

COUNTY OF NEVADA
STATE OF CALIFORNIA
BOARD OF SUPERVISORS



(5/4/16) Public Workshop
Eastern San Joaquin General Order
Deadline: 5/18/16 by 5:00 pm

Nathan H. Beason, 1st District
Edward C. Scofield, 2nd District
Chair Dan Miller, 3rd District
Vice-Chair Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District

Julie Patterson Hunter,
Clerk of the Board

May 3, 2016

Ms. Jeanine Townsend
Clerk of the Board
State Water Quality Control Board
P.O. Box 100
Sacramento, CA 95812



Re: Comments Opposing Proposed Order for E. San Joaquin – A-2239(a)-(c)

As Supervisor representing predominantly rural, farming communities in Nevada County, I wish to state my strong opposition to the Proposed Order.

Nevada County is a member of the Placer-Nevada-south Sutter-north Sacramento (PNSSNS) Subwatershed group, which was formed in 2003 as a result of the removal of the exemption for irrigated agriculture. PNSSNS is a member of the Sacramento Valley Water Quality Coalition ("Coalition"). The PNSSNS consists of 510 members with over 50% having ten acres or less. Irrigated agriculture within this largely foothill watershed represents only 2.6% of the land use.

The foothills and fringes of the Sacramento Valley are characterized by low intensity farming, cover crops on slopes year round, minimal to no pesticide use, and at least two management practices implemented by each grower. Many of the irrigation practices use small quantities of water-- typically via drip or micro-jet irrigation--resulting in no run-off. For 12 years PNSSNS has had excellent water quality results from thousands of required tests.

Both the State Water Board and Central Valley Regional Water Board need to recognize and designate "low threat subwatersheds" based on all the scientific data that supports our position. PNSSNS applied for a Reduced Monitoring/ Management Practices Verification Plan as allowed through the current Order R5-2014-030. This Plan recognizes low threat/low vulnerability subwatersheds that have demonstrated good water quality results, the predominance of low intensity agriculture, minimal pesticide use and no reported toxicities. There is absolutely no need to further increase reporting, certify all plans, increase monitoring sites, increase regulations, test private wells or release private information as per the Proposed Order. There are too many costly regulations based on assumptions rather than the data we have provided the regulators for over 12 years. These regulations completely disregard differences in farming practices, types of crops, low intensity farming, minimal to no pesticide use, soil types, fractured rock groundwater system, efficient irrigation practices and all the dollars invested to implement good management practices already in place.

Farmers and livestock producers have a long history of improving management practices as education and outreach is available, especially through our excellent academic institutions: UC Cooperative Extension, USDA NRCS, County Agricultural Commissioners and the Resource Conservation Districts, as well as a multitude of private technical consultants. This system has been in place for years, yet the regulators think using a "big stick" and threatening people with costly regulations will "fix" whatever the regulators think is wrong. We have proven repeatedly that our good farming practices, efficiencies and conservation efforts are producing healthy food for our schools and our communities while protecting State water resources.

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The Economic Analysis Report by both the State Water Board and the Central Valley Regional Board is extremely flawed and does not account for the high costs already paid by farmers, let alone the increased costs proposed by this new Waste Discharge Order. The State Water Board's Fact Sheet says, "...the additional costs and burden associated with these revisions are not substantial". In fact, the costs of certifying plans, reporting, testing private wells, paying for additional surface water monitoring sites, analysis and reporting increase the financial burden to EACH small grower by approximately \$4,000-\$5,000/year for small acreage. Growers, especially those with small acreage and/or in economically disadvantaged communities are already burdened with low income challenges.

The PNSSNS subwatershed has collected over \$1 million from our local farmers and ranchers to meet current requirements and we continue to be heavily regulated from this costly government program. Agriculture now has the data to prove our practices are generally safe for the environment and in many cases beneficial. Where is the cost/benefit ratio and the economic analysis representing the per grower cost, especially paid by the small growers?

It is estimated that these new requirements would cost each grower, on average approximately \$4,000 - \$10,000 to comply, regardless of the low threat and data generated to date. Following is list of some of the current and proposed costs and requirements each grower would have to comply with:

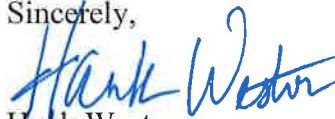
- Growers' membership fees and per-acreage fees to the State Water Board have increased 375 % since 2003. The State Water Board already had one million dollars in excess of the growers' money last year, yet they have not reduced the cost to growers.
- Cost to certify irrigation plans annually, estimated average \$1,000.
- Cost to certify nitrogen management plans annually, estimated average \$1,000.
- Cost to certify Sediment and Erosion Control Plans, estimated average \$5,000 (\$1,000-\$10,000/ grower).
- Submit annual Farm Evaluation Plans per parcel and have private information made public
- Attend at least one annual Education and Outreach meeting plus travel times and costs from rural locations.
- Increased monitoring sites means a substantial cost shared by each grower of the subwatershed group (\$35,000 plus analysis and reporting costs= approx. \$50,000 per additional site/year).
- Cost for testing your private well, minimum of two water samples, analyzed and reported, depending on scope of test, SWB est. \$400.
- Pay staff or increase growers time to report and coordinate all requirements monthly, seasonally and annually.
- Increased reporting costs, paid by growers to subwatersheds to work with local farmers and ranchers and develop databases to track and report information
- Increased costs for the Coalition to attend State meetings, develop and disseminate annual or monthly newsletters; coordinate Education and Outreach workshops, coordinate regional reports; hire and coordinate subcontractors and scientists for water quality monitoring, analysis and reporting on groundwater, water quality trends, management practices and effectiveness. Such reporting costs, to the coalitions, would be approximately \$500,000 to over \$1,000,000 each.
- The Water Board's estimate suggests the need for 90 new State positions to administer the new requirements, which in turn would dramatically increase the cost on a per-grower basis through acreage fees.

The California Water Code §13267 states: “[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.” Neither the proposed regulations nor any of the three alternatives show either a reasonable need or a clear relationship to the need. This needs to be addressed appropriately for small growers, livestock producers, low intensity agriculture, and producers with irrigated pasture; especially in the foothills of the Sierra Nevada.

PNSSNS is a **low threat** subwatershed group. To date, members from subwatershed groups like ours have paid millions of dollars to support a government program without a demonstrated need. We challenge the State Water Board to address the unique needs of the small acreage and/or low intensity farmer/producer and perform a cost/benefit ratio analysis to determine if the high costs associated with implementation and reporting of the Proposed Order are truly justified.

It is no wonder that small family farms are disappearing and young people are increasingly discouraged from pursuing careers in agriculture. We sincerely hope you record these comments and “say NO” to another “one size fits all” regulation that is without merit, costly, cumbersome and has no demonstrated benefit other than to regulate.

Sincerely,



Hank Weston
Supervisor, District 4

Copied to:

Senator Ted Gaines
Senator Jim Nielsen
Assembly Member Brian Dahle
Rural County Representatives of California
California State Association of Counties
California Farm Bureau Federation
PNSSNS Sub-watershed Group
Nevada County Resource Conservation District
Nevada County Farm Bureau
Nevada County Agricultural Commissioner
Nevada County UC Extension Farm Advisor