

**Central Valley Water Board Irrigated Lands Regulatory Program
Draft Programmatic Environmental Impact Report (PEIR)
Meeting Summary, Modesto Public Workshop**

**September 9, 2010, 6:00 p.m. – 9:00 p.m.
Stanislaus County Agricultural Center, Harvest Hall
3800 Cornucopia Way, Modesto, CA 95358**

Attendees: 35

Cory, David	SJVDA
Costainagna, Gloria	
Davids, John	Oakdale Irrigation District
Garber, Merlyn	Grower
Godwin, Art	
Johnson, Mike	ESJWQC, SCDWQL
Karkoski, Joe*	Central Valley Water Board
Kennedy, Vance	
Kenney, John	Farmer
Klassen, Parry	ESJWQC
Lange, Aaron	Grower
Laputz, Adam*	Central Valley Water Board
Liebersbach, Debbie	Turlock Irrigation District
Longley, Karl	Central Valley Water Board Member
Losckke, Carrie	Merced Irrigation District
Love, Christal*	Center for Collaborative Policy
Machado, Joe	
Madueno, Virginia	Clean Water Fund
Magill, Sam*	Center for Collaborative Policy
Martin, Paul	WUD
Mejia, Homero	CBE
Niemi, Michael	Turlock Irrigation District
Ormonde, Linda	
Paramo, Noe	CUPC / CRLAF
Patterson, Katie	San Joaquin Farm Bureau
Perls, Dana	Pesticide Water Education Fund
Peters, Dwight	General Public
Prichard, Terry	Grower
Rietkerk, Peter	Patterson Irrigation District
Rivers, Dan	Grower
Roberson, Mark*	Economic Analysis Consultant
Romero, Adam	UC Berkeley
Roseman, Jesse	Toulumne River Trust
Rushton, Mike*	ICF International
Smith, Megan*	ICF International
Sousa, Paul	WUD
Stephens, Tom	Merced Irrigation District
Toste, Matthew	JCM Farming
Van Klaveren, Roger	Grower

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Wackman, Mike	San Joaquin County & DWQC
Wilkins, Kathryn	DRS
Zipser, Wayne	Farm Bureau ESIWQC

* Workshop team

This summary only includes the presentation and comments made during the PEIR workshop. An agenda and summary of the long-term program were also provided to workshop participants and can be found here:

http://www.swrcb.ca.gov/rwqcb5/water_issues/irrigated_lands/long_term_program_development/index.shtml#ilrppeir

Written comments and responses will be available for public review in the Final PEIR, scheduled to be released early 2011.

Welcome and Opening Remarks

Joe Karkoski, Central Valley Regional Water Quality Control Board (Board) Staff welcomed the workshop participants, stated the workshop purpose and asked the Board Members, Board Staff and consultants present to introduce themselves. Sam Magill, Center for Collaborative Policy Facilitator, reviewed the meeting room logistics, agenda and workshop materials. Ms. Smith clarified the PEIR public comment process requirements.

Overview of Proposed Modifications to the Irrigated Lands Regulatory Program (ILRP) and Draft PEIR

Mr. Karkoski stated the mission of the Board and outlined the following goals of the workshop:

- Review project background of the Irrigated Lands Regulatory Program.
- Provide an overview of the Draft PEIR.
- Hear questions and comments from workshop participants.

Mr. Karkoski explained that the Board has the responsibility to implement the water quality laws, specifically the federal Clean Water Act and the State Porter-Cologne Water Quality Act. In addition to regulating irrigated lands, the Board also regulates storm water from cities, construction sites, industry, dairies, treated wastewater and contaminated sites. Mr. Karkoski added that unlike other programs, the discharger to staff ratio for the irrigated lands program is relatively high: approximately 1,500 dischargers to every 1 Board Staff member.

Mr. Karkoski provided the following overview of the ILRP background:

- 2003 the Board adopted a conditional waiver for discharges from irrigated agricultural lands. The waiver was considered an interim program set to expire in 2006.
- 2006 the Board adopted a new conditional waiver that extended the interim program until 2011. An EIR on the ILRP was required.
- There are 8 coalition groups working directly with the growers under the current program:
 - Goose Lake
 - Sacramento Valley

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- California Rice Commission
- San Joaquin County and Delta
- East San Joaquin
- Westside San Joaquin River
- Westlands Water District
- Southern San Joaquin Valley

Mr. Karkoski showed a map of the number and location of water quality management plans currently required based on monitoring results. He explained that a management plan is required when there have been two or more surface water pollutant exceedances at a particular site within a three year time period.

Adam Laputz, Board Staff, provided a summary of the ILRP development and the accomplishments of the Stakeholder Advisory Workgroup.

- Staff was directed to prepare an EIR for the long-term irrigated lands program as part of the 2003 waiver program.
- A draft Existing Conditions Report (ECR) was developed using water quality data collected by the Board. The ECR was circulated for public review in 2006 and finalized in 2008.
- Board Staff conducted a series of California Environmental Quality Act (CEQA) public scoping meetings during March and April of 2008. Many stakeholders expressed a desire to be actively involved in the ILRP development.
- The first long-term program stakeholder advisory workgroup meeting was held on October 9, 2008.

Mr. Laputz then reviewed the ILRP goals and objectives that were developed by the stakeholder advisory workshop and Board staff.

Goals

- Restore and/or maintain the highest reasonable quality of state waters, considering all the demands being placed on the water.
- Minimize waste discharge from irrigated agricultural lands that could degrade the quality of state waters.
- Maintain the economic viability of agriculture in California's Central Valley.
- Ensure that irrigated agricultural dischargers do not impair Central Valley communities and residents access to safe and reliable drinking water.

Summarized Objectives

- Restore and/or maintain beneficial uses by ensuring that all State waters meet applicable water quality objectives.
- Encourage implementation of management practices that improve water quality.
- Provide incentives for agricultural operations to minimize waste discharges to State waters.
- Promote coordination with other regulatory and non-regulatory programs to minimize duplicative regulatory oversight while ensuring program effectiveness.

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Mr. Laputz summarized the five programmatic alternatives that are evaluated in the Draft PEIR and the Draft Economics Report. Mr. Laputz explained that in response to the request of the Stakeholder Advisory Workgroup, Board Staff evaluated all five alternatives at an equal level of detail. He added that the Stakeholder Advisory Workgroup did not vote for a single alternative, but rather, felt that the five alternatives represented the best range of options that should be evaluated in the PEIR.

Board Staff created a recommended alternative using a combination of elements from the five programmatic alternatives. The recommended alternative includes the following components:

- Including groundwater in addition to surface water discharges within the program scope.
- Third-party or coalition group lead entity, rather than the Board.
- 8-12 geographic and/or commodity-based orders.
- A specified timeframe for implementation.
- Prioritized requirements.
- Regional surface and groundwater quality management plans as opposed to individual water quality management plans.
- Regional surface and groundwater quality monitoring rather than individual or no water quality monitoring.

Ms. Smith presented a synopsis of the PEIR process, the types of management practices that were analyzed, and the potential impacts of the ILRP. She explained that the analyzed management practices are a sample of those most likely to cause an environmental and economic impact. While all CEQA-recognized environmental resources were analyzed in the PEIR, potentially significant impacts could result to each of these resources: cultural resources, noise, air quality, climate change, vegetation and wildlife, fisheries, hydrology and water quality and agricultural resources. Ms. Smith then described the mitigation measure process and provided an example.

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Mr. Karkoski presented an overview of the economic analysis; stating that the Board decided to go beyond the level of cost analysis required by the Porter-Cologne Water Quality Act. The expansion of the cost analysis was necessary in order to evaluate whether alternatives were consistent with the program goal to “maintain the economic viability of agriculture in California’s Central Valley.” The economic analysis focused on the compliance costs, net income effects on growers and landowners, potential impacts on regional farm economies, and effects on government entities associated with the program.

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Mr. Karkoski closed the presentation by reviewing the following next steps:

- Comments on the draft PEIR are due by September 27th, 2010.
- Final ILRP and PEIR early 2011.
- Board consideration of final ILRP and PEIR no later than March 31, 2011.
- Orders to implement long-term ILRP developed during year following board certification of the PEIR.

Open House to Discuss Staff Report, Cost Estimates, and Draft PEIR for the ILRP and Report Back

Small group discussion comments on the cost estimates for the ILRP

- Participants expressed concern that the percent change in production analysis does not reflect the significant effect on low value commodities (i.e. corn). If data is used from the entire Central Valley to calculate the percent change it could cause the change to appear smaller than it would if data was used from areas with a higher concentration of one type of crop.
- Participant stated that the irrigation and reclamation district costs may also increase due to the ILRP requirements for legal review and coordination with coalitions.
- Participants suggested that the increasing fees from water districts were not accurately reflected in the cost analysis.

Small group discussion comments on the Draft PEIR

- Participant asked if there was a minimum acreage requirement for enrollment in the ILRP.
- Participant asked why the environmental effects of the program alternatives were not the same as continuing the existing program. The participant asked why farmers would not be required to undertake the same management changes, even under a continuation of the current program.
- Participant suggested that changes in farm management will have negative as well as positive effects on resources. Reduced stream flows, reduced dilution, loss of wildlife habitat and loss of productive farmland were mentioned as examples. Participant asked who would have to mitigate for these negative effects of changing farming practices. A general concern about the assignment of mitigation responsibility was voiced by several participants.
- Participant asked what would be required in the groundwater monitoring program. The individual stated that it will be very difficult to determine whether the changes in agricultural management practices will have a positive or negative effect on groundwater quality because of the complicated subsurface geologic and hydrologic conditions across the Central Valley. The limited number of data points for groundwater quality was also mentioned.
- Participants stated that there would be significant cumulative economic effects on the agricultural industry from increased regulation of discharges. The significant effects of the existing Central Valley Water Board Dairy Program were mentioned.

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Small group discussion comments on the Staff Report Recommendations

- Participant asked if the Board will be looking at different aquifer types and depth when they implement the program.
- Participant asked if the Board will be using first encountered groundwater data and commented that the first encounter method may not work in the Sacramento San Joaquin Delta.
- Participant asked if there would be another CEQA public comment process on the PEIR.
- Participant requested more information regarding how the geographic boundaries of the program will be developed.
- Participant asked who would make the decision regarding which Best Management Practice (BMP) to use.
- Participants suggested adding an analysis of salt levels and sources into the program.
- Participant stated that not all agricultural irrigation impacts groundwater.
- Participant suggested adding a statement to the report to affirm that agriculture is a beneficial use.
- Participants asked for assurances that the program will not reduce the amount of drinking water available to communities.
- Participant asked how monitoring will be enforced.
- Participant asked for more clarification regarding the use of the terms BMP and Best Practicable Treatment or Control. Suggested terms may mean different things in different regions.
- Participant expressed concern that the burden of proof that no impact to groundwater has occurred is on the discharger / irrigator rather than the Board.
- Participant stated that it will be difficult to get landowners who are not contributing to the water quality problem to conduct monitoring.
- Participant asked if the Board's goal is to eliminate all water dischargers.
- Participant asked if the Board will adopt a resolution certifying the PEIR and the ILRP.
- Participant requested more information regarding how the 5-10 year timeframe was developed.

Meeting Recap and Next Steps

Mr. Karkoski thanked the workshop participants, requested that comments be submitted in writing, and invited anybody with questions regarding the ILRP to contact Mr. Laputz:

Email: awlaputz@waterboards.ca.gov

Phone: (916) 464-4848

Adjourn