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# Regional ag coalition will target flood rules

**Farmers fear new FEMA regulations will endanger land use, raise costs**

**Premium content from Sacramento Business Journal by Melanie Turner, Staff Writer**

Date: Friday, March 2, 2012, 3:00am PST

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Agricultural interests say they are fighting for nothing short of their livelihoods as they form a regional coalition that hopes to reduce the effects of expensive flood insurance and building restrictions.

The coalition formed in part because the Federal Emergency Management Agency drew new flood insurance maps in the region that have lowered the protective value of many levees that protect agricultural land. FEMA says the levees are no longer adequate to guard against a 100-year flood — a flood that has a 1 percent chance of occurring in any year.

The changes have led to new restrictions on construction in flood-prone areas. But farmers fear that if they can't afford to expand or rebuild damaged structures to maintain or increase production, their farms will slowly disappear.

In areas without 100-year flood protection, property owners are required to build new facilities above the base flood elevation — which could mean elevating buildings 10 feet or more off the ground — or ensure structures either won't get wet or can survive a flood without significant damage.

“It makes building almost unrealistic in our area,” said [Tara Brocker](#), a rice farmer in south Sutter County. “You can't go around building things on a 20-foot mound of dirt.”

In areas like Clarksburg, where the wine industry is beginning to grow, the flood restrictions are devastating, said [Jim Provenza](#), chairman of the Yolo County Board of Supervisors.

Impending restrictions prompted Bogle Vineyards Inc., the nation's 15th-largest winery, to finish a major expansion, including a crushing and bottling plant, before a June 2010 FEMA deadline for new limits on construction.

Bogle, which is just outside Clarksburg, overbuilt its barrel building and office space to accommodate future growth — and avoid having to construct buildings as much as 18 feet in the air.

“We probably wouldn’t have built out the entire barrel building had we not needed to meet that deadline,” vice president [Ryan Bogle](#) said, adding that it would have been cost-prohibitive to build once the FEMA restrictions took effect.

### **FEMA hosting sessions**

Meanwhile, a newly forming Agricultural Floodplain Management Alliance is circulating a set of five guiding principles to describe its members’ common concerns about the long-term viability of ag operations — and the small towns that support them — in the regulatory floodplain.

The principles were formally approved this week by the Yuba-Sutter Farm Bureau, Sutter County Board of Supervisors and Reclamation District 1500 in Sutter County. Late last year, Sutter County pledged up to \$40,000 toward the effort.

Membership in the alliance will be considered in the next two weeks by the Yolo County Board of Supervisors, which already has said it wants to see relief from FEMA restrictions for agriculture, as well as boards of supervisors in Yuba and Colusa counties and the Sutter Butte Flood Control Agency. Sacramento County also is expected to consider the matter, though no date has been set.

[Kathleen Schaefer](#), regional engineer for FEMA, acknowledged that the requirements can be difficult.

“It is an area of concern,” she said. “How do farmers continue to run agricultural businesses when there are requirements to elevate homes or to flood-proof their farming structures? And it is a challenge. We at FEMA try to balance the protection of farms, homes and people with trying to find a way to allow farmers to continue to produce the food that we all rely on.”

FEMA is working with the California Central Valley Flood Control Association to host an informational session later this year to discuss ways farmers can flood-proof their properties and machinery. A date has not yet been set. “There are ways to elevate and flood-proof farm structures,” Schaefer said.

And on Thursday, the **National Academy of Sciences**, at the direction of Congress, is holding one of four national hearings at the **Citizen Hotel** in downtown Sacramento to discuss the National Flood Insurance Program. The academy is gathering information that could be used to draft changes to FEMA’s levee-related policies and procedures.

[Scott Shapiro](#), a partner at the Sacramento law firm **Downey Brand LLP** and a nationally-recognized flood and water expert, is set to speak at the hearing about what’s being done locally and how existing federal programs are not always aligned with local initiatives.

The alliance is proposing, Shapiro said, that Congress and FEMA recognize that it's a national benefit to keep floodplains in agriculture.

"We're hoping to work with Congress and FEMA to implement a more flexible program," he said.

### **The farmers' needs**

Brocker, the Sutter farmer, said the effects on agriculture are three-fold. Farmers face higher insurance rates and building restrictions, and they can't afford to improve their levees.

"When the feds passed these new rules in an effort to try to help protect people from floods they were using one-size-fits-all (approach), from sort of an urban perspective," Brocker said. "And it really doesn't meet the needs of a thriving agricultural community."

Besides more than tripling rates in some cases, farmers now have to insure every structure on their property, Brocker said. "We have structures galore," from shops and warehouses to livestock and hay storage barns, she said.

And with few people living behind levees in rural areas, they can't generate enough revenue, in the form of a property assessment, to attract state and federal funding needed to repair levees.

"Federal and state money is going to urban areas that can afford a cost share," Brocker said. "Rural areas have been left out to dry."

At the same time, as California works to develop a 200-year level of protection for urban areas, rural areas will become the weakest link in the state's flood management system, she said.

The alliance would like to see reform, including subsidized insurance.

"We're not getting a fancy new levee," said Brocker, who's land was deemed to be at high risk for flood. "Help us insure our property against loss."

Jeffrey Merwin, second vice president of the **Yolo County Farm Bureau**, said it seems the government is imposing restrictions that are not necessary. His grandfather settled in Clarksburg in the 1920s and it hasn't flooded since.

"Who decided that the government should protect us from everything?" said Merwin, who farms 2,200 acres of alfalfa and seed crops.

The formation of the alliance was triggered not only by new insurance maps being created by FEMA, but by the state's Central Valley Flood Protection Plan, which indicates "there's probably not enough money" for levee upgrades in rural areas, Shapiro said.

Congressman [John Garamendi](#) of Walnut Grove, meanwhile, introduced a bill Feb. 14 that would allow farmers to obtain subsidized flood insurance on structures and exempt new and substantially improved ag structures in floodplains from FEMA's restrictions.

While the Agricultural Floodplain Management Alliance is just forming, a long-term goal is to make it national. A Sutter County supervisor is set to introduce the idea to the National Association of Counties this weekend.

“We anticipate there are other communities across the country that are going to run into this,” said [Kristi More](#), a partner with lobbying firm The Ferguson Group LLC in Sacramento, who represents Sutter and Butte counties.