

CALIFORNIA CATTLEMEN'S ASSOCIATION

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Felicia Marcus
Chair, State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: Proposed Draft Resolution for the Discontinuation of Discussions Regarding a Statewide Approach to Addressing Water Quality Impacts from Livestock Grazing

Dear Chair Marcus and Members,

The California Cattlemen's Association (CCA) greatly appreciates the opportunity to comment upon the State Water Resources Control Board's (SWRCB) Proposed Draft Resolution for the Discontinuation of Discussions Regarding a Statewide Approach to Addressing Water Quality Impacts from Livestock Grazing (Draft Resolution). CCA is a statewide trade organization representing more than 1,700 cattle ranchers throughout California, the vast majority of whom graze cattle on rangeland in the state. CCA members have been staunchly opposed to statewide regulation of livestock grazing, particularly the Grazing Regulatory Action Project (GRAP) announced in late 2014.

CCA supports the discontinuation of "a statewide approach to addressing the water quality impacts from livestock grazing." CCA also appreciates the SWRCB's directive that Regional Water Quality Control Boards (RWQCBs) "should work collaboratively with individual property owners [and] livestock grazing operators," which we hope will ensure that ranchers are engaged in any decision-making which may impact their livelihoods. CCA is adamantly opposed to broad regional efforts to regulate livestock grazing resulting from perceived water quality impacts from livestock. However we also recognize and appreciate that the Draft Resolution's direction to the state's RWQCBs is permissive rather than mandatory, and directs those RWQCBs which *seek to explore* grazing water quality issues to take into consideration the many concerns California's ranchers expressed during January's listening sessions. For these reasons, CCA supports the SWRCB's adoption of the Draft Resolution.

That said, while the Draft Resolution represents a significant step in the right direction via the cessation of GRAP, it does not address a number of significant concerns that California's ranching community has addressed to the SWRCB in the past year. CCA would thus like to take this opportunity to reiterate these concerns, in hopes that both the SWRCB and the RWQCBs will act to address these concerns in the future.

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The SWRCB and RWQCB policies must reflect best available science

The SWRCB's initial fact sheet announcing GRAP stated that "[a]pproximately 120 water quality impairments (including fecal bacteria, temperature, sediments or nutrients) identified on the 2010 Clean Water Act (CWA) List of Impaired Waters for California are on lands with active grazing operations." This language alone was concerning, as it appeared to suggest regulation would be based on correlating land uses rather than upon scientifically-verifiable data demonstrating cattle grazing was the cause of the impairments.

CCA urges the SWRCB to act to correct a number of problems with the CWA List of Impaired Waters for California (the "303(d) List"), including:

- Systematically review waterways listed on the 303(d) List, ensuring that waterways either continue to warrant listing or are removed from the 303(d) List to reflect where impairments have been resolved. The SWRCB should prioritize listings for which no recent data is available (e.g., those for which listing decisions were made prior to 2006), and should also disclose what information was used to justify the listings where that data is not currently disclosed.
- Ensure that protocols for sampling water quality provide an accurate and objective measure of a waterway's quality. We urge the SWRCB to partner with academic institutions such as the Rangeland Watershed Laboratory at UC Davis to develop and implement accurate and objective sampling criteria.
- Establish definitive evidence of the cause of impairments, where present (e.g. microbial source tracking for fecal coliform or *e. coli* impairments). Sources for impairment must not be listed based upon mere correlation, but must be supported by the best available scientific evidence.

Additionally, should any RWQCBs take up issues relating to grazing and water quality, we urge those boards to recognize these deficiencies in the 303(d) List, and to seek out and incorporate the best available science regarding rangeland water quality prior to undertaking any action.

SWRCB and RWQCB standards must not unreasonably burden ranchers

Certain policies of the SWRCB and RWQCBs serve to unjustifiably burden ranchers. Ranchers are as ecologically-concerned a group as exists in the state, and they work hard at maintaining the quality of their soil and water. However, the economic sustainability of ranching is put at risk by burdening ranchers with costs not attributable to the effects of ranching. State and Regional policies must be revised to account for certain ecosystem realities and to permit ranchers to remain economically competitive, including:

- Recognition of natural causes and levels of impairment (e.g., high levels of nitrogen naturally present in sedimentary rock found in the North Coast). Natural sources of nutrients, bacteria, sediment, and other impairments are often considerable, and have in some cases naturally exceeded the standards set forth in Basin Plans even absent any human activity such as livestock grazing. The result is impossible water quality standards that ranchers cannot hope to achieve. The SWRCB and RWQCBs should carefully

account for natural sources of impairments, including wildlife, and develop standards accounting for these natural baselines.

- Consistent and reasonable water quality standards. Some Basin Plans establish unreasonable water quality standards (e.g., fecal coliform standards of 50cfu/100mL in the North Coast and 20cfu/100mL in the Lahontan region) that greatly disadvantage ranchers in those regions. Recent water quality monitoring data demonstrates that these standards are not achievable even without any livestock present in the watershed. Such overly-restrictive regional standards should be disfavored and replaced by reasonable, consistent standards throughout the state.

The significant stewardship efforts of ranchers must be acknowledged

Finally, CCA urges the SWRCB and RWQCBs to further recognize the significant efforts of California's ranchers to act as stewards of the state's water resources, whether it be through formal programs such as Ranch Water Quality Management Plans or improvements undertaken partially under an NRCS grant, or whether undertaken unilaterally by the individual. We are encouraged by language within the Draft Resolution which emphasizes "non-regulatory action" by RWQCBs. CCA urges RWQCBs to fully explore the proactive, voluntary methods to enhance water quality undertaken by ranchers throughout the state, and to recognize such existing and continuing efforts as adequate "non-regulatory actions" for ensuring water quality.

Conclusion

Again, CCA greatly appreciates the opportunity to provide input upon the SWRCB's Draft Resolution. CCA also appreciates the SWRCB's engagement of California's ranchers and the attentiveness of SWRCB members and staff to ranchers' concerns. Though the GRAP process was not without its procedural errors and stumbles, SWRCB staff demonstrated great willingness to listen to the ranching community by arranging meetings, attending the Rustici Rangeland Science Symposium, and participating in ranch tours. SWRCB members opened their doors to CCA staff and officers, made themselves available to CCA's members, and also attended ranch tours to seek out knowledge about ranching practices intended to protect our state's water resources. CCA greatly appreciates the efforts of SWRCB staff and members, and we would like to continue this open communication in the future.

Sincerely,



Kirk Wilbur
Director of Government Affairs
California Cattlemen's Association

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