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**From:** Currey, John - Dixon, CA [John.Currey@ca.nacdn.net]  
**Sent:** Monday, September 27, 2010 4:21 PM  
**To:** ILRP Comments  
**Cc:** Bruce Houdesheldt  
**Subject:** DSRCD WQC Comment Letter on PEIR, Program, Economic Analysis  
**Attachments:** DRCD PDEIR Comments 092710.pdf

Ms. Smith,

Attached are the comments of the Dixon / Solano RCD Water Quality Coalition. We appreciate the opportunities afforded us during the development of the Long Term Irrigated Lands Regulatory Program, both during the stakeholder process that developed the range of alternatives, and afterwards.

These comments along with the comments submitted by Tess Dunham of Somach Simmons and Dunn, Sacramento Valley Water Quality Coalition, and several of the subwatersheds which comprise the 1.2 million irrigated acres, and nearly 8600 growers, ranchers, and managers of irrigated lands, reflect the scope of our views on the sufficiency of the legal, technical, and economic analysis of the programmatic alternatives.

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September 27, 2010

ILRP Comments  
Ms. Megan Smith  
630 K Street  
Sacramento, California 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)*

Dear Ms. Smith:

On behalf of the 580 plus members of the Dixon / Solano RCD Water Quality Coalition (DSRCDWQC) with over 111,000 acres of irrigated and managed wetlands enrolled in the Conditional Waiver of Waste Discharge, the following comments, questions and suggestions are made on the *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)* released on July 28, 2010.

As a member of the Sacramento Valley Water Quality Coalition (SVWQC), the DSRCDWQC appreciates the opportunity to be involved in the year-long stakeholder process. It allowed for discussion of important water quality issues, interpretation of policies (e.g. Tributary Rule, anti-degradation), presentation of data and modeling on key constituents of concern, and transparency during the development of the five alternatives. *As a subwatershed of the SVWQC we participated in the development of the comments submitted September 27, 2010, on behalf of SVWQC, however, upon additional review we would also like to provide the following comments on the proposed regulatory requirements.*

The Recommended Alternative under the Regulatory Requirements section on page 150 of Appendix A states that “Where a management practice is proposed, for compliance with the ILRP, and the irrigated agricultural operation determines that it may affect a sensitive resource (e.g., endangered species habitat, sensitive plant communities), the irrigated agricultural operation must (1) select a different management practice that meets water quality goals, but does not involve impacts on a sensitive resource, or (2) locate the management practice outside of sensitive resource areas, or (3) implement the mitigation measures described in the implementation mechanism (e.g., WDRs/ waiver) for the potentially affected resource, or (4) work with the Central Valley Water Board to obtain an individual waste discharge permit and site-specific CEQA analysis.

**Comment:**

We are concerned that this regulatory requirement establishes an expectation that the individual landowner decisions when installing best management practice would be documented and reported to the Regional Board. If the installation of the best management practice is not documented it will be impossible to prove that avoidance was implemented. As a result, this requirement would at a minimum require landowners and/or third party leads initiate a substantial and burdensome requirement to produce and maintain these records or defend themselves against a claim that the management practice required CEQA review.

The Description of options under the Water Quality Management Plans section on page 139 of Appendix A provides the example of "...where a water quality problem is attributable to multiple sources, an overarching regional plan could be developed to address the concern." In addition, the Recommendation under the Monitoring Section on page 141 of Appendix A states "...that the inability of regional monitoring to determine irrigated agricultural waste contributions to identified water quality problems will not excuse action to work toward minimizing contributions to identified water quality problems."

**Comment:**

Who is the responsible entity for organizing an overarching regional plan and/or determining the extent of contributions from non-agricultural sources to a water quality problem? The costs and responsibility for multiple source water quality issues should be distributed accordingly and not unfairly burden agriculture.

Again, we thank you in providing us with this opportunity. However, we strongly encourage you to take this comment and SVWQC comments, questions, and suggestions into consideration. Agriculture is a major factor in California's economy, in our nation's security, the economic lifeblood of many communities in the Central Valley, as well as many other important facets of our communities. Please contact our office at (707) 678-1655 if you have any questions.

Sincerely,



John S. Currey  
District Manager

cc Dixon RCD Board of Directors  
Solano RCD Board of Directors  
SVWQC