

SAN JOAQUIN VALLEY DRAINAGE AUTHORITY

P O Box 2157 Los Banos, CA 93635
209 826 9696 Phone 209 826 9698 Fax



WESTSIDE SAN JOAQUIN RIVER WATERSHED COALITION

June 1, 2016

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100
Via email: commentletters@waterboards.ca.gov

Subject: Eastern San Joaquin River Watershed Agricultural Order
SWRCB/OCC Files A-2239(a)–(c)

On behalf of the Westside San Joaquin River Watershed Coalition (“WWC”) we would like to offer the following comments on the above action.

1. The groundwater portion of the Irrigated lands Regulatory Program (ILRP) is just getting started. WWC farmers are in the process of learning to implement the new groundwater related reporting and record keeping requirements of the ILRP. The WWC has focused substantial resources on making sure that growers understand the requirements of the new program and how to comply with them. We are making progress in implementing this ambitious program and are confident that we will be successful. However the challenges of implementing this new program are significant. The WWC and other Coalitions are working hard to overcome growers’ fear and frustration and are making good progress with education and getting grower cooperation. Changing the program now will cause confusion and uncertainty. This will disrupt our momentum and will undermines farmers’ confidence in the Coalition and the entire ILRP program. Demanding the release of individual farm data especially discredits the ongoing Coalition efforts, which have been premised on providing only aggregated information. Growers are understandably concerned about how this data could be misinterpreted and misused by outside parties.

Recommendation: Let the current program continue for a 3 to 5 year period and request that the Regional Board reassess at that time and make any necessary changes.

2. Growers' direct submittal of data to the Regional Board will result in diminished data quality. Data verification is best handled by the Coalitions before raw data is sent to the Regional Board. The Coalitions are well suited to recognize errors in grower reported data and resolve the errors. The WWC efforts provides better quality data to the Regional Board.

Recommendation: Do not require unverified data be send directly to the Regional Board.

3. Vulnerability distinctions should be maintained. Vulnerability distinctions allow growers, the Coalition, and the Regional Board to focus on important water quality issues in their area. Elimination of vulnerability distinctions dilutes efforts to address water quality problems. The WWC has spent hundreds of thousands of dollars complying with an order requiring the determination of vulnerability classifications. Growers have been informed of these determinations and have embraced the approach. Wiping out vulnerability distinction will undermine growers' acceptance of the program. The WWC has been successful at addressing surface water quality issues utilizing a similar approach with focused surface water quality management plans. Eliminating the vulnerability distinctions will frustrate investments already made and make farmers think there is no fairness or orderliness to the ILRP program. The current order allows the Regional Board to modify lower priority area requirements later as necessary.

Recommendation: Maintain the current high and low vulnerability designations. Allow Coalitions and farmers to focus resources on addressing actual water quality issues.

4. The ILRP is not the appropriate mechanism to require domestic well monitoring. Domestic well monitoring is a landlord-tenant or county health department issue that needs to be addressed more broadly than through the irrigated lands program. Requiring Coalitions to administer a domestic well monitoring program will divert resources away from the mission of the ILRP to protect water quality, may cause unnecessary redundancy with other existing programs, and will not be broad enough to ensure that all domestic wells are adequately monitored. The cost of administering this requirement far outweigh any benefits it may provide.

Recommendation: Eliminate the domestic well sampling requirements in the draft order.

5. The representative monitoring program utilized by the ILRP is the most appropriate method to monitor surface water quality and should not be revised. Coalitions' representative monitoring programs were developed to be both effective and efficient. The programs have been revised over time to ensure their continued effectiveness. The monitoring approach is evaluated by the Regional Board to ensure that it continues to be a highly credible program.

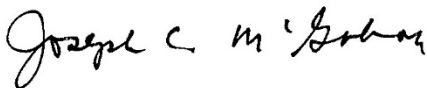
Recommendation: The State Board should express support for the current representative monitoring program approach implemented by the ILRP.

6. The proposed order does not acknowledge the substantial efforts being made by stakeholders in the CV-SALTS process. CV-SALTS is in the final stages of developing a Salt and Nitrate Management Plan for the Central Valley (SNMP). The SNMP will create a comprehensive framework to ensure safe, clean, and affordable drinking water for impacted users and provide a viable regulatory compliance path for growers inappropriately impacted by prior State Board orders. The draft order does not provide for alternative compliance pathways being developed in CV-SALTS. Many of the proposed revisions could jeopardize the progress being made in the CV-SALTS process. Mechanisms being developed in CV-SALTS will provide more comprehensive and timely protections for nitrate impacted groundwater users than any current regulatory option.

Recommendation: Let the current program continue for a 3 to 5 year period and request that the Regional Board reassess at that time and make any necessary changes.

In summary, the Coalitions implementing ILRP orders like the ESJWQC Order are making progress, gaining information and experience and providing a structure that has gained credibility and cooperation from the Coalition Members. There has not been sufficient time under the orders to gain needed data and experience for next steps, much less to allow time for the comprehensive revisions of C-V Salts, in which both the State and local stakeholders have heavily invested. Imposing still more costly and difficult requirements at this stage is causing huge consternation among farmers. Granting pauses and conducting further evaluation in 3-5 years as recommended above will allow the development of much better information to be the basis for refinements and can continue the momentum gained instead of unraveling the progress to date.

Very truly yours,



Joseph C. McGahan
Watershed Coordinator
Westside San Joaquin River Watershed Coalition