

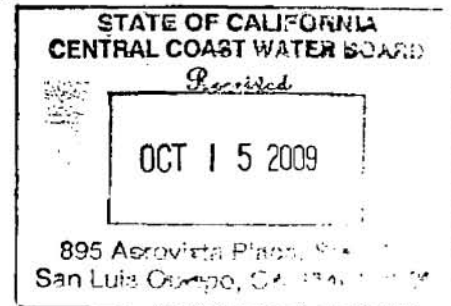


SAN LUIS OBISPO COUNTY FARM BUREAU

651 TANK FARM ROAD • SAN LUIS OBISPO, CA 93401
PHONE (805) 543-3654 • FAX (805) 543-3697 • www.slofarmbureau.org

October 15, 2009

Mr. Jeffrey Young, Chairman and Board
Region 3-Central Coast Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401



Re: Agenda Item 21 – Agricultural Regulatory Program

Dear Chairman Young and Board:

It is because of serious concern over the proposed “Agricultural Regulatory Program” and renewal process that Farm Bureau is sending this letter to the Water Board. There has been a unique history in Region 3 with the existing Irrigated Ag. Order. The 2004 “Irrigated Agriculture Water Quality Program” was truly a cooperative effort between the Regional Board, staff, the environmental and agricultural communities. Unfortunately, the cooperative effort itself appears to be history.

The first clue that there has been a major philosophical shift in the Regional Water Quality Control Board staff position comes in the very title “**Agricultural Regulatory Program**” (Page 6, October 23, 2009 Item No. 21, Executive Officer’s Report) as opposed to being an “Irrigated Agriculture Water Quality Program” (Page 3, July 9, 2004 Order R3-2004-0117 Conditional Waiver for Irrigated Lands)..

Through the 2004 program most of irrigated agriculture has cooperated and implemented practices to control nutrients, sediments and other pollutants from leaving their land. The cooperative program (according to staff’s statistics December 18, 2008) generated an educational outreach with the 15 hour shortcourses that reached over 1,200 growers, covering over 400,000 acres of irrigated land and over 1,400 growers completed farm plans with implementation of BMPs. This leaves only “approximately 40,000 acres and 500-800 growers, less than one percent, not participating. This is a real tribute to having created a functional Irrigated Agriculture Water Quality Program.

Based upon the accomplishments of the 2004 program, agriculture hoped that Regional Water Quality Control Board would build upon the success of the 2004 program and look at truly improving water quality. Unfortunately, what the Ag. Panel quickly learned was that the new order was actually a regulatory program focusing on expensive individual monitoring and enforcement.

Supplemental Sheet-Item No. 21
October 23, 2009 Meeting
Public Comments – Ag Regulatory
Program
Attachment 3

The second clue that the work toward the 2004 program is being abandoned came with the Michael Thomas's presentation to the Ag. Panel on January 26, 2009 and his follow-up February 5, 2009 report to the Regional Board. This was the first time we were told point blank, no discussion, that individual monitoring was going to be required, that a minimum 30 foot setback from waterways (even if it is an irrigation ditch) and restoration would be required. This was followed at later meetings, by additional staff reports, that individual surface, riparian and groundwater monitoring and revegetation of riparian areas would be mandatory. There would be no place for advisory panel discussion. Further, if the new order had individual monitoring, confidentiality of the data was OFF the table.

Unfortunately, many basic Ag. Panel questions were never answered. These included the level of individual monitoring, the true cost of monitoring, the justifications for biostimulatory numeric objectives, requiring aquatic objectives versus drinking water objectives, truly achievable milestones, not focusing on specific waterways with issues as opposed to painting everyone with the same brush, requiring buffers even when there is no discharge, not resolving requirement conflicts with food safety as opposed to stating that this isn't their concern and mostly not building on the success of the 2004 waiver.

There appears to now be a closed system in the drafting of the new order. After the 2004 basic plan was developed, the Ag. Panel addressed each issue and point in the plan to reach their conclusions. The current proposal had no concrete plan developed prior to holding Ag. Panel meetings; information on the new order came piece meal and it now appears that the draft will have a short "public comment period" before which it will go to the Board for action.

With all this in mind, we are asking the Regional Water Quality Control Board to redirect the staff to make the basis of the new order the 2004 order, redirect the efforts away from costly new regulations and build upon the successes and collaboration of the agricultural community with the 2004 order to address and improve water quality on the Central Coast.

Thank you



JOY FITZHUGH
Legislative Analyst
Ag. Panel Member