

Between the Furrows

A Santa Cruz County Farm Bureau Monthly Publication

APRIL 2020
VOLUME 44, ISSUE 4

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Between The Furrows is a monthly publication of the SCCFB. Members receive a subscription as part of their membership investment.

Mary Walter, Editor
Jess Brown, Managing Editor

141 Monte Vista Avenue
Watsonville, California 95076.
(831) 724-1356 or (831) 763-4450
Fax: (831) 724-5821
Email: sccfb@sbcglobal.net
Web: <http://www.sccfb.com>

President's Message

BRENDAN MIELE, PRESIDENT

Quarantined



The recent Covid-19 Novel Coronavirus highlights how highly connected our global community is. National borders that earlier this year were at the forefront of a trade war and thought to be controllable, have proven to be porous in light of a lack of effective leadership, resources, and the application of scientific knowledge. A xenophobic approach to quarantine and disease control belittles the virulence of diseases such as Covid-19. One would be naive to think that any disease checks a passport prior to infecting someone.

Proper screening and inspections have been the most useful tools in reducing the spread of agricultural diseases geographically; a similar protocol for all travelers regardless of nationality is a scientific means by which to control the spread of disease.

In agriculture quarantines are not new. Santa Cruz County farmers have been living under the guise of quarantine since 2007 with the Light Brown Apple Moth (LBAM). While the spread outside of our area may have been effective, LBAM is now naturalized and pervasive in our county. Covid-19 will spread throughout our county, this is certain. The rate at which we can control it and the impact it will have on our families is not. The impact of the disease on agriculture has already begun.

President's Message - Continued on Page 8

RESCHEDULED

National Agriculture Day Spring Luncheon

Wednesday, May 27, 2020

11:30 a.m. to 1:30 p.m.

Tickets and Sponsorships Available
Heritage Hall

Santa Cruz County Fairgrounds
2601 E. Lake Ave., Watsonville

visit www.eventbrite.com/search for National Agriculture Day Spring Luncheon

VISIT OUR WEBSITE AT WWW.SCCFB.COM

**For up-to date information on
COVID-19 and resources for those involved in farming**



COVID-19/Coronavirus Agricultural Industry & Consumer Resource Updates

**use this website created by the California Farm Bureau Federation:
<https://www.cfbf.com/covid-19-information/>**

I had my patience tested. I'm negative!



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ASK MARK

Mark Bolda, Farm Advisor, Strawberries & Caneberries UCCE

The False Chinch Bug, *Nysius Raphanus*

I've heard about big aggregations of bugs that look a lot like lygus bugs, especially at the side of fields in the spring. Are these bugs like lygus and cause a lot of damage to our plants?

It's quite likely the bug you are hearing about is the false chinch bug, *Nysius raphanus*, which while belonging to the same order of insect as lygus, does not cause the same damage, if it causes any damage at all. Preferring to hide out in grassy or weedy areas, false chinch bugs can migrate out *in masse* to irrigated agriculture once these areas dry down after the end of rains in the spring. Invasions of this bug tend to be larger and more noticeable after cool wet springs when the greater abundance of plants provide more food and shelter for the bugs and subsequently push up their populations.

It's important to point out that false chinch bugs, beyond being a nuisance and contaminant of harvested produce, aren't known to be economically noteworthy in cultivated agriculture. Yes, false chinch bugs do have a fairly pronounced snout (proboscis) for punching into plant tissue and drinking up plant sap, but still all of this activity is not known to significantly damage plants which are well irrigated. Additionally, they don't tend to stick around in an area longer than a week or two so the opportunity to set back a crop is pretty limited.

To get more of a positive identification of this bug beyond the obvious and understandably concerning aggregations (photo 1 below), one can look at color, size and the way the wings overlap on the back. Adults of false chinch bug are gray to brown and fairly slender. At 1/8 to 1/6 of an inch

long, they are half as large as their relatives the lygus bugs, and the folded wings form a clear X on the back of the body (photo 2 below). Nymphs don't have the fully formed wings yet, and are a mottled gray to brown with red to orange markings on the abdomen.

The above has been a brief discussion of false chinch bug in agriculture. For questions about these and others in strawberries and caneberries, please contact Mark Bolda at UC Cooperative Extension in Santa Cruz County, mpbolda@ucanr.edu.

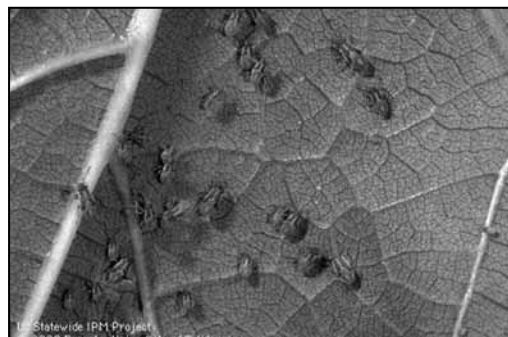


Photo 1. Aggregation of false chinch bug nymphs on a leaf.



Photo 2: False chinch bug adult. Note the wings on back folded into a very visible X pattern.

THE WATER NANNY

Panic - NOW!

No, not the panic about dying from the corona virus. Not our recurring drought. This is our recurring nightmare of excessive farm practice regulation by the Water Board. It is one of the many rites of spring; fields are all planted, berry harvest started last month and the arrival of the summer sequel. Film studios are famous for rolling out the same cast of characters from prior years as it is easier than finding new content. Sadly it seems the same is true of the Regional Water Board. Like the *Avengers Endgame*, the new draft Ag Order V4.0 has lumped in all the characters, theories, fictions and bad ideas from the prior versions into one monstrous mess. The only difference is that Iron Man does not die at the end, although some farms may.

It is hard to farm while staying home guarding a stash of Costco toilet paper, so assuming you have been out in the fields, let me bring you up to date. As my editor, and good taste, limits the length of my summary you can read the whole thing, about 1,100+ pages, here: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/ag_order4_renewal.html. An abbreviated comment period ends on April 6, 2020, at midnight. Community meetings in Watsonville, Salinas and Santa Maria have been canceled due to COVID-19. The Water Board hearing to consider the draft will be held over five days on May 6, 7, 8, 28 and 29th in San Luis Obispo.

There are five major sections, that is different areas of agricultural regulations, phased implementation, a boat load of quarterly and annual detailed farm practice reports and four colorful maps. So let's get on with it:

Colorful Maps: These are used to show the ranking of various watersheds and are linked to each of the areas of regulation, the lower the rank the longer the delay in implementation. Fortunately the lower Pajaro Valley is not in phase 1 on any, and for riparian vegetation we are in priority 3. Santa Maria unfortunately rings the bell in every category, so we will get a year or two to see how this works out to the south.

Groundwater Irrigation and Nutrient Management: This is the biggest restriction on viable farming ever put to paper. Even though the Pajaro will have a year longer to

implement this, your fertilizer use will decline with mandatory limits in how much can be applied per acre each year, regardless of your crop. In 2026, you get no more than 300# of nitrogen per acre, which declines to 50# (not a typo) in 2050; so much for the next generation of farmers.

Riparian Vegetation: Not only can't you fertilize, you have to take land out of production and grow weeds and bushes, (as a rodent habitat?), if you farm near a stream, wetland or lake. Farming next to Corralitos Creek or Kelly Lake may require a 150' – 250' vegetated buffer, not counting farm roads. As written, there is no allowance for apple orchards already planted within this wasteland.



Surface Water Nutrient Management: i.e. don't let your fertilizer run off with irrigation.

Pesticide Management: If you farm in an area with historic high invertebrate toxicity, like the Santa Maria Valley, conventional pesticide use will be severely curtailed. It is hard to see how the regulatory requirements can be met in the time allowed. The Pajaro is a priority 3 area and, fortunately, there is already a relatively low levels of aquatic toxicity here.

Sediment and Erosion: Some of the TMDLs were not achievable when adopted, but there are years, if not decades to achieve compliance.

Reports: Again, I will summarize. There are at least four individual quarterly reports on surface water, primary irrigation well annual reports, domestic well reports, surface water trend work plans, operational setback reports, Total Nitrogen Applied reports, INMP summary reports, RipRAM Compliance Pathway Work Plans and Alternative Compliance Plans.

So as you hunker down to avoid illness or death, there are even scarier things to come. Be safe and practice smiling.



IS COVID-19 A "FORCE MAJEURE"?



On March 11, 2020 the World Health Organization declared COVID-19 a pandemic. The rapid spread and impact of government and private sector responses have disrupted travel, supply chains, and other business operations and relationships. This article will describe some legal issues in

contract force majeure clauses.

A "force majeure" clause is a provision in a contract that excuses a party from not performing its contractual obligations that becomes impossible or impracticable, due to an event or effect that the parties could not have anticipated or controlled. Force majeure clauses in contracts define when events beyond the parties' control make contract performance too difficult or even impossible. When an event or series of events triggers a force majeure clause, the party invoking the clause may, depending on the circumstances, suspend, defer, or be released from its contract.

Force majeure contract clauses often have an agreed list of events outside of the contracting parties' control that they agree will excuse or delay a party's performance or permit contract cancellation. War, terrorist attacks, famine, earthquakes, floods, strikes, fire, epidemics, "Acts of God" and government action are often included as force majeure events excusing performance. Some force majeure clauses also include "catch-all" language broadly excusing performance based on significant events outside the parties' control.

Force majeure clauses usually require that the party asserting force majeure as a basis for suspending or terminating performance must provide notice to its counterparty. Failure to timely send such notice may result in waiver or have other adverse consequences. For contracts for the sale of goods, the California Commercial Code requires the party in receipt of a force majeure notice respond within thirty days, or the contract will lapse with respect to any affected deliveries. Cal. Com. Code § 2616.

If the contracting parties disagree whether COVID-19 is a force majeure event, a court must decide. The application of force majeure is an issue of contract interpretation governed by state law. Jurisdictions vary in their treatment of force majeure clauses, but generally look to the plain language of the words of the force majeure clause in the contract in dispute.

California law generally requires parties invoking force majeure show they made sufficient or reasonable efforts to avoid the consequences of the force majeure event. One example would be by providing "cover" or sourcing means of performance from others. California courts, for example, have said that force majeure does not excuse a drilling company from its contract where the drilling company said it could not obtain necessary tools because its supplier was on strike. Although strikes were among the force majeure events in the clause, the court found the drilling company was nevertheless obligated to obtain tools from a different supplier, even at additional cost.

Whether COVID-19 disruption rises to the level of a force majeure event in your enterprise will most likely depend on the language of your contract, the effect on a party's ability to perform its obligations under the contract, and the steps the invoking party took to avoid the negative consequences of the COVID-19 virus.

Here are some steps to consider mitigating your risk (or maximize your rights) and prepare for interruption to your operations or those of your suppliers and contracting parties.

Review contracts to see what force majeure rights, remedies and requirements may apply if your operations are disrupted. Some force majeure provisions require the invoking party disclose the period during which performance will be delayed. Or the clause may provide you a right to source from an alternate provider or terminate the contract for non-performance after a certain period.

Review notice and response requirements to confirm it is timely and contains proper content and is a proper delivery method.

COVID-19 - Continued on Page 6



FAVORITE RECIPES

Oatmeal Crispies

I know, everyone is home, the kids are bored, times are tense. Shopping online gets expensive, can't clean the house anymore and the laundry is all done. I know, let's bake cookies!! These are easy cookies and it's perfect for the kids...let them help. Sounds like such a good idea, I think I'll go bake some myself. It's a "Taste of Home" recipe, so they must be good! Note: I did make these the other day and Mikey liked them! Hope you do too.

Ingredients:

1 cup shortening (I used half butter & half shortening)	3 cups quick-cooking oats
1 cup sugar	1-1/2 cups all-purpose flour
1 cup packed brown sugar	1 teaspoon baking soda
2 large eggs	1 teaspoon salt
1 teaspoon vanilla extract	1/4 teaspoon ground nutmeg
	1/4 teaspoon ground cinnamon



Directions:

In a large bowl, cream shortening and sugars until light and fluffy. Add eggs, one at a time, beating well after each addition. Beat in vanilla. Combine the oats, flour, baking soda, salt nutmeg and cinnamon and mix well; gradually add to creamed mixture.

Drop by tablespoonfuls 2 inches apart onto ungreased baking sheets. Flatten with a fork. Bake at 350° for 10-12 minutes or until lightly browned. Remove to wire racks to cool.

Nutrition Facts: 2 each: 156 calories, 7g fat (2g saturated fat), 13mg cholesterol, 116mg sodium, 22g carbohydrate (12g sugars, 1g fiber), 2g protein.

IS COVID-19 A "FORCE MAJEURE"? - Continued from Page 5

Gather and keep as much information as possible about any potential force majeure claim, document the timing, the number of impacted people/facilities, and when the event is expected to end.

Consider contingency plans if you are at risk to be impacted by COVID-19. Consider whether there are alternative means to perform or satisfy contract obligations or plan steps to take in anticipation of the effects of the outbreak. Document efforts to comply with contract terms or to find other means by which to comply.

Manage communications with contracting parties, keeping in mind the importance of relationships to ensure a company-wide, consistent approach.

Understand Federal, state and local government

regulatory actions and restrictions regarding public policy and public health and monitor new regulatory actions taken in response to COVID-19 to determine if you must act in a way that affects contractual commitments.

Consider the effect of a force majeure declaration in one of your contracts on other contracts and business obligations. Some banking line of credit or loan agreements have requirements that you provide notice of material events that could lead to litigation or anticipated loss outside of the ordinary course of business.

Thoughtful assessment of the impact of COVID-19 requires consideration your business and contractual relationships. Executives may wish to review with counsel the rights and obligations provided in the company's significant contracts.

Everybody Counts!



April is census month! By now you may have already received a letter from the U.S. Census Bureau asking you to complete information about individuals residing in your household using a secure internet ID. The census takes place once

each decade and the U.S. Census Bureau is responsible for counting each person in our Nation. But why is participation in the census important? Obtaining a complete and accurate count of the State's population brings many benefits to our residents and communities. The information determines how many seats each State has in the U.S. House of Representatives, giving us a bigger voice, and the distribution of billions of federal dollars to support State and local governments. California is considered a "difficult to count State" due to factors that include our diverse population, individuals without broadband access, and people living close to or below the poverty line. In an effort to get a complete and accurate count, our State is

coordinating outreach and communication campaigns with local governments and community organizations. Santa Cruz County is working with local agencies and community groups to provide county residents with more information and assistance with the Census. Information on all of these resources is available at <https://www.santacruzcountycounts.us/>

People accessing the website and wanting additional assistance can find help near their homes by typing their address in the Questionnaire Assistance Kiosks button. This handy tool will guide people to the nearest Census kiosk for assistance.

More helpful information about the Census in various languages is also available at: <https://californiacensus.org/>

You can get answers to the most frequently asked census questions by clicking on "Learn More" and selecting "About the 2020 Census" and scrolling down.

Three key sentences describe the 2020 Census: It is important, it is safe and it is easy.

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Small office for rent in Watsonville. Ideal for sole proprietor. The office is part of a larger shared office building, complete with two bathrooms and a shared conference room and copy room. The private office is approximately 80 sq. ft, with a window and private locking door. The building has its own parking lot with ample parking. An independent insurance agent and his assistant have used the office for over 25 years, but have retired.

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Julie Oliver, Owner/CFO C & N Tractors





President's Message - Continued from Page 1

This week saw shoppers flocking to local stores to stock up on food. Whether purchases were made of items perceived to be in short supply or to have enough stock at home to forego shopping to support homebound self quarantines, local markets were temporarily wiped clean of toilet paper, meat, canned goods and produce items. Farmers have seen an increase in sales this week as their retail partners scramble to meet consumer demand and restock shelves. The coming weeks will likely show high degrees of uncertainty. As the virus spreads in our county, will shoppers venture out to get the food they need? Farmers often experience heavy sales prior to most major holidays; followed by a dip in sales as the food shopping hangover sets in and people consume what they have at home. We may see this now, but the real question is for how long. How will consumer confidence change in the coming weeks?

One thing to help allay public fears in this time of uncertainty is that our food is safe. The U.S. Centers for Disease Control and Prevention reports the virus is generally spread person-to-person through respiratory droplets from sneezing, coughing and talking. "Currently there is no evidence to support transmission of COVID-19 associated with food," according to the CDC, because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from food products or packaging that are shipped over a period of days or weeks at ambient, refrigerated, or frozen temperatures."

Farmers and their workers are impacted by the virus just like everyone else. Some will fall ill, others are forced to stay home to care for sick family members or have children home due to school closures. The impact down stream on supply into the market may be significant. Our county is still in its dormancy for harvest of many crops, but plantings have been underway in earnest. As those are potentially delayed what will the ripple effects be? Our agricultural community is resilient and will weather this new challenge as it has others that have befallen it. We can count on Santa Cruz County farmers to produce the food our community needs.



Santa Cruz County Farm Bureau

National Agriculture Day Spring Luncheon

Heritage Hall, Santa Cruz County Fairgrounds

May 27, 2020

11:30 a.m. to 1:30 p.m.

103rd Annual Meeting

Location to be determined

June 2020 - Date TBA

5:45 p.m.

California State Fair

Cal Expo, Sacramento, CA

July 17 through August 2, 2020

26th Annual Golf Tournament

Seascape Golf Club

12:00 p.m. Shotgun Start, July 10, 2020

Santa Cruz County Fair

September 16 through September 20, 2020

Annual Directors' Dinner

Location to be determined

November 5, 2020

5:45 p.m.

CFBF 101st Annual Meeting

Reno, NV

December 6 - 9, 2020

Agri-Culture

13th Annual Down to Earth Women Luncheon

Driscoll's Rancho Corralitos

Postponed - Date To Be Determined

11:30 a.m. to 1:30 p.m.

12th Annual Testicle Festival

Estrada Deer Camp

August 15, 2020

3:00 p.m. to 7:00 p.m.

24th Annual Progressive Dinner

Location to be determined

October 24, 2020

3:00 p.m. to 9:00 p.m.

CAL FIRE Awards \$43.5 million in Local Fire Prevention Grants

Projects protect communities, reduce fire threat and greenhouse gases.

CAL FIRE (California Department of Forestry and Fire Protection) this week awarded \$43.5 million dollars to local organizations to reduce the risk of wildfires to homes and communities across California. Fifty-five local fire prevention projects are receiving funding for hazardous fuel reductions, wildfire preparedness planning and fire prevention education.

"We have doubled down on our efforts to clear brush, inspect homes for defensible space and reduce the risk of wildfires," said Chief Thomas Porter, CAL FIRE director. "These 55 local projects will play a critical role in augmenting our fire prevention efforts."

Grant money for our area includes:

Central Coast University of California Cooperative Extension received a grant of \$379,785. This project will reduce greenhouse gas emissions through the promotion of prescribed fire for use as a tool by landowners in Santa Cruz, San Benito and Monterey counties. Increased prescribed fire use on private lands will reduce risk of wildfire on those lands. Wildfires are uncontrolled phenomenon that

release more CO₂ and other emissions per acre than an equivalent prescribed burn¹, with an average of 18 to 25% more emissions released from wildfires vs. prescribed burns. Planned prescribed burn management can help reduce GHG emissions, especially particulate matter, while achieving management goals of landowners.

Santa Cruz County through the **San Mateo County Resource Conservation District**, received a grant of \$199,431. Fifty-five percent of Santa Cruz County is classified as high or very high fire hazard. However, It is neither economically or ecologically viable to treat all wildfire hazard landscapes in the county. The goal of this project is to reduce wildfires throughout Santa Cruz County by engaging with local stakeholders to create a suite of fine-scale wildfire hazard and risk data layers to support efficient and effective wildfire prevention and evacuation planning throughout the county. The result will be a reduction in the total amount of wildfire and a concurrent reduction in GHG emissions because fuel treatments will be targeted to areas with the highest hazard that are also most at risk.

Monthly Irrigation And Nutrient Management Office Hours For Pajaro Valley Water Growers With Dr. Michael Cahn

Do you Want:

- Advice on reducing water use and saving money?
- Someone to interpret a water or soil test result?
- Help with an irrigation system design?
- Determine how many acres that you can irrigate?
- Improve your understanding of irrigation and water management?
- Learn how to process and interpret a soil nitrate quick test?

Consider stopping by for **irrigation office hours** held at

the UC Cooperative Extension office in Watsonville (1432 Freedom Blvd) on the 3rd Friday of every month from 9 am to noon. You can make an appointment in advance by calling 763-8040 or 831-214-3690 or just stop by. Free glass of water with every visit!

Funding for this project is provided by PV Water and CDFA FREP.

Submitted by Dr. Gerry Spinelli

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Franklin D. Roosevelt

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EASTER**

Between the Furrows

A Santa Cruz County Farm Bureau Monthly Publication

CALENDAR

FRIDAY - APRIL 3 POSTPONED
Focus Agriculture - Class 31
Session 2

WEDNESDAY - APRIL 1
CANCELLED

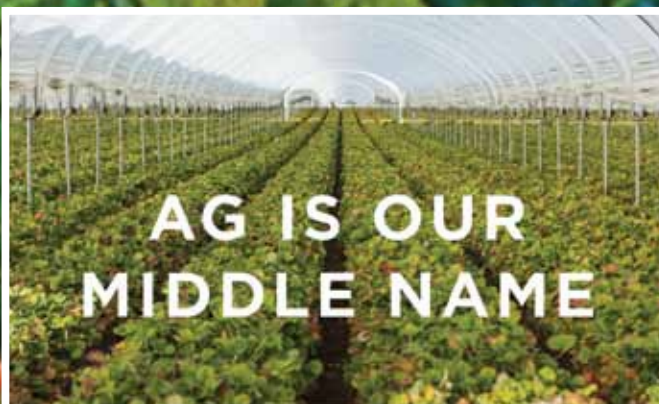
- Legislative Committee meeting
- Executive Committee meeting
- Membership Committee meeting

WEDNESDAY - APRIL 29
Focus Agriculture - Class 31
Session 3

THURSDAY - APRIL 30
Board of Directors' meeting

RESCHEDULED
WEDNESDAY - MAY 27
NATIONAL AGRICULTURE DAY
SPRING LUNCHEON

POSTPONED
THURSDAY - TBA
13TH ANNUAL DOWN TO EARTH
WOMEN LUNCHEON



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