



CALIFORNIA FARM BUREAU FEDERATION

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May 14, 2014

Sent via E-Mail

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Dr. Charles Burt, Chair
Agricultural Expert Panel
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: **Agricultural Expert Panel Comments**

Dear Dr. Burt and Members of the Expert Panel:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 78,000 agricultural, associate, and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

Farm Bureau appreciates the opportunity to provide comments to the Expert Panel for consideration when accessing existing agricultural nitrate control programs and developing recommendations, as needed, and respectfully presents the following remarks.

Given the statewide representation of Farm Bureau with members currently regulated or to be regulated by various differing irrigated lands regulatory programs throughout the state, Farm Bureau is concerned with the possible broad statewide application of recommendations and respectfully requests that the Expert Panel recognize the need for flexibility with regard to nitrogen requirements. Each Regional Water Quality Control Board region contains unique geographic characteristics, including, but not limited, to rainfall, hydrology, drainage, commodities grown, and topography. Given all of these vast differences within regions and sub-regions, recommendations and methodologies that may be appropriate in one region of the state may not be appropriate in another.

Weaving in the need for flexibility, Farm Bureau concurs with many of the points raised in the comment letter submitted by our fellow agricultural colleagues (see letter submitted by Parry Klassen, et al., referred to as the “signatory agricultural organizations” prepared with the

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assistance of John Dickey, Ph.D.) Specific points of concurrence in summary form include, but are not limited to, the following:

- **Need to Recognize Audience**—Recommendations need to recognize the intended audience of the information, the purpose of the information, and for whose purposes the information is developed. Specifically, Expert Panel recommendations should clearly distinguish between practices and information that is useful for growers as compared to information that would be appropriate for reporting to Regional Boards.
- **Vulnerability and Risk Assessment**—Risk and vulnerability assessments should be conducted on a representative scale to characterize areas and not on a field-by-field basis as put forth by Regional Boards to assess risk. Tools such as the: (1) Nitrate Hazard Index, (2) Nitrate Loading Risk Factor, and (3) Nitrogen Consumption Ratio may be beneficial approaches for individual growers for their personal use, but are not appropriate for regulatory purposes as they fail to consider a number of important factors, and were not designed for and have limited utility for regulatory purposes. Further, a more effective approach to protecting water quality can be achieved through representative water quality monitoring.
- **Application of Management Practices**—Recommendations must bear in mind that it is neither appropriate nor legal for Regional Boards to dictate specific management practices in its orders. (See Wat. Code, § 13360.) If offering specific recommendations of management practices for grower level implementation, such recommendations should clearly be noted as being appropriate for grower consideration for implementation - not prescriptive requirements for Regional Board adoption. With regard to specific management practices, the “best” nitrogen management practice is the planning and consideration of a variety of factors as part of a grower’s decision making process in determining the right time, right place, right material, and right amount with respect to application of nitrogen. Proper management practices for addressing nitrogen encompass a grower’s decision process that allows the grower to make the best decision for a particular management block or field while allowing for flexibility if conditions change during the growing season.
- **Verification**—Adequate verification can occur through evaluating representative management practices at representative sites to determine if such practices are protective of groundwater quality.
- **Reporting**—Reporting requirements need to be at an appropriate level to provide Regional Boards with necessary information while not being burdensome or excessive. Expert Panel recommendations should be mindful of the Water Code requirement that the burden of reporting, including costs, “shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.” (Wat. Code, § 13267(b)(1).)

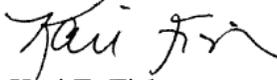
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Thank you for the opportunity to provide our comments and concerns. We look forward to further involvement and discussion with the Expert Panel on the assessment of existing agricultural nitrate control programs and the development of recommendations, as needed, to ensure that ongoing efforts are protective of groundwater quality.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kari Fisher", written in a cursive style.

Kari E. Fisher
Associate Counsel

KEF/pkh