



Irrigated Lands Waiver

Yolo County Farm Bureau Education Corporation

Subwatershed Program

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In June 2005 over 7,000 copies of the Irrigated Lands Waiver newsletter were mailed to every landowner in Yolo County AND to every grower with a pesticide permit.

Future issues will only be mailed to enrolled participants of the Subwatershed Program.

Water Board Starts Waiver Enforcement

In its first major enforcement action related to Conditional Waivers for Irrigated Lands, the Central Valley Regional Water Quality Control Board sent certified letters to growers it suspects are not complying with requirements of the waiver program.

The majority of farmers have signed up with coalitions but the board is undertaking this effort to ensure all landowners and operators of irrigated land with potential discharges are participating in the program.

Letters of Compliance were mailed to 88 growers in March 2005. The board used public information to identify 13 growers in Yolo County, 16 growers in Fresno County and 50 growers in Madera County. In June 2005 the Water Board sent out a second mailing to landowners in Butte, Sutter and Yuba counties who have not signed up to participate in a watershed coalition.

In addition to identifying growers who are not members of a coalition, the board also is looking at growers' geographical location and topography of their irrigated lands; proximity to major surface waters that have water quality problems; and potential for discharge from their irrigated land to impact water quality.

Growers who receive the letter by certified mail are required to file within 30 days a one-page report that details their property and current efforts to comply with the Porter-Cologne Act. Water Board staff are following up with landowners who do not reply to the letter or claim to have no potential for surface water discharges. It is still uncertain how the Water Board will handle enforcement for those landowners who ultimately do not comply. Under the California Water Code, growers who fail to file those reports could ultimately be subject to administrative civil liabilities, which could result in fines of up to \$1,000 for each day in which the violation occurs.

State Board Adopts Waiver Fees

The State Water Resources Control Board approved a new fee for farmers of irrigated lands in California. The plan includes a three-tier, acreage-based fee schedule. State officials expect to collect a total of \$1.9 million annually.

Since its passage in 2003, no state general funds have been allocated to cover the costs of implementing the Irrigated Lands Conditional Waiver. In 2004, the California legislature amended the California Water Code to allow the state and regional water boards to assess up to nearly \$2 million annually in new fees to recover the costs of establishing and implementing the conditional waiver programs statewide.

The money will be used to fund 22 positions to implement agricultural waivers in all regions of California. The new State and Regional Water Board staff will perform a number of tasks including: grower outreach and education; review waiver applications and monitoring reports, environmental and water quality assessments; perform inspection and evaluation of management practices; follow-up enforcement; and coordinate with other agencies.

Fee collections will be based on a three-tier, acreage-based schedule: Coalition groups that collect and pay fees for landowners (12 cents per acre); members of coalition groups where the group does not collect fees (\$100 per landowner plus 20 cents per acre); or individual growers who are not members of a coalition (\$100 per landowner plus 30 cents per acre.)

The Sacramento Valley Water Quality Coalition and the California Rice Commission will jointly fund one position at the Regional Board and one position in the County Agricultural Commissioner's office through its own negotiated fee schedule. The Central Coast regional coalition also established its own fee schedule.

Ask The Expert

In Watershed Coalition News, we ask experts to answer Frequently Asked Questions related to agricultural water quality. This month Danny Merkley, Agricultural Coordinator for the State Water Resources Control Board and fifth generation California farmer, talks about the new State fees.

Why a new fee on irrigated agriculture?

The state legislature directed that no state general fund dollars be used for Irrigated Lands Waivers being adopted throughout California. Without fees to support the conditional waiver programs, irrigated agriculture would be vulnerable to more rigorous regulatory options. It is imperative that agriculture work with the State and Regional Water Boards to make this program succeed and to give everyone time to develop a practical program with realistic management practices to protect water quality and agriculture.

Is the fee program permanent?

All State Water Board fees are reviewed annually and this will be no exception. Fees will be adjusted to reflect the program workload each year. With some tens of thousands of growers and more than 9 million acres involved, the State Water Board does not expect to collect the full \$1.9 million authorized by the Legislature in the first few years.

What does the California Water Code require the State Board to consider when establishing fees for agricultural waivers?

California Water Code section 13269(a)(4)(C) requires the State Water Board to consider: the size of farm operations; any compliance costs; any costs associated with water quality monitoring; and participation in a watershed management program approved by the respective regional water board.

Where will county agricultural commissioners fit in?

A Memorandum of Understanding for a pilot project in Sacramento Valley may prove to be a template to define ag commissioner roles and responsibilities, while building a true partnership for others to follow in the future to protect water quality and the agricultural industry. Tremendous progress has been made in the last six weeks in building a relationship between the agricultural industry, county agricultural commissioners, the Water Boards, and the Department of Pesticide Regulation.

Contact Mr. Merkley at (916) 341-5501, or dmerkley@waterboards.ca.gov.

Rice Growers Get Own Waiver Program

Sacramento Valley rice growers have become the first commodity group to be issued their own conditional waiver under the Irrigated Lands Waiver program.

The California Rice Commission has been working with the Regional Water Board to craft a commodity specific waiver program for rice grown in the Sacramento River Basin. The commission is basing its program on its ability to identify irrigation season and storm events that coincide with field draining. That information was available largely due to 20 years of monitoring performed for Ordram and Bolero herbicides in the Rice Pesticides Program.

The rice industry waiver program will monitor field runoff at the four drain sites used in the Rice Pesticides Program with one rotating site on the Feather River. Under the program, monitoring will be phased in over three years and will analyze for pesticides and metals; monitoring for sediment toxicity is limited to once per year unless toxicity is found.

Rice growers in the Sacramento River Basin will automatically be enrolled in the rice conditional waiver program, although growers will have to enroll acreage not planted to rice in the local watershed coalition group. The regional board will receive a single report from those rice growers combining elements of the Rice Pesticides Program and the Conditional Waiver. Management of the ag waiver will be covered under normal operating costs of the California Rice Commission. South of Sacramento, rice growers must still join a coalition group for coverage of all irrigated agricultural acreage.

Orchard Sprayer Calibration Clinics Coming

High tech has come to orchard sprayer calibration under a grant sponsored by the State Water Resources Control Board. This coming fall and winter, the Coalition for Urban/Rural Environmental Stewardship (CURES) will be holding sprayer calibration clinics throughout the Sacramento Valley orchard growing regions. Featured at the clinics will be a high tech calibration instrument that can accurately measure sprayer output per nozzle, output per acre and overall distribution uniformity of the sprayer.

CURES will be working in conjunction with Ken Giles, an agricultural engineer at UC Davis, and various commodity groups, agricultural commissioners, farm suppliers and other groups to organize the sprayer clinics. Growers will be charged a small fee for each calibration, which has the potential to assist growers in more efficiently applying pesticides to orchards. Clinic schedules will be posted at www.curesworks.org and with project supporters.

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Yolo County Farm Bureau Education Corporation thanks those who have
made a donation to assist in issuing this newsletter.

Sacramento Valley Coalition Completes Year One Monitoring

The Sacramento Valley Water Quality Coalition's first Annual Monitoring and Reporting Program Plan Report revealed a generally positive water quality picture for the Sacramento Valley based on sampling of discharges from irrigated lands through the 2005 storm season.

Of the 19 sites monitored by the Coalition, including various subwatershed monitoring programs between July 2004 and January 2005, only three sites had violations of water quality objectives for toxicity during storm season testing: Burch Creek at Woodson Road in Tehama County; Pine Creek at Nord-Gianella Road in Butte County; and the Z-Drain in Solano/Yolo County. Retesting of the original samples revealed persistent toxicity only at the Pine Creek site, but mortality to test subjects was minimal.

Chemistry tests reveal Diazinon is likely to have caused toxicity in the Burch Creek sample. Diazinon and chlorpyrifos were detected as a likely cause of toxicity in the Pine Creek sample, however, the toxic impacts were to algal species rather than the more sensitive water flea, which suggests that an herbicide or non-pesticide toxicant, such as trace metals or organics, may have been the cause of toxicity in the initial sample. Each of the locations originally showing toxicity were re-sampled to determine the duration of the toxicant and toxicity was again indicated in the Burch Creek sample.

Causes of exceedances of water quality objectives for pH, dissolved oxygen, coliform and bacteria observed prior to January 2005 are still being investigated, however environmental conditions and non-agricultural sources are said to be probable causes for many observed exceedances.

The Sacramento Coalition is working with 10 subwatershed groups to communicate with growers and wetlands managers in affected areas to help better prepare them to address the toxicity issues if they continue.

Sampling at 12 coalition sites during a second storm event in March indicated that no toxicity was detected at any of those sites.



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Yolo-Solano Ag Water Quality Management Support Program

Funding: State Water Resources Control Board
Ag Water Quality' Grant Program

Term: now till March 2008

Location: lands of Yolo and Solano Co. Irrigated Lands
Coalition Group members

Partners: Yolo and Solano Co. subwatershed groups:
YCFBEC, Solano and Dixon RCDs; Yolo
Co. RCD (grant recipient and manager)

Purpose: Provide technical and financial support for
on-farm water quality management
practices in Yolo and Solano Counties.

How: Cost-share program:

- 60 sediment traps--\$1500 each
- 20 grassed waterways or vegetated ditches--\$1000 each
- 20 other vegetation/residue mgmt systems--\$20k total
- estimated 3,000 acres to be benefited

Project Effects Confirmation

- Projects will be tested for before and after effects of the practice to determine degree of success
- Only constituents monitored that each farmer requests

Education:

- Six workshops on farm conservation/water quality planning or field demonstrations (2-3 per year)
- How-to brochures for Water Quality Management Practices
- Semi-annual newsletter/inserts
- Quarterly press releases
- Website improvements
- Online Ag Conservation (OAC) Toolbox for estimating runoff issues in Yolo and Solano counties

Groundcrew:

- To be directed by 'Water Quality Technical Committee': includes each coalition group, RCDs, and four 'independent scientists'
- Yolo RCD Mobile Water Lab staff
- Solano Irrigation District Mobile Lab
- Solano RCD staff

Contact info:

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www.yolofarmbureau.org (new website coming)

Meetings

Several grower meeting have been held this past winter.

November 15, 2005 a meeting was held for growers to report the monitoring results for 2005. The existing waiver was set to expire on December 31st and the Regional Board staff proposed an entirely new waiver with requirements that every grower go to Sacramento to get a permit among other things. Growers were asked to voice their support for extending the current waiver. The Regional Board extended the current waiver for six months (June 2006). This new expiration date is fast approaching and the Coalitions are working to get another extension, preferrably for a couple of years.

One of the most contentous issues was the REgional Board's request for coalition participant information. Yolo County has strongly resisted giving participant information, preferring to hand over Non-Responder names and addresses. The Regional Board gave the subwatershed groups the choice of which information to submit.

Yolo County sent statements to growers showing whose parcels they farmed (according to our records) and whether or not fees had been paid. It was strongly suggested that growers notify their landowners the fees needed to be paid, or else pay the fees so the lands would be enrolled in the subwatershed program.

Statements were also sent to landowners that had either not responded, or not paid fees. Those who did not respond by January 13, 2006 were included in a list of Non-Responders sent to the Regional Board. Those people can expect to be contacted by the Regional Board.

December 9th a meeting was held for landowners. The same information was presented.

January 26, 2006 a meeting was held for growers. The topic was Management Practices for Protecting Water. In addition to pesticide/chemical/fertilizer monitoring the control of erosion is also very important to water quality.

Non-Responders

Non-responders are those growers or landowners who:

- * did not respond to our mailings
If landowners let us know the status of their lands they come off the "Non-Responder" list. This includes homesites, non-irrigated lands or non-agricultural lands.
- * responded, but did not pay any fee, or only paid a portion of the fee. Those people are also on the Non-Responder list which was sent to the Regional Board.

Some people responded after the names were sent to the Regional Board. We are keeping a list of those names. If you are one of these people and receive a communication from the Regional Board please call our office.

Fees:

In December 2004 sent invoices with the first installment due in December and the second installment due March 1st. Fees charged were based on our best estimate of costs and of how much would actually be paid in fees.

During 2005 the monitoring did not trigger very much re-sampling. Therefore, at end of the year there was a carry-over and these funds which were used to pay the first installment due in November for 2006 monitoring.

In 2006 we will go from Phase I monitoring to Phase II monitoring. Costs will increase from a minimum of \$35,000 to \$50,000 per site. The Regional Board has requested that we monitor an additional four sites in 2006. We have responded with a letter that our plan to monitor at the "base of the funnel" is working as the items showed up in the tests at these sites (elevated levels of e-coli, boron, salinity, and a few others). We are waiting to hear back from the Regional Board.

Invoices will be mailed soon and will again be for \$2.00 per acre. If there is an excess in December 2006 it will be applied to the next year's fees.