production would be less than those estimated in Chapter 3."

Comment: This seems to be a generalized statement that doesn't take into account Associated start up costs (seed, field preparation) in order to modify. Orchards for instance would not have the flexibility presumed here.

Forward linked effects understated "Because Regional economic analysis results presented in Chapter 4 do not include forward linked effects, total regional impacts are understated."

Comment: Regional Board should provide estimate of understated impacts, as this makes validity of results otherwise suspect.

Page 1-4, Paragraph 2

"Results of the farm income analysis in Chapter 3 indicated that other crops would not be as affected as those linked to the livestock sector, so the forward-linked effects would also be smaller. Nevertheless, the exclusion of these additional forward-linked effects understates the total regional economic impacts of the Program alternatives".

Comment: We disagree that forward-linked effects of other crops would be smaller. Wine grapes for example have significant forward-linked effects. As the text points out forward-linked effects are understated. Several examples of forward-linked effects that could be included are agrotourism, food processing (e.g. tomato processing), and retail sales of wine from local vineyards.

Chapter 2 - Compliance and Management Practice Costs

2.2.1.3 Acreage and Grower Data (Page 2-3)

"The Central Valley Water Board provided information on the number of enrolled growers by watershed (Table 2-4). Enrolled growers are those currently enrolled in the Board's program and are derived from the management plan acreage. Estimated growers are based on the total acreage in the ECR watersheds. Enrolled growers were used to determine fees in Alternative 1. The estimated growers were used to estimate fees for Alternatives 2–5."

Comment: As mentioned previously this information is significantly flawed and the Regional Board should correct the information and recalculate impacts.

2.3.1 When and Where Water Quality Management Practices Are Applied (Page 2-6)

"Water quality management practices are applied when there are documented COCs (Figure 2-1, Table 2-5). The practices applied for pesticides were based on the constituent's use by crop type (Footprint 2010; PAN 2010)."

Comment: The Regional Board should use objective sources of information. The use of the Pesticide Action Network (PAN) as source is inappropriate when objective sources exist.

2.3.2 Water Quality Management Practice Cost Calculations (Page 2-14)

"In the watersheds without COCs the only practices considered are nutrient management and water management, but only if there are acres that are vulnerable to leaching."

Comment: Why is nutrient management practices considered in areas without constituents of concern? These are costs to growers and producers that bear no relationship to need.

2.4.1.1 Monitoring Costs (Page 2-17)

"The alternatives have two types of sampling: basic, which covers nitrate and electrical conductivity, and comprehensive, which covers other constituents such as organic compounds and native elements such as boron or selenium. Sampling location and frequency depend on the alternative."

Comment: Are these sampling types reflective of the Monitoring and Reporting Program Order requirements on Coalitions? If not, this understates costs.

Table 2-10. Surface and Groundwater Monitoring Cost Breakdown for Use in All Alternatives

Comment: The frequency of sampling in this table significantly understates costs. In much of the Sacramento Valley Water Quality Coalition area, we sample 8-12 times a year for field parameters and constituents of concern.

Table 2-11. Estimated Cost per Acre for Current Program (Page 2-20)

DRAFT Estimated Current Annual Cost for Compliance Actions Average $/acre
State Board Ag Waiver **Fees $0.15**

Comment: The current fee is $0.12/acre

"Surface water or groundwater characterization is necessary to meet the Tier 1 requirements under Alternative 4. Using the Natural Resource Conservation Service (NRCS) time estimates (NRCS 2010), it was assumed that each review would result in a one-time cost of $2,500 (Table 2-13) for evaluation **plus testing for water quality.** These costs are applied on a per-grower basis. Therefore, a grower who needed to conduct a site-specific evaluation of both surface water and groundwater would be required to spend $5,000 in addition to costs for water quality testing."

Comment: This example of how the Recommended Program Alternative could have a disproportional impact on small farming operations and low value crops. These costs are per grower regardless of size of property. Why would additional testing be required if a grower has an approved farm water quality management plan?

2.5 Water Quality Management Practices and Other Compliance Costs, by Alternative

Tables 2-19 thru 2- 22 under report actual costs

Comment: The Regional Board estimates in the PEIR that their costs to administer the program will range from approximately $4,000,000 to $66,000,000 depending on the alternative selected. Upwards of 97% of these costs would be funded by agriculture thru acreage fees assessed by the Regional Board. But these costs are footnotes to the tables and not factored into Total Compliance Costs.

Comment: In Tables 2-18 thru 2-22 are costs annual or one time. Our estimate is the cost of compliance is $13,000 per landowner, but not sure if that is a one time or annual cost.

Table 2-19. Costs by Hydrologic Basin for Alternative 2 – Third-Party Lead Entity (Page 2-25)

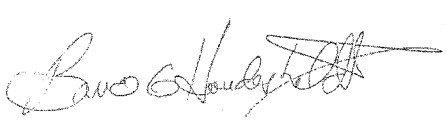
Comment: Growers fees increase to $548,227, what is this based on?
How was Groundwater Reporting to Third Party of $1,080,996 determined?

Table 2-20. Costs by Hydrologic Basin for Alternative 3 – Individual Farm Water Quality Management Plans (Page 2-25)

Comment: Why is there $11,874,774 Monitoring Cost for this Alternative?

We look forward to your response to the SVWQC's comments.

Sincerely,



Bruce Houdesheldt
Director, Regulatory Affairs
Northern California Water Association/Sacramento Valley Water Quality Coalition

Cc: Pamela Creedon Joe Karkoski Adam Laputz