

January 2, 2010

The Hon. Chairman Jeffrey Young  
Central Coast Regional Water Quality  
Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

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Dear Chairman of the Board and Board Members:

I am a farmer in the Salinas Valley, CA and have been operating this farm since 1987. Before that, I had been working for this farm for past generations of family members since I was ten (10) years old. I currently have to rent over 90% of the land that I farm from other landowners (over half of the landlords are not family and 40 % of the family owned land that I rent are not immediate family); and in order for me to compete with my neighbor farmers I must pay up to \$1700 per acre plus I have to pay all their property taxes assessed to the lands. As a result of this competitive rent, I need to grow the crops best suited for my district of the Salinas Valley; including mostly lettuce, broccoli, celery, cauliflower, baby salad greens, spinach, and asparagus. At 670 acres net farmed, my family-owned farm operation is considered one of the smaller farms in my area of Gonzales and Chualar, CA.

In my professional opinion, I urge that you must reject the staff draft ag waiver released November 19, 2010. As written, it is unworkable and unmanageable. Some provisions of the EIR, if and when ultimately forced upon us farmers, should surely deem the waiver unconstitutional. If the staff thinks that they are being of help to farmers like myself of less than 1000 acres, they are quite mistaken.

On the contrary, government "red tape" including but not limited to certification processes, reports, laboratory analyses, permits, compliances, food safety, and continuous new laws and regulations are driving us small farmers out because we can't afford to hire high-paid extra staff and aids to keep up with all the

aforementioned paperwork-related tasks that I myself personally have to perform. When I graduated from college to become a professional farmer these burdens were not part of farming. This staff draft ag waiver will require a multitude of new documents and paperwork and cost outlay that I have of no time to afford to do; let alone the structural and managerial costs to implement such nonsense of a draft. There is no scientific proof shown that any fertilizer reports, fertilizer permits, or water reports and plans are going to improve water quality. Many other requirements in this new waiver draft have no proof that they are going to improve water quality.

Instead, I already have been (in some cases for decades), helping water quality by planting over-winter cover crops to stop soil erosion from winter storms, I also capture excess irrigation water and use it in permanent pasture lands. I have also installed very expensive irrigation system water savings devices, like the Omni Enviro, that use quantum mechanics to separate the bicarbonate salts from the water molecules so as to make the water absolutely pure (thus I discharge 10% less water seepage into the water table); I use drip irrigation on some crops where it accomplishes further water efficiency. I have buffer zones/filter strips to control soil erosion from water ways. Ten years ago I made costly conversions to organic farming on lands that tend to slope more or lands that are close to water bodies, to the point that I now have had to surrender a ranch in order to reduce my organic farming size. I had to do this to stay in business so as not to go broke from too much costly organic farming.

Despite my many years, in advance, of my proactive water use well before the original ag water waivers, your staff's draft punishes me with all of my early years of this ingenuity and sacrifice in caring for water quality while some of my other fellow farmers may have been less attentive of their use of water. I am fed up with a system that government makes ridiculous blanket laws that are unfair and unjust such as would be in your draft waiver that punishes most of us

just because of the inattentiveness of a few others, in many cases the abuses were decades ago. And individual monitoring would be even worse than cooperative monitoring.

The staff draft puts my farm in Tier III despite my decades of water quality enhancing innovations. From fifteen years of experience I can tell you that converting to organic farming to avoid use of chlorpyrifos and diazinon is not the answer. Organic farming has its niche, but costs 50% more in all inputs with typically 20% lower yields for about 10% higher water requirements. This is a 35% decrease in efficiency of crop yield per acre-foot of water used.

The end result of the staff draft waiver will therefore become a typical case of government getting in the way of farming and just making things worse. Your staff draft waiver would contribute to tendencies towards many ineffective, inefficient trends, unfortunately. This a true hazard for California's farm economy and directly retards state revenues needed to run your agency with no proof of water quality improvement.

I need the freedom as provided by our constitution to run my farm responsibly and not have government watch over my shoulders as sure the staff draft waiver would do. For any so-called "irrigation specialist" to tell me when is the right time to water my crops is ludicrous and preposterous. To have to turn in fertilizer plans and reports of my trade secrets on what I apply and when is nobody's business, including that of any government body. There is no proof that these reports and requirements in the current draft waiver will improve water quality. I would need at least four times as many irrigation water wells on my ranches if I were to have to water the crops when someone else told me to. I find this whole concept in your staff's draft quite unconstitutional. Is government going to pay \$100,000 each for our new wells? Be prepared!

Speaking of unconstitutional, how dare the EIR to have the nerve to determine that I would have to switch my farm operations

to other crops, grazing lands, or dry land farming! The reporters are ignorant of the long term commitments that we have to our landlords and the buyers/shippers of our produce! The EIR is wrong to say that there is less significant impact if ground is converted these ways because it doesn't mention the local economic impact as actually quite a severe environmental impact (as the Salinas Valley Water Coalition proved in court in the 1990's against the Monterey County Water Resources Agency about forcing farmers to outlay enormous expense just to measure water use). The EIR mentions that our fuel bills are also burdensome; indeed they will be with projected \$5.00 per gallon fuel costs in the near future (fuel and fuel related costs are a large majority cost of our cropping budget); thus, we won't be able to absorb any excess costs like the current draft waiver will create!

There is no proof showing that our current farming practices are what the cause is of nitrate overload in the water table; as the draft suggests. Rather, long-past farming practices have been proven to be the cause. We are actually improving our nitrate overload with our current farming practices. The proposed "water quality buffer plan" in the waiver draft should not necessarily apply to any of us that farm next to the Salinas River because for most of us, we do not discharge any water into the Salinas River just because we are adjacent to it!

The whole concept of the current staff draft ag waiver and the related EIR reminds me of what I've read had happened to the farmers that were in the forced Soviet Russian collectivized farming in the 1930's or the Soviet-style enormous "farm factories" that Ceaucescu tried in Romania in the 1980's. Both of these mass experiments were on some of the richest farmlands in the world, and both failed miserably because of the very similar government "red tape" planning and reporting system that your staff proposes. And the worst development after all that had failed with those programs is that their water quality got worse than it was under free enterprise

farming! The famous quote, “those who don’t know their history are doomed to repeat it” applies here with your staff.

Those in your staff who helped draft this current proposal and those who developed the EIR obviously have no understanding of our farming system in the Salinas Valley nor how our nation feeds its people. We have to rent our land over long term commitments of five to ten years with options in order to secure long term relationships with our shipper. To suggest that we change our farming practices to conform to this draft will not necessarily cause farmers to “sell their land” as the EIR mentions because we don’t really own much of it! What is more likely is we would simply get foreclosed on by the banks, shut the business down, go broke, cause a loss of hundreds if not thousands of related jobs, breaking up of family structure and communities; and the state of California as a whole loses the control and stature it has of what kinds of food it produces for this nation.

Also, the loss of farm income tax revenue to California because of the proposed 1000-foot buffer zones adjacent to “known water bodies” alone would be disastrous for the state to be able to recover from. How do we stay alive when we already paid the rent for land that your staff recommends be taken away from us, or if the majority of my farm may be in this proposed buffer zone? It is reported in the Southwest Farm Press that governor-elect Jerry Brown is paying attention to the CA State Dept of Agriculture’s strategies to preserve California Agriculture, which includes two important points: “ease the burden of regulation on ag ...” and “to cultivate the next generation of farmers and ranchers.” With the average age of California farmers now at 57 years old, it is very clear that high costs and red tape from over-regulation similar to the likes of the draft ag waiver is what is causing young adults not to want to nor be able to start a farm or buy into an existing farm.

As a result, taking into consideration of my aforementioned

points, the passage of this current draft waiver will also cause the exportation of our food production to other states if not other countries, that don't have to adhere to the ridiculous waiver like this one being proposed.

In conclusion, I am markedly sure that I have pointed out to you in several ways why the current staff draft waiver is acutely overburdensome, unmanageable, and inevitably unconstitutional because of the outright Stalinist-watchdog approach that it uses to monitor our farming practices.

Although I consider the Ag Alternative Draft Waiver submitted 12/3/2010 to also be very burdensome for my operation, I believe it is more workable than the terrible one your staff created. I also suggest that your staff get a real hands-on experience in what producing food for this country entails instead of trying to regulate us into a country that becomes dependent on foreign produce; where you have no control at all of what they put into the food we eat.

Sincerely,

Wayne Gularte, president and general manager  
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