

The Board simply does not have either the factual or the legal basis to promulgate a statewide regulatory program. This can be further demonstrated by merely analyzing the diversity of our ranch operations.

A. Central Coast

In the Central Coast, we principally graze on three major ranches, and sometimes on additional Central Coast ranches. Of our three principal Central Coast ranches, two are located east of the Salinas Valley, and one northeast of Santa Maria. The total acreage of these three ranches is approximately 130,000 acres. We have no blue line water courses, and no live water, but instead are dependent on seasonal rain and temporary winter ephemeral flows. We have no irrigation, and therefore only occasionally have storm runoff from any of these native grass ranches.

Consequently, any regulatory program would be merely in search of a justified problem. To further explore the factual and legal basis for any such regulation on the Coast, we pulled up from the State Board database all the pathogen/water quality data for the Salinas Valley indicating fecal coliform. It appears by reference to the report summary that only possibly two of the fecal coliform monitoring locations could have any connection to upland grazing. Most all of the problematic pathogen results appear in the farming lowlands along the Salinas River and some other waterways that have been 303d listed for pathogens. This is not, however, true of the upland ranch areas. These are areas with limited ephemeral seasonal waters. The State and Regional Board data links no data to the upland ranges, and thus provides no foundation for a new emerging regulatory statewide program.

Further, it should be understood that any upslope runoff will flow down to waters in the Regional streams and rivers, which waters flow through the irrigated farm ground of the region, and all of those waters are presently monitored for pathogens and nutrients as part of the Irrigated Lands Program. Consequently, the ILRP monitoring program provides a sufficient monitoring program to enable the board to identify, track and, if necessary, regulate on a localized basis, the sources of such contaminant contribution.

B. Central Valley

In the Central Valley, we run cattle on some ten ranches in that region that comprise some 248,000 total acres. These ranches run from Yolo County in the north to the top of the Tehachapi Range in the south. Only one ranch is irrigated native pasture, and it is presently covered by the Central Valley's Irrigated Lands Program. All others are native hill country winter grass ranches. Only one has a blue line water course that transects the property. All the rest are very distant from any water of the state and the Fresno, Kings, and Kern County ranches enjoy only four to eight inches of annual rain, and several of these had no rain, no feed and no cattle for this past three years of drought. On most of these ranches any "runoff" would be a one to two day event after a rare major storm, and the runoff dissipates in the valley steppe or floor with no possibility of reaching any water of the state.

Consequently, a statewide program would be a gross regulatory overreach looking for a problem to justify it.

C. Lahontan

In this region we have two ranches, both of which have irrigated pasture, but again offer disparate situations.

1. Chance Ranch – Mammoth

The Chance Ranch in Mammoth covers some 9,000 acres, of which 2,300 acres are irrigated, and the balance covers two Forest Service allotments. On the Mammoth Ranch, we have worked with the Los Angeles Department of Water and Power and Dr. Bill Platts, a nationally noted water quality and riparian specialist, to develop a riparian protective program stretching across our Chance Ranch, and other nearby ranches surrounding the Crowley Reservoir. That was the largest riparian restoration program anywhere in the nation at that time. Even though its principal purpose was to assist stream morphology, woody species, and stream sinuosity for improvement of fish habitat, it is clearly also the model for water quality management, as well.

The Mammoth area ranch is owned by the Los Angeles Department of Water and Power, and Mammoth Creek constitutes an important public water supply for the greater Los Angeles community. Those waters are managed, as much as any public waters anywhere, for drinking water healthfulness. We graze these properties under the strict scrutiny of professionals at the Los Angeles Department of Water and Power, and there is absolutely no need for the State or Regional Board to get into second guessing either the land management or the water quality of LADWP.

On the Mammoth Ranch, we also run outside on two U.S. Forest Service permits. On those permits, our cattle numbers and cattle duration usage are strictly prescribed and controlled such that on some sections of those permits we can stay out as short as one week during the summer, and in other areas we are limited to two weeks, or a month. Also, there are strict controls regarding impacts on any stream banks, or turning cattle out to wet meadows. The Forest Service has the full authority to control our actual grazing practices on the ground, and does so. The State Water Board does not have the authority to dictate specific management practices. Additionally, some of the tools that are used in regulating our irrigated pastures involve fencing, blocking return waters, and armoring crossings, and which are unlawful to engage on public lands.

2. Bridgeport

Our ranch in Bridgeport covering the Dressler ranch, the Sweetwater Ranch, and the Point Ranch involves over 10,000 irrigated acres, all of which are presently covered by the Lahontan Regional Board Regulatory Program as part of the Irrigated Lands Waiver.

The Bridgeport Valley has been strictly regulated by the Lahontan Regional Board throughout the last decade. Under that program, the Bridgeport ranchers have had to monitor, report, and implement best management practices. The Bridgeport Valley is irrigated pasture and, therefore, is not whatsoever reflective of the 35,000,000 acres of rangeland in the state. Therefore, our Bridgeport situation is not terribly relevant to the GRAP issue.

In Bridgeport, we have been regulated by the Lahontan Regional Board for over ten years, and have been required to do intensive water quality monitoring and extraordinary Best Management Practices. Those practices have involved our putting in over 40 miles of fencing to totally fence off Buckeye Creek, Robinson Creek, the East Walker River, and the frontage canals along U.S. 395. Within those fenced areas we have restrictive grazing on a seasonal rest rotation basis, expressly for the purpose of protecting water quality and secondarily, providing increased stream vegetative protection. Furthermore, we have armored cattle crossing areas and the limited cattle access points for the cattle to get to water. We have constructed barriers to some of the major return flows so as to increase their “on pasture flow” through the vegetative areas which cleanses water quality. We have also staggered cattle between pastures in coordination with our irrigation and have taken additional extraordinary management steps to reduce the water flow across the pastures to minimize the return flows getting back to the creeks that cross our property. Furthermore, we have coordinated with the University of California in doing in-field studies of additional means of cleansing water by use of filtering through ungrazed native vegetation. Further, we have discussed with the University the feasibility of capturing some of our return flows in settling basins before it reaches the creeks or exits the ranch.

On balance, of all of our ranches, only Bridgeport was characterized as having unregulated pathogen runoff. Because of those facts, there was the required legal nexus to satisfy CWC sections 13260, 13263, 13267 and 13269, and these waters have been so regulated for more than a decade. When regional boards have such data, they have the legal authority to develop targeted regulatory programs. There is, consequently, no need and no legal basis for a statewide GRAP program.