

# North Eastern California Water Association

P.O. Box 367, McArthur, CA 96056

*NECWA's Mission is to protect and enhance water rights, water quality and riparian areas to the benefit of agriculture, the environment, recreation, and wildlife in the Northeastern California region.*

March 19, 2011

Regional Water Quality Control Board  
Central Valley Region  
Ms. Katharine Hart, Chair  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670

Attention: Adam Laputz

Dear Chair Hart and Board Members:

Please accept these comments on behalf of the Northeastern California Water Association (NECWA). We are a voluntary membership organization of over 170 members and a geographic region that covers 75,000 irrigated acres for the Irrigated Lands Regulatory Program (ILRP) in the northeastern corner of the state. NECWA was formed prior to the implementation of the ILRP for the purpose of protecting our member's interests in water rights and quality. Our members were proactive prior to the implementation of the ILRP and we still feel that the ILRP program is unnecessary, burdensome and costly to our members and to the state.

That said, we are saddled with this regulatory program and understand that we must continue to work within the framework, therefore we have fully read the Staff Report which contains the staff recommendations to the upcoming changes to the Irrigated Lands Regulatory Program. There are a few items we would like to bring to your attention as you look to continuing and making changes to the current program.

### **Placing the appropriate perspective.**

Our region consists of roughly 2,752,300 acres, which includes the Upper Pit River Watershed, the Fall River Watershed, the Burney Creek Watershed and the Hat Creek Watershed. We used reports published on each of these watersheds<sup>1</sup> to compile the following numbers that are important for you to consider, especially in the light of footnote 8 on Page A8 of the report; "...relative amount of irrigated agricultural use compared to other land uses in the geographic area, and pesticide use." Of the 2.7 million acres in our coverage area, only roughly 8% is in irrigated or partially irrigated agricultural uses. Compare that to the 60% ownership by the Federal and State governments, and roughly 15% by private forest landowners. Obviously irrigated agriculture is a very small component and is also very light touch, since we are in a high elevation setting with a limited growing season and crop availability.

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<sup>1</sup> Hat Creek Watershed Assessment and Watershed Management Plan, VESTRA Resources, March 2010; Burney Creek Watershed Assessment and Watershed Management Plan, VESTRA Resources, April 2010; Fall River Watershed Assessment and Watershed Management Plan, VESTRA Resources, April 2010; Pit River Alliance Webpage: [www.pitriveralliance.org](http://www.pitriveralliance.org), March 2011.

It is important to understand that NECWA is a proactive, volunteer, membership organization. We recently contracted with University of California Cooperative Extension Agricultural Advisors to perform a replicable, professional study of our membership to learn about their management practices. We did this to understand the types of practices our members are using in order to determine what continuing education we can provide in the future<sup>2</sup>. The study had a 76% return rate. It showed that over 90% of our membership have made or are making management changes to enhance and protect water quality on their operations. That shows real success from our member's participation in a voluntary membership organization that happens to be a sub watershed coalition group complying with the ILRP.

In addition to the great response on management improvements, the data on pesticide occurrences were negative, no traces of any pesticide tested for were found. (Even though this year we are, yet again, forced to pay for complete and thorough pesticide testing under the requirements of the ILRP).

**NECWA members should fall into Tier 1.**

The study referred to above also compiled all of the monitoring data that we have painstakingly collected over the past six years. The only exceedances that occurred were in DO, Ph and Ecoli. NONE of the exceedances were tied to agriculture uses. So, when staff wants to place us into Tier 2 simply because they believe we are *guilty until we prove ourselves innocent*, costing both our members and the state greatly, that is ABSOLUTELY the wrong approach! Also, please recognize that the DO standard is higher because the Upper Pit River was wrongly classified as a cold water fishery! The DO exceedances would not have occurred if the Pit was properly classified as a warm water fishery, which it is in the upper reaches<sup>3</sup> prior to the confluence with the Fall River, where it does become a cold water fishery. Several of the upper tributaries to the Upper Pit River also are cold water fisheries.

**Do Not Use 303d listings to Automatically place areas into Tier 2 or Tier 3.**

Our NECWA membership has recently contracted with an environmental consulting firm to look at the data that has been used to place water bodies, namely the Pit River and several of its tributaries, onto the 303d list. This firm has found the data to be highly lacking in QAQC (a standard that supposedly is required in order for data to be used to list a water body). The consulting firm has had numerous discussions and communication with staff at the Regional Board. It has been highly difficult and sometimes impossible to get copies of the field notes or protocols used in collecting the data used in making the determinations. The data our members have been paying to collect over this past six years is far more accurate than data used to place these water bodies on the 303d list and classify their beneficial uses as they are.

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<sup>2</sup> Northeastern California Water Association Management Survey Summary, March, 2011: Larry Forero, UCCE, Dan Marcum, UCCE, Lynn Huntsinger, University of California, Berkeley, Helen Albaugh, NECWA

<sup>3</sup> Pit River Watershed Alliance Water Quality Monitoring Program, 2003-2005, Prepared by: Todd Sloat Biological Consulting, Inc and the Regional Water Quality Control Board Redding Office, March 2007.

**No Farm Evaluations or Farm Water Quality Management Plans for Tier 1 or Tier 2.**

The cost these would place on our members would be horrific. Staff seems to refer to a simple checklist or two other options. As you consider how much paperwork you are looking at in evaluating this new and updated Long Term ILRP we ask you to consider how easy it appears to be for the state to expect more and more documentation and reporting. To what end? That makes no improvement on the ground and it comes at a high cost to both regulated agriculture and the state itself.

**Management Plans to be submitted every five (5) years for Tier 1 and Tier 2.**

The staff report is confusing whereby at some points it is clear that they are recommending that reports shall be submitted every five years. But then you find in Section 7 and Section 9, where discussion of every three years, or even yearly occur. It is unclear what the staff recommendation is.

**Avoid placing landowners under multiple orders.**

As the process has been explained, the Board will undertake a series of orders to implement the "new" program. Our concern is that you could place multiple burdens and differing requirements onto landowners that have several types of crops on their property. For example, a landowner can easily have hay, irrigated pasture, livestock and wild rice. Would they be subject to the terms of four separate orders? They should not be. You should craft something that allows for landowners to comply with one order, if they fall under more than one.

**Lastly, maintain the integrity of the coalition structure.**

As mentioned above, even though we are a sub watershed coalition under a larger coalition, our members know they need to be aware of their practices and to ensure that water quality is not degraded from their actions. Ninety percent (90%) of our members have made or are making changes in their operations to ensure that water quality is maintained or enhanced. These are real people, who have real concern about the environment they work in and the resources they steward through their agricultural operations. In many cases, these landowners have stewarded and cared for their lands and water for generations, long before this ILRP came into being.

Thank you for your consideration.

Sincerely,



Roderick McArthur, President  
North Eastern California Water Association  
P.O. Box 367  
McArthur, CA 96056

Cc: Pamela Creedon, Executive Officer