

DAVE WOOD RANCHES
652 W. Cromwell, Suite 103
Fresno, CA 93711

Respond to:
William J. Thomas
400 Capitol Mall, Suite 1650
Sacramento, CA 95814

August 24, 2011



VIA EMAIL

Charles Hoppin, Chair
Tam Doduc, Board Member
Frances Spivy-Weber, Board Member
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Comments re Statewide Waiver for USFS Lands

Dear Chair Hoppin and Board Members:

I write in response to the public notice distribution of the draft discharge waiver for Forest Service lands, specifically regarding grazing. Grazing is one of the statutory authorized multiple uses for Forest Service lands.

I am part of the management of Dave Wood Ranches, a major California cattle operation. We run cattle on many California ranches, and are USFS permittees on the Inyo National Forest and Los Padres National Forest. We also have deeded pasture ranches in Bridgeport (Mono County) immediately adjacent to Forest Service lands on the Toiyabe National Forest, and have off/on Forest grazing permits on that Forest, as well.

On the water side, we are active participants in the Central Valley Regional Board Ag Waiver, and we are the principle operation and the coordinator for the Bridgeport Ranchers Organization, which operates under the Lahontan Regional Board.

For many years, I chaired the California Cattlemen's Association's (CCA) Water and Environmental Committee, and we support the CCA comments filed file on this topic.

Consequently, we are very familiar with both the Regional Board waivers and the USFS Forest plans, permits, annual operating plans and the standards and guidelines which govern over grazing operations. Based thereon, we have a few comments on this statewide proposed waiver order.

The notice on page 1 indicates that staff met with stakeholders, but we were never noticed and were not part of any such meetings.

1. We acknowledge and support that this waiver specifically addresses the USFS rather than requires any direct action by permittee ranchers in respect to dealing with the Regional Boards.

2. We likewise support Section 12 expressly clarifying that the USFS will have sole authority to deal with the permittees on grazing regulation and NEPA compliance.

3. Clause 1 inappropriately attempts to require the USFS to manage riparian zones per their Forest Plan authority. First, the interpretation of USFS plans is the business of the federal government, not a specific state or regional agency.

On page 2 under Range Management, it references grazing of “riparian vegetation” and soil “compaction” both of which are beyond the authority and expertise of the Water Board’s staff.

This language suggests the state staff may have in mind fencing off riparian areas on USFS permits. In our operations in Inyo and Mono Counties, we have fenced into riparian grazing pastures more country than any other entity of the west. We have done so on Mammoth, Convict, McGee, Buckeye, and Robinson Creeks and the East Walker River. Those are private owned and leased lands with concentrated cattle on irrigated pastures. Fencing, however, will not work when there is not adjacent irrigation and thus no stock water outside the riparian corridors, and it is totally unnecessary where cattle are spread out on dry, non-irrigated, range. Instead of 4 head/acre grazing close to streams in irrigated meadows on the Forest Service lands, it may be 1 head to 20 acres. Those cattle are far removed from waters, and spend most of their time in areas with no conductivity to water.

Also, fencing in Forest lands has impacts to wildlife, visual impairments, and impairment to recreation, all important Forest Service considerations, and beyond the competence of State water staff. Also, most Forest areas are difficult to fence and are impacted by snow.

On page 7, section 14c references grazing setbacks of 100 to 300 feet on each side of waterways. This is not reasonable, not scientifically based and unnecessary.

4. For similar reasons, section 11(b) is also inappropriate as the State Board cannot be empowered to provide oversight of the USFS’s Water Quality Management Plan. This authority for participation cannot extend beyond consultation – which is appropriate.

5. On our Mammoth ranch (adjacent to and the base property for our USFS permit), our major landlord LADWP has monitored for fish habitat, riparian restoration and stream bank stability purposes. They are a major water purveyor of MUN water and therefore keep a close eye on water quality.

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The USFS has worked closely with us on several water issues (i.e., head cuts, range readiness, timing of use, cattle rotation, forage usage) each year before turnout. USFS range conservationists and other USFS experts are in direct contact with us, and do range monitoring. We reauthorized our permit last year under a full NEPA review. It had public participation, including the Regional Board, and our permit had no appeals. That USFS regulatory system is far more "hands-on" than the State or Regional Board can engage, and they have to balance far more statutory factors than Water Board staff can appreciate.

6. As part of our Lahontan Regional Board waiver, we extensively monitor the Bridgeport Valley waters for cattle pathogens. We monitor the waters as they come off the Forest before they enter the valley (Virginia, Summers, Green, Buckeye and Robinson Creeks and the East Walker River), and we find almost negligible fecal material coming off the USFS lands.

Conclusion:

With only a few corrections, this document can be a workable program, but the State Board must recognize that these Forest lands do not present any major water problems associated with grazing, and the Forest Service is the expert agency as to those lands; therefore, minimum intrusion to this area is merited. On a state water quality problem scale of 1 to 100, this would register about a 2. Range activities should therefore be moved from category B risk to category A low risk.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Thomas", with a long horizontal line extending to the right.

William J. Thomas
DAVE WOOD RANCHES

WJT:lmg

cc: Tom Howard, Executive Officer
Gaylon Lee
Dave Wood
Justin Oldfield
Anne Yost