

## Long-Term Irrigated Lands Regulatory Program Alternatives

### Comments:

#### 1. Goals and Objectives

- a) Page 2, Line 5; Add footnote to irrigation districts to show that this only applies to Water districts that receive tail water or discharges from irrigated agriculture.
- b) Page 2, Line 7; Change “restore and maintain” to restore *and/or* maintain.
- c) Page 2, Lines 14 & 15; Use “achieve” in both places to have consistent language.
- d) Page 2, Line 18; “incentives” is not defined. I assume this means a financial penalty for the grower as opposed to low interest loans or grants to implement programs or practices. Another incentive would be a reduction in monitoring requirements.

#### 2. CEQA Requirements (as an aside)

- a) Page 3, Line 5; The term “feasible” appears to be a quote from the State CEQA guideline. You may or may not want to replace this with “reasonable” in the program goals.

#### 3. General Comments

- a) All of the alternatives some how tie to the agricultural production area. Most alternatives have a Water Quality Management Plan (WQMP) that needs to be developed for the production area. There is no definition of what constitutes a production area for the WQMP requirement. By this I mean that for the current program participants must sign-up by parcel number(s) but only report irrigated acres. Does the grower have to develop a WQMP for each parcel irrigated if they have multiple parcels? Does the grower have to develop a WQMP for each isolated production area on one parcel?
- b) Who is ultimately responsible for the program on leased properties, the owner of the parcel or the lessee?
- c) The Ground Water portions never define whether this applies to the whole Regional Board area or just to the identified basins. I tried to calculate my Hazard Index from the webpage, but my soil types were not included in the drop down list.
- d) A majority of the alternatives contain third-party entities to accomplish program objectives. No alternatives address changes in this third-party over time.

#### 4. Alternative SW/GW 1 – No Change Alternative

a) Page 6, Line 17/18; Once again define the irrigation districts affected consistently throughout the document.

b) Page 9, Table, Frequency; During the first years of this program monitoring was two storm run-off events and six during the irrigation season. This has been reduced under the current monitoring program. Would the program require monthly monitoring if this alternative is chosen?

**5. Alternative SW3 – Individual Water Quality Management Plan**

a) General comment; Individuals already have the option to work directly with the Regional Board for an individual discharge permit. I do not know how these work currently and how this alternative would change that potential relationship. Define how this would be different from an individual discharge permit (like a storm water permit such as used for industries). Individual discharge permits include monitoring of some sort. Tracking of management plan efforts could be used in lieu of water quality monitoring.

b) Page 11, Line 38; Replace “operations” with “irrigated production area(s)” to be consistent with the Regulatory Requirements on page 12, line 27.

**6. Alternative SW/GW 4(a) – Direct Oversight**

a) Page 14, Line 7; Normally language like “or appropriate representative” is added to this sentence since the Executive Officer will probably not be making site visits.

b) Page 14, Line 6/7; Will this request only be made during a site visit? If the grower must mail this plan to the Executive Officer then they will no longer be in compliance since the plan is no longer on site. Some stipulation of what must be submitted and how it is submitted should be made.

c) Page 14, Line 19; The current program requires two exceedances within three years to trigger a management plan. This would greatly increase the burden to the grower if each exceedance needs to be addressed.

**7. Alternative SW/GW 4(b) – Direct Oversight**

a) Page 16, Line 9; Under the “Regulatory Requirements” all of the components are considered part of a WQMP. Using the term “Management Plan” as part of some of these components creates confusion. Further, have to submit some of these components separately to the Regional Board will also create confusion. Therefore submittal should be the entire WQMP and list the other MP’s with some other term.

b) Page 16, Line 25; The term “certified” is never defined nor standards for certification indicated.

c) Page 16, Line 33; The Executive Officer does not regulate pesticide use in the State. This would require an MOU with DPR, change in the statutory authority of DPR, or the XO should defer to DPR.

d) Page 17, Line 1/17; No frequency of monitoring is included.

e) Page 17, Line 7; How is this applied to permanent planting when only a portion of the plant is removed at harvest?

f) Page 17, Line 16; What is the threshold requirement for this request? Is this done at the discretion of the Executive Officer without any need for scientific support?

**8. Alternative GW 3(a) – Tiered Threat-Based Groundwater Protection Program**

a) Page 19, Line 13; I read the information found in footnote 6. This supporting document suggests using two. What is the function of Tier 1 in this alternative? Would this include operations outside of know basins? How would the site-specific evaluation be conducted?

**9. Alternative GW 3(b) – Tiered Groundwater Program**

a) Page 23, Line 25; Once again fertilizer application rates are tied to the harvested portion of the crop. This does not consider permanent crops nor the use of cover cropping. This limit would greatly reduce the amount of fertilizer that should be applied to maintain certain crops and management practices. Also the limitation quoted does not take into account losses of nitrogen to the atmosphere. There are a number of factors that impact the ability of a crop to take up nitrogen, including the presence of critical trace elements and micronutrients. There are too many variables and conditions that impact nitrogen uptake. This approach would not work to reduce nitrogen losses to either groundwater or surface water.

b) Page 25, Line 6; Same as a).

**10. Long-term Program Alternative (LTP) to Manage Potential Impacts to Groundwater**