

May 30, 2016



To: Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor (95814)
PO Box 100
Sacramento, CA 95812-0100

From: Lynn F. Shafer
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Re: "Comments to A-2239(a)-(c)" - State Water Board Review of WDRs General Order (No R5-2012-0116) for Growers within the Eastern San Joaquin River Watershed that are Members of the Third-Party Group (the Eastern San Joaquin Water Quality Coalition)

Ms. Townsend and State Water Board Members:

Our family has farmed in the eastern San Joaquin Valley for 35 years, and the extended family for perhaps 100 years. We currently are actively involved in farming citrus and blue berries in Tulare and Kern Counties, approaching 500 acres. The cost of producing high quality crops has escalated exponentially during this time, and margins have diminished.

We employ perhaps 50 to 500 full time equivalent employees and farm workers, depending on harvest, non harvest seasons. All around us, farms are laying off these workers partially for drought related reasons; but also for the cost of regulation compliance. Unlike many other states, California has a huge regulatory burden including issues (to name a few): of dust control for air pollution, health safety compliance and documentation rules, labor availability issues, monitoring of nitrogen/fertilizer usage; all this in addition to normal farming risks of weather (freeze and frost issues), national and international market vagaries, drought, evolving pathogens, and for citrus, the Damocles Sword of the Florida nemesis, HLB.

While the regulation of ground water is probably long overdue, I also recognize that the practical aspects of control and allocation will be problematic if not

impossible, given the complex issues of water ownership, historical utilization and crop dependence, and increased reliance on ground water (given the political impasse on the construction of additional surface water storage).

Having said the above, I wish to record my strong objections to the proposed changes to the General Order.

- (1) The Harter Report from UC Davis is in itself, flawed as a scientific document in that it does not take into account a time line for nitrogen accumulation in domestic wells. Farming practices over the past 50 years is a moving data base and while a fertilization program 40 years ago MAY have contributed to nitrogen in ground water, it is unlikely to be the case with current practices. Each drop of water is now closely monitored; as is each unit of fertilizer. Anecdotally, once I had a well up in the Springville area (above Porterville) which at first was thought to be potable; and then with changes in minimal acceptable levels of nitrogen (ppm), thought not. As there was essentially NO farming/irrigation in the foothills above the well, the nitrogen content would appear to have been "natural", or cattle/wild life related. How should the current well owner be treated in terms of compliance and exposure to public record?
- (2) Documentation of farming practices borders on allowing the competition (other farms), to have access to proprietary information. The only possible justification for this would be if it could be shown that the farming policies of a particular farmer were injurious to the general public. Given (1) above, that is not the case. If in the Silicon Valley, a microchip manufacturer were dumping mercury into a stream, they would be shut down, but not required to give up their formula for their product.
- (3) Growers would now be required to sample all domestic wells. See my example in (1). The cost to the growers below this well could be catastrophic given the existing regulatory burden. If domestic wells are to be monitored, then either the state or the owner of the well should bear the burden; as well as the burden of proof if an individual irrigation program was thought to be responsible.
- (4) Exposing a farm irrigation program to public scrutiny may in theory but for the public good; but given a flawed scientific basis for cause and effect, the legal exposure to a given farmer could be catastrophic.

It took thousands of hours by both the scientific community, the farming industry, and legislators with good intentions to create the current General Order; and we

have just begun the implementation phase. The costs are already higher than anticipated. Farmers are trying to comply and work with coalitions to protect our groundwater; these additional changes would only undermine the original report and our efforts to date. I suggest that you allow the current program to continue, and receive and analyze the results, rather than rush to drastic changes that could have unintended consequences. Farming in California is increasingly fragile given the regulatory burdens, the recent drought, and impending pathogens. The San Joaquin Valley literally feeds the nation and this important resource needs to be recognized and protected as such.

Respectfully,

Lynn F. Shafer, Shafer Farm Partners