

# Ag Order 4.0 Talking Points

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**Comment letters must be submitted by April 6, 2020 Midnight. Submit to: [AgNOI@waterboards.ca.gov](mailto:AgNOI@waterboards.ca.gov) with “Comments on Draft Ag Order 4.0” in the subject line. Letters can be sent to: 895 Aeovista Place, Ste. 101, San Luis Obispo CA 93401 (but note that e-mail submissions are preferred).**

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## RIPARIAN VEGETATIVE AREAS

- All farms adjacent to a water body (not a manmade ditch) must record an operational setback on October 1, 2022. Under Riparian Priority 2 (Salinas Valley region), Workplans are due March 1, 2024 and must begin implementation on May 1, 2026. Required riparian setback from these waterbodies ranges from 50’ to 250’ depending on Strahler Stream assessment designation and require establishment and maintenance of grasses, shrubs, and trees in most instances. Maintenance includes soil health, protection of wildlife, and invasive species control.
- There are four possible approaches to compliance for riparian requirements:
  - Cooperative – third-party to develop watershed restoration plan within the watershed where ranch is located
  - On-farm Setback – develop and implement Riparian Area Management Plan (RAMP) to achieve minimum setback distance and vegetative requirements.
  - Rapid Assessment Method – a Riparian Rapid Assessment Method (RipRAM) must be performed for existing riparian areas on the ranch, with a minimum score of 69 to achieve compliance.
  - Alternative Proposal – submit an Alternative Proposal for riparian management to the Executive Officer for approval prior to implementation; alternative must demonstrate that the farm does not contribute to the exceedance of any water quality objectives in receiving waters.
- Riparian setbacks must consist of vegetated land extending along the side of a waterbody and its adjacent wetlands and slopes. Prohibited activities in this vegetated land area are commercial crop production, permanent structures, applications of chemicals (fertilizers and pesticides), and operation of heavy machinery.

### Talking Points

- *Riparian area expansion will reduce field production areas, impacting crop production yields / acre and costs of production.*
- *For landowners, loss of production areas will reduce rental income and possibly overall land value.*
- *Establishment of vegetation will add costs and take significant effort, along with maintenance, and will require irrigation and possibly fertilizers to establish.*
- *Significant conflicts with food safety measures come with vegetative buffers adjacent to production fields.*
- *Farmers are not horticulturalists nor landscapers.*

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## NITROGEN APPLICATION LIMITS

- Limits for nitrogen applications are listed for specific crops, starting in 2022:
  - Broccoli = 295#/acre
  - Cauliflower = 300#/acre
  - Celery = 375#/acre
  - Lettuce = 275#/acre
  - Spinach = 240#/acre
  - Strawberries = 330#/acre
  - All other crops = 500#/acre
- Maximum nitrogen remaining in soils post-harvest:
  - 2022 – target is 500#/acre
  - 2024 – target is 400#/acre
  - 2026 – limit is 300#/acre
  - 2030 – limit is 200#/acre
  - 2035 – limit is 150#/acre
  - 2040 – limit is 100#/acre
  - 2050 – limit is 50#/acre
- Two compliance calculations for nitrogen remaining in soils post-harvest:
  - (Fertilizer nitrogen applied PLUS Compost nitrogen mineralized TIMES total amount of Compost applied in pounds per acre + nitrogen applied in irrigation water) MINUS nitrogen removed through harvest EQUALS nitrogen remaining in soil.
  - (Fertilizer nitrogen applied PLUS Compost nitrogen mineralized TIMES total amount of Compost applied in pounds per acre) MINUS nitrogen removed through harvest EQUALS nitrogen remaining in soil.
  - **Difference between these two formulas is the first includes nitrogen in irrigation water.**

### Talking Points

- *Calculations for nitrogen remaining in the soil are complex and may beyond the capability of most farmers; expert professional resources will be required to calculate each harvested crop’s co-efficient.*
- *Sampling and testing of harvested material for nitrogen content are expensive and will add up quickly given the intensity of Central Coast farming.*
- *Use of compost and mulch becomes a nitrogen penalty and disincentive.*

- *Gleaned fields may be considered post-harvest due to tissue sample testing, which then becomes a disincentive for gleaning fields of secondary quality product.*
- *Limits vs. targets are setting up farms for failure and possible enforcement and/or legal complaint.*
- *Reduction of nitrogen remaining in the soil to 50# / acre is not agronomically possible at this time without drastic changes to cropping patterns, rotations, crop frequencies, and field practices.*
- *Data collection points will be an overwhelming number for most farms to manage.*

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## **GROUNDWATER TREND MONITORING**

- Irrigation well monitoring and reporting is required, either individually or in a cooperative effort.
- If a ranch does not have its own irrigation well, a monitoring well must be drilled to support groundwater trend monitoring data collection.
- Groundwater trend monitoring is required, either individually or in a cooperative effort:
  - If individually reported, a work plan must be submitted for Executive Officer approval prior to any implementation; must be developed by qualified professional with a SAP and QAPP.
  - If cooperative effort, must join a third-party; workplan must be submitted for approval.
- When required, based on groundwater quality data or exceedance of nitrogen discharge limits, ranch-level groundwater discharge monitoring and reporting will be required, including a work plan and a SAP and QAPP, all approved prior to implementation; same for pesticides exceedances in groundwater.

### Talking Points

- *Individually groundwater trend monitoring will be difficult to substantiate due to groundwater movement in any aquifer or sub-basin.*
- *Trend monitoring by a third-party will require data aggregation from multiple wells and cooperation from multiple ranch managers and/or landowners.*
- *Ranch-level groundwater discharge and monitoring and reporting is punitive and will not provide additional insight into groundwater quality.*

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## **FARM PLANS**

- All farms must develop, implement, and update as necessary, a Farm Water Quality Management Plan (Farm Plan) and include sections on:
  - Irrigation and Nutrient Management Plan (INMP)
  - Pesticide Management Plan (PMP)
  - Sediment and Erosion Management Plan (SEMP)
  - Riparian Area Management Plan (RAMP)
  - Water Quality Education
  - CEQA Mitigation Measure Implementation
- Elements of the INMP are reported on the Total Nitrogen Applied (TNA) report or INMP Summary Report annually (choice between the two reporting methods).
- Other elements of the Farm Plan will be reported in the Annual Compliance Form (ACF), due March 1 of each year.
- All records must be maintained for a minimum of 10 years, including all monitoring information, co-efficient calculations, management practice implementation and assessment, and education records.
- Farm Plans stay on the farm but must be submitted to CCRWQCB upon request.

### Talking Points

- *Plans, for smaller farms, will require significant professional expertise to develop and update at considerable cost; there are not enough professionals to service all farms for these plans.*
- *Significant data collection will be required to meet annual compliance reporting.*
- *Data must be entered manually into GeoTracker; there is no upload function from standardized formats or spreadsheets, adding to compliance time reporting.*
- *Small farms lack resources to complete compliance reporting.*

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## **SEDIMENT & EROSION CONTROL**

- Farms with an established TMDL for pollutants cannot cause or contribute to exceedances in surface waters; follow-up monitoring and reporting will be required if discharges exceed TMDL limits and time table for compliance.
- Ranches with impermeable surfaces must not exceed stormwater discharge intensity over 10-year storm equivalent as well as (up to) the 95th percentile of any 24-hour storm event.
- Impermeable surfaces with slopes equal to or greater than 5% during the wet season must have a sediment and erosion control plan developed and certified by a qualified professional.

### Talking Points

- *TMDL qualifiers are artificially low and cannot be achieved with current farming practices and available science; TMDL targets should be just that, targets.*
- *Stormwater cannot be predicted nor controlled in high rate flows, particularly on short notice; this requires construction and maintenance of retention ponds, at great expense.*
- *Monitoring and reporting of surface (stormwater) discharges will be difficult to achieve.*
- *Impermeable surfaces move around due to crop rotations; additional expense to develop plans will discourage these crops being produced, which generally are high-value crops with significant up-front investment.*