

North Coast Regional Water Quality Control Board (Regional Water Board)
Agricultural Lands Discharge Program (Program)
FAQ Webinar
DRAFT Meeting Summary
4/3/2013

Advisory Work Group Members

Emily Cureton, Siskiyou Land Conservancy
Pam Hotz, California Farm Bureau Federation
Ryan Walker, grower/Shasta Valley RCD
Bob Walker, grower
Mike Byrne
Otto Huffman, grower
Darren Mireau, CalTrout
Carol Mandel, Natural Resources Conservation Service (NRCS)
Shelley Janek, Mendocino County RCD
Chuck Morse, Mendocino County Ag Commissioner
Devon Jones, Mendocino Farm Bureau
Dave Mauser, US Fish and Wildlife Service (USFWS)
John Aguirre, CA Association of Winegrape Growers
Harry Harms, grower
Margo Parks, CA Cattleman
Andrea Souther, Natural Resources Conservation Service (NRCS)
Laurel Marcus, CA Land Stewardship Institute
Glen Spain, Pacific Coast Federation of Fishermen's Alliances (PCFFA)
Dee Sampson, Tulalake Resource Conservation District (RCD)
Brad Kirby, Tulalake Irrigation District (TID)
Joe Dillon, National Oceanic and Atmospheric Administration (NOAA)

Crystal Bowman, Karuk Tribe
Valerie Minton, Sotoyome RCD
Jane Vorpagel, CA Department of Fish and Wildlife (CDFW)
Kara Heckert, Sotoyome RCD
Adriane Garayalde, Shasta Valley RCD
Brittany Heck, Gold Ridge RCD
Ken Fetcho, Yurok Tribe
Jeff Fowle, Siskiyou County Farm Bureau
Jeff Dolf, Humboldt County Agricultural Commissioner
John Nagel, Wine Institute
Tony Linegar, Sonoma County Agricultural Commissioner
Alan Levine, Coast Action Group
Andrew Orahoske, Environmental Protection Information Center (EPIC)
Janet Pauli, Potter Valley Irrigation District
Katherine Ziemer, Humboldt Farm Bureau
Jim Waldvogel – Del Norte County

Regional Water Board Staff and Consultants

Matt St. John, Regional Water Board Staff
Rebecca Fitzgerald, Staff
David Leland, Staff
Ben Zabinsky, Staff
Samantha Olson, Staff Counsel
David Kuszmar, Staff
Sam Magill, Center for Collaborative Policy

ACTION ITEMS

1. Regional Water Board staff will distribute a rough draft of a revised fee schedule proposal to the Work Group upon its completion (likely in July 2013).
2. Staff will distribute the State Nonpoint Source Policy, including compliance assurance information, to the Work Group. The document is available online at http://www.waterboards.ca.gov/water_issues/programs/nps/docs/oalfinalcopy052604.pdf and the 'Key Elements of an NPS Pollution Control Implementation Program', which is what the compliance assurance information was based on, can be found starting on page 11.

3. In May, Staff will work to schedule the next round of Work Group subgroup meetings.
4. The two frequently asked questions documents discussed in the summary below will be updated as needed.
5. Staff will convene a teleconference with interested stakeholders to discuss unresolved concerns regarding the concept of 'baseline.' Staff will send out the Devon Jones' comment letter of April 1, 2013 and staff's responses to that letter (once developed) the Work Group.

MEETING SUMMARY

****All Presentations Discussed Below are Available Online at
http://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/
under "FAQ Webinar"****

1. Welcome and Opening Remarks

Matt St. John opened the meeting by thanking Advisory Work Group members for their continued participation. The purpose of the webinar is to explain the two frequently asked questions documents sent to Work Group members in late March. The documents are intended to provide clarity on issues and questions raised by Work Group members to date. The first document (titled "Frequently Asked Legal/Policy Questions") contains staff's answers to questions about Regional Water Board jurisdiction and the legal foundation for the Program. The second document (titled "Program Development Questions") contains staff's current proposals for specific Program elements. While answers to the legal & policy questions are not likely to change over time, answers to the program development questions may change based on ongoing and future Work Group discussions.

2. Introductions, Meeting Logistics, and Agenda Review

Sam Magill explained some ground rules for the webinar, introduced the webinar participants, and briefly reviewed the meeting agenda. Mr. Magill explained that staff's next phase of work will be to prepare draft permit language for the Work Group's consideration.

3. Overview and Discussion of Frequently Asked Legal / Policy Questions

Ben Zabinsky delivered a presentation on the Legal/Policy Questions document, highlighting key issues for Work Group consideration. After the presentation, the following conversation was recorded:

- Devon Jones asked how the fee schedule for agricultural lands programs throughout the state could be tailored to the North Coast Region's needs. Mr. St. John responded that State Water Resources Control Board (SWRCB) staff are willing to consider changes to the fee schedule to better suit the North Coast Region. Regional Water Board staff intend to work with the SWRCB fee unit to develop and propose an alternate schedule this summer. The State Water Board usually considers revisions to the fee schedule in September.
- Bob Walker asked if it's possible for Work Group members to receive a rough draft of the revised schedule. Mr. St. John confirmed that it can be sent once it is complete, likely in July (**see Action Item #1**).

- Don McEnhill asked if the “compliance assurance elements” of the state Nonpoint Source Policy mentioned in the presentation could be sent to Work Group members. Mr. Zabinsky confirmed that they will be sent (**see Action Item #2**).

4. Overview and Discussion of Program Development Questions

Mr. Zabinsky delivered a presentation on key elements of the Program Development Questions document. After the presentation, the following conversation was recorded:

- Mr. Magill explained that between now and the summer of 2013, staff will work to develop draft permit language for the Program at the Work Group’s request. The answers in the Program Development document represent staff’s *current* thinking, and may change based on input from Work Group members.
- Regarding Program Development Question #10, Ms. Jones asked if agricultural operators in Tier 1 will be required to submit different information than operators in other tiers. Additionally, she asked what the incentive would be to join Tier 1 if operators are asked to provide more information than in other tiers. Mr. Zabinsky responded that while many programmatic elements are still under development, the concept is that greater assurances for water quality protection by Tier 1 operators will result in less monitoring and reporting requirements for those operators in the long run.
- Shelly Janek noted that agricultural operators may choose to not apply for coverage under Tier 1, as it is currently drafted, due to the upfront reporting requirements and approvals. Mr. St. John responded that in similar programs such as the Regional Water Board Dairy Program, operators self-select between waste discharge requirements (WDRs) or waiver coverage. To qualify for the waiver, applicants must provide certification that minimum requirements are met, but specific water quality plan details are kept on site.
- Darren Mireau and Andrew Orahoske noted that fencing on creeks appears to be the only effective measure to exclude livestock, and asked whether the Regional Water Board retains the authority to require fencing. Mr. Orahoske continued by asking why the Regional Water Board is not already doing so. Samantha Olson responded that California Water Code Section 13360 states that the Regional Water Board shall not specify the manner of compliance with regulatory compliance. The Regional Water Board generally mandates a standard to be met, and allows operators to choose measures to reach those standards. This Program will be run in the same fashion.
- Jane Vorpapel asked if the Regional Water Board will require specific minimum buffer widths as part of the Program. Mr. Zabinsky responded that buffer widths have been considered, but the current thinking is that operators will have flexibility in the way they manage riparian buffers to ensure riparian protection. However, the program may require a minimum setback as a default. Mr. Magill noted that the Del Norte/Humboldt/Trinity subgroup of Work Group members has discussed this in detail, and staff continue to consider options for riparian protection.
- Participants discussed potential 3rd party certification programs for Program compliance. Mr. Zabinsky named some examples of such programs including the Fish Friendly Farming and the Wine Institute programs. Kara Heckert referred to RCD LandSmart programs as further examples.
- Tony Linegar asked if there will be reasonable time for Program compliance after the Regional Water Board adopts the Program order. Rebecca Fitzgerald confirmed that a reasonable timeline for Program compliance will be developed.
- Participants asked if consideration has been given to breaking the Program into commodity-specific pieces. Mr. Zabinsky responded that this option still exists. David Leland added that if the region-wide Program is general enough, specific actions on the ground could be customized to suit different commodities.

- Ken Fetcho noted that 3rd party programs might not provide the same level of environmental protection as programs directly administered by Regional Water Board staff. Will inspection protocols be developed to provide Regional Water Board oversight? Will there be training for inspectors to provide consistency? Ms. Fitzgerald responded that standardized inspection and training protocols are good ideas warranting further consideration.
- Emily Cureton asked if monitoring and compliance reports for the Program will be available to the public, even if specific water quality plans developed by agricultural operators might not be. Mr. Zabinsky responded that information submitted to the Regional Water Board is available to the public, with the exception of personal information and trade secrets. Any plan for providing information on Program effectiveness must be developed and discussed with the Work Group. Katherine Ziemer noted that the Dairy Program uses a similar framework, and has had a very positive response from dairy producers in Humboldt County.
- Mr. Linegar asked if there will be a standardized reporting template for agricultural operators enrolled in the Program. Mr. Zabinsky responded that this is good option. Mr. St. John added that the Dairy Program provides a good template for generating annual reports.

5. Overview of Agricultural Lands Timeline

Mr. Magill reviewed the next steps/timeline for Program development. Staff is working to develop a comprehensive draft permit language. Once this language is released to the Work Group, members will be given adequate review time before subgroups reconvene to provide input. In May, staff will work to schedule these meetings (**see Action Item #3**). After discussing the timeline, the following conversation was recorded:

- Joe Dillon asked if the Program will include a general waiver of WDR as the permitting mechanism. Ms. Fitzgerald said that it will likely be a general waiver.
- Harry Harms noted that the growing season prevents lily bulb farmers from attending meetings in the fall, and suggested that meetings be scheduled in the winter whenever possible. He also stressed the need to develop the Program as quickly as possible. Mr. Orahoske agreed that the Program should be developed as expediently as possible, and asked if a temporary order could be put in place to protect the environment. Mr. St. John confirmed that staff is following the Regional Water Board's request that the Program be developed using collaborative processes with detailed stakeholder input. Although this method takes more time, it can provide a higher degree of consensus than a program developed solely by staff with limited input.
- Mr. Walker expressed appreciation for the two documents, and said that he would like to see similar documents in the future as well as opportunities for conversations between subgroups, so that all stakeholders may know what is being discussed. Mr. Magill said that the documents can be amended in the future as additional questions arise (**see Action Item #4**).
- Ms. Jones asked if staff's answer to Program Development Question #9 could be expanded to explain how the baseline for the Program will be defined. Staff offered to follow up with the Mendocino Farm Bureau and other interested participants to develop a more detailed answer to this question (**see Action Item #5**).

6. Adjourn

Mr. St. John thanked everyone for their participation, and acknowledged Regional Water Board staff's commitment to this stakeholder process.