

YUBA-SUTTER FARM BUREAU

croptalk

VOLUME 20 NO 3

STRONG ROOTS, CELEBRATING SUCCESS:
CAFB 107TH ANNUAL MEETING

PRESIDENTS CORNER:
A REFLECTION OF 2025

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YUBA-SUTTER FARM BUREAU CROPTALK

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and public policy advocacy in order to promote the economic viability of agriculture balanced with appropriate management of natural resources. This magazine and the activities sponsored by the Yuba-Sutter Farm Bureau are paid for by the annual dues of its membership.

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Article suggestions are encouraged, and we also encourage our members to submit their own articles for review. These should be mailed to our office. Use of articles is at the sole discretion of the Crop Talk Editor.

Strong Roots, Celebrating Success

Written by Stephanie Younger, YSFB Executive Director

December 6–9, the California Farm Bureau (CAFB) held its 107th Annual Meeting in Anaheim, bringing together more than 500 farmers and ranchers from across the state. Attendees participated in hands-on workshops and training sessions, heard from inspiring keynote speakers including Master Butcher Paul Carras, American Farm Bureau President Zippy Duvall, and Patti Poppe, CEO of PG&E, and reconnected with friends old and new.



support youth exhibitors at the Yuba-Sutter Fair.

The final day began with an engaging discussion with Patti Poppe of PG&E, who shared her goals for lowering energy costs for customers and answered questions from the audience. Delegates then moved into the House of Delegates session and officer elections. Shannon Douglass was re-elected to a two-year term as president; she and her family operate Douglass Ranch in Orland, raising beef cattle, walnuts, sunflowers, pumpkins, corn and forage crops. Shaun Crook

The general session kicked off with CAFB President Shannon Douglass, who delivered a thoughtful keynote reflecting on the past year’s accomplishments and challenges, as well as what lies ahead in 2026. She also took time to recognize Farm Bureau volunteer leaders for their hard work in pushing back against legislative proposals that would have harmed California agriculture.

At the Emerging Leaders Lunch, American Farm Bureau President Zippy Duvall joined attendees for a fireside chat about the many shapes leadership can take—and the meaningful impact each person can make in their own way. The lunch also celebrated the graduation of the 2025 Leadership Farm Bureau class, which proudly included Yuba-Sutter Farm Bureau’s own Tharvin Gill. Participants in this program build skills in personal development, public speaking, media relations, political advocacy, and understanding key agricultural and governmental issues.

Yuba-Sutter Farm Bureau was honored twice during the Awards Banquet dinner, recognized as the County of the Year for Class B and selected to receive the 2025 Innovator Award, voted on by attendees. The Innovator Award highlights the most creative and forward-thinking county project, and YSFB earned the distinction for our AgTrivia and Line Dancing events, which

was re-elected as first vice president; he is a real estate broker and vice president of his family’s timber business in Tuolumne County. Ron Peterson was re-elected as second vice president; he is a Stanislaus County cattle rancher and dairy farmer who also grows silage crops and almonds.

New this year, CAFB’s philanthropic initiative, “Giving Back with Farm Bureau.” Members and attendees teamed up to assemble 1,000 backpacks filled with school supplies, learning materials, and healthy snacks. The backpacks were donated to the Orange County Fairgrounds Centennial Farm to be distributed to local children. The project even included a fun regional competition to see who could assemble them fastest.

Once again, the Annual Meeting was a meaningful reminder of what makes Farm Bureau so unique: our commitment to growing leaders, supporting our communities, and standing strong together for California agriculture. From celebrating the hard work of our members to engaging in thoughtful discussions about the future, the event showcased the strength, creativity, and resilience of our statewide Farm Bureau family. We left Anaheim energized, inspired, and ready to continue advocating for the farmers and ranchers who feed and fuel our communities every day. 🌾

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Autumn Rains Hasten Persimmon Harvest

Courtesy of AgAlert, Written by Caleb Hampton



Photo/ Caleb Hampton

California's persimmon harvest accelerated last month as crews worked to pick fruit ahead of rainstorms that threatened to affect crop quality in orchards across the state.

In mid-November, workers stripped the fruit off trees and packed it onto pallets in farmer Steven Springer's 24-acre orchard in Yuba County.

Persimmons withstand rain better than some fruits, Springer said. But after multiple storms, the weather takes a toll, "and the fruit gets riper and breaks down faster," he said.

The third-generation grower sells persimmons in 40-pound boxes from a shop at his Marysville orchard, supplying local families and out-of-state retailers alike. Last month, with heavy rain on its way, he said he was building up inventory to stay ahead of demand.

"We sell to people who want a truckload and people who want one box," Springer said.

In the San Joaquin Valley, growers also ramped up picking before storms swept through the region last month, bringing above-average rainfall.

Dillon Luallen, sales representative at Sierra Sun Fruit Marketing in Fresno County, said this year's harvest, which began in late September, started out

light but picked up in November.

"Before the last rain, people wanted to harvest, so there's a lot of persimmons on the market now," Luallen said, adding that the Sanger-based packer and shipper dropped its prices because of the increased volume it was handling. The company, which primarily supplies retailers, was selling a 25-pound box of persimmons for around \$25, about 20% higher than last year.

"Prices have been strong this year," Luallen said, adding that demand from local school districts had boosted sales. "That gets passed on to growers."

Persimmon yields varied across the state, with handlers reporting the overall crop appeared to be down this year. Steve Matych, owner of Grover Beach-based distributor Regatta Tropicals Ltd. in San Luis Obispo County, which sources persimmons from the San Joaquin Valley, estimated yields were 20% below average.

"Some areas are better than others," said Matych, who ships the fruit to retailers across the United States and Canada.

California grows most of the persimmons in the U.S., though the fruit's footprint in the state is smaller

than other relatively niche crops such as pomegranates and kiwifruits.

In 2015, roughly a quarter of the U.S. persimmon crop was exported, primarily to Canada, while a slightly smaller volume of persimmons was imported, mostly from Spain, according to the most recent data on imports and exports from the U.S. Department of Agriculture.

Farmers in the Golden State grow both hachiya and fuyu persimmons, the former an acorn-shaped variety often used for baking, the latter a squat variety typically eaten fresh while the fruit is crunchy.

California's persimmon production is concentrated in the San Joaquin Valley, though the fall-ripening fruit is also grown in the Sacramento Valley and in central and southern coastal areas. Roughly a decade ago, the state's persimmon acreage saw a steep drop, declining from more than 4,000 in 2013 to less than 2,000 in 2014, according to USDA.

Chris Tantau, who grows persimmons in Tulare County and co-owns Exeter-based Venida Packing Co., which handles persimmons and other fruit, said overproduction and weak pricing at the time likely led some growers to

abandon the crop for “something more profitable.”

The decline coincided with a major expansion of almond acreage in the San Joaquin Valley, though Tantau said he did not know which crops replaced persimmon orchards.

Since then, California’s persimmon acreage gradually climbed, with more than 3,000 acres harvested last year. In 2022, the state’s crop was valued at \$35 million, according to the most recent USDA data.

“It’s a growing commodity,” Luallen said. “It’s relatively easy to farm, and it seems like consumption of persimmons has been going up year after year.”

Recent plantings leaned heavily toward fuyu persimmons as growers responded to consumer demand for “something that’s ready to eat,” he said.

Tantau, who grows primarily hachiya persimmons, said he may take out some of his trees—his 80 total acres are “pretty sizable in the world of persimmons”—and replace them with fuyu cultivars.

“We see that market dwindling,” he said

of hachiya persimmons. “People want consumer-ready products, and no one is baking as much.”

Harvest and pruning of persimmon trees is costly and labor-intensive, growers said, but the crop is self-fertile and relatively immune to pests, allowing farmers to save on other inputs such as pesticides and pollination.

Tantau, who also grows citrus fruits, almonds, plums and avocados, said he had no plans to stop growing persimmons.

“We’ve just been doing it a long time, and they’re still profitable—slightly,” he said. “If you’re still making a little money, it’s painful to make that call and change to something else.”

Persimmon trees can take longer than some fruit trees to bear fruit—eight years, according to a Japanese proverb, though some growers said they pick sooner—and can remain productive for more than 100 years.

Springer, whose family has grown persimmons for more than a century, said the crop’s “sentimental value” kept it in production from one generation to

the next.

“It’s one of the first crops my grandfather planted, so nobody has ever been willing to give them up,” the Marysville grower said.

Farmer Tosh Kuratomi, who grows 5 acres of persimmons in Placer County, said he was also motivated by noncommercial factors to grow the fruit.

Each year, a portion of Kuratomi’s hachiya crop is used to make Japanese dried persimmons called hoshigaki, which he sells by mail order to customers in more than 40 states.

“It’s driven by tradition,” Kuratomi said, adding he was pulling late nights this fall making the hoshigaki, likely for little to no profit. “It’s like, if you give up, is part of the culture gone?”

The Granite Bay-based grower said he was set to pick the last of this year’s persimmons this week or next.

“The end of harvest is marked by the cold front that comes in pushing the starlings,” Kuratomi said, with the birds flocking to his orchard each December and picking the branches clean. 🍁

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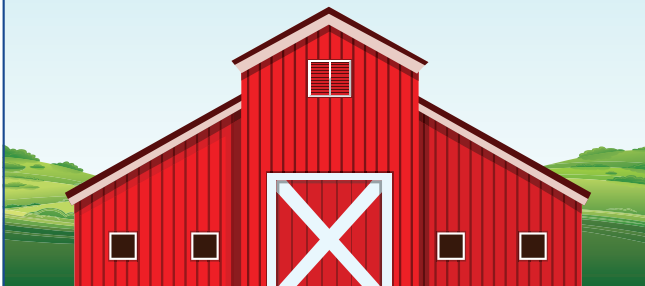
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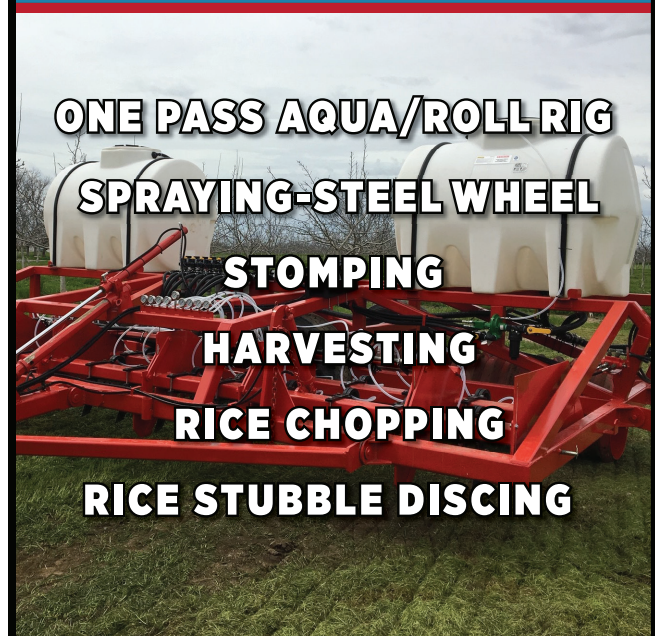
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State's Olive Oil Production Still Has Room for Growth

Courtesy of AgAlert, Written by Vicky Boyd

Fueled by changing consumer tastes, attractive contracts, favorable labor costs and drought tolerance, planting of olives for oil continues to expand in California.

With the state's olive oil production at 2 million to 4 million gallons annually, or about 5% to 8% of domestic consumption, California olive oil producers still have ample room to grow.

Cliff Beumel, president of Agromillora California Nursery near Chico, said he has seen continued grower interest in olives for oil during the past several years. Unlike the late 1990s and early 2000s, when many olive orchards were planted on speculation with short-term profits in mind, he said today's producers are taking a more measured approach.

"Olives for olive oil fit in a niche—it's not a gold rush," Beumel said. "It's much more strategic in that (growers) take many factors into account, and they're looking at risk mitigation."

Aaron Barcellos and his brother, Aric, are two producers who took that route, planting two blocks of olives for oil in 2018 and one block in 2019. They have contracts with two different olive oil handlers for the fruit.

As part of the family-owned A-Bar Enterprises in Firebaugh, they sought a profitable permanent crop that would do well with reduced irrigation. The blocks on which the trees are planted lie within a federal water district that regularly curtails allocations.

The Barcellos also wanted to diversify their field and permanent crops and looked for something with lower labor requirements.

Aaron Barcellos acknowledged they were still learning about olive cultural practices and how to optimize oil quality with the relatively new super high-density planting system. But he said they remained cautiously optimistic about olives for oil.

"This industry is in its infancy for California and the U.S., so we're still seeing where we're going with it, but I do feel there's potential," Barcellos said. "I think the economics of where it's at and where we are today is kind of holding us back, but it's something that we'll be looking at."

Currently, the statewide average yield is

about 3.2 tons of fruit per acre, and he said many growers need about 5 tons per acre to break even.

For the Ricchiuti family, which had farmed peaches and then almonds around the

supply chain and produce 100% estate-grown certified-organic extra-virgin olive oil.

The Ricchiutis and Barcellos are but a few of the state's approximately 400



*Photo/Adele Amico Rojas,
University of California, Davis,
Olive Oil Center*

Fresno area for four generations, olives offered diversification. Vincent Ricchiuti, chief operations officer of P-R Farms and co-founder of Enzo Olive Oil Co., credited his father, Pat, for seeing the crop's potential as the "next great opportunity for California agriculture."

"That vision inspired us to plant our first super high-density olive orchard" in 2008, Vincent Ricchiuti said.

They also transitioned to certified organic production because they believed in improving the land, he added.

As part of their plan, the Ricchiutis vertically integrated and built their own mill to process the fruit shortly after harvest. This allows them to maintain quality and freshness throughout the

producers of olives for oil who altogether farm about 37,000 acres, according to the California Olive Oil Council. Beumel said new orchards are spread throughout the state from Kern County north to Red Bluff. This differs from the turn of the century, when the bulk of the plantings were from Modesto north.

Although growers have cultivated olives for centuries, super high-density plantings with typical 5-by-12-foot spacing, or about 726 trees per acre, are relatively new. The configuration lends itself to mechanical pruning and off-ground harvesting, significantly reducing labor, Beumel said. Initially, Barcellos said they thought they could get by with just mechanically hedging, topping and skirting trees. But



Photo/Courtesy of Enzo Olive Oil Co.

as the plants grew older, he said they had to put a hand crew in to remove deadwood that began to form in the tree interiors. The goal is to keep the trees generating fresh wood, which produces new fruiting buds.

“What we don’t know is will these orchards be viable when they’re 15 years old,” Barcellos said. “That’s one of the things that’s keeping us from planting more—we just don’t know how long they will be in production.”

Fresno County grower Vincent Ricchuiti of P-R farms and Enzo

Olive Oil Co. checks harvested olives before the fruit is pressed for oil.

Olives, by their nature, also require significantly less fertilizer, water and protective sprays than tree nuts. As Barcellos puts it, less is more when it comes to olive tree management, which is just the opposite of many other tree crops.

In fact, a recently published University of California, Davis, study found that super high-density olive trees produced the same yields and high-quality oil with 25% to 50% less nitrogen fertilizer than recommended for traditional orchards.

Under optimum conditions, Beumel said growers can harvest olives in the second leaf and obtain about 60% of their yield potential. By the third year, the trees could be in full production. At the same time, consumers are discovering the health benefits of olive oil, which several studies have ranked above seed oils. In response, demand has increased.

Ricchuiti said Enzo has benefited from the trend and has expanded production. Nevertheless, he said his business continues to educate consumers that not all olive oils are created equal.

“Consumers today are much more aware of what goes into their food,” Ricchuiti said. “They want something healthy, authentic and traceable. They want to know where their products come from. Olive oil fits perfectly into that mindset, especially when it’s domestically grown and certified organic.”

Enzo specializes in extra-virgin olive oil, the highest-grade oil made from the first cold-pressed extraction of olives without heat or chemicals. In addition, extra-virgin olive oil must meet specific chemical benchmarks and be free from 12 flavor and aroma defects established by the International Olive Council. The California Department of Food and Agriculture has even stricter standards for a handful of plant-based compounds.

All commercial handlers in the state that mill more than 5,000 gallons annually are required to participate in mandatory sampling and testing to verify quality under the statewide Olive Oil Commission of California marketing order. About 13 commercial producers account for about 90% of olive oil milled in the state. ☺

CONGRATULATIONS TO OUR 2025 PHOTO CONTEST WINNER: CRYSTAL MARTIN!

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USDA Pushes Back on California AG Land Equity Plan

Courtesy of Valley Ag Voice, By Natalie Willis

On December 11, Secretary of the U.S. Department of Agriculture Brooke Rollins sent a letter to Governor Gavin Newsom regarding the California Land Equity Task Force and its upcoming report on policy recommendations addressing the “agricultural land equity crisis.”

The Task Force was directed to submit the report to the Legislature and Governor’s office by January 1, 2026.

According to a draft report from November 2025, the Task Force’s recommendations include supporting tribal stewardship and land return, funding and encouraging land purchases for certain producers and land stewards, stopping and reversing farmland consolidation, protecting farmland while improving equitable access, prioritizing secure land ownership, and promoting urban agriculture.

Rollins’ letter criticizes the proposed recommendations and expresses “substantial constitutional concerns regarding the State of California’s proposed redistribution of agricultural land based on race, ethnicity, and national origin.” She asserts that the policies, if implemented, would harm the state’s farmers, ranchers, and agricultural producers.

“All people should be treated equally and what California has proposed directly targets those who work from sunrise to well past sunset, faithfully tending our nation’s land and livestock,” Rollins stated. “Hardworking farmers, ranchers, and agricultural producers all deserve a shot at the American dream, and they should not



be stigmatized, demeaned, or shut out of opportunities because of their race, sex, ethnicity, or national origin.”

Specifically, Rollins’ letter claims that the recommendations violate the Fourteenth Amendment’s Equal Protection Clause and the Fifth Amendment’s Takings Clause. The Equal Protection Clause, which applies to state governments, asserts that a government must apply its laws fairly and cannot treat people differently without a valid reason.

“The Report recommends diverting public resources and constraining the use of private lands to aid “Preferred Producers and Land Stewards” which explicitly includes only certain non-white racial groups,” Rollins stated. “The Report’s recommendations envision using the coercive power of the state, as well as providing state benefits, in a manner that gives preferential treatment based on race or ethnicity.”

With regard to the Fifth Amendment’s Takings Clause, the letter claims that the report recommends the redistribution of agricultural land in ways that violate the clause.

According to Rollins, the Fifth Amendment requires “just compensation” when private property is taken for public use.

“The Report recommends that California adopt laws or regulations prohibiting “parties” — presumably agricultural landowners — from using their land for non-agricultural purposes unless they restrict the use of their land to agricultural over non-agricultural uses in a 2:1 ratio,” Rollins stated. “This limitation on private land use constitutes an unconstitutional

taking without just compensation for California’s “Equity” purposes.”

Lastly, the letter states that some recommendations violate Proposition 209 which amended the California Constitution to prohibit preferential treatment based on race, sex, color, ethnicity, or national origin in public employment, education, and contracting.

“The Report’s recommendation that California directly or through intermediaries execute agreements transferring land, restricting land use, and providing financial assistance on behalf of only certain individuals or groups based on race, ethnicity or national origin directly violates California’s Constitution, as amended by its voter-backed Proposition 209,” Rollins stated.

The letter ended with a call — “demand” — that California abandon any effort to implement the actions recommended in the report.

“If California persists, expect immediate legal action to protect American citizens from California’s unlawful actions,” Rollins said. 🇺🇸

PNSSNS Annual Meeting

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Closing the Year Together: Yuba-Sutter YF&R Celebrate the Season

Written By Taylor Morrison, YSFB Program Coordinator

The Yuba-Sutter Young Farmers and Ranchers (YF&R) wrapped up the year with their annual Christmas party, hosted by the committee chair. The evening offered members a chance to reflect on a successful year and the impact YF&R continues to have on the local agricultural community. Members enjoyed a pasta dinner and wrapped up the night gathered around a warm bonfire.

The party also marked the end of the 2025 Toy Drive. In keeping with tradition, the YF&R committee once again challenged the Yuba-Sutter Farm Bureau Board of Directors to see who could collect the most toys. By the end of the night, the YF&R committee proudly donated more than 150 toys to Yuba-Sutter Toys for Tots.

Looking ahead, the YF&R Committee is excited for 2026 to be filled with new networking opportunities and educational tours. New participants are always welcome to join. The next meeting will be held on January 21st. Be sure to follow along on social media for updates on upcoming meetings and events.

Follow Yuba-Sutter YF&R on Instagram at [@yubasutterfr](https://www.instagram.com/yubasutterfr). Passionate about agriculture? We'd love to have you join us. For more information, email yubasutterfr@gmail.com.




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President's Corner

Written by Brian Greathouse, YSFB President

First and foremost, I hope everyone had a very Merry Christmas and were able to spend precious time with family and friends. 2026 brings a new year of opportunities and optimism.

As I reflect on the past year, there were times when it felt like time was moving so slowly, but in the blink of an eye, we are ringing in a new year. This year was especially meaningful for my family, as my son, Sawyer, was born.

In the agricultural community, we always look back to see where we can improve our operations or do better to fight new regulations. As California Farm Bureau President Douglas and I have spoken about many times, we will always have another hill to climb or another challenge to overcome. What we don't always do is celebrate our wins and achievements. So, I hope everyone can look back to 2025 and find something, however small, of a win or accomplishment, and take a moment to just enjoy it.

This year, the challenges really went from North to South. From the community and ranchers in Plumas Sierra, through sheer will and determination, finally put a light on the wolves



and the losses to their herds, forcing the government to act. In the south valley, the board and members of the Kings County Farm Bureau who stood up to the State Water Control Board, knowing they had an uphill battle. I tip my hat to you all. These events may seem unrelated, but a common theme is that grassroots advocacy and engagement from Plumas Sierra and Kings County members who came together to protect their way of life.

For Yuba-Sutter Farm Bureau, that means having a voice for our membership at the local, state, and national levels. We will continue to listen to our members, partner with our elected officials, and showcase the bounty of our county, and support

our communities' continued investment in the agriculture leaders of tomorrow.

Thank you for your membership, your engagement, and your commitment to agriculture in Yuba-Sutter. Together, we will continue to advocate and protect the future of agriculture.

Cheers to a strong and successful 2026! 🍷



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Sustainable Farm Law 101 for Farmers

Courtesy of Morning AgClips

Farmers and agricultural educators require a solid understanding of the law to understand producers' rights and responsibilities while managing risks. Farm Commons, a nonprofit based in Minnesota, helps producers build resilient agricultural businesses by training both them and educators in sustainable farm law. With the support of Professional Development Program (PDP) grants from SARE, Farm Commons has expanded legal education initiatives across the United States, helping agricultural communities gain access to critical knowledge.

Rachel Armstrong, executive director and founder of Farm Commons, has developed a training model that empowers agricultural educators to guide farmers through legal challenges common in their region. Armstrong's project, piloted in SARE's North Central region, laid the foundation for nationwide training adapted to the unique conditions in different agricultural landscapes, from the urbanized Northeast to the geographically varied Western region. This initiative also improved the legal support capacity of Farm Service Agency staff, Extension educators and nonprofit

farm advocates through in-person workshops and online modules. Within months, most participants reported increased confidence in assisting farmers with legal concerns, leading to adoption of best practices in risk management.



This research increased economic and social sustainability among producers by enhancing their legal awareness and preparedness. The organization continues to refine its training models, ensuring agricultural communities are equipped to navigate legal challenges effectively.

"Agricultural educators also serve a really powerful role

in helping to spot issues, identify what issues are really important, which are right for education, and which demand an attorney ASAP to help recognize what the farmer is trying to do and support them," says Armstrong. "We are seeing our agricultural professionals be better able to spot legal issues and help route that farmer to a solution, particularly in the area of employment law."

Visit <https://www.sare.org/sare-impacts-ENC18-164> for more information on this project's impact. ☺

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New WOTUS Rule to Give Clarity, Cut Red Tape for Farms

Courtesy of AgAlert, Written by Ching Lee

A new federal rule by the Trump administration is expected to reduce regulatory burdens on farmers by narrowing the scope of federal oversight on the nation's wetlands and other waterways.

Released last month by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers, the proposed rule carries out directives from the 2023 U.S. Supreme Court ruling in *Sackett v. EPA*, ending years of regulatory uncertainty about how the Clean Water Act applies to working farmland.

The rule is designed to cut red tape and prevent federal overreach, EPA said, which could save farmers time and money by reducing permitting requirements for activities on their land. It provides a new definition of “waters of the United States,” or WOTUS, that aims to ensure that only relatively permanent, standing or continuously flowing bodies of water—such as streams, oceans, rivers and lakes—and wetlands that are connected to and indistinguishable from such water bodies are federally regulated, EPA added.

Public comments on the proposed rule are due Jan. 5.

Farm groups, which have long called for clearer rules on WOTUS to simplify compliance for landowners, largely expressed support for the new definition, saying it brings much-needed clarity and ends years of shifting regulations that often led to confusion about what waters were under federal control and require a Clean Water Act permit.

Courtney Briggs, senior director of government affairs for the American Farm Bureau Federation, called the proposed rule “a real positive step in the right direction,” as it provides a clear distinction between regulating major water bodies and farm-specific features such as ditches and ponds.

“The Supreme Court clearly ruled several years ago that the government overreached in its interpretation of what fell under federal guidelines,” AFBF President Zippy Duvall said, adding that the new rule “protects critical water sources while respecting the efforts of farmers to protect the natural resources they’ve been entrusted with.”

Since the passage of the Clean Water Act in 1972, defining WOTUS has been one of the most complex and contentious issues in federal water policy. Due to lack of statutory language in the law, multiple administrations and courts have grappled with how far federal jurisdiction should reach on wetlands and water features. This has led to decades of conflicting court decisions, shifting regulatory interpretations, intense political debate and implementation challenges.

The 2015 rule under the Obama administration expanded federal protections to ephemeral and intermittent streams, as well as wetlands not directly adjacent to larger waterways.

In 2020, under the first Trump administration, the rule narrowed protections significantly, excluding wetlands, streams and other water bodies that were previously covered.



The Biden administration issued a new rule in 2023 that returned to the pre-2015 regulatory regime. Without incorporating the *Sackett* decision into the regulatory text, the Biden rule defined WOTUS as relatively permanent waters, such as traditional navigable waters, along with those with a continuous surface connection to them.

“Some ill-defined areas from the *Sackett* ruling compounded with updated guidance from the Biden

administration has led to continued challenges with interpreting the regulation,” said Erin Huston, federal policy consultant for the California Farm Bureau.

The updated rule is meant to establish a “clear, durable, common-sense” WOTUS definition, EPA said, and clarifies whether farmers, landowners and businesses must secure permits before they pursue projects that might impact surface water quality.

“No longer should America’s landowners be forced to spend precious money hiring an attorney or consultant just to tell them whether a water of the United States is on their property,” EPA Administrator Lee Zeldin said.

Under the proposal, certain ditches, prior converted cropland, waste treatment systems and groundwater are not considered WOTUS—revisions that EPA said would “accelerate economic prosperity.” Ephemeral waters, or those with surface water flowing or standing due to rainfall or snow, also are not federally protected, according to the proposal.

In addition, the new rule defines “relatively permanent” water, which is federally regulated, as “standing or continuously flowing bodies of surface water that are standing or continuously flowing year-round or at least during the wet season.”

EPA said the proposal protects water quality “by striking balance between federal and state authority, recognizing that states and tribes are best positioned to appropriately manage their local land and water resources.”

To that end, the federal rule does not change what California requires, as states retain authority to regulate waters within their borders and have their own protections for wetlands and water quality, said Kari Fisher, senior counsel for the California Farm Bureau.

She noted California’s Porter Cologne Water Quality Control Act—which gives the California State Water Resources Control Board and the nine regional water quality control boards the authority to protect surface water, groundwater and wetlands—is more restrictive than the federal Clean Water Act and regulates more groundwater and surface water.

“The big question is if the state of California will in turn regulate even more if the new WOTUS rule is enacted,” Fisher said.

The state water board is expected to release a new report in the coming months that could provide more clarity on how it may change its water quality protection programs in light of the new WOTUS rule. ☁

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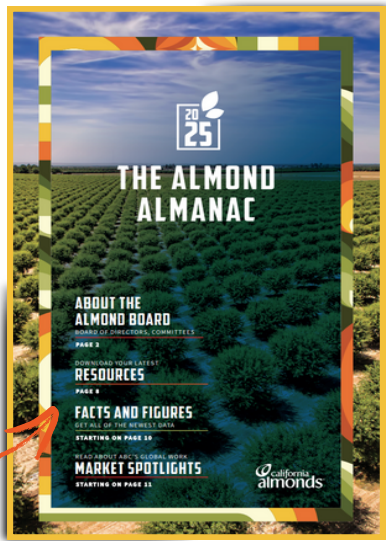


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