Yolo County Farm Bureau Education Corporation

Subwatershed Program

P.O. Box 1556, Woodland, California 95776
530-662-6316 • FAX 530-662-8611
www.ycfbec.org

September 24, 2010

ILRP Comments
Ms. Megan Smith
630 K Street, Suite 400
Sacramento CA 95814

RE: *Comments on Long Term Irrigated Lands Regulatory Program Programmatic Environmental Impact Report (PEIR), Recommended Program Alternative (Recommended Program), and Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economic Analysis)*

Yolo County Farm Bureau Education Corporation (YCFBEC) administers the Yolo County Subwatershed Program with 254,000 irrigated lands enrolled. We have actively been engaged in following the process as the Long Term Irrigated Lands program alternative were proposed. After reviewing the Draft Program Environmental Impact Report for the Central Valley Irrigated Lands Regulatory Program (DPEIR), the Draft Staff Report, the Recommended Program Alternative (RPA), and the Technical Memorandum Concerning the Economic Analysis of the Irrigated Lands Regulatory Program (Economic Analysis) we make the following concerns:

Alternative #2 has the least economic impact. The staff preferred alternative for individual farm water quality plans is expensive for BOTH GROWERS and the REGIONAL BOARD. Small growers and specialty crop growers could find this requirement to be prohibitively expensive and be forced out of business.

The DPEIR Grossly Understates the Program's Potential Impacts on Land Use
The DPEIR should evaluate the extent to which adopted General Plans within the program area designate agricultural land uses that would be undermined by the increased irrigation costs imposed by the program and the resulting loss of agriculture. The DPEIR must discuss whether and how adopted HCPs in the program area rely on agricultural land uses and how the increased irrigation costs imposed by the program, and the resulting loss of agriculture, would affect those plans.

The Draft Staff Report makes an improper presumption that all irrigated agriculture creates a discharge of waste, In Appendix D the Surface Water Quality Management Plan (SWQMP) requirements fail to account for the possibility that irrigated agriculture may not be the predominant source of the identified exceedances as we discovered after spending thousands of dollars on surface water quality monitoring.

As general qualification, the SWQMP requirements should state that only if irrigated agriculture is identified as the predominant source of the pollutant discharge should the Surface and Groundwater Quality Management Plan be required to (4) identify practices to address the constituents of concern, (5) evaluate the effectiveness of management practices, (6) describe the grower outreach strategies, (7) track management practice implementation, (8) prepare a monitoring plan to track water quality, and (9) describe a schedule and milestones for the action taken. There is a real possibility that inputs from other point and non-point sources are contributing to the exceedances identified at monitoring sites, and identification of irrigated agriculture as the predominant source of the exceedances should be a prerequisite to taking the steps identified above.

The Recommended Program Alternative would require the development of a surface water quality management plan[1] (SQMP) for any parameter that exceeds water quality objectives two or more times in a three-year period. The exceedance trigger for the development of SQMPs, as expressed here, is not an appropriate trigger for many parameters. This requirement fails to take into account the purpose of the water quality objective at issue and the beneficial use for which it is designed to protect. More specifically, the two or more exceedances in three years is a standard derived from U.S. EPA's Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and their Uses (1985 Guidelines). Thus, at most, this standard should be applied where there are two or more exceedances of water quality objectives designed to protect aquatic life beneficial uses. It is inappropriate to use this standard to trigger implementation of SQMPs where there are exceedances of water quality objectives designed to protect non-aquatic life beneficial uses.

Agricultural Impacts

- What are the potential impacts to agricultural lands and potential loss of farmland due to increased regulatory costs? (Will lands be taken out of production due to high economic costs to comply with the requirements?)

Economics and Cost

- Adequacy and appropriateness of the economic analysis to your region. (As a general matter, there are numerous inaccuracies in the economic analysis that sway the economic results.
- Economic impacts and costs to comply for individuals and coalitions—Reasonable? Realistic? Feasible to continue farming?

Surface Water (Issues relating to the Recommended Program Alternative)

- Priority surface water bodies are defined as those water bodies or tributaries with aquatic life, drinking water, and human consumption beneficial uses or tributary streams with identified municipal or domestic drinking water intakes. The use of the tributary rule to determine which surface water bodies are considered priority may potentially expand the number of water bodies beyond what should be a priority (see Appendix A, p. bru159).

Groundwater Quality (Issues relating to the Recommended Program Alternative)

- Which groundwater aquifers are considered high priority? Has data been collected and analyzed from local and regional groundwater monitoring programs? If not, when will this be done?

Groundwater

- Possible areas of duplicity with existing monitoring efforts if the LT-ILRP adds a groundwater monitoring element, especially if it does not utilize existing local groundwater quality programs such as SB 1938, and Integrated Regional Management Plans.
- How will existing local groundwater monitoring programs be used for obtaining groundwater quality information?
- What is the definition of "discharges to groundwater?" Concerns with point of discharge and first encounter of groundwater since there are areas where first encountered groundwater is currently not nor historically been usable for drinking water or agricultural use.

[1] The SQMP would need to be developed for the watershed represented by the monitoring site.

- The PEIR indicates that all ag operations can affect groundwater (ie: the mere act of irrigating a crop is considered a discharge to groundwater that causes degradation). This places the burden to prove no impact on the grower (grower has to prove way out of being regulated). What science or data was used to determine that all agricultural operations negatively affect
- ILRP Comments
- Ms. Megan Smith
- September 24, 2010
- Page 3
-
- groundwater? Were geographic areas concerned? Depth of groundwater? Use of drip or controlled irrigation?
- How would a grower or coalition determine the nature of discharges to groundwater?
- Timelines for compliance do not seem reasonable or feasible. For example, the 18 month period to prepare groundwater management plans is infeasible for many, if not all growers.
- Additional information is needed regarding groundwater monitoring requirements. Are existing wells sufficient or is there an expectation that additional monitoring wells will be required?

General

- Additional information is needed regarding the statements that allow for periodic review of surface and groundwater plans by third parties and "interested parties" (see Appendix A, pp. 154-155). What role will the public now have?
- The Draft PEIR identifies potential increase of greenhouse gas emissions from agricultural activities. What about carbon sequestration? Was that taken into account?
- Within the Recommended Program, what is the process for moving between tiers?
- Can portions of a program (i.e. constituents, sub-watersheds) move between tiers?
- What is the point of compliance (edge of field, drain, root zone...) for the LT-ILRP and what is the process for determining this?
- How does a coalition "prove" an area has no serious problems and can work their way out of the obligations?
- What are the specifics to qualify as a "lower threat?" How does this designation work for certain geographic areas such as mountain valleys, foothill areas of limited use, or areas of limited water quality problems? To be "lower threat," can a grower be considered lower threat for surface water or groundwater, or must one be classified as a lower threat to both surface and groundwater?
- Who exactly "certifies" a management plan? Does such a plan have to be submitted to the Regional Board? How do we address "proprietary" or confidential business information?
- Additional information is needed regarding the possibility of 8 to 12 orders. How will multiple orders work with the existing coalition structure? Will new coalitions be formed?

Our members and Board of Directors have strong concerns about the proposed program and urge you to carefully consider the items listed above.

Sincerely,

Chuck Dudley

Chuck Dudley
President