



November 7, 2018

Office of Environmental Farming and Innovation
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814

**RE: Healthy Soils Program and State Water Efficiency and Enhancement Program
2nd Draft Requests for Grant Application (RGAs)**

Dear OEFI,

Thank you for the opportunity to provide comments on the second draft RGAs for both the Healthy Soils Program and State Water Efficiency and Enhancement Program. On behalf of the California Farmer Justice Collaborative (CFJC) and our member organizations and individual farmers, including Agriculture & Land-Based Training Association, California FarmLink, Community Alliance for Agroecology, Farms to Grow, Kitchen Table Advisors, Mandela Partners, National Hmong American Farmers and PAN North America, we thank you for heeding our last set of comments and applying **the Farmer Equity Act of 2017 (Section 510 of the Food and Agricultural Code) to these two programs.**

As you continue to improve your programs, we have two suggestions on the current RGAs:

- 1) Provide the same transparency of priority selection for Socially Disadvantaged Farmers and Ranchers in the Healthy Soils Program as you do for SWEEP.**

Currently the language around Socially Disadvantaged Farmers and Ranchers (SDFR) is limited in its transparency on how many points an applicant needs to meet and the process by which priority funding is allocated:

HSP RGA Page 11: *“The following applicants and/or projects will be prioritized for funding: Socially Disadvantaged Farmers or Rancher, consistent with the Farmer Equity Act of 2017; Projects serving Severely Disadvantaged Communities (SDACs)2 consistent with California”*

We recommend you add the language from SWEEP to the HSP application:

SWEEP RGA Page 2: *“Socially Disadvantaged Farmers and Ranchers - CDFA will ensure the inclusion of Socially Disadvantaged Farmers and Ranchers in all programs, including HSI. Farmer and ranchers who identify as belonging to a socially disadvantaged group will receive priority for funding if they meet a minimum score of **XX** points during the technical review with or after funding to projects in SDACs as defined above.”*

2) Offer Advance Payments to Socially Disadvantaged Farmers and Ranchers

Most farmers face a cashflow challenge every spring and early summer as they pay for months of inputs and labor but have no harvest to earn revenue from. As such, paying tens of thousands of dollars upfront to implement a practice and then waiting 6-12 weeks for reimbursement can put a serious financial strain on farmers during lean times of the year. This is especially true for socially disadvantaged farmers and ranchers, who have to overcome the legacy of racism in agriculture, and on average operate smaller farms, earn less revenue, and have received less government support.

The Farmer Equity Act of 2017 requires CDFA to “ensure the **inclusion** of socially disadvantaged farmers and ranchers, including socially disadvantaged farmers and ranchers in urbanized areas, in the development, adoption, implementation, and enforcement of food and agriculture laws, regulations, and policies and programs.”

Real **inclusion** of SDFR means that obvious barriers to participation must be addressed at **all** stages of your climate smart agriculture projects. Giving SDFR priority access to the program is a great first step, but once awarded a project, these same farmers are again on unequal footing compared to many of their white counterparts: SDFR face increased economic burdens having historically received less in government resources and battling decades of oppression. Upfront payments is one way to address this additional barrier to inclusion.

Whereas the previous rounds' RGAs said *all* grant recipients would be eligible to receive up to 25 percent of the total grant award in an advance payment, this draft RGA is restricting advance payments to recipients in disadvantaged communities (DACs).

The problem is: many socially disadvantaged farmers and ranchers do not farm in DACs. Technical assistance providers who work primarily with such farmers and ranchers have been clear about this ever since DAC status was added as an additional consideration to the Healthy Soils Program. Consequently, the restriction on advance payments will limit the number of socially disadvantaged farmers and ranchers who can participate in the program.

Even more, we recommend the following in regards to advanced payments for SDFR to ensure additional barriers are not created:

- **Provide 100% upfront advanced payments.** While a 25% upfront advanced payment is a start, this would still limit many SDFRs from being able to access this program. There is no reason that CDFA cannot offer full upfront advanced payments to SDFR.
- **Limit increased paperwork.** Asking for an additional detailed itemized budget is only adding paperwork and making it more difficult for technical assistance providers to help farmers implement their projects. The existing budget from the application is sufficient to know how the funds are being spent.
- **Allow labor costs (personnel costs) to be eligible for advanced payments.** Labor is part of a project just as materials are. It's not realistic or necessary to track labor costs of repairing a pump, for example, separate from the repair parts themselves. This would require extra reporting and only make things more complicated.

The California Farmer Justice Collaborative wants to thank CDFA for their hard work and dedication to addressing the now ever-present struggle to mitigate climate change and the effect it has on farmers. The Climate Smart Agriculture programs are helping move us in the right direction and it is crucial we carve out space for our socially disadvantaged farmers and ranchers within these programs.

Please feel free to contact Beth Smoker at beth.smoker@panna.org if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "B Smoker". The signature is written in a cursive, slightly slanted style.

Beth Smoker
Co-Facilitator, California Farmer Justice Collaborative

From: [Tannis Thorlakson](#)
To: CDEA.OEFI@CDEA
Subject: Comments on SWEEP Request for Applications
Date: Friday, November 09, 2018 3:53:38 PM

Dear State Water Efficiency and Enhancement Program,

I would first like to extend my thanks for your program's support in improving efficiencies and promoting conservation in agriculture. At Driscoll's, we are committed to supporting independent growers in using natural resources as efficiently as possible. Programs like SWEEP are critical to helping farmers overcome the upfront cost barriers in adopting many cutting-edge conservation technologies.

I am writing to encourage the SWEEP program to incorporate language that would allow farmers that do not own land or have access to long term leases to still be able to benefit from SWEEP's support. The current SWEEP program requires that a project: a) be in place for 10 years and b) occur on APNs identified in the grant agreement. In many agricultural areas, growers are constrained to one to three year land leases. If implemented as written, any farmer that did not own their land or have a (very rare) long-term lease would be excluded from this funding opportunity. Given that many of the most marginalized farms are the most likely to not have long-term lease, this language unintentionally excludes the farms that need this program most.

There are a number of opportunities to reduce energy or water using mobile technologies that farmers use for 10 or more years but bring with them from lease to lease. Microsprinklers are just one example of such a mobile technology. The use of microsprinklers in place of solid set pipes in the establishment of strawberries have been shown to reduce water use by 0.3 AF / ac. In the critically over drafted Oxnard Basin, strawberries are one of the largest agricultural crops. Yet the vast majority of these acres are subject to short term leases. By leaving language as proposed, the SWEEP program will prohibit these acres from accessing this proven water saving technology. Microsprinklers in strawberry production is just one example of such mobile technologies that could both benefit the environment and farmers.

I certainly understand the desire to ensure projects have lasting impacts. I believe this is possible without limiting this program to only landowners and long-term lease holders. I urge you to consider in the revised application a way for short-term lease holders to be engaged in this critical funding opportunity.

Thank you for your consideration,
- Tannis Thorlakson
Environmental Lead, US and Canada
Driscoll's Inc.



November 8, 2018

Office of Environmental Farming and Innovation
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814

Re: SWEEP and Healthy Soils Program 2nd Draft Requests for Grant Application (RGA)

Dear OEFI Staff,

Thank you for the opportunity to comment on these second draft RGAs. We offer three comments; the first is specific to the Healthy Soils Program and the second and third are pertinent to both SWEEP and Healthy Soils.

1) Demonstration Type A Projects Must Be Required to Research Soil Health Impacts

As Environmental Farming Act Science Advisory Panel (EFA-SAP) members made clear on October 18, and the statutory language¹ establishing the Healthy Soils Program has made clear all along, the Healthy Soils Program should only incentivize practices if they have both a soil health and climate benefit.

We maintain that it is a misuse of Healthy Soils Program funding to fund research², especially quarter million-dollar research and demonstration projects for proposed practices that CDFA has:

1. Determined have insufficient peer-reviewed research supporting a GHG benefit
2. Not evaluated (e.g. done a literature review) for soil health impacts

However, if CDFA insists on funding such research and demonstration projects on proposed practices, then it must at the very least require those projects to research both the soil health impacts and GHG emissions/carbon sequestration impacts of such practices. One or the other will not help CDFA or the EFA-SAP evaluate a practice's suitability for the program.

In order to honor the statutory requirements for the program and EFA-SAP's guidance at the October 18 meeting, CDFA should make the "Recommended Changes to the Draft RGA for Demonstration Projects" listed at the end of this letter.

¹ FAC Div. 1, Ch. 3, Article 8.5, Section 569.

² CDFA should stop trying to call it something else (e.g. Data Collection); if the data is going to be used to inform climate models, then it must be scientifically rigorous and peer-reviewed, and therefore constitutes research.

2) Many Farmers and Ranchers Need the Option of Advance Payments to Participate in the Programs, and CDFA Has the Authority to Offer Them

Most farmers face a cashflow challenge every spring and early summer as they pay for months of inputs and labor but have no harvest to earn revenue from. As such, paying tens of thousands of dollars upfront to implement a practice and then waiting 6-12 weeks for reimbursement can put a serious financial strain on farmers. In fact, it may be outright impossible for many farmers, especially smaller-scale farmers and socially disadvantaged farmers and ranchers (or SDFRs, as defined in FAC Div. 1, Ch. 3, Article 6, Section 512), who often do not have the cash on hand or access to credit to pay for these practices upfront. This means that without eligibility for advance payments, many farmers and ranchers in California will be structurally excluded from participating in the program.

Whereas the previous rounds' RGAs for both programs put no restrictions on the type of grant recipients eligible to receive up to 25 percent of the total grant award in an advance payment, this draft RGA is restricting advance payment eligibility to recipients in disadvantaged communities (DACs).

The problem with this restriction is that many farmers and ranchers, including many SDFRs, do not farm in DACs. Consequently, the restriction on eligibility for advance payments will limit the number of farmers and ranchers, especially economically and socially disadvantaged farmers and ranchers, who can participate in the program.

The RGA states that "Applicants interested in requesting an advance payment are subject to the following as required by Proposition 68 (SB 5) and state requirements."

There are two sections in SB 5 that refer to advance payments. One is specifically related to Integrated Regional Water Management Projects, so is irrelevant. The other, which we suspect CDFA is referring to, reads:

"80030. For grants awarded for projects that serve a disadvantaged community, the administering entity may provide advanced payments in the amount of 25 percent of the grant award to the recipient to initiate the project in a timely manner. The administering entity shall adopt additional requirements for the recipient of the grant regarding the use of the advance payments to ensure that the moneys are used properly."³

While this section gives agencies permission to provide advance payments to projects that serve a disadvantaged community, it does not prohibit or preclude agencies from providing advance payments to recipients *outside* DACs.

CDFA should be responsive to the economic realities faced by many farmers and ranchers in the state and strive to make its program as accessible as possible to farmers and ranchers. As such, CDFA should reinstate eligibility for advance payments to all farmers and ranchers. If CDFA does not have the capacity (financially or administratively) to provide advance

³ PRC, Div. 45, Ch. 1, Section 80030

payments to all award recipients, then CDFA should look to and learn from how other agencies determine financial need for advance payments, and limit payments to those who can demonstrate financial need.

Two examples of other Climate Change Investment programs that offer advance payments regardless of DAC status are:

1. ARB's Funding Agricultural Replacement Measures for Emissions Reductions Program
2. ARB's Financing Assistance for Lower-Income Consumers

At the very least, CDFA should reinstate eligibility for advance payments to SDFRs. CDFA is required by AB 1348 (the Farmer Equity Act)⁴ to "ensure the inclusion of socially disadvantaged farmers and ranchers, including socially disadvantaged farmers and ranchers in urbanized areas, in the development, adoption, implementation, and enforcement of food and agriculture laws, regulations, and policies and programs." Given that many SDFRs cannot participate in the SWEEP and Healthy Soils Programs without access to advance payments, then CDFA must offer such payments to ensure their inclusion.

In general, it would also be helpful to stakeholders in the future if CDFA could cite specific sections of statute whenever referencing state laws in its public documents.

3) Prioritize Socially Disadvantaged Farmers and Ranchers the Same Way in Both the Healthy Soils Program and SWEEP

We commend CDFA for clearly describing how it plans to prioritize SDFRs in the SWEEP RGA on page 2. We recommend CDFA adopt the same language in the Healthy Soils Program RGAs, which is currently too vague. The plan, as described in SWEEP, will encourage SDFRs to apply to these programs, help CDFA meet its statutory requirement under AB 1348, and help technical assistance providers funded by the Strategic Growth Council to meet their SDFR technical assistance requirements.

Recommended Changes to the Draft RGA for Demonstration Projects

Page 6, under Project Types, Type A should read (changes highlighted and bolded):

"Projects are required to (a) implement the selected eligible agricultural management practice(s), (b) collect data on field measurements of GHG emissions **and soil health impacts**, and (c) collect co-benefit data including **impacts on environmental water and air quality** to address knowledge gaps regarding implementation of specific practices identified as 'Practices for Demonstration and Data Collection.'"

Page 8, under Practices for Demonstration and Data Collection (Type A Projects only), should read (changes highlighted and bolded):

⁴ FAC Div. 1, Ch. 3, Article 6, Section 512

“In addition to the above practices, additional practices are eligible for funding through Type A projects. A GHG quantification methodology is not currently available for these practices, **and some of these practices may have no or negative impacts on soil health**. Therefore, field GHG emissions **and soil health indicator** measurements must be included as part of the proposed projects. Projects required to collect scientific data to fulfill the following priorities and to inform development of implementation standards for these practices in the long-term:

(i) Demonstrate carbon sequestration, **soil health impacts, and** GHG reduction potential of the practice in diverse California climate types, soil types and crop types, through collection of data including but not limited to field measurement of GHG emissions **and soil health impacts**.

Page 12, under DATA COLLECTION REQUIREMENTS, should read (changes highlighted and bolded):

“The following data collection will be required for both T and C in each APN identified in the project (and Project Reporting Requirements):

- Required for both Type A and Type B projects:
 - Soil organic matter from each APN that is part of the project:
 - Prior to initial implementation of funded practices (2019, baseline data)
 - One year after implementation of funded practices (2020)
 - Two years after implementation of funded practices (2021)
 - Three years after implementation of funded practices (2022)
- Required for Type A projects:
 - Measurements of GHG emissions **and soil health impacts** on T and C project sites where Soil Management Practices are implemented. GHG measurements from other eligible management practices are optional, as applicable.
 - Crop yield data.
- Optional for both Type A and Type B projects:
 - Additional data **on soil health**, co-benefits, and/or ecosystem services.
 - Detailed economic analyses on production profitability for selected practice(s).

Page 19, under “Information to be provided to CDFA may include,” should read (changes highlighted and bolded):

- “Project data, including but not limited to soil organic matter data (Type A and B Projects), GHG fluxes/annual emissions, **soil health impacts**, crop yield or economic analysis (Type A Projects only), co-benefits and ecosystem services (optional for both Type A and B Projects).”

Page 27, under “Data Collection” should read (changes highlighted and bolded):

“Outline the methods and scheme for monitoring GHG emission **and soil health** measurements (required for Type A Projects), co-benefits **to soil health** and environmental water and air quality data along with crop yield data collection or economic analysis (required for Type A Projects, encouraged for Type B Projects).

Thanks again for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Brian Shobe". The signature is written in a cursive, flowing style.

Brian Shobe
Associate Policy Director
brian@calclimateag.org

From: [Bill Rice](#)
To: CDEA.OEFI@CDEA
Subject: Public Comment
Date: Sunday, October 28, 2018 4:33:57 AM

We are engaged in deploying moisture sensors, an electric pump for organic fertilizer injection into the irrigation system, and maintaining and expanding our drip irrigation system. We are doing it with no grant help because the large agricultural entities can afford to employ professional draft writers to access programs like SWEEP. I understand that the State is more interested in getting th4e biggest bang for their bucks, and large farms, etc., are the bigger bang. But there are thousands of us small growers doing the right thing who could use some grant help to finish our projects. We can pay to plant it out, but it is the infrastructure cost, and the labor to install it, that slows us down.

As for the SWEEP program, I think it is a good one and should be continued.

Ruth Dahlquist-Willard
Small Farms and Specialty Crops Advisor
University of California Cooperative Extension (UCCE), Fresno and Tulare Counties
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November 8, 2018

Re: Draft Requests for Grant Applications (RGA) for the State Water Efficiency and Enhancement Program (SWEEP) and Healthy Soils Program (HSP)

Dear Office of Environmental Farming and Innovation,

Thank you for allowing a second opportunity to submit comments on the RGAs for SWEEP and the Healthy Soils Program. As I have mentioned before, the repairs and improvements to pumps and irrigation systems provided for by SWEEP funding have greatly benefited the small-scale, socially disadvantaged farmers I work with in Fresno County. This includes refugee and immigrant farmers whose farms are now more economically and environmentally resilient because of the SWEEP projects they have implemented.

I would like to comment on the following change in the draft RGAs for both of these programs:

Advance payments up to 25 percent for project expenditures for a three-month period can be requested for projects in Disadvantaged Communities (DACs) and Severely Disadvantaged Communities (SDACs) only

My staff and I have so far assisted nineteen socially disadvantaged farmers funded for SWEEP projects, and the option of requesting a 25% advance payment has been essential for the implementation of their projects. Most of these farmers do not have large reserves of cash to pay expenses up front to begin their projects. It has worked very well for them to apply for the 25% advance payment and use it to begin pump repair or replacement, before their drip irrigation systems are installed. For example, both of the farmers featured in the video produced by CDFA on Hmong farmers receiving SWEEP funding¹ had applied for and received advance payment of 25% of their total budget, and this advance payment helped them get their projects started without a large strain on their personal finances.

The language in the draft to allow advance payments only in Disadvantaged Communities (DACs) and Severely Disadvantaged Communities (SDACs) would exclude most of these socially disadvantaged farmers from receiving advance payments, because socially disadvantaged **farmers** do not necessarily live in or farm in socially disadvantaged **communities**. Many small-scale farms operated by immigrant, refugee, and ethnic minority farmers exist in a landscape of larger farms in census tracts that are not socially disadvantaged communities. Many Hmong and other Southeast Asian farmers in Fresno County either own or rent farms in an area between Fresno/Clovis and Sanger that is not part of a DAC or SDAC. Figure 1 shows the locations in relation to DACs and SDACs of each SWEEP recipient assisted by UCCE. Of the nineteen farmers who have so far received SWEEP funding with technical assistance from UCCE Fresno County, **only two have farms located in either a DAC or SDAC**. Under the rules stated in the current RGA for both SWEEP and the Healthy Soils Program, the majority of the socially disadvantaged farmers we have assisted so far would not have been able to receive advance payments.

If CDFA intends to continue awarding SWEEP or Healthy Soils Program funding to small-scale, socially disadvantaged farmers, it would be beneficial to amend the draft RGA to allow advance payments for socially disadvantaged farmers as defined by the Farmer Equity Act (AB 1348)² as well as for projects in socially

disadvantaged communities. I emphasize that without the advance payment, it will be very difficult for most of these farmers to implement their projects. In addition, some of the new requirements for advance payments would make project implementation much more difficult for these types of farmers. These requirements will make it much more complicated for socially disadvantaged farmers to receive an advance payment unless they have a technical assistance provider who is assisting them with every step of the project. These include:

- If applicant desires an advance payment, a detailed itemized budget must be submitted.
- Advance payment funds must be deposited into a federally-insured interest-bearing bank account that provides the ability to track interest earned and withdrawals, set up and identified prior to the advance.
- Labor costs (personnel costs) are not eligible for advance payments.

The requirement to submit a detailed itemized budget for an advance payment request would present an additional burden for both socially disadvantaged farmers and technical assistance providers who are helping them with the budget, invoicing, and reimbursement process. A detailed budget is already required for the application. If all of the costs on the invoice are allowed as part of the project, it is not clear what information the additional budget requirement for the advance payment would provide.

The requirement to identify and track a farmer's bank account also would be more difficult for socially disadvantaged farmers. Any increase in required paperwork and documentation makes it much more difficult for technical assistance providers to help farmers implement their projects. So far, all of the farmers we have assisted with SWEEP projects have successfully used their advance payments to pay for project costs on their budget. This obviously does not guarantee that no future projects will have any problems, but our experience in every case so far has been that farmers immediately cash the advance payment check into a personal bank account and use it to pay the invoice for the first costs they incur on their project. The farmers we have assisted so far have used the advance payment to pay for pump repair or replacement. Also, the invoice from the pump companies always includes both materials and labor. If advance payments cannot be used for labor costs, labor may have to be broken out of the invoice so that it can be paid for separately.

In my experience, the advance payment of 25% of project costs has been an essential part of the successful implementation of CDFA's Climate Smart Agriculture Incentive programs for socially disadvantaged farmers. I hope that CDFA will maintain the aspects of these programs that have so far allowed farmers with limited resources to access these funds.

Sincerely,

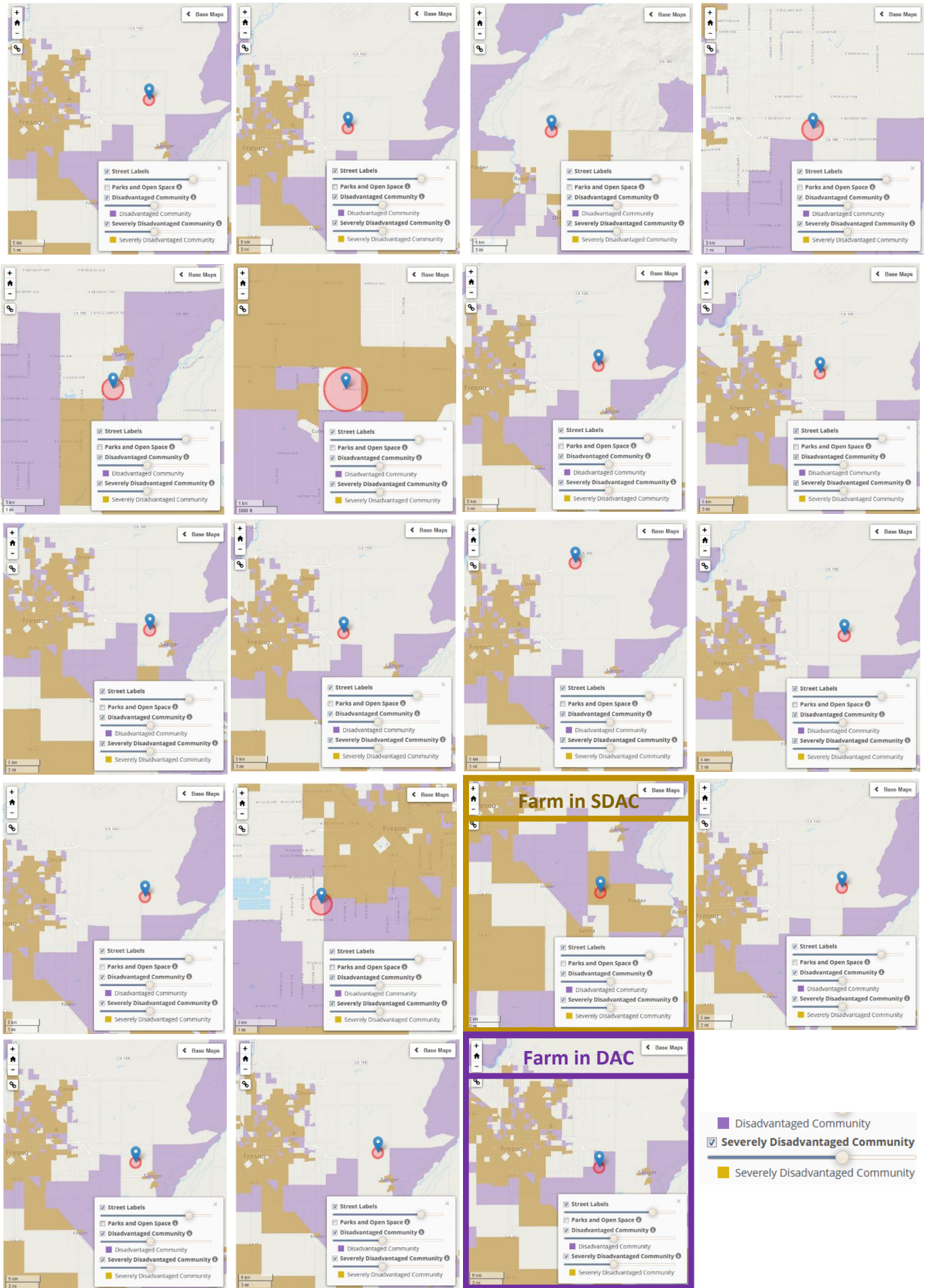


Ruth Dahlquist-Willard
Small Farms and Specialty Crops Advisor
University of California Cooperative Extension, Fresno and Tulare Counties

¹ CDFA helps California's Hmong farmers conserve water and reduce emissions.
<https://plantingseedsblog.cdfa.ca.gov/wordpress/?p=14436>

² Assembly Bill 1348. Farmer Equity Act of 2017.
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1348

Fig. 1. Locations of farms for SWEEP funding received by socially disadvantaged farmers assisted by UCCE Fresno County.



From: [Stanton Lange](#)
To: CDEA_OEFI@CDEA
Subject: SWEEP Program
Date: Monday, October 29, 2018 5:19:37 AM

I have apply 3 times (2014-15) with good water savings and greenhouse gas reduction numbers and have been turned down 3 times.

From: [Ecluse Wines Steve](#)
To: CDEA.OEFI@CDEA
Subject: SWEEP Program
Date: Monday, November 05, 2018 4:54:50 PM

I participated in the SWEEP Program in 2014 and received a grant totaling \$14,000. I have only one parcel number on my property. Can I apply again? The original grant covered the installation of a VFD for my irrigation system. I would like to replace my 24 year old irrigation system and install solar.

Thanks,

Steve Lock
805 234 1805

From: Rick Carleton <rcarleton.eec@gmail.com>

Sent: Sunday, October 21, 2018 9:47 AM

To: CDFA Grants@CDFA

Subject: Sweep Grant Eligibility

We have a client interested in multiple SWEEP grant applications. He has 9 contiguous parcels in an eligible area. My understanding is that he and his wife (sole property owners) can apply for 1 each. He has a living trust for his 4 children named as beneficiaries. If the trust is revocable, can he apply for additional grants in their name as an owner? Same question if an irrevocable living trust.

All told, 9 APN's (parcels) and 2 + 4 property "owners".

Thank you in advance for your time and response.

Rick Carleton

Efficient Energy Concepts

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