



FARM BUREAU NEWS

Meeting Today's Challenges — Planning for Tomorrow

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Land-use ruling made

U.S. Supreme Court rules against farming

By Craig W. Anderson

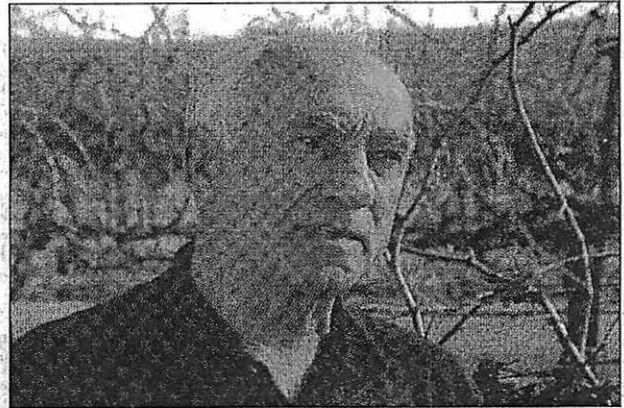
The U.S. Supreme Court last month upheld a Ninth Circuit Court ruling that Sacramento-area farmer Angelo Tsakopoulos violated the Clean Water Act by deep ripping seasonal wetlands on his property to convert them into vineyards and orchards without obtaining permits from the U.S. Army Corps of Engineers.

The Supreme Court's 4-4 deadlock resulted from Justice Anthony M. Kennedy recusing himself from the case because he is an acquaintance of Tsakopoulos.

Tsakopoulos said in his petition to

the Supreme Court that the fundamental issue was whether a farmer or rancher can deeply plow his agricultural zoned ranchland to plant higher value crops without a federal permit.

The petition declares a plow is not a point source and plowing alone does not add pollutants or soil and fails to produce regulated point source discharges. The petition also asserted the lower court misinterpreted several significant elements of the Clean Water Act (CWA), causing an extensive and overreaching federal regulatory jurisdiction over normal farming activities, such as



Angelo Tsakopoulos battled against a court that he violated the Clean Water Act, and the results could have far-reaching implications for agriculture.

plowing, areas the Congress definitely did not intend to regulate at all under the CWA.

"The Army Corps of Engineers claims jurisdiction over everything, even swimming pools," Tsakopoulos said. "Even walking on a wetlands constitutes fill and is in violation of the law. We didn't hide anything. In fact, we took the corps there to see it for themselves."

Tsakopoulos added, "Before I bought the land in 1993, the corps told me I didn't need permits. Then after I bought it [the 8,700-acre Borden Ranch] they changed their tune and said I needed permits."

"The Sacramento Section of the Army Corps of Engineers had a Regulatory Guidance Letter, 18-01,

See Tsakopoulos, page 11

Tracy student gets state writing award

Farm Bureau News

Being a regional winner in the California Foundation for Agriculture in the Classroom's (CFAITC) annual *Imagine this...* story writing contest is not an easy task considering that those submitting stories are going up against

15,000 other students.

But David McCray, grade 8, at Gladys Poet-Christian in Tracy, was among the 36 regional winners in the contest, after submitting his story, "Tomato Jones and the Temple of Fruit."

McCray's teacher, Veronica Bens, has had students participate in the contest for the past two years and 132 students entered this year from her classes.

"David's very creative, so I wasn't that surprised (that he won)," Bens said. "He knew exactly what he wanted to write about."

Judging panels selected finalists from four regions in California based on eight areas of criteria including originality, grammar and reflection of an appreciation for agriculture. McCray was also one of nine state winners after all 36 finalist stories were judged again to unveil winner in each grade category.

See *Imagine This...*, page 3

What's Inside...

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Special Ag Expo Edition



See pages 12-17 for details on the Ag Expo

Program assists disabled farmers

By William West

Farming has the highest disability injury rate of any industry. Close to 20,000 disabling injuries are suffered annually by California farmers. Farming is often a family business, and when one family member is disabled, it can drastically affect the lives of all.

Now there is a pilot project to help disabled farmers in 13 California counties, including San Joaquin County.

Martha Stiles, who has been involved in health issues for farmers for 20 years, is coordinating the California AgrAbility Project from the UC Davis campus. The project is part of a national

partnership funded by an agency of the U.S. Department of Agriculture. The California AgrAbility Project links the UC Davis Cooperative Extension Service Farm Safety Program and Easter Seals Superior California. This partnership joins an organization expert in helping disabled people with the well-known Cooperative Extension.

Stiles first worked with farmers and farm workers in Montana. She also spent time in Alaska in the same field. The program in California began in October when the project was funded. Twenty-one other states have established the program.

Because it is so new, Stiles wants to



Photo courtesy of Cal AgrAbility

Cal AgrAbility assists the disabled to remain productive in agriculture.

Business Member Profile

Acro Electric

A CRO Electric is a small, personalized, electrical contractor concentrating on the needs of its customers and assuring reliable service and installations. Owner Steve Vella started the business in 1990.

Services include all facets of the electrical industry, including irrigation and motor control, sales and installation of generators and uninterruptible power supplies. ACRO is the valley's certified dealer and installer of "SOL-GEN" photovoltaic generators. ACRO assists with the paperwork involved with the California Energy Commission's 50 percent buy-down program on these units and helps ensure that the owner of PV generators are credited for the power not used through the "net-metering" law.

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"get the word out" that Cal AgrAbility is now up and running. Members of her staff are available to speak to small groups, or individuals may call them any time.

The primary aim of the project is to help farmers with disabilities keep farming. By linking farmers with the right services, the AgrAbility project can be a bridge for an injured farmer to return to a productive and satisfying professional life.

The AgrAbility program is available for individuals and families who farm or have farm-related occupations. If you fall into one of those two categories and are trying to deal with a disability, then you can become a participant.

The program is a flexible one that tailors solutions to the individual. After an analysis of the limitations a given disability may impose, a game plan is put together to draw on various resources. For example, a farmer who can no longer climb into a combine can be aided by a lift that helps him into the driver's seat.

The AgrAbility staff provides training, site visits, on-farm assessments, technical assistance, and other information directly to the farmer or rancher with a disability.

"We keep all these cases confidential," Stiles said. "Confidentiality is something we are very sensitive about."

Some case histories from the national program can be found from the national Web site at <http://www.reesusda.gov/agsys/agsyspp/agrabil/agrabil.htm>.

Injuries and conditions that Cal AgrAbility may be able to assist with include arthritis, chronic back pain, respiratory illness, amputations, hearing and visual impairments.

Cal AgrAbility grows from 1990 Federal Farm Bill

The national AgrAbility program spawned the California program. It has been in existence since 1991 and was begun as recommended in the 1990 Farm Bill. Funding has been awarded to Cooperative Extension Services at land-grant universities, based on an application process. The Extension Services must join with a nonprofit disability group for the purpose of educating and helping ag workers with disabilities, as well as their families.

Along with the funding for state projects, the USDA created a National AgrAbility program that is run out of the University of Wisconsin at Madison and the National Easter Seals Society. This national partnership provides technical assistance and professional training to the state projects.

Easter Seals

Why partner with Easter Seals? The Easter Seals Society assists more than 1 million children and adults with disabilities, and their families, annually. They are experienced and knowledgeable about caring for those who are disabled. They have been doing so for more than 80 years. Currently they have 13,000 staff members nationwide.

To reach the California AgrAbility Project, call (530) 752-1613 or log on to <http://bae.engineering.ucdavis.edu/FarmSafety/FARMSAF.HTML>. E-mail Stiles at mestiles@ucdavis.edu.

For Easter Seals Superior California, call (916) 485-6711 or e-mail marciem@easterseals-superiorca.org.

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