



Yolo County Farm Bureau

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(1/23/18) Board Meeting
A-2239(a)-(c)
Deadline: 12/22/17 by 12 noon

PRESIDENT
Nancy Lee
VICE PRESIDENT
Joe F. Martinez
2nd VICE PRESIDENT
Garrett Driver
SECRETARY/TREASURER
Denise Sagara

December 6, 2017



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)

Members of the State Water Resources Control Board

I currently serve as President of Yolo County Farm Bureau. My husband Bob and I are first generation walnut farmers in Yolo County. In what I describe as my former life – I was a staff attorney assigned to the CVRWQCB and the San Diego RWQCB at which time I came to appreciate the Porter Cologne Act, and the State emphasis on protecting waters of the State. I worked closely w/ CVRWQCB staff members on the Ag side – and appreciated their concern for and appreciation of agriculture, which according to recent studies, is responsible for over ¼ of the jobs in the national economy.

My husband and I are stewards of our land and the water below it. We are careful about the management practices and products we use, and I handle compliance: permits, filings, etc. Our family, our foreman and his family, and other individuals who we value also drink the groundwater: we find that it tests better than bottled water: for years we have put it in thermos bottles instead of buying cases of plastic. I consider it my responsibility to test our domestic wells when necessary and I strongly believe it is not the responsibility of the SWRCB to attach a domestic well testing requirement to essentially an unrelated irrigated lands state-wide waste discharge requirement. Any such requirement is really a tax on farmers, and should be taken through the legislative process for input from all stakeholders.

I have many concerns about this proposed order and its extension throughout the State: I call your attention to three. I have been active in YCFB for almost 15 years and I am very familiar with our farm community. We are, compared to San Joaquin Valley ag, small and family owned. Our growers are committed to following the Central Valley order. They want to farm within the law. What concerns me is the increasing percentage of our growers who are becoming marginalized by the never ending pressure placed on them by current Water Board requirements. Some of these growers are not native English speakers. Some are finding it increasingly difficult to understand or interact with our coalition, to do the prescribed tasks in a timely manner or at all because they have little or no computer skills, to say nothing of internet access,


or they are members of an older generation. They may be simply overwhelmed by the crush of ongoing requirements. Increasing the burden and detail of the watershed requirements will make it even more difficult for these valuable members of our farming community to stay within the law. I cannot believe that it is the intent of the SWRCB to force persons out of compliance and out of agriculture who cannot comply with these requirements due to their unique situations and through no fault of their own. I also point out that these increased requirements basically favor large ag over small, family ag who simply cannot hire an employee, or assign an existing employee, to handle these tasks. For instance, in our operation I will have to take on these additional responsibilities. These are basically an additional tax – on my time. I have an adult disabled son who cannot be left alone in addition to other family and community obligations: these additional requirements will make it even more difficult to balance to discharge my multiple responsibilities.

Second: there is no reason to impose on a sub watershed coalition that is working well, with no exceedences, additional requirements simply because in the judgment of the SWRCB some areas of the state would benefit from stricter requirements. If the Board continues down this road and imposes these onerous requirements statewide, it will be viewed as punitive by the farmers in our coalition and they may be less willing to commit the time and effort to comply if they believe their valuable time consuming efforts that have resulted in successful Yolo County water management are being met with the regulatory equivalent of punishment. It shows total lack of trust and confidence by the SWRCB in our coalition and the growers, which mutuality must exist for the coalitions to successfully perform their functions. Please contrast this approach with the recent one our legislature and governor took with Sustainable Groundwater: the legislation can be criticized because it was passed and signed with relatively little stakeholder input but that was salvaged in large part by the fact that it is a locally based statutory plan that is driven from the bottom up: the emphasis is local input, local agencies and local plans.

Third: As I alluded before, I am a lawyer. I have major concerns about the loss of privacy to our growers. The coalition has worked well because it is an insulator between the farmer and the public. All of the requisite information that the Board has asked for has been timely provided by the growers to the coalition and funneled through it to the Regional Board. This has prevented farmer specific information from becoming public record in the hands of a state agency. Giving farmers this protection has no doubt provided a barrier to unnecessary queries and legal targeting of individual growers by members of the public. We have provided more than adequate information to the regulators for them to assess our compliance with requirements of our Order: there is only marginal value to additional field based, attributable information, and the requirement of that could put many of California's growers at financial risk. I believe the burden imposed on the farming community by a change from private information to agency and web based information risks unnecessary harassment and inevitable groundless litigation which nevertheless must be defended and can, itself, put the targeted farmer out of business. The availability of farmer nitrogen/pesticide application information to members of the public vastly increases the difficulty, cost and availability of the farmer's risk management. The proposed concept also suggest increased employee costs, both at the coalitions and at the Regional Boards, all of which will be an unwelcome and difficult expense to be borne by the agricultural community.

In conclusion, I request the SWRCB withdraw this proposed order and redraft with respect for the water and agricultural differences throughout this great State. At the very least, the Proposed Order demands an economic analysis of its impact on the various agricultural areas throughout the state. California Agricultural areas deserve more than a "one size fits all" order.

Sincerely,



Nancy Lea
President