

**Proposed Statewide Grazing Regulatory Action Project (GRAP)
Stakeholder Focused Listening Session (FLS)
November 14, 2014**

Government and Public Agencies Stakeholders, by invitation only (9:00 A.M. – 12 P.M.)

Introduction (Esther Tracy, State Board)

- Introduced herself to session as FLS facilitator

Introduction (Patty Kouyoumdjian, RB6)

- Brief explanation of the reasons behind GRAP (context)
- The FLSs are the “beginning of the journey” and there will be many more opportunities for input
- The GRAP group has no preconceived notions
- Disclosure of previous two FLSs with Rancher and Environmental Stakeholders

GRAP PowerPoint Presentation (Cindy Wise, RB6)

- Covered purpose and overview of the session and background of who, what, when, why, how
- Included GRAP goals, schedule, charge, available regulatory tools, and public input opportunities
- Mentioned consideration of California Rangeland Management Plan (1995) and Proposed Statewide Waiver for National Forests (2011)
- Encouraged sharing of current science and information on GRAP website (www.waterboards.ca.gov/water_issues/programs/nps/grap.shtml) and online portal

Note: The following bullet points summarize the range of opinions and concerns expressed by the invited stakeholders, and are not intended to reflect the position of the Water Boards or staff on any issue. Because they summarize all responses, any individual bullet point is not intended to reflect the opinions of any one stakeholder(s). The bullet points are not presented in any particular order.

Post-presentation Questions, Group Discussion (FLS participants, Regional and State Water Board staff)

Green font color represents Water Board's staff response to a question or comment made by stakeholder participants (black font color).

- How is this not an overlap of ILRP?
The program is not developed yet, but the GRAP will be mindful of existing programs.
- Would statewide requirements supersede regional efforts?
Statewide requirements could possibly supersede regional efforts, but the program is not yet developed and GRAP's intent is not to double regulate. The intent is to have some more regional consistency.
- Will public lands water quality program, Bureau of Land Management (BLM), and horse grazing also be considered along with the Irrigated Lands Regulatory Program (ILRP) and Concentrated Animal Feeding Operations (CAFOs) mentioned in Cindy's presentation?
GRAP needs to be thoughtful of these issues, but the intent is not to double regulate.
- Will any resulting action from GRAP be taken by State Board?

That is the intent. State Board wants to facilitate, but GRAP is a team effort involving representatives from all of the Regional Boards, in addition to State Board.

- Will Basin Plan Objectives be affected by GRAP?
This is uncertain at this early stage.
- Will GRAP focus only on impaired water bodies?
That is GRAP's initial charge and is an effort to address impaired water bodies in lieu of TMDLs; however, the NPS Policy states that the Water Boards must regulate pollution even if the water body is not listed as impaired. We also want to be mindful of the benefits of grazing.
- I would hope that benefits of grazing would be considered. Water quality short courses and putting funds into quantifying grazing benefits would be helpful. Building on something already started rather than starting a (new) regulatory program (is important).
- There is a published study of the effects of grazing management by Conservation Effects Assessment Project (CEAP) which is available online for rangelands.

FLS Questions, Group Discussion (FLS participants, Regional and State Water Board staff) *Green font color represents Water Board's staff response to a question or comment made by stakeholder participants (black font color).*

- **Question #1: How should we define grazing (e.g. herd size, range size, duration/intensity, water source, type of animal, open range, irrigated pasture)?**
- The NRCS handbook has a good definition of grazing. I think GRAP should just focus on rangelands (and not irrigated pasture) since ILRP already regulates grazing on irrigated lands. *Region 1 and Region 2 doesn't look at irrigated pasture in ILRP and other regions do not well (R5 does consider irrigated pasture as part of their ILRP program).*
 - What about cattle, sheep, goats, horses and horse facilities?
 - In the NRCS handbook, grazing includes acreage from 5 to 5,000 acres. I am willing to share this NRCS handbook.
 - This is an important question. A clear-cut definition of grazing is needed. Is it number of acres/animals or do you look at a dollar value of the operation? I think this question is getting at who can be excluded in this regulation. I think proximity to a water way, slope, and time spent/duration of grazing activities should be considered.
Should irrigated pasture be in GRAP or ILRP? (R6)
 - Grazing operations (in ILRP) are treated per acre, like other commodities, but margins are much different than other commodities. On the other hand, it would be difficult not to include irrigated pasture in ILRP because of mixed lands (FLS participant).
 - Can have subcategories or a hybrid approach where you consider both irrigated and non-irrigated pasture differently.
 - What are the characteristics of grazing operations that are near/around impaired water bodies? Are there commonalities?
Two laws guide this: NPS Policy (Porter-Cologne) and Section 303(d) of the Clean Water Act (CWA). The NPS Policy is more broad and easier to utilize and can look at potential NPS

pollution. There is no definition of “impaired” in the NPS Policy. The CWA is more rigid and impaired water bodies are based off of (sometimes) limited monitoring.

- Are we focused then on just impaired water bodies (defined by the CWA) or are we using the NPS Policy, which is broader?

The original focus was on impaired water bodies, but we need to also consider Porter-Cologne and the NPS Policy. The impairments listed in the presentation are **relevant** impairments and listed for bacteria, pathogens, or sediment.

- I am very concerned about duplicative regulations.
- How will GRAP impact TMDLs, TMDL process, and implementation plan?
There are few implementation plans in place. We look at situations on a case-by-case basis. This is not really done currently on a TMDL-type scale. Our region is not there yet (Region 1). We hope to replace the TMDL need for grazing-related issues. It is of importance to protect water bodies that may not be degraded (preventative care).

➤ **Question #2: What would a successful regulatory program look like to you? In your experience, what types of management practices have been effective in protection or improving water quality? How can we incentivize use of effective management practices?**

- Look at existing management measures and monitoring programs.
- CEAP shows what has been successful and what has not. Looking at Residual Dry Matter (RDM) is recommended.
- Ranches should be looked at in terms of individual sites that need individual, site-specific ranch plans. This cannot be a statewide approach. You have to realize some issues will take long-term commitments and time to address and will not happen overnight. Ranchers like 3rd party non-government entities working with them; the Water Boards don't have the resources to manage this (on their own).
- You need some kind of tiered system with high risk operations being treated differently than low-risk operations.
We have possible funding to help those most challenged – the higher-risk operations (State Board).
- I am heartened to see you looking at the Forest Service Waiver from 2011 as they have Best Management Practices (BMPs) and standards and guides that I feel are sufficient.
- You need something to ensure that funding is used for something that will actually work for the operation and meet Water Boards' needs.
- Ranchers believe they are good stewards of the land so it makes sense to gear program around that concept. Ranchers should be recognized for their efforts rather than assumed as polluters until proven otherwise. A successful program would keep ranching vibrant and recognize it as an important part of the environment. It would find the balance between grazing and water quality.
- A successful program would be compatible with objectives for endangered/sensitive species.
- Most landowners see (GRAP) coming, but the concern is the uncertainties of the economic burden it will bring. Will rangelands require conversion to something else/crops?

- Resource limitations require prioritization
Climate reserves carbon credits are to be considered by the Air Resources Board, can this be integrated into GRAP?
- Exclusionary fencing from riparian corridor and locating watering facilities upland of riparian areas has been effective. Having off-site water is crucial.
- Mineral supplements should be located upstream. Site-specific planning and BMPs (should be implemented) as each ranch has a specific (unique) set of hurdles.
- For grazed areas, proper functioning condition (PFC) and other channel indicators (monitoring) can help with rotation/moving timing of cattle.
How can we utilize 3rd party entities in regulatory structure? This has been a challenge in ILRP as 3rd parties do not want a regulatory role.
- Regulatory authority should not be given to a 3rd party, but the 3rd party can help facilitate and provide technical assistance for each water quality plan. Ultimately, the Water Boards hold regulatory enforcement authority.
- BMPs should be adopted on a more local level (ranch-by-ranch basis)
- I advise for Fish-friendly farming and also have regulatory authority. I look to make sure the proposed plans are matching on-the-ground practices and then make recommendations to cover any regulatory concerns, but I am not regulating.

➤ **Question #3: In your experience, what types of monitoring have been effective in assessing water quality?**

- Utilization, stubble height, vegetation conditions, RDM, etc. are already being monitoring and so we need to capitalize on that information.
- How far upstream does the tributary rule apply?
- Ranch-by-ranch monitoring is difficult financially; a watershed or regionally-based monitoring plan may make more sense.
- Ken Tate study suggests that pathogens don't travel that far downstream, look at the research that is already out there.
- Rangeland health indicators should be considered (e.g. filtration, infiltration)
- Importance of efficient monitoring
- What is the point of representative monitoring when it comes to grazing? Money is better spent on a proactive approach rather than trying to identify a source. Money should be spent on BMP implementation.
- The economics don't make sense for individual ranch monitoring. I don't see the point of representative monitoring.
- Monitor for other contributors such as wild pigs, bears, and other wildlife. Sources non-related to grazing are important to determine/document background conditions.

➤ **Question #4: What are the unusual or extreme circumstances that GRAP should consider as part of its regulatory program (e.g. weather, market conditions, wildfire, livestock diseases)?**

- Be conscious of drought, overgrazing, and the cost of hay (which is increasing). You can't have rotational grazing without forage.
- Consider reimbursement for supplemental feed. The Farm Service Agency has a program.
- Consider the pressure for conversion. This effort (GRAP) is just another straw on the camel's back. Fixing one problem can create a new one (e.g. almonds and groundwater pumping).
- Engage Farm Bureau, wool growers, Cattlemen's.
- Conduct an economic impact analysis and get some consensus.
- **Do you know who can help us with this?**
- The UC has agricultural economists.
- Wildfire. It reduces grazing lands for a period of time and miles of fence-lines can be lost.

Reduction of fuel, work with CalFire. Consider sedimentation during wildfire and be careful not to just blame grazing. Flood and slides and contributions to sediment should be considered along with rain events. What impact do rain events have? Maybe some consideration of a large event or above average year. The same with erosion or sedimentation caused by a large event. The background conditions of sedimentation (sediment loading) need to be understood. You need an economist.

➤ **Question #5: How can we best collaborate with all stakeholders regarding grazing and water quality?**

- Hold a lot of small sessions like these.
- Present to Cattlemen's and other organizations' meetings rather than ask them to come to you.
- Distribute progress of GRAP and what kinds of input you have gotten on the web and make this a transparent process.
- You need a structured presentation to explain to the regulated community that you are required to take action and ask what would help them. Don't just leave it open-ended and ask what they would want.
- Consider having a discussion with stakeholders from different stakeholder groups (one discussion with mixed interests), but keep it small.
- Consider agencies normally involved and those may give you opportunities for funding.
- Consider habitat management plans, vernal pool management, and grazing management.
- Holding more than three regional meetings would give people more opportunities to provide feedback, greater access to submit comments.
- Mirror the cooperative extension webcast of "CA Ranching and the Drought," which was streamed in 16 locations throughout the state.
- Increased website capabilities.
- Use focused groups; some people only respond in smaller groups.

➤ **Question #6: Who else should we be talking with? Are there other key stakeholders with whom we should coordinate?**

- Dealing with horse facilities is a struggle for NRCS. (Horse facilities) have big environmental impacts, but how do we deal with that? NRCS is thinking of dealing with the issue as point-source pollution. (Horse facilities) should somehow be addressed, but how do we bring them in?

- What about the impacts of wild horses, especially on springs/creeks? How many other animals do we consider (e.g. pigs)? Public and private lands have different processes, concerns, and management objectives, as well. How to deal with this?

Are there BMPs for equine grazing?

- Yes, there is something out there for small horse operations.

The Los Angeles Regional Board (R4) is currently looking at this issue so we are keeping a close eye on those developments.

Regional Boards have discretion whether or not to issue Waste Discharge Requirements (WDRs) to confined feeding operations (horses).

- Consider the possibility of photo monitoring.
- Talk to Integrated Regional Water Management (IRWM) groups, local agencies, Resource Conservation Districts (RCDs), wool growers, horse-boarding facilities, the Western Dairymen's Association, SF PUC, EB Park, Mid-Peninsula Groups, BA Open Space Council, Land Trust, CA Rangeland Coalition, State Fish and Wildlife, BLM, and USFS and also consider llama, free-range chicken, pasture pork, vegetation management (e.g. goats).

Closing Remarks (Patty Kouyoumdjian, RB6)

- Thank you all for your input.
- Expressed goal of keeping everyone engaged throughout the process and the desire of GRAP offering ranchers incentives and having something that can work for all interested parties.
- Spoke about the possibility of holding a separate session to discuss the current science only (if there is interest).
- GRAP's next steps are to develop options based on stakeholder outreach and then start the CEQA process.
- Today's slideshow presentation will be posted on the website and please help get the word out to diminish any uncertainty.

