

## State Water Resources Control Board

### Second Statewide Agricultural Expert Panel II Charter Panel Charter<sup>1</sup>

FINAL- APPROVED BY THE PANEL AUGUST 8, 2025

#### Panel Purpose and Background

In State Water Board Order WQ 2023-0081, In the Matter of Review of General Waste Discharge Requirements for Discharges from Irrigated Lands Order No. R3-2021-0040 (Central Coast Ag Water Quality Order), the State Water Resources Control Board (State Water Board) stated that, with the help of its partners and the recommendations of the First Agricultural Expert Panel's 2014 Report, it has "made substantial progress in defining a science-based, data-driven approach" for "developing and implementing a long-term sustainable irrigated lands regulatory program that protects the quality of waters of the state," but that there is still much more work to do. The Central Coast Ag Water Quality Order also expressed the State Water Board's intention to convene a second expert panel (Panel) and, "task the Panel to review the nitrogen applied and nitrogen removed data and evaluate the suitability of expanding the use of the multi-year A/R ratio target values and A/R difference values in our irrigated lands regulatory programs."

As such, the purpose of the Panel is threefold:

- Review the recommendations from the First Agricultural Panel and best currently available information on nitrogen application and removal rates;
- Identify critical data gaps in A/R ratio values (ratios) and A-R difference values (difference values);
- Provide expert advice to the State Water Board on the development, if appropriate, of multi-year A/R ratio target values and A-R difference values to inform the California Irrigated Lands Regulatory Programs (ILRP).

#### Document Purpose

This Charter describes the expected role of Panel members, State Water Board staff, and third-party neutral facilitators/moderators. It also lays out the proposed decision-making protocols for reaching agreement on formal recommendations developed by the

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<sup>1</sup>**NOTE:** This Charter does not carry any regulatory or legal authority. Although participation in the Panel is voluntary at all times, Panel members agree to abide by the stipulations set forth in this Charter. The Panel is advisory only. No work of the Panel is intended to replace formal legislative or regulatory rulemaking processes by the State of California generally, the State Water Board, or the Regional Water Quality Control Boards.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Panel. These recommendations will be compiled into a DRAFT and FINAL report to the State Water Board.

### Panel Selection Process and Membership

In March 2025, the State Water Board launched a campaign to assemble a panel of experts aimed at addressing the items listed above. Through consultation with ILRP staff at the State Water Board and Regional Water Quality Control Boards (Regional Water Boards), the general public, nongovernmental organizations, agricultural industry experts, and other interested parties, the State Water Board assembled a panel of experts with the expertise needed to provide balanced consideration of the Panel charge questions, as well as input from agricultural industry representatives, public agencies, conservation organizations, environmental justice organizations, and the public documented in the respond to comments to the April 2024 public comment period.

The Panel includes the following experts:

- **Ngodoo Atume**, SGMA Technical Assistance for Small Farms Coordinator, UC Agriculture and Natural Resources (UCANR)
- **Michael Cahn**, Farm Advisory for Irrigation and Water Resources, UCANR
- **Ruth Dahlquist-Willard**, Interim Director, UC Sustainable Agriculture Research and Education Program (UC SAREP)
- **Daniel Geisseler**, Cooperative Extension Specialist, UC Davis
- **Thomas Harter**, Professor and Cooperative Extension Specialist, UC Davis
- **Ali Montazar**, Irrigation and Water Management Advisor, UC Cooperative Extension (UCCE)
- **Richard Smith**, Farm Advisor for Vegetable Crop Production and Weed Science, UCANR
- **Hannah Waterhouse**, Assistant Professor of Agroecology and Watershed Ecology, UC Santa Cruz

### Pannel Schedule and General Meeting Topics

The State Water Board seeks Panel recommendations in the first quarter of 2026. Given the rapid pace of discussion and deliberation, staff recommend the process below to capture Panel recommendations and public input.

#### Plenary Panel Meetings

Plenary meetings of the Panel are intended to present critical information on ratios and difference values to the assembled experts, utilizing data from public agencies, ILRP agricultural approved third-party groups, nongovernmental organizations, other interested parties and subject matter experts, and the agricultural industry. This information will be used to inform DRAFT and FINAL Panel recommendations by the first quarter 2026. Meetings will be held on the following dates in person in Sacramento and virtually via Zoom. All meetings will be recorded and summarized for the general public and any Panel members unable to attend.

- **Meeting 1 (Day 1)** August 8th, 2025: Establish the Panel, select a Chair, and approve this Charter; receive background information on previous panel

recommendations, State programs, authorities, and interested party perspectives.

- **Meeting 1 (Day 2)** August 14th, 2025: Receive presentations on available N application and removal data from the State Water Board, Regional Water Boards, ILRP agricultural approved third-party groups, nongovernmental organizations, and Indigenous Knowledge in stewarding agricultural lands and water.
- **Meeting 2** October 31st, 2025: Develop initial Panel recommendations.
- **Meeting 3** January 14th, 2026: Receive final Panel input on draft recommendations, including documentation of any majority/minority opinions.

All Panel meetings will include information sharing and public comment opportunities, although the intent of each meeting is to prioritize space for Panel discussions. These meetings will be held in accordance with the Bagley-Keene Open Meetings Act.

### Public Listening Sessions

Public listening sessions are designed to solicit feedback from all interested parties on program implementation, draft, and final recommendations. At a minimum, two public listening sessions are expected to be held on October 1, 2025, and mid/late November 2025. Unlike the Panel meetings above, these sessions will provide brief opening presentations from State Water Board staff, with the majority of time set aside to receive direct input from the public and all interested parties.

### Panel Working Group Meetings

At the direction of Panelists, small discussion sessions may be held for Panel members to focus on topical issues relevant to the development of its recommendations. Specific topics for discussions sessions will be determined based on outcomes from the full Panel meetings discussed above.

### Decision Making Guidelines and Establishing a Quorum

The goal of Panelists should be to reach consensus on all recommendations. However, given the rapid pace of deliberations, State Water Board staff acknowledge this may not be possible on all items. The decision-making structure separates items for approval and deliberation into basic logistical items such as the approval of this Charter or the selection of a Panel Chair and more substantive items such as the recommendations themselves.

### Logistical Items

For basic logistical items including (but not limited to) the approval of this Charter, the selection of a Panel Chair, and the approval of Panel summaries/minutes from each meeting, a basic majority vote (50%+1) of Panel members present approves the item. For items approved by majority, the Panel Chair will ask for a motion to approve the item from Panel members present, followed by a second motion. After a motion to approve and a second, the meeting facilitator will conduct a role call vote by name of each Panel Member present. Each panel member will select from the following options:

- Aye: I approve the item in question
- Nay: I do not approve the item

- Abstain: I can't participate in the vote due to perceived conflict of interest, or not enough information on the item in question

### **Substantive Items**

For more substantive items such as the recommendations, a consensus-seeking decision-making structure will be used. Consensus-seeking differs from consensus-based in that, while the intent is to explore avenues for consensus among all Panel members, it allows for minority opinions as well. For substantive items, following deliberation by the Panel, the Chair will close discussion and request approval from all members present using the following options:

- Yes: I approve of the item as is without modification
- Yes, with modifications: Although I have some reservations about the recommendation, I support the concept. I will provide any modifications in written form for documentation in the meeting record.
- No, with modifications: Although I support the general concept, I have significant reservations about the item and will provide an alternative for documentation in the meeting record.
- No: I do not support the recommendation and will provide my reasoning for documentation in the meeting record.

### **Establishing a Quorum**

A quorum is defined as 50%+1 of the total membership present. With 8 members on the Panel, at least 5 must be present to establish a quorum. No approvals for logistical or substantive items will be conducted absent a quorum. In the event that a quorum is not established, the meeting will adjourn and be rescheduled for a later date.

### **Staff, Facilitator/Moderator, Panel Member, and Panel Chair Roles and Responsibilities**

#### **State Water Board Staff**

State Water Board staff play an important role liaising between the Panel, State Water Board executive leadership, and State Water Board members. In consultation with the meeting facilitator/moderator, they also serve an important logistical role in:

- Coordinating presentations from State, and Regional Water Board staff and outside experts.
- Posting meeting notices and materials in accordance with the Bagley Keene Open Meetings Act.
- Providing feedback received from State Water Board executive leadership and State Water Board members to the Panel.
- Timely communication with the Panel and facilitator of any necessary process or schedule modifications.

#### **Meeting Facilitator/Moderator**

A facilitator is a person who plans, guides and manages a group event to meet its goals. It is important to note that the facilitator is a process expert and might not necessarily be a content expert. Content expertise is assumed to reside solely within the Panel's membership.

The facilitator must be dedicated to serve in a “content-neutral” role and not participate directly in any decisions made by the Panel as a whole. This ensures the facilitator is not viewed as a de facto Panel member, and process guidance is not perceived as biased towards a particular position by Panel membership.

Sacramento State University’s College of Continuing Education will provide facilitation services to support the Panel process. Specific responsibilities of the facilitator include:

- Facilitate meetings and generate draft and final agendas and meeting summaries.
- Work with meeting presenters and presentations to ensure they are timely and informative to Panel needs.
- Develop standardized meeting summaries following each meeting which capture the range of views and ideas presented by participants and report on where there are areas of agreement and disagreement.
- Assure that Panel participants have adequate time to respond to information or requests submitted between meetings.
- Coordinate development of DRAFT and FINAL reports on Panel recommendations to the State Water Board.

### Panel Members

Members will attend meetings; and apply their subject matter expertise as it relates to the panel charge questions; and contribute to the written recommendations of the Panel. Members are also expected to review materials and provide comments in a timely manner. By being aware of their constituency/organizational concerns and providing comments on applicable Panel materials, members ensure all meetings can be used to efficiently provide formal recommendations.

### Panel Chair

The Panel Chair plays an important role in guiding the overall process, developing meeting agendas, liaising with other members and the State Water Board, while also allowing themselves to play an active role in Panel discussions (and relying on the neutral facilitator to assist in meetings). At a minimum, the Chair will:

- Participate in a pre-meeting conference call or virtual meeting with State Water Board staff and the facilitator to develop agenda items and share any concerns raised by their fellow Panelists between meetings.
- Join public listening sessions or other public outreach activities to share an overview of Panel activities to date.
- Provide a presentation to the State Water Board on the Panel’s findings and recommendations at the end of the Panel process (with support from the facilitator and staff as needed).
- Direct the logistical and substantive approval processes as needed during meetings with guidance from staff and the facilitator.

### Public Participation and Comment Guidelines

Panel meetings and listening sessions will be open to the public and properly noticed at least 10 business days in advance in accordance with the Bagley-Keene Open Meetings Act. Each meeting will include public comment periods. Time limits for public

comment may apply, depending on the total number of individuals wishing to comment. To request the opportunity to comment, members of the public are encouraged to submit their name and a summary of their comment to [DWQ-ILRP@waterboards.ca.gov](mailto:DWQ-ILRP@waterboards.ca.gov) two days prior to each meeting day. If a member of the public is unable to submit the request in advance of the meeting, they may submit their name and general topic to the meeting moderator. Please note that priority will be given to those individuals who submit comment requests in advance of each meeting.