

**Portofino Ranch LLC
2727 San Ramon Drive
Rancho Palos Verdes, CA 90275
31 May 2016**



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

Reference: "Comments to A-2239(a)-(c)" – State Water Board Review of General Order No. R5-2012-0116 for growers within the Eastern San Joaquin River Watershed who are members of the Third-Party Group (the Eastern San Joaquin Water Quality Coalition)

Ms. Townsend and State Water Board Members:

My wife and I are the owners of Portofino Ranch LLC, which is located in the Sierra Foothills at the eastern limits of the Tule River Water Quality Coalition. The Ranch grows organic mandarins and organic navel oranges. The Ranch is outside the State water district and so must rely entirely on ground water and any rain. In order to obtain optimal water efficiency, Portofino Ranch pays an expert a monthly fee to adjust irrigation for proper pressure balance between water available in the soil and ability of tree roots to extract this water.

I am writing to express my objections to the proposed changes to the General Order. Any changes will become a new precedent that would greatly increase costs for Portofino Ranch. A large portion of the increased costs would be charges by the Tulare River Water Quality Coalition, which would have its work load significantly expanded. I fear that any changes could also increase legal fees that I would be charged if environmentalists used detailed farm data as the basis for creative legal action.

There might even be legal action in the other direction if growers combined in order to prevent trade secrets from becoming public information. As an organic grower, I am very sensitive to my trade secrets. However, money would be better spent on efficiently growing food instead of on legal fees.

Paradoxically, my decision to farm organically was in part based on excessive nitrogen in the groundwater. Portofino Ranch's 2015 Nitrogen Management Plan indicates 179 pounds/acre application as liquid fertilizer and manure/compost. Irrigation water provided an additional 159 pounds per acre, which is 89% as much as the purchased fertilizer. Organic protocol precludes nitrogen derived from fossil fuels and so prevents the use of relatively inexpensive material having nitrogen contentment as high as 32%. Portofino Ranch instead must obtain expensive liquid fertilizer derived from fish and having only 4% nitrogen. I confess that economic concern drives my frugal fertilizer application while environmental concern is only secondary. However, my economic concern provides the desirable result that Portofino Ranch removes nitrogen from ground water.

The Draft Order's requirement to sample all domestic wells is particularly egregious. Purposes of the Irrigated Lands Regulatory Program (ILRP) are avoidance of excessive irrigation and

reduction of nitrogen in groundwater. Nitrogen addition to the groundwater was done in the past and from farms that could be miles removed. I admit that, were I developing regulations, I would be tempted to issue this do-good provision having a cost that I would never bear. However, it is neither ethical nor fair to place the cost of domestic water analyses on persons not responsible for nitrogen in the groundwater and who are endeavoring to remove the nitrogen through fertilizing crops.

Finally, I am concerned that the Draft Order represents regulatory overload. Growers have only just recently been loaded with new requirements to submit annual Farm Evaluations and annual Nitrogen Management Plans. As a result, a great many hours have been expended in preparation. At some point, if not already, additional regulations will become counterproductive in the sense that time is spent completing forms instead improving irrigation and fertilization practices.

Sincerely,



John A. Feyk

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