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January 2, 2011

Jeffrey S. Young, Chairman of the Board
Roger Briggs, Executive Officer
California Regional Water Quality Control Board, Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Sent via email to: AgOrder@waterboards.ca.gov
Aschroeter@waterboards.ca.gov

RE: Draft Agricultural Order

Dear Mr. Young & Mr. Briggs:

Thank you for the opportunity to comment on the Draft Ag Order.

Allow me to introduce myself. My family owns two farms: an avocado orchard outside Carpinteria and a farm on which we grow row crops outside Buellton. Both farms are Certified Organic. I am a full time farmer and have been farming for 10 years. Earlier in my professional life, I was a tenured professor in the College of Business Administration at Cal Poly Pomona teaching marketing research; I have a Ph.D. in political science with a specialization in survey research and quantitative data analysis.

I want to compliment the Staff on attempting to take into account several factors and propose a tiered system. However, the factors considered are too broad and fail to take into consideration documentable variations and elements of paramount importance.

Concern #1:

The criterion “**1000 feet from a 303(d) water body**” is imprecise and arbitrary.

Being near a 303(d) water body does not automatically indicate that farmers are causing the impairment. If there is no use of pesticides and no runoff of fertilizer, farming can safely be conducted near a water body – impaired or not. Also, many farmers have worked with the NRCS implementing cover crops and buffers to protect waterbodies.

Furthermore, the Central Coast Water Quality Preservation's FOLLOW-UP MONITORING REPORT: WATER QUALITY RESULTS FROM UPSTREAM MONITORING 2008 (2010) confirms that not all sections of an impaired water body contribute to impairment.

The report concludes:

In some water bodies from 2008 Upstream Monitoring, the dominant discharges were agricultural. These included Quail and Chualar Creeks, Rec Ditch tributaries from the east side of Salinas, the West Central Ave canal in Lompoc, parts of Oso Flaco Creek, parts of Orcutt-Solomon Creek, parts of Green Valley, the Main St Ditch below Hanson Way, and at least one

reach of Glen Annie Creek. **In other water bodies, the dominant discharges were clearly of urban origin**, including the west branch of San Juan Creek, part of the Main St Ditch in Santa Maria, and Miguelito Creek in Lompoc.(p 56; p 63 pdf)

In the case of the Santa Ynez River, the report states:

“The upper Santa Ynez River [east of Lompoc] does not appear to be a source area for nitrates or suspended sediments beyond the loads which are naturally associated with moderate flows of low concentration for both constituents, except in major storms. The upper Santa Ynez River also does not appear to be a source of any aquatic toxicity to the lower watershed.” (p 54 , p 61 pdf)

#1 Recommended change to Tier criteria:

“not located within 1000 feet of an impaired waterbodies with the exception of operations that have (1) no surface runoff of irrigation water or (2) that have worked with NRCS to improve operations or (3) are located on sections of 303(d) waterbodies which monitoring data show are not sources of toxicity, nutrients, or sediment”.

Concern #2:

Designating all irrigated acreage that grows crops with **“high nitrate loading potential”** as automatically Tier 2 or 3 is inconsistent with the recommendations of the Nutrient Technical Advisory Committee (TAC) appointed by the California State Water Resources Control Board. The TAC proposed a nitrate hazard index based on the soil type, crop, and irrigation systems – not merely crop. The University of California Center for Water Resources provides an easy-to-use interactive tool that assigns an index number based on crop, soil, irrigation, and ripping depth (<http://wrc.ucanr.org/search2.php>). Index numbers greater than 20 “should receive careful attention.” Use of this index would be better than simply listing crops with high nitrate loading potential. Even better would be modifying the index to include such practices as use of cover crops and not fertilizing during the rainy season.

#2 Recommended change to Tier criteria:

eliminate: “does not grow crops with high nitrate loading potential”

replace with: ***“has a Hazard Index less than or equal to 20 or has a Hazard Index between 20 and 25 and uses cover crops and does not use fertilizer, pesticides, or herbicides during the rainy season.”***

Concern #3:

Designating all farms with total irrigated acreage “greater than 1000 acres” as automatically Tier 2 or 3 seems rather arbitrary. Surely it is possible to farm more than 1000 acres organically without use of pesticides or herbicides and a low Hazard Index. If I could afford 1000 acres, that's how I would farm.

#3 Recommended change to Tier criteria:

eliminate size of farm criteria.

Thank you for taking these concerns and recommendations into consideration.

Sincerely,

Sharyne Merritt, Ph.D.
Farmer