



**PNSSNS**

**SUBWATERSHED GROUP**

PLACER | NEVADA | SOUTH SUTTER | NORTH SACRAMENTO

P.O. Box 1235 | Lincoln CA 95648 | tel 916/645-1774 | [www.cleanwaters.info](http://www.cleanwaters.info)

August 2, 2019

Central Valley Regional Water Quality Board of Director's Meeting  
Rancho Cordova, CA

Public Comment Speakers regarding the Irrigated Lands Regulatory Program that are PNSSNS members:

1. Lesa Osterholm, Executive Director, PNSSNS, as part of the Sacramento Valley Water Quality Coalition to comment on the Irrigated Lands Regulatory Program challenges facing members. Concerned with how the costs of compliance and reporting are impacting growers and they are dropping out of the ILRP program and quitting farming. Consider a small acreage exemption for some.

Requesting considerations of exemptions for low threat geographic areas and low threat crop types and/or a separate WDO/WDR. Would like to thank the Board and staff for taking irrigated pasture and hopefully additional crops and areas under consideration for possible exemptions or reductions, long time coming and much needed. Thank you!

2. Bonnie Ferreira, Auburn Ravine Ranches, Lincoln, CA Rice Commission member as well as PNSSNS Subwatershed Group Member. Provided written letter as well as oral comment.

3. Ellen Fickewirth, Walnut grower and irrigated pasture/cattle from Lincoln, CA. Provided written comments to accompany oral comment.

4. Brent Tadman, B&B Livestock, Lincoln, CA PNSSNS Member providing written letter as well as oral comment.

5. Nicoli Nicholas, large acreage grower with irrigated pasture/ hay in Sutter County. PNSSNS member providing oral comment. Concerned with overlapping regulations on groundwater and costs to landowners.

6. Donn Coenen, PNSSNS small acreage grower of Christmas Trees in Grass Valley. Provided written comment as well as oral comment.

Included is the PNSSNS comment letter to the Central Valley Regional Water Quality Board delivered on December 20, 2018 (within the allowed comment period) which describes the impacts of the ILRP program to ranchers, growers and farmers enrolled in this program and the high regulatory costs. Provides recommendations to some of the Program elements and/ or requirements.

**Auburn Ravine Ranch, Inc.**

1364 Ferreira Road – Lincoln, CA 95648 – (916)847-7410 – (916)645-2534

August 2, 2019

Central Valley Regional Water Quality Control Board

Dear Board Members:

Thank you for providing an opportunity to comment during the Public Forum of your August 2, 2019 meeting.

I am Bonnie Ferreira, a second-generation farmer and rancher in western Placer County, our family operation has been in the production of rice, cattle and hay for the past 45 years, with the third and fourth generations working the land today. We own, lease and manage a sizeable amount of farmland and graze cattle on both irrigated pasture and native rangeland in several surrounding counties.

The concerns I bring to you today are related to the burdensome regulations, increasing costs and duplication as it relates to the water monitoring of irrigated lands. As a responsible landowner and operator, who works closely with our County Ag Commissioners, it seems more reasonable, to combine the program and oversight to an agency that currently is already doing much of the same monitoring and reporting. Local Ag Commissioner offices already know the land, its producers, issues, pesticide use permits, and assists producers with expert advice pertaining to production agriculture and environmental concerns. They are also the lead agency that would be the first to respond to a water sample taken that was out of compliance.

The costs associated with the current ILRP program far outweigh the benefits that the landowner and producer receive, especially those with pasture lands. For an example we have seen a 45% increase in fees for the ILRP on our home ranch since the inception of the program. Annually we are paying for a program that has no direct benefit, these costs far outweigh the benefits of the current program. The amount of time we spend in reporting, corresponding with landlords, attending meeting and workshops far exceeds the resulting value.

I ask that you conclude as I have, that the current Irrigated Lands regulatory Program has outlived its usefulness and develop an alternative that provides some relief to the farmers and ranchers. Please accept these comments as part of the official record.

Thank you,



Bonnie Ferreira  
Auburn Ravine Ranch, Inc.

August 2, 2019

To: Central Valley Regional Water Quality Control Board

Re: Irrigated Lands Regulatory Program - Public Comment at the Board Meeting

My name is Ellen Fickewirth, and I am from Lincoln, California. I work for my family farm business in western Placer and south Sutter Counties. We have approximately 240 acres of walnuts on 4 parcels, 240 acres of rice on 5 parcels, and cattle that graze on 15 acres of irrigated pasture as well as dryland pasture on one parcel. We are a long-time member of the Placer-Nevada-South Sutter-North Sacramento Subwatershed Group. For this year, our annual dues for the regulatory program were \$1,450, while 3 years ago, they were \$600 for the same acreage. I am also a relatively new board member for the PNSNS Subwatershed Group.

As a grower trying to comply with the current Irrigated Lands Regulatory Program, we have the following tasks to revisit in a given year:

- Complete a Farm Evaluation Plan form, with sheets for each parcel
- Complete a Nitrogen Management Plan Worksheet form, for each parcel
- Complete a Nitrogen Management Plan Summary Report form
- Complete a Sediment & Erosion Control Plan form
- Attend the subwatershed group annual meeting for program updates and continuing education
- Pay the annual invoice, which is unpredictable
- For the Nitrogen Management Plan, I attended a workshop and took the test to become self-certified, then must complete continuing education in future years
- For the Sediment and Erosion Control Plan, I attended a workshop and took a test to become self-certified, and then must complete continuing education in future years

Regarding the multiple reporting forms, it is frustrating that they have been due at different times throughout the year, sometimes with little advance notice, and that they do not always have clear guidelines. What this program expects of us keeps changing, and there seems to be information lost or delayed as it moves between the levels of the state, the region, the watershed, the subwatershed, and the grower.

My family is concerned because we do not see a direct benefit from this program, and the costs are rising quickly. The program appears to duplicate things that we already work and strive to do, which is to make the best decisions we can for what the crop needs and for protecting the environment.

One example of duplication is that the County Agricultural Commissioner offices already track information similar to that of the irrigated lands program - the Ag Commissioner knows our field locations, they have an online database system where they receive grower data which is consolidated and reported to the State, the system has the ability to designate special areas like vulnerable groundwater areas, and they require and provide continuing education. It seems like this type of system could be expanded to handle subwatershed areas.

Another example of duplication is that growers already track their own crop yields, irrigation water applied, and nitrogen applied in a practical manner by field or orchard block acre, while the irrigated lands program needs it to be reported by parcel. We utilize the UC Cooperative Extension Farm Advisors, professional consultants, leaf analysis results, and other particular crop factors to determine how much nitrogen to apply. We do not want to pay for more materials than what the crop needs. The Nitrogen Management

Plan worksheets have added another version of the same information that has to be manipulated to fit into these forms.

Finally, a big concern for duplication is that it seems like the upcoming groundwater component of the irrigated lands program will greatly overlap with the new groundwater sustainability agencies that are also in development.

As growers, we already work with many water-related agencies with their own different boundaries, including irrigation districts, reclamation districts, mutual water companies, and the county environmental health department. We renew permits, pay fees, and get inspected. We attend trainings, pay attention to current university research, and incorporate best management practices. We are aware of water quality concerns and see a direct benefit for most of these existing things, and of course we want to keep our land and water resources healthy and sustainable.

The grower perception of the irrigated lands regulatory program is that it is unnecessary and cumbersome with no apparent benefit to the environment or to the people of the State. At the watershed level, the annual summary reports with statistical data do not make sense regarding the individual subwatersheds and what is actually being accomplished by the program. Rather than continue with these inefficiencies, I would respectfully ask that the irrigated lands program organization be changed to be managed by the existing systems and structures that agriculture already has in place, such as with the county agricultural commissioner offices. The ag commissioner is already providing assistance by looking into water sample exceedances and working with growers. Another possible existing agency to manage this program may be the county resource conservation districts, but any agency would need a portion of the existing fees to handle the added responsibilities of the irrigated lands program. With a local agency managing the day-to-day operations of the irrigated lands program in a **consistent and reliable manner**, the State will still receive all the report data and water test results. The California Rice Commission has shown that it is possible to have this type of management system; it does not have to be run by subwatersheds. There can also be a board of grower members to help provide oversight and input to the managing agency regarding the irrigated lands program.

Otherwise, we need your assistance to find viable solutions to our concerns. Since a lot of small growers have dropped out, it is more costly for those who are trying to keep up with the program. We need the new database that is proposed to help with program reporting requirements, yet it is extremely expensive to create and maintain it. It is discouraging that we don't seem to have any options or alternatives except to pay more (and therefore lose more participating growers). Some of the neighboring subwatersheds, who have more members and acres, may be better able to spread out the costs of increasing regulations, but it is getting to be too much for all of us.

Each subwatershed is unique, and fortunately in Northern California, we don't have some of the problems that exist in other areas of the State. Some of the issues we have are out of the control of the agricultural industry but **do** have an influence on the subwatersheds, such as migratory waterfowl, urban areas and small businesses that are not involved with growing crops. Perhaps everyone within a subwatershed should receive guidance on maintaining local water quality for all.

We are asking for your help to find solutions that will make this regulatory program work for growers, who are trying to make a living while utilizing and protecting valuable resources. We are asking for reasonable requirements and costs, without duplicative and unnecessary reporting.

Thank you for this opportunity to provide comments. Please accept these comments as part of the official record. -Ellen Fickewirth from Lincoln in Placer County

## B & B LIVESTOCK

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P O Box 1047  
LINCOLN, CA 95648

916-847-7410 MOBILE  
916-645-2534 FAX

August 2, 2019

Central Valley Regional Water Quality Control Board

Dear Board Members:

Thank you for providing an opportunity to comment during the Public Forum of your August 2, 2019 meeting.

I am Brent Tadman, representing B& B Livestock, a family owned organic and commercial rice and hay farming operation. I represent a third-generation farming family in Placer and Sutter counties. B&B Livestock has been involved with the irrigated land program since its inception in 2003. B&B Livestock is also covered under the Rice Commission that reports on water quality on land currently in rice production. As a management tool for the organic rice, we rotate our crops out of rice for a period of time, for those years the land is not in rice production, we must keep it enrolled in the PNSSNS Irrigated Lands Program.

This is a burdensome reporting issue, requiring additional paperwork and time, time taken away from productive farming activities. As stated, before the current ILRP program has seen a 45% increase in annual fees since the inception of the program, on land that is predominantly used specifically for rice production. It seems especially challenging to understand why this program would be necessary on land that is certified organic. Organic production has multiple layers of regulation, both by a third-party verifier and the State, requiring extensive record keeping and paper trails to ensure the integrity of the crops. By adding additional layers of regulation and reporting, not to mention the added and increasing costs, what are we really achieving?

As a representative of B&B Livestock I ask that the Regional Board consider all the other agencies, commissions, districts, etc. that are monitoring the water, sediment, and erosion, look at our track record of clean and responsible water run off and remove the need for the PNSSNS Irrigated Lands program to continue.

Please accept these comments as part of the official record.

Thank you,



Brent Tadman  
B&B Livestock

## PNSSNS SUB-WATERSHED PUBLIC COMMENTS

THESE NOTES ARE PREPARED FOR THE CENTRAL VALLEY REGIONAL MEETING ON AUGUST 2, 2019 AT 11020 SUNCENTER DRIVE, SUITE 200, RANCHO CORDOVA, CA 95670.

### MY INTRODUCTION:

I am Nicoli Nicholas, Sr., a rancher-farmer on the NICHOLAS RANCH (“Ranch”), a family farm located in Sutter County near the settlement of Verona (at the confluence of the Sacramento and Feather Rivers). The Ranch consists of approximately 1,600 acres which are comprised of three adjacent units. The north unit is owned by my sister Maria, the central one by me, and the south by my son, Nicoli Jr.

To date, I have spent a substantial portion of my lifetime in the development and operation of the Ranch with a goal of **good stewardship of the land and water**.

Both my son and I are graduates of the College of Agriculture at UC Davis.

### ACQUISITION OF THE RANCH.

My father, William Nicholas, a Greek immigrant first settled in Utah where he spent approximately twenty-five years in the sheep business. Then, in the late 1930’s the intermountain west was hit by a series of droughts and he was forced to sell most of his sheep. However, he was able to locate enough pasture in and around Thornton, California for approximately 2000 head. Then, purely by happenstance he was introduced to a young man, William Stark Towne, who had inherited some land near Verona. My father first leased that land, and later bought it. Later he acquired an adjoining parcel that abutted on the Sacramento River from the Capitol Company. Still later, he acquired another adjoining parcel from the Natomas Company. Those three parcels then comprised the Nicholas Ranch. At that time, the land was largely unlevel and unirrigable. In due course, he set about leveling the land and developing an irrigation system. The water **sources were from wells that were augmented with appropriated water-right water from the Sacramento River**

In those early efforts, land leveling was considered successful if the land could be irrigated. Irrigation was accomplished via open ditches. Early on, the irrigated lands were planted to irrigated pasture, hay and rice.

In the early 1950’s my father suffered the first of a series of strokes which was stressful and limited his physical abilities. The stress was exacerbated when the Ranch was flooded and many of his sheep drowned in the Great Flood of 1955 when the Feather River levee was breached at Nicolaus. Because

of my father's declining health, it fell to me (being the only son) to assist him with his "dream" of developing the land and the irrigation systems. My father died in 1966 and saw his "dream" only partially fulfilled. .

### **WATER SOURCES AND WATER RIGHTS**

As stated above, the sources of water for irrigation were from wells and through water rights. In the late 1950's, a controversy arose between some of the water rights licensees on the Sacramento River (the "Irrigators") and the United States of America through its United States Bureau of Reclamation ("USBR"), a division of the Department of Interior. Hereinafter, the Irrigators and USBR jointly are referred to as the "Parties." The United States who was also a California water-rights licensee, sought to define the quantities of water from the Sacramento River that are made available under the respective parties' water rights. To that end, USBR wanted the Irrigators to enter into "Recordable Contracts" under which the Irrigators would not use more water than could be shown to be available under their licenses and, moreover, that the Irrigators would be required to sell "excess lands" that were being irrigated with USBR's water. My father together with some of the neighboring farmers joined together to resist and hired water-rights attorneys and engineers for the cause. Initially, the Irrigators operated under annual letter agreements under which irrigation continued. But, no agreement was reached and ultimately the Parties agreed to negotiate with the goal of entering into a Water Rights Settlement Agreement Contract ("Contract") wherein the Irrigators water quantities would be defined as Base Supply and would be free of charge, and any excess water that is used would be deemed to be Project Water from the USBR's operation of the Shasta Dam and for which a monetary charge would apply.

### **THE PLEASANT GROVE-VERONA MUTUAL WATER COMPANY**

As negotiated, the Base Supply was quantified as 23,790 acre feet and the Project Water as 12,500 acre feet (later reduced to 2,500 acre feet). However, the USBR's Regional Deputy Director, E. F. Sullivan, did not want to enter into an agreement with individual Irrigators. Instead, he wanted to contract with an entity that had the power to assess the Irrigators and, in turn, pay the USBR. In consultation with the Irrigators' attorney, George Basye, it was determined that a mutual water company would qualify as such an entity. And, he recommended that the Irrigators assign their water licenses to the mutual water company. I, however, would not agree to such assignment, but through research it was determined that a mutual water company could be formed where the incorporators reserved onto themselves their water rights and, as clarified in a dispute with the United States' Internal Revenue service, it operates **as an agent for and on behalf of its shareholders**. Thereafter,

on February 13, 1968, the PLEASANT GROVE-VERONA MUTUAL WATER COMPANT (“PGV”) was incorporated.

**At this juncture, it suffices to state that PGV, in its role as agent, acts in myriad legal and financial matters beyond just paying the USBR for Project Water.**

### **CROPS:**

Historically, irrigated pasture, hay, and rice.

Currently, irrigated pasture, hay, conventional rice, organic rice, tomatoes, dry beans, sunflowers.

### **LAND IMPROVEMENT AND PIPELINES:**

Similar to neighboring properties, the fields on the Ranch have been laser-leveled. Where rice was once irrigated with contour checks, the paddies now consist of straight checks which provide for precise irrigation.

Unusual for our vicinity is that all of the irrigated fields on the Ranch are now served by underground pipelines. All of the open ditches have been replaced by underground pipelines. Among other benefits, this has resulted in water savings because no water is lost in transit. These efforts began in 1964 and the most recent segment was completed last month. There are more than 13 miles of underground pipelines on the Ranch which consist of from 12 inch in diameter to 28 inch in diameter. Every pipeline has overflow valves for each check in order to flood irrigate. Recently, some of the land has been leased to row crop farmers who have installed underground drip irrigation systems. Today, where hay was previously grown, there are tomatoes, beans and sunflowers. By irrigating with underground drip, the water and fertilizer is directly delivered to the plant’s root zone and there is no runoff (drainage water).

### **DIFFULTIES WITH BEING A CALIFORNIA FARMER**

Nationally, by the very nature of their business, farmers face myriad problems. Some are ones that they can deal with, but there others that are beyond their control (weather, market prices, trade agreements, regulations, etc.) As a result, there are fewer and fewer farmers every year. Bankruptcies account for some. Others just quit and sell out, often to larger neighbors or more often to corporate agribusiness entities.

From my perspective, the problems are even worse in California. It’s no secret that **California** is the worst state in the nation in which to operate a business due, in large part, to the **costs attendant to its burdensome laws and regulations**. While any one of those costs may **seem bearable**, when taken in the aggregate, they become **unaffordable**. And, some reporting requirements are largely

duplicative. As examples, we are required to report to **the Sutter County Agricultural Commissioner** what crops we grow on every field on the farm in order to obtain a pesticide and herbicide use permit. For that, the cost is in time to go to Yuba City to do it. However, those same data are required to be filed with the **USDA’s Farm Service Agency** in order to participate in the Federal Farm Program. We hire a professional service to deal with the Farm Program in order to make sure we are in compliance. Also, those same data are required in order to fill out the **USBR’s Reclamation Reform Act** forms in order to make sure we are complying with Project Water usage. Here again, we hire professionals to do that work. Then, there are the requests for data in order to participate in the California Sustainable Groundwater Act (“**SGMA**”) program. Those costs are paid on our behalf by PGV. And, not to be forgotten is the ever increasing costs associated with our membership in **the PNSSNS Sub-Watershed Group** in order to be in compliance with the California Irrigated Lands law. **Below are some of the directly paid annual costs which include those associated with the foregoing examples:**

- **FSA filings, Renfree’ Ag Service** **\$1,396.50**
- **RRA filings and others, MBK Engineers** **\$5,884.25**
- **PNSSNS Sub-Watershed Group** **\$4,947.60** (First payment was **\$292.25**)
- **State Water Resources Control Board for licenses fees** **\$1,289.16**

Below are the 2019 assessments that we paid to PGV to pay on our behalf for our share of administrative expenses which are based on 2019 budget

(e.g. Legal, Engineering, Association dues, Accounting Tax and License, Office, SGMA, Dredging Permit)

**\$16,162.08**

Below are the 2019 assessments that we paid to PGV to pay on our behalf for our share of Project Water Costs

- **United States Bureau of Reclamation** **\$34,996.49**

**SGMA**

As stated above, we incur costs attendant to SGMA and I am PGV’s representative at the “table.” Inasmuch as mutual water companies do not qualify to participate in SGMA directly, PGV is coupled with Reclamation District 1001 (our drainage district) Others at the table include a

representative of another mutual water company (who is coupled with Sutter County), representatives of water districts, cities, the California Department of Water Resources (“DWR”) and Sutter County.

Because there can only be one applicant for funding for a project such as this, an application for our sub-basin group was made to DWR under the name of the Sacramento Groundwater Authority. The project cost was nearly two million dollars. Therefore, the locals’ share would be something less than one million dollars which could be reduced by certain set-off or in-kind credits. In due course, DWR approved the funding.

Having received funding approval, a contract was made with the engineering firms GEI Consultants and MBK Engineers to perform the work that is required to develop a Groundwater Sustainability Plan (“GSP”). Also contracted to assist in this project is the engineering firm of Woodard & Curran who will do the groundwater model development and simulation. Through their joint efforts, a huge amount of data will be generated and compiled. **Of particular interest here is that monitoring wells will be constructed, monitor transducers will be installed, and water quality and analyses will be performed.** Also of interest here is the fact that it appears that substantial portions of this SGMA sub-basin and PNSSNS’s sub-basin overlie one another.

Therefore, a fair question to be asked is, could the testing required of PNSSNS be done under a GSA plan?

In conclusion, I am informed that this board will consider exempting or otherwise provide cost relief for irrigated pasture. Irrigated pasture grasses act as natural filters of nutrients and sediment from water runoff from the fields. Accordingly, I will appreciate some form of relief being granted. In a similar vein, I would appreciate your consideration for relief being given to fields that have crops irrigated via underground drip irrigation. In such instances, there is absolutely no water runoff from the fields.

Respectfully submitted,

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Nicoli Nicholas, Sr.

August 2, 2019

To: Central Valley Regional Water Quality Board

Thank you for this opportunity to address the Board about the Irrigated Lands Regulatory Program.

I'm Donn Coenen, a Nevada County Choose and Cut Christmas Tree grower. I'm a member of the Farm Bureau and the California Christmas Tree Association. I bought my land, part pasture and part oak trees, in 1977. Like most of Nevada County my property slopes. In 1979, 40 yrs ago, I started a Choose and Cut tree farm by planting 1000 Douglas Fir seedlings on that sloping pasture land. That pasture land is still there, along with thousands of Christmas trees because the pasture and trees hold the soil in place. We don't use any pesticide, herbicide or fertilizer. I'm working with Nevada County Farm Bureau trying 3 types of clover to improve nitrogen in the soil.

I sell my trees in Nov. and Dec. so I keep the pasture as a cover crop. The pasture is mowed to provide a safe and enjoyable family outing. No one enjoys walking and kneeling in mud to cut their Christmas trees.

Four Christmas Tree farms in my area have gone out of business in just the past few years. I'm the only one left. It's not easy to figure the cost on a crop that takes 5 to 7 yrs to grow. The cost of irrigation water will go up 8% a year for the next 5 yrs. The cost of seedlings, electricity, fuel and maintenance are all going up, but at least I can figure what those costs will be. I have no way of knowing what the regulatory cost will be. What will I have to spend to stay in regulatory compliance? If I can't afford the cost of compliance, I will be forced to close my farm.

With my tree farm on pasture land, I use overhead sprinklers, so I don't have any run-off, and the trees provide a carbon sink. I am doing all I can for our environment. I respectfully request you consider exempting Christmas Tree Growers from the ILRP and it's requirements.

Sincerely,

Donn and Nicole Coenen  
Cone and Hill Christmas Tree Farm  
Grass Valley, CA