

Between the Furrows

A Santa Cruz County Farm Bureau Monthly Publication

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

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ASK MARK

Mark Bolda, Farm Advisor, Strawberries & Caneberries UCCE

Spotted Wing Drosophila Management

Q- I know it's still a little early to be talking spotted wing drosophila management, but could you give a summary of what the recommendations are for controlling this pest? I am on a small farm, so I don't have recourse to some of the things that a large scale grower has. Thank you.

A- While May doesn't see much in the way of spotted wing drosophila in the berries on the Central Coast, no time is too early to be thinking about this pest.

To review, spotted wing drosophila (SWD for short), is a species of vinegar fly which damages soft fruit by laying its eggs into them a few days before maturity. Subsequently the developing larva feeds within the fruit, and makes a mess of it, which of course ends up rendering it unmarketable.

When thinking about management of SWD on the smaller scale, one should look at a two pronged approach. First, to the extent possible, cull fruit (usually rots or over-ripes) should be removed from the field and then be buried or thrown away. The key point is that this fruit, which very likely contains SWD larvae, is being taken away from the production area where it can all further infect other maturing fruit. If one has a tractor, leaving the culls in the furrow and then driving over and smashing them can be useful, not so much because it crushes the larvae, but more because the flattened fruit dries out quickly and desiccates them.

However, several years of research tells us to recognize that removal of cull fruit alone will not be enough to bring the population down to acceptable levels. There will

always be that one fruit which is missed but yet contains the propagation potential in it to re-infest your field.

This need to address the SWD that remains after removal of cull fruit is why the use of insecticides does play a role in good SWD management. In particular the material spinosad, marketed under several names and available even in hardware stores, is effective. The spraying, which can be done with a backpack or even a handheld pump sprayer, should start when the flies start to be seen which is usually around mid-July on the Central. As with all pesticides, you should follow the label closely and consult with someone who knows, like myself or the Agricultural Commissioner's office, if you have questions.

One final thought to share for berry growers concerned about SWD on the Central Coast is to take note of what is around your field. We are all familiar with the large growths of Himalayan blackberry which have taken over certain places, but these are also havens for SWD. Do you have a big patch of these next door or close by? You might want to look at reducing that wild blackberry growth if you are practicing good sanitation and have a good spray program in place, but are yet continuing to have SWD problems.

The above has been a discussion of what to do about SWD, especially on the small scale. For more information about this subject, please contact Mark Bolda at UC Cooperative Extension, Santa Cruz County, email mpbolda@ucanr.edu or (831) 763 8040. ■

THE WATER NANNY

"Agriculture, the Original Green"

Tale of Two Valleys

I just read the most fascinating article in California Agriculture, published by the UC Ag Extension, about climate change and its consequences on vineyard grape varieties east of Paso Robles. OK, I will be the first to admit that I have no social life after the pandemic. This paper was based on Cal-Adapt (<https://cal-adapt.org/>), an online climate tool showing potential future climate changes by location, basically your address.

Let's face it, discussing climate change is about as popular as considering casket style for your eventual funeral. Both will occur, if you are a farmer growing perennial crops like grapes or apples, future weather is more important than other inevitable events. The study of premium wine vineyards, both east and west of Paso had two parts; to explain current climate research tools to farm managers and advisors, and see how they may respond to the various scenarios. The west side operations, closer to the coast, had impacts, while the east side got cooked. East of Paso averages 16 days over 100°, in 20 years it is projected to be over 38 days, with 13 days over 105°. Rain will increase slightly. West side growers will move from no 100° days to possibly 5, with slightly more rain.



The consequences for perennial vines is significant. The area is famous for its cabernet sauvignon, but the persistent high temps will force earlier ripening with less time on the vine to develop terroir, rendering the crop marginally marketable. This may necessitate replanting with southern European grapes, with less value, new row orientation and a significant hit to the already over drafted Paso aquifer.

Closer to home we will have different impacts, comparatively, slightly warmer with potentially more rain, maybe 4" additional precipitation annually. Temperature changes should not be so extreme to force any crop changes, other than fewer winter chill hours impacting some orchards and blueberries. Strawberries may have a slightly longer growing season, with more spring rain impacting harvests. The key here is how warmer weather impacts competitive growers in Santa Maria and Mexico.

While Pajaro Dunes seems to remain higher than the new tide lines, coastal inundation does creep up some sloughs. Watsonville and Moro Cojo Sloughs will rise enough that local tile drains may become ineffective, limiting planting. As these areas have such high water already there are no perennial crops, resulting in yearly decisions on planting. Of course if the County did a better job of operating the weir on Watsonville Slough at Shell Road impacts would be reduced. The San Francisco Bay shoreline and the Sacramento Delta will be getting all the attention due to coastal inundation and sea level rise, and funding to fight it, leaving farmers on their own to deal with the consequences, so it is good news that Santa Cruz and Monterey counties only have limited flooding.



Back to Paso Robles grapes, cabernet vineyards east of town may return to fields of hay. Well, maybe it is more pleasant to discuss casket size. Denial also works, as one vineyard manager said: *"I think I'm not buying into this assumption. I think I would buy more of this assumption if the impacts were less severe. This becoming Death Valley is hard for my brain."* ■

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of the big issues is essential to problem solving the many challenges that affect us all."

Christine Jennifer
Owner, Suncrest Nurseries, Inc.



FAVORITE RECIPES

Fish Packets

Hans Haveman, from H & H Fresh Fish Company shared his recipe with Annaliese Keller of the Monterey Bay Certified Farmers Market and it is posted on their website edibleparadise.com/main-courses/fish-and-seafood/h-a-h-packets. Hans and Heidi say, "The packets can be baked in the oven or on the barbeque and are sure to impress." Salmon season just opened in May, so it is a great time to break out those barbecues and enjoy an easy, low calorie, delicious meal. Allow one packet per person. The following is for one packet.

8 ounces fish (black cod, halibut, sturgeon, wild salmon or other similarly dense fish)

1/2 cup shitake (or other) mushrooms

1/4 cup red onions, sliced

1 teaspoon fresh ginger

2 tablespoons soy sauce

2 tablespoons rice wine vinegar

Juice from half a fresh lemon

1 pat butter

Pinch of white or black pepper

Method: Preheat the oven to 350°F. Cut one 12 x 12 inch square of heavy duty aluminum foil. Place fish in the center of foil. Place mushrooms, onions and ginger on top of fish. Fold up sides of foil to begin creating packet. Pour soy sauce, vinegar and lemon juice over the vegetables and fish. Place a pat of butter on top of vegetables and fish. Sprinkle with pepper. Wrap and fold foil tightly to finish packet. The foil needs to be folded tightly in order to create a sealed package to allow fish and vegetables to steam. Bake at 350°F and cook for approximately 15 minutes per inch of fish thickness. (Alternately, lay the packets on the barbeque grill to cook.) Carefully transfer packet to plate, taking care to retain juices and being cautious not to get burned by the steam when you open packet. Yield - 1 serving ■

Interesting California Trivia

With an area of nearly 20,105 square miles (52,070 km), San Bernadino County is the largest county in the U.S. It is actually larger than the nine U.S. states (Maryland, Hawaii, Massachusetts, Vermont, New Hampshire, New Jersey, Connecticut, Delaware, and Rhode Island.)

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President's Message Summer Travels



Arnett Young

This summer the travel industry is expecting a large uptick in both national and international travel, due to the lowering of restrictions that were imposed during COVID. I am one of those people who have been adding to this uptick for both work and pleasure, and I have mixed feelings about it.

In the past couple of months, I have traveled to the east coast for work and a few states over to visit family. In each of these travels, there seems to be a mixed bag of what precautions (COVID related) needed to be followed to be compliant. My first trip to the east coast, masks were mandatory on planes, no mask in most stores, vaccination card for some restaurants but no mask, masks only at other restaurants and yet others had no restrictions. The second trip was similar but no masks on planes. And just recently I traveled a few states over, no masks or vaccination cards were required/requested. So you would expect that the COVID pandemic is over.

Most experts believe that the US is entering a new phase. Recently the US has passed the 1 million death toll; however, overall daily cases and deaths are significantly lower than 6 months ago. Sixty-six percent of the population is fully vaccinated and 79% have at least one dose. Our hospitals, no longer at/or exceeding capacity, have returned to normal operations as most businesses. However, this is not everywhere.

Globally the pandemic persists. The CDC is still releasing COVID warnings for travelers to some foreign countries. The World Health Organization considers COVID as an active pandemic noting 70 countries have increases in reported cases of COVID while testing rates have declined. Sixty percent of the world's population is vaccinated; however, only 57%, mostly wealthy countries, have or exceed a vaccination rate of 70%. Additionally, African nations are seeing an increase in death rates while simultaneously having the lowest vaccination rates.

This is where my mixed feelings stem. I enjoy the freedom to travel again. I also know that a virus is designed to continually mutate releasing new micro-variants (billions a day) which have the potential to reignite the pandemic. While traveling, I am moving around people who have traveled from all over the world. Shouldn't I be using some precautions to protect myself and my loved ones? ■

1482 Freedom Blvd.



Arnett Young (pictured above), President of the Santa Cruz County Farm Bureau, spoke at the May 25, 2022 ground breaking ceremony that marks the beginning of construction of an apartment complex at 1482 Freedom Blvd. 1482 Freedom is designed as two three-story buildings with 53 apartments, which include a mix of one-bedroom, two-bedroom and three-bedroom units. Approximately half of the units will be set aside for farmworkers.

The 1.77 acre site, developed with sustainability in mind, with solar panels over carports, low-flow water fixtures, Energy Star appliances and dedicated indoor bike parking, will be built by Bogard Construction.

NATIONWIDE NEWS



Nationwide, Razor Tracking Partner to Boost Fleet Safety and Efficiency

Agribusiness customers to receive a discount on Razor Tracking services

As today's farms and commercial agribusinesses grow in size and sophistication, agricultural professionals are using data and technology to drive profitability, improve safety and enhance their day-to-day operations.

Recently, Nationwide and Razor Tracking announced a new partnership to offer advanced telematics and fleet management solutions at a discount for Nationwide's agribusiness customers across the country.

Through the partnership, Nationwide's agribusiness members will receive preferred pricing on Razor Tracking's real-time vehicle telematics devices, dash cameras and subscription costs to help optimize fleet safety and performance over the roads and on the farms.

"Vehicle accidents are a leading cause of disruption for farm and agribusiness operations," said Brad Liggett, Nationwide's President of Agribusiness. "Nationwide is always looking for answers to the problems facing our agriculture customers and our partnership with Razor Tracking helps us do that, using high-tech yet cost-effective technology to keep our members and their vehicles safe while also improving productivity for their business."

With the Razor Tracking technology, operators can use an online portal or mobile app to monitor employee driving and help reduce hazardous behaviors – like high-speed driving, harsh braking and sharp cornering – and generate driver safety scores to coach improved performance and reduce the likelihood of accidents. The devices also send out alerts in the event of an engine failure or overturned vehicle, helping to improve vehicle maintenance and response to accidents.

As fuel prices spike across the country, customers can even leverage the devices to increase fuel efficiency by tracking vehicle locations, route efficiency, idle time and fuel levels – all in real time. Razor Tracking's clients have shown a 30% increase in productivity in the first 60 days.

"Partnering with Nationwide solidifies the depth of Razor Tracking's technology and ability to provide an ideal mixed-fleet solution for your agribusiness operation," said Eric Mauch, Managing Partner of Razor Tracking. "Delivering a

comprehensive platform with the latest telematics devices has been the cornerstone of our business, and we look forward to developing the same relationship with Nationwide's customers."

To learn how you can incorporate Razor Tracking's telematics and fleet management solutions into your operation, contact your Nationwide agent or visit razortracking.com/nationwide



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The Santa Cruz County Farm Bureau is a vital part of our community, providing an important voice for the Santa Cruz County and Pajaro Valley agriculture industry. Everyone is eligible to apply for Farm Bureau membership and receive the many benefits and services available. By joining the Santa Cruz County Farm Bureau you help support agriculture in Santa Cruz County and the Pajaro Valley.

How to Join

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THE AG COMMISSIONER

Juan Hidalgo, Agricultural Commissioner, Santa Cruz County

Do Not Forget About The Little Guy: Protecting Managed Pollinators



Although we do not see the high numbers of managed bees coming to our county like in the Central Valley for almond orchards, managed pollinators nevertheless play an important role for raspberry production in our area. As we head into summer, raspberry plants are beginning to

flower, and beehives become a common sight near hoop houses. The beehives are spaced out at specific intervals to ensure good coverage for pollination. According to Mark Bolda, University of California Cooperative Extension Santa Cruz County Farm Advisor, even though raspberries are self-pollinating, bees still help to pollinate up to 95% of raspberry flowers. These mighty benefactors certainly make a big impact in the success of raspberry production in Santa Cruz County which is estimated to be worth nearly \$140 million, according to the latest crop report data.

One significant threat to managed bees is insecticide applications on the farm that can be harmful to pollinators. Over the last several years, EPA and the California Department of Pesticide Regulation (DPR) have taken steps to reduce risks to bees by restricting the use of certain insecticides and by providing additional information on pesticide labels warning users of the risks and steps that can be taken to minimize harm. Of note are restrictions in place around the chemical group of pesticides known as neonicotinoids. These include the active ingredients acetamiprid, clothianidin, dinotefuran, imidacloprid and thiamethoxam. Restrictions in place include prohibiting the application of these pesticides when bees are present and properly evaluating application timing on blooming crops. While these efforts have improved pollinator protection, recent reevaluation of these pesticides by DPR have indicated high risk of exposure from residues in leaves and flowers of treated crops, as well as exposure to residue levels over time. These findings have resulted in new proposed regulations for neonicotinoids that mitigate risk by prohibiting the use of these products to flowering crops in commercial agriculture, or by allowing reduced application rates on certain commodities during certain times of the year.

Although pesticide use restrictions will improve bee protection by reducing exposure, there are additional actions growers in collaboration with beekeepers must take to protect managed pollinators. * These include:

- Coordinating arrival and departure of beehives on the farm, taking into account blooming commodities and pesticide use
- Communicating on the timing of pesticide applications and the types of pesticides to be used that can impact bees
- Communicating on the location of beehives so that protective actions can be taken, including covering or removal of the beehives
- Creating a buffer between the beehives and the pesticide treated area

The California Food and Agricultural Code requires beekeepers to register with the County Agricultural Commissioner and to identify the location of their beehives. In the past few years, the registration process has taken place using BeeWhere (<https://beewhere.calagpermits.org>). BeeWhere uses real time GIS maps allowing beekeepers to easily mark beehive locations using the mobile app. Growers are required to provide notification to beekeepers at least 48 hours before using a pesticide that may be harmful to bees. Using BeeWhere, growers and their PCAs can see commercial beehive locations within one mile of the intended application site. BeeWhere makes it possible for grower, PCAs, and beekeepers to easily communicate and coordinate the best course of action prior to a pesticide application to protect managed pollinators on farms. Looking out for the little guy has never been easier. ■

* California Department of Pesticide Regulation, 2016. "Bee Aware!" brochure. https://www.cdpr.ca.gov/docs/enforce/pollinators/collaboration_brochure.pdf

LEGALLY SPEAKING

Written by Alan Smith, The Grunsky Law Firm PC

CONTRACT NEGOTIATION: FORUM SELECTION



Alan Smith

Buried in the small print of many commercial contracts (for example, equipment purchase contracts, computer services contracts or loan documents for national banks, is a "forum selection clause" which requires you to go somewhere else in California outside Santa Cruz County or even to another state, to file a lawsuit. Often Delaware is selected where a corporation was formed, the principal place of business of the other party to the contract or maybe even a place the other party thinks has laws which make it more difficult or expensive for you to assert your legal rights should a lawsuit be filed. Such clauses are especially popular in electronic services contracts. The other party might also prefer a particular court or process because of location or the court's experience in handling such matters or limited remedies.

Courts often uphold forum selection clauses if they are made in good faith, do not deny anyone representation in a court of law; and enforcing the clause does not violate a strong public policy in the state where the case originated. Also, such clauses must not violate State statutes which often have provisions to protect consumers.

Absent such a forum selection clause and unless a state statute controls, the doctrine of *forum non conveniens* applies. *Forum non conveniens* is the power a judge has to decide to dismiss a lawsuit if another court is better suited to hear the case. This dismissal does not prevent re-filing in the more appropriate forum. The defendant can request such a dismissal or the court can decide to do so without either side making a request. However, judges will not grant a *forum non conveniens* dismissal if no other court will hear the case, or if the other court will not award any money even if you win, or where the other court's judicial system is grossly inadequate.

If a defendant motions for a *forum non conveniens* transfer, courts typically apply a 2-part test. The first part is a balancing test of both private and public factors, and the second looks at what adequate alternative courts are available.

Save the Date

Santa Cruz County Farm Bureau

105th Annual Meeting

Rodgers House Patio, SCC Fairgrounds
June 23, 2022

California State Fair

Cal Expo, Sacramento, CA
July 15 through July 31, 2022

29th Annual Golf Tournament

Pajaro Valley Golf Club
July 15, 2022

Santa Cruz County Fair

September 14 through September 18, 2022

Annual Directors' Dinner

November 3, 2022
5:45 p.m.

CFBF 104th Annual Meeting

Monterey, CA
December 4-7, 2022

Agri-Culture

14th Annual Testicle Festival

Estrada Deer Camp
August 27, 2022
3:00 p.m. to 7:00 p.m.

26th Annual Farm Dinner

Location to be determined
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Legally Speaking - Continued from Page 9

The usual private factors are ease of access to evidence, connections of the two parties to the respective forums; whether the plaintiff's chosen court would be burdensome to the defendant, ease of obtaining the appearance of witnesses, and the enforceability of a judgement.

The usual public factors are whether the trial would involve multiple sets of laws potentially confusing a jury, having juries who may have a connection to the case, local interest in having local interests heard at home and having the trial in a place where state laws govern.

In considering adequate alternative courts, the defendant must offer an alternate court that is able to hear the case and the alternate court must have the ability to provide a remedy to the plaintiff

A court will typically only invoke *forum non conveniens* on its own if it meets another two-step process: first, the court is a seriously inappropriate forum and two, there is a substantially more appropriate court that is available for the plaintiff's claim.

Finally, courts sometimes attach conditions to *forum non conveniens* dismissals such as the court might require the defendant to waive defenses that would prevent the plaintiff from re-filing the suit in the alternative forum. Or the court might dismiss the case in favor of a foreign court, but only on the condition that the defendant allow American-style discovery.

So, anticipation of where disputes may be heard is something to consider in reviewing a contract. It's often buried in the "boiler-plate" small print, but important if you ever have to file suit. Its not uncommon to get forum selection clauses removed during negotiation. But you have to ask and be persistent. ■

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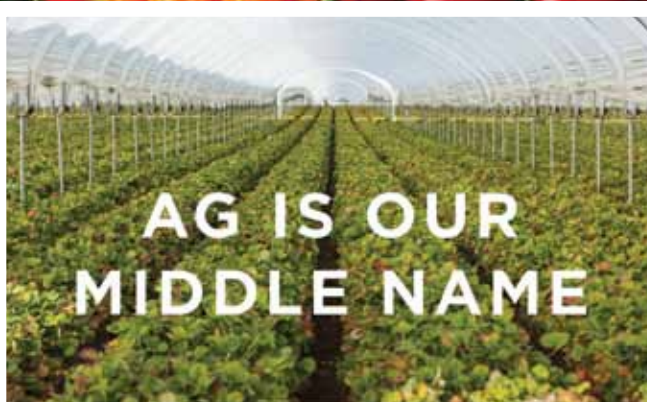
CALENDAR

THURSDAY - JUNE 23
105th Annual Meeting

FRIDAY - JULY 15
29th Annual Golf Tournament

SATURDAY - AUGUST 27
14th Annual Testicle Festival

SATURDAY - OCTOBER 22
26th Annual Farm Dinner



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