

**California Farm Bureau Federation
California Rice Commission
East San Joaquin Water Quality Coalition
Sacramento Valley Water Quality Coalition
San Joaquin County & Delta Water Quality Coalition
Western Plant Health Association**

March 10, 2008

Ms. Diane Riddle, Staff Environmental Scientist
Hearings and Special Programs Section
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

SUBJECT: Workshop to Receive Information on the Development of a Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta

Dear Ms. Riddle:

On behalf of the California Farm Bureau Federation, California Rice Commission, East San Joaquin Water Quality Coalition, Sacramento Valley Water Quality Coalition, San Joaquin County & Delta Water Quality Coalition and Western Plant Health Association (collectively referred to hereafter as the "Agricultural Coalitions and organizations"), we appreciate the opportunity to submit comments in response to the State Water Resources Control Board's ("State Water Board") Notice of Public Workshop to Receive Information on Development of a Strategic Workplan for the San Francisco Bay/Sacramento-San Joaquin Delta ("Strategic Plan Workshop"), which is to be held on March 19, 2008. The Agricultural Coalitions and organizations have been formed to assist agricultural landowners and growers in the Central Valley to comply with the conditions and requirements contained in the Central Valley Regional Water Quality Control Board's ("Central Valley Regional Board") Conditional Waiver from Waste Discharge Requirements for Irrigated Lands. As such, the Agricultural Coalitions and their members are actively involved in monitoring and protecting water quality throughout the Central Valley, including the Sacramento-San Joaquin Delta.

We have reviewed the State Water Board's information regarding the Strategic Plan Workshop as well as the Central Valley Water Board's staff report for its March 5, 2008 workshop, which covers many of the same issues. In response to both, we submit the following comments for consideration as State Water Board and Central Valley Regional Board staffs continue to move forward in developing a Strategic Workplan for the Sacramento-San Joaquin Delta.

The Role of Science in Cal/EPA Decision Making

Both the State Water Board and the Central Valley Regional Board (collectively referred to hereafter as “Water Boards”) have identified a number of special studies to determine if contaminants are contributing to the pelagic organism decline (POD). In particular, the Water Boards have identified pyrethroid pesticides as a potential contaminant of concern. We are

concerned that the Water Boards have prematurely identified and focused on pyrethroid pesticides in advance of first identifying all of the potential stressors impacting POD. Before focusing on specific pollutants and proceeding forward with costly studies, we recommend that the POD take a more scientific approach of identifying the appropriate stressors. The two overarching goals should be 1) to insure that the Strategic Plan outlines a formal and rigorous scientific process that identifies stressors causing biological impairment, and 2) to provide a structure for organizing the scientific evidence to support the conclusions. An appropriate process that delivers this greater objective is described in USEPA guidance (USEPA. 2000. Stressor Identification Guidance Document, EPA-822-B-00-025, Office of Water and Office of Research and Development, Washington, DC). By following the approach outlined in USEPA guidance, the Water Boards can better support the conclusions as being scientifically based and derived.

Furthermore, we recommend that the Strategic Plan and all studies related to this effort undergo internal and external scientific peer review before being conducted by the Water Boards and/or contractors to the Water Boards. This approach is consistent with one of many recommendations included in Cal/EPA’s Report on *The Quality and Role of Science in Cal/EPA* (July 2007) (“Science Report”). In this Report, the Steering Committee for Science recommends that “all major scientific work products affecting regulations or policy receive internal and external peer review.” The scientific studies identified by the Water Boards for this process (water quality and water flow related) will ultimately impact major policy decisions enacted by the Water Boards. As such, it is essential that the Strategic Workplan as well as individual studies identified in the workplan receive internal and external peer review prior to implementation. Results from all studies should also undergo the same peer reviewed process. This will insure that the information developed as part of this critical policy process are thoroughly vetted and scientifically sound. Otherwise, the Water Boards may be subject to significant criticism in the future if the POD studies are not approached and developed in a meaningful, open and transparent fashion, which includes appropriate scientific peer review.

Monitoring of Delta Islands and Increased Enforcement and Additional Restrictions on In-Delta Pesticide Use

As part of the Strategic Workplan, the Water Boards have identified the need to monitor discharges from Delta Islands as well as work with the Department of Pesticide Regulation

(DPR) and Delta County Agricultural Commissioners (CACs) to determine the need for increased enforcement. The Agricultural Coalitions are concerned that both of these activities are premature in light of the fact that the POD process has not yet properly and scientifically determined the stressors causing the POD. Until this first step is completed in an appropriate fashion, it is inappropriate to move forward with Delta Island monitoring and increased enforcement. Both of these activities presume that pesticide use in the Delta is a major cause of POD and that pesticide use enforcement in the region is not already under oversight by the CACs. We do not believe that there is any evidence that supports these conclusions at this time.

Furthermore, the County Agricultural Commissioners in California are already facing budget restrictions that impact current activities. We anticipate that local government spending will be further limited over the oncoming years considering the State's budget deficit. Thus, the Water Boards should be very conscious and careful about identifying additional activities for local government agencies without first providing proof there are deficiencies and subsequently providing the necessary funding for any increased activities.

It should also be noted that the DPR is going through the re-evaluation process for urban and agricultural uses for pyrethroid products. Any action plans that are envisioned by the Water Boards that include pyrethroids would be best developed under the scientific studies and protocols that have been and continue to be developed by the Pyrethroid Working Group (PWG) under DPR's re-evaluation authority. If a regional monitoring program (RMP) is being considered by the Water Boards it should first entail a rigorous study of identifying stressors causing biological impairments in the Delta that would be subject to a scientific peer-review by qualified and objective stakeholders. Please review the 2000 USEPA guidance on this subject.

Agricultural Coalitions Are Already Monitoring and Educating Coalition Members Regarding Appropriate Pesticide Use in the Central Valley

The Agricultural Coalitions and organizations represent a comprehensive regional effort to enhance and improve water quality. Water quality monitoring mandated by the Water Board through the Irrigated Lands Regulatory Program has proven to be an effective tool to evaluate water quality. Water monitoring data collected from the first three years serves as baseline information that is already helping the Agricultural Organizations focus on the locations and farm inputs impacting water quality.

When elevated levels of farm inputs are identified, the Agricultural Coalitions take action to remedy the situation. When more than one exceedance occurs at a given site within a three year period, Agricultural Coalitions work with their partners to develop Water Board-approved Management Plans that, among other actions, provide education and outreach materials to growers covering farming practices to correct the problem. Measures are coordinated by the

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Agricultural Coalitions to focus on specific waterways and the surrounding farm properties and include, but are not limited to:

- Holding local farmer workshops;
- Sending mailings and/or making direct contact with farmers to provide information on practices to prevent farm inputs from moving into water;
- Tracking adoption of farming practices to address specific problems.

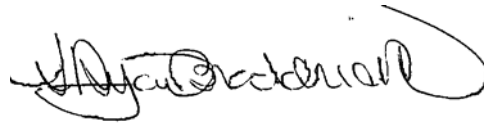
In summary, the Agricultural Coalitions are concerned with the Water Board's proposed approach for addressing POD. We believe that the Water Boards have missed a crucial step in this process, which is to first conduct a stressor identification study in a sound, scientific manner like that provided for in USEPA guidance. Until a stressor identification study is performed, all of the other studies are a scattered attempt to find the cause of the POD. We encourage the Water Boards to provide for this approach in its Strategic Workplan.

Thank you for your consideration.

Sincerely,



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California Farm Bureau Federation



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cc. Pamela Creedon, Executive Officer, Central Valley Regional Water Quality Control Board
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