

Brancato Farms



May 27, 2016

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

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:

Brancato Farms is a small family farm, we grow alfalfa, wheat, corn and almonds, we farm approximately 155 acres with another 160 acres we are unable to farm at this time, we are located in Kern County . Our goal is to manage our farm properties professionally, implementing good agricultural practices while increasing efficiencies, in order to sustain these properties for generations to come.

I am writing to express my objection to the State Water Resources Control Board (State Water Board) considering significant proposed changes to the above-referenced Eastern San Joaquin Order applicable to growers who are members of the East San Joaquin Water Quality Coalition (Draft Revised Order). I understand that these changes may be precedent setting and will, if approved, significantly change and increase costs of the Central Valley Irrigated Lands Regulatory Program (ILRP). My farm is within the Kern River Watershed Coalition Authority (Coalition) and I incorporate their comments on the Draft Revised Order. Although I disagreed with the scientific basis of, and need for, several requirements in the existing General Order being implemented by the Central Valley Regional Water Quality Control Board (CVRWQCB) and am currently experiencing the financial, regulatory and administrative burden of the existing program, I respect the willingness of the CVRWQCB to engage in a thoughtful and systematic process to ensure the program put in place was protective of water quality requirements and existing state law. I do not believe the proposed changes in the Draft Revised Order are appropriate for our area or reasonable, nor will they be effective in achieving the desired outcome of protecting groundwater quality.

In addition, work and progress in good faith to forward the existing program would be lost, including the financial investment made by Coalitions and growers and the administrative framework growers, Coalitions and the CVRWQCB have worked on for years. The agricultural stakeholders literally devoted thousands of hours in concert with staff at the CVRWQCB, Region

5, in developing the current Order. The State Water Board is summarily ignoring all of that time and effort and dismissing the collaborative working relationship that was initiated. Changing the ILRP at this time is not only unnecessary but will be counterproductive.

I specifically object to the following:

- Expansion of reporting to include having to provide to the state, for deposit into a public website, field-level data and location information regarding my farming operation. I believe mandating the disclosure of sensitive farming data at a field level for deposit into a public database is unnecessary, unreasonable and potentially unlawful. I also believe that the Coalition plays an important role in the ILRP, and the proposed changes fail to encourage and may discourage grower participation in the Coalition.
- Requiring growers to sample all domestic wells on lands covered by the ILRP, reporting results to users and on a public website: This is a domestic well issue, and an inappropriate requirement for an “irrigated lands” regulatory program. This is an important issue, but it should be addressed in a more comprehensive program specifically designed to address domestic well issues, which includes funding mechanisms. Also, it seems this is a landlord-tenant issue.
- Elimination of vulnerability designations, expanding certification and reporting requirements to all growers in all areas. I currently work diligently to meet the extensive regulatory requirements (Pesticide certification/Food Safety/etc.) for my farming operation. These are regulatory burdens that are already broadly applied to many or all growers. The addition of significantly more and costly reporting across all growers is an undue burden. Growers and their coalitions should be able to focus their efforts in the highest priority areas, as outlined in technical work that has already been accomplished and paid for by the Coalition.
- Expansion of Nitrogen Management Plan to Include Irrigation Information & N Removed Calculations within 3 years. I reject the use of a ratio (A/R) where R has not been adequately researched and which will cost far more than we are able to provide with grower fees to research and develop in the short time provided for crops that cover 95% of all acres by 2019 and 99% of all acres by 2021.

These proposed changes will add direct costs to my operation and will also inevitably lead to substantially increased coalition costs and state regulatory fees, resulting in significant financial burden which would not allow me to farm as efficiently or effectively. I do not believe the information requested is necessary for the ILRP and believe it will only put my operation in jeopardy (including subjecting my farm to environmental nuisance lawsuits). Overburdening farms with unnecessary regulatory costs and obstacles is particularly problematic and may cause me to fallow ground or go out of business. Growers compete on a worldwide market and

cannot simply pass on increased costs to consumers of farm products. I already struggle with increased costs of other programs and reduced commodity prices, and future programs such as the Sustainable Groundwater Management Act (SGMA) will likely only make it more difficult to continue to be viable.

We Brancato Farms in order to conserve water on our operation have put in pipelines, leveled all our farm land and use drip irrigation were possible, our family levels our fields about every 4 to 5 years in order to maintain the efficiency, where possible we have a return system to capture the tail water and reuse it on the same field at no time does irrigated water leave our field, all fertilizer application are done by professionals at the recommendation of our PCA, in our almond field we only apply what is recommended by UC Davis as to the amount of water needed to grown the crop, unlike the city and state I see water run off on a daily basis the city and state either put too much water on vegetation or not enough and then the plants die for lack of water, each time I see the water being wasted IE running down the street and into the gutters I have called the water company I have made numerous calls to the water agencies informing them of broken water lines and sprinklers, if I were to irrigate in the manner that the city of Bakersfield or the state of California does I would be out of business due to costs and fines from violations.

1. Why is this moving so fast? It has taken 25 years to fix lake Isabella dam in Kern county and it will take another 5 to 10 before it is completed.
2. In December of 2012 this agency had a meeting at the double tree inn, in Bakersfield at that time we were told that this was not going to be a mandate that all your department wanted was to gather information to help the farmer and that only suggestions would be made. What happened to that?
3. How much money per acre is this department going to suggest, then demand and take??
4. What is this department going to do about the nitrates that are flushed into the sewer system from all the waste water that consumers use on a daily basis? in the state?
5. The coalition has given this department information that has been rejected why?
6. Manure from dairies have turned poor ground around and made it productive which is needed as the urban development has consumed productive ground.

As a grower in Kern County, I focus my attention everyday on sustainable practices seeking to protect employees and the environment while maintaining efficient operations. I take pride in the conservation and efficient use of water, fertilizers and other products required to grow a crop. It is frustrating to see additional financial burden associated with unreasonable regulatory oversight and compliance further compromising agriculture's ability to compete in a global marketplace.

While the Draft Revised Order emphasizes the importance of preserving the viability of Central Valley agriculture, the proposed far-reaching, costly, unreasonable and unnecessary proposed changes in the Order actually threaten the continued viability of agriculture. I don't believe the Draft Revised Order is reasonable and ask that you NOT adopt the Order as structured. Instead, an alternative needs to be developed, in cooperation with representatives from the Kern River Watershed Coalition Authority that appropriately addresses our area, in light of the extensive record unique to our area which was developed over the course of many years by the Coalition before the Regional Water Board, to achieve the goals of the State Water Board.

Sincerely,

Michael Brancato
Brancato Farms