



12-20-18

Dr. Karl Longley, Chairman and Board of Directors
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA. 95670

Re: Public comment to the proposed administrative and programmatic changes to the
WASTE DISCHARGE ORDER R5-2014-0030-06 WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR GROWERS
WITHIN THE SACRAMENTO RIVER WATERSHED THAT ARE MEMBERS OF A THIRD-PARTY GROUP

Dear CVRWQCB Board of Directors, Patrick Pulupa, Adam Laputz and Sue McConnell,

The Placer-Nevada-South Sutter-North Sacramento (PNSSNS) Subwatershed Group as a member of the Sacramento Valley Water Quality Coalition (SVWQC) is providing comments on behalf of our subwatershed members. We have worked diligently with our members for compliance of this regulatory program for 15 years. We have complied with all requirements and demonstrated our low threat/ low vulnerability for agricultural discharges that could threaten water quality. We have reported the current practices utilized by our members and just about every other type of personal and normally proprietary business information to the waterboard through multiple reporting requirements each year.

The Irrigated Lands Regulatory Program requirements and costs have more than quadrupled for our members regardless of the excellent water quality for both surface and groundwater as stated in the monitoring and scientific reports submitted to date. Our growers practice and implement MANY best management practices that are protective of soil loss and water quality. Many of our growers have undergone intensive requirements to be awarded the Fish Friendly Farming designations or conservationists awards as part of voluntary programs that protect water quality, wildlife and fisheries.

The number of organic growers has increased dramatically since this program began.

People involved in agriculture today understand the importance of a healthy and productive environment. As a result of the voluntary investment of conservation practices already in place by ranchers and farmers, this regulatory program has frustrated our members. Regardless of what they do or have completed, the increasing costs and requirements of this program have angered our members to the point hundreds in our small area have quit farming and dropped out of the program. This is documented in an annual, required report to the waterboard.

In light of all the good practices, hard work and hundreds of thousands of dollars spent voluntarily by the members, the waterboard requirements keep increasing. Both the staffing levels are apparently increasing at the region and/or state level which causes annual increases to the per acreage fee which is now almost one dollar per irrigated acre plus associated management costs. This is only a part of the cost each grower must pay annually.

This is what a rancher or grower pays annually just to be enrolled in the Sacramento Valley ILRP PNSSNS program:

1. Pay State Waterboard fee of .95 per acre which increases each year
2. Pay a membership fee to support the subwatershed (PNSSNS) collecting and invoicing memberships, performing outreach and education to keep the growers aware of all the new reporting requirements, education requirements, hosting sediment and nitrogen workshops, hosting several grower meetings per year

and producing newsletters, nitrogen and farm evaluation reporting, etc. The subwatershed has to maintain membership databases, reporting databases to the Third Party Sacramento Valley and the regional waterboard to name just a few functions.

3. In addition, pay over one hundred thousand additional dollars a year to the Third Party Sacramento Valley Coalition for research and reporting to the regional waterboard on our behalf, whether the research or reporting has anything to do with our specific area or not. The challenge here is that all our monitoring results, type of growers and crops, limited pesticide use and unique geographic regions become combined in a larger report which represents the entire Sacramento Valley. This does not necessarily and adequately reflect what is happening in our subwatershed. So as an example of the direct economic impact and hardship our growers are enduring today, let us provide some examples of cost to growers currently:

(Per irrigated landowner for 2018/19 membership year, some costs are more than their gross income)

.5 acre of flowers contained in pots	227.38
3 acres wine grapes	239.25
10 acres pasture	272.50
40 acres pasture	415.00
80 acres	605.00
150 acres	937.50
500 acres	2,600.00
1000 acres	4,975.00
1500 acres	7,350.00/yr

About half of PNSSNS landowners have less than 25 acres but all want to know what they are getting for these regulatory dollars. Two hundred growers have quit farming in the last two years in our area, and this membership year appears it will increase that number again. So growers need regulatory and cost relief. No one would like to write checks at those levels annually!

PNSSNS would like to see relief from some of the required research, monitoring and reporting that is extremely costly to our members especially the small acreage growers and low vulnerability areas. The PNSSNS area is out of the sphere of influence from Bay-Delta concerns as well as the Central Valley -Salts issues. This reporting and inclusion of the costs to the SVWQC is passed along to the subwatershed members who are typically small, non-contributors and are outside the sphere of influence for these waterboard issues.

After 15 years in this program, we are requesting the waterboard focus on priority areas or areas of known concern and designate the specific areas of concern. This could allow small groups of growers in specific geographic areas to get some relief from all this monitoring and reporting that does not involve our area nor do we have any influence upon. Having our growers pay an additional one hundred thousand dollars to the Sacramento Valley Coalition to be inclusive in these million dollar reports seems unnecessary. Please consider specifying priority areas to be included in the CV-Salts and Delta Regional Monitoring Plan and allowing others to be excluded from those issues. This aids in reducing direct costs to growers of hundreds of thousands of dollars. These programs should not affect all members and many members are in the foothills and mountain areas.

We recommend a consolidation of the required reporting. Our member complaints have dramatically increased especially with requiring them to attend workshops, take tests just to self-certify their on farm practices are correct and helpful to protecting the environment. This infuriates many. Our recommendation is to not have to complete Farm Evaluation forms as they seem outdated although they are proposed to only be required every five years. Incorporate the Farm Evaluation into the proposed Nitrogen and Irrigation Management form so growers can address the reporting at one time and not multiple times a year, with multiple forms and varying requirements. It has confused our members although PNSSNS provides regulatory information updates through emails, letters, newsletters, board and annual meeting, workshops and partnership activities throughout each year. It is still very confusing, many parts are duplicative, time consuming and very costly to each grower.

Every time the waterboard require changes and further requirements, this in turn causes the Sacramento Valley Coalition, which PNSSNS contributes to, as well as the subwatersheds themselves, all need to pay for costly database and online reporting platform updates. These costs can be another hundred thousand dollars each year. There really needs to be a reform in required reporting technical platforms, timing and number of report(s) due as well as understanding the grower's time and cost associated with every change required by the waterboard, all that gets passed on to the individual landowner.

We urge your attention and consideration to exempt irrigated pasture and possibly hay from this program. Irrigated pasture is a year-round "cover crop" holding the soil in place and allowing for good water infiltration, slowing the flow, while filtering any nutrients especially on slopes. Irrigated pasture is one of the best management practices there can be! Typically, there is no nutrient applications or pesticide use. This is a perennial crop with no tillage. The value per acre is among the lowest and rarely does an acre produce an annual animal unit. In addition, these "greenbelts of land" are helping protect rural communities from wildfire and irrigated pasture members are the highest membership type quitting agriculture in our area. This has been discussed for years but really needs to be addressed and discussed by the waterboard and move this issue forward. We would be happy to participate in any discussions.

We are also requesting that after 15 years in this regulatory program, that an update to the original EIR/EIA be performed due to the changes that have not yet been addressed from a CEQA impact or inclusive of all the costly requirements added over the years including the groundwater component among others. Under CEQA, impacts to agriculture should be addressed. The abbreviated EIR/EIA by the waterboard did not take the financial costs or burden to individual growers under consideration or any real evaluation or adequate evaluation of cost and burden. Per acre, the crop value varies dramatically throughout California and a cost analysis should be performed that is representative of how this program effects each type of grower including the small acreage growers. The Coalition as a whole has seen hundreds of growers stop farming and go out of business as a result of the regulatory burden and costs. Please update the EIR/EIA for financial burden of costs to growers and consider the CA Water Code that recognizes that cost can not exceed the benefit.

We appreciated the opportunity to work with other upper watersheds in the SVWQC area and participated in a tour with the ILRP waterboard staff this past September in Sierra Valley. There is a distinct difference with valley type agriculture from limited agriculture in the foothills and mountain areas of the Sierra Nevada. There is a predominance in these areas of low vulnerability due to low to no nitrogen use, cover crops or hay/ pasture in place year round to avoid sediment loss and to filter any nutrients. There is an extremely low use of pesticide applications and excellent water quality results. The hydrology is distinctly different in the foothills as being comprised mostly of fractured rock systems compared to the valley groundwater basins. The foothills are outside of the Bulletin 118 area. The growing and irrigation season in the upper watersheds is limited and the topography limits the type of agriculture as well. Typically, the foothill and upper areas have permanent, perennial crops and do not till. All of these low threat situations and 15 years of good monitoring results should warrant recognizing the low vulnerability designated groups with reduced requirements going forward. We urge the waterboard to continue to recognize these designations and consider separate Waste Discharge Requirements for low vulnerability.

It is requested that the regional waterboard thoroughly review the Sacramento Valley WDR to ensure unnecessary and duplicative elements are eliminated. As an example, the Groundwater Quality Assessment Report (GAR) was important when less was known about groundwater in the Sacramento Valley area. Now with additional work by Dr. Thomas Harter, the technical reports by the CV-SALTS group in 2016 and several USGS and Lawrence Livermore Lab studies on groundwater quality, it seems to demonstrate that an update of the GAR should not be required. The GAR which cost approximately one million dollars in 2016 is expected to be updated again in 2021, yet there have been additional studies since 2016 that deem the GAR update unnecessary and the huge expenditure of individual grower money to be spent on it.

The State Water Board requirement of external, ten year storage of information is beyond what the IRS requires and again, increases the cost to individual growers substantially. Please allow cloud based storage as sufficient instead of another third party entity and increased costs.

Under IX, page 42, the requirement of “members to gather” in order to fulfill the education requirement is not fair for our elderly and disabled growers and is too limiting. There are several ways our members achieve education and outreach currently. They can attend meetings and workshops by the subwatershed as well as partner organizations and entities like County Agriculture Commissioners, UCCE Advisors, NRCS and RCDs, Farm Bureaus, commodity groups, etc. PNSSNS helps growers on an individual basis and through written and published information. Based on the Education and Outreach Report already submitted annually to the waterboard, please consider this as sufficient as all our members receive the information but not all are available in person to attend an activity. Please remove the term “gather” from the requirement and again, this will aid in reducing grower requirements and costs.

We, along with the other subwatersheds and SVWQC, urge you to reduce two years of required assessment monitoring to one in five years due to the thousands of tests completed over the past fifteen years that demonstrate good water quality results. It is not necessary and again costly without achieving any further benefit. In addition, please eliminate management plans required for pH, dissolved oxygen and E. coli as this causes additional costs and monitoring in non assessment/ core monitoring years and reporting. There has been technical reports and grower information and feedback that demonstrates more of a physical, natural background issue than being something a landowner has caused. We are proud to participate in providing habitat for migratory fowl in the Pacific Flyway but understand they can be contributors to E. coli.

An issue that has caused concern is that some of the technical panels supported by the waterboard have members or firms that benefit financially from the proposed regulatory requirements and recommendations, and this should be a conflict of interest. We urge more use of our academic institutions to provide sound science and recommendations.

To summarize, PNSSNS requests the waterboard advocate and support a position to designate either a separate Waste Discharge Order or separate Waste Discharge Requirements for low vulnerability members and groups. This will also aid in providing some regulatory relief for the growers by reducing reporting and monitoring costs and to address growers with small acreage. As you can see by the general tone of these comments, after 15 years in this program, there is a big need to analyze the economic effect on ranchers and farmers from this program, reduce duplicative and unnecessary reporting requirements, to develop priority areas of concern and not include all areas and growers in costly research and reporting when they are outside of an area and have no effect upon it. We do understand your jurisdiction and challenges in supporting clean water. Our growers all want clean water and healthy, productive lands and work hard every day to ensure that.

Thank you for allowing us to comment and provide information back to you from the core and funders of this program, our growers. We are available to answer any questions you may have and appreciate your consideration in advance.

Sincerely,

Lesa Osterholm

Lesa Osterholm, Executive Director
PNSSNS

cc. Patrick Pulupa, Executive Director CVRWQCB
Adam Laputz, CVRWQCB
Sue McConnell, CVRWQCB, Irrigated Lands Regulatory Program
Susan Fregein, CVRWQCB, ILRP
Bruce Houdescheldt, SVWQC
PNSSNS Board of Director