

# THE WESTERNER

Issues of concern to people who live in the west: property rights, water rights, endangered species, livestock grazing, energy production, wilderness and western agriculture. Plus a few items on western history, western literature and the sport of rodeo... Frank DuBois served as the NM Secretary of Agriculture from 1988 to 2003. DuBois is a former legislative assistant to a U.S. Senator, a Deputy Assistant Secretary of Interior, and is the founder of the DuBois Rodeo Scholarship.

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## EPA, Army Corps of Engineers Violate Law, Oppress Farmers in California and Elsewhere, Farm Bureau Tells Congress



American Farm Bureau Federation®

WASHINGTON, D.C., May 24, 2016 - The Environmental Protection Agency and Army Corps of Engineers have violated their own regulations and effectively invented new ones in enforcing the Clean Water Act, the American Farm Bureau Federation said today.

Don Parrish, senior director of congressional relations at AFBF, told the Senate Subcommittee on Fisheries, Water and Wildlife that the Army Corps' novel interpretations of environmental law are threatening the very livelihoods of ordinary, middle-class Americans who happen to farm for a living.

"Based on what we see in California, it is clear that the expansions in jurisdiction over land and water features on the farm are already happening," Parrish told the subcommittee. "Most ordinary farming activities conducted in areas under jurisdiction will require permits if and when the Corps chooses to demand them. And when they demand permits, delays and costs will mount until most farmers simply give up. Congress needs to step in and give farmers some real certainty so they can plan their farming operations and protect the environment at the same time."

Parrish's testimony also included a detailed analysis of recent Army Corps actions by Jody Gallaway, an environmental scientist and California Farm Bureau member who has consulted on numerous discussions between local farmers and the Corps. The Army Corps interprets and executes environmental regulations that are largely determined by the EPA.

Parrish cited numerous examples of EPA and Army Corps mismanagement:

- The Corps has made jurisdictional determinations and tracked farming activities based on classified aerial photographs and LIDAR imagery that is not publicly available, even to farmers under investigation
- Army Corps officials have forced farmers to sign non-disclosure agreements - gag orders, in effect - as part of their enforcement actions.



- One California farmer invested tens of thousands of dollars to map his private property to ensure his farming activity would avoid polluting local watersheds. The Corps, in response, threatened enforcement proceedings over construction of roads and ponds completed years before the farmer owned the property.
- In the Army Corps' Sacramento district, any plowing through a wetland requires permits that typically cost hundreds of thousands of dollars in engineering fees, even though the Clean Water Act exempts plowing from permitting.
- The Army Corps has issued menacing letters to farmers who have changed from alfalfa hay farming to cattle grazing and back, despite the absence of any law to support their objections.
- The Corps has told farmers to stop working when it merely suspected they were plowing too deep or changing land use. The Corps' selective enforcement of this interpretation means it can now tell farmers where they may and may not farm, and what they may grow.
- The five-year drought has forced many farmers to temporarily fallow land or change crops based on changes in irrigation and market conditions. Oblivious to such obvious economic distress, the Corps has repeatedly required permits for ordinary plowing necessary to prepare the ground to change crops, further compounding the economic dislocation farmers have felt in the Central Valley.

Parrish's testimony can be found here: <http://www.fb.org/assets/news/DonParrishBioAttachmentTestimony.pdf>

Editor's note: Jody Gallaway is the name of the California Farm Bureau member who prepared the analysis cited in Parrish's testimony.

### Press Release

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