

## **Meeting Summary**

### **Organizational Meeting Long-term Irrigated Lands Regulatory Program Stakeholder Advisory Workgroup**

**MEETING DATE:** October 9, 2008

**LOCATION:** Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

**ATTENDEES:** See Attachment A

#### **Action Items**

1. Mr. Laputz will send the response to comments from the CEQA scoping meetings to meeting participants and the listserv so stakeholders are aware of staff comments and what is being considered.
2. Staff will develop a side by side schedule of the policy side of the EIR along with the regulatory side (e.g., EIR and waiver/WDRs development schedule).

#### **Welcome and Introductions**

Joe Karkoski, Central Valley Regional Water Quality Control Board (Water Board) Program Chief for the Irrigated Lands Regulatory Program (ILRP) welcomed all participants. Mr. Karkoski explained that the purpose of the meeting was to inform stakeholders about the next steps for the ILRP and to gather input from stakeholders on how to develop a better long-term program using their knowledge and experience. This will be done over the next few months through a stakeholder advisory workgroup (Workgroup).

Dave Ceppos, California State University Sacramento, Center for Collaborative Policy (CCP) reviewed the agenda and explained the role of CCP in facilitating the stakeholder process for the ILRP.

A question was asked about why the Workgroup approach was chosen to gather input from stakeholders. Adam Laputz, ILRP Project Manager, explained that during the California Environmental Quality Act (CEQA) Scoping meetings in Spring 2008, many members of the public stressed to Water Board staff that involvement in the process of developing the program early on was a key concern. The process of developing a Workgroup to meet during the next six to seven months was deemed the best way to gather this input.

## **Project Background, Proposed Approach and Workgroup Goals**

Mr. Laputz reviewed the background, definitions and schedule for the long-term program, which is set to be completed by December 2010. He noted that the Workgroup would help define the project description for CEQA analysis and will similarly help develop alternatives to be considered as a part of the CEQA Environmental Impact Report (EIR). The Workgroup can also help develop measures to evaluate the alternatives proposed, which need to meet current law.

Some participants felt the goal of the Workgroup was still not clear. There was also discussion about whether groundwater would be included in the long-term program. One stakeholder also commented that it was surprising that ICF-Jones and Stokes (ICF), the Water Board's contractor to prepare the EIR was not present and they should be present at all future Workgroup meetings.

Mr. Karkoski explained that there is a traditional way of doing business where staff make recommendations and stakeholders react and respond to those recommendations, particularly through a CEQA process. However, in other jurisdictions, it has proven helpful to develop the recommendations together with stakeholders up front rather than after the fact. The Workgroup process also reflects the approach that most members of the public from the scoping meetings said they wanted – to be involved early and to help develop the alternatives together with staff. This is above and beyond the traditional scoping process and also reflects the Board view of collaboration as a goal for developing the ILRP.

Several Stakeholders stated various levels of support (ranging from cautious to enthusiastic) for the formation of, and their participation in a Workgroup. However, most expressed similar desires that the Water Board provide assurances that ideas developed by the Workgroup will be seriously considered in the long-term program. In this way stakeholders want to have influence in the development of the long-term program. Several stakeholders are generally reluctant to expend their time and resources to a process that will be ignored by the Board.

Mr. Ceppos then asked the group how they felt about moving forward with a Workgroup process to develop the long-term program. Most members were cautiously optimistic about the option, but wanted more detail from the Board about how the process would be set up, who would be on the Workgroup, and what assurances the Board would give to take into consideration the outcome of the group (as described above). Several stakeholders believe that the timeline is too short and that including groundwater will significantly slow the project down. There is a general concern that the potentially large number of Workgroup participants will make it difficult to have meaningful discussions during meetings. However, in response to a query by Mr. Ceppos, a significant majority of stakeholders are unwilling to identify and coordinate with a single spokesperson that can represent multiple groups with similar interests. Most stakeholders want to be at the table and did not support the idea of electing interest group representatives.

## *Lunch Break*

After lunch Mr. Ceppos reported on discussions between Board staff / leadership and CCP regarding potential next steps and revisions to the Workgroup approach. He described a set of recommendations he provided to Staff including the following:

CCP should prepare a DRAFT Workgroup Charter that includes:

- Detailed project description,
- Assurances that stakeholder ideas will be considered,
- Staff – Executive Management communication plan,
- Participant list, and
- Proposed Workgroup rules and interaction / decision-making procedures.

Mr. Ceppos also proposed that Workgroup meetings have designated participants and that the process be open to all public input but that the “seated” participants be principally involved in making recommendations to the Board. Further, he recommended that the Workgroup work under a “consensus-seeking” approach wherein they try to reach consensus on recommendations but that they not be bound by consensus if they identify an un-resolvable set of perspectives. He advised that while a “consensus-based” approach generally leads to more durable and sustainable results, the timeframe of the project and likely size of the group (based on the Stakeholder’s previous discussion) will not support a true consensus process in the time available. Lastly, regarding the relationship between Workgroup participants and general public attendance at the meetings, he advised that an operating rule should be that all public comments are welcome. However, the Workgroup should generally not revisit previous agreements / recommendations.

Ms. Pamela Creedon, Water Board Executive Officer (who was not able to attend the morning discussion) thanked the stakeholders for their participation and encouraged them to be involved in a collaborative process to develop the long-term program. She explained that Mr. Karkoski gives her regular updates and will keep her and the Board informed of the progress of the Workgroup as it moves forward developing alternatives.

She also explained that the Board prioritized issues so that surface water would be considered first as a part of the long-term program, but that alternatives for addressing groundwater issues will also be considered in the development of the long-term program. She hopes that this Workgroup will be able to help discuss the issues associated with setting up a groundwater management program in the future. Ms. Creedon described that due to non-negotiable regulatory constraints (expiration of the current ILRP in June 2011); the project timeline is firm to develop the long-term program. The work of the Workgroup will need to be completed within a year.

A question was asked about State Water Board Resolution 88-63 (88-63) and the problems with how it is applied. Ms. Creedon responded that permits (waivers/WDRs) are not used to re-designate beneficial uses identified in the Basin Plan, so it is not

applicable in this process. Resolution 88-63 assigns municipal beneficial use to all groundwater basins not specifically de-designated by Water Board Basin Plans. One stakeholder felt that the municipal designation is overly protective because many of the groundwater basins with municipal designation are not being used as municipal source water. The stakeholder asked if the long-term program could address these concerns. Mr. Karkoski indicated that designation and de-designation of beneficial uses can only be done by amending the Basin Plan. The long-term program will not include a Basin Plan amendment.

Although there was still some concern about the development of a groundwater management program and how that might be done, the focus of the rest of the meeting was to try and determine the best way to move forward with the irrigated lands regulatory program alternatives.

In an attempt to better clarify which stakeholders want to participate in the Workgroup, Mr. Ceppos asked meeting participants to consider and then describe the following:

- 1) who they represented,
- 2) what the interests of their group were,
- 3) what the rationale for being on the workgroup was, and
- 4) if they were able to commit to the process heavily for 6-7 months and ideally for 12 months.

The following is a summary of individual comments related to the questions proposed by Mr. Ceppos.

Dan Hinrichs, El Dorado Agricultural Water Quality Corporation

Interests: Agriculture growers that want to be involved / heard.

Rationale: Regulated under the current program.

Commit? Yes.

Nasser Dean, Western Plant Health Association (WPHA)

Interests: Crop and fertilizer interests as well as technical and scientific expertise with water quality.

Rationale: WPHA can provide scientists and other technical help in the development of the long-term program.

Commit: Yes.

Bob Blakely, California Citrus Mutual

Interests: Agriculture. Citrus growers with interests and concerns relating to regulatory burden.

Rationale: Many acres of citrus are already regulated by the Department of Pesticide Regulation's (DPR) groundwater protection program. Citrus Mutual wants to help prevent duplication of Regional Water Board/DPR regulations in the long-term program.

Commit? Yes.

Mike Wackman, San Joaquin County and Delta Water Quality Coalition

Interests: Agriculture. Delta interests and implementation issues.

Rationale: Coalitions are implementing the current program and can provide valuable insight.

Commit? Yes.

Joe McGahan, Westside San Joaquin River Water Quality Coalition

Interests: Agriculture. Represents wetlands and agricultural land as well as refuge management.

Rationale: Coalitions are implementing the current program and can provide valuable insight.

Commit? Yes. Dave Cory will likely be the main representative.

Parry Klassen, East San Joaquin Water Quality Coalition

Interests: Agriculture. Growers are interested in regulations that affect them. They want to continue their stewardship program, education, and best management practices work.

Rationale: Coalitions are implementing the current program and can provide valuable insight.

Commit? Yes.

Danny Merkley, California Farm Bureau Federation

Interests: Agriculture. Statewide group formed to protect the economy of farmers. Legislators look to them for information and advice.

Rationale: The Farm Bureau Federation represents farmers regulated under the irrigated lands regulatory program and works to maintain economic viability and protect resources for farming. Farmers need representation in the development of the long-term program.

Commit? Yes.

Anna Ravenwoode, Big Valley Rancheria

Interests: Preserving Clear Lake water quality for Native American Tribe run farm. The tribe wants to ensure their land remains free of pesticide runoff from nearby agricultural activities. They also have data that can be used in the development of the long-term program.

Rationale: The Big Valley Rancheria and Clear Lake receive waste from Central Valley irrigated agriculture. Big Valley Rancheria needs representation in the development of the long-term program.

Commit? Yes.

Debbie Liebersbach, Turlock Irrigation District

Interests: Delivering irrigation water for agricultural use. They provide surface and groundwater to constituents and are regulated under the current program.

Rationale: Regulated under the current program. Irrigation districts need representation in the development of the long-term program.

Commit? Maybe.

Mike Niemi, Modesto Irrigation District

Interests: Delivering irrigation water for agricultural use. similar to the Turlock Irrigation District and could potentially combine to have representation on the Workgroup.

Rationale: Regulated under the current program. Irrigation districts need representation in the development of the long-term program.

Commit? Maybe.

Claus Suverkropp, Sacramento Valley Water Quality Coalition

Interests: Agriculture. The Sacramento Valley Water Quality Coalition has a number of concerns within the Board's jurisdiction and wants to help guide the development of the long-term program. They also have the largest number of people regulated under the current ILRP.

Rationale: Coalitions are implementing the current program and can provide valuable insight.

Commit? Yes, speaking for Tina Lunt.

Paul Forsberg, California Department of Fish and Game (DFG)

Interests: Manage and protect California's public resources (wetlands, parks). They represent wildlife habitat and the public who uses the resources. They are also a discharger in the current ILRP, a manager, and a regulatory agency.

Rationale: DFG managed wetlands are regulated under the current program.

Commit? Yes.

Greg Yarris, California Waterfowl Association

Interests: Wetlands. 2/3 of the wetlands in CA are privately owned so they hope to have representation of the private side of wetlands in the long-term program, not just public.

Rationale: California Waterfowl Association represents wetland owners regulated under the current program.

Commit? Yes.

Jennifer Clary, Clean Water Action

Interests: Environmental, protecting water quality. They have been involved in the Bay Delta Public Advisory Committee, (BDPAC) the main public advisory body for CALFED. They want to reduce exposure for the subsistence fishing industry and represent communities impacted by agriculture.

Rationale: Clean Water Action represents environmental interests in the Central Valley. These interests include protecting water quality from the impacts of agricultural waste discharges.

Commit? Yes.

Susana De Anda, Community Water Center

Interests: Environmental Justice. They represent communities that rely on groundwater and want it protected in a sustainable way. They also want to work with agriculture.

Rationale: Agriculture impacts rural community drinking water wells. These rural communities need to be represented in the development of the long-term program.

Commit? Yes, speaking for Laurel Firestone.

Martha Guzman Acevas, Farm workers and rural communities.

Interests: Environmental Justice. They represent farmworkers' voice that needs to be represented. They want to help ensure that evaluation measures are tied to the needs of the communities.

Rationale: Agricultural waste discharges impact farm workers and rural communities. Farm workers and rural communities need to be represented in the development of the long-term program.

Commit? Yes.

Roberta Firoved, California Rice Commission

Interests: Agriculture. They are statutory growers and handlers and many are family farms that have been in the family for generations. They are also very experienced with regulatory issues.

Rationale: The California Rice Commission is implementing the current program and can provide valuable insight.

Commit: Yes.

Bill Thomas, Southern San Joaquin Valley Water Quality Coalition

Interests: Agriculture. They represent more irrigated acres regulated in current ILRP than any other coalition and are experienced and involved in the current program. Their coalition is unique, because it encompasses the largest groundwater banking programs. They also encompass the area of environmental justice representatives (present) and have two municipal canals as well as fishery programs.

Rationale: Coalitions are implementing the current program and can provide valuable insight.

Commit: Yes.

Nick Gatti, Kern County Water Agency

Interests: Agriculture. They represent growers in the current ILRP.

Rationale: Kern County Water Agency represents the regulated community.

Commit: Yes.

Marshall Lee, California Department of Pesticide Regulation

Interests: Regulatory Agency for Pesticide Use.

Rationale: DPR is the lead agency for regulating pesticide use in California and already has a groundwater protection program in place. DPR coordination

is necessary for the development of a long-term program without regulatory duplication. DPR can also provide valuable insight on pesticide use and fate in the environment.

Commit: Yes.

Henry Hamanishi, J.R. Simplot Company

Interests: Agriculture. They are a private fertilizer company on the wholesale and retail side of business.

Rationale: J.R. Simplot Company manufactures fertilizers for agricultural use. Fertilizer manufacturers need representation in the development of the long-term program.

Commit: Yes.

Paul Martin, Western United Dairymen

Interests: Dairymen in California. They are involved with the regulations and can represent this important group. They also see opportunities for efficiencies between the dairy and irrigated lands programs.

Rationale: The Regional Water Board's Dairy Waste Discharge Requirements allow for monitoring coordination between the dairy and irrigated lands programs. Western United Dairymen is interested in exploring options for monitoring program coordination.

Commit: Yes.

Chris Valadez, California Grape and Tree Fruit League

Interests: Agriculture.

Rationale: Grape and tree fruit growers need representation in the development of the long-term program.

Commit: Yes.

Robert Parris, United States Fish and Wildlife Service (USFWS)

Interests: Wildlife and resource protection. They represent refuges, habitat and recreation areas.

Rationale: USFWS manages wetlands that are regulated under the current program. USFWS needs representation in the development of the long-term program.

Commit: Yes.

Tom Cannon, Wildlands Inc.

Interests: Agriculture, mitigation banking.

Rationale: Wildlands Inc. represents landowners with a total 20,000 acres of irrigated lands. These landowners need representation in the development of the long-term program.

Commit: Yes.

Jennifer Hadra, California Urban Water Agencies

Interests: Providing good quality drinking water. They represent drinking water agencies and want safe water. They were involved in developing the current ILRP.

Rationale: Drinking water agencies have the responsibility to provide high quality drinking water to the public. Waste discharges from irrigated agriculture can impact water supplies. For this reason, water agencies need to be represented in the development of the long-term program.

Commit: Yes.

Tom Stephens, Merced Irrigation District

Interests: Delivering irrigation water for agricultural use. They have concerns about the cost of the process and the effectiveness of program.

Rationale: Regulated under the current program. Irrigation districts need representation in the development of the long-term program.

Commit: Yes.

Kevin King, Oakdale Irrigation District

Interests: Delivering irrigation water for agricultural use. They weren't aware of groundwater being considered and want to ensure they are at the table. They are a senior water rights holder and want surface water resources protected. They also want flexibility and options and expect the irrigation districts to be represented as the Coalitions are similarly represented.

Rationale: Regulated under the current program. Irrigation districts need representation in the development of the long-term program.

Commit: Yes.

Camron King, California Association of Winegrape Growers

Interests: Agriculture.

Rationale: Most of California-grown wine grapes are grown in the Central Valley. Wine grape growers need representation in the development of the long-term program. Also, the California Association of Winegrape Growers has been developing management practices for protecting water quality and can share this expertise with the group.

Commit: Yes.

Justin Oldfield, California Cattlemen's Association

Interests: Agriculture, grazing. They represent ranchers and irrigated rangeland and are directly impacted by the ILRP. They have concerns that this program will make it harder to do business.

Rationale: Irrigated grazing lands in the Central Valley are regulated under the irrigated lands program. Cattlemen need representation in the development of the long-term program.

Commit: Yes.

Orvil McKinnis, Westlands Stormwater Coalition

Interests: Agriculture. They are a large group of growers and are not represented by other groups. They have concerns about groundwater being introduced into the EIR late in the process.

Rationale: Coalitions are implementing the current program and can provide valuable insight.

Commit: Yes.

**Next Steps**

Mr. Karkoski noted that they will follow up with CCP and make recommendations to the group. At the very least, a convening document as proposed by CCP will be produced for review by the Workgroup explaining sideboards, a communication protocol and timeframe among other things. Staff will also get information out in advance and will set up the next meeting.

Ms. Creedon stated that protecting water quality is the regulatory goal of the EIR. Sustainability of water and agriculture is also critical. She was glad to see all the stakeholders at the meeting, including the commodity groups.

**Attachment A: October 9, 2008 Long-term ILRP Meeting Attendees**

Ren Fairbanks	Agricultural Reserves Inc.
Anna Ravenwoode	Big Valley Rancheria
Karen Buhr	California Association of Resource Conservation Districts
Camron King	California Association of Winegrape Growers
Justin Oldfield	California Cattlemen's Association
Bob Blakely	California Citrus Mutual
Barbara Todd	California Department of Food and Agriculture
Danny Merkley	California Farm Bureau Federation
Kari Fisher	California Farm Bureau Federation
Christopher Valadez	California Grape and Tree Fruit League
Roberta Firoved	California Rice Commission
Martha Guzman Acevas	California Rural Legal Assistance Foundation
Jennifer Hadra	California Urban Water Agencies
Greg Yarris	California Waterfowl Association
Taro Echiburu	City of Elk Grove
Jennifer Clary	Clean Water Action
Susana De Anda	Community Water Center
Chad Dibble	Department of Fish and Game
Paul Forsberg	Department of Fish and Game
Rachel McNeal	Department of Fish and Game
Marshall Lee	Department of Pesticide Regulation
Nan Singhasemanon	Department of Pesticide Regulation
Parry Klassen	East San Joaquin Water Quality Coalition
Dan Hinrichs	El Dorado Subwatershed Group
Henry Hamanishi	J.R. Simplot Company
Lauren Bauer	Kern County Water Agency
Lloyd Fryer	Kern County Water Agency
Nick Gatti	Kern County Water Agency
Claus Suverkropp	Larry Walker Associates
Tom Stephens	Merced Irrigated District
Melissa Turner	Michael L. Johnson, LLC
Mike Niemi	Modesto Irrigation District
Kevin King	Oakdale Irrigation District
Tess Dunham	Pyrethroid Workgroup
Ben Letton	Regional Water Board
David Sholes	Regional Water Board
Rick Landon	Sacramento Valley Agricultural Commissioners
Mike Wackman	San Joaquin County and Delta Water Quality Coalition
Bill Thomas	South San Joaquin Water Quality Coalition

Debbie Liebersbach	Turlock Irrigation District
Will Stringfellow	University of the Pacific
Dale Garrison	US Fish and Wildlife Service
Kim Forrest	US Fish and Wildlife Service
RW Parris	US Fish and Wildlife Service
Nasser Dean	Western Plant Health Association
Paul Martin	Western United Dairymen
Orvil McKinnis	Westlands Water District
Chase Hurley	Westside Coalition
Joe McGahan	Westside Coalition
Tom Cannon	Wildlands Inc.
Sebasatian Braum	Yara North America, Inc