



# CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION  
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VIA ELECTRONIC MAIL ONLY  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

February 28, 2007

Song Her, Clerk to the Board  
Executive Office, State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100.

**RE: Comment Letter – Bay-Delta Mercury Offset Policy**

Dear Ms. Her:

The California Farm Bureau Federation ("Farm Bureau") hereby offers its initial comments to the *Proposed State Policy for Water Quality Control, San Francisco Bay, Sacramento-San Joaquin River Delta and Tributaries Mercury Discharge Offset Policy* ("Offset Policy").

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 over 91,500 farm families and individual 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. It is from this perspective that we provide the following comments to the Offset Policy.

With some qualification, Farm Bureau generally supports the concept of developing a state policy for water quality control that establishes alternative methods for allowing dischargers to meet their regulatory obligations under the California Water Code. However, in order to fully appreciate the magnitude of the endeavor prior to decision making we have enumerated an initial list of areas below that will require significant evaluation and resolution prior to policy adoption. We also hereby reserve the right to identify additional areas of concern in a timely and appropriate manner.

First, agriculture is a part of the existing environment and as required by law the proposed Offset Policy must contemplate the impact to and potential



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significant environmental effects of using agriculture as a prospective implementation partner. Examples of potential significant impacts to the agricultural resource include, but are not limited to, instances where: agricultural land is converted to wetlands, mass removal results in the deposition of sediment to agricultural land, or riparian setbacks are established in order to achieve stream bank stabilization.

Second, the environmental review should discuss the attributes of a broader policy that considers the inclusion of multiple watershed constituents of concern. A more comprehensive look at the watershed and its constituents of concern may yield greater environmental benefit than case-by-case implementation. This holistic view may also alleviate the implementation of strategies that have the unintended consequence of elevating other pollutant levels.

Third, the terms "net environmental benefit" and "disparate localized impacts" as used in General Principles number 1 and 7, respectively, on page 3 are rather ambiguous, lack certainty, and would otherwise benefit from a thorough discussion of the State Water Resources Control Board's intent.

Finally, the Offset Policy must not have direct or indirect impacts to the private property or water rights of participants and should provide for the indemnification from civil and criminal liability for the good faith participation of non-point source participants.

In conclusion, Farm Bureau believes that conceptually a pollutant offset policy could provide significant environmental and economic benefits. We welcome a more thorough discussion of the issues above and look forward to the opportunity to provide additional comment as the Offset Policy develops. If there are any questions regarding this matter, please feel free to contact me either by telephone at (916) 561-5614, or by electronic mail at [jhewitt@cxbf.com](mailto:jhewitt@cxbf.com).

Sincerely,



John Hewitt