



FARM BUREAU MONTEREY

Monterey County Farm Bureau

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Central Coast Regional Water Quality Control Board
Att: Jeffrey Young, Chairman of the Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

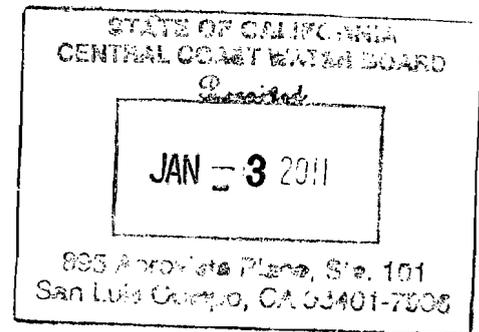
RE: Comments on Ag Waiver Order

Dear Chairman Young:

Monterey County Farm Bureau members are committed to a clean and safe water supply, recognizing that areas of improvement can be attained amongst the Agricultural Community in the Salinas Valley. Monterey Country Farm Bureau has signed on as one of the many Agricultural organizations that submitted the Ag Alternative Waiver Proposal; many hours of our members' time have been spent developing this alternative and we feel this is a fair and achievable Waiver for the entire Region 3 area. We urge adoption of the Ag Alternative Waiver as a positive step towards water quality improvement in throughout Region 3.

The Staff Ag Waiver draft proposal, released November 19th, fails to address the concerns previously expressed by the agricultural community in Monterey County. There are serious implications that threaten the very existence of small farmers and ranchers and their ability to remain viable by increasing levels of regulation and mitigation actions. Many of the proposals put forth in the Staff Ag Waiver draft are not based on science or economics, which hurts not only our businesses but the integrity of the Ag Waiver.

We are concerned with the economics that the Staff Ag Waiver draft proposal presents in terms of lost jobs, fallowed farm land, and further deterioration of the overall economy in Monterey County. With agriculture being the largest industry in Monterey County, the impact of depressed farm revenues causes a ripple effect throughout the local economy. Any new regulation that is a detriment to our economic base, either direct or indirect, causes more hardship on the way to economic recovery and a healthy environment. The economics of the Staff Ag Waiver draft proposal have yet to be detailed in the short time frame since the public posting; the expected loss of productive agriculture lands due to mitigation measures will have a direct impact on employment, tax revenues, and continuity of land use in our County. The clear fact drawn from the Staff Ag Waiver draft proposal is that farm land will be taken out of production for mitigation and buffers, and that affects all sectors of our local economy, both on local and global levels.



One area where science is being ignored is in regards to irrigation practices. The positive effects and improvements in agricultural irrigation practices are not mentioned in the Staff Ag Waiver draft proposal. Scientific results have been published on the benefits of irrigation relating to climate change; irrigation by agriculture has contributed to the moderation of summertime temperatures and the reduction of fugitive dust events. By controlling the irrigation rates and flow of tailwater, the overall effect on the climate could lead to more damaging effects in the future. While we are considerate that irrigation run-off water quality must be improved, the reduction of any traditional irrigation patterns could trigger other harmful results in our ecology.

There are a number of concerns within the Staff Ag Waiver draft proposal that Monterey County Farm Bureau members take issue with:

- The threshold of 1000 acres for inclusion in the Tier 3 level is too generic and does not provide enough flexibility for situations unique to agricultural tenant practices. For example, a landowner who leases 200 acres to a tenant farmer, who also operates 800 acres of other farmland, would qualify the landowner into a Tier 3 classification when their owned acreage farmed is less than the threshold. Another landowner who owns 1000+ acres, located in different areas of the Salinas Valley, would be classified under Tier 3 requirements; the 1000 acre designation fails to take into account the types of farming done, whether it is row crops, grapes, or irrigated hay.
- The appeal process to be removed from Tier 3 is undefined and has no clear time frame for decision. For example, a farmer who has no discharge into any 303D water body and does not apply the chemicals listed in the Staff Ag Waiver draft proposal would be classified as Tier 3 if their land is within the 1000 feet setback specified from that water body. The expectation is that many farmers who qualify for Tier 3 will file appeals to be removed from that designation.
- There is no science developed to support the assertion that nitrate levels relating to tile drains can be reduced to a compliance level within a 4 year timeframe. Most tile drains were installed decades ago and many current landowners and tenants may not be aware of their exact location and flow rates; until specific science is developed to confirm that nitrate loads can be reduced through a best management practice, this time frame is arbitrary.
- The Staff Ag Waiver draft fails to take into account any geology or soil types related to well nitrate loads or groundwater percolation. Water tables are generally fluid in nature and water that percolates from one farm is not directly attributed to the underlying water table nitrate load. Legacy nitrates are not given any standing as a baseline when measuring nitrate loads due to farming practices; different soil types will change the amount of nitrates that eventually percolate to the water table, and if any percolation can be directly tied to a surface nitrate irrigation application.
- Multiple references are made to riparian buffers, yet CCRWQCB has no jurisdiction over the creation or maintenance of these buffers; these areas are already regulated by CA Fish & Game and US Fish & Wildlife. Growers also follow buffer requirements that are specified in the Leafy Greens Marketing agreement, which creates potential conflicts between the proposed riparian

buffers in the Staff Ag Waiver draft proposal and the Leafy Greens Marketing agreement.

- Incentives for growers to participate in clean water best management practices are missing from the Staff Ag Waiver draft proposal; the language seems punitive towards growers and does not provide incentives to participate in monitoring or load reductions.
- The Staff Ag Waiver draft proposal sets forth numerous new regulations levels on growers, yet fails to mention how Staff will be managing the new processes and the database required to run the programs. Growers will be asked to pay significant fees to CCRWQCB under these new regulations while there is no evidence that Staff will be able to manage these new regulations or database.
- Concern is growing regarding the amount of information that will be placed in the public domain. Without adequate protections to the information contained in the Farm Plans and other documents, proprietary information regarding competitive growing practices will become public knowledge, allowing the competitive advantages to be lost between growers.

We feel strongly that water quality improvements can be realized by using the Ag Alternative Waiver of coalition monitoring and reporting, with accountability for water quality improvements. Monterey County Farm Bureau members hope you take the time to adequately review the Ag Alternative Waiver and consider the points made above that address the faults of the Staff Ag Waiver draft proposal. We strongly feel that within the Ag Alternative Waiver there are viable, economic, and accountable solutions for Region 3 and its growers.

We urge your adoption of the Ag Alternative Waiver proposal as the baseline for the new Ag Waiver for the coming 5 years in Region 3.

Sincerely,



Dirk Giannini
President