

## commentletters

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**From:** Christy McKenzie <ccmckenzie@att.net>  
**Sent:** Tuesday, May 24, 2016 5:29 PM  
**To:** commentletters  
**Subject:** Comments to A-2239(a)-(c)



**B. Chris McKenzie**  
PO Box 603  
PLEASANT GROVE, CA 95668  
Office: 916-655-3367  
Cell: 916-709-7885

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May 24, 2016

[Commentletters@waterboards.ca.gov](mailto:Commentletters@waterboards.ca.gov)

Ms. Jeanine Townsend  
SWB Clear of the Board  
State Water Quality Control Board  
PO Box Box 100  
Sacramento, CA 95812-0100

I have operated a small family farming operation for over 45 years in Sutter County and have been attempting to comply with increasing fees and reporting in the PNSSNS IRRIGATED LANDS PROGRAM since its inception. Several years ago I sat through a public meeting where a proposed reporting-and regulatory scheme (Very much like A-2239 9a-c) was presented to an astounded audience. Not only was the proposed budget extreme and the objectives obscure (nearly all ag test areas showed no water quality problems), but it relied on an indeterminate budget to be paid by the farmers and property owners through fees and fines.

At that time it was pointed out that those costs would be clearly too costly for most small properties and burdensome the thin margins facing farmers.

The system proposed duplicates the County by County, State Department of Agriculture and the Department of Pesticide Regulation. The permit/reporting process occurs annually, requires stewardship training, parcel maps, NOI, use reports, onsite inspections, etc. In our case that is 54 individual parcels with multiple entries (5+/-) each season. The county personnel are familiar with the water systems, potential water quality problems, local crops, and the producers. In the event the water board figures out what information they need; utilizing existing county systems, records, and personnel would be efficient and more effective.

USDA/NRCS this is another existing agency already staffed and knowledgeable in each specific area of the State. They are charged improving water efficiency, erosion control, farming and irrigation practices.

County Farm Advisors and University of California Crop Extension: These people are probably the only people in the state with knowledge of crop and site specific nitrogen requirements that could approach that of the farmer.

Please review detailed comments submitted by PNSSNS BOARD OF DIRECTORS 1 through17 attached.

We clearly are being set up to pay the escalating cost of a redundant bureaucracy funded by fees, fines, and taxes. We will clearly be paying ever higher fees, face arbitrary regulations (to generate destructive fines), and have no input, representation, or recourse. California agriculture has to be competitive in the world market. We already have the highest power cost, fuel prices, CARB costs, fertilizer, chemical, labor, and taxes in the Western U.S. taxes. We will clearly be paying ever higher fees, face arbitrary regulations (to generate destructive fines), and have no input, representation, or recourse. California agriculture has to be competitive in the world market. We already have the highest power cost, fuel prices, CARB costs, fertilizer, chemical, labor, and taxes in the Western U.S.

Thank you for allowing me to address my concerns.

Sincerely,

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B. Chris McKenzie

cc: Congressman, James Gallagher

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cc: Congressman, James Gallagher

for all the best management practices already implemented to protect water quality !!!

The proposed requirements by the State Water Board include the following:

1. All growers/ ranchers with irrigated lands must submit private landowner information directly to the State Water Board **which becomes public information**. Information would have to be submitted via Geotracker, a state reporting requirement although some of our members do not have computers or internet access. Currently private information is not required to be reported.
  
2. Private information such as where your well is located (confidential information previously by the Ca Dept. of Public Health which regulated well drilling information)  
and it is expected this is a precursor to controlling groundwater and metering wells.
  
3. Landowners will be required to test your own drinking water wells, at your own expense, at least twice in the first year and submit results to the State Water Board

AND the results will be made public.

In addition, the proposed Order does not specify the well testing frequency and the type of tests other than nitrates/nitrites that may be required and they will set their own "exceedance levels". The new provisions require that users receive notification if a drinking water exceeds 10 mg/L of nitrate+nitrite as N. The Member or Third Party must provide notification to the Central Valley Water Board within 24 hours of learning of the exceedance. They most likely will add tests and costs as they have done with the Irrigated Lands regulatory Program.

Currently, even with wildlife contributions to water quality, the waterboard ignores the fact that many things are normally occurring in the environment especially from the geology associated with wells in the fractured rock system of the foothills and mountain areas.

4. It would require ALL members to attend annual education and outreach events and report the activity. More work by growers/ ranchers and more costly reporting while there is no evidence any further requirements are warranted.

All members (even those previously thought to be low vulnerability living in the foothill areas ) will be noted as **HIGH VULNERABILITY for sediment and erosion loss** which requires a certified plan and annual reporting. This requirement does not take into consideration that all foothills have slopes which naturally have some sediment loss having nothing to do with irrigated agriculture. This would require CERTIFIED Sediment and Erosion Control Plans with a minimal estimated costs of \$1,000 to 10,000 per member, good for up to five years only. Where is the economic impact to each grower considered?

In fact, irrigated agriculture in the foothills is very low intensity and has cover crops or irrigated pasture to maintain the soil cover year round as a best management practice. There are many other best management practices implemented such as

catchment basins, tailwater return systems to reuse water, field borders, etc. to keep water and soil on the property.

5. New requirements would consider ALL irrigated lands members to be **HIGH VULNERABILITY for nitrogen leaching** whether nitrogen is even used or not and require this plan to be CERTIFIED ANNUALLY. In addition, your private information would be submitted to the waterboard AND made public, mostly meaning someone will purposely misinterpret your information and cause you more regulations. Annual cost for CERTIFIED Nitrogen Management Plan, estimated at \$1,000+/member annually.
6. It also requires **CERTIFIED Irrigation Management Plans** although all the members have already been required to report what type of irrigation is used in the Farm Evaluation Surveys. Redundant and more costly reporting and regulations!
7. Members must submit how much nitrogen is applied to crops and what their crop yields are which has been proprietary information up to now. All information is made public.

8. For the Nitrogen Management Plans, the waterboards WILL decide on a ratio to allow and an exceedance level for your crop!!!

They already don't understand farming, what happens if you rotate crops which is good for soil productivity and soil health? What about irrigated pasture which has legumes which fix nitrogen naturally and how do you figure out how much nitrogen your animals consume while figuring out how much the animals defecate and how much is left in the leaves/plants after each time they graze? This is crazy and there doesn't seem to be an original issue except that government got involved in farming and is regulating us all to death.

9. The draft State Water Board Order makes no mention whatsoever if your subwatershed group is designated Low Vulnerability and has reduced monitoring requirements. Some of the subwatersheds including PNSSNS paid to develop plans. This proposal only states ALL members will be in HIGH VULNERABILITY!!!!

The data does not support even a need for the current regulations let alone a need for increased requirements and costly reporting.

10. State Water Board wants to increase the number of surface water quality monitoring locations which costs each subwatershed about an additional \$35,000+/ year per site plus analysis and reporting costs. It has already been difficult to find agricultural drainages without other urban, residential or industrial influences and other land uses. Our data shows EXCELLENT water quality, why do more? There is no need.

11. The State and Central Valley waterboard did what they call an economic analysis (EIR) for this draft Order. It is a complete joke and severely flawed in its interpretation. It does not represent even close to what this will cost each members in labor, member costs, additional monitoring of wells, groundwater and more surface water monitoring sites, certifying plans and reporting to 3 other levels of reporting (grower/rancher→ subwatershed→ Coalition→ waterboards ). **The State Water Board Fact Sheet says specifically. “We find that the additional costs and burden associated with these revisions are not substantial”.**

12. There are many sections of the CA Water Code which concern and protect the economic impact to a person/ entity. For instance, CA Water Code section 13267 states that “[t]he burden, including costs, of [monitoring and reporting] shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.” Where has this ever been addressed appropriately???

The State Water Board includes the following statement with respect to costs (pg. 18), “potentially reduced costs in management practice implementation facilitated by access to management practice effectiveness information”. How in the world does information on how to do something or its effectiveness lessen the cost of implementation?????

13. The EIR does not take into account the following:

- a. Small growers are disproportionately affected. The USDA report states that 87,000 growers in California have 9 acres or less. Some irrigated pasture and crops take multiple acres before realizing any financial return and/or have low value crops per acre. Many of these small growers provide fruits, vegetables, meat and other agricultural commodities to farmer’s markets, local communities, schools, etc.
- b. Much of agriculture is grown in rural and economically disadvantaged communities which has already paid dearly for a regulatory program while proving clean waters and draining millions of dollars from their communities.
- c. The State water Board expects to have to hire 90 new positions for the new requirements!!!!!!!!!!!!!! They already ignore our good water quality results and reports; this is not warranted whatsoever!

14. The State Water Board wants to require that all members maintain this information for 10 years more than the IRS requires currently.

15. The State Water Board will require that all members pay for an independent entity specializing in protection of data to provide a backup data source for 10 years. \$\$\$ The State can’t even provide this; how can members or small

coalitions afford this?

16. All members/ coalitions are to develop another study for Management Practices Effectiveness Plan to prove that the best management practices are effective in protecting water quality. This is totally disregarding all the good research that our academic institutions have done working with agricultural and providing recommendations for us to follow such as UC Davis, UC Berkeley, Cal Poly and Fresno State.

17. New Groundwater requirements, monitoring groundwater irrigation wells, etc.- to be announced but you can believe these will be VERY costly PNSSNS and all the other subwatershed are heavily regulated with minimal results from the millions of dollars expended from this costly government program. The water quality has always been good and farming practices improve with education over time anyway. Agriculture now has the data to prove what they are doing is safe to the environment and in many cases beneficial to the environment!

Where is the cost/ benefit ratio and the economic analysis representing the per grower cost?

It is estimated that these new requirements would **cost each grower approx. \$10,000 to comply** and for what?

- Pay membership and per acreage fees that go to the State Water Board already of which they had one million dollars in excess of the growers money last year, and did not reduce the cost to growers. These costs increased 375 % since 2003
  - Certify irrigation plans annually estimate age cost \$1,000
  - Certify nitrogen management plans annually, estimate \$1,000
  - Certify Sediment and erosion Control Plans, avg estimate \$5,000
- + (\$3-10,000)
- Submit annual Farm Evaluation Plans per parcel and have information made public
  - Attend at least one annual Education and Outreach plus travel times and costs from rural locations for a centralized meeting
  - Increased monitoring sites means a substantial cost shared by each grower (\$35,000 plus analysis and reporting costs= \$50, 000 approx. for an additional site)
  - Pay staff or increase your time to report and coordinate all requirements monthly, seasonally and annually
  - Increased reporting costs growers pay subwatersheds to work with local farmers and ranchers, develop databases to track and report information, develop and disseminate Annual or Monthly Newsletters and coordinate meetings, coordinate Education and Outreach workshops, attend regulatory and Sac Valley Coalition meetings to report information back to growers, represent growers to Sac Valley and the waterboards, etc.
  - Increased reporting costs with Sac Valley Coalition as this entity then coordinates information for 13 subwatersheds and represents

the Sacramento Valley and surrounding areas. The SVWQ Coalition coordinates regional reports, hires and coordinates water quality monitoring, analysis and reporting, hires subcontractors/scientists and develops other major reports on groundwater, water quality trends, management practices effectiveness reporting among just a few that cost approximately \$500,000 to over \$1,000,000 dollars each.

- Estimate the waterboards would need to add 90 new positions for the new requirements, which in turn would dramatically increase the cost on a per grower basis through acreage fees

Where has the programmatic and regulatory costs paid by farmers and ranchers since 2003 been evaluated as to the cost/ benefit ratio?

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