

Summary of Comments to SWRCB Draft Order Revising WDR R5-2012-0116

May 17, 2016

Presentation to the State Water Resources Control Board

**Joel Kimmelshue, PhD, CPSS
Principal Scientist, Land IQ**



Qualifications

- 20 years providing technical services to various entities related to nutrient management
- BS, MS, PhD – in Soil, Water, and Nutrient Management in agronomic systems – specifically N management
- Provide ILRP technical services from Kern to Shasta counties
- Member of CDFA Task Force
- Member of NMP TAWG
- Raised on a diversified family farm in the Central Valley and still maintain a participatory level of activity within that farm today



“Precedential” Nature of Order

- Board and Staff are encouraged to more fully recognize the need for balance between the regulatory process and the system they are regulating
- No easy task – however flexibility is critical for success
- Systems begin regulated are Natural Systems inherent with variability
- Final Order should try to recognize this variability and integrate more flexibility in the regulatory process
- Too rigid of an Order can actually have the opposite of the intended effect and may not allow for unique solutions that create success



Importance of the Coalitions

- Comparing the two Orders, it appears as if the roles and responsibilities of the Coalitions have been diminished
- This is the exact opposite of what should be the goal of the eventual Order
- It is clearly important to recognize, establish, and encourage active Coalition involvement
- Roles and Responsibilities of the Coalitions should be clearly stated in the Order



Importance of the Coalitions

- Local knowledge is the best knowledge
- Other regulatory programs are built on this foundation
- Empower the Coalitions more to avoid erosion of trust and animosity – but rather collaboration
- Coalitions provide the most efficient mechanisms of:
 - Data management & summarization
 - Reporting
 - Education and Outreach
 - Board/Coalition Communication (ultimately, the voice of the grower)



Importance of the Coalitions

- Put the burden on the Coalitions and hold them accountable through an auditing process of some kind
- Board should absolutely have the authority to request individual grower information if necessary – Through the Coalition – In a private manner
- No one entity in this room can overcome this monumental task. It will require key partnerships and the Coalitions are critical and should be used aggressively



Data Interpretation

- Misinterpretation of data is arguably more detrimental than no interpretation
- Data should be interpreted and summarized only by qualified professionals (Expert Panel Stressed This)
- Preferably those qualified professionals understand the local conditions best
- Coalitions and their staff are best suited
- Allowing the data to become public and allowing anyone to “interpret” the data is concerning at a minimum
- Misinterpretation is one of the worst things that can happen



Data Interpretation/Reporting

- “There is a lot of uncertainty and gaps in the data, but we need to act anyway.”
- “Set a number and work towards it – even if its wrong we’ll figure it out later”
- This approach is the exact opposite of any classical science based approach and may result in completely erroneous conclusions, delaying ultimate success and not focusing on key areas



High and Low Prioritization

- Coalitions have conducted and completed enormous amounts of work for the purpose to prioritizing areas of most significant importance (e.g GARs)
- Why would we not use this information to optimize and focus our efforts?
- These summaries are the best information on risk and current conditions that exist
- The size and complexity of the area demands a prioritized approach
- Most timely, efficient, and most importantly successful way to achieve regulatory compliance



Field vs Township

- Both are needed
- Field Level - Achieves the balance of granularity for action at the grower, coalition and regulatory levels, while
- Providing the power of summarization (Township) for understanding trends and comparisons
- Completely allows for using the information in a meaningful and effective way
- Many Coalitions are managing near or at the field level already as growers are reporting out at essentially this level in most cases



Integration with Other Regulatory Programs

- Important to recognize and integrate with CVSALTS, SGMA, and other work being done to realize efficiencies in:
 - Data collection
 - Data interpretation
 - Reporting efficiencies
 - Cost savings
 - Agency collaboration
 - Overall success