



California Regional Water Quality Control Board Central Coast Region



Linda S. Adams.
*Secretary for
Environmental Protection*

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906
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Arnold Schwarzenegger
Governor

Agricultural Order Renewal Public Comments and Alternatives to 02/01/2010 Preliminary Draft Staff Recommendations

Group 9: Comment Letters

Comment ID	Individual Submitting	Date Received
D1	Walter Fitzhugh	3/1/2010
D2	Robert Middlecamp	3/8/2010
D3	Walter Fitzhugh	2/10/2010
D4	Timothy Buffalo	3/29/2010
V1	Dalc Hampton	3/31/2010
V2	E. B. Pete Downs	4/1/2010
V3	Sue and Karl Luft	4/1/2010
V4	Mark Pisoni	3/29/2010
V5	Jon P. Cagliero	3/23/2010
V6	Claude and Evelyn Solanas	3/30/2010
V7	Robert Corky Roche	3/9/2010
V8	Kurt Gollnick	3/29/2010

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MAR 1 2010
Handwritten initials

Fitzhugh Ranch

Walter & Judith Fitzhugh
2650 Eton Rd.
Cambria CA. 93428-4102

Phone 805-927-8353
Fax 805-927-3090
Email fitzhughranch@aol.com

Central Coast Regional Water Quality Board
895 Aerovista Place, Suite 101
San Luis Obispo Ca. 93401

Dear Board Members

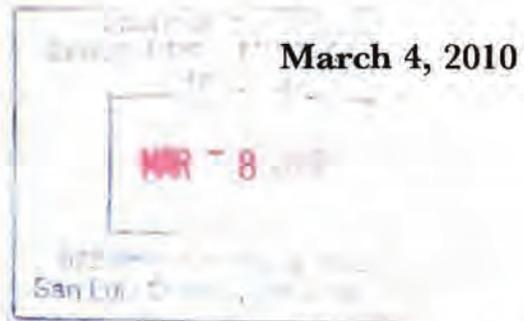
Feb. 24, 2010

The proposed Draft Ag. Waiver R3 2010-00xx if adopted by your Board will put small growers such as us out of business. The cost of monitoring by labs will be so costly that we can no longer afford to sell our produce and make any profit and maintain our orchard. We are a grower that doesn't use any pesticides and only none restricted herbicides (that any home owner can purchase at the local stores and doesn't have to report the use of) in very small amounts and small amounts of fertilizer none of this ever reaches a stream. The creek that crosses our property is not an impaired water way, the orchard is mowed and there is over 1000 ft. grass land between the orchard and the creek, yet runoff from a development and 2 schools where owners use herbicides on their whole property, wash their cars in the street the water ends up in my creek. Under the proposed Order the cost of several \$1000 of testing and monitoring by labs a year will be more than our income from our sales. I would suggest that the proposed Draft Ag. Order apply only to those properties that are within an impaired water way that has been tested by a lab and proven to be polluted. Growers that are not in an impaired water way are being punished for the actions of other dischargers that are polluting. This will have a negative effect on ag. produce production on the central coast as growers can no longer afford the added cost and stay in business. This will take a toll on the small farmer that sells his produce at the farmers markets and the people that want local grown food. This will than create a bigger market for foreign produce over which we have little or no control of the safety standards to the environment or the produce. This could potentially cause job losses and loss of revenue to the local Counties and State of Calif. Governments.

Sincerely,
Walter Fitzhugh
Walter Fitzhugh

CENTRAL COAST REGIONAL WATER QUALITY BOARD
FEB 25
CARRIZO VALLEY WATER TREATMENT PLANT
CARRIZO VALLEY WATER TREATMENT PLANT

To: CCWQ Preservation, Inc.
PO Box 1049
Watsonville, CA 95077



Gentlemen:

Our ag operation in SLO County is a small “hobby farm” my parents left to my siblings and me. It consists of a 20-cow/calf herd, 13 acres of irrigated orchard land and approximately 125-acres of dry land pasture. We sell our surplus orchard produce at the farmer’s markets when water supplies allow us a “normal” harvest but during the last 3-year drought we were so water-short we had to buy water by truckload through a local trucker. Our irrigation system is all drip lines from gravity tanks filled by pumping from small reservoirs or wells on the property. We have NEVER had a surplus of water that would create a tail water situation and we have NO tile drains, NO ditch drains or other point source drainage outlets. We have a conditional ag waiver and a fairly well developed farm plan for the three siblings ownership's that cover the 13 irrigated acres.

The proposed new draft waiver regulations are beyond belief both in expected impacts to our small struggling farming enterprise, and in the onerous methods that are suggested. The proposed time line for such far reaching change is far too rigorous for reasonable implementation, especially in these economic times. The language used in the draft waiver indicating “elimination” of run-off, toxicity, sediment, salts, etc., etc. (points 1-7 in the newsletter) CAN’T be achieved under lab conditions; CAN’T be achieved at any university field trials; and, certainly CAN’T be achieved by any farmer anywhere in the real world.

Frankly, this attempt to tighten the screws on farmers by imposing such unattainable goals is beyond belief. The existing ag waiver was a major burden for large operations to implement. Applying it to our 13 irrigated acres was ridiculous. However, we have made the best of it and I admit that going through the process has made us more aware of the need to manage our water application and fertilizer use more attentively.

Therefore, why upset the progress being made under the existing ag waiver by attempting to overlay new conditions that can never be met? I would think that some small changes to the existing requirements would further water quality efforts far better than to drive operators off the farm or out of the program entirely by the heavy handed, economically devastating approach being proposed.

Sincerely,



Robert Middlecamp
AW1029
Rocking MC Ranch

cc: Angela Schroeter, CCRWQCB

Fitzhugh Ranch

Walter & Judith Fitzhugh
2650 Eton Rd.
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Water Quality Control Board
Central Coast Region
895 Aerovista Pl Ste 100
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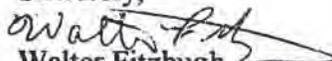
Feb. 8, 2010

Subject; R3-2010-00xx
Agricultural Order Irrigated Land

Dear Sirs,

We are a small fruit and garden grower on the north coast. With about 4 acres of irrigate land, in 2 different locations, one being 2 acres on 47 acre ranch and the other is 2 acres on a 1800 acre ranch. We sell our products in a road side stand on our property, which by your language constitutes a commercial crop. Under the proposed changes for the irrigated land, Agricultural Order Irrigated Land R3- 2010-00xx, we will have to close our road side stand as we do not make enough money to pay for all of the testing that will be required in the new order and leave any \$ for our work. Infact we would have to take money from our retirement income to pay for it all of the new requirements if we were to continue to sell our produce. Under the Order the prices we would have to charge for our produce no one could afford to buy. The \$100 + we pay to the co-op monitoring already has put a bit in what we make. We do not use any sprays on our products and only non restricted sprays around the trees to keep the weeds down the rest of the orchard is mowed in our orchard and very small amounts of fertilizer, mostly manure are used, this is why people come and buy our produce and it is affordable.. All irrigation is done by small spray heads at each tree or drip line so that there is no run off. Any fertilizer that is used is applied in the spring so that it stays in place. We get run off water from developed properties, 2 schools, a housing tract and a church and in one case a residence is operating a auto detailing operation and the run off water runs down the gutters in to the creek our property, my water testing has shown that the water leaving the property is cleaner than when it enters. The road side stand has been a supplement our to retirement income. If the Order Rs-2010-00xx is implemented in its proposed form **we will be closing** our produce stand and **will not sell** any fruit we will just have to let it root. We sure don't see how government is helping the small business people

Sincerely,


Walter Fitzhugh
Cambria Area Rancher

FEB 10 2010

Group 9 - D3
May 12, 2010 Workshop
Preliminary Draft Agricultural Order

Buffalo Land Management
5800 Casitas Pass Road
Carpinteria, CA 93013



March 14, 2010

Central Coast Water Board
895 Aerovista Place Suite 101
San Luis Obispo, CA 93401

To the Central Coast Water Quality Control Board:

This is in response to your new resolutions on clean water. Everyone wants clean water and needs this precious resource protected. I have been a state licensed Pest Control Advisor and Operator for 30 plus years. I hold a B.S. degree from California Polytechnic State University in crop science with a minor in soil science. I currently manage 14 properties within the Santa Barbara south coast area. All of the properties are permanent crops (lemons and avocados). We do not till or move soil. In the past five years since we developed our farm plan we have taken measures to improve our site to lessen amounts of soil movement from rainfall and wind by using more cover crops and mulches that will improve soil and water quality. We have significantly reduced the amount of pesticides used on all properties. We have found that using an integrated approach to weeds and pests utilizing alternative methods of pest control, such as mowing and planting cover crops, we have minimized the impact on our lands and improved the quality of our product. Our fertility program follows the farm plan, where tissue and soil samples are taken annually and regularly are sent to a certified laboratory (Fruit Growers Laboratory). These samples are processed and analyzed to determine what nutrients are needed to produce a given crop whether lemons or avocados. The University of California sets the mineral standards needed for each given crop year. Every year this is repeated and analyzed for consistent yields with the optimal minimum use of fertilizers. We only used what is needed to replace what is removed by the plant. A Certified Crop Advisor would be superfluous in this case since the laboratory is already analyzing samples and using the University of California published standards.

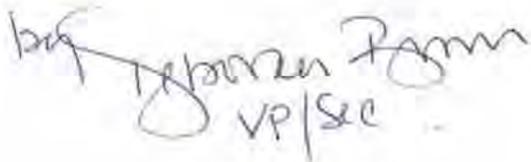
Our wells are well documented with the Carpinteria Valley Water District. Samples are taken regularly by the department, analyzed and the results are available to the grower and the public for comment. Agriculture has made tremendous strides over the past 40 years in the Carpinteria Valley. We are growing plants hydroponically in greenhouses, recycling the used water to grow vegetables and flower crops. The plants are fed a solution of nutrients that supplies their growing needs. The unused water is collected and analyzed for later use. The permanent tree crops use micro sprinklers to water the roots only. There is no run-off. I have consulted with these growers for many years. Our Carpinteria valley is unlike other problem areas in Region 3. There are major differences in cropping systems within the region that challenge us economically and environmentally. The University of California is researching growing methods such as conservation tillage methods and no till systems that improve the bio-mass and solve erosion issues and conserve water. I urge the board members please do not lump all the growing methods together. We all have different agricultural needs to deal with.

Sincerely,

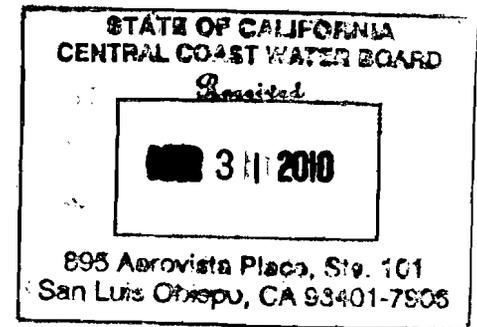


Timothy Buffalo
Buffalo Land Management
Business License #32682 AW3192

Mac Brown, Inc AW0622



VP/Sec



March 31, 2010

Ms. Angela Schroeter, Senior Engineering Geologist
Ms. Lisa McCann, Environmental Program Manager
Region 3 Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

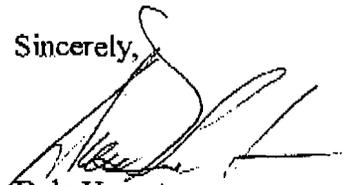
Dear Board Members:

I am the owner of Hampton Farming Company, located in Northern Santa Barbara County. My company is responsible for managing over five thousand acres of vineyards. My operations provide jobs to approximately three hundred people during the year.

I am going to get straight to the point. The February 1, 2010 Draft Agricultural Order will have a huge negative impact on all agriculture in the region. Because the water quality standards are largely unrealistic this Order will most assuredly put some farmers out of business. If the farmer cannot farm their land, then it seems to me that the land owner will have no other option but to sell to developers. I do not believe big development is what we want for our community. Aren't the open spaces that agriculture provides much of the charm of our local community?

If it is your intention to kill agriculture in our region, and turn the land over to big development, this draft will most assuredly do that for you.

Sincerely,



Dale Hampton
Hampton Farming Co.



April 1, 2010

Mr. Jeffrey S. Young, Chairman of the Board
Mr. Roger Briggs, Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Re: Comments on Central Coast Regional Water Quality Control Board
(CCRWQCB) Draft Conditional Ag Waiver (Staff Draft Waiver) distributed for
public comment on February 1, 2010

Dear Messrs. Young and Briggs:

This letter provides the comments of Jackson Family Wines, Inc. regarding the CCRWQCB *Staff Draft Waiver* distributed for public comment on February 1, 2010. The CCRWQCB requested comments on the *Staff Draft Waiver* by April 1, 2010.

We are a family-owned and family-run grape growing and winemaking agricultural business on the Central Coast whose well being and economic livelihood is potentially impacted by the restrictions on land activities imposed by the *Staff Draft Waiver*. The *Staff Draft Waiver* is especially disconcerting as it proposes the regulation of land use which clearly does not fall within the jurisdiction of the CCRWQCB. The CCRWQCB will receive comments from other individuals detailing similar concerns; specifically the lack of an established baseline relative to contaminants and salinity within the CCRWQCB area of jurisdiction, and the lack of landowner-collaboration in drafting the *Staff Draft Waiver*. We support those comments and incorporate them by reference. Our comments focus specifically on the merits of collaboration and the "over-reaching" nature of the current *Staff Draft Waiver*. Under the State Water Code and the CCRWQCB Basin Plan, Regional Boards are given the authority to regulate discharges. The mission of the Regional Board is to protect water quality. The goals of the CCRWQCB include the protection of surface waters: ensuring runoff does not impact water quality. The CCRWQCB wants to implement a "vision" of healthy watersheds throughout its region. Neither the mission, the goals nor the vision of the CCRWQCB can be achieved by implementing the proposed *Staff Draft Waiver* as it does not represent an inclusive process, namely representation from the

Group 9 - V2
May 12, 2010 Workshop
Preliminary Draft Agricultural Order

421 AVIATION BOULEVARD SANTA ROSA CALIFORNIA 95403 U.S.A.

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Mr. Jeffrey S. Young

Mr. Roger Briggs

April 1, 2010

agriculture community, and therefore the critical mass needed to effectively address the following items:

- Privacy of Farm Plans
- Appropriate Treatment of Tailwater
- An Effective Monitoring Program
- Establishment of Baseline
- Arbitrary Language that Could Result in "Taking" of Land

Background and Success of Existing Conditional Ag Waiver

To date, over 1,800 agriculture producers and companies are enrolled in the current *Conditional Ag Waiver*. This represents nearly **95%** of the commercially farmed land on the Central Coast -- this level of participation is exceptional and is due to several factors. First, as stewards of the land, and responsible members of the agriculture community farmers actively seek to protect natural resources. It is our long-held philosophy, as family farmers, to protect the viability and quality of the land for future generations. As such, the agriculture community has been an active participant in addressing water quality concerns offering significant input into the existing *Conditional Ag Waiver*. In 2005, under the terms of the *Conditional Ag Waiver*, agriculture producers were asked to develop a monitoring program to educate both the CCRWQCB and farmers about water quality. As a result, Central Coast Water Quality Preservation, Inc. (CCWQP) was established by the agriculture community to develop and implement a Cooperative Monitoring Program (CMP). An outreach and education program was implemented to ensure maximum participation. By networking throughout the agriculture community, CCWQP informed agriculture producers of practices with potential water quality impacts, and worked directly with growers to develop site-specific programs to improve water quality on a site-by-site basis. This program is, by anyone's measure, a success!

Privacy of Farm Plans

As noted by the Regional Water Board staff, a Farm Plan is critical in implementing an agriculture program. The existing Farm Plan, developed by the University of California Cooperative Extension, details specific business practices; practices that are proprietary in nature and often contribute to the competitive edge requisite for individual success. To encourage participation, any Plan will require confidentiality.

The *Staff Draft Waiver* proposes that upon 30 days notice, Regional Board Staff could demand delivery of a Farm Plan; once the Farm Plan is delivered, that information becomes public. Exposing site specific farm practices undermines the competitive edge of individual farmers yet does nothing to further the goals and mission of the Regional Board. Farm Plans are indeed

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Mr. Jeffrey S. Young
Mr. Roger Briggs
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critical to an effective agriculture program; however, the Plan needs to remain confidential and made available only for review by Regional Board staff upon request.

Appropriate Treatment of Tailwater

The *Staff Draft Waiver* does not clearly define tailwater. In addition to the lack of clarity in its definition, the *Staff Draft Waiver* does not differentiate the different types of tailwater; instead it inappropriately treats all tailwater the same. It is a widely accepted fact that tailwater may result from irrigation practices. However, natural conditions including soil type and slope exist that produce tailwater independent of land use practices. Additionally, many agriculture producers need tile drains to remain viable. If water quality concerns exist around the use of tile drains, the Regional Board should work with farmers to implement site specific programs that improve water quality conditions without eliminating tile drain systems.

Each agriculture production site is unique and requires an individual, site specific program that addresses site specific water quality issues. It is both unfair and impractical to require farmers to adopt a "one-size fits all" plan. Resources are scarce, both publicly and privately, and should be wisely allocated to address site-specific water quality concerns.

An Effective Monitoring Plan

Under the existing *Conditional Ag Waiver*, farmers can elect to conduct individual monitoring or participate in a Cooperative Monitoring Program (CMP). If the Regional Board wants to continue the participation success rate enjoyed to date, then a confidential and collective means of reporting will have to be included in the *Staff Draft Waiver*. To the extent the CMP needs modifications the Regional Board should work closely with the agriculture community and the CCWQP. There are many programs in existence that provide appropriate water quality information and simultaneously protect the privacy of individual farmers.. In the Sonoma County Groundwater Management Plan, farmers allow access to an independent third party to gather and analyze important water quality and quantity data. This site specific information is held as confidential and forms the basis of an annual report summarizing sub-watershed groundwater salinity and groundwater levels as well as any potential relationship with current land practices. This plan, or other similar plans, could serve as a template for modification of the CMP.

Additionally, the *Staff Draft Waiver* is unclear as to the extent of monitoring required. The *Waiver* appears to require some level of monitoring by all farmers. Without clearly demonstrating how monitoring yields a discernable contribution to improved water quality, this requirement places an undo burden on the agriculture community.. The massive quantities of information that this proposal would generate will be extraordinarily costly to farmers; and due to the sheer magnitude of data, render it useless in informing any plan.

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Mr. Jeffrey S. Young

Mr. Roger Briggs

April 1, 2010

To the extent that additional monitoring may be deemed appropriate, a monitoring program should be developed that not only informs but educates. Farmers should make use of the data to modify existing Farm Plans, avoid discharges, and improve water quality. This can only be achieved through a confidential, voluntary, and on-farm site specific sampling program. Again, it is unfair and impractical to require farmers to produce extensive and costly data, especially when it may not be warranted. Again, resources are scarce and should be wisely allocated to address site-specific water quality concerns.

Establishment of Baseline

The purpose of the *Staff Draft Waiver* is to improve water quality. The Regional Board proposes to do this by encouraging the agriculture community to voluntarily develop Farm Plans that detail practices to avoid discharges and reduce salinity and nitrate levels within specified watersheds. To understand the value of proposed practices within a Farm Plan, both the agriculture community and the regulatory community will have to establish baseline conditions.

Any agreed upon *Waiver* must include baseline data. In the absence of defined baseline conditions, as well as the root causes of baseline degradation, a program that quantifies water quality improvements is not achievable. Each participating farmer will need to understand their potential contribution to avoid or remediate the existing baseline. Once a baseline is established; the farmer and the Regional Board can discuss objectives, and develop a Farm Plan that contributes to water quality at a site specific level. Baseline data needs to include the following information:

- 1) Watershed hydrology and specific water quality issues;
- 2) Watershed hydrology levels and sources of degradation, and the degree that the degradation can be effectively remediated;
- 3) Discussion linking fine-scale sub-watershed level water quality and changes to water quality at the base of a watershed;
- 4) Agriculture practices and how implementation of these practices will address water quality.

Arbitrary Language that Could Result in "Taking" of Land

Under grower requirements, the *Staff Draft Waiver* arbitrarily states that all existing aquatic habitat must be protected and enhanced; no channel clearing is allowed except for agricultural ditches. Not only will implementation of this mandate result in poor land management practices, it will directly conflict with the Regional Board's goal of improving water quality. Lack of channel clearing could result in enhanced flood potential, increased erosion and sedimentation in streams, and a loss of valuable farm land.

Page 5

Mr. Jeffrey S. Young

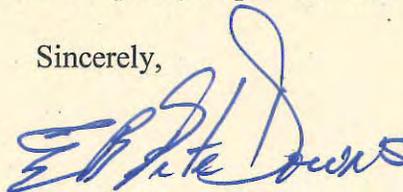
Mr. Roger Briggs

April 1, 2010

Furthermore, the *Staff Draft Waiver* requires establishing a buffer from the "top" of bank on all surface water features in order to enhance aquatic habitat. It is worth noting that a regulatory change in pre-existing land use, such as agricultural production, may require compensation resulting from lost production value. Additionally, requiring farmers to enhance aquatic habitat is not within the legal purview of the Regional Board; there is no legal authority granted to the Regional Board to require an action that is unrelated to discharges to waters of the State.

In conclusion, we believe the success of any future program requires continued collaboration and cooperation between the agriculture community and the Regional Board. As partners in the protection of natural resources, we should draw upon the success of the existing Conditional Ag Waiver program to ensure this discharge program meets the goals and mission of the Regional Water Board while advancing the livelihood of the agriculture community. Regional Water Board staff, acting alone, can not develop a long term solution; any program to protect and improve water quality must be practical, cost-effective to implement, and include broad-based agriculture producer participation. . We look forward to working with the Regional Board in a collaborative manner to continue to achieve water quality improvements.

Sincerely,



E. B. "Pete" Downs
Senior Vice President, External Affairs

cc: Jeff Wesselkamper, Esq.

April 1, 2010

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

Re: Preliminary Draft Agricultural Order

My husband and I own and farm a small hands-on vineyard east of Templeton. Our vineyard is Sustainability in Practice (SIP) Certified by the Central Coast Vineyard Team (CCVT). We have been enrolled in the Conditional Waiver for Irrigated Agriculture ("Ag Waiver") since 2004.

We have reviewed the Preliminary Alternative Agricultural Proposal ("Ag Proposal") which was submitted by the California Farm Bureau Federation and signed by numerous organizations. The Ag Proposal was the result of a considerable, conscientious effort by representatives of agriculture to present a proposal that is protective of water quality and does not compromise a grower's ability to make a living. As stated in their letter, further collaboration between the Central Coast Regional Water Quality Control Board (CCRWQCB) and agriculture will be necessary to develop a workable long term solution. We support the Ag Proposal.

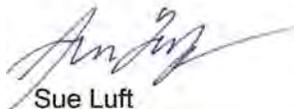
CCVT has submitted a letter to your Board regarding the Preliminary Draft Ag Order. My husband and I are in agreement with their letter. SIP Certification is a rigorous, measurable and verifiable process which involves a substantial commitment of time, effort and expense. The SIP program is a set of farming practices that ensure environmentally conscious, economically feasible and socially equitable farming operations. However, as pointed out in the letter from CCVT, the Preliminary Draft Ag Order contains a number of overly burdensome requirements that SIP Certified vineyards would have to meet in spite of being "low-risk".

We have attended numerous educational seminars for growers over the past few years and have watched farmers implement better practices. The value of grower education cannot be overstated. We find it disconcerting that this important element has been removed from the Ag Waiver program.

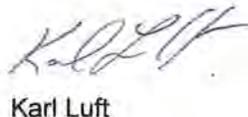
We ask that your Board extend the current Ag Waiver and require that participants update their Farm Plans on a regular basis and complete a minimum number of continuing education hours. We also ask that your Board direct staff to enforce the requirements of the existing Ag Waiver program. In the meantime, we ask that the CCRWQCB work with agriculture to develop a workable long term program with benchmarks and milestones that can be used to evaluate progress over time.

Protection of water quality is a crucial concern to all of us. Additional paperwork and expense for growers and for your agency will not necessarily result in improved water quality. Please do not add an unnecessary burden on our local agriculturalists.

Thank you.



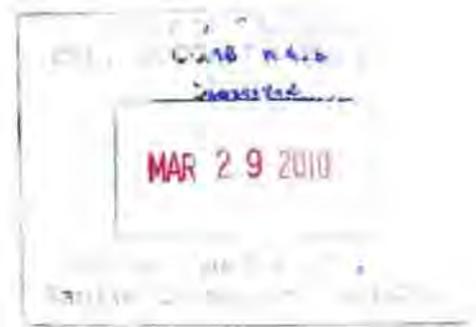
Sue Luft



Karl Luft

4561 Almond Drive
Templeton, CA 93465

Pisoni Farms
PO Box 908
Gonzales, CA 93926



March 26, 2010

Angela Schroeter, Senior EG
Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

Dear Ms. Schroeter,

My name is Mark Pisoni and I am a third-generation vegetable and wine-grape grower in California's Salinas Valley. My family has been farming, and living on, the same land for over 60 years and it is our intent to work hard to ensure we can continue to do this for years to come. We love farming, our land, and working together as a family.

With our long-term commitment in mind, we intend to work hard to ensure this land and the surrounding environment is safe, clean, and viable for years to come. We understand the immense importance of the water that nourishes our crops and our family and are dedicated to protecting it. However, we have some key concerns with the current version of the 2010 DRAFT Ag Waiver distributed on Feb. 1st by your staff. We implore you to consider our first-hand experience, work closely with farmers and farm organizations like Grower Shipper and the Farm Bureau, to implement the Ag Alternative proposal you will receive that is supported by so many organizations on the Central Coast.

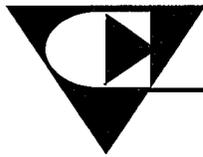
If the 2010 DRAFT Ag Waiver is passed as it is currently written it will add expense and time that we cannot afford. The fees associated with the enrollment to the RWQCB, mapping, testing (including monthly testing for total nitrogen, color, algal description, etc) are estimated to be in the tens of thousands of dollars. As a small family farm, we would also need to hire additional staff to complete the Farm Water Quality Management Plan, IPM program, involvement in the group conceptual plan for groundwater monitoring, and organization and implementation of all new testing.

Other concerns outside of expense are raised with the 2010 DRAFT Ag Waiver as well. How will we completely eliminate all irrigation runoff in two years when our crops are grown on the beautiful California hillsides? How will we manage to accurately assess if it will rain within 72 hours and therefore cease any foliar fertilizer applications when the forecasters are often wrong? How can our sprinkler irrigation systems operate to the stated distribution uniformity when our area has strong winds that blow through often? When our growing area is decreased due to new buffer zones, how will we continue to pay our rents when we are charged for land that is no longer viable for growing?

The first Ag Waiver gained support of many of us growers and we felt, and the data are now showing, we were moving in the right direction. Please realize that the costly, impractical and over burdensome proposals in the DRAFT Ag Waiver will not help us continue to move in the right direction.

Sincerely,

Mark Pisoni
Farmer

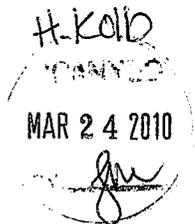
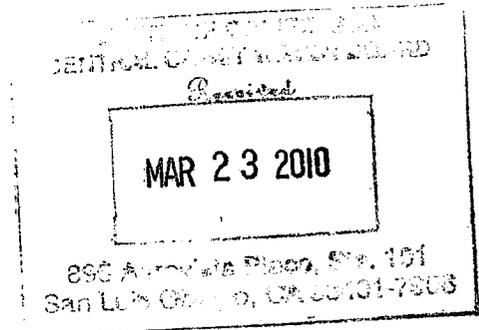


Cagliero Ranches, Inc.

8625 North River Road • Paso Robles, CA 93446
Phone 805-467-3245 • Fax 805-467-2628

March 22, 2010

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



Regarding: Preliminary Draft Ag Waiver

I live in the North San Luis Obispo County and I farm Alfalfa and Grain Hay and Wine Grapes. I am very concerned about how the Draft Ag Waiver will affect my operation.

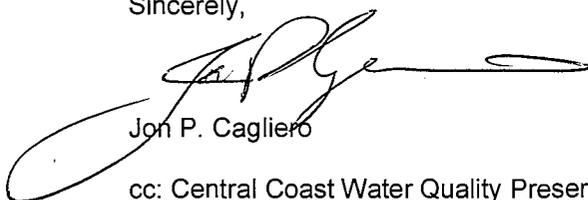
My operating budget has decreased significantly over the past few years, just as many other businesses have. I am worried about the affect of increased participation fees, the cost of monitoring and record keeping would have on our operation that will be necessary to comply with the Draft Waiver. In addition to increased costs, the Ag Waiver would decrease the yield of my crops significantly due to the "buffer requirements" of 50-100 feet from streams. Increasing my operating costs and decreasing my income would be very difficult to subsist.

It seems like the Draft Waiver requirements are based on incorrect assumption that all irrigated farming is the same and should be addressed as the same. There are many categories of irrigated farming. I think each type of farming needs to be considered differently. Flood and furrow irrigation is very different from sprinkler or drip irrigation. Sprinkler irrigation of field crops such as alfalfa and drip irrigation of vineyards and orchards produces virtually no runoff, while sprinkler or flood irrigation of row crops has a greater potential to produce runoff.

Alfalfa is a perennial crop that is often used in conservation strips and buffer zones because of its deep roots that act to control and prevent erosion. I don't understand how a sprinkler irrigated alfalfa crop and drip irrigated vineyards, like the crops I grow, can be in the same category as a furrow or flood irrigated row crop.

First, I believe there should be no increased measures to the current Ag Waiver. However, if there is an Alternative Waiver Proposal implemented, it needs to recognize the fact that many irrigated farms are not part of the runoff problem. Many farmers have already implemented irrigation practices that eliminate runoff and are using best management practices. The Alternative Waiver Proposal should have criteria and an exemption category that excludes farmers who have already gone to great lengths to eliminate runoff, permitting those farmers to be exempt from participation fees, and high cost of individual discharge monitoring.

Sincerely,


Jon P. Cagliero

cc: Central Coast Water Quality Preservation, Inc.

From: "Claude/Evelyn" <solanas@garlic.com>
To: <aschroeter@waterboards.ca.gov>
CC: <solanas@garlic.com>
Date: 3/30/2010 12:38 PM
Subject: Draft Waiver

Ms. Schroeter,

My wife and I started a wine grape vineyard in 2002 as a small business and to channel our energy in retirement. We have only .5 Ac. of our land available to this venture but we do all the work ourselves. As cost go up we consider ourselves lucky that we don't have to hire labor yet to maintain this little enterprise and have friends who, after labor costs, can't break even. With only our own effort our sunk cost for this vineyard exceed \$ 30,000.00 and have since decided to obtain our bonded winery permit adding \$ 3-4,000. more last year. The reason I am providing this info is the cost involved in addressing the Draft Waiver will probably force us out of business. Our operation is so small that we can't absorb the annual cost of compliance...as it is now we report .5 ac. but the smallest increment of the current waiver submittal form is 1ac. We may be the smallest farm in the system but I believe this change will impact many small family farms just as it will ours.

If one is realistic the size of a farm directly relates to the amount of runoff and potential pollution of our ground water and streams. It is therefore unbelievable that the same monitoring and compliance requirements be applied to 1000 ac. vs. our .5 ac. farm and smacks of classic buracracy. I am not implying that care need not be taken to prevent runoff/ erosion of our property but that some intelligence should be used in the monitoring and compliance aspects to allow a reasonable cost for small operators.

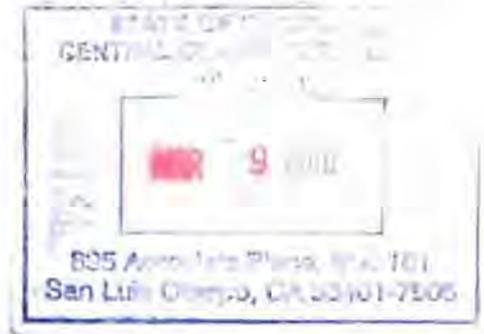
On behalf of all small operators many of which probably haven't submitted any comments I hope this comment is given consideration.

Claude and Evelyn Solanas
2129 Louis Holstrom Dr.
Morgan Hill, Ca. 95037
Paradise Valley Vineyards
solanas@garlic.com



Roche Vineyard Consulting

Roger Briggs, Executive Officer



Central Coast Regional Water Quality Control Board
 895 Aerovista Place, Suite 101, San Luis Obispo, CA. 93401-7906
 Fax: 805 543 0397

Re:
 RWQCB
 Conditional Ag Waiver Draft Proposal
 Ag Waiver Administrative Record

Dear Mr. Briggs,

I am a vineyard consultant and owner based in Monterey County. I work in Monterey, Santa Clara, San Benito, San Luis Obispo, Ventura, Santa Cruz, and Los Angeles Counties. I am a member of the Pierces Disease Advisory Task Force for the CDFA.

The 2010 Draft Ag Waiver will have a tremendous negative effect on my operation and those of all my clients in the vineyard industry. If passed, as currently written, there are many items that will cause losses to the operations.

Below are my major concerns with the 2010 draft ag waiver.

Increased Notice of Intent to enrollment requirements Both time and direct costs will affect our bottom line.

Annual Farm Water Quality Management Plan Updates – To have this be required every year will increase time and decrease profitability. I will need to hire consultants

Nutrient Budget – this is a difficult item for all of us and will increase the time needed to address nutritional concerns to our crop .

Certified Crop Advisor or other certified consultant's signature of the Nutrient Budget – it will be difficult to find CCAs available. There are

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 May 12, 2010 Workshop
 Preliminary Draft Agricultural Order



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not enough of them in the area. We are capable with the use of other professionals of addressing the concerns in our Farm Plan. Cost to us will increase.

Mapping and photo documentation of management practice implementations and riparian habitat improvements – our time and consulting time will increase, so less profitability.

Labor will increase for Record keeping costs for irrigation, IPM, and nutrient inputs

Erosion control/sediment management plan and implementation –We will have increased grower time, design and engineering costs, costs associated with biological assessments, permitting costs, consulting and installation costs, reinstallation costs from destruction during heavy stormwater events.

We will have an overall loss of productive farm ground because of spray free buffer zones which hurts our profits and ability to farm effectively .

Loss of productive farm ground because of 1000 foot aquatic and riparian buffers – impact to overall profitability.

Pesticide and Riparian buffer installations – We will see increased grower time, permitting fees, and costs associated with permitting processes.

There will be consulting and installation costs, loss of production contracts because of food safety restrictions, and restrictions on what crops can be grown on a piece of land imposed by food safety contract restrictions. We may see increased costs associated with increased weed, insect and disease pressure because of proximity to host plants.

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There will be yield and quality losses associated with rodents, wildlife and bird feeding because of the proximity to habitat. Growers will have added maintenance costs, with potentially entire fields will be taken out of production . This is due to proposed buffer zone requirements. We will see increased time associated with reconciling variable pesticide buffer zones.

The zones on the pesticide label vs. those in the Conditional Ag Waiver Order are not the same.

Our drip irrigation is extremely efficient. We have spent the money to be certain of this as water is expensive to begin with. Costs for irrigation efficiency and distribution uniformity (0.70 for furrow, 0.75 for hand move lines, 0.80 for solid sprinklers, and 0.85 for drip and microsprinkler systems) are very difficult requirements to document . At best there will be consulting fees, and system upgrades. We also have a lack of technical services or consultants to enable growers to comply with milestone requirements that are proposed.

Our foliar applications of fertilizer are minimal, yet must be timed to the crop growth very precisely. If we are tied to a 3 day pre-rain and 3 day post-rain cessation of foliar fertilizer and pesticide applications, we would certainly see yield and quality losses , negatively influencing our bottom-line.

Salinity on many ranches is very difficult to deal with and we have leaching requirements we must follow. Yield decreases and loss of land value from salt buildup in soils would occur because it would now prohibited to "flush" salts from the soil with irrigation water.

Groundwater and surface water sampling costs would increase. We

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would need to increase analytical and reporting costs as well as labor, consulting and contractor costs, lab and shipping costs .

Groundwater monitoring plan – consulting fees would be paid . Creation of lined sediment or catchment basins to contain irrigation and Stormwater discharges – this would cost us in design, consulting and installation fees, repairs resulting from damage during heavy stormwater events, marketing contract restrictions because of food safety considerations.

We would see losses from wildlife and bird incursions and feeding because of proximity to water sources, as well as the liability associated with increased pathogen reservoirs . We would experienced higher costs associated with aeration and maintenance.

Individual Farm Water sampling and analysis –Costs to use would include labor, consulting and contracting, shipping and laboratory expenses .

Loss of cropland because of RWQCB's imposition of a new (and Subjective)definition of wetlands "if, under normal circumstances, [land is] 1) saturated by groundwater or inundated by shallow surface water for a duration sufficient to cause anaerobic conditions within the upper substrate;

2) exhibits hydric substrate conditions indicative of such hydrology and 3) either lacks vegetation or the vegetation is dominated by hydrophytes." . I am not sure what this definition means, but it does appear that it gives RWQCB staff subjective authority.

Sincerely,

Robert Corky Roche

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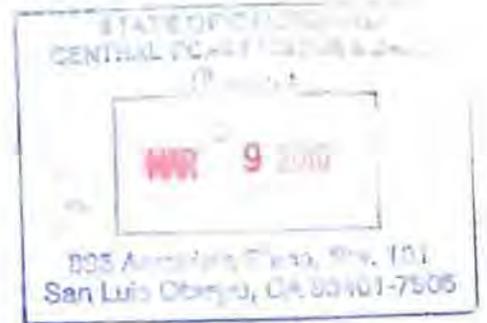
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Preliminary Draft Agricultural Order

FAX COVER SHEET

TO	
COMPANY	
FAX NUMBER	18055430397
FROM	Robert roche
DATE	2010-03-09 15:45:18 GMT
RE	

COVER MESSAGE

Corky Roche
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E mail Rovinco@aol.com





Senior EG Angela Schroeter
895 Aerovista Place, Suite 101
San Luis Obispo, Ca 93401

Dear Angela,

I am the Chief Operating Officer for Scheid Vineyards, a premium wine grape grower farming approximately 5,000 acres along California's Central Coast. In my capacity as COO, I consider the potential impact of pending legislation on our business; I am most concerned about the current version of the Conditional Ag Waiver 2/1/10 RWQCB.

We are competing in a global economy. The bottom line of our 2010 farm year was greatly impacted by Australia's ability to import cheaper wine grape (regardless of shipping cost). We are less competitive with other countries (Chile, Argentina, S Africa and Australia) because of the cost of doing business in California. As I read the proposed Conditional Ag waiver, I cannot help but consider the financial, and therefore competitive, disadvantage associated with these changes. The majority of the proposed changes negatively impact cost (consultant fees and inputs), yield, and quality. If this legislation were passed, we would not only lose a substantial amount productive vineyard and the capital improvements associated with these vineyards, but also assume greater operating expenses, furthering our competitive disadvantage.

I am most concerned with the proposed setback conditions. They translate directly into lost equity, and decreased competitiveness. I'm also concerned about the compliance expectations. This is an extremely comprehensive proposal. I don't think it is reasonable to expect that farmers can comply and that these standards can be enforced. Please consider a more pragmatic, scaled down approach toward our environmental goals. California agriculture needs to remain both environmentally and economically viable.

Thanks you for your consideration.

Sincerely,

Kurt Gollnick
Scheid Vineyards
Chief Operating Officer