

Darlene Din, Ag Land Use Consultant
921 Brewington Avenue, Watsonville, Ca 95076
Phone (831) 682-0734

January 3, 2010

Mr. Jeffery Young, Chairman of the Board
Members of the Board
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Re: Request for Extension of Time during Which the Public and Interested Persons and Entities May Make Comment To Draft Ag Order Resolution No. R3-2011-006 and Extension of time along with written submittal of Notice of Intent (NOI).

Dear Chairman Young and Members of the Board,

This letter will serve as a request of the Board to extend the time during which the public and interested persons/entities may make comments to Draft Ag Order Resolution No. R3-2011-006.

It is also my request that you delay the deadline to submit an updated Notice of Intent (NOI) for Ag operations and individual ranch(es)/farm(s), as described in the 13267 letters sent to Ag operations, until the new Ag order is adopted.

There is a concern by those affected by this regulation that the e-filing does not allow you to print the NOI document PRIOR to submitting the information, thus it does not allow for you to review the complete document. Additional concerns are that many leases require the landowner and/or their representative to review and approve compliance documents that could affect their property prior to submitting those documents to a public agency. My last concern is that many property owners/operations have limited or no computer access, limited computer skills, limited or no staffing, and possible language barriers.

It is the responsibility of the landowner and operator to understand that this is a compliance document, not a technical document, prior to submitting information. The technical providers listed by the RWQCB to assist growers are not legal representatives able to advise landowners or operators on compliance matters. Upon review of the RWQCB's current extension of the 2004 Ag Order I could not find a compliance requirement of an electronic filing of a NOI-Notice of

Intent by January 31, 2011. I am also requesting that you allow for written submittal (mail or hand delivery) of the document or e-submittal at the time the new Ag Order is adopted. There is a requirement of filing a NOI in the Draft Ag Order Resolution No. R3-2011-006 and the timing upon adoption of that order would be more appropriate.

It is an undeniable fact that this Draft Ag Order, if adopted, will cause major changes in the way in which farming and other agricultural endeavors will conduct their business in the coming years. This requires that all land owners, and operators, fully understand the data in the CMP and Draft Ag Order and what will be required of them to comply with these regulations. The landowners have additional time constraint issues. Some are governmental agencies (there will be a delay to meet and present information to their own agency), non-profit organizations that are just becoming aware of the issues, and property owners that are held in family trusts with multiple interests. Each of these different groups need time in order to review the staff's documents and understand how this will affect their property and provide comments for your Board's consideration.

It is also undeniable that the issues presented are important to the public as well as to the Board. Knowing this, the Board did increase from the minimum amount of time allowed by law 30 days to - 45 days within which comments may be made. Although the Board initially stated that the proposal would be issued on or about November 1, 2010 - a date which may have accommodated the 45-day comment period since comments would be due in mid-December - it did not issue the proposal until November 19, 2010 thus requiring that all comments be received by January 3, 2011. Quite frankly, that period minimized the time in which the public could effectively make comment. During the 45 day period there were: Three Federal and State holidays (Thanksgiving, Christmas, and New Years); Fourteen weekend days; and periods of time when individuals are usually off from work on holiday (including no doubt a substantial number of Board employees who should have been available for consultation and questioning concerning the proposal).

The breadth and scope of the proposal (which includes hundreds of pages of text due to its various attachments, all of which must be read, reviewed, and digested before comments may be intelligently made) demand that more time be given for the public to prepare and make their comments.

I therefore request that the Board grant this extension of time to receive public comments regarding Draft Ag Order Resolution No. R3-2011-006. Also, for the reasons listed above I would request that you delay the filing of the NOI until adoption of the new Ag Order.

Sincerely,

Darlene Din

Ag Land Use Consultant

cc: State Water Board Members