

IL116.

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To: Ms. Megan Smith	From: Heather Foster
Fax: 916-456-6724	Pages: 4
Phone:	Date: September 27, 2010
Re: ILRP Comments	CC:

Urgent For Review Please Comment Please Reply Please Recycle

● Comments: Attached please find Sierra County's comments on the Draft Programmatic Environmental Impact Report for the Irrigate Lands Regulatory Program.

SIERRA COUNTY

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September 27, 2010

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

Dear Ms. Smith:

Thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Report for the Irrigated Lands Regulatory Program (ILRP) and we request that you give serious consideration to the issues brought forward by the County of Sierra. The County of Sierra has previously submitted comments and has participated in numerous meetings between Regional Board staff and the representatives of the Upper Feather River Watershed in Plumas and Sierra Counties. The following comments are in addition to those previously provided to your staff.

The Board of Supervisors strongly supports and stresses the importance of developing implementation policies that recognize the existence of the homogenous local agricultural practices within the higher elevation subwatersheds like the Upper Feather River Watershed. This demands that the program incorporate more reasonable low-impact tiers that recognize the diversity of subwatershed regions, climate, water supply and use, geology, agricultural practices, non-agricultural land uses within the sub-region, and so forth. This, in turn, creates a more fair and equitable program that recognizes the subregions and allows direct accountability for program implementation at the local level.

We are pleased that Alternative 2 in the Draft Environmental Impact Report presents a tiered approach to the ILRP based on risk assessment and provides a framework that can be used to establish an effective program that makes the best use of both private and public funds to improve and protect water quality. We encourage the Regional Board to move forward with Alternative 2 as the basis for the long-term program. Of course, the details of such a program are critical and it is imperative that these details contain language and policy that reflect the unique conditions that we find in the Upper Feather River Watershed and likely that will be found in other regions. To effectively address our general concerns and obtain the benefits of a tiered approach, elemental aspects of the program will need further consideration and definition, which seems to be acknowledged by both regional board members and staff.

- How exactly will the lines be drawn between the different risk-based tiers?
- Given the current state of the economy and the strained resources of both local and state agencies to provide assistance and coordination that would otherwise support the most

effective program, what is the timeline for implementation and how will priorities be established?

- How can the ILRP benefit from the County's involvement in the Integrated Regional Water Management Planning process (IRWMP) and the existence of the Sierra Valley Groundwater Management District that encompasses all of the Upper Feather River Watershed area.
- What are the equitable considerations and what are the consequences for maintaining the economic viability of agriculture in higher-elevation watershed areas where the economic returns are relatively "low value" and the agricultural practices are relatively low-impact and low-risk?
- How do you identify, quantify, and separate lower elevation and lower watershed regions and their respective issues, constraints, and restrictions to the upper reaches where like issues, constraints, and restrictions do not exist? In the present case, we feel that the Upper Feather River Watershed is a Tier I low risk area and all aspects of and as a result have a reduced burden for monitoring and regulatory oversight.

The staff report accompanying the EIR includes Figure 23 on page 161 with an example of a prioritization scheme for requiring different levels of surface and groundwater monitoring based upon known or potential water quality problems. The lesser level of monitoring requirements is based upon an area having "no irrigated agriculture related water quality problems." Depending upon how such a standard is interpreted, it could create a "zero tolerance" requirement that would eliminate any practical distinction offered by the multi-tiered approach. Unless management plans have been required as a result of exceedances of water quality objectives (or water quality impairments caused by agricultural operations have resulted in 303(d) listings), Tier 1 should be the appropriate monitoring level. Beyond that, where water quality is not in a state where beneficial uses are impaired, trends in water quality should be analyzed in each specific situation to determine an appropriate response based on the likelihood that the trend will actually lead to degradation of beneficial uses.

A timeline for the long-term ILRP should consider prioritizing implementation actions by balancing the needs of public health and the environment against current economic conditions and the financial challenges currently faced by both private and public participants. It is understandable that where practices on irrigated lands are significantly impacting the quality of drinking water or habitats for sensitive species, the most immediate practicable implementation timeline would be desired. However, in apparently low-risk regions where significant water quality impairments have not been identified or where there is a paucity of reliable data, additional implementation time would allow collaboration with stakeholders that may still be on the periphery of the irrigated lands program, such as local environmental health agencies, municipally-focused groundwater management programs, and the groundwater programs of the Department of Water Resources and the Sierra Valley Groundwater Management District.

The burden the ILRP could place on private landowners during these difficult economic times must be understood and reversed. The fact that this program could induce loss of agricultural lands and cause conversion to non-agricultural uses is problematic and directly contradicts the County General Plan direction. The EIR itself identifies some loss of agricultural resources as an unavoidable impact of the program. Why and how can this be an acceptable impact. To the

extent those losses result in loss of open space and habitat and in conversion to uses that have other water quality impacts, an irrigated lands program that induces conversion seems to be at cross-purposes with the stated program goals and is unacceptable to the County. This potential short and long-term impact needs to be eliminated.

Another consideration in establishing an implementation timeline should be the opportunity to coordinate with ongoing developments in the Integrated Regional Water Management program (IRWM) and the California Statewide Groundwater Elevation Monitoring program (CASGEM). To the extent these regional programs can help efficiently address ILRP needs (even if it is to only verify that there are no water quality issues), it could reduce the financial burden on agricultural landowners and increase the prospects for continued economic viability. Timelines for achieving ILRP benchmarks that do not consider the status of these other ongoing processes will force agriculture to fend for itself when opportunities for coordination, assistance, and efficiency are coming over the horizon.

A final, important consideration is the special combination of factors that define conditions in the high-elevation watersheds like those of the Upper Feather River region, where most of the irrigated lands are at 5,000 feet in elevation. The unique natural characteristics of this high elevation, alpine meadow region (classified as the largest in North America at the 5000 foot elevation or higher) and the current and potential agricultural practices dictated by climate, water supply, geology, and so forth have defined this upper region of the watershed as unique and very appropriately considered at the tier I level. The relatively low-value-per-acre agricultural activities identified in the EIR's economic analysis are the predominant uses of irrigated lands in the Upper Feather River region. To the extent program fees are applied on a per-acre basis, the relative economic burden on agricultural operations is only increased for the people in our region. On the other hand, the upper watersheds have the benefit of generally good water quality – both for surface water and groundwater. Where existing water quality data does not indicate any significant problems related to irrigated lands, and where acreage-based program fees already impose disproportionate burdens, it does not seem reasonable or equitable to require extensive monitoring programs in order to “prove a negative.” We have no exceedances, we are not an impaired water body, and we feel that the Upper Feather River Watershed is on very solid ground for Tier I-no impact classification.

In summary, thank you again for the opportunity to comment further on the development of the ILRP and for advancing the framework of a tiered approach to implementation. Sierra County strongly supports this tiered approach and we look forward to participating in the development of this program, including the stakeholder and CEQA processes that will follow.

Sincerely,

Sierra County
Board of Supervisors



Dave Goicoechea
Chairman of the Board