

## AGRICULTURAL CONCERNS WITH 9/15/2015 VERSION OF THE CFWI INTERDISTRICT, DEP & DACS MOU

- MOU unnecessary – WMDs, DEP & DACS have been working together since 2011 on CFWI with no MOU or other official binding agreement. MOU adds unnecessary process and complexity and is premature since the 2016 Legislature has a bill on this topic.
- MOU attempts to impose new water use regulatory standards on agriculture without going through the required agency rulemaking process and legislative review of those rules. For example, the MOU directs the WMDs to develop the ECFT groundwater flow model for use in reviewing agricultural CUPs without adopting the ECFT by rule. This model will dictate CUP allocations. The MOU also directs the WMDs to adopt MFL prevention and recovery strategies and MFL compliance criteria that have permitting implications without going through rulemaking. These “strategies” will restrict CUP allocations and impact discharges. There is no explicit recognition of DACS BMPs and presumptions of compliance resulting from BMPs.
- MOU does not give enough deference to DACS agricultural water demand projections. The MOU allows WMDs to interpret DACS agricultural water demand data differently from DACS. This was settled by legislation in 2013.
- MOU complicates local government rezoning of agricultural land. MOU attempts to involve all three WMDs in any land use change located in only one WMD requiring the other two WMD’s to comment on, and become involved in, land use changes outside their boundaries. Coordination can be accomplished without an MOU.
- MOU adds unnecessary and complicated process to CUP application review. MOU would require agricultural entities seeking modifications to existing CUPs or new CUPs to attend pre-application meetings with staff from all three WMDs and respond to comments from other WMD staff who are unfamiliar with local agricultural CUP criteria and local agricultural practices. This could significantly delay and add expense to review of agricultural CUPs.
- The bottom line is we believe the MOU adds process, does nothing affirmative for agriculture or the water resources, and will result in standardized criteria consisting of the worse criteria from all three water management districts.