
From: John Brodie [rvranglr@yahoo.com]
Sent: Monday, September 27, 2010 4:43 PM
To: ILRP Comments
Subject: Comments on Draft EIR-Long Term Irrigated Lands program
Attachments: DEIRlett.pdf

Greetings,

Attached are comments from the San Joaquin County Resource Conservation District regarding the draft EIR for the proposed long-term irrigated lands program.

Thank you.

John Brodie, Project Manager
San Joaquin County RCD
www.sjcrd.org
rvranglr@yahoo.com
(o) 209-472-7127 ext. 125
(c) 209-327-2823



SAN JOAQUIN COUNTY
**RESOURCE
CONSERVATION**
D I S T R I C T

3422 WEST HAMMER LANE, SUITE A STOCKTON, CA 95632 209-472-7127 EXT. 125
WWW.SJCRCDD.ORG

September 27, 2010

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

RE: Comments on Draft Program Environmental Impact Report and Staff Recommended Alternative

The San Joaquin County Resource Conservation District (SJCRCDD) serves as the lead agency for the San Joaquin County and Delta Water Quality Coalition (Coalition). As such, SJCRCDD has been implementing the current Irrigated Lands Regulatory Program (ILRP). We have experienced first-hand how the ILRP works and what should be improved. With this knowledge, we strongly urge the Central Valley Regional Water Quality Control Board (Regional Board) to consider adopting Alternative 2 of the Long Term Irrigated Lands Draft Program Environmental Impact Report. This alternative is a workable solution that addresses water quality issues for both surface water and ground water.

SJCRCDD Board members and Coalition contractors and staff are extremely concerned about the Regional Board staff recommended alternative being presented as the preferred alternative. This alternative puts extraordinary burdens on agriculture without truly addressing water quality.

The following are some major issues that could be extremely detrimental to agriculture in San Joaquin County in particular and the other counties in the Coalition area.

- 1. The assumption by the Regional Board that all irrigation is a discharge of waste, thus causing degradation of groundwater and/or surface water regardless of soil and/or climatic conditions**

The assumption in the Regional Board staff recommended alternative that the act of irrigating a crop is considered a discharge to groundwater thus causing degradation of groundwater is neither provable nor plausible in many areas of the State. Several areas throughout the state are irrigated but do not cause a degradation groundwater nor transport constituents of concern to the groundwater. While a blanket determination that all irrigated agriculture creates a discharge of

Officers and Directors

Molly Watkins (President), Jack Hamm (Vice President), Richard Rodriguez (Treasurer)
Bill Koster, John Thoming, Pat Connolly, John Herrick, Diego Olagaray, Marden Wilbur
Associate Directors: Ralph Lucchetti, Rogene Reynolds, Brad Lange

waste may be convenient for regulatory purposes, it is an inaccurate presumption with no scientific proof. Presuming all irrigated agriculture creates a discharge of waste simply because some irrigated agriculture might potentially affect water quality is inappropriate and does not qualify under the Regional Board's authority to regulate only those irrigation practices that result in a "discharge of waste."

Within the regional Board's staff recommended alternative, farmers and ranchers must prove that their operations do not create a discharge of waste to the ground or surface water by conducting expensive studies and research. Otherwise, farmers and ranchers would be required to implement expensive and potentially unnecessary management practices. This assumption institutes a guilty until proven innocent provision within the regulation. Water Code section 13267 authorizes the Regional Board to require reports from those who discharge waste, but requires that the Regional Board "provide the person with a written explanation with regard to the need for the reports" and "identify the evidence that supports requiring that person to provide the reports."

In contrast, the Draft Regional Board Staff Report makes a broad assumption that all irrigated agriculture creates a discharge of waste, thus subjecting farming operations to various reporting requirements without providing either a written explanation or supporting evidence, even while acknowledging that some of those operations do not create a discharge of waste.

2. Definition of groundwater to be protected.

Groundwater is defined as the first encountered groundwater within the DEIR and the staff recommended alternative. In many areas throughout the state, the first encountered ground water has no true beneficial use. It is assumed in the staff recommended alternative that first encountered groundwater must be protected even though there are areas where first encountered groundwater is not and has never been usable water for drinking, municipal or agriculture. Also, the assumption that if a constituent is detected at first encountered groundwater, then that constituent will move downward into the other stratus of the groundwater is not based on scientific evidence of how groundwater moves through the aquifer. Depending on the aquifer, water can move laterally as well as both upward and downwards in the water profile. Also, many aquifers are separated by layers of clay or impermeable layers that prevent the water in the upper aquifer from moving into the lower aquifer and vice-a-versa. Assuming that a detection of a constituent in the first encountered groundwater will move into aquifers being used by domestic or municipal wells thus causing a discharge of waste is simply incorrect in many areas of the state.

3. Duplication of Regulations.

The Regional Board proposes a new program to regulate groundwater when many such programs already exist. Many groundwater management plans that address water supply and water quality at the local level already exist while others are under development. Alternative 2 within the DPEIR has a more common sense approach using local agencies to address groundwater issues. The staff recommended alternative does not address the complexity of groundwater by recognizing the different soils and climatic conditions that exist up and down the Central Valley,

or even variations within individual counties. Several organizations have been studying groundwater to determine how and where it moves, the effects of not only pumping but recharge areas and aspects that affect the quality of the water. These programs can be used as a basis to develop programs that can address water quality concerns.

4. Staff recommended alternative was not fully analyzed or recognized by the DPEIR

The DPEIR analyzes five proposed alternatives. Staff has combined elements of many of these alternatives to develop a sixth alternative, which staff is now recommending for approval. As the recommended alternative, the staff-developed alternative has become the proposed project. However, the DPEIR does not analyze this project *at all*. While the elements of the staff-recommended alternative have been cherry-picked from the other alternatives, the DPEIR does not make any attempt to analyze the environmental impacts that would result if these elements were combined with each other, which is how they would be implemented if the Regional Board staff alternative is selected.

Again, the San Joaquin County Resource Conservation District considers alternative 2 of the Draft Program Environmental Impact Report a workable solution to address water quality concerns in the Central Valley. The Regional Board staff recommended alternative is based on assumptions that have neither been scientifically researched nor scientifically proven.

Sincerely,



Molly Watkins
President