



EL DORADO AGRICULTURAL WATER QUALITY MANAGEMENT CORP

PROTECTING OUR PRECIOUS RESOURCE

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Ms. Jeanine Townsend
Clerk of the Board
State Water Quality Control Board
P.O. Box 100
Sacramento, CA 95812

Email: commentletters@waterboards.ca.gov

Subject line: "Comments to A-2239(a)-(c)"

Re: Opposition to Draft Order for East San Joaquin River Watershed

The El Dorado County Agricultural Water Quality Management Corporation (EDCAWQMC) sub watershed group has been in existence since 2003 as a result of the removal of the exemption for irrigated agriculture. EDCAWQMC is part of the Sacramento Valley Water Quality Coalition. Our watershed area consists of 1.1 million acres in the foothills of the Sierra Nevada. There are approximately 3000 irrigated acres with 330 members with most members irrigating less than 5 acres. Many of the irrigated lands are above 2000' elevation. We enjoy a 30 year history of regulating irrigation water through the EID IMS (Irrigated Management Services) Program that weekly monitors the ground water at several hundred grower sites and determines, for each grower, when and how much water to apply so that the minimum of water needed for crop maturity is applied. It is documented that this program service has saved more than 2,500 a/f per year.

Farming in the foothills is low intensity; most of our crops are tree and vine fruit; cover crops are year long; minimal to no pesticide use; at least two improved management practices implemented by each grower and for 12 years have had excellent water quality results. Irrigation is managed through a weekly groundwater-monitoring program designed to bring crops to maturity with minimum water, typically via drip or micro-jet irrigation resulting in no run-off. About 60% of our members joined the Fish Friendly Farming certification program for individual farm evaluations.

We are deeply concerned the E. San Joaquin Order will bring specific precedential impacts to our existing Ag WDR without recognizing our local conditions and record of our managing water quality impacts with a very successful program verified through monitoring results. We believe many of the new proposals are not appropriate, considering our local conditions and our successful history of managing water quality. The removal of differential risk designations is both inappropriate and unnecessary. This will significantly increase our compliance and oversight costs without, we believe, commensurate gain in water quality or problem identification.



A new sweeping program of increased reporting, certifying all plans, increasing monitoring sites, increasing regulations, testing private wells, and releasing private information does not build on the knowledge base developed in the years the program has operated. It makes good sense for both the State Water Board and Central Valley Regional Water Board to continue to recognize and designate low vulnerability regions based on all the scientific data available and experience to date. Recently, the Central Valley Waterboard approved El Dorado for a Reduced Monitoring/Management Practices Verification Plan based on our history and supporting data. It is hard to then receive a Condition on the approval for additional sediment tests for substances we have rarely ever used. There are too many, very costly regulations based on assumptions rather than the data we have provided the regulators for over 12 years. There seems to be a lack of regard to the differences in farming practices, the types of crops, low intensity farming, pesticide use, soil types, fractured rock groundwater system, efficient irrigation practices and all the dollars invested implementing good management practices already in place.

El Dorado farmers and livestock producers have a long history of improving management practices as education and outreach is available especially the good scientific work presented by our academic institutions, UC Cooperative Extension, USDA NRCS, County Agricultural Commissioners and the Resource Conservation Districts, as well as using a multitude of private technical consultants. Increased outreach will likely be more productive than using a “big stick” and a “broad blanket regulatory program” bringing costly implementation born by growers.

The Order, which removes low vulnerability designations, should not apply to our foothill farming community and small acreage farms. El Dorado does support the concept that growers must know and apply management practices to reduce the potential for nitrate impacts on surface and ground water. Removal of differential risk designations in both inappropriate, unnecessary and will significantly increase compliance and oversight costs broadly across the region. However, because the new proposed requirements for the Draft Order are highly precedential they will be applied to every WDR, even where there is little or no risk. Removal of the distinction treats all areas and crops as having the same potential impact on water quality. El Dorado has clearly demonstrated this is not a significant concern with crops and conditions in the area. The Economic Analysis Report by both the State Water Board and the Central Valley Regional Water Board is flawed in that it does not represent the high cost already paid by farmers, let alone the increased costs proposed by this new Water discharge Order. The costs of certifying plans, reporting, testing private wells, paying for additional surface water monitoring sites, analysis and reporting increase the cost to EACH small grower by a minimum of \$4,000-\$5,000/yr for small acreage. The State Water Board’s Fact Sheet says, “We find that additional costs and burden associated with these revisions are not substantial”. The State Water Board’s Fact Sheet fails to recognize the costs and financial burden placed on growers, especially those with small acreage and/or in economically disadvantaged communities already burdened with low income challenges.

We estimate that these new requirements would cost each of our growers, on average, approx. \$5,000 - \$10,000 to comply regardless of the low threat and data developed to date. The following is a list of some of the current and proposed requirements each grower would have to comply with:

- Growers pay membership fees and a per acreage fee that go to the State Water Board already of which they had one million dollars in excess of the growers money last year, and did not reduce the cost to growers. These costs increased 375% since 2003.
- Certify irrigation plans annually, estimate avg. cost \$1,000
- Certify nitrogen management plans annually, avg. estimate \$1,000
- Certify Sediment and Erosion Control Plans, avg. estimate \$5,000 (\$3-10,000/ grower)
- Increased monitoring sites means a substantial cost shared by each grower (\$35,000 plus analysis and reporting costs= \$50,000 approx. for an additional site/ year)
- Cost for two sample minimum and have private well water analyzed and reported, depends on the scope of what is required to test for, est. \$300
- Increased reporting costs with Sac Valley W.Q. Coalition as this entity then coordinates information for 13 subwatersheds to the Water Boards and represents the Sacramento Valley and surrounding areas.
- Water Board's estimate suggests the need to hire 90 new positions for the new requirements, which in turn would dramatically increase the cost on a per grower basis through acreage fees.

Sections of the CA Water Code express concern and protect the economic impact to a person/ entity. For instance, CA Water Code section 13267 states that “[t]he burden, including costs, of [monitoring and reporting] shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.” We suggest that this has been inadequately addressed for small growers or livestock producers, low intensity agriculture, producers with irrigated pasture and especially in the foothills of the Sierra Nevada. We are requesting that the low vulnerability designation not be eliminated in the modifications to the East San Joaquin River Watershed. Regions with the low potential to impact groundwater quality should not be subjected to the same requirements as those areas of the state with the most severely impacted groundwater basins. By maintaining the low vulnerability designation the majority of the additional costs proposed in the Order would be avoided for areas like the foothills.

Sincerely,



Dee Kobervig, President
EDCAWQMC