



December 30, 2016

David Sholes  
Central Valley Regional Water Quality Control Board  
1685 "E" Street  
Fresno, CA 93706  
Sent via email to David.Sholes@waterboards.ca.gov

**Re: Draft Final Management Practices Evaluation Program Work Plan for the Southern San Joaquin Valley Management Practices Evaluation Program Committee**

Dear Mr. Sholes,

We thank you for the opportunity to comment on the draft Management Practices Evaluation Program Work Plan prepared by the Southern San Joaquin Management Practices Evaluation Program Committee (Committee). Our organizations are very interested in the successful implementation of Management Practices Evaluation Program (MPEP), as we have been assured by members of various coalitions that this effort is fundamental to meeting the requirements of the underlying waste discharge orders.

This draft provides a good direction for an MPEP. In particular, we strongly agree with the proposal (Section 3.6.2.4) to use N balance/N surplus as the main approach to evaluating the efficacy of management practices. However, the document lacks any of the basic plan elements - such as specific strategies, tactics, timetables, actions, performance metrics and evaluation tools - that are necessary to determine whether or not implementation of the MPEP will accomplish the requirements of the order.

The lack of specificity in the MPEP Work Plan about what will be done, how and when, makes it impossible to evaluate its adequacy and to understand where and how the Board will enforce its requirements. For example,

- No information is provided about which practices will be evaluated or even how practices will be selected for evaluation.

- No information is provided as to which crops will be prioritized for evaluation or even at what point in plan implementation crops will be prioritized.
- The Work Plan doesn't provide guidance on what tools may be used to evaluate practices or even the conditions that might guide the selection of one evaluation method over another.
- The Outreach Approach (2.4) provides an impressive laundry list of potential outreach tools, but provides no outcomes for what the MPEP wants to accomplish. One example of an outcome could be the provision of information on the initial list of best practices to each grower through multiple venues (at least 3) in the first year of plan implementation.
- Table 3-3 provides a list of known best practices, but also includes an additional column "barriers to adoption". How will the MPEP better define and reduce and / or eliminate these barriers? The Work Plan does not indicate if all or some practices will be incorporated into the MPEP and, if only some, how best practices will be selected for inclusion.
- The criteria for prioritizing the investigation of practices (Section 3.7) is great, but given that this is a final draft, we are troubled by the fact that the actual prioritization process has not occurred.
- The discussion of Management Practices and Groundwater Quality (Section 3.9.2.4) provides an interesting discussion of the variability of conditions and practices that may not be captured in a management practices laundry list. The section ends by saying that "This variability, along with the inherent spatial variability of the environment in which farming takes place, will need to be considered when developing, executing, and interpreting investigations." Once more, instead of providing a strategy or proposed actions for addressing this identified uncertainty, the MPEP punts to some future, undefined and undetermined process.

The good news is that the Committee has another year to provide additional details for the MPEP. The bad news is that the Master Schedule (Table 3-1.A) does not include any further iterations of this document. Where, when and how will this needed specificity be provided?

We appreciate the decision to essentially conflate MPEP and GQMP requirements in this plan (Page 1-2) and agree that there is overlap between the two. However, that decision calls for a greater level of detail in this plan to ensure that the plan complies with both MPEP and GWMP requirements, particularly with respect to meeting receiving water limitations in hydrologically vulnerable areas. For example,

- The MPEP calls groundwater monitoring "impractical" to evaluate and understand landscape-level environmental performance. Does this refer to the regional monitoring

required for GQMPs, the more intensive field-level monitoring to evaluate practice effectiveness, or both?

- Additionally, The MPEP states in several places that once nitrates are below the root zone the movement of nitrates is not influenced by grower actions. While growers may not be able to remove nitrates easily once below the root zone, irrigation practices and groundwater pumping are but two examples of grower actions which do influence the movement of nitrates once beyond the root zone. This issue may not be relevant to the MPEP, but it is an important component of the GQMP. Instead, this issue is punted to some future MPEP implementation process (3.9.3)

While we agree that modeling could be a good way to determine the efficacy of specific practices under a variety of conditions, the use of the SWAT model raises another issue – that of data access and transparency. Either this report or the Board, in its approval process, should clarify that the model, its assumptions and inputs are public information. We must be able to review the information used to inform the recommendations of the MPEP and GQMP.

Finally, the Central Valley Regional Water Board in April of this year adopted a resolution outlining its proposal (modeled on a similar State Board resolution) for implementing the Human Right to Water. As the Regional Board evaluates the adequacy of the MPEP and other documents required under the ILRP, staff must ensure they are presented with adequate data and information from the Coalitions to make a determination of whether the plans will result in the achievement of the Human Right to Water for all residents impacted by the project area's activities.

We look forward to working with you in future and for thank you for providing us the opportunity to comment on this document.

Sincerely,



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Executive Director  
Leadership Counsel for Justice and Accountability



Laurel Firestone



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