PUBLIC COMMENTS OF DAVID COLLENBERG

Opposition to the Draft Scott and Shasta Irrigated Lands Order and Draft Environmental Impact Report

Date: November 6, 2026

From: David Collenberg, fifth-generation farmer and rancher

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To: North Coast Regional Water Quality Control Board

Valerie M. Quinto, Executive Officer, and Members of the Board

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Via email: NorthCoast@waterboards.ca.gov

Re: Comments on Draft Scott and Shasta Order — Draft Order No. R1-202X-XXXX, General Waste Discharge Requirements for Irrigated Lands in the Scott River and Shasta River Watersheds; and Draft EIR, SCH No. 2025020048

Dear Executive Officer Quinto and Members of the Board:

I oppose and demand rejection of this Draft Order and its Draft EIR. Do not adopt the Order. Do not certify the EIR. Withdraw both. I want this WDR regulatory program gone, not polished, repackaged, or sold back to us with a few softer words. Do not mistake these comments for an invitation to negotiate away the use and control of private ranchland.

I am David Collenberg, a fifth-generation farmer and rancher in Siskiyou County. Scott and Shasta country is not an agency exercise to me. It is working land. Families paid for it, work it, maintain it, and depend on being able to use it. This Draft treats the owner's judgment as something to be displaced by a permit, a consultant, a grazing calendar, an annual certification, a fee schedule, and an inspection. I reject that premise.

I consider this an attempted regulatory taking of the use and control of private property: forced buffers, a permanent average 35-foot no-till restriction, controls extending into 100-foot streamside areas, June-through-August-only default grazing, and professional plans imposed by the certified tailwater pathways or demanded as the price of avoiding default grazing rules. Add the fees, the pressure to join a coalition, the recurring reports, and the inspections, and this is government control of the ranch while the family keeps the bills and the risk. Calling it stewardship does not make it voluntary. Leaving the deed in private hands does not make the lost control imaginary.

California Constitution article I, section 19 and the Fifth Amendment to the United States Constitution are not decorations. They protect property against uncompensated taking. The precise constitutional outcome requires the actual parcel facts and the governing tests; no court judgment finding a taking of my property is claimed here. My objection is that this program threatens protected productive use, imposes serious inverse-condemnation concerns, and contains restrictions I contend are unlawful on the statutory and administrative record identified below. I will not soften that objection into a request for a cheaper consultant or a narrower strip.

Put this entire letter, every numbered objection, every demand for evidence, and every source reference in the administrative record for both the Order and the EIR. Give an issue-specific written response. Do not reduce it to a generic comment about farmers opposing regulation. My objection is to this program's invasion of land use, its unsupported burdens, its contradictory requirements, and its failure to satisfy the laws that bind the Board itself.

Executive summary — reject the program; this is not a bargaining position

I want the Board to reject and withdraw the Draft Order and Draft EIR. I do not consent to this WDR program in exchange for revisions. The factual and legal defects below are grounds for rejection, not a drafting assignment I am volunteering to complete for staff.

- **Private property is the central issue.** The average 35-foot no-till restriction, the 100/60/35-foot streamside controls, and the grazing calendar interfere with productive use and management. The 35 feet is an average, not necessarily a uniform strip, and the full 100 feet is not all no-till. Even accurately described, these are serious restrictions on land families own and work. An accurate description does not excuse the intrusion.
- **Forced professional plans are not freedom.** The Board's own estimates include $3,000–$8,000 for a professional GRMP and $5,000–$15,000 for a certified tailwater plan. Buying permission to manage a ranch under agency conditions is not voluntary stewardship.
- **The law requires economic and regional analysis.** Water Code section 13263(a) expressly incorporates section 13241. Beneficial uses, hydrographic differences, economics, other discharges, and achievable conditions are not subjects the Board can wave away.
- **The cost arithmetic is indefensible as written.** Twenty-five acres at $300–$400 per acre is $7,500–$10,000, not the $75,000–$100,000 printed in the table. The Board cannot demand precision under penalty of perjury from landowners while advancing a cost record with a tenfold discrepancy.
- **The EIR admits substantial agricultural harm.** Approximately 1,720 acres of Important Farmland could be affected. Its own reduced-width alternative could reduce that figure to about 860 acres and is described as potentially feasible. That admission undercuts the claim that the proposed harm is unavoidable. I cite it as a CEQA defect, not as my acceptance of an 860-acre version of this program.
- **The stewardship off-ramp is a trap for ordinary working operations.** Operation-wide eligibility, no-tailwater conditions, restoration percentages, and road disconnection make supposed relief depend on satisfying another expensive set of controls.

- **Downstream rights are not disposable.** The Scott River Decree expressly addresses tailwater and particular return-flow allocations. A permit cannot brush aside those allocations because capture is convenient for its preferred pathway.
- **The benchmarks and deadlines contradict the record.** The phosphorus tables change underlying values and derivations. Stage 2 says six years in one place and eight in another. The road cost narrative says five years where the operative requirement says ten years after the enrollment deadline. These are not instructions on which livelihoods should depend.
- **Reporting, fees, and inspections compound the intrusion.** Section 13267 requires a reasonable relationship between reporting burdens and need and benefits. Individual-versus-coalition fees create powerful economic pressure to join. Lawful inspection safeguards matter; they do not make this new permit acceptable.
- **The Board is asking for continuing control without a fixed public reckoning.** Section 13263(e) mandates periodic review. NPS Policy requires tailored practices, feedback, schedules, and clear consequences. This draft does not earn an indefinite claim over ranch management by ignoring those disciplines.

My demand is rejection and withdrawal, not recirculation of a slightly softer permit. Restore and retain the less-restrictive waiver framework instead of imposing this WDR. That is a rejection of this replacement program, not a claim that existing law disappears. Do not answer with another stakeholder process, another consultant pathway, or an offer to adjust the edges while keeping the machinery intact.

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“Draft” means the official 212-page consolidated Draft Order supplied as Draft EIR Attachment A. References to Draft pages 1–148 use the printed continuous page numbers, which also correspond to PDF pages. Later attachments restart their pagination; those citations identify the attachment and, where useful, the consolidated PDF page. “DEIR” means the separately published Draft Environmental Impact Report; citations use its printed page numbers, not the PDF viewer counter. “Basin Plan” means the North Coast Basin Plan, June 2025 edition posted by the Board in 2026. That reorganized edition moves the Scott and Shasta Action Plans from the older Table 4-10 / Table

4-14 organization cited in the Draft to sections 6.3.7 / 6.3.8 and their implementation tables. “Meeting Memo” means the supplied 18-page unofficial compilation, not a certified transcript. Statements reported there are identified as reports, questions, or concerns, not adopted findings or proven scientific facts. The source list provides the public documents and legal text used below.

PART I — STATUTORY FOUNDATION, COSTS, SCOPE, AND REGIONAL DIFFERENCES

Comment 1 — The Board cannot read the limits out of Porter-Cologne

Provision: Draft Findings 1–5, pages 6–7; Findings 54–60, pages 15–16; Finding 78, pages 28–29.

Objection and authority: I reject the idea that invoking water quality ends the argument about private land. Water Code section 13000 calls for "the highest water quality which is reasonable," considering all demands and "the total values involved, beneficial and detrimental, economic and social, tangible and intangible." It also recognizes that precipitation, topography, recreation, agriculture, industry, and economic development vary by region. The Board remains bound by a reasoned choice among lawful tools rather than an assumption that the most burdensome requirement is necessarily the most protective or reasonable one.

I want the Board to identify what measurable improvement each major new requirement is expected to produce, how much uncertainty surrounds that prediction, who bears the cost, and whether a less disruptive measure can achieve the required protection. The value of working agricultural land cannot appear only on the debit side of a compliance spreadsheet. Farming and ranching are part of the total economic and social values the Legislature directed the Board to consider.

A permit can be administratively convenient and still be badly designed. Standardizing forms and collecting fees does not itself establish that a permanent restriction on a particular field or a blanket seasonal grazing rule is reasonable.

Demand: Reject this Order and withdraw its claim to control ranch management. Produce the requirement-by-requirement section 13000, 13241, and 13263 analysis. General assurances are not evidence and do not cure this objection.

Comment 2 — Section 13241 applies through section 13263(a); economics is not an optional analogy

Provision: Draft Findings 78–79, pages 28–29; Attachment B, Findings 89–92, pages 121–122.

Objection and authority: The Board cannot demand obedience while treating its own statutory duties as optional. Section 13241 directly governs adoption of water-quality objectives. Section 13263(a), which governs WDRs, expressly requires the Board to take its provisions into consideration. The relevant factors include past, present, and probable future beneficial uses; the hydrographic unit's environmental characteristics and available water quality; conditions reasonably achievable through coordinated control of all factors; economics; housing needs; and recycled-water needs. Agriculture is implicated through actual beneficial uses and economics, not through an invented separate subdivision that does not exist.

The Draft acknowledges these duties. The question is whether the analysis actually satisfies them. City of Burbank v. State Water Resources Control Board (2005) 35 Cal.4th 613 explains the relationship between sections 13241 and 13263 and the limits imposed by federal requirements. That was an NPDES wastewater case. I do not claim it authorizes weakening a binding federal

standard because compliance costs money. I ask the Board to identify any binding federal minimum it says controls a disputed provision, and separately analyze the discretion it is exercising in this state-law nonpoint-source order.

Calling every chosen width, season, consultant requirement, or sampling rule "TMDL implementation" does not establish that the TMDL compels that exact choice.

Demand: Reject the Order for failure to establish the required statutory basis. Identify the evidence for every section 13241 factor and every claimed mandatory federal minimum. Do not use an unrelated federal obligation as cover for discretionary land-use controls.

Comment 3 — A tenfold cost error cannot support control of private land

Provision: Attachment B, Finding 100(j), page 124; Table B.1, page 125; DEIR, page 62.

Objection and authority: A tenfold arithmetic discrepancy is a disgraceful foundation for a demand this expensive. Table B.1 lists a "Tailwater Recovery and Reuse System" scenario of 25 irrigated acres at $300–$400 per acre, with totals of $75,000–$100,000. Twenty-five times $300 is $7,500; twenty-five times $400 is $10,000. The table's totals are ten times those products. Meanwhile, Finding 100(j) says recovery-system costs range from $350 to $1,000 per irrigated acre. DEIR page 62 relies on approximately $300–$400 per irrigated acre. These numbers cannot all describe the same scenario without an explanation that is absent from the row.

I am not selecting the cheapest number and declaring it accurate. The Board must establish which quantity, unit cost, and total actually represent its assumed installation. Perhaps the acreage is wrong. Perhaps the unit price is wrong. Perhaps substantial fixed costs are omitted from the unit entry. Each possibility changes the conclusions about affordability and indirect land conversion.

Sections 13241(d), 13263(a), and 13267(b)(1) require meaningful consideration of costs and reporting burdens. CEQA Guidelines section 15384 does not treat clearly erroneous or inaccurate evidence as substantial evidence. A conclusion about business viability cannot be stronger than the arithmetic supporting it.

Demand: Reject the cost findings and the Order and EIR that rely on them. Produce the original calculations, scenario specifications, source estimates, and an explanation of the tenfold discrepancy. A corrected spreadsheet would not purchase my consent to the program.

Comment 4 — The cumulative cost stack is a compulsory private burden

Provision: Attachment B, pages 121–130, particularly Tables B.1–B.4 and Finding 109; Draft streamside, tailwater, and road requirements, pages 37–52.

Objection and authority: This is a stack of compulsory expenses, not a modest enrollment charge. The Board's own estimates include $3,000–$8,000 per professional GRMP; $5,000–$15,000 per certified tailwater plan; approximately $130,000–$160,000 for a typical 160-acre center pivot in the narrative; and substantial basin, wetland, road, monitoring, and reporting expenses. Those are not merely a $1.50-per-acre state fee. A ranch can face several categories at once, and implementation, financing, maintenance, replacement, and lost production can continue after the initial plan is written.

The analysis should not assume every ranch needs every listed practice. Nor should it imply that the existence of a menu means the least expensive item will solve every site. A narrow riverside pasture, an irregular field, shallow groundwater, shared ditches, an eroding bank, and a downstream reuse obligation can rule out apparently inexpensive options. Professional recertification, construction permits, surveys, electricity, pump replacement, bank financing, and the operator's time also matter.

Water Code sections 13241 and 13263 require economic consideration. Section 13267 separately constrains technical-report burdens. The DEIR's treatment of indirect physical consequences must be based on realistic combinations, not isolated prices.

Demand: Reject the program rather than putting these cumulative costs on ranch families. Produce complete ranch-scale cash-flow and lost-production analyses, including recurring plans, construction, maintenance, financing, and the no-grant scenario. Make the real burden visible in the record.

Comment 5 — Do not treat possible grants and generalized benefits as proof that each burden is affordable

Provision: Attachment B, Finding 92, page 122; Findings 98–101, pages 123–125; DEIR, pages 61–63.

Objection and authority: A grant brochure does not pay a ranch family's bills. Finding 92 relies in part on availability of state, federal, and nongovernmental funding. Available programs are not the same thing as awarded funds, timely reimbursement, an eligible project, or a grant that pays the owner's entire share. A small operation can fail to finance a reimbursable project even if assistance might eventually become available. Competition, matching requirements, staff availability, design approvals, and grant restrictions can determine whether a compliance schedule is realistic.

The Board invokes fish protection, tribal resources, recreation, safe water, and erosion control. Those interests do not establish that this particular requirement produces the claimed benefit or that its private cost is justified. The law does not require the Board to monetize every fish or reduce all choices to a single dollar ratio. It does require more than a conclusion that benefits bear a reasonable relationship to burdens.

Under sections 13000, 13241(d), and 13263(a), reasonably achievable protection and economic effects belong in the decision. NPS Policy Key Element 3 expressly permits consideration of significant capital outlays when setting schedules.

Demand: Reject the unsupported affordability finding. Identify actual secured funding separately from hoped-for grants, and state exactly which costs remain private. Do not sell a mandatory expense as affordable because somebody might someday obtain assistance.

Comment 6 — Two valleys on one cover do not justify this general order

Provision: Draft Finding 55, page 15; Findings 65–73, pages 17–28; DEIR Project Description and alternatives chapters.

Objection and authority: Putting two valley names on one cover does not prove one regulatory package fits both. Section 13263(i) permits general WDRs only where the category meets four criteria: same or similar operations, same or similar waste, same or similar treatment standards, and greater appropriateness of general rather than individual regulation. The Board should apply all four criteria, not stop at the observation that both valleys contain agriculture.

Scott and Shasta have different hydrologic and thermal settings, source-water conditions, channel forms, and TMDL allocations. The Draft itself recognizes important differences: Shasta's modeled mainstem temperature reaches and TKN benchmark are not Scott's temperature and phosphorus framework. The Meeting Memo, page 2, reports concerns about arid Shasta conditions and differing Scott microclimates. Those concerns call for analysis, not an unsupported conclusion that one framework fits everything.

One order covering two watersheds is not automatically unlawful and does not, by itself, make a CEQA project description invalid. The defect is failure to establish and describe the similarities that justify common requirements and the differences that require different ones. Sections 13000 and 13241(b) directly reinforce regional and hydrographic specificity. CEQA Guidelines section 15124 requires a usable description of technical, economic, and environmental characteristics.

Demand: Reject the combined general order. Produce the findings required by section 13263(i), with the actual basin and subbasin evidence. My demand is not an invitation to issue two versions of the same intrusion.

Comment 7 — Acreage is a screening tool, not proof of every regulated discharge or risk

Provision: Draft Findings 25–33, pages 9–12; section II.A.1–3, pages 31–32.

Objection and authority: Twenty-five acres is a trigger for agency control, not proof that every triggered burden is justified. The threshold is 25 or more irrigated acres under common ownership **or** operational control. It is not limited to a single parcel, to flood irrigation, or to land near a stream. Below-threshold operations can be required to enroll on site-specific evidence and written notice. Distance from a river does not eliminate every possible groundwater or stormwater issue, and a general permit need not await a completed violation on every field.

But acreage alone does not establish the same surface-water connection, nutrient input, thermal contribution, or reporting need on every operation. A low-input sprinkler-irrigated field without a surface discharge is different from a field with a direct connected tailwater outlet. The Board must explain why the threshold is the appropriate dividing line, what is counted, how leases and shared management are aggregated, and which obligations remain unnecessary when a pathway is absent.

Sections 13260(a)(1) and 13263(a) concern discharges that could affect water quality and conditions of the disposal area or receiving waters. Section 13267 requires evidence and a reasonable relationship for reports. I do not claim that groundwater connectivity must always be proven by sampling before any regulation is possible.

Demand: Reject acreage-driven enrollment and the burdens attached to it. Produce the evidence for the threshold, aggregation, pathway assumptions, and the reports demanded of each class. The size of a ranch is not a substitute for the statutory analysis.

Comment 8 — Resolve the mismatch between standalone dryland grazing and associated grazing lands

Provision: Draft Findings 26–31, pages 10–11; section II.A.3(a), page 31; Attachment H definitions.

Objection and authority: The Draft turns integration of a working ranch into a reason to expand its regulatory reach. Finding 27 says standalone dryland grazing is excluded because its management measures, monitoring protocols, and compliance frameworks differ substantively from irrigated agriculture and combining them can create regulatory mismatches. Yet Finding 26 brings in certain nonirrigated grazing land on an irrigated parcel when functionally integrated with an enrolled operation, using criteria such as livestock rotation, feed transfers, or a unified business structure. Finding 28 also reserves authority to compel enrollment of standalone operations posing a water-quality threat.

If dryland grazing calls for different measures, an accounting or feed relationship does not erase that ecological difference. A ranch should not be swept into irrigated-tailwater requirements on land that has no irrigated tailwater. Conversely, a genuine grazing discharge should be addressed with practices suited to its source and setting, not ignored because the parcel is dryland.

Sections 13263(a) and (i) require attention to actual conditions and appropriate grouping. Section 13267 requires a reasoned connection between each report and its need. The ambiguity also makes it difficult to distinguish covered acres, billed acres, irrigated acreage, and associated grazing acreage.

Demand: Reject the associated-grazing expansion and this WDR program. Explain in the record why the Draft excludes standalone dryland grazing for substantive management differences but sweeps other dryland activity into the irrigated permit through business relationships.

Comment 9 — Separate enrollment responsibility, control, and liability between owners and operators

Provision: Draft Findings 32–33, pages 11–12; section II.A.4 and 6, pages 32–34; section II.H.4, page 55.

Objection and authority: The permit tries to spread responsibility while leaving the real limits of control unresolved. Either owner or operator may enroll, and the Draft contemplates enforcement against both even when only one is the enrollee. A private lease does not eliminate statutory responsibility. Still, the Order must not imply that the Board has conclusively established every person's responsibility for every future act merely by naming both categories.

An owner may control capital improvements but not daily irrigation timing. A tenant may control livestock rotation but not permanent easements, another tenant's fields, or construction on a neighbor's property. A new operator needs notice of an existing deficiency and a workable means to address it. Reporting systems must not require one party to certify facts it cannot reasonably know or compel it to enter another person's land without permission.

Section 13263(f) requires written notification of discharge requirements. Section 13267(b)(1) requires identification of supporting evidence when reports are demanded. Ordinary fair-notice and individualized enforcement principles should guide implementation even though a general WDR is not an adjudication of each owner's liability.

Demand: Reject the Order and its owner/operator liability machinery. Produce the legal and factual basis for each asserted responsibility. Do not use a private lease, shared ownership, or a permit label to bypass individualized statutory proof.

PART II — STEWARDSHIP, STREAMSIDE LAND, GRAZING, AND MANNER OF COMPLIANCE

Comment 10 — The stewardship off-ramp does not honor Finding 18

Provision: Draft section II.A.5, pages 32–33; Attachment D, pages 136–146; 2018 Scott Waiver Finding 18, pages 4–5; 2018 Shasta Waiver Finding 18, page 6.

Objection and authority: I reject the claim that this expensive escape route honors the 2018 findings. Both 2018 waivers discussed "multiple levels of permitting rigor commensurate with the level of discharge or threat of discharge." They contemplated low-risk treatment for assessed properties that had implemented practices minimizing, controlling, and preventing discharges. That language says "may," "anticipated," and "likely"; it is not a permanent contract barring a later policy change. But the Board now affirmatively claims the Draft fulfills that intent. It must defend that claim against what Attachment D actually requires.

The claim of risk-based oversight collapses when relief turns on financing extensive restoration. A ranch can be complying with protective practices while lacking instream construction projects across 70 percent of its frontage. It can also have a properly managed, lawful return flow that meets every applicable benchmark. These situations expose the mismatch between the claimed risk rationale and the burdens imposed.

Sections 13263(a) and 13267 support proportional requirements tied to actual conditions and information needs. Section 13269(a)(3) specifically permits waiver of monitoring for discharges determined not to pose a significant water-quality threat.

Demand: Reject the claim that this stewardship scheme fulfills Finding 18. Restore the less-restrictive waiver framework instead of this WDR. A restoration purchase requirement is not the risk-proportionate oversight described in the 2018 findings.

Comment 11 — Operation-wide stewardship uses one field as leverage over the whole ranch

Provision: Draft section II.A.5, page 33; Attachment D, section I, page 136.

Objection and authority: One field becomes leverage over the whole operation. I reject that approach. The Draft makes stewardship operation-wide. It says an owner or operator may not qualify selected irrigated lands while leaving other irrigated lands of the same operation unenrolled. The Board may invoke avoidance of evasion, but that does not explain why physically separate low-risk acreage must carry the burden of another parcel. No factual case for the all-or-nothing approach is established by the word operation.

The present rule can make one connected discharge control the regulatory treatment of physically separate fields with no comparable pathway. It also creates inequity between one owner operating several parcels and several unrelated owners operating the same acreage. Business organization does not itself change whether a field sends sediment, nutrients, or heat to water.

Sections 13263(a) and 13267 direct attention to receiving-water conditions, evidence, need, and benefits. ESJ Order WQ 2018-0002, page 27, leaves regional boards considerable discretion to design reasonable frameworks for differentiation and prioritization. The all-or-nothing design ignores that discretion and defeats the claimed proportionality.

Demand: Reject the all-or-nothing stewardship design and the Order it supports. Explain why business organization rather than actual hydrologic risk determines the reach of its burdens. I am not asking to bargain over a parcel-level version.

Comment 12 — The no-tailwater off-ramp contradicts the permit's own compliance route

Provision: Attachment D, section IV.1(b), pages 137–138; Draft section II.E, tailwater pathways, pages 46–52.

Objection and authority: The supposed off-ramp punishes continued discharge even when the Draft's own protection standard is met. Attachment D requires no tailwater discharge to perennial and intermittent streams. But Pathway 2 elsewhere in the Order expressly authorizes treatment and control to meet water-quality benchmarks. If a discharge satisfies the protective standard, the Board must explain why that same discharge categorically blocks the lowest-risk category, regardless of volume, season, history, or demonstrated effect.

Different discharge conditions can create different monitoring needs. That fact undercuts the categorical denial of every form of lower-risk treatment; it does not establish this program's necessity. Forcing a compliant return-flow operation to choose between legitimate downstream reuse and an exemption defined around elimination exposes the coercive design.

Section 13263(b) allows the Board to decline to authorize full assimilative capacity; it does not compel the Board to make all discharges ineligible for every risk reduction. Section 13267 still requires proportionate reporting burdens. NPS Policy Key Elements 2 and 4 call for site-specific measures and feedback about actual performance.

Demand: Reject the no-tailwater condition as a basis for this program and its supposed relief. Explain why the Draft treats a discharge meeting its own protective benchmarks as categorically disqualifying. The contradiction remains even if staff call it an incentive.

Comment 13 — Restoration percentages do not prove a ranch is a pollution threat

Provision: Attachment D, section IV.1(c), pages 138–140; section III, page 137.

Objection and authority: Making a ranch buy restoration to prove low risk is backward. The criteria generally require native riparian establishment or protection along at least 70 percent of perennial frontage, wetland improvement addressing at least 70 percent of jurisdictional wetlands, and instream restoration on at least 70 percent of perennial frontage. Existing mature native riparian vegetation may count. Inapplicable criteria may be documented and deemed satisfied. These qualifications matter, and I am not claiming the Order requires every ranch to plant an entirely new riparian corridor or construct nonexistent wetlands.

The remaining defect is substantial: a ranch with stable, functioning habitat may still lack qualifying restoration projects. Requiring construction merely to satisfy a percentage can create disturbance, require additional permits, and use scarce money on a site that does not need that work. Treating documented protection of a healthy system as less valuable than construction on a degraded one exposes the failure of the criterion. A criterion based on project acreage or frontage is not necessarily a measure of discharge risk.

Under sections 13263(a), 13267, and 13269, the Board should distinguish necessary pollution control from enhanced voluntary restoration. CEQA Guidelines section 15126.4 also requires attention to adverse effects caused by mitigation.

Demand: Reject the restoration thresholds and the WDR. Produce evidence connecting each 70-percent requirement to actual discharge risk and explain the need for work on already functioning habitat. A percentage on a checklist does not establish necessity.

Comment 14 — Efficiency labels do not justify capture hardware and road mandates

Provision: Attachment D, section IV.1(b) and (e), pages 137–141; Attachment H, "Maximized Irrigation Efficiency," printed pages 19–20, consolidated PDF pages 206–207.

Objection and authority: The Board does not acquire sound science merely by naming a system maximally efficient. Attachment D offers several forms of efficiency documentation, including an NRCS plan, distribution-uniformity evaluation, conversion documentation, recovery systems, or other acceptable evidence. Attachment H defines maximized efficiency using distribution uniformity and application management and says surface/flood irrigation requires an operational tailwater capture-and-reuse system in combination with uniformity. That definition can narrow what appears to be a choice in Attachment D.

Uniformity is not identical to consumptive efficiency. Neither one, standing alone, establishes whether capture changes stream accretion, recharge, or downstream reuse. Similarly, requiring hydrologic disconnection of all appurtenant roads as a stewardship condition can be disproportionate where a road contributes negligible sediment or a safe crossing cannot literally sever all storm-flow pathways. The definition includes a two-year recurrence storm criterion; this should be explained, not treated as an unlimited all-weather guarantee.

Sections 13241(b)–(d), 13263(a), and NPS Policy Key Element 2 require site-specific reasoning and achievable measures.

Demand: Reject these efficiency and road-disconnection conditions. Produce the water-balance, downstream-rights, recharge, sediment-risk, and feasibility evidence. Do not make capture hardware or a paper definition the price of keeping control of a ranch.

Comment 15 — Discretionary approval after private expenditure is not voluntary stewardship

Provision: Attachment D, sections II, V–VII, pages 136–137 and 141–144.

Objection and authority: Spending money first and hoping for approval afterward is not voluntary stewardship. The Draft provides for an application, staff site assessment, written threat

classification, conditions, annual status reporting, reassessment, and revocation. Level B can receive conditional eligibility; Level C cannot. Revocation includes 30 days' written notice and an opportunity for a written response. Those procedures do not resolve whether an applicant can know its eligibility before buying plans, restoration, or engineering. Paper process is not protection against wasted compulsory expense.

The Meeting Memo, pages 11–12, reports this precise concern. A producer should not spend thousands of dollars based on informal advice and then discover that some other criterion makes the application hopeless. Nor should an unresolved notice of violation automatically substitute for a final finding where the underlying facts are disputed. A process that depends entirely on open-ended discretion will discourage the very improvements the Board says it wants.

Section 13267 requires evidence and explanations for technical demands. Section 13263 permits review and revision, and section 13320 provides administrative review of qualifying regional actions. These protections work better when decisions have clear dates and written reasons.

Demand: Reject the stewardship system rather than requiring owners to spend first and wait for discretionary approval afterward. Produce decision criteria, cost assumptions, and the treatment of disputed notices. An application process does not transform forced compliance into consent.

Comment 16 — The group-restoration scheme is not relief for a working ranch

Provision: Attachment D, section VIII, pages 144–146.

Objection and authority: A multi-owner restoration enterprise is not relief for an ordinary ranch. The group option requires at least three owners or operators in the same watershed and at least two miles of perennial frontage, with governance, funding, permitting, monitoring, and contingency plans. It substitutes for specified restoration criteria; other individual criteria remain. Conditional approval may allow implementation over time, but that does not change the nature of the demand: a two-mile project involving multiple landowners is a substantial restoration venture, not proof that an ordinary ranch presents a low discharge risk.

The thresholds can exclude a protective project simply because it is shorter or involves only two willing neighbors. Participant withdrawal can threaten the others' status even when their on-farm practices remain sound. No water-quality rationale is apparent for treating project participant count as a decisive measure of each ranch's need for annual enrollment.

Sections 13263(a) and 13267 require a connection to the conditions and benefits being regulated. NPS Policy Key Element 2 calls for appropriate practices and verification, not restoration size for its own sake.

Demand: Reject the group-restoration scheme as an answer to ordinary ranch compliance, and reject the Order. Explain the scientific basis for the three-participant and two-mile thresholds and the consequences imposed on remaining members when another withdraws.

Comment 17 — Reject the permanent 35-foot average no-till control over private ground

Provision: Draft section II.B.3, page 34; section II.E, Streamside Areas paragraphs 1–5, pages 37–38; DEIR, pages 58–64.

Objection and authority: This is a direct intrusion into productive use of private ground, and I oppose it. I understand the actual provision: tillage is prohibited within a riparian vegetation area averaging 35 feet across the frontage; individual portions may be narrower or wider. Contiguous enrolled parcels under the same owner or operator can be averaged as described in paragraph 2. That qualification does not eliminate lost rotation options, productive acreage, access problems, or effects on narrow and irregular fields. I reject the restriction even when its width is correctly described.

The DEIR identifies potential loss or conversion of approximately 1,720 acres of Important Farmland. Before choosing that result, the Board should establish why a site-specific effective-shade or runoff-control standard cannot provide required protection with less disruption. A prescribed width should not automatically override a demonstration that existing vegetation, topography, stream orientation, soils, or another measure already achieves the relevant functions.

Sections 13241 and 13263 require attention to beneficial uses and economics. Section 13360 raises a serious question about prescribing a particular manner of compliance, while section 13243 authorizes genuine waste-discharge prohibitions. These authorities must be reconciled rather than one ignored. CEQA independently requires feasible impact reduction.

Demand: Reject the permanent tillage restriction and this Order. Do not impose this control over productive private ground. Produce the site-specific necessity, economic, legal, and property-rights analysis; frontage averaging does not answer it.

Comment 18 — The 100/60/35-foot streamside controls burden more than the no-till strip

Provision: Draft section II.E, Streamside Areas paragraphs 1–8, pages 37–40.

Objection and authority: The Board cannot minimize the burden by describing only one slice of the restricted area. The streamside area is 100 feet for perennial streams and the Scott and Shasta mainstems, 60 feet for intermittent streams, and 35 feet for ephemeral streams. The first component is the average 35-foot riparian vegetation area; the balance is a vegetated buffer. The 100-foot area is not accurately described as a uniform 100-foot no-till prohibition, and existing uses and permanent structures have specified allowances. The broader area nevertheless carries vegetation, structure, road, and grazing restrictions with real operational consequences.

The Board must show the relationship between each width and the pollutant pathway. Shade, bank stability, particulate transport, dissolved nutrients, and livestock access are different functions. A width justified by one function may not be necessary for all of them at every stream. Existing perennial crops may count in the buffer; the text should explain how that works through renovation, replanting, and field access.

Sections 13263(a) and 13241(b)–(d), together with NPS Policy Key Element 2, require this site-specific connection. The DEIR must analyze the actual restrictions, not only the acreage inside the narrow tillage component.

Demand: Reject the streamside controls and the Order. State the full operational and acreage burden of the 100/60/35-foot areas instead of discussing only the smaller no-till component. Do not minimize the intrusion by correcting a label while leaving the restriction intact.

Comment 19 — A moving vegetation edge is a moving claim on productive ground

Provision: Draft section II.E.1–2, pages 37–38; Attachment H, "Waterside edge of vegetation," printed page 17, consolidated PDF page 204.

Objection and authority: I reject a moving boundary that can shift the cost of a flood onto the owner's remaining productive ground. The operative starting point is the waterside edge of vegetation at ground level. Attachment H describes a shoreline line indicated by fluctuations of water and physical evidence, including shelving, soil changes, destruction of terrestrial vegetation, litter, and debris. That reads in part like a water-mark test rather than a straightforward vegetation edge. Seasonal changes and floods can move the indicators or remove vegetation altogether.

The Meeting Memo, pages 12–14, reports unresolved questions about flood-eroded buffers and whether farming or fences must move farther inland after bank loss. Those reports are not proof of how every site behaves, but they identify a foreseeable implementation problem. A producer is exposed to enforcement without a stable line governing planting, grazing, ditch maintenance, or annual certification. That uncertainty is part of the land-use intrusion I reject.

Section 13263(a) requires attention to existing conditions. The Shasta TMDL itself allows for natural riparian disturbance in adjusted potential shade. Fair notice also requires rules capable of consistent application before penalties are sought.

Demand: Reject a program that can move its enforcement line after a flood or vegetation change. Produce the boundary evidence and explain the property consequences. A shifting natural indicator is not a blank check to take more working ground under permit control.

Comment 20 — Contradictory stream definitions cannot govern private land

Provision: Attachment H, "Ephemeral Stream," printed page 16, consolidated PDF page 203; "Intermittent Stream," printed page 18, consolidated PDF page 205.

Objection and authority: These definitions cannot even keep their own distinctions straight. The ephemeral definition says water is present for only part of the year "but more than just after rainstorms and as snowmelt," then says ephemeral flow is short-duration after precipitation or snowmelt. The intermittent definition begins with water present "only during or after a local rainstorm or heavy snowmelt," then describes three to nine months of flow or a shorter period supporting riparian vegetation. The opening phrases appear inconsistent with the later criteria and with the ordinary distinction staff reportedly explained at the meeting.

This is not harmless terminology. Classification determines whether a streamside area is 35, 60, or 100 feet; which thermal benchmarks apply; and when tailwater must be monitored. An NHD map cannot substitute for clear legal criteria when field conditions disagree. Nor does the absence of a federal jurisdictional water necessarily remove state water-quality authority; that is a separate question.

Sections 13263(a), 13267, and NPS Policy Key Element 5 favor clear, evidence-based obligations and consequences. CEQA Guidelines section 15124 requires a project description that allows the public to understand the regulated area.

Demand: Reject the Order with these contradictory definitions. Produce the classification datasets, methods, and factual decisions governing each affected channel. Landowners should not be put under threat of enforcement while staff decide afterward which words they meant.

Comment 21 — The ephemeral-channel rules do not state a consistent obligation

Provision: Draft Finding 73, pages 25–28; section II.D.2 and 4, pages 35–37; Attachment A, section III.B, pages 67–69; Attachment H, POC definition, printed page 21, consolidated PDF page 208.

Objection and authority: The Draft threatens major obligations while failing to say consistently where they apply. Scott total-phosphorus benchmarks expressly apply to perennial, intermittent, and ephemeral channels throughout the irrigation season. Shasta section II.D.2 also mentions ephemeral connectivity for TKN and temperature, while the temperature tables are framed around perennial and intermittent streams. The POC definition and monitoring applicability focus on tailwater connected to perennial streams April 1–October 1 and intermittent streams April 1–June 15.

The Board explains that phosphorus can be stored in dry channels and later mobilized. I do not deny that transport mechanism. The question is how the actual rule applies to an isolated or seasonally disconnected channel, what evidence establishes delivery, which season governs, and where a sample must be collected. A prohibition, a table, a definition, and an MRP cannot each describe a different compliance universe.

Water Code section 13263(a) requires attention to receiving-water conditions, and section 13267 requires a justified monitoring demand. NPS Policy Key Elements 1, 2, and 5 require specific purposes, suitable practices, and clear consequences.

Demand: Reject the inconsistent ephemeral-channel requirements and the permit. Identify the controlling channel, season, pollutant, compliance point, and transport evidence. The Board cannot demand a certification against incompatible obligations.

Comment 22 — Immediate land controls before enrollment are unacceptable

Provision: Draft Finding 38, page 12; section II.A.1, page 31; section II.E, Streamside Areas paragraph 5, page 38.

Objection and authority: The permit reaches for control before its own enrollment machinery is ready. Enrollment is due 18 months after adoption. Yet the no-till prohibition begins at adoption except where the riparian vegetation area is then planted to a crop, in which case compliance is due within three years of adoption. The delayed enrollment is justified in part by the time needed to create coalitions, reporting tools, and outreach. An operator whose land is not planted on the adoption date may therefore face an immediate land-use restriction before the mechanisms intended to explain the permit are functioning.

Crop rotation, seasonal fallow, renovation, and forage stand renewal make the phrase “planted to a crop” consequential. Two otherwise identical fields could receive very different transition treatment because of their place in a rotation on one day. The Draft should not encourage planting merely to secure a transition period or penalize a prudent fallow interval.

Section 13263(c) authorizes schedules subject to revision. NPS Policy Key Element 3 calls for specific, reasonable time schedules and milestones, with capital outlays among the considerations. Economics under sections 13241 and 13263 includes existing investments and workable transitions.

Demand: Reject the immediate tillage restriction and the Order. Explain the unequal transition treatment of planted, rotated, and fallow ground and the conflict between delayed enrollment and immediate controls. Timing changes would not cure my objection to the underlying restriction.

Comment 23 — Reject the June-through-August-only grazing calendar

Provision: Draft section II.E, Streamside Areas paragraph 8(h), pages 39–40.

Objection and authority: The Board is trying to dictate the ranching calendar. I reject that mandate. The text states, “Grazing shall occur only between June and August when vegetation regrowth is at its most vigorous.” That is a blanket seasonal rule for streamside areas under the default pathway, not merely a suggestion to avoid wet banks. It can exclude spring or fall use even where soils, forage, stocking duration, bank condition, and water-quality risk favor carefully managed use in those seasons.

The Board must substantiate its regrowth premise for the relevant species and irrigated and nonirrigated settings in each valley. Its record does not establish why short-duration controlled grazing, seasonal rest, soil conditions, bank protection, or actual management outcomes justify this three-month calendar. These examples expose missing analysis; they are not substitute conditions I am offering to accept. Any fire-fuel, weed, forage-quality, or livestock-relocation consequences also belong in that comparison.

Sections 13241(b)–(d) and 13263(a) require environmental and economic specificity. NPS Policy Key Element 2 says management practices “must be tailored to a specific site and circumstances.” A costly professional-plan escape route is not a sufficient substitute for a defensible default.

Demand: Reject the June-through-August grazing mandate and this WDR. Produce the local evidence for the assertion that vegetation regrowth is most vigorous in those months across the affected operations. The Board has not earned authority to dictate this ranching calendar on this record.

Comment 24 — Reject the universal six-inch stubble mandate

Provision: Draft section II.E, Streamside Areas paragraphs 8(c) and 9(d)(iv), pages 39–40.

Objection and authority: A six-inch rule written in permit boilerplate does not become sound pasture management by repetition. Grazing cannot occur when nonwoody vegetation stubble is below six inches. The GRMP option retains that standard through paragraph 9(d)(iv). Thus hiring a qualified professional does not necessarily produce meaningful flexibility on one of the most important limits.

A single height can mean different things for different grasses, sedges, seasons, moisture conditions, and pasture management systems. Naturally short vegetation, drought-limited growth, a recently mowed area, and a well-managed productive pasture are not interchangeable. If six inches is intended as a surrogate for filtering, bank stability, or plant recovery, the Board must show how that surrogate predicts those functions locally and explain how it is measured.

Questions include whether the measure is a minimum at every point or an average, what sampling method applies, whether bare natural patches count, and whether the restriction extends to the whole management unit or only a verified sensitive area. Without answers, annual certifications and enforcement become arbitrary in application.

Sections 13263(a), 13267, and 13360, and NPS Policy Key Elements 2 and 5 support an outcome-based and clear framework.

Demand: Reject the six-inch floor and the professional-plan route that retains it. Produce the local validation, measurement protocol, and relationship to actual water-quality effects. Calling a fixed restriction a performance standard does not make it justified.

Comment 25 — The one-percent manure criterion lacks a usable method

Provision: Draft section II.E, Streamside Areas paragraph 8(d), page 39.

Objection and authority: A percentage without a usable method is an invitation to arbitrary enforcement. Manure deposition in the wetted area is limited to no more than one percent of total area. The Draft needs to specify the denominator, observation period, spatial unit, treatment of isolated deposits, and procedure for distinguishing livestock deposits from wildlife and other material. A shifting wetted area can change the percentage even if livestock use has not changed.

A compulsory standard must establish what conduct is required and how compliance will be evaluated. This one leaves the owner exposed to incompatible interpretations. It should also focus attention on actual entry of waste, concentrated loafing, access points, and conditions likely to deliver nutrients or pathogens, rather than a percentage that different observers can compute in incompatible ways.

Section 13267 requires a reasonable relationship between the burden of measuring and reporting and the need and benefits. NPS Policy Key Element 5 calls for consequences made clear in advance. If the Board proposes a numerical proxy, it must disclose why that proxy is suitable and enforceable.

Demand: Reject the manure-percentage condition and the Order. Produce its denominator, temporal and spatial method, validation, and source-identification procedure. An undefined percentage cannot carry this burden of compliance and enforcement.

Comment 26 — Redd protection does not excuse undefined control of pasture

Provision: Draft section II.E, Streamside Areas paragraphs 8(e)–(h), pages 39–40.

Objection and authority: A legitimate habitat concern is not an unlimited claim over every nearby pasture. The default prohibits grazing when salmonid redds are present in the stream channel and

requires crossings and bank trampling to be managed to avoid sediment discharge. Protecting spawning habitat is legitimate. But the text does not clearly explain the relevant reach, how presence is determined, how far upstream or downstream it controls grazing, who provides notice, or how an operator can safely determine presence without disturbing fish.

A blanket rule for an entire pasture could go beyond what is needed to protect a particular spawning location. Conversely, a narrow rule that leaves a real sediment-delivery pathway uncontrolled would not be protective. The Board needs a functional connection between the grazing activity and the redd risk, not a requirement that ranchers become fish biologists before moving cattle.

Section 13263(a) requires conditions related to the discharge and receiving water. NPS Policy Key Elements 2 and 5 call for suitable practices and intelligible expectations. The same analysis should account for bridges, hardened crossings, bank setbacks, and alternative watering arrangements already in place.

Demand: Reject the blanket grazing conditions. Identify the actual reach, timing, evidence, and connection between the regulated activity and redd risk. A legitimate subject of protection does not excuse an undefined claim over all nearby pasture.

Comment 27 — Reject forced professional plans and the first-year compliance trap

Provision: Draft section II.E, Streamside Areas paragraphs 8–11, pages 39–43; Attachment B, Finding 109(c), page 129.

Objection and authority: The answer to a bad default is apparently to buy a professional plan. I reject that forced expense. Default grazing conditions apply at enrollment unless implementing a GRMP, while the GRMP is due within one year of enrollment or first livestock introduction, whichever is later. The Draft should say exactly what governs while a plan is being prepared and reviewed. An apparent year to submit a plan should not become a year in which the producer must first comply with every default restriction anyway, regardless of the proposed alternative.

The Board estimates a professional GRMP at $3,000–$8,000, with continuing professional site evaluations at least every three years. Availability of an RPF, certified rangeland manager, or other qualifying professional, travel costs, review time, and recertification must be considered. A biologist's credentials alone do not ensure experience managing a working irrigated pasture.

Sections 13241(d), 13263(a), and 13267 require attention to the costs and benefits of planning and reports. NPS Policy Key Element 2 allows tailored practices with verification. A professionally certified document should be required where its added value is justified, not as the standard price of avoiding a poorly designed default.

Demand: Reject the forced professional-plan structure and the Order. Produce the full recurring costs and explain the first-year compliance gap. I am not seeking permission to buy my way out of one agency restriction and into another.

Comment 28 — Broken certification references and escalating photo demands are not acceptable

Provision: Draft section II.E.9(f)–(h) and 11, pages 41–43; Attachment A, Table A.2, page 59, and section III.A.5, page 66.

Objection and authority: The Board demands certifications while supplying broken references and inconsistent photo burdens. The Order describes annual photographs at approximately the same date and vantage point. The MRP requires photographs immediately before and after each grazing event in monitored riparian pastures. Event-by-event monitoring can be substantially more burdensome, especially for frequent rotation, and should not be hidden behind an annual-photo description.

There are also apparent cross-reference errors. The certification refers to protection equivalent to "paragraph 6," although paragraph 6 concerns vegetated buffers; it states the professional meets qualifications in "paragraph 8," while the credential list is paragraph 10. Paragraph 11 again compares results to paragraph 6. These references affect what is being certified under penalty of perjury and when a producer must revert to default rules.

Section 13267 requires a justified relationship between reporting costs and their benefits. NPS Policy Key Elements 2, 4, and 5 require verifiable practices, useful feedback, and clear expectations. The sheer number of required photographs does not establish a useful result or a proportionate cost.

Demand: Reject the photo and certification scheme as drafted and reject the Order. Account for event-by-event costs, correct the factual explanation in the record, and explain the erroneous certification cross-references. Landowners cannot be held to a precision the Draft itself lacks.

Comment 29 — The restoration/easement alternative puts another burden on property rights

Provision: Draft section II.E, Streamside Areas paragraphs 12–15, page 43.

Objection and authority: A recorded easement is a property burden, not a courtesy offered to the landowner. The alternative requires restoration of at least 200 percent of the difference in riparian area, in the same HUC-12 with similar or greater ecological value and function, a conservation easement, and sufficient financial resources for 20 years of maintenance and replacement. Restoration and easement placement must occur within five years of adoption, and a proposal is due six months after the enrollment deadline.

The text requires funding for 20 years; it does not clearly say the easement itself terminates after 20 years. The Board must not describe this as a simple 20-year commitment if the recorded restriction could last longer. Availability of an eligible site, willing easement holder, appraisal, title work, legal costs, endowment, replacement obligations after flood loss, and regulatory approvals determine whether the alternative is real.

Water Code sections 13241 and 13263 require economic and conditions-based analysis. The Fifth Amendment and California Constitution article I, section 19 warrant careful attention where a

recorded property interest is demanded. I do not declare this optional alternative a completed unconstitutional exaction; the legal characterization and facts require analysis.

Demand: Reject the restoration/easement conditions and the WDR. Produce the legal authority, ratio analysis, actual eligible sites, funded-term assumptions, easement duration, and transaction costs. Do not treat a recorded property burden as a favor to the owner.

Comment 30 — Section 13360 is a limit on agency power, not a drafting inconvenience

Provision: Draft section II.E's prescribed vegetation, grazing, road, crossing, and restoration measures, pages 37–52; Finding 58, page 16.

Objection and authority: The Legislature placed limits on compelled compliance methods; the Board cannot write around them by changing labels. Water Code section 13360(a) provides that no WDR or other covered order shall specify the design, location, type of construction, or particular manner of compliance, and that the person ordered shall be permitted to comply in any lawful manner, subject to statutory exceptions. The Draft prescribes particular widths, seasons, heights, drainage features, and an easement-based restoration alternative.

I acknowledge the Board's section 13243 authority to prohibit waste discharges in certain conditions or areas, its obligation to implement the Basin Plan, and the distinction between a legitimate performance requirement and a forbidden design prescription. I am not arguing that section 13360 invalidates every management measure or every land-use condition. I am asking the Board to explain the legal and factual basis for the particular measures here, including whether equally protective lawful methods are genuinely available without undue cost or open-ended approval.

NPS Policy Key Element 2 reinforces this concern by requiring practices tailored to specific circumstances. A menu in one attachment does not automatically cure rigid requirements elsewhere.

Demand: Reject the compelled-method provisions and the Order. Place a specific analysis of sections 13360 and 13243 in the record. The Board cannot evade the statutory limitation merely by calling its chosen ranching and construction methods a protective framework.

PART III — TAILWATER, WATER RIGHTS, BENCHMARKS, AND ROADS

Comment 31 — Neither tailwater pathway makes this WDR acceptable

Provision: Draft section II.E, Tailwater Adaptive Management Framework paragraphs 1–16, pages 46–50; section II.B.5, page 34.

Objection and authority: I reject a choice between eliminating a flow and buying a consultant-certified route through this permit. The Draft offers Pathway 1, elimination or disconnection, and Pathway 2, compliance with benchmarks. It also provides that implementing practices according to the approved schedule constitutes compliance during that schedule. Those features do not make the program acceptable. A purported choice is not real when one path is technically indeterminate, disproportionately costly, or impossible to certify under ordinary mixed-flow conditions.

Pathway 2 must have a workable way to distinguish the enrolled operation's contribution from incoming water, shared drains, and natural springs. Pathway 1 must address downstream rights, recharge, and construction feasibility. Neither should presume that a capture basin, wetland, pump, or land reconfiguration is suitable for every ranch.

NPS Policy Key Elements 2–4 require tailored practices, realistic schedules, and feedback. Section 13263(a) requires conditions suited to the discharger and receiving water; section 13360 protects the ability to comply in a lawful manner. These provisions support protective outcomes with genuine flexibility, not an engineering conclusion chosen in advance.

Demand: Reject both the forced-elimination machinery and the permit structure surrounding it. Produce evidence that the supposed choices are technically and legally real under actual local conditions. I reject a choice between surrendered management control and consultant-certified compliance.

Comment 32 — Resolve the six-year versus eight-year Stage 2 deadline conflict

Provision: Draft Table II.5, page 47; section II.E, Tailwater Adaptive Management paragraph 8, page 48; paragraph 11, page 49.

Objection and authority: Two conflicting deadlines are not adaptive management. They are a failure to define the obligation. Paragraph 8 states that Stage 2 practices must be fully implemented six years after the enrollment deadline. Table II.5 and the final implementation certification use eight years after the enrollment deadline. These are materially different capital schedules. The deadline is measured from the enrollment deadline, not simply adoption, and that distinction must be retained in every corrected reference.

A producer financing earthwork, pumps, cooling measures, or a reuse system cannot plan around both dates. Nor should a certification form or later staff interpretation decide which one was legally intended. The time available affects feasibility, costs, professional availability, permit approvals, and the DEIR's assumptions about when environmental benefits and construction impacts occur.

Section 13263(c) authorizes schedules and their revision. NPS Policy Key Element 3 requires specific schedules with quantifiable milestones. Key Element 5 requires clear consequences in

advance. A conflict of two years defeats that clarity even if the Board believes the longer date is obvious.

Demand: Reject the conflicting capital schedule and the Order. Identify which six- or eight-year obligation the Board intended and how the difference affected feasibility and environmental analysis. My demand is withdrawal, not negotiation over which date will bind us.

Comment 33 — An extension mechanism does not justify compelled capital spending

Provision: Draft section II.H.3, page 54; tailwater paragraphs 7–11 and 15–20, pages 48–52.

Objection and authority: An extension at staff discretion does not make a compelled capital project acceptable. The Order does provide an extension process. It requires a request at least 60 days before the deadline, justification, and a proposed completion date. I do not claim there is no discretion to extend. The problem is that floods, wildfire closures, contractor failure, permit delays, newly discovered groundwater conditions, or a destroyed facility may not become known 60 days before the date.

A ranch should not be forced into an avoidable violation because an otherwise reasonable request became impossible to file two months earlier. Similarly, a professional plan can turn out not to work under actual field conditions despite diligent implementation. Adaptive management should reward prompt disclosure and correction, not make every redesign a new consultant cycle without schedule protection.

Section 13263(c) expressly permits review and revision of compliance schedules. NPS Policy Key Element 3 recognizes that additional time may be necessary for capital outlays and allows schedule amendment where appropriate. These authorities do not support indefinite postponement; they support bounded, evidence-based adjustments.

Demand: Reject the deadline-and-extension machinery of this program. Explain the costs and exposure created by floods, permits, unavailable contractors, and failed designs. Discretion to grant an extension does not justify imposing the underlying obligation.

Comment 34 — An unresolved compliance point cannot carry this liability

Provision: Draft Attachment A, section III.B.2–3, pages 67–68; Attachment H, POC definition, printed page 21, consolidated PDF page 208.

Objection and authority: The Board cannot build costly liability on an unresolved location in a ditch. The POC is the lowest elevation where concentrated tailwater leaves the operation toward connected perennial receiving waters during April 1–October 1, or toward intermittent streams during April 1–June 15. Group monitoring may be approved for an encompassing drainage area. A map and a field visit may be necessary to determine where that description actually lands when water travels through shared ditches, infiltrates, resurfaces, or mixes with natural flow.

The legal location matters. Measuring at a cold-water spring after an intervening ditch is not the same as measuring at a field outlet. Nor is an operator necessarily authorized to install equipment on a neighbor's land at the lowest downstream point. A property boundary does not itself prove that the water leaving there was generated on that property.

Sections 13263(a) and 13267 require an evidentiary link between the person, discharge, report, and receiving-water conditions. A no-dilution rule may be defensible, but it must be supported for the location and purpose to which it is applied.

Demand: Reject the permit and its unresolved compliance-point rules. Produce maps, access authority, hydrologic connections, seasonal assumptions, and source characterization. The Board must not attach major liability and construction costs to an uncertain point on a shared drainage.

Comment 35 — The Scott Decree's return-flow provisions cannot be ignored

Provision: Draft tailwater elimination and stewardship requirements, pages 46–52 and 137–138; Scott River Decree, Siskiyou County Superior Court No. 30662, paragraphs 10 and 60, printed pages 4 and 22, official PDF pages 20 and 38.

Objection and authority: Downstream adjudicated interests are not an inconvenience the permit can wish away. The decree defines tailwater as the portion of applied irrigation water returning to a ditch or drain and becoming available for reuse by someone other than the original diverter. Paragraph 60 specifically states: “Return water from Heide's Shackleford Creek Ditch, Diversion 3, commingles with natural flow of Sniktaw Creek.” It then provides for allocation after the water leaves the Heide property and enters Sniktaw Creek, and discusses a particular Wickes return-flow entitlement. This is a documented adjudicated setting, not an invented theory that every downstream ranch owns every historical gallon of runoff.

This comment does not establish my personal entitlement under that paragraph, and the decree is not a universal ban on conservation or a universal obligation to perpetuate waste. The point is that some return flows have an express legal treatment that must be examined before a capture mandate or no-tailwater incentive is implemented.

Water Code sections 1702 and 1706 protect against injury in the changes to which those provisions apply. Their applicability depends on the right and proposed change; not every conservation project requires the same petition. Section 13263(g) also makes clear that WDRs create no vested right to discharge waste.

Demand: Reject this program and its capture incentives where they disregard adjudicated interests. Produce the watermaster and water-rights analysis for affected return flows. Do not direct compliance that conflicts with a decree or pretend that this comment establishes my individual entitlement without the necessary right-specific record.

Comment 36 — Springs and mixed flows defeat attribution by convenience

Provision: Draft Attachment A, sections III.B.2–6, pages 67–70; Attachment B, POC and source-control findings, pages 108–113; tailwater plan requirements, pages 51–52.

Objection and authority: Water passing a property is not proof that the property owner created every condition in it. The Meeting Memo, pages 7–9 and 13, reports concerns that natural springs and ditch flows are mixed and cannot always be assigned to one operation. The Draft permits grouped monitoring and contemplates source determination. Those features need concrete protocols before a sample becomes the basis for expensive corrective work or an enforcement claim.

The relevant questions include incoming temperature and nutrients, spring accretion, groundwater interaction, travel time, irrigation timing, water balance, and upstream discharges. An outlet concentration can be useful evidence of water quality without proving that the outlet operator caused every constituent or thermal condition. Equally, the existence of an incoming source does not excuse a ranch's own added load.

Section 13263(a) expressly includes “other waste discharges” and receiving-water conditions. Section 13267 requires supporting evidence for reporting demands. A fair source analysis should be technically rigorous without forcing one small operator to finance a watershed-scale model.

Demand: Reject attribution by convenience and the Order. Produce the source-water and mixed-flow evidence, including springs, upstream contributions, travel time, and groundwater interaction. A sample at an outlet is not a license to charge that operator with every condition in the water.

Comment 37 — Group monitoring must not become automatic group liability

Provision: Draft Attachment A, section III.B.2, pages 67–68; sections III.B.4–6, pages 69–70; Draft section II.E.22, page 52.

Objection and authority: Shared sampling must not become collective guilt. Group monitoring can reduce cost and improve watershed understanding. It can also obscure responsibility if a pooled POC represents multiple fields and operations. The Draft requires approval of grouped drainage areas and source investigation following exceedances; it should explain how an individual participant is treated while that investigation proceeds.

A shared sample may justify inquiry. It does not necessarily justify requiring each participant to build a separate treatment system. The record has not established how field records, upstream samples, flow measurements, irrigation schedules, and existing infrastructure will distinguish the source before the individual is made to pay. Innocent participants should not be trapped between unlimited investigation costs and consultant-certified elimination of a discharge they did not cause.

Sections 13263(a), 13267, and the basic evidentiary foundation for enforcement require a meaningful connection between the regulated person and the condition addressed. These protections do not prevent a lawful joint program or applicable responsibility for a jointly controlled discharge.

Demand: Reject pooled monitoring as a shortcut to individual liability, and reject the WDR. Identify the statutory basis and evidence for each corrective demand. Coalition membership cannot replace source attribution or expand responsibility beyond the governing law.

Comment 38 — A Shasta model is not proof of every outlet requirement

Provision: Draft Finding 67, pages 18–19; section II.D, Table II.1, page 36; Attachment B, pages 109–113.

Objection and authority: A model is an analytical tool, not a deed to control every ranch in a modeled reach. The Shasta mainstem benchmarks differ by reach and season. The Big Springs reach includes 58°F, 62°F, and 52°F seasonal values, while other reaches have different limits. The Draft describes modeling without the 45-cfs augmentation scenario because flow augmentation and

water rights are outside this Order. That separation does not make flow physically irrelevant to temperature or to the feasibility of a tailwater standard.

The Board must disclose model files, calibration, meteorology, spring inputs, groundwater exchange, shade assumptions, irrigation return assumptions, uncertainty, and sensitivity to the flow conditions actually expected during permit implementation. A model designed to evaluate reach-scale TMDL scenarios may not automatically establish an achievable end-of-operation limit under every natural source-water condition.

Sections 13241(b)–(c) and 13263(a) require hydrographic characteristics and reasonably achievable conditions through coordinated control of all factors. CEQA Guidelines section 15384 distinguish supported forecasts from speculation. Excluding flow decisions from the permit does not justify excluding their consequences from analysis.

Demand: Reject the temperature findings and the Order relying on them. Produce the complete model, inputs, calibration, uncertainty, sensitivity, and translation from receiving-water predictions to end-of-operation requirements. A model name is not proof of a lawful or achievable limit.

Comment 39 — Seasonal outlet temperatures require an actual evidentiary foundation

Provision: Draft section II.D, Tables II.2–II.3, page 36; section II.E, paragraph 14, pages 49–50.

Objection and authority: The Board must establish its chosen outlet requirement, not just recite the need for cold water. The perennial-stream seasonal values include 61°F April 1–June 15, 64°F June 16–August 31, and 56°F September 1–October 1. Intermittent temperature applicability is more limited. These are important biological protection choices. But the Board must show why each value is the appropriate discharge benchmark at each POC and how a ranch can attain it where incoming water, shallow warm source water, ambient conditions, or travel through a nonfarm ditch controls the temperature.

Invoking fish protection does not answer whether the chosen discharge test identifies an avoidable contribution or whether it is achievable under the defined conditions. A ranch that reduces a hotter incoming flow substantially could still fail an absolute concentration-type threshold, while another discharge below the threshold could add substantial heat to a very cold tributary. The Board should explain how its framework addresses both.

Sections 13241(b)–(c), 13263(a), and NPS Policy Key Elements 2 and 4 support this analysis.

Demand: Reject these unestablished outlet requirements and the WDR. Produce the derivation, source-water analysis, field evidence, and averaging conventions for each seasonal threshold. A biological objective does not by itself prove that every chosen POC limit is justified.

Comment 40 — The 0.20 mg/L TKN benchmark requires a defensible translation

Provision: Draft section II.D.2, page 35; Attachment A, section III.B, pages 67–70; Attachment B nutrient findings.

Objection and authority: A translation between different measurements needs evidence, not administrative confidence. The Draft uses a total Kjeldahl nitrogen benchmark of 0.20 mg/L for

Shasta tailwater. The Basin Plan's tailwater allocation addresses nitrogenous biochemical oxygen demand at 0.85 mg/L. These are not the same measurement and not interchangeable units of ecological response. The Order must disclose the conversion, assumptions, supporting data, and uncertainty that connect them.

TKN includes forms with different availability and rates of oxygen demand. The Board should identify what fraction, reaction rate, travel time, water temperature, and receiving-water condition it assumes, and whether the benchmark is driven by background water, algal growth, oxygen demand, or another mechanism. A scientifically justified conservative translation is possible, but it must be demonstrated rather than hidden in a narrative assertion.

Section 13263(a) requires WDRs that implement the relevant plan and consider receiving-water conditions. Section 13267 governs the benefit and necessity of sampling. NPS Policy Key Element 4 requires feedback capable of evaluating actual water-quality effects.

Demand: Reject the unsupported TKN translation and the Order. Produce the assumptions and data connecting 0.20 mg/L TKN to 0.85 mg/L NBOD protection under local conditions. Distinct measurements cannot be treated as interchangeable because that is convenient for enforcement.

Comment 41 — Reconcile the Scott phosphorus tables and justify use of an ambient percentile as an effluent benchmark

Provision: Draft Finding 73 and Table I.4, pages 25–28; section II.D.4 and Table II.4, pages 36–37.

Objection and authority: The Board's own phosphorus tables do not tell the same story. Scott TP benchmarks are 0.014, 0.010, and 0.008 mg/L by seasonal period. The underlying ambient percentiles differ between tables: Table I.4 reports approximately 0.015, 0.010, and 0.0077 mg/L, while Table II.4 lists approximately 0.014, 0.009, and 0.007 mg/L as its ambient reference values. The late-season observed maximum also changes from 0.010 mg/L in Table I.4 to 0.008 mg/L in Table II.4, and the early-season derivation changes from an adjustment to a reference value to no adjustment. These differences exceed a mere harmless reformatting. Final benchmark values may be reconcilable through an explained method, but the document does not make the controlling dataset and transformation sufficiently clear.

More fundamentally, the 75th percentile of ambient samples is a description of observed conditions, not self-proving evidence of a necessary and achievable tailwater limit. The Board must explain sample selection, season, flow, upstream sources, detection limits, treatment of censored data, site grouping, and whether the chosen percentile reliably implements the biostimulatory objective. It must also show how an ephemeral-channel sample represents delivery to protected receiving water. The Board's failure to make the required showing is a reason to reject the benchmark and this permit, not to negotiate my acceptance.

Sections 13241(b)–(c), 13263(a), and 13267 require a sound connection among objectives, discharge controls, conditions, and monitoring. CEQA Guidelines section 15384 reinforces the need for accurate evidence supporting environmental conclusions.

Demand: Reject the conflicting phosphorus record and the Order and EIR relying on it. Produce the full dataset, calculations, exclusions, rounding, uncertainty, and controlling derivation. Consistent final numbers do not excuse contradictory underlying facts.

Comment 42 — The failure rules expose ranches to major costs on uncertain evidence

Provision: Draft section II.E, tailwater paragraph 14, pages 49–50; section II.D, final numbered paragraph 4, page 37; Attachment A, pages 68–70.

Objection and authority: One laboratory result can become the doorway to a very expensive mandate under this framework. Pathway 2 requires additional action when 20 percent of the temperature measurements in an irrigation cycle exceed the benchmark, or when any one nutrient sample exceeds it. Temperature is measured at 15-minute intervals during active flow; nutrients are sampled during each irrigation cycle. At TP concentrations near 0.008 mg/L, sampling method, contamination, laboratory precision, reporting limits, and field timing matter. The MRP calls for a TP reporting limit no greater than 0.003 mg/L.

The Order includes a compliance-schedule safe harbor and says postdeadline exceedances may constitute a violation with supporting evidence. I do not claim every trigger is an automatic penalty or that one sample is legally incapable of proving a violation. I object to unclear separation of screening, corrective planning, pathway failure, and enforceable violation.

Section 13267 requires proportionate reporting and technical justification. NPS Policy Key Elements 4 and 5 call for reliable feedback and clear consequences.

Demand: Reject the failure-trigger scheme and the permit. Identify exactly what result triggers investigation, a costly plan, pathway failure, or enforcement, and produce the measurement-error and variability analysis. A ranch should not be forced into capital expenditure by an unexplained statistical rule.

Comment 43 — Capture and reuse are not consequence-free mandates

Provision: Draft tailwater practices and certified plans, pages 46–52; DEIR, pages 61–63 and hydrology discussions; Attachment D efficiency criteria.

Objection and authority: Capturing a flow is not automatically an environmental gain in every place it matters. Capturing tailwater can reduce pollutant delivery and conserve diversions. It can also change timing and location of recharge, return flow, wetland support, downstream diversions, and thermal conditions. A basin, pump-back system, or treatment wetland may require excavation, embankments, energy, access, and maintenance. These effects must be evaluated on the actual water balance rather than assuming elimination of visible runoff is always a net improvement in every environmental dimension.

The alternatives include better irrigation scheduling, reduced duration, distribution improvements, treatment while maintaining compliant return flows, and strategically located reuse. Its failure to compare those measures undermines the claimed inevitability of capture. This is an objection to its proof, not an offer to accept a different forced system. This is especially important where spring-fed or groundwater-connected systems interact with downstream legal uses.

Sections 13241(b)–(c), 13263(a), 1702 and 1706 where applicable, and CEQA Guidelines sections 15126.4 and 15126.6 support examination of these consequences and alternatives. This is not an assertion that every capture project causes injury or requires its own EIR.

Demand: Reject the unexamined capture-and-reuse premise and the Order. Produce the net water balance, recharge, downstream-use, energy, construction, and maintenance analysis. Eliminating visible runoff does not establish that every resulting effect is beneficial or lawful.

Comment 44 — Reject the road mandates and their conflicting schedules

Provision: Draft section II.E, Roads and Crossings paragraphs 16–19, pages 43–45; Attachment B, Finding 102, page 126; Table B.2, page 127.

Objection and authority: The road mandate brings another cost stack and another contradictory schedule. Existing roads and crossings have ten years after the enrollment deadline under the operative provisions, while Attachment B describes assessment and implementation within five years of adoption. Those are materially different cost and implementation assumptions. New or replaced crossings also face a 100-year-flow design expectation and additional permitting requirements. These should be stated clearly, with the same dates everywhere.

The listed practices include outsloping, rolling dips, waterbars, diversion correction, road-surface improvement, and streamside crossings. Their value depends on actual drainage, soils, slope, safety, vehicle use, sediment delivery, and cumulative watershed sources. A road that is hydraulically connected is not necessarily the largest sediment source; a disconnected road may still have an unstable fill needing attention.

Section 13263(a) calls for consideration of other discharges and receiving conditions. Section 13360 requires a real lawful-manner-of-compliance option. NPS Policy Key Elements 2 and 3 favor tailored practices, priorities, and achievable schedules.

Demand: Reject the road mandates and the Order. Explain the five-year versus ten-year conflict, the cost consequences, and each actual sediment-delivery pathway. Ranch owners should not carry watershed-scale burdens for roads or facilities they do not control.

Comment 45 — Natural disturbance is not an automatic ranch failure

Provision: Draft vegetation protection, maintenance, road, and stewardship provisions, pages 38–45 and 138–144; Basin Plan section 6.3.8.3.C.

Objection and authority: Floods and wildfire do not respect permit language, and the owner cannot control every upstream source. Floods, wind, fire, disease, channel migration, wildlife, and upstream failures can damage riparian vegetation and infrastructure despite diligent management. The Shasta TMDL's adjusted potential shade approach recognizes natural disturbances including flooding, wind throw, disease, landslides, and fire. The replacement order should not erase that distinction by making every loss a landowner-caused failure or a reason for immediate restoration expenditures unrelated to fault, risk, or natural recovery.

The Meeting Memo's questions about flooding and historic channel work identify issues for investigation, not established excuses. A producer still has a duty to take feasible protective action

within its control. But a sound permit distinguishes a rancher's management from a natural process or a federal, county, or neighboring facility it cannot lawfully alter.

Sections 13241(b)–(c), 13263(a), and NPS Policy Key Elements 2–4 support realistic expectations and adaptive recovery. Fair notice requires advance identification of what maintenance is mandatory and what happens after a disaster.

Demand: Reject a permit that converts natural disturbance and third-party damage into continuing private management exposure. Produce the evidence distinguishing controllable ranch contributions from flood, fire, legacy work, and outside facilities. Nature does not sign the Board's certification forms, and neither does an upstream agency.

PART IV — MONITORING, COALITIONS, FEES, EVIDENCE, AND SOURCE ACCOUNTABILITY

Comment 46 — Section 13267 forbids treating reporting burdens as unlimited

Provision: Draft section II.H.1 and 7–9, pages 54–56; Attachment A, pages 58–91; Attachment B cost findings, pages 127–130.

Objection and authority: I reject an open-ended paperwork burden attached to the ownership and operation of irrigated land. Water Code section 13267(b)(1) does not permit technical reporting simply because more information might someday be useful. It requires that the burden, including costs, bear a reasonable relationship to the need and benefits, and that the Board provide a written explanation of need and identify evidence supporting requiring the person to furnish the reports. This is a particularly direct statutory limit on the MRP.

Here, annual farm evaluations, grazing photographs, GIS maps, applied-nitrogen information, well sampling, continuous temperature data, cycle-by-cycle nutrient samples, certified plans, and ten-year record retention can accumulate. Some information may be essential. Some may be redundant with GSA, NRCS, existing monitoring, coalition records, or previous assessment work. The Board should distinguish those categories and justify frequency as well as subject matter.

A regional need does not mean every individual must generate a complete independent dataset. Representative monitoring and existing qualified information may serve the same benefit at much lower cost, provided the design remains reliable.

Demand: Reject the MRP and the Order. Produce the section 13267 showing for every material report, frequency, and cost, including existing-data and duplication analysis. The power to request information is not permission to impose an endless paperwork tax.

Comment 47 — The local nitrate findings undercut imported burdens

Provision: Draft Finding 65, page 17; section II.F, pages 53–54; Attachment A nitrogen and groundwater provisions; ESJ Order WQ 2018-0002, pages 26–27 and relevant nitrogen provisions.

Objection and authority: The Board's own local finding undercuts an imported high-burden nitrate approach. Finding 65 cites local groundwater work and states these valleys are not high-vulnerability areas under the ESJ framework. The Draft therefore does not impose certified INMPs, nitrogen-removed reporting, or groundwater protection targets in the same form as some other programs. That regional distinction is the Board's own finding and it matters to the lawfulness of the burden. Applied-nitrogen reporting and groundwater testing still remain, and their scope must be separately justified.

ESJ page 27 leaves regional boards considerable discretion over reasonable differentiation and prioritization. It also recognizes uniquely situated categories of growers for whom nitrogen reporting may be inappropriate following the required demonstration. The record must identify which precise ESJ holdings are precedential statewide, what exceptions require State Board

approval, and what local discretion remains. “ESJ requires it” is not an adequate answer unless the cited holding actually requires the particular form, frequency, and population.

Sections 13263(a), 13267, and 13269 support tailoring to risk. Low input does not mean nitrate can never threaten a well, and I am not asking the Board to ignore evidence of unsafe water.

Demand: Reject imported nitrate burdens not established for these valleys. Produce the exact statewide-precedent crosswalk, underlying local studies, and need for each remaining requirement. The Board's own low-vulnerability finding cannot be acknowledged in a preamble and disregarded in the burden imposed.

Comment 48 — A health concern does not prove the scope of this well mandate

Provision: Draft section II.F, pages 53–54; Attachment A, sections II and III.A, pages 61–66; Attachment H, Drinking Water Supply Well definition.

Objection and authority: The Board cannot use a real public-health concern to avoid proving the scope of this particular mandate. The program covers drinking-water supply wells on enrolled APNs, including qualifying private household wells, not merely wells serving employees or neighbors. It initially requires annual nitrate and TDS sampling, permits reduced frequency after three qualifying annual nitrate results below 5 mg/L, and returns to annual sampling if nitrate reaches 5 mg/L. The 10 mg/L MCL triggers specific notification and alternate-water duties. Those are the obligations being imposed; their scope, source connection, and costs still require proof.

The Board must nevertheless explain how the regulated operation is linked to each well, how already regulated or recently sampled wells are credited, which laboratory and sample methods suffice, who must notify affected people, and how privacy and access are handled. A well being located on an enrolled APN does not alone establish the source of a detected constituent. Health protection and source attribution are related but distinct questions.

Section 106.3 supports safe, clean, affordable and accessible water. Section 13267 requires need, benefits, and proportional burdens; section 13263(a) requires attention to actual conditions.

Demand: Reject this permit's automatic linkage between enrolled APNs and the full sampling/response burden. Produce the need, source, existing-data, access, privacy, and cost record. Do not answer a challenge to these requirements by suggesting that the only alternative is indifference to drinking water.

Comment 49 — Reject the engineering-grade paperwork burden

Provision: Attachment A, section IV, pages 71–73, and annual reporting provisions; Draft section II.H.7–10, pages 55–56.

Objection and authority: A ranch is not an agency data-production office. Farm maps include detailed scale, contour, field, drainage, water-source, infrastructure, and management-unit information, with electronic GIS formats and unit-size limits. Records must be maintained for ten years, and reports include penalty-of-perjury certifications. Some mapping is plainly useful. A one-inch-to-50-foot scale and ten-foot contours can nevertheless become a costly engineering exercise

on large or topographically simple acreage if accepted public data and producer sketches are not sufficient.

The Draft allows confidentiality requests under specified procedures. Section 13267(b)(2) protects qualifying trade secrets in defined circumstances; it is not a promise that every operational record is secret, and the Board should not imply otherwise. Producers need to understand what is public, what is protected, and what is shared with a coalition or consultant before submitting sensitive operational details.

Section 13267(b)(1) requires proportionality. Fair administration also requires certifications limited to information reasonably available after appropriate inquiry, not expert conclusions a producer cannot personally verify.

Demand: Reject the mapping, certification, and recordkeeping demands and the Order. Produce their decision value, costs, duplication analysis, and confidentiality limits. Owning irrigated land should not become a standing obligation to supply engineering-grade files for agency convenience.

Comment 50 — Coalition membership is economically coerced by this structure

Provision: Draft section II.A, pages 31–34; Attachment C, Third-Party Program, pages 131–135; Attachment B, pages 122 and 129–130.

Objection and authority: When the individual route costs this much more, the claimed choice carries a heavy economic club. The Board promotes coalition participation as a way to reduce duplicated work and aggregate monitoring. That advertised benefit does not make it voluntary or costless. It requires governance, staffing, administration, data systems, monitoring, insurance or other risk management, and members' trust. The absence of an economically reasonable individual route intensifies the pressure on anyone unable to obtain a suitable coalition or unwilling to surrender operational records to it.

The substantial fee differential and individual professional/reporting expenses create strong economic pressure to join. That pressure is not automatically unconstitutional forced association, and I do not label authorized fees extortion. It is a real practical effect that belongs in the economic analysis. A choice that is ruinously expensive on one side should not be presented as proof that membership is freely affordable on the other.

Sections 13241(d), 13263(a), and 13267 require evaluation of costs and reasonable alternatives. Section 13260(d) authorizes broad program cost recovery, not merely billing for a particular inspector's visit, but it does not substitute for a transparent explanation of the program's structure.

Demand: Reject this economically coercive coalition arrangement and the WDR. Produce real individual and coalition budgets, governance obligations, data exposure, and failure scenarios. Calling membership optional does not answer a fee structure that makes refusing it punishingly expensive.

Comment 51 — The fee differential is pressure, not a trivial charge

Provision: Draft Finding 38, page 12; Attachment B, Finding 94, page 122; Water Code section 13260(d)–(f); title 23, section 2200.6.

Objection and authority: The state fee is the beginning of the bill, not the total price of this permit. Fees are set by the State Water Board under state law and regulation, not locked by this regional order. The official FY 2026–27 schedule retains a Tier A approved-group fee of $1.50 per acre and Tier B fee of $1.20 per acre. Individual Tier A is $37.40 per acre up to 300 acres plus $18.71 above 300, with a $710 minimum. Individual Tier B is $29.92 up to 300 acres plus $14.96 above 300, also with a $710 minimum. These dated figures are not a guarantee of what anyone will pay in 2029 or later.

For illustration, 100 acres at Tier A is $150 in state group fees versus $3,740 in individual state fees, before private coalition charges or any reporting and implementation costs. That calculation illustrates the schedule; it is not my acreage or a forecast of my bill. Section 2200.6 also uses acreage irrigated or cultivated within the preceding five years, which needs clear explanation alongside enrollment acreage.

Demand: Reject the fee-dependent WDR program. Produce the State fee-branch basis, expected private dues, and dated cost assumptions, and stop implying that the Regional Board can lock future state fees. The program is objectionable even if the first bill arrives later.

Comment 52 — An unsettled Tier B account is another defective cost assumption

Provision: Attachment B, Finding 94, page 122; Draft Finding 65, page 17; title 23, section 2200.6(a)(1)–(2).

Objection and authority: Even the fee category affecting the bill is not adequately settled in the cost account. Tier B expressly includes irrigated pastures with no external nitrogen input and specified operations determined exempt from the precedential INMP requirement, among other categories. The Board's cost discussion uses $1.50 per acre without adequately explaining whether some local operations qualify for $1.20 group treatment or the lower individual rate.

Not imposing a certified INMP in this Draft does not necessarily establish that every operation has been granted the particular exemption contemplated by the fee regulation. The Board must resolve that distinction rather than letting producers discover their classification after enrollment. Mixed operations also need clear rules so an eligible pasture is not automatically charged as if all acres had the same inputs or use.

Section 13260(d) requires the fee scheme to be implemented under State Board authority. Sections 13241 and 13263 require a correct economic baseline. The fee regulation's own definitions should govern eligibility; a regional outreach summary cannot silently replace them.

Demand: Reject the incomplete fee analysis and the Order. Obtain and place the actual Tier B interpretation and mixed-acreage rules in the record. Charging less under one tier would not cure my opposition to this compulsory fee-and-reporting program.

Comment 53 — Ownership and coalition changes create another layer of exposure

Provision: Draft section II.A, pages 31–34; Attachment C, pages 131–135; Attachment D revocation and group provisions, pages 143–146.

Objection and authority: The burden does not disappear when a lease changes or a coalition fails. A long-lived permit must account for sales, leases, inheritance, partial retirement, coalition dissolution, and changing operators. The current framework leaves important practical questions: who holds the historical data, which plans remain valid, whether prior monitoring years count toward reduced well sampling, what happens to shared equipment, and when a new fee or individual report becomes due.

The stewardship revocation process allows 60 days to obtain standard coverage, but the practical transition from a group project or failed coalition may require records and approvals the individual does not control. A producer should not have to buy an entirely new plan merely because the same land changes legal owner or a third-party administrator closes its doors. Genuine operational changes can justify an update; a paperwork change should not automatically erase established performance.

Sections 13263(a), 13267, and 13260's fee framework support continuity, justified updating, and avoidance of unnecessary duplication. A statutory fee refund under section 13260(e) has its own conditions; I do not claim it automatically applies to every ownership change.

Demand: Reject the continuing transition and coalition exposure created by this Order. Produce the legal basis, records-continuity obligations, and duplicate-cost analysis. A sale, lease, inheritance, or failed administrator must not become a convenient excuse to make a family buy the same compliance work again.

Comment 54 — Produce the missing trend and review record

Provision: Draft Findings 41–44 and benchmark findings, pages 13–14 and 18–28; Basin Plan Scott section 6.3.7.6–.7 and Shasta section 6.3.8 review provisions; Meeting Memo, pages 4–5.

Objection and authority: Produce the analysis. Do not demand acceptance of conclusions the public cannot meaningfully test. Attendees reportedly asked for a trend analysis that had not been released and for a clear demonstration of how much the waiver program accomplished. I do not claim no data exist. The EIR contains meaningful implementation information, discussed in Comment 55. The problem is whether the Board has made the underlying water-quality trends, quality controls, source information, and limitations available in time for informed comment.

The Scott Action Plan requires a compliance and trend-monitoring framework and staff reporting at least yearly on implementation and whether additional actions are needed. It called for formal review in 2011 and extensive review in 2016, with later reassessment. The Shasta plan also calls for at least yearly status reporting. The existence of these duties makes the historical record especially relevant.

Sections 13241(b)–(c), 13263(a), and NPS Policy Key Element 4 require usable feedback about effectiveness. CEQA Guidelines section 15088 requires a reasoned response to significant environmental issues raised in review.

Demand: Reject adoption on a record that has not supplied the underlying trend analysis and required reviews. Produce the actual reports, datasets, methods, and gaps. Do not claim that undisclosed analysis proves the need for new control of private land.

Comment 55 — The existing waiver record defeats the false choice offered here

Provision: DEIR, pages 170–174; Draft Finding 18, page 9; 2018 conditional waivers.

Objection and authority: The record contradicts any suggestion that the existing waiver framework accomplished nothing. The no-project discussion is not a blank slate. DEIR pages 171–172 report substantial work: Scott assessments of 24 ranches covering about 33 percent of frontage, nine plans, roughly $6 million in grants, 25 acres of planting, 17.8 miles of fencing, 2,200 feet of bioengineering, and 53 road treatments. Shasta work includes 15 assessed ranches, 13 plans, roughly $6 million, 12.3 miles of fencing, 21 off-channel watering facilities, 1.4 miles of planting, cold-spring diversion work, and reported elimination of approximately 10 cfs of tailwater.

These are reported program outputs, not proof that all objectives have been achieved. They do establish that existing conditions are not equivalent to doing nothing. The Board should examine which measures worked, which failed, where untreated sources remain, and whether additional technical assistance and targeted enforcement would outperform uniform new burdens.

Section 13269 allows renewable conditional waivers subject to its requirements, not perpetual unregulated discharge. NPS Policy requires an enforceable implementation program. CEQA Guidelines section 15126.6 requires a meaningful no-project comparison.

Demand: Reject the false choice between this WDR and doing nothing. The DEIR documents substantial waiver-era work. Restore and retain that less-restrictive framework rather than impose this replacement program, and produce an honest comparison of verified outcomes and costs.

Comment 56 — Ranchers are not the default payers for other watershed sources

Provision: Draft Findings 41–44, pages 13–14; section II.C, pages 34–35; Basin Plan implementation tables for Scott and Shasta.

Objection and authority: Ranchers are not the default payers for every watershed problem. The Meeting Memo reports questions about wildfire sediment, federal and county roads, historical channelization, urban runoff, wastewater, and nonagricultural sources. Those questions do not establish each source's magnitude or excuse agricultural contributions. They do require a coordinated explanation of what the permit can actually accomplish and how its controls fit the broader TMDL program.

Section 13263(a) expressly requires consideration of “other waste discharges.” Section 13241(c) refers to water-quality conditions reasonably achievable through coordinated control of all factors affecting water quality. The Basin Plan's implementation tables assign responsibilities to multiple categories of actors. An order directed at agriculture may lawfully address agriculture, but it should not attribute an entire watershed impairment to enrolled ranches or promise recovery based on ranch controls alone.

A scientifically honest record should distinguish sediment sources, natural background, legacy conditions, current manageable contributions, and uncertainties. It should also identify what work other agencies and landowners are expected to do and the consequences if they do not.

Demand: Reject the Order's unsupported allocation of burdens. Produce the source-and-responsibility evidence for roads, wildfire, channel works, urban runoff, wastewater, and agriculture. Easier enrollment of ranches is not a lawful substitute for coordinated control of the actual sources.

Comment 57 — Agency assumptions do not outrank evidence

Provision: Draft temperature and flow-related findings, pages 18–28; DEIR biological and hydrology analyses; Meeting Memo, pages 8–10 and 15.

Objection and authority: An agency assumption should face the same scrutiny as a rancher's observation. The Meeting Memo reports historical low-flow accounts and observations of Chinook at low reported flows. I am not presenting unidentified diaries, unverified gauge readings, or a sighting at a reported 16 or 22 cfs as proof that those flows sustain all life stages or satisfy water-quality objectives. Fish presence is not proof of adequate habitat, survival, or population recovery. Gauge location, timing, tributary inputs, refuge conditions, observer reliability, and species identification all matter.

But local observations can identify questions and information worth evaluating. The Board should explain how its model handles cold-water refugia, spring inputs, channel change, migration timing, and historical variability, and should distinguish flow quantity from water quality. The same discipline applies to claims that a particular farming practice caused a particular fish outcome.

Sections 13241(b)–(c) and 13263(a) call for consideration of conditions and coordinated factors. CEQA Guidelines section 15384 requires facts, reasonable assumptions, and expert opinion supported by facts rather than unsupported speculation.

Demand: Reject unsupported causal or model claims and the Order. Evaluate submitted local evidence with its metadata and limitations, and hold agency assumptions to the same standard. Neither anecdote nor an agency label substitutes for facts.

PART V — NOTICE, CEQA, REVIEW, INSPECTIONS, AND ENFORCEABILITY

Comment 58 — Produce the notice record; this is no basis for adoption

Provision: Draft Finding 13, page 8; Finding 75, page 28; official Public Notice, pages 1–4; Meeting Memo, pages 1 and 18.

Objection and authority: The Board does not get to call this meaningful notice without producing the record. The notice establishes a 60-day written period, September 17–November 16, 2026, ending at 5:00 p.m. Pacific. Finding 13 says 45 days, while Finding 75 says 60 days. Correct the contradiction. The October 1 Yreka workshop was for public input, not adoption. The notice's length is not itself shorter than CEQA's 45-day state-agency minimum under Public Resources Code section 21091(a).

The Meeting Memo reports that some mailed notices arrived immediately before, on, or after the workshop. I do not assert that a notice arrived late to me personally, and the memo is not a mailing log. Government Code section 11125(a) generally requires advance Internet notice and notice to persons requesting it at least ten days before a covered state-body meeting. It does not make every late postal delivery an automatic Bagley-Keene violation. CEQA section 21092 has its own publication, posting, and notice requirements.

The Board should disclose mailing dates, lists and criteria, website posting dates, publication records, and how affected owners were identified. Formal compliance, if established, does not answer whether an extension is sensible for this unusually complex record.

Demand: Reject adoption and withdraw the Order and EIR. Produce the complete notice record and correct the contradictory 45-/60-day account. An extension or another workshop would not turn my opposition into consent to this program.

Comment 59 — The EIR admits agricultural harm and fails to justify it

Provision: DEIR, Agricultural Resources discussion, pages 58–64; Draft Findings 76–77, page 28.

Objection and authority: The EIR admits the damage and then asks the Board to proceed anyway. I oppose that choice. The DEIR estimates that the tillage prohibition could affect about three percent of Scott Important Farmland and five percent of Shasta Important Farmland, approximately 1,720 acres combined, and concludes the agricultural impact is significant and unavoidable. The approximately 44,000 acres of Important Farmland in the project area do not make the affected land expendable. Nor should the estimate be described as 1,720 acres necessarily converted to urban development: the DEIR discusses nonagricultural or pastoral/nonarable uses, and the actual outcome varies by field.

The GIS intersection, stream classifications, frontage assumptions, existing vegetated areas, overlapping restrictions, and agricultural-use categories need to be disclosed in a reproducible form. Economic significance may be much greater on a narrow parcel than the watershed percentage suggests. Existing pasture use should be distinguished from conversion of tilled forage acreage into a use that the DEIR classifies differently.

Public Resources Code sections 21002.1(b), 21100, and 21081 require identification of significant effects, feasible mitigation and alternatives, and appropriate findings. CEQA Guidelines sections 15126.4 and 15126.6 require reasonable means to avoid or substantially lessen impacts.

Demand: Reject the Order and EIR rather than approving acknowledged harm to approximately 1,720 acres on this alternatives record. Produce the GIS and the basis for calling the impact unavoidable. I do not accept an 860-acre version in exchange for dropping this objection.

Comment 60 — Economic consequences cannot be waved away as speculation

Provision: DEIR, pages 61–63; Attachment B, pages 121–130.

Objection and authority: Calling consequences speculative is not an economic analysis. CEQA Guidelines section 15131 says economic or social changes are not, by themselves, significant environmental effects. It also permits economic and social information to determine whether a resulting physical change is significant and requires discussion where such effects cause physical change. I am not demanding an EIR merely because a consultant invoice is expensive. I am asking the Board to analyze reasonably foreseeable land-use and infrastructure consequences of the permit it is designing.

The DEIR characterizes some potential business-closure effects as speculative and suggests uneconomic tilled land may remain pastoral. That may be true in some cases. It is not a substitute for examining plausible local scenarios where lost forage, changed grazing season, financing costs, and required construction lead to fallowing, altered crop patterns, parcel sales, changed water use, or new development pressure. Nor can every indirect effect be assumed; the analysis should identify which are reasonably foreseeable and explain its limits.

Sections 13241(d) and 13263(a) independently require economic consideration even where an effect is not significant under CEQA. These duties should not be collapsed into CEQA's narrower physical-impact inquiry.

Demand: Reject the unsupported economic and indirect-impact conclusions. Produce corrected ranch-scale scenarios and the foreseeable physical land-use consequences. CEQA's distinction between economic and physical effects is not an excuse to ignore section 13241 economics or real agricultural change.

Comment 61 — The alternatives analysis is a legal failure, not a negotiation

Provision: DEIR alternatives, pages 166–179, especially page 169.

Objection and authority: Two alternatives do not become a reasonable range simply because the document says so. The DEIR carries forward two alternatives: no project and a 17.5-foot average tillage restriction. It states that no alternatives were considered but dismissed from full analysis. Given the breadth of the permit, the narrow range leaves substantial questions unanswered. Alternatives can vary the regulatory approach, risk tiers, performance standards, basin-specific treatment, timing, monitoring, and use of existing assessments, not just the width of one component.

CEQA Guidelines section 15126.6 requires a reasonable range of potentially feasible alternatives that would attain most basic objectives while avoiding or substantially lessening significant effects.

The rule of reason does not require every imaginable variation. It does require enough genuinely different approaches to permit an informed choice, especially where the project acknowledges a significant unavoidable agricultural impact.

The record fails to test materially different risk-based, performance-based, or basin-specific approaches against the claimed objectives and impacts. That omission matters under section 15126.6. I identify the omitted categories to challenge the adequacy of the EIR, not to endorse a tiered, performance-based, or basin-specific successor WDR.

Demand: Reject certification and reject the Order. The inadequate alternatives range is a CEQA objection, not an offer to help staff design the next permit. State the evidence and legal reasoning behind excluding materially different approaches.

Comment 62 — The 1,720-versus-860-acre comparison undermines the EIR's conclusion

Provision: DEIR, pages 174–177.

Objection and authority: The EIR's own acreage comparison cuts directly against its inevitability story. The DEIR estimates the reduced tillage prohibition would affect approximately 860 acres rather than 1,720. It characterizes the alternative as economically feasible, potentially legally feasible, socially feasible, and, in its overall conclusion, potentially feasible. It then emphasizes reduced water-quality benefits and incomplete achievement of objectives. That record calls for a clear explanation of why the acreage savings cannot be accepted or combined with additional targeted measures.

CEQA does not require selection of every potentially feasible alternative merely because it reduces one impact. The Board must balance the relevant effects and make the findings required by section 21081 and Guidelines section 15091. But an alternative need not perfectly duplicate every benefit to qualify for comparison; section 15126.6 addresses most basic objectives and substantial reduction of significant effects.

There is also an internal concern. Page 174 says all other Order requirements remain unchanged. Later discussion suggests the reduced-width alternative could cause removal of existing riparian vegetation, although the existing-vegetation protection would remain unchanged. If the Board predicts removal, it must identify what lawful change under the alternative permits it and why.

Demand: Reject the EIR's comparison and the Order. Explain the admitted feasibility and acreage savings and the inconsistent existing-vegetation analysis. Do not represent this objection as my agreement to the 17.5-foot alternative; I reject that bargain.

Comment 63 — The offsite-restoration account contradicts the advertised escape route

Provision: DEIR, pages 60–61 and 169–179; Draft section II.E.12–15, page 43.

Objection and authority: An option cannot be both an advertised escape route and an inadequately examined concept. The agricultural-impact discussion considers an offsite approach but the alternatives chapter identifies only no project and reduced width as alternatives analyzed in detail. Meanwhile, the proposed Order already contains a same-HUC-12, 200-percent restoration and easement alternative. The public has not been given one coherent account of what is part of the

proposed project, what was considered and rejected, or the mitigation analysis supporting the acknowledged agricultural impact.

A project feature cannot be simultaneously treated as an available escape route proving flexibility and an infeasible concept dismissed without a clear comparison. If the existing alternative is too costly, geographically unavailable, or functionally incapable of preserving agriculture in many cases, those limitations should be disclosed. The failure to establish whether the ratio, onsite assumptions, or location criteria are necessary further undermines the claimed inevitability of the agricultural harm. I do not offer an amended restoration bargain.

Public Resources Code sections 21100 and 21081 and CEQA Guidelines sections 15124, 15126.4, and 15126.6 require consistent project and alternatives descriptions and reasoned treatment of feasible impact reduction.

Demand: Reject the inconsistent project/alternative description and the Order and EIR. Identify what was included, rejected, assumed available, and actually feasible. A paper restoration option cannot do double duty as an excuse for harm and proof of flexibility.

Comment 64 — An unstable project description is not a lawful basis for approval

Provision: DEIR Project Description and alternatives; Draft pages 31–57; Attachments A, D, F, and H.

Objection and authority: The public should not have to discover the real project after adoption. A program-level EIR need not identify the final construction design for every ranch. CEQA Guidelines section 15146 permits detail to correspond to the specificity of the proposed activity. But the project still needs an intelligible description of its geographic scope, technical features, economic characteristics, and reasonably foreseeable implementation under section 15124.

Here, contradictory dates, stream definitions, compliance-point applicability, and offsite alternatives leave uncertainty about what is being approved. The same concern applies to the effects of likely basins, wetland cells, capture systems, road reconstruction, vegetation conversion, and changes in grazing. Statements that locations are unknown may justify reasonable program-level assumptions and later site review; they do not justify assuming no meaningful construction footprint or indirect effect.

A combined Scott/Shasta order can be a legitimate CEQA project. My objection is that its description must identify the important basin-specific differences and the actual envelope of authorized or compelled changes rather than hiding them behind a generalized agricultural category.

Demand: Reject a permit and EIR whose actual scope remains unstable. Produce a coherent account of the compelled land, grazing, infrastructure, and maintenance changes and their impacts. Do not approve the machinery first and fill in its reach afterward.

Comment 65 — Later mitigation paperwork is not a blank check

Provision: Draft Attachment F, CEQA Mitigation Measures; DEIR mitigation discussions; professional tailwater and grazing plans, pages 40–43 and 51–52.

Objection and authority: The Board cannot approve the burden now and leave the hard mitigation decisions to later paperwork. Public Resources Code section 21081.6 requires a mitigation monitoring or reporting program for adopted mitigation and identification of the record custodian. CEQA Guidelines section 15126.4 requires enforceable measures; where formulation is deferred, specific performance criteria must guide the later work. A promise that a consultant or another agency will consider an issue later is not automatically sufficient.

The Board must distinguish permit requirements that implement water-quality law from measures relied upon to mitigate the permit's own environmental effects. Each measure needs a responsible party, timing, evidence of completion, performance standard, funding responsibility, and a response if it fails. If implementation requires a ranch to obtain permits or hire specialists, those obligations belong in the cost analysis and schedule.

The consolidated document also contains apparent copied template identifiers in later attachments. Such errors do not prove mitigation is invalid, but they underscore the need to verify that every attachment actually belongs to this project and references the correct order and requirements.

Demand: Reject certification and adoption on this mitigation record. Identify enforceable responsibilities, performance standards, funding, secondary effects, and oversight. A future professional plan is not a blank check to postpone the analysis, and a revised mitigation checklist would not satisfy my demand to reject this program.

Comment 66 — Reject certification and any statement of overriding considerations

Provision: Draft Findings 75–77, page 28; DEIR significant-and-unavoidable agricultural impact.

Objection and authority: I reject any attempt to use overriding considerations as a permission slip for this harm. The draft includes template findings referring to final EIR certification and an overriding-considerations resolution with a placeholder number. Preparing proposed findings is common and is not, standing alone, proof of prejudgment. But the final decision must follow review of comments, preparation of the final EIR, independent judgment, and the findings required by Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15093.

A statement of overriding considerations cannot cure a failure to identify or adopt feasible mitigation or alternatives. It must explain why specific benefits outweigh unavoidable environmental harms remaining after the required feasibility analysis. General praise for clean water cannot replace an explanation of why this particular package, with its chosen widths and defaults, should be adopted over less damaging protective approaches.

The Board must also distinguish regional environmental benefits from speculative assertions about what every ranch will accomplish or what funding will be available. Significant tribal, fishery, public-health, and agricultural interests deserve an honest comparative record.

Demand: Do not certify the EIR, adopt the Order, or adopt a statement of overriding considerations to excuse the agricultural harm. Reject the proposed findings. Neither template language nor generalized benefits can substitute for the required decision record.

Comment 67 — A softer recirculated permit would not satisfy these objections

Provision: DEIR and Draft as a whole; official notice, pages 3–4.

Objection and authority: Recirculating a softer version would not answer my rejection of the program itself. Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5 require EIR recirculation when significant new information is added after public notice but before certification. Not every correction or clarifying response triggers recirculation. The question includes whether new information reveals a new significant impact, substantially more severe effects, a feasible alternative or mitigation the project proponent declines to adopt that considerably differs from those analyzed, or an EIR so inadequate that meaningful review was precluded.

Corrections to costs, affected acreage, construction assumptions, benchmark applicability, or alternatives may be material. The Board should evaluate the changes cumulatively, not label each one a minor edit in isolation. Separately, a substantially changed permit should receive an adequate public review opportunity even where a particular change does not satisfy CEQA's recirculation test.

Section 21091(d) and Guidelines section 15088 require meaningful responses to environmental issues raised in timely comments. A response that introduces a decisive new technical analysis only at adoption can leave the public without a fair opportunity to test it.

Demand: Reject and withdraw the Order and EIR. Do not recirculate a slightly softened version and claim that answers these comments. If the Board nevertheless proceeds, its duties under section 21092.1 and Guidelines section 15088.5 remain independent legal barriers, not a path to my agreement.

Comment 68 — The indefinite order lacks the public reckoning section 13263(e) requires

Provision: Draft general provisions, pages 54–57; Attachment D reassessment provisions, pages 142–144; Meeting Memo, page 16.

Objection and authority: An indefinite order without a fixed public reckoning asks for enduring control and leaves review to someone else's initiative. Water Code section 13263(e) states: “All requirements shall be reviewed periodically and, upon such review, may be revised by the regional board.” The distinction matters. Review is mandatory; revision following review is discretionary. An order with no fixed public review date asks producers to accept indefinite control without an established public reckoning over effectiveness, costs, new science, and unnecessary requirements.

The Meeting Memo reports staff saying the public should ask for periodic review. That response does not discharge the Board's statutory responsibility, and it does not answer my rejection of this indefinite Order. The stewardship program's possible reassessment and the Board's general modification authority are not an adequate substitute for review of the permit as a whole. Nor should review depend on a producer financing a petition every time data show that a requirement is not useful.

NPS Policy Key Element 4 makes feedback central to a functioning implementation program. The Basin Plan's Scott and Shasta review provisions reinforce that expectation. A permanent reporting

and land-management program needs a mechanism to learn and reduce burdens as well as to increase them.

Demand: Reject this indefinite management program. Explain the absence of a fixed public reckoning despite section 13263(e). I am not offering to accept permanent permit control in exchange for a five-year review meeting.

Comment 69 — Inspection safeguards do not make this new program acceptable

Provision: Draft section II.H.6, page 55; Water Code section 13267(c); Code of Civil Procedure section 1822.50 et seq.

Objection and authority: The inspection machinery is part of the intrusion I oppose, not a minor administrative detail. The Draft does not simply authorize unlimited warrantless entry. It states that, absent consent, a warrant shall be obtained under Code of Civil Procedure section 1822.50 et seq., except in an emergency affecting public health or safety. That is a legal limit on authority, not a concession that makes this new inspection program acceptable. Section 13267(c) contains the same basic framework, and section 1822.50 defines a judge-signed inspection warrant for legally authorized inspections.

A civil administrative inspection warrant is not identical to a criminal search warrant, and I am not demanding criminal probable cause as the universal inspection standard. I do ask that consent be genuine, the inspection relate to the water-quality program, and the distinction between accessible monitoring equipment, business records, private residences, and unrelated property be respected.

The Draft also leaves biosecurity, livestock movement, dangerous machinery, gates, irrigation scheduling, photography, sampling location, and confidential information exposed to further administrative decisions. These practical intrusions are additional costs of the inspection regime, not reasons to accept it.

Demand: Reject the inspection obligations created by this WDR and reject the program. Existing lawful inspection authority must remain within consent, warrant, and emergency limits under section 13267(c); this letter does not consent to entry or promise obstruction of lawful process. A warrant safeguard does not make the new permit acceptable.

Comment 70 — The Board cannot enforce whichever meaning it chooses later

Provision: Draft section II.D, pages 35–37; section II.E, tailwater paragraphs 14–22, pages 49–52; section II.H, pages 54–57.

Objection and authority: The Board must not make ranchers finance the experiment that decides what its own words mean. The Draft says benchmark exceedances after deadlines may constitute violations, while timely implementation of the scheduled framework can constitute compliance during the schedule. Those distinctions must be explicit across the MRP, forms, staff guidance, and enforcement. An individual should not certify one meaning of “compliance” while a different attachment silently uses another.

The Board also must explain whether failure of a surrogate grazing metric is itself a prohibited waste discharge, failure of a permit condition, or evidence requiring investigation. These categories

can have different legal consequences. I am not claiming the Board must wait for documented fish mortality before enforcing a valid permit condition. I am asking for clarity about what the condition is and the evidence needed to establish its breach.

NPS Policy Key Element 5 requires clear, advance consequences for failure. Sections 13263(a) and 13267 require factual and programmatic support. Fair notice is especially important where reports are signed under penalty of perjury and deadlines conflict.

Demand: Reject the ambiguous benchmark, corrective-action, and violation framework. Identify each legally operative condition, evidence standard, and statutory basis. Ranchers must not become the test cases through which staff decide what the Order was supposed to mean.

Comment 71 — These objections and all available review rights remain on the record

Provision: Draft section II.H.13, page 56; Attachment D revocation and reconsideration provisions, page 144; Water Code section 13320.

Objection and authority: I intend these objections to remain in the record, not disappear into a generic response. Section 13320 permits an aggrieved person to petition the State Water Board within 30 days of qualifying regional action or failure to act. This comment addresses a draft and is not itself a petition from a final adoption. A request for local reconsideration does not automatically extend a statutory petition period, and the Order should say so clearly where it invites reconsideration of stewardship decisions.

Public Resources Code section 21177 separately makes specificity of CEQA objections important to exhaustion. I have identified provisions, legal grounds, factual concerns, and requested revisions so the Board can address them now. I request that no summary response treat these comments as merely generalized opposition to water-quality regulation.

The Board should identify what constitutes final action by the Executive Officer under delegated authority, when notice is effective, and where and how review is sought. It should also avoid implying that a modification request automatically stays an existing obligation; the Draft itself says it does not.

Demand: Reject the program and preserve the entire administrative record. Give actual statutory review information for any final action. A reconsideration invitation must not conceal or imply an extension of a petition deadline, and this comment does not surrender any available objection.

Comment 72 — Do not adopt this defective document and fix it afterward

Provision: Draft throughout, particularly pages 8, 32–33, 36–37, 40–43, 47–49, 126, and 136–146.

Objection and authority: This document is not ready to govern anyone's livelihood. The document contains two numbered paragraph 4s under Water Quality Benchmarks; Attachment D pages carry “Attachment B” headers; the stewardship enrollment discussion points to Attachment B section XII although the program is Attachment D; GRMP cross-references point to the wrong paragraphs; the comment-period findings conflict; Stage 2 dates conflict; and the road cost narrative uses an obsolete schedule. The nutrient tables and tailwater-cost arithmetic raise substantive, not merely typographical, questions. The annual stewardship deadline retains alternative date placeholders.

Any one minor header mistake might be harmless. Taken together, these defects undermine reliance on a 212-page document that regulates land use and requires certifications under penalty of perjury. The public should not need an attorney and consultant to decide which paragraph the Board meant.

Sections 13263(a), 13267, and NPS Policy Key Elements 3 and 5 require a workable program, justified reporting, clear milestones, and clear consequences. CEQA review likewise depends on a stable, understandable project description.

Demand: Reject this draft instead of adopting it with an instruction to fix it later. Produce a complete account of the defects and their substantive consequences. Correcting headers would not cure the land-use intrusion, cost failures, and legal objections identified here.

Comment 73 — The human right to water does not erase AGR or property rights

Provision: Draft Finding 61, pages 16–17; Basin Plan Chapter 2, pages 16–18 and Table 2-1; Water Code sections 106 and 106.3.

Objection and authority: No policy slogan erases the statutes protecting agricultural uses and requiring economic analysis. Section 106.3 recognizes every human being's right to safe, clean, affordable, accessible water adequate for consumption, cooking, and sanitation, and directs relevant agencies to consider that policy in pertinent decisions. That policy does not supply a blank check to disregard sections 13241 and 13263 or to assume every restriction on farming is necessary to protect drinking water.

Section 106 declares domestic use the highest use and irrigation the next highest use. It does not automatically override COLD, fishery requirements, or other law. The Basin Plan's AGR definition expressly includes irrigation, stock watering, and support of vegetation for range grazing. MUN, COLD, REC-1, and REC-2 also express legitimate uses. The Board has not justified placing agriculture outside the public-interest analysis while invoking other designated uses. Actual designations and the statutory factors remain controlling.

Ranch families, employees, and neighbors need drinking water too. The Board cannot use that fact to make agriculture disappear from the beneficial-use and economic analysis or to treat every challenged restriction as immune from scrutiny.

Demand: Reject use of the human-right-to-water policy as a substitute for proving this permit's necessity and lawfulness. Apply the actual statutes and designated beneficial uses. The Board does not get to erase AGR or statutory economics by invoking a policy no one is permitted to question.

Comment 74 — This is an attempted taking of the use and control of private ranchland

Provision: Draft streamside restrictions, pages 37–43; professional-plan and restoration alternatives; DEIR agricultural effects, pages 58–64.

Objection and authority: This program reaches into the use and control of property that ranch families paid for and work. I consider that an attempted regulatory taking, not a routine form to sign. The Board would leave the deed, the taxes, the labor, and the financial risk with the owner while claiming authority over tillage, pasture use, grazing seasons, planning, construction, and continued compliance. I reject that transfer of practical control.

The Fifth Amendment and California Constitution article I, section 19 protect against uncompensated taking; the California provision also addresses property damaged for public use. Penn Central Transportation Co. v. New York City (1978) 438 U.S. 104, 124, 130–131 examines economic impact, interference with investment-backed expectations, and the character of governmental action, with the parcel considered as a whole. That is a serious factual inquiry. The permanent average 35-foot no-till burden, wider streamside controls, grazing calendar, lost productive options, and required professional costs belong in it. They cannot be brushed aside because the owner retains title.

Lingle v. Chevron U.S.A. Inc. (2005) 544 U.S. 528, 538–545 rejects "substantially advances" as a takings test. A buffer is not automatically a physical occupation, a fee is not automatically compensable, and a narrow strip is not automatically the entire parcel for the constitutional analysis. Those limits keep this objection legally grounded; they do not excuse the Board from confronting its consequences. No adjudicated taking, particular acreage loss, personal damages amount, or individual easement demand against me is invented in this letter.

The restrictions raise serious regulatory-taking and inverse-condemnation concerns. I also contend that the program's asserted authority is defective under the statutory grounds set out throughout this letter. The easement route adds a recorded interest in property to a framework already controlling its productive use. A costly purported choice does not make that burden disappear.

I do not accept this program in exchange for a narrower strip or a hardship application. I want the Board to reject it. An owner should not have to surrender management control first and pay for litigation afterward to find out whether the government went too far.

Demand: Reject the Order and its interference with productive private property. Do not impose these restrictions and then tell owners to finance litigation to find out what control remains. Put the constitutional and inverse-condemnation concerns in the record; I do not trade them for a consultant option, a marginally narrower buffer, or another stakeholder meeting.

Comment 75 — The TMDLs do not compel every restriction in this package

Provision: Draft section II.C, pages 34–35; Basin Plan Scott section 6.3.7 and Table 6.3.7-4, and Shasta section 6.3.8 and Table 6.3.8-5; older references to Tables 4-10 and 4-14.

Objection and authority: Calling every new restriction TMDL implementation does not make the TMDL require it. The Scott Action Plan addresses sediment and temperature, including adjusted potential shade, grazing, roads, and coordinated implementation. The Shasta plan addresses dissolved oxygen and temperature; its tailwater allocations include no net temperature increase and NBOD protection. Its implementation table calls for suitable management measures and provides for site-specific plans and further regulatory action when efforts fail. It does not prohibit the Board from adopting WDRs, and the TMDL is not a ceiling on every later lawful protective requirement.

But the distinction matters. The Board should not imply that the Action Plans literally compel every new 35-foot average tillage restriction, June–August grazing rule, six-inch stubble floor, 70-percent restoration criterion, or ambient-percentile-derived TP benchmark. Those are additional implementation choices requiring their own legal and evidentiary justification. The Shasta table's

site-specific, as-needed planning language is particularly relevant to a mandatory consultant-based framework.

Section 13263(a) requires implementation of relevant plans and consideration of local conditions and other discharges. Sections 13241 and 13360 and the NPS Policy remain relevant to the choice of implementation methods.

Demand: Reject the claim that the TMDLs compel this particular WDR package. Produce the controlling language and identify each added discretionary restriction with its separate authority and evidence. The TMDLs are not a blank check for every land-use demand staff choose to attach.

Comment 76 — The NPS Policy is not a blank check for this program

Provision: Draft Finding 58, page 16; practices, schedules, monitoring, and consequences throughout; State NPS Policy, May 20, 2004, printed pages 11–14.

Objection and authority: The Board invokes the policy's authority while failing its disciplines. The statewide policy's five elements address a specific purpose and water-quality requirements, management practices with selection and verification, time schedules and quantifiable milestones where immediate achievement is not required, sufficient feedback to determine effectiveness and support adaptive management, and clear consequences for failure. The policy supports enforceable control of nonpoint pollution. It does not support an unenforceable promise to try harder, and I do not request that.

It also says practices “must be tailored to a specific site and circumstances.” It recognizes capital outlays in schedule decisions and permits revision where justified. Feedback should answer whether practices are implemented and effective; collecting large quantities of data is not itself a demonstration of effectiveness. Clear consequences depend on clear definitions and consistent deadlines.

The Draft puts substantial weight on practices and reporting while leaving material ambiguity about local alternatives, source attribution, final dates, and how burdens will be reduced if data show little benefit. That imbalance should be corrected before adoption.

Demand: Reject this program for failing the policy disciplines the Board invokes. Produce the five-element analysis and evidence of genuine site specificity, useful feedback, defensible schedules, and intelligible consequences. I cite those failures as grounds for rejection, not as instructions for a replacement permit I would accept.

Comment 77 — Copied assumptions and contradictory cost appendices cannot support adoption

Provision: DEIR Attachment E, Estimated Cost of Compliance, printed pages 3–10; Draft Attachment B, pages 121–130.

Objection and authority: A copied vineyard reference and repeated cost errors are not a credible Scott/Shasta ranch analysis. The separate DEIR cost appendix opens by stating that all enrolled “Vineyard Properties” must pay fees. That term plainly appears to be carried over from another program. The appendix repeats the tenfold tailwater-reuse table discrepancy discussed in Comment

3. It gives the ten-year-after-enrollment road schedule, while the Order's supplemental findings still describe five years from adoption. These are additional reasons to check whether the cost assumptions were genuinely adapted to Scott/Shasta operations.

The appendix does include professional planning, monitoring, and foregone-income discussion. I am not claiming the Board ignored every category. It states that foregone income is considered in certain riparian-buffer scenarios, but does not show the local crop budgets, production assumptions, capitalization, duration, or relationship to the particular affected fields. A generic allowance is not the same as a transparent assessment of forage loss or ranch-level cash flow.

Sections 13241(d), 13263(a), 13267, and CEQA Guidelines sections 15131 and 15384 require a defensible factual basis for the conclusions being drawn. Repetition of a table in two documents does not independently validate it.

Demand: Reject the cost findings and the Order and EIR. Produce one reconciled factual record, identify copied assumptions, and explain the arithmetic and foregone-income treatment. The families being regulated deserve more than a recycled cost appendix before their land use is put under permanent permit control.

PART VI — NO-COMPROMISE DEMANDS: REJECT AND WITHDRAW

A. Reject the Order and the EIR

I demand that the Board reject Draft Order No. R1-202X-XXXX and reject the Draft EIR as a basis for approval. Do not adopt the Order. Do not certify the EIR. Withdraw both from the approval process. Do not adopt findings of overriding considerations to excuse the acknowledged agricultural damage.

This is not an opening offer. I want this WDR program gone. I am not bargaining for a lower bill, a different consultant, a slightly narrower buffer, or another discretionary exemption. The objection is to the compulsory structure that puts private ranch management under continuing permit control, then charges the owner to document compliance.

B. Do not impose these controls on private land

Do not impose the average 35-foot no-till restriction, the 100/60/35-foot streamside management controls, the June-through-August-only grazing default, the forced professional-plan structure, the restoration/easement conditions, the tailwater-elimination machinery, the recurring reporting demands, or the coalition-driven fee exposure through this Order. Do not create these new inspection and certification obligations as the price of continuing agricultural use.

The Board does not buy the land, operate the ranch, pay the mortgage, produce the feed, or carry the family's losses. Yet the Draft reaches for authority over when livestock can graze, what ground can be tilled, what projects must be built, which plans must be bought, and what evidence must be produced every year. That imbalance is exactly why I oppose it.

I regard the transfer of practical control from owner to regulator as an attempted taking of property rights. The constitutional analysis remains governed by California Constitution article I, section 19, the Fifth Amendment, Penn Central, Lingle, and the actual facts of each property. Those legal standards are not waived by this comment. Neither is the objection that the restrictions are unsupported or unlawful under the statutes addressed above. I do not need to invent a prior court judgment to insist that the Board face the property consequences before imposing them.

C. Restore the less-restrictive waiver framework; do not impose this replacement WDR

Restore and retain the less-restrictive existing waiver framework rather than replace it with this WDR program. The DEIR itself records extensive assessments, plans, fencing, plantings, road treatments, watering improvements, and other waiver-era work. Stop presenting rejection of the WDR as rejection of every existing legal obligation or of every improvement already made.

This demand does not claim a perpetual statutory entitlement to a waiver. Section 13269 has its own conditions, term limits, and renewal requirements. It means that I reject the proposed replacement and its added control, costs, and land-use restrictions. Do not use the existence of general regulatory authority as proof that this particular expansion is justified.

D. Stakeholder revisions do not cure these objections

Do not respond that staff will continue working with stakeholders and therefore the program should be adopted. A meeting is not consent. A tour is not consent. An unanswered question is not consent. Silence from an owner who could not attend is not consent. A professional-plan option is not consent. Economic pressure to join a coalition is not consent.

Do not recirculate a slightly softer version and claim that these comments have been satisfied. My demand is not for recirculation as a route to acceptance. The CEQA arguments about alternatives, mitigation, significant new information, and public review identify independent legal deficiencies. They do not authorize staff to report that I support adoption if those deficiencies are patched.

Do not convert the examples discussed in the legal analysis into proposals made on my behalf. Discussion of the 17.5-foot alternative is evidence against the EIR's unavoidable-impact reasoning, not support for an 860-acre compromise. Discussion of low-risk approaches exposes the failure of the Board's rationale, not agreement to a smaller version of the same program. Discussion of consent or warrants preserves existing legal limits, not acceptance of the new inspection regime.

E. Produce the evidence and answer the objections

Place the complete supporting record before the public. Answer every numbered objection with the governing law and actual evidence. Identify missing data and unresolved assumptions honestly. Do not substitute a generic response about the importance of water quality for an answer to arithmetic errors, contradictory nutrient derivations, uncertain deadlines, adjudicated return flows, cumulative costs, or restrictions on productive use of private property.

My requested disposition remains the same after every answer: reject and withdraw the Order and EIR. Do not adopt this WDR program. Do not impose its new controls on our land.

PART VII — RECORD REQUESTS, CONCLUSION, AND SOURCES

Documents and information needed for meaningful review

These are requests for inclusion and disclosure in this rulemaking and CEQA record. They are not a claim that every requested document necessarily exists or that every omission independently invalidates the Order. If a document does not exist, say so and identify how the related conclusion was reached.

1. The complete Scott and Shasta trend datasets, monitoring plans, laboratory metadata, quality-assurance procedures, analytical code, trend results, and reports used to justify replacement of the waiver approach.

2. Scott annual implementation reports and the 2011 and 2016 effectiveness evaluations contemplated by the Action Plan, together with subsequent reassessments; comparable Shasta reports and review documents.

3. The data supporting Finding 65's groundwater vulnerability determination, including the cited 2021 study and March 2026 update, and the exact statewide-precedent interpretation used in selecting nitrogen and well requirements.

4. The phosphorus dataset underlying Table I.4 and Table II.4, including sample dates, sites, source and receiving waters, flow and seasonal filters, nondetect treatment, percentile calculation, rounding, and any excluded records.

5. The TKN benchmark derivation, NBOD translation assumptions, oxygen-demand evidence, and any locally validated field comparisons.

6. The Shasta temperature model, scenarios, calibration and validation records, spring and groundwater inputs, flow assumptions, shade inputs, uncertainty, sensitivity analysis, and the technical basis for translating receiving-water values to POC limits.

7. Field evidence that the chosen temperature and nutrient values are achievable through the practices the Order actually allows under representative local source-water conditions.

8. The GIS layers and calculations supporting the 1,720-acre estimate and the 860-acre alternative, including Important Farmland classification, channel datasets, existing vegetation, frontage averaging, parcel geometry, and overlap handling.

9. The scientific support for 35-, 60-, and 100-foot widths; June–August-only grazing; six-inch stubble; the one-percent manure criterion; and the 70-percent stewardship thresholds.

10. The complete cost spreadsheets and scenario descriptions, correcting the reuse arithmetic and reconciling Attachment B with DEIR Attachment E. Include foregone-income assumptions, professional recurrence, permitting, financing, maintenance, replacement, and local labor and contractor availability.

11. The evidence supporting the assumption that most operations will join coalitions, with startup budgets, expected dues, membership ranges, and contingency plans for a coalition that does not form or fails.

12. Written fee-branch guidance concerning Tier B, mixed operations, five-year acreage, state application fees, coverage transitions, and possible low-risk individual treatment. Identify current rules separately from projections.

13. Existing waiver assessments and aggregate findings sufficient to show implementation and effectiveness while protecting legitimately confidential information. Explain how prior compliant work will be credited.

14. Available source inventories for public and private roads, wildfire sediment, channel modifications, urban runoff, wastewater, and other relevant contributions, with limits and uncertainty disclosed.

15. The legal and factual analysis of downstream return-flow rights, watermaster consultation, and coordination of capture/reuse proposals with adjudication and applicable water-right change procedures.

16. A clean set of stream definitions, hydrologic connectivity criteria, POC rules, and pollutant/channel/season applicability tables, plus a documented field-correction process.

17. The legal analysis reconciling prescribed methods with sections 13243 and 13360, and the reasons existing performance-based alternatives are considered adequate or inadequate.

18. The project-specific mitigation monitoring or reporting program, responsible parties, funding assumptions, later approval requirements, and records showing consideration of secondary effects of mitigation.

19. The alternatives screening record, including why no additional alternative was carried into full analysis, and the factual basis for rejecting reduced-width or combined protective approaches.

20. Notice mailing and publication logs, website posting dates, recipient-selection criteria, notices sent to interested persons, and the explanation for the inconsistent 45-/60-day findings.

21. All final staff responses to the issues raised here, with a crosswalk to the numbered comments, technical references, redlined revisions, and the final findings that resolve each issue.

Specificity and response requested

Each numbered comment is intended to identify an issue for decision and administrative review. Where comments overlap, address the legal and factual grounds together but identify the response location for each. A response that says only that the Order is flexible does not answer a conflict in the actual operative text. A response that says only that salmon need cold water does not establish the derivation or attainability of a particular outlet benchmark. A response that cites a generic unit-price table does not answer ranch-level affordability. A response that says the Board may revise the permit later does not replace the statutory duty to review it periodically.

If the Board disagrees, identify the controlling provision, the supporting evidence, and the actual objection it rejects. If the Board lacks information, acknowledge that limit and explain how it affects the decision. If staff rely on new material that materially changes the environmental analysis, apply the recirculation standard and give the public a meaningful opportunity to respond.

Conclusion — reject it; withdraw it; do not impose it

I am angry about this Draft because it reaches into the use and control of land that ranch families paid for and work. It tells owners where they can till, when they can graze, which professional plans they must buy, what records they must keep, and what continuing fees and inspections come with the privilege of staying in business. I reject the idea that ordinary agricultural use should be converted into that kind of agency-managed permission.

The Board's own documents admit substantial agricultural harm and large private costs. They contain a tenfold cost discrepancy, contradictory phosphorus derivations, inconsistent deadlines, and a restoration off-ramp that does not deliver the proportional oversight described in the earlier findings. This is not a credible foundation for taking control of private ranch management.

California Constitution article I, section 19 and the Fifth Amendment protect property rights. Porter-Cologne imposes limits as well as powers. CEQA requires an honest account of impacts and alternatives. The NPS Policy requires disciplines this program cannot simply recite and ignore. None of those obligations disappears because staff prefer this permit.

I do not want this program repaired. I want it rejected. Do not adopt the Order. Do not certify the EIR. Do not adopt overriding findings to excuse the harm. Withdraw this WDR and retain the less-restrictive waiver framework rather than imposing these new restrictions on private land.

Do not describe another round of stakeholder revisions as an answer to me. Do not put my name behind a compromise I have not made. My answer to this Order and its Draft EIR is no.

Respectfully submitted,

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Fifth-generation farmer and rancher

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Source references

The numbered comments provide the controlling sections and page references. The following list identifies the principal public sources; long URLs may wrap across lines in the PDF.

Official project and notice: North Coast Water Board, October 2026 Board meeting materials, Item 6, including the separately listed Order attachments A–H and DEIR attachments: https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/10_2026/

Public notice, workshop and comment instructions: https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/10_2026/6/WDR-Workshop_Scott_Shasta_PN.pdf

Consolidated 212-page Draft Order, DEIR Attachment A: https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/10_2026/6/6.DEIR%20Attachment%20A_Draft%20GWDRs%20for%20Irrigated%20Lands%20in%20the%20Scott%20River%20and%20Shasta%20River%20Watersheds.pdf

Draft EIR and separate appendices are linked by their full titles under Item 6 at the project index above; SCH No. 2025020048 also identifies the environmental review: https://ceqanet.lci.ca.gov/2025020048/2

Conditional waivers: Orders R1-2018-0018 and R1-2018-0019, linked as Item 5 attachments 5.2 and 5.3 at the same official meeting index; Finding 18 in each is discussed above.

Basin Plan: North Coast Basin Plan, June 2025 edition, Chapters 2 and 6: https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/260819/06_2025_BP_finalclean.pdf

Official reorganization crosswalk: https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/260819/06_2025_BP_Appendix2_Crosswalk.pdf

NPS Policy: State Water Resources Control Board, Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, May 20, 2004, especially pages 11–14: https://waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_iepolicy.pdf

ESJ precedent: State Water Board Order WQ 2018-0002, February 7, 2018: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2018/wqo2018_0002_with_data_fig1_2_appendix_a.pdf

Fees: Official FY 2026–27 Water Quality Fee Schedule, section 2200.6: https://waterboards.ca.gov/resources/fees/stakeholder/docs/2026/fy2627-wq-feeschedule.pdf

Scott River Decree: Siskiyou County Superior Court No. 30662, official State Water Board copy, paragraphs 10 and 60: https://www.waterboards.ca.gov/waterrights/board_decisions/adopted_orders/judgments/docs/scottriver_jd.pdf

Statutes and regulations: California Legislative Information, Water Code sections 106, 106.3, 13000, 13241, 13243, 13260, 13263, 13267, 13269, 13320, 13360, 1702, and 1706; Public Resources Code sections 21002.1, 21081, 21081.6, 21091, 21092, 21092.1, 21100, and 21177; Government Code section 11125; Code of Civil Procedure section 1822.50; California Constitution article I, section 19: https://leginfo.legislature.ca.gov/faces/codes.xhtml

CEQA Guidelines, title 14, sections 15088, 15088.5, 15091, 15093, 15124, 15126.4, 15126.6, 15131, 15146, and 15384, available by section through Cornell Legal Information Institute: https://www.law.cornell.edu/regulations/california/title-14/division-6/chapter-3

Judicial authorities: City of Burbank v. State Water Resources Control Board (2005) 35 Cal.4th 613: https://scocal.stanford.edu/opinion/burbank-v-state-water-etc-bd-33510

Penn Central Transportation Co. v. New York City (1978) 438 U.S. 104: https://supreme.justia.com/cases/federal/us/438/104/

Lingle v. Chevron U.S.A. Inc. (2005) 544 U.S. 528: https://supreme.justia.com/cases/federal/us/544/528/

Unofficial meeting source: Scott/Shasta Water Board Meeting Memo, supplied 18-page PDF. It is used only as an attributed compilation of participant questions and reported staff statements, not a transcript, scientific study, legal authority, or proof of statements by David Collenberg. Please include the supplied memorandum in the record if it accompanies this comment; otherwise the issues raised here stand as requests for verification and analysis, not a representation that the Board already possesses that memorandum.