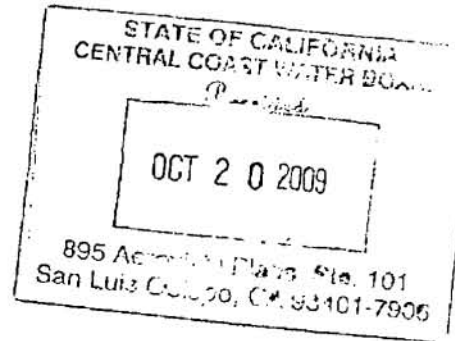




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October 14, 2009

Mr. Jeffrey Young, Chairman
Central Coast Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906



RE: Agenda Item 21 – Executive Officer’s Report
Agricultural Regulatory Program
Collapse of Agricultural Advisory Panel Process

Dear Chairman Young and Board Members:

The purpose of this letter is to express concerns with the breakdown of the Conditional Waiver Renewal Process for Irrigated Agriculture. This Association participated with the Agricultural Waiver Advisory Panel both in 2003 and again this year.

To remind the Board, virtually all of the recommendations developed by the Advisory Panel in 2003 were adopted by the Board. The Board recognized the magnitude and uniqueness of agriculture, and the fact that improvements would take time and require a sustained cooperative effort. That effort and the subsequent successful enrollment of 1,790 farmers representing 400,000 acres of cropland in the region involved a collaborative process between the Regional Board staff and agricultural organizations. The Board supported this program by providing grant funding to partially offset the cost of monitoring as well as supporting outreach and education through the Agricultural Watershed Coalition.

Much has been accomplished as a result of this new and delicate partnership. Farm plans have been developed and educational requirements met. Improvements in nutrient and irrigation practices are taking place. Monitoring trends are being analyzed and the effectiveness of changes in management practices evaluated. The Watershed Coalition has organized growers within highly impacted sub-watersheds into groups and provided them with technical information necessary to improve management practices.

My hope was that in renewing the Waiver process this year, the Board would build upon these successes and through collaboration and dialogue with panel members, present to the Board new recommendations for the Waiver focusing on improving water quality.

Supplemental Sheet-Item No. 21
October 23, 2009 Meeting
Public Comments – Ag Regulatory
Program
Attachment 2

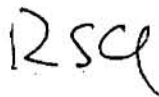
However, beginning earlier this year, the Irrigated Agriculture Program, skillfully developed and cultivated, was replaced with the Agricultural Regulatory Program. The staff proponents of this new regulatory program are attempting to insert sweeping enforcement tools in the Waiver. These include replacing the cooperative monitoring program with individual monitoring, prohibiting ground disturbances within 30 feet of aquatic habitat, replacing narrative water quality standards with unachievable numeric objectives and developing arbitrary timelines for compliance.

This policy shift from collaboration to regulation is viewed by the agricultural community as a breach of trust. The information and access shared by farmers with the agency is now being used against them to justify the regulatory program. It has placed farmers and the agency in adversarial roles. This shift is staff initiated and has not been publicly debated or endorsed by the Board. The change in approach became apparent to the agricultural community during the Advisory Panel process. I fear this new approach will lead to challenges and resistance from growers. The breakdown in the Advisory Panel Process is but the first example. This confrontational approach with stakeholders will not facilitate water quality improvements.

In summation, I am asking the Board to redirect staff efforts by reinstating the original Irrigated Agriculture Program. This was built upon a collaborative approach recognizing the large number of dischargers, diversity of irrigation practices and that improvements will take a sustained effort over time. Improvements to water quality may be uneven, but growers are moving in the right direction. They are focusing resources on improving water quality. My fear is that a few staff members are pushing a regulatory program that will undermine those efforts. Resources will be used to fend off regulation instead of water quality improvements.

The efforts of the Board are urgently needed to move the agency's approach to agricultural discharges away from regulation and restore the original collaborative-based program with farmers as the most effective way to improve water quality in the region.

Sincerely,



Richard S. Quandt
President