



SHANDON-SAN JUAN WATER DISTRICT

SHANDON-SAN JUAN GSA

2021 BOARD OF DIRECTORS

Willy Cunha
President

Steve Sinton
Vice President

Marshall Miller
Director

Kevin Peck
Director

Matt Turrentine
Director

February 22, 2021

Chairman Jean-Pierre Wolff
Central Coast Regional Water Quality Board
895 Aerovista Place, Ste. 101
San Luis, Obispo, CA 93401-7906

**Subject: Comments on the Draft Ag Order 4.0
Process and Approach**

Dear Chairman Wolff and Members of the Board,

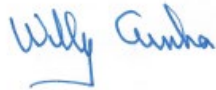
The Shandon-San Juan Groundwater Sustainability Agency (SSJ GSA) and Water District was created specifically to protect the groundwater and surface water resources of our area. All of us who live and work over the Paso Robles Groundwater Basin are highly reliant upon the annual precipitation that falls upon the Paso Basin and surrounding watersheds. Water that each year refills the Basin. SSJ GSA strongly supports the mission of the Central Coast Regional Water Quality Board and hope to see an effective, practical and achievable Ag Order 4.0 Final Draft that protects this water resource and that also recognizes and protects the many benefits that arise from the multiple uses of that water.

Comments on Process in Ag Order 4.0:

- a. **This Order should prominently include an ongoing process where farmers and expert researchers work together collaboratively with Regional Board Staff to expand data collection and the understanding necessary to discover the best management practices, including finding optimal fertility application products and rates that both protect the ground and surface water and allow for productive agriculture to continue.**
 - i. The cooperative approach currently in operation in the Central Valley with Targets and data collection empowering informed decisions by 3rd Party Groups, UC Agronomists and Regional Staff makes a great deal more sense.
 - ii. In Findings page 113 #36 the Board clearly acknowledges that they do not have the authority to set production standards for private agriculture and that they need to analyze A/R values from the Central Coast to draw conclusions: "The Central Coast Water Board does not have the authority to require a minimum productivity ... and A/R values will be analyzed to determine if creating a metric for maximum A/R presents additional regulatory value in conjunction with the value presented by the maximum nitrogen surplus calculated through A-R."
 - iii. The Central Valley approach involving the farmers in forming local management groups, designing best approaches and best management practices, gathering data and sharing data is a much more promising approach on so many levels.
 - iv. The Danish approach (Findings page 114 #38) is similar to the San Joaquin Valley a cooperative effort with farmers and National Researchers involving robust data collection and analysis, guiding practical actions.

- v. The current approach in Ag Order 4.0 reflects the justifiable frustration of the Board and its staff with how hard it is to understand and control current practices and practitioners. That in turn does not justify some of the poorly considered untried overly punitive aspects of the current approach. Especially the total disregard to the economic impact to the communities at large.
 - vi. Working together we can set specific targets with reasonable timelines to achieve them that will satisfy the Court Order against the Board and operate well within the constraints of the East San Joaquin Order while simultaneously protecting the critical economic benefits of irrigated agriculture to all the citizens of these Counties. Targets and timelines that would protect our shared ground and surface water resources from ongoing contributions from irrigated agriculture.
- b. The Ag Order needs to clearly create a process where 3rd Party Farmer Groups working in close collaboration with UC Agronomists and Regional Board Staff have the opportunity and flexibility to create workable solutions to local conditions and specific problems.
 - c. The Ag Order needs to include an ongoing process to create useful and meaningful techniques to detect and measure current and ongoing contributions of chemicals of concern entering the groundwater column. The current legacy nitrogen levels in groundwater, while the result of many years of irrigated and dryland farming practices, require sophisticated metrics to measure the efficacy of current farming practices.
 - d. **Too much discretion is given to the Executive Officer with no real limits to that power.** There is no formal appeal process. The Order needs to include a better system to bring in and work with the Ag Community. It needs to include a specific appeal process within the Order for any action taken by Staff or the Executive Officer that go beyond the Scope of the Order. There is a need for specific language within the Order for the Board to act in a Public and official fashion as a check and balance to the Executive Officer and Staff. The Order should create an advisory committee including all interests to be advised of and to advise on all aspects of oversight.
 - e. The current approach in Ag Order 4.0 by considering irrigated Ag as an "entity" applying for a Permit for a new use departs from the States long held support of and believe in Agriculture as a critical component of the States infrastructure and economy. These agricultural operations have been in operation for many years and are the backbone of their local economies. Active farming in this area predates Statehood. State and County Codes and Regulations specifically have long codified protections for agriculture and value its contributions. The State of California in § 51220 finds *"that the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation."* This Order myopically focused on the needed and positive goal of protecting water quality ignores the important contributions of irrigated agriculture and does not consider the ultimate impacts and reductions that this draft Order will create.
 - f. **The Board needs to direct Staff to write clear, well organized Regulations.** The draft regulations are confusing and hard to follow as clearly demonstrated by the Boards attempts to do just that during the recent prolonged hearings. For farmers to comply and for your Staff to enforce the new Regulation needs to be simple, straight forward and logical.

Thank you very much,

A handwritten signature in blue ink that reads "Willy Cunha". The signature is written in a cursive style with a horizontal line underneath the name.

Willy Cunha
President of the Board of Directors
Shandon-San Juan GSA