



California Regional Water Quality Control Board Central Coast Region



Linda S. Adams.
*Secretary for
Environmental Protection*

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<http://www.waterboards.ca.gov/centralcoast>

Arnold Schwarzenegger
Governor

Agricultural Order Renewal
Public Comments and Alternatives to
02/01/2010 Preliminary Draft Staff Recommendations
Group 17: Comment Letters

All of these letters were received between 9/1/2010 and 10/15/2010.

Comment ID	Affiliation	Date Received
A39	California Avocado Commission	10/07/2010
D9	Bill Coy	09/03/2010
F78	McHarry Ranches	09/22/2010
FB13	California Farm Bureau	09/07/2010
N37	Monterey Bay Nursery	09/13/2010
T10	Joel Wiley, CCA	09/20/2010
T11	David F. Hamel	05/12/2010



October 7, 2010

**California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite #101
San Luis Obispo, CA 93401**

Dear Central Coast Regional Water Quality Control Board Members & Staff:

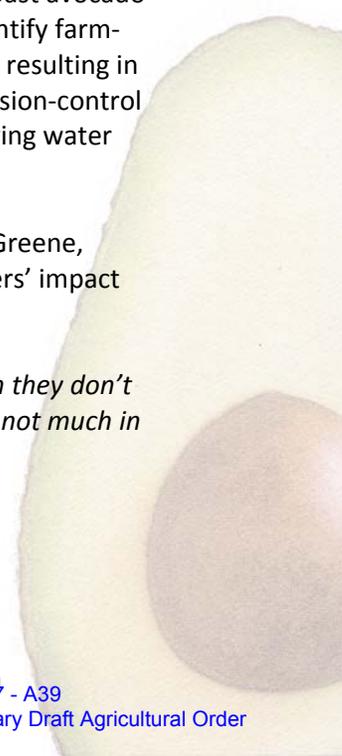
For decades, Central Coast avocado growers have been farmland stewards, exercising a commitment to maintain and improve water quality, through continual improvement to best-management practices, based upon increased scientific knowledge and economically prudent choices.

As staff seeks to revise the jurisdiction and regulations within the existing Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, the California Avocado Commission respectfully encourages the Board and staff to strongly consider the distinctive risk levels and discharge quantities associated with various crops. Moreover, avocado groves should be regarded as a minimal watershed-pollution risk, due to the facts outlined below. The avocado trees grown throughout California's Central Coast have demonstrated – due to the crop's inherent nature and the efficiency surrounding fertigation and erosion-control practices – their ability to dispense minimal discharge and contribute negligible pollutants into Central Coast watersheds. For example, avocado trees are shallow rooting and utilize irrigation systems designed to deliver water for absorption, within the top two feet of soil. Furthermore, the trees are long-lived, permanent crops that are never tilled. California avocado growers are further motivated to control water usage, as water, crop-protection and nutrient materials are scarce and expensive.

The California Avocado Commission also contends that the Cooperative Monitoring Program (CMP) – administered by Central Coast Water Quality Preservation Inc. (CCWQP) – is a solid foundation (in both monitoring and reporting) for the revised Conditional Waiver; a belief held by the Central Coast avocado growers, who have achieved nearly 100% participation in the CMP. The CMP, by helping identify farm-specific nitrate, discharge and conservation problems, has facilitated further improvements, resulting in the implementation of best-management practices, including irrigation, fertilization and erosion-control procedures, which effectively reduce the minimal runoff from avocado groves, while improving water quality.

Based upon five years of monitoring throughout impaired Central Coast watersheds, Sarah Greene, CCWQP's technical program manager, delivered the following assessment of avocado growers' impact to surfacewater and stormwater:

“Non-storm surfacewater impact = minor to nonexistent... if there's no irrigation runoff, then they don't contribute. Stormwater, surfacewater impact = less than some other commodities; probably not much in terms of fertilizers or pesticides.”





Therefore, the California Avocado Commission is requesting you take into account the collective best-management practices (outlined in three categories below) commonly employed by avocado growers, as being highly sustainable and serving to mitigate any hazardous discharge levels, when revising Conditional Waiver regulations.

Irrigation Practices:

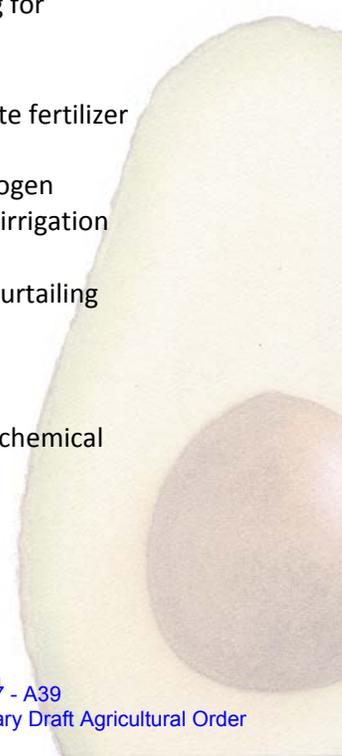
- Avocado growers use sprinkler and drip-irrigation methods to deliver water. Furrow and flood irrigation are not practices used by avocado growers;
- Avocado growers typically offer their trees water in shorter, more frequent, irrigation cycles, only supplying what the tree needs, when required. By using precision in watering, virtually all tailwater is eliminated;
- The majority of avocado growers utilize irrigation systems with high-distribution uniformity. Avocado growers have achieved such high-distribution uniformities by commonly using pressure-regulating sprinklers and, often times, placing additional pressure regulators on risers;
- Avocado roots are concentrated in the top-soil horizon layer (80% of avocado feeder roots are located within the top eight inches of soil) and grow best in soils equipped with high-organic matter. Most avocado trees are either mulched with woody material, or grown to develop a thick layer of leaf mulch under the trees. Therefore, nutrient and water passage past the roots is low, minimizing groundwater pollution
 - The majority of avocado growers also irrigate to a depth of 12-18 inches, further mitigating groundwater – and surfacewater – pollution;
- Because avocado trees are susceptible to root rot (*Phytophthora cinnamomi*) and root death through asphyxiation, they require growth in free-draining soil and cannot be exposed to excessive watering. Excessive and standing water often leads to root rot, strongly encouraging growers to use precise water amounts.

Fertilization Practices:

- Fertilizer is commonly applied in small doses, via irrigation systems, resulting in nominal tailwater;
- By fertigating, the tree is provided fertilizer where active feeder roots exist, allowing for effective absorption of nutrients and minimal waste;
- Avocado growers typically use low amounts of dry fertilizer;
- Avocado growers generally use water, leaf and soil analyses to determine appropriate fertilizer levels
 - Therefore, avocado growers should be considered careful and judicious nitrogen applicants. Depending on circumstances (i.e. nitrates already present in the irrigation water), some growers refrain from using any nitrogen fertilizer;
- The majority of avocado growers do not irrigate through the rainy, winter months, curtailing hazardous runoff.

Pest, Erosion & Riparian Control Practices:

- Integrated-Pest Management (IPM) systems are followed as best practice, ensuring chemical use is only according to need;
- Filter strips are planted and maintained;
- Naturalized cover crops are grown during winter months;





- Soil-active, long-residual, pre-emergent herbicides are no longer used;
- Weeds are mowed and not cultivated ;
- The soil is broken, or turned, only when orchards are replanted (typically, once every 25-30 yrs.);
- Voluntarily foster riparian habitats and work with groups to improve endangered species habitat.

Central Coast agriculture, the Central Coast Regional Water Quality Control Board and the Central Coast community are striving to reach a mutual goal; efficient use of a clean, sustainable water supply. The primary divergences in our mission to obtain this goal are the methods we believe should be employed to achieve such.

Therefore, the California Avocado Commission respectfully encourages the Board and staff to strongly consider the distinctive differences in risk levels and discharge quantities associated with individual crops, and to develop all Conditional Waiver mandates, objectives and benchmarks, upon sound science and economic prudence.

Thank you very much for your time and consideration in this important matter. Please do not hesitate to contact the California Avocado Commission with questions and comments, or to discuss further.

Sincerely,

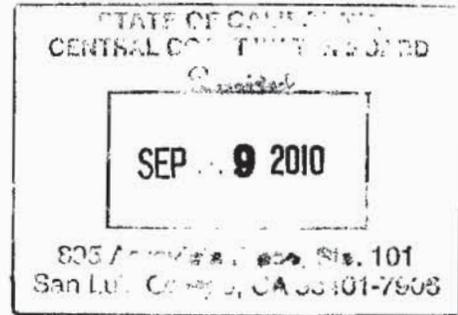
A handwritten signature in black ink that reads "Thomas A Bellamore".

Tom Bellamore
President
California Avocado Commission



September 3, 2010

Jeff Young,
Chairman,
Regional Water Quality Control Board
895 Aerovista Rd. Suite 101
San Luis Obispo, Ca. 93401



Dear Mr. Young,

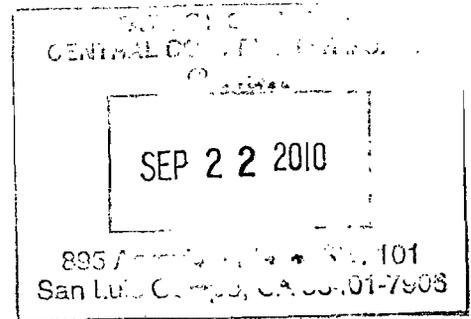
I spoke to your Board just prior to the lunch break about the Agricultural Waiver. The reason for this letter is to thank you for the way you conducted the meeting. As a former public official myself, and now as someone in the "general public", I can tell you that it is always intimidating to speak to a public body such as your Board...and adequately express my point of view. From my take on it, you tend to at least listen to the speaker and try to address their concerns. I didn't know the "rules" so I couldn't say everything I wanted to say. The real fear from the majority of the growers is that the environmental community has had a very real impact on the initial order, and the staff, although well-meaning, tends to be disproportionately impacted by their input. We feel that the only reason that the whole subject is being revisited is because many of you on the Board are hearing our concerns. Please let me briefly revisit the points I tried to make yesterday:

1. You need to rethink "quarterly testing" in orchards such as ours. It makes no sense at all to go through this procedure in areas that have no negative impacts on the water table or the creek environment. As I said, I have 30 years of data that prove that there has been no degradation to our shallow wells. If you need verification, require one initial test, and if it is o.k., then require a subsequent test possibly 5 years down the road. The current proposal is overkill...costing unnecessary thousands of dollars for each grower...not to mention your staff.
2. The buffer zone. It sounds like some of my concerns were addressed in Watsonville. However, I'm anxious to see it in print.
3. Reporting irrigation timing and quantity is pointless in our situation. Our 40 acres is totally on drip irrigation. We use every drop available, and, because we use a system like this, we water around the clock. We couldn't change anything on our schedules...so why is it so important to impart this information? In many ways I think this information is proprietary. In other words, I'm extremely proud of the way I manage my water and fertilizer. Why do I need to share this with the public? We get peak performance and production on our land...without negatively impacting anyone.
4. In reference to the last point, have you ever thought about making an example of growers who are doing it right? Maybe you do this. We don't hear about it.

Again, thank you for listening to us. I think you perform your task as Chair very well.

Bill Coy
2255 Cottontail Creek Road, Cayucos, Ca. 93430

**MCHARRY RANCHES
GAIL SCEARCE
P.O. BOX 2571
CARMEL, CALIFORNIA 93921**



September 20, 2010

**Chairman Jeffrey Young
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906
Fax: (805) 543-0397**

Dear Chairman Young,

My name is Gail Scarce. I am an owner of farm land in the Salinas Valley, that has been in my family for generations. The majority of the property is south of Salinas adjacent to Highway 101. I am writing to express my concerns about the 2010 draft ag waiver. If it is passed as currently written in would adversely impact the farm industry in the Salinas Valley. It would be impossible to farm the ranch in an economically viable manner. The costs of individual farm monitoring in order to adhere to the multitude of requirements suggested by the CCRWQCB would be prohibitive.

It would be most helpful to consult with farmers in the area to develop a feasible plan, so that both you and the growers can achieve a common goal. At present, the county is advised whenever pesticides are applied to crops; food safety experts are constantly inspecting the fields; the well water is monitored; drip irrigation has been installed; currently all existing federal, state and county regulations are adhered to. All of this requires manpower hours and expense by the farming industry. According to the US Secretary of Agriculture, Tom Vilsack, U.S. agriculture is the most productive in the world. Should farming o the Central Coast (the salad bowl of the nation) become economically unfeasible, more of the produce we consume will be imported from south of the border, where little regulation is implemented.

It is not certain that any of the suggested measures would be effective in improving the water quality of our streams and rivers. Within our state universities, studies in agriculture, agribusiness and the environmental impact of irrigation water and current pesticide standards, possible solutions could be researched in a scientific manner before requiring the farmer to perform unproven methods.

I hope you will give consideration to working in cooperation with the Central Coast agricultural community in attaining a mutually satisfactory solution to improving water quality.

Sincerely,



Gail Searce
PO Box 2571
Carmel, CA 93921

Cc: Vice Chairman Russell Jeffries

John Hayashi

David Hodgin

Monica Hunter

Tom O'Malley

Gary Shallcross

Roger Briggs, Executive Officer

✓ Angela Schroeter, Senior EG



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

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Via U.S. Mail and Email

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aschroeter@waterboards.ca.gov
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September 7, 2010

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

Dear Chairman Young:

We are writing to comment on the process for submitting updated proposals for consideration as the Central Coast Regional Water Quality Board (CCRWQCB) updates the Conditional Waiver for Irrigated Agriculture. We acknowledge that the CCRWQCB staff is requesting additional information from the Ag Working Group coordinated by the California Farm Bureau Federation and its seven regional county Farm Bureaus. Throughout the past six months, the Ag Working Group, comprised of the California Farm Bureau Federation; California Association of Nurseries and Garden Centers; California Artichoke Commission; California Avocado Commission; California Strawberry Commission; Central Coast Ag Water Quality Coalition; Central Coast Agricultural Task Force; Central Coast Vineyard Team; the Grower-Shipper Association of Central California; the Santa Barbara and San Luis Obispo Grower-Shipper Associations and Western Growers, has collaboratively developed presentations, drafted letters, and encouraged members to submit letters to the CCRWQC Board regarding agriculture's Alternative Proposal and concerns surrounding staff's preliminary waiver.

Conversations with CCRWQC Board and staff indicate the Ag Proposal, as currently written, is not a sufficient replacement to the 2004 waiver. Therefore, the Ag Working Group is developing a modified proposal focused on the following overall objectives:

1. Improved water quality,
2. Technically feasible,
3. Economically viable,
4. Minimal record keeping,
5. Equitable application,

6. Transparent enforcement by CCRWQCB staff,
7. CCWQCB staff accountability,
8. Agricultural community accountability,
9. Continued agricultural viability.

Agriculture, represented by the Ag Working Group, met with staff on August 16, 2010 and appreciated staff taking the time to discuss priorities. Based upon that meeting, and taking into account the Board Members' comments in May and July, the Ag Working Group is updating our original alternate proposal.

At this first and only meeting with staff on August 16, 2010 we were informed that the deadline to address the questions raised by staff was mid-September for their internal working draft. We learned in late August that this deadline had moved to September 8, 2010. That timeline is too short and does not allow for the meetings and materials to be reviewed by agricultural interests region-wide. Additionally, this meeting with staff was scheduled by staff more than two months after it was requested by the Ag Working Group. This delay has also contributed to challenges in meeting staff's recently stated internal timelines.

We understand that staff is looking for a more comprehensive proposal from agriculture with a focus on timelines and milestones. The major topics of the meeting with staff included: SMART Sampling (Simple Methods to Achieve Reasonable Targets); the farm plans' proprietary nature; toxicity; aquatic habitat; tributaries; tile drains; nitrate management; staff priorities; Board priorities; and load vs. concentration.

The Ag Working Group is actively working within all seven counties on behalf of our thousands of stakeholders in irrigated agriculture to vet ideas based upon your stated priorities. We are diligently working together to bring you a more robust, comprehensive, and feasible proposal so that you may review it in a timely fashion according to the deadlines you set by extending the current waiver through March 2011.

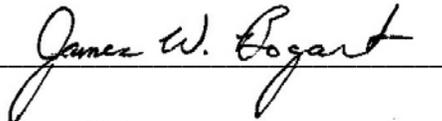
In the short term, the Ag Working Group plans to compile a tangible draft proposal, upon which growers may comment during meetings held throughout Region 3. Our first grower outreach meeting was held August 31, 2010; our next outreach meeting is scheduled for September 7, 2010. We intend to continue to have meetings to achieve support region-wide. The purpose of these meetings is to review a number of concepts, review proposals under consideration in other Regions, and receive comments by the growers who will be regulated under this order.

In conclusion, we request that in addition to working with staff, that the Board initiates a facilitated mediation process through the State Water Resources Control Board. We believe that this type of process has the potential to close some of the gaps that now exist between staffs' and our thoughts and proposals.

Sincerely,



Kari E. Fisher
Associate Counsel
California Farm Bureau Federation
Monterey County Farm Bureau
San Benito County Farm Bureau
San Luis Obispo County Farm Bureau
San Mateo County Farm Bureau
Santa Clara County Farm Bureau
Santa Cruz County Farm Bureau
Santa Barbara County Farm Bureau



James W. Bogart
President & General Counsel
Grower-Shipper Association of Central California



Richard Quandt
President
Grower-Shipper Association of Santa Barbara
and San Luis Obispo Counties



Gail Delihant
Director, CA Government Affairs
Western Growers



Kay Mercer
Executive Director
Central Coast Agricultural Water Quality Coalition



Kris O'Connor
Executive Director
Central Coast Vineyard Team



Tom Bellamore
President
California Avocado Commission



Rick Tomlinson
Director of Government Affairs
California Strawberry Commission



Chris Zanobini
Executive Vice President
California Grain and Feed Association



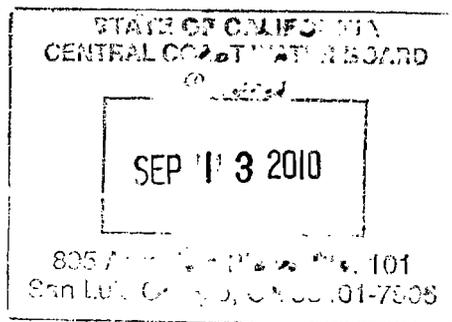
Kasey Cronquist
Executive Director/Ambassador
California Cut Flower Commission

cc: Vice Chairman Russell Jeffries
John Hayashi
David Hodgin
Monica Hunter
Tom O'Malley
Gary Shallcross
Roger Briggs, Executive Officer
Angela Schroeter
Howard Kolb
Lisa McCann

MONTEREY BAY NURSERY

September 10, 2010

The Honorable Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250



Re: CCRWQCB Preliminary Draft Agricultural Order 2010

Honorable Tom Vilsack,

Mr. Vilsack, please ask the Central Coast Water Board to work with the following: Farmers, Nurseries, Cut Flower Growers, Wineries and other agricultural-based industries to help implement the first water waiver. In my opinion, the two-fold goal of a balanced waiver would be:

1. To provide educational resources necessary to train and inform people in the industry how to implement a self-administered cost effective water program.
2. To impose a fine structure for those firms in violation of that waiver program.

I have attached a copy of the letter sent to the CRWQB from Darlene Din, Ag Land Use Consultant. She has made the following points:

1. New regulations should be a continuation of previous Board. Records exist and should be consulted.
2. Affected businesses should be allowed to qualify to participate on the Board by the periodic passing of a standard. The industries should be able to decide how the representative committee is formed. (rotating chairs?)
3. Regulations should be flexible and reflect actual local conditions. Businesses that are improving their performance in good faith in timely fashion as conditions permit should be kept in good standing.
4. A schedule of fines and punishments for non-compliant companies only.

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5. As this Board proposes to set regulations for other to follow, there are Federal, regional and State regulations that will in part frame how this Board will be able to draft its' own set of regulations. Among the various statues to consider are those that list agriculture as a beneficial use of water and a major employer of the California Central Coast.

As it stands, the implementation of new ordinances/regulation will only cause a needless drain on the state budget, as well as a loss of tax income caused by the closing of many companies in the agricultural industry who will not be able to afford these drastic changes. Under these conditions, responsible companies are treated just the same as wasteful irresponsible companies. Good, hard-working people lose their jobs, their homes and their dignity. The economic foundation that sustains the Central Coast is fractured and one pathway toward independence and a better life for Hispanics is essentially closed forever. The new waiver is a disaster for Central Coast agriculture.

Sincerely yours,



Manuel Morales

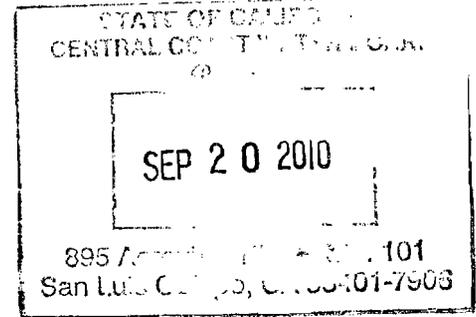
Vice President

Monterey Bay Nursery, Inc.

Cc: ~~Ms.~~ Angela Schroeter with Agricultural Regulatory Program Manager
~~Mr.~~ Howard Kolb with Agricultural Order Project Lead Staff
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

September 15, 2010

Monica Barricarte
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA. 93401-7906



Monica,

I'm sorry it has taken me so long to respond to your communications beginning with the initial meeting of June 23, 2010, the minutes received on July 6, 2010, the cancelation of the August 24, 2010 meeting, and the further communication only with Allan Romander.

Our initial meeting on June 23, 2010, was to me more of a fact finding and information gathering process. I knew very little going into the meeting about the history and the process that had taken place. In that meeting, there were many questions, very few answers, and many requests. We never agreed during that meeting on benchmarks to timelines, but discussed a broad approach to the issues. Many questions were raised about establishing crop nutrient removal rates for specific crops (celery, lettuce, broccoli, cauliflower, strawberries). I have checked with many labs and everyone has some concerns about specific removal rates since there are so many variables. You continue to use Region 5 as the standard for setting removal factors for nitrogen input. I think that is a very narrow focus since Region 5 is talking mainly about alfalfa and corn.

Why is the Water Board staff against research about unknown absorbed or removed nitrogen values? It should be all of our goals to establish the best information and standards.

We never discussed specific handling methods of water samples, and yet we have specific methods mentioned in your minutes about how, when, and who should handle water samples.

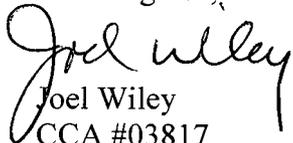
As for the cancelation of our August 24, 2010, meeting, many of us left the June 23rd meeting trying to get up to speed on the proposed Irrigation Nutrient Management Plan (INMP). I spent many hours researching the very complex issues we discussed at our meeting. Upon my return from vacation, I was to discover our meeting had been canceled. At the same time, I received a very troubling email that had been sent to Alan Romander. Is it the habit of the Water Board and its staff to cancel meetings with people they say are key to establishing a viable and professional INMP when they find that those people are asking too many questions?

In your email to Allan, you made a very concerning statement. "If 5 of us cannot agree or finish all the pieces by the end of August, I will prepare the final version by myself.

We hope the CCAs would come on board . . .” I was shocked and disappointed to read that statement. I have spent numerous hours researching, documenting, and discussing the issues raised on June 23. I would have thought out of common courtesy that you would have followed through with our scheduled meeting of August 24. The most disappointing part of canceling our meeting was that instead you met with 4 individuals who do not work in the Salinas Valley. They may come in and out of the valley but none play a daily role in vegetable production here. I am glad you invited Tim Hartz. I’m a little concerned about the conflict of interest when two of the others you invited work for the same laboratory. The more lab work required as part of these regulations, the more expensive the process becomes for growers. Strange, how your input is from laboratory employees or owners.

I don’t know of one CCA who is not willing to work with the Water Board and growers to positively and collaboratively address these issues. I continue to be very concerned about the number of train CCAs it is going to require to fulfill our due diligence to develop and complete a quality INMP. I am sure the CCA organization is up to the task. Again, education is critical for a positive outcome. We should be focusing on Best Management Practices, research, and ongoing collaboration between all groups involved to solve these critical issues.

Best Regards,



Joel Wiley
CCA #03817
19281 Pioneer Place
Aromas, CA. 95004

Home Phone # (831)726-2450
Cell # (831)594-4034

CC:

Chairman Jeffery Young
Vice Chairman Russell Jeffries
John Hayashi
David Hodgins
Monica Hunter
Tom O’Malley
Gary Shallcross
✓ Roger Briggs, Executive Officer
Angela Schroeter, Senior EG

HAMEL APPRAISAL CO.

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12 May 2010

Mr. Jeffrey Young, Chairman
Central Coast Regional Water Quality Control Board
State of California
895 Aerovista Dr.
San Luis Obispo, CA 93446

RE: Proposed Conditional Ag Waiver
Hearing 12-May-2010

Dear Mr. Young:

I would like to supplement the comments made by Mr. James W. Bogart, President and General Counsel, of the Grower-Shipper Association in his letter of May 5, 2010.

On page 2 of Mr. Bogart's letter, there are examples of the estimated increases in operating costs. Using these estimated increases in operating expenses as a basis and focusing on "cool season vegetables" as an example, the increase in operating expenses could have a serious adverse impact on the economic viability of agriculture in the area.

Assuming irrigated crop land value of \$55,000 per acre and a capitalization rate of 4.5 percent annually, the negative impact on value is estimated by dividing the increased expense by the capitalization rate (i.e., \$528 divided by 4.5% = \$11,733/acre or \$661 divided by 4.5% = \$14,689/acre). That has the potential for decreasing land value from \$55,000 to \$40,731 to \$43,267 per acre. That downward change is a material negative impact.

This kind of change will impact farmers, lenders, landlords, farm service companies, and property tax collections in all of the counties.

I strongly urge the members of the Board to consider the impact of your actions.

Regards,



Dave Hamel, ARA
Hamel Appraisal Co.
484 Highland Dr.
Santa Maria, CA 93455
805.934.6674