

**Charter**  
**Long-term Irrigated Lands Regulatory Program**  
**Stakeholder Advisory Workgroup**  
**Version – December 24, 2008**

**Section 1 - Project Purpose and Background**

The Central Valley Regional Water Board's (Water Board) Irrigated Lands Regulatory Program (ILRP or Program) was initiated in 2003 with the adoption of the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands within the Central Valley Region (Conditional Waiver). A revised Conditional Waiver was adopted in July 2006. The 2006 Conditional Waiver and its associated requirements are considered part of an interim program for regulation of discharges from irrigated agricultural lands. Water Board staff must develop recommendations for a long-term ILRP by June 2009. Proposed modifications to the ILRP must be approved by the Water Board and may include:

1. Establishing subcategories and related requirements for different types of agricultural operations and/or geographic areas. Examples could include: small operations, organic farms, nurseries, and wetlands.
2. Adding requirements to protect groundwater from potential impacts related to irrigated agriculture.
3. Considering various regulatory approaches, such as use of management practice requirements, technology performance standards, narrative or numeric water quality-based limits, or a combination of these.

The Water Board needs to create long-term Program strategies and partnerships that will enhance participation by affected stakeholders and result in reduced impacts from irrigated lands on State waters. One key step to achieve these necessary strategies and partnerships is to convene a Stakeholder Advisory Workgroup.

The purpose of the Stakeholder Advisory Workgroup (Workgroup) is to provide input on matters related to the development of the long-term program for waste discharges from irrigated agricultural lands to waters of the State. Specifically, the Workgroup will advise and provide comment to Water Board staff (Staff) on the development of ILRP alternatives, ideas, and evaluation measures.

Workgroup participants are expected to propose long-term Program alternatives, and Program alternative evaluation measures. They will be encouraged to comment on all aspects of the long-term Program. Participants are not either independently or as a group, required to fund studies or provide any in-kind services other than their consistent participation on and review of Workgroup activities. The proposed evaluation measures and alternatives will be used by Staff to develop recommendations and alternative(s) that will be evaluated in the Water Board's Environmental Impact Report

(EIR) for the Program (in compliance with the California Environmental Quality Act). Given the expeditious Workgroup schedule, it is understood that the long-term program alternatives will be flexibly designed to adapt to future information needs.

## Section 2 – Draft Schedule and Milestones

Date	Program Element	Deliverable (Responsible Party)
October 2008	Workgroup kickoff meeting. Call for Workgroup volunteers. Water Board staff (Staff) will circulate a document describing proposed workgroup structure, goals, selection process, participant responsibilities, and operating rules.	<ul style="list-style-type: none"> <li>Proposed workgroup goals, rules, and structure (Staff)</li> </ul>
December 2008	Final existing conditions report (ECR) due.	Final ECR (Staff) <sup>a</sup>
January 2009	Preliminary long-term program alternatives and evaluation measures due	Preliminary long-term program alternatives (Staff and Workgroup) <sup>b</sup>
February 2009	1 <sup>st</sup> alternatives Workgroup meetings to discuss preliminary alternatives and draft evaluation measures.	
March 2009	Staff executive summary report due (ECR and other ground and surface water data summary). Executive summary report will be circulated to the Workgroup for review. The final report will be integrated with the long-term program staff report.	Staff water quality summary (Staff) <sup>c</sup>
April 2009	Draft long-term Program alternatives due.	Draft long-term program alternatives with supporting information (Staff and Workgroup) <sup>d</sup>
June 2009	2 <sup>nd</sup> alternatives workgroup meetings to select draft Program alternatives and evaluation measures.	Selected long-term program alternatives and evaluation measures (Staff and Workgroup) <sup>e</sup>
June-August 2009	Staff evaluation of alternatives.	
July 2009	Begin writing EIR	

Date	Program Element	Deliverable (Responsible Party)
September 2009	Draft long-term program Staff report due: circulate to Workgroup for review.	Draft long-term program Staff report (Staff) <sup>f</sup>
October 2009	Workgroup and stakeholder meetings to discuss draft long-term Program staff report.	
November 2009	Comments due on draft long-term Program Staff report.	
March-May 2010	Public notice for draft EIR and long-term Program.	Draft EIR and long-term Program Staff report (Staff)
June 2010	Water Board Workshop. Public comments due on draft EIR and long-term Program.	
June-October 2010	Respond to comments and revise the draft long-term Program and EIR.	Response to comments. Revised draft long-term Program and EIR (Staff)
December 2010	Water Board hearing: Draft EIR and long-term Program.	

\*Definitions attached in Appendix A.

### Section 3 - Workgroup Organization

No stakeholder group can be completely inclusive. Time, budget, and size considerations mandate that a stakeholder group must be a representative and manageable cross-section of interests rather than a collection of all parties.

#### 3.1 - Participant Selection

The Workgroup will represent a comprehensive cross-section of stakeholders directly affected by the Program and government stakeholders directly involved in Program topics. Starting with a voluntary list of stakeholders developed at the October 9, 2008 kickoff meeting (see October 9 Meeting Summary), stakeholders will self identify a willingness to participate as Workgroup participants. These stakeholders will be asked to provide formal letters of interest and commitment to the Board Executive Officer (EO). The letters of interest should ideally come from the highest level of authority possible within the participant's respective organization and should confirm the organization's intent to fully participate in the process. To the extent possible, the Workgroup will be limited in size to a group of representatives that will act on the behalf of their interest groups. Whenever possible and acceptable to affected stakeholders, Workgroup participants should represent multiple similar organizations as a means to ensure representation while

maintaining a feasible Workgroup size. Workgroup participants are expected to have some knowledge and understanding of the current ILRP.

Proposed interest groups to be represented may include but not be limited to:

- ILRP Water Quality Coalition Groups
- Agriculture commodity groups
- Dairy Industry
- Fertilizer Industry
- Pesticide Industry
- Public and private wetland owners/managers
- Irrigation and water districts
- Water agencies
- California Farm Bureau
- Environmental justice representatives
- Environmental and conservation groups
- Tribal Governments
- County Agricultural Commissioners
- California Department of Pesticide Regulation
- California Department of Food and Agriculture
- California Department of Fish and Game
- US Fish and Wildlife Service
- State Water Resources Control Board
- University of California Cooperative Extension

Due to the necessary timeframe to develop the Program, and the specific recommendations that will be developed at each meeting, it is not optimal to add new participants to the Workgroup once started. Should a new stakeholder request inclusion as a participant on the Workgroup (rather than as simply a meeting attendee) after the process has started, they are expected to do the following:

1. Contact the Water Board Project Manager, Adam Laputz, (916) 464-4848, [awlaputz@waterboards.ca.gov](mailto:awlaputz@waterboards.ca.gov), and identify an interest to become a Workgroup participant.
2. Attend the next available meeting and describe to the Workgroup, their desire to become a participant. Stakeholder requests should include a description of the following:
  - Rationale of the stakeholder niche not currently filled by an existing participant.
  - Description of how the stakeholder is reasonably and directly affected by the Program.
  - Willingness to commit the resources and time necessary to be an active participant on the Workgroup.

- Willingness to accept all Workgroup recommendations to-date and an understanding that previously agreed on items will not be revisited based on his or her interests.
3. The Workgroup and Water Board staff will discuss the stakeholder request. Final determination of inclusion will be provided by the Water Board Executive Officer (EO) with advice from the neutral third party facilitator.

### **3.2 - Participant Responsibilities**

Participants on the Workgroup will attend meetings; report back to the organization they represent; and communicate the interests, concerns, and recommendations of their organization to the Workgroup. Participants should attend every meeting or arrange for alternates (see below) to attend on their behalf. If possible, participants should notify Water Board staff in advance of anticipated absences. All Workgroup meetings will be open to the public and will be publicized to encourage public attendance. However, the Workgroup will always represent a select group of representative stakeholders within this larger public meeting context. Public comments will be received at each meeting so that Workgroup participants are informed by the larger populace. The Workgroup will take such public comments as advice to their deliberations and recommendation process.

Alternates: Workgroup participants may need an Alternate due to their respective busy schedules and the pace of the Workgroup meetings. Alternates will be identified by each participant requiring one. When a participant must miss a meeting, they will notify the facilitator and Water Board project staff as soon as feasible before a meeting and will coordinate the attendance of their Alternate. Participants are encouraged to use the same Alternate every time to ensure the highest degree of institutional memory about the process. The facilitator will meet (in person or via telephone) with the participant and Alternate to ensure shared understanding of the participant's perspectives about any items due for discussion at the pending meeting.

### **3.3 - Participant Replacement/Succession**

If a participant is no longer able to attend meetings, said individual will notify the Water Board staff in writing of his/her resignation and will recommend a replacement. The facilitator will coordinate new participant orientation after their appointment. All participants should maintain a comprehensive record of their activities and personal work to be passed along to a replacement, if necessary. The facilitation team will also do so.

### **3.4 - Water Board Responsibilities**

Water Board staff, the facilitation team and Workgroup participants will work collaboratively to develop agenda topics and other materials related to the development of the long-term program. Water Board staff will circulate draft

agendas and other meeting materials at least one week prior to scheduled Workgroup meetings. This will ensure an adequate Workgroup comment period, and allow Water Board staff to thoughtfully consider Workgroup comments, recommendations, concerns, and proposals.

Summaries of Workgroup discussions and recommendations will be recorded at all meetings by Water Board staff. The summaries will be distributed to Workgroup participants and made available to the public on the Water Board's website. Meeting information and program updates will also be circulated via email on the Water Board's email listserv.

Water Board members will be informed of the progress of the Workgroup in a variety of ways, including, but not limited to: bi-weekly staff briefings to the EO from the Program Manager, EO reports and informational items at Water Board meetings as needed, attendance at Workgroup meetings by Board members when possible, public comment at Board meetings by Workgroup participants. If needed, a Water Board workshop and/or subcommittee can also be convened.

*Workgroup input and products:* The Workgroup members will be making a substantial investment of time and energy to develop recommendations for the long-term program and providing Water Board staff with comments and feedback. This time commitment is in addition to any investment participants make in the formal review and comment process as part of the adoption of the long-term program by the Water Board. Additionally, Water Board staff will work in collaboration with Workgroup participants to gather the information necessary to develop long-term program recommendations and alternatives.

To ensure all participants positively benefit from this process, Water Board staff will make the following commitments: 1) to thoughtfully and objectively consider all Workgroup comments and recommendations; 2) to communicate all Workgroup member recommendations and associated rationale to Water Board members; and 3) to address the stated interests of Workgroup members to the extent allowed by the Water Board's legal mandates.

At a minimum, Workgroup products, recommendations, and feedback will be described in the long-term program staff report (see Definition f in Appendix A).

*Program coordination:* ILRP Staff will communicate and coordinate Workgroup ideas and Program alternatives with other Water Board programs and local, state, federal, and tribal agencies. Staff will consider all Water Board Programs in general, but will focus coordination efforts with the Dairy, Land Disposal, Total Maximum Daily Load (TMDL), Central Valley Salinity Alternatives for Long-Term Sustainability (CV-SALTS), and Basin Planning Programs. Coordination efforts will include: enlisting the help of other program staff to develop alternatives and comment on Workgroup products, program presentations at Workgroup meetings (as needed), and regularly scheduled agriculture coordination Staff meetings.

### 3.5 - Consultant Responsibilities

Facilitation services will be provided to support the Workgroup process. The facilitator and facilitation team serves as a “professional neutral” whose primary responsibility is to ensure an open process where all participants’ interests, views and opinions are heard and thoughtfully considered. Specific responsibilities of the facilitator include:

- Design and conduct a consensus-seeking process where the Workgroup can best assist the ILRP process.
- Facilitate meetings and generate draft agendas and meeting summaries.
- Capture the range of views and ideas presented by participants and report on where there are areas of agreement and differences.
- Due diligence in developing preliminary draft proposals that reflect participants’ discussions.
- Assure that Workgroup participants have seven days to respond to information or requests submitted between meetings.

### 3.6 - Meeting Methods

The goal of the Workgroup is to develop consensus recommendations for Water Board staff to incorporate into the Program. All Workgroup participants must be in agreement for a “consensus” determination. Given the timeframe of the process, consensus may not be feasible on all topics. Therefore, the Workgroup will *seek* consensus, rather than be mandated to *achieve* consensus on all topics. The decision to proceed with a recommendation absent a consensus will be based on discussions between Water Board staff and the Workgroup; however, final determination on whether to continue seeking consensus will be made by Water Board staff. If consensus is not reached on a given topic, the range of recommendations supported by the different interests will be documented for staff and Water Board consideration. In any staff reports developed for the Water Board, Workgroup consensus recommendations and non-consensus items with Workgroup options will be described.

### 3.7 - Decision-Making Protocols

The consensus decision rule is based on principles of “consensus with accountability”. Consensus with accountability requires all participants to try to reach consensus while at all times supporting and expressing their self-interest. In the event a participant must reject a proposal, that participant should provide a counter proposal that legitimately attempts to achieve their interest, and the interests of the other participants. The Workgroup will not vote and will not seek to identify numeric “winners and losers” on key topics. Rather, the Workgroup will seek mutually acceptable and beneficial conclusions.

In seeking consensus on an interim or final recommendation, participants will voice their opinions with specific proposals along the way, rather than waiting until a final recommendation has been developed. At all times, participants will ensure that they are

providing input commensurate to their prescribed role and constituency regarding the ILRP. The basic decision-making process will be as follows:

Straw Polls: Participants will use straw polls to assess the degree of preliminary support for an idea before it is submitted as a formal proposal for final consideration by the Workgroup. Participants may indicate only tentative approval for a preliminary proposal without fully committing to its support.

Draft and Final Decisions: The Workgroup will use the following three levels to indicate participants' degree of approval and support for any proposal being considered and to determine the degree of consensus.

Thumbs Down:	I do not agree with the proposal. I feel the need to block its adoption and propose an alternative.
Thumbs Sideways:	I am not enthusiastic about it, but I can accept the proposal.
Thumbs Up:	I think this proposal is the best choice of the options available to us.
Abstention	At times, a pending decision may be infeasible for a participant to weigh in on. Examples could include but not be limited to: a topic that has statutory implications that an agency representative can not be on record conflicting with; a participant can not get a consensus of his/her partners and therefore can not offer a proposal or opinion; and other similar conditions.

The goal is for all participants to be in the 'Thumbs Up', or Thumbs Sideways' levels of agreement. The Workgroup will be considered to have reached consensus if all participants are at those two levels. If any participant is at a 'Thumbs Down' level, that participant must provide a counter proposal that legitimately attempts to achieve their interest and the interests of the other participants. The Workgroup will then evaluate how best to proceed. Participants that abstain from particular proposals are encouraged to explain why abstention is in their best interest.

Recommendations related to long-term Program alternatives and evaluation measures will be made at each appropriate Workgroup meeting (expected to occur monthly between November 2008 and June 2009). The Workgroup will not revisit previously agreed to recommendations, alternatives or evaluation measures unless new information is brought to light that would likely affect the outcome of the Workgroup's previous work.

### **3.8 - Communication protocols**

Workgroup participants and their Alternates serve as conduits for two-way information exchange with their constituencies. Constituents wanting to provide input to the process are encouraged to channel their concerns and suggestions through their individual participants on the Workgroup. Workgroup participants will make a concerted outreach



effort to communicate regularly with their agencies or constituencies to keep them informed about the process and the issues under discussion.

Workgroup participants will in no way be prohibited from speaking with the media, but must indicate that they are providing their individual perspectives and are not speaking for the group. Participants should neither characterize the positions and views of any other party nor should they ascribe motives or intentions to the statements or actions of other Workgroup participants.

A list of Workgroup participants will be made available to the public on the Water Board's internet site. The list will include the following information: participant name and represented interest(s). Should an interested party have focused comments for a Workgroup participant, the individual(s) will be encouraged to work through Water Board staff to convey the comments to the appropriate Workgroup participant(s).

Meeting Summaries will be prepared and distributed to Workgroup participants by the facilitator and Staff within 7 business days following each meeting. Summaries will identify the meeting participants, major issues discussed, decisions made, and actions to be taken. Participants will have 5 business days to review DRAFT summaries and provide comments to the facilitator (and other participants if desired). The facilitator will revise summaries and send a DRAFT FINAL version to the Workgroup within 2 additional business days. Any conflicts between two or more participant's summary reviews will be resolved by the facilitator with the participants in question. DRAFT FINAL Summaries will be reviewed at the next Workgroup meeting. The facilitator will call for any further revisions by participants to ensure the correct characterization of all comments. New comments will be addressed by the facilitator with the participant at the next meeting. If no comments are received, the Summary in question will be entered into the project record as a FINAL document.

Meeting Action Items will be prepared and distributed to Workgroup participants by the facilitator and Staff within 2 business days following each meeting.

#### **Section 4 – Workgroup Ground Rules**

All participants, Water Board staff and Members, the facilitator, and public participants of a meeting agree to:

- Arrive promptly to all meetings and be prepared for the meeting agenda.
- Stay for the duration of the entire meeting.
- Turn cell phones to silent.
- Minimize actions that could be distracting to participants discussions. Should meeting attendee behavior become distracting to participants, those individuals should speak with the facilitator to intervene.
- Participate in a problem-solving approach based on respectful and constructive dialogue, where the interests of all participants and the public are considered in developing proposals and recommendations.

- Openly discuss issues with others who hold diverse views; acknowledge and seek clarification of others' perspectives; and verify assumptions when necessary.
- Assure that all participants are heard and that one person speaks at a time. Refrain from side conversations.
- Keep commitments once made.
- When appropriate, distinguish between personal vs. organizational perspectives.

All Workgroup meetings are open to the public and observers are welcome. All public participants are expected to abide by the Ground Rules described above. Periods for public comment will be scheduled into each meeting agenda. Public participants are encouraged to provide input to Participants before or after the meetings, as well as during breaks, to ensure that all issues of concern to the public are considered in Workgroup discussions.

### **Section 5 - Workgroup Sunset Procedures**

The Workgroup is expected to complete all documents and recommendations by October 2009, with the bulk of the work to be complete by June 2009. The Water Board plans to begin drafting the EIR in July 2009. The draft EIR and long term program are expected to be complete by December 2010.

## Appendix A – Definitions

- a. The ECR is a summary of current ground and surface water quality data and agricultural water quality management practices in place for the Central Valley. The draft ECR was released for public comment in 2006. The final ECR has been updated based on public comments received and also to provide the information necessary to conduct a programmatic Environmental Impact Report (EIR).
- b. Preliminary long-term program alternatives are rough ideas for alternatives. Preliminary evaluation measures are rough ideas of measures that will be used to evaluate proposed program alternatives (e.g., program effectiveness, cost, efficiency). The preliminary alternatives and evaluation measures must be in writing so that the Workgroup can discuss the ideas. By December 2008, Water Board staff will circulate a proposed form for describing preliminary long-term program alternatives and evaluation measures.
- c. The staff water quality summary will include an executive summary of the ECR and other information that Water Board staff and the Workgroup gather as part of the long-term program/EIR process. The water quality summary will help guide the Workgroup and the Water Board in development of the best possible long-term program. The draft staff report will be circulated for review. The final report will be included with the long-term program staff report (see item f).
- d. Draft long-term program alternatives should include all the information necessary to understand and evaluate the alternative (e.g., possible economic and environmental impacts, estimated effectiveness, compliance with the California Water Code). Draft long-term program evaluation measures should include all the information necessary to employ the measure. By February 2009, Water Board staff will circulate a proposed form for describing final long-term program alternatives and evaluation measures.
- e. The Workgroup will provide recommendations on which evaluation measures should be used to evaluate long-term program alternatives and which alternatives that Water Board staff should evaluate in the long-term program staff report (see item f).
- f. The draft long-term program staff report will summarize long-term program alternatives and provide an evaluation of the alternatives. In this report Water Board staff will propose a recommended long-term program alternative. The potential environmental impacts of the recommended alternative will be evaluated in the EIR.