

**Irrigated Lands Discharge Program (Program)  
Advisory Group Meeting #2  
Santa Rosa Sub-Regional Meeting  
Meeting Summary  
2/16/2012**

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**Meeting Participants**

**Advisory Group Members & Staff**

Joe Dillon, NMFS  
Kara Heckart, Sotoyome RCD  
Kari Fisher, CFBF  
Carol Mandel, NRCS  
Don McEnhill, Russian Riverkeeper  
Alan Levine, Coast Action Group  
Robert Boller, Kendall Jackson Wines  
Rebecca Fitzgerald, North Coast Water Board Staff  
Ben Zabinsky, North Coast Water Board Staff  
David Leland, North Coast Water Board Staff  
Mark Neely, North Coast Water Board Staff  
Glen McGourty, UCCE  
John Nagle, Gallo & Wine Institute  
Kathy Reese, Sonoma County Farm Bureau  
Shelley Janek, Mendocino County RCD  
Chuck Morse, Mendocino County Agriculture Commissioner  
Tony Linegar, Sonoma County Agriculture Commissioner  
Devon Jones, Mendocino County Farm Bureau

Janet Pauli, Mendocino County Inland Water and Power Commission  
Laurel Marcus, Fish Friendly Farming  
Jovita Pajarillo, RB1

**Public**

Gail Davis, Sonoma County Agriculture Commissioner's Office  
Tito Sasaki, Sonoma County Farm Bureau  
Sandy Potter, San Francisco Bay Water Board staff  
Jim Ponton, San Francisco Bay Water Board staff  
John Struser, Grower  
Barry Krose, Sotoyome RCD  
David Brown  
Scott Gergus, Region 1 Water Board  
Daniel Myers, Sierra Club  
Brenda Adelman, Russian River Watershed Protection Committee

**Phone**

Margo Parks, CA Cattlemen's  
Samantha Olsen, RB1 Counsel

**ACTION ITEMS**

1. Devon Jones will send suggestions for potential Advisory Group members from the marijuana cultivation community to Ben Zabinsky.
2. Water Board staff will email the presentation from the December 2011 Advisory Group meeting to Daniel Meyers to provide background on the Water Board's authority to develop the Program.
3. Staff will develop definitions of tailwater, human-caused landslides, and infrastructure related to agricultural operations for discussion at the March sub-regional meetings.
4. Staff will provide an educational presentation on the Surface Water Ambient Monitoring Program (SWAMP) at the March sub-regional meeting.

5. Staff will develop a presentation on agricultural discharge programs from other regions for delivery to the full advisory group.

## SUMMARY

### **\*\*PRESENTATION AVAILABLE ONLINE AT**

**[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/irrigated\\_lands/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/irrigated_lands/)\*\***

### **Opening, Introductions, and Logistics Issues**

David Leland opened the meeting and thanked participants for attending. Sam Magill reviewed the agenda, discussed meeting logistics, and informed participants that any suggestions for additions to the Advisory Group membership should go through the formal process laid out in section three of the Advisory Group Charter.

### **Presentation & Discussion of Key Terms for the Program**

Mr. Zabinsky presented information on key, legally defined terms for the Program, the proposed Program scope, and a potential name change for the Program. After the presentation, the following discussion was recorded:

- Advisory Group participants asked if small agricultural activities such as nurseries will be included in the Program. Staff responded that the list provided in the presentation was not meant to be exhaustive. Detailed discussion on the size of operations included in the scope follows below.
- Joe Dillon noted the federal government cannot recognize marijuana cultivation in any way for inclusion in the Program.
- Advisory Group participants asked if grazing activities association with dairies would be covered by the Program. Staff responded that all activities associated with dairy operations are covered by the existing Dairy Program. Similarly, other agricultural activities with potential impacts to water quality already covered by existing permitting programs or processes will not be included in this Program. An example includes activities associated with timber harvest.
- Ms. Jones asked if there has been any outreach to marijuana cultivators. Mr. Zabinsky responded that some outreach has been done, primarily to the Humboldt Growers Association, but due to limited resources and hesitance to join a formal agency process, cultivators are unable to attend at this time. Ms. Jones added that she will send suggestions for additional members to Water Board staff (**see Action Item #1**).
- Mr. McGourty and Don McEnhill noted that dry farms make up a substantial amount of acreage in Sonoma County. Mr. McEnhill added that given the substantial amount of acreage in dry farming, it makes sense to include dry farming in the Program.
- Ms. Jones asked what the seasonal scope of the Program will be. Staff responded that it will be year round, including runoff associated with activities such as frost protection. **NOTE:** The Program will address the water quality affects of activities like frost protection, but will not address any issues associate with water *quantity* or water rights.

- Mr. McEnhill asked if areas covered by Total Maximum Daily Loads will be exempt from the Program. Mr. Leland responded that TMDLs can be implemented through permits; the Program may be one such permit.
- Participants asked if storm water reuse/recycling permits will be covered by this Program. Mr. Leland responded that this will be covered by a separate permitting process. Mr. Zabinsky added that additional coordination will be required between this Program and other processes to ensure minimal overlap and reduce duplicative permits.
- A participant asked what the expected end result of this Program is expected to be. Mr. Leland responded that nothing has been finalized, but Waste Discharge Requirements (WDR) or conditional waivers of WDRs are likely outcomes of the Program.
- Gail Davis asked if horse operations will be included in the Program, and suggested that the Sonoma County Horse Counsel be included in the Advisory Group. Jovita Pajarillo noted that horse operations are largely covered by federal Concentrated Animal Feeding Operations (CAFO) permits, but this depends on the size of the operation. Mr. McEnhill noted that some small horse operations may not be covered by CAFO, but could still pose a risk to water quality.
- Chuck Morse asked if other regions have adopted or implemented similar programs to include dry farming/non-irrigated agricultural lands. Kari Fisher responded that the Santa Ana Regional Water Board is looking into it, but has not adopted anything yet. Other regions have not included non-irrigated agriculture in their programs.
- Mr. Dillon noted that irrigated and non-irrigated agriculture both have an opportunity to discharge due to runoff; as such, both should be included in the scope of the Program.
- Participants asked if this Program will supersede existing TMDLs, and where the Water Board's authority for developing the Program stems from. Sandy Potter said that the authority comes from the state Nonpoint Source Pollution Prevention Policy. Mr. Leland added that the Program is not intended to replace existing TMDLs, but will require coordination with those programs.
- Participants noted that the Program does not have a baseline for existing conditions as a starting point. A specific baseline of existing conditions will allow the regulated community and the Water Board to monitor whether the Program is improving conditions or not. Mr. Leland responded that there will be a monitoring component to track success of the Program; the Advisory Group will provide critical input on the development of the monitoring component. Alan Levine noted that impaired listings for specific pollutants could serve as a baseline.
- Daniel Meyers asked for additional information on the authority for the Program. Water Board staff will email the presentation from the first Advisory Group meeting to Mr. Meyers and coordinate a more thorough briefing on authorities with staff counsel as needed (**see Action Item #2**).
- Participants noted that there may be overlap between the Program and the process under development with the State Water Resources Control Board to address dry land grazing. Additional coordination may be needed between the Program and dry land grazing process.

After group discussion of scope and definitions, staff held a straw poll to determine the level of Advisory Group comfort with changing the name of the Program from "Irrigated Lands Discharge Program" to the "Agricultural Lands Discharge Program." The name change captures

the desire to include dry farmed vineyards and other non-irrigated agriculture *not* covered by an existing process. Advisory Group members were broadly supportive of the suggestion. Two members were not supportive of the change; one suggested keeping the existing name, and one suggested changing it to the “rural lands program” to capture non-agricultural activities which may impact water quality.

### **Presentation and Discussion of Program Principles**

Participants discussed proposed goals and principles for Program development. After the presentation, the following discussion was recorded:

- Participants discussed how tailwater can be regulated by the Program. Ms. Fisher noted that return flows from some fields may be needed to replenish streams, and that limiting return flows could affect downstream water rights. Staff noted that regulating tailwater may not be appropriate in all situations. Flood irrigation is only used in limited areas within the Sonoma/Marin/Mendocino sub region, so the amount of tailwater returns may be very limited to begin with. However, runoff from water applied as frost protection may be considered tailwater.
- Staff will develop a specific definition of “tailwater,” “human-caused landslides,” and “infrastructure related to agricultural operations” for comment at the next sub-regional meeting (**see Action Item #3**).
- Participants noted that there is a very large wild pig population within the sub-region. These pigs may affect water quality in a given area, but are beyond a landowner’s control. Ms. Fisher and staff responded that documentation of natural sources of contamination will be important to ensure that landowners aren’t penalized. Photo monitoring could be an inexpensive way to address the issue.
- Gail Davis suggested that in addition to private roads, staging areas for harvesting and pruning be considered as “infrastructure related to agricultural operations.”
- Ms. Jones requested a presentation on the Surface Water Ambient Monitoring Program (SWAMP) at the March sub-regional meeting (**see Action Item #4**).

### **Group Exercise: Identifying Local Risks to Water Quality**

Meeting participants identified local risks to water quality and opportunities for improvement based on the goals presentation discussed above. The following table represents the results of the exercise:

<b>RISK</b>	<b>OPPORTUNITY</b>	<b>NOTES</b>
<ul style="list-style-type: none"> <li>• Tillage practices for wine grapes</li> <li>• Slope of planted area</li> <li>• Proximity to watercourses</li> <li>• Size of vineyards</li> <li>• Type and timing of pesticide application</li> <li>• Type and timing of fertilizer</li> </ul>	<ul style="list-style-type: none"> <li>• Plant appropriate cover crops to reduce erosion</li> <li>• Buffer strips to reduce sediment loading</li> <li>• Encourage the establishment of second generation woody riparian vegetation where feasible</li> </ul>	<ul style="list-style-type: none"> <li>• Tillage usually occurs in late March and with the first fall rains. Timing tillage may reduce sedimentation issues.</li> <li>• Proximity to water course is a complicated issue that includes both immediate</li> </ul>

application <ul style="list-style-type: none"> <li>• Lack of cover crops</li> <li>• Proximity of farm roads to water courses</li> <li>• Soil stability of farm roads</li> <li>• Lack of funding for compliance with water quality</li> </ul>		distance to nearby surface water and the hydrologic connectivity of the planted area to surface and groundwater areas.
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In addition to the discussion of risks and opportunities, the following discussion was recorded:

- Participants continued a discussion of potential thresholds for inclusion in/exclusion from Program enrollment. Ms. Potter noted that in the San Francisco Region’s vineyard waiver, all operations with 5 acres in production must enroll in the waiver. Areas already enrolled in other permit programs such as NPDES (National Pollutant Discharge Eliminate System permits, which are for point sources like wastewater or stormwater discharges) are not enrolled in the waiver. She continued by stressing that management practices must be appropriately tailored to the risks in this region. Mr. McEnhill noted that size alone should not be the determining factor. In one local case, he noted that a one acre vineyard was creating all of the sediment issues for the area.
- Participants asked for an educational presentation on agricultural discharge programs from other regions at a future meeting (**see Action Item #5**).
- John Struser asked what process exists in other regions to certify third party programs. Mr. Dillon said that for the National Marine Fisheries Service (NMFS), NMFS must review it. The Water Board will have to develop its own certification process. Mr. Leland suggested that it will be similar to the 5-County Coho process under development now for county roads. The San Francisco Region is also developing criteria. Robert Boller suggested that part of the Advisory Group process should include the development of third party certification criteria.
- Participants noted that sediment control BMPs may be limited by prohibitions against building storm water retention ponds due to water rights concerns downstream. Recent legislation may assist in dealing with this problem though.
- Participants discussed the role of in-stream flow and releases from Warm Springs and Coyote Valley dams on sedimentation, and asked if the Program will deal with this type of activity. Specifically, participants discussed the role of USACE as it contributes to sediment issues.
- Participants discussed possible BMPs for controlling sediment from roads. Ms. Jones cautioned that some BMPs on older roads have increased sedimentation; older, insloped roads may have exhausted sediment supplies already. Participants agreed that road work needs to be done on a site-specific basis.
- Participants noted that ease and effectiveness of enrollment for landowners will be critical to the success of the Program. Staff generally agreed that the more straightforward the Program is, the more successful it is likely to be.

- Participants noted that another major land use in the sub-region, orchards, generally have many of the same characteristics as vineyards. Although some specific BMPs should be applied, many of the same requirements are applicable in both situations.
- Participants noted that there are a lot of small scale vegetable producers for farmers markets. Although individually each produce may not pose a significant risk to water quality, investigation of the activity on the landscape as a whole could be very useful.
- Participants discussed the risk of marijuana cultivation to water quality. Especially in the case of illegal (non-medicinal) grows, marijuana may pose one of the largest threats to water quality in the area. If at all possible, additional outreach should be made to the marijuana community.
- Glen Mcgourty suggested that we treat marijuana grows as ‘intensive horticultural facilities’ that would also include production nurseries. Both use fertilizers, pesticides and water in a small area, more intensively than most agriculture.

## **ADJOURN**