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SAN JOAQUIN FARM BUREAU FEDERATION

MEETING TODAY'S CHALLENGES / PLANNING FOR TOMORROW

August 18, 2016

Comment Letter #22

Ms. Felicia Marcus, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Re: Procedures for Discharges of Dredged or Filled Materials to the Waters of the State

Dear Ms. Marcus and Esteemed Board Members:

The San Joaquin Farm Bureau Federation is a private, non-profit volunteer organization that has been dedicated to the promotion and advancement of agriculture in San Joaquin County for over 100 years.

We are deeply concerned about the proposed new procedures for obtaining a dredge and fill permit from the state.

22.1

Because the proposed procedures rely heavily on the Army Corps of Engineers (Corps) determination of what land is considered a wetland (Page 2, lines 55,56) the permitting process should begin and end with the Corps. The parallel state process adds unnecessary costly and burdensome to an already excruciatingly lengthy federal process.

22.2

Further, while we appreciate the state's recognition of specific agricultural exemptions the federal WOTUS rule has repealed most of them. The new rule is currently being litigated and thus it is unclear what exemptions will remain. Because of the uncertainty with the Corps 404 exemptions, the state should not adopt a parallel regulatory process until it is settled law.

22.3

We also consider the state's proposed case-by-case determination of what constitutes a wetland to be too vague and subjective. It is almost as if every grower who wants to plant a crop will have to receive a determination from the state first as to whether or not their property is a wetland and if they will need a state permit before engaging in regular agricultural production activities. Growers cannot manage their farms with that much uncertainty.

22.4

San Joaquin County is traversed by many different rivers and streams, and is also home to largest portion of the legal Delta. Therefore, we are concerned that many of our growers will be enveloped in a new, duplicative regulatory process that will add even more expense and red tape to their operations. One of the largest frustrations the grower community has is that it seems there are multiple agencies, or even in some instances multiple branches of the same agency that are trying to accomplish the same thing but cannot coordinate to streamline the requirements on growers. Growers are heavily invested in the health of their water sources and certainly want to protect the quality of the water. But growers are already taking measures to manage sediment and erosion through the irrigated lands program. This proposal will only advance the bureaucratic red tape for our farmers and will not further protect water or water quality.

22.5

The proposal for the State's new process for dredge and fill permits is untimely and duplicative and adds regulatory ambiguity to agricultural operations. As such, we respectfully request that the Board withdraw this proposal at this time.

22.6

Sincerely,

A handwritten signature in black ink that reads "Andrew Watkins". The signature is written in a cursive, flowing style.

President

CC:

Ms. Frances Spivy-Weber, Vice Chair

Ms. Tam Dudoc, Board Member

Mr. Steve Moore, Board Member

Ms. Dorene D'Adamo, Board Member