



May 17, 2016



Manuel Cunha, Jr.
President

State Water Resources Control Board
Public Workshop
Fresno Convention Center
Fresno, California

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To: State Water Resources Control Board

From: Manuel Cunha, Jr., President, Nisei Farmers League

I am here today representing many of the small farmers that cannot be here today as you decided to have your Public Hearing in the middle of the day when most small farmers do not have the luxury to leave their farm and come to this hearing. There are several points I would like to make here today:

1. The location was changed at the last minute.
2. You are proposing to take away from our farmers rights and give them to a State Agency versus working with our local agencies and groups. The Coalitions that were formed are very important to our farmers. You will jeopardize the security of our small farms, as everyone will have information as to how to access their private property.
3. You want to expand the nitrification program but also including other issues with water testing. Going after every groundwater wells. All the same type of testing will be required including the kitchen sink, with no justification.

I have attached the talking points which include my concerns and those of small farmers and ranchers.

Sincerely,

Manuel Cunha, Jr.
President

State Water Resources Control Board Workshop
East San Joaquin Petition

Date: Tuesday, May 17, 2016

9:00 AM

Fresno Convention Center – Exhibit Hall III

848 M. Street

Fresno, CA 93721

Below you will find a list of key changes to the Irrigated Lands Regulatory Program within the released Petition, as well as talking points to utilize during the public comment period. It should be noted that the State Water Board (SWB) wants to hear how these changes could affect *you*, what you will have to do differently on *your* farm, they would like more perspective on how this affects agriculture at your specific operation.

1. Data Aggregation

- Coalitions would be required to transmit all data and information to the Central Valley Water Board, including field level data by location rather than reporting aggregated information from a coalition.
- This information will be considered public, as it is being submitted to the Regional Board.
- The State Board is developing a process where the information could be uploaded on a publically available website.
- Proposed change minimizes the role of the coalitions and increases risks for individual growers.

Talking Points

- Regional Board staff is not prepared to handle the high volume of data that would be caused by individual grower submission.
- Regional Board representatives have also voiced their concern over the burden that will be placed on staff.
- The lack in staffing/technical expertise could result in higher fees, which have already seen a 130%+ increase over the past 5 years.
- The submission of data directly to the Regional Board poses no significant value in the efforts/attempts to clean up groundwater.
- Higher probability for third-party lawsuits as a result of information being made public; also a higher chance of biological attacks on growers.

- Coalitions will not embrace their new role if they are required to submit data to the Regional Board on an annual basis.
- Growers would much rather work with the Coalitions, as opposed to the Regional Board.

2. Domestic Well Testing

- Sampling and testing of all Central Valley domestic wells.
- Private well information would be available on a public website.
- Landowner required to provide replacement water to residents when results are above the Maximum Containment Level (MCL).

Talking Points

- There are already other state agencies in place to address this issue; County Department of Public Health
- Issues with a landowner leasing out homes found on property, whose responsibility is it to test?
- Central Coast already requires domestic well monitoring, however, has no authority to enforce drinking water cleanup if exceedance is detected.
- Sampling will put too much focus on the individual discharger, as opposed to the collective area in which all dischargers affect.

3. Irrigation & Nitrogen Management Plans (NMP's)

- Adds to each plan: Irrigation method, crop evapotranspiration (ET), anticipated crop irrigation applications (in inches), secondary harvest yield (Removal of by product from field), applied nitrogen, etc.
- Growers will be required to directly report Yield information.
- Growers will be required to calculate and report their Applied N/Removed N ratio (A/R) and Applied N minus Removed N (A – R).

Talking Points

- Serious market concerns over listing a value directly associated with yield and having said information made public.
- Some of the data required is calculated by experts within representative coalitions, now asking farmers to provide the same level of expertise.
- Removal values for other specific crops have not been quantified, thus making the burden on growers that much more difficult. Completed NMP's will have a negative impact on the quality of data sought by the SWB.

- Concern over measurement units utilized as they pertain to specific commodities.
- Concern from growers of less common crops being outliers solely based on their crop selection.
- Utilization of the (A/R) ratio was more welcomed by growers as they know exactly what is applied and typically what the average will be for each crop/field.
- Management practices being evaluated through **Management Practices Evaluation Program (MPEP)**.
- Concern over adverse regulation or implementation of “uniform” Management Practices, based on submitted documents, that will limit ability of growers to effectively manage crops.
- Concern over what values will be measured; marketable weight, total weight? Do new categories take into account the water weight that is present post-harvest and the removal of said water during the processing step?

4. Elimination of High/Low Vulnerability

- All growers would be required to have certified nitrogen management plans and annually submit nitrogen summary reports and Farm Evaluation Surveys.
- All growers would need to participate in outreach and education.

Talking Points

- There are numerous areas within California that are considered significantly different than other areas.
- Expert Panel report – Recommended that the Regional Board abandon its definition of *High Vulnerability*. “Creates ambiguity, uses circular logic, and has vague wording.” (Pg. 20, *Conclusion of the Expert Panel*).
- Same concerns can be repeated from Issue #3 (Irrigation and Nutrient Management Plans) as they pertain to newly required information.