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RE: Comments on Proposed Changes to the Irrigated Lands Regulatory Program

- Agriculture and watersheds differ throughout California. Regulations for the Irrigated Lands Regulatory program should be based on these regional differences. Regulations for the entire state should not be based on conditions that exist in the East San Joaquin Water Quality Coalition -- to do so is unscientific.
- For example, detailed groundwater reports for the Sacramento Valley by CH2M Hill (2013) strongly state that rice lands do not contribute nitrogen to groundwater (even shallow) due to rice land soil type. But, the proponents of the new regulations claim that the proposed changes should apply to all lands regardless of underlying groundwater basins because the science is not good enough to differentiate among them. Is this an example of using science when it is to one's advantage and ignoring it when it doesn't support one's purpose? [CH2M Hill. July 2013. Rice-specific groundwater assessment report. Page ES-4. "A detailed review of the soil properties of rice lands, nutrient management, and root-zone data indicated that rice farming poses a low risk to groundwater quality. This report has demonstrated that the data reviewed do not show impacts on groundwater quality from rice agriculture, and the scientific understanding of rice systems supports the reasonable assumption that rice agriculture has a very low potential to impact groundwater quality. In addition, no high-vulnerability areas due to rice agriculture were identified in this analysis."]
- Why were many Water Quality Coalitions formed throughout California if the regulations for the East San Joaquin Water Quality Coalition will now be imposed statewide? To apply the regulations statewide harms the spirit and concept of multiple coalitions.
- The proposed regulations damage the spirit of the water quality coalitions by changing the Irrigated Lands Regulatory Program from a group effort to an individual farm effort. In particular, the new regulations split-out the raw data from individual farms and increase the burden on farmers without any clear explanation of the purpose of the changes. Rather than elicit cooperation in the program, the proposed regulations put farmers into a defensive crouch.
- With the new proposed regulations, it appears that the water quality coalition program is a classic "bait-and-switch" manipulation of farmers. Coalition formation, enrollment,

and implementation of the initial regulations have barely started to operate and be tested in the state – and now, major proposed regulatory changes are threatened. Confidence in the regulatory program is reduced because farmers realize that additional major changes can be decreed at any time. Because of the rapid and expansive new regulatory changes, farmers have little confidence that the water quality coalition program is based on common sense solutions.

- More state agencies are moving to outcome-based planning where specific desired outcomes are the focus of actions taken. For the proposed regulatory changes to the Irrigated Lands Program, the desired outcome has not been stated by the board and totally escapes us, unless the intent is to collect data, complicate the system, and penalize all farmers. If the desired outcome is to reduce nitrogen contamination of key groundwater basins by some percentage, then regulations should focus on achieving that goal rather than painting all areas of the state with the same brush.

With regards,

Richard L. Bottorff, Secretary
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