

State Water Resources Control Board

**Proposed Statewide Grazing Regulatory Action Project (GRAP)
Stakeholder Focus Listening Session
November 14, 2014
9:00 a.m. to noon**

**Cal/EPA Headquarters Building, Training Room 2
1001 I Street, Sacramento, CA 95814**

Please arrive by 8:45 a.m. as you will need to check in at the first floor. For more information on travel to the Cal/EPA building, please refer to: <http://www.calepa.ca.gov/EPABldg/location.htm>

Attendees: Government and Public Agencies Stakeholders, by invitation only

Meeting Format and Purpose: Obtain early input concerning the proposed GRAP

AGENDA

- I. **Welcome and Introductions** (9:00 a.m. - 9:15 a.m.)
Patty Kouyoumdjian, Executive Officer, Regional Water Quality Control Board, Lahontan Region
- II. **Background: Grazing Regulatory Action Project (GRAP)** (9:15 a.m. - 9:30 a.m.)
GRAP Water Board Staff
10-minute break (9:30 a.m. - 9:40 a.m.)
- III. **Issues Discussion with Stakeholders** (9:40 a.m. - 11:40 a.m.)
Moderated by Esther Tracy and Gita Kapahi, Office of Public Participation, State Water Resources Control Board
Key Questions:
1. How should we define grazing (e.g., herd size, range size, duration/intensity, water source, type of animal, open range, irrigated pasture)?
2. What would a successful regulatory program look like to you? In your experience, what types of management practices have been effective in protecting or improving water quality? How can we incentivize use of effective management practices?
3. In your experience, what types of monitoring have been effective in assessing water quality?
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)?
5. How can we best collaborate with all stakeholders regarding grazing and water quality?
6. Who else should we be talking with? Are there other key stakeholders with whom we should coordinate?
- IV. **Closing, Next Steps, Action Items** (11:45 a.m. - noon)
Invite submittal of grazing related current science, reports and analyses

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

GRAZING REGULATORY ACTION PROJECT (GRAP)

http://www.waterboards.ca.gov/water_issues/programs/nps/grap.shtml

FOCUSED LISTENING SESSIONS

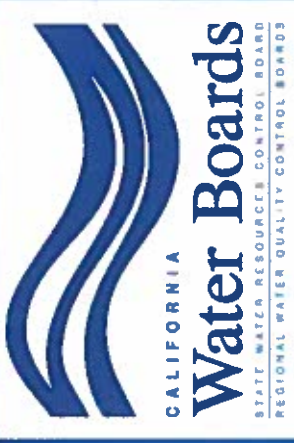
State Water Resources Control Board
Regional Water Quality Control Boards

Purpose and Overview of Today's Session

Purpose:

- Water quality impacts of grazing
- Input on effective practices
- Listen

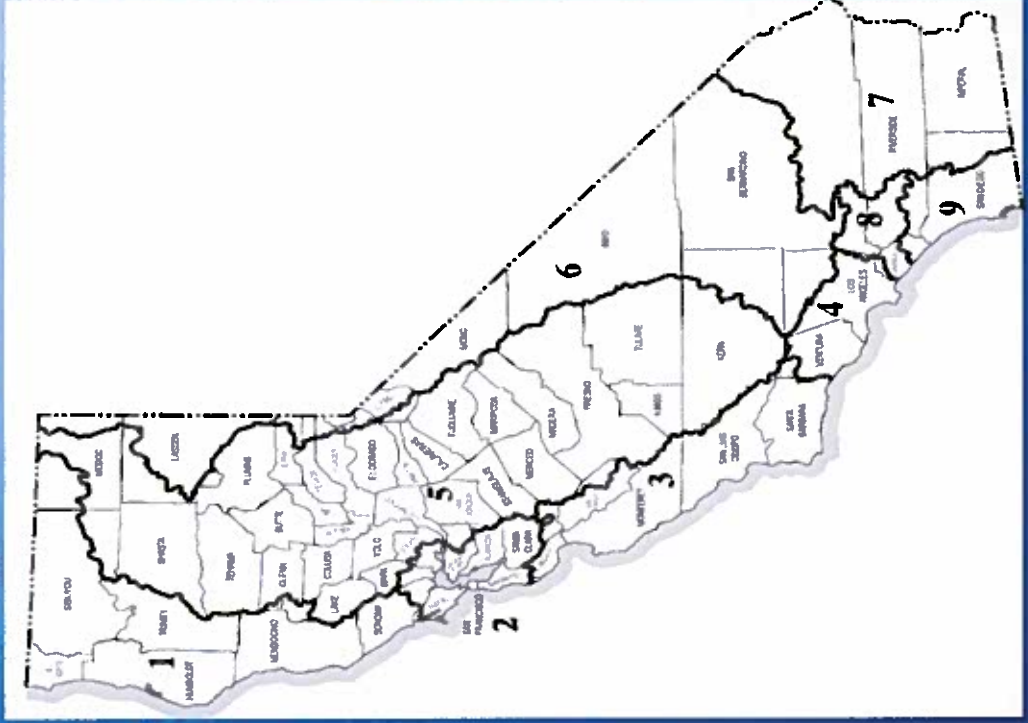
Overview: Who What When Where Why How



Who

The California Water Boards

- State Water Resources Control Board
- Nine Regional Water Quality Control Boards





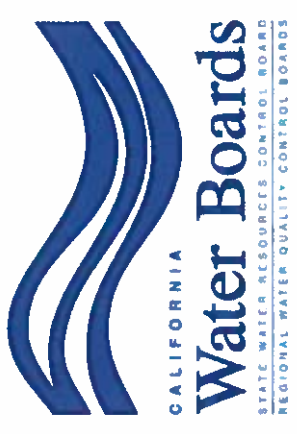
What

Grazing Regulatory Action Project (GRAP)

Statewide action to enhance environmental benefits, protect beneficial uses and address water quality impacts.

Facilitate efficiency and consistency while accounting for regional differences.

Collaborative effort to more efficiently and consistently address impaired waters.



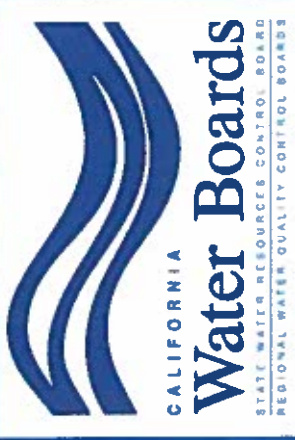
GRAP will not include:

Overlapping regulations with

Confined Animal Feeding Operations (CAFOs)

or

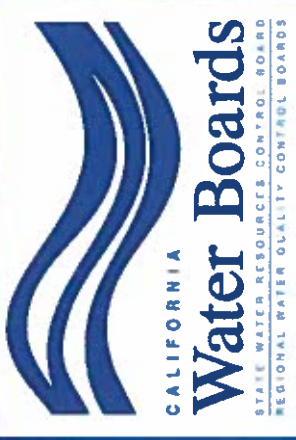
Irrigated Lands Regulatory Programs



When

GRAP Schedule

Milestone	Estimated Date
<ul style="list-style-type: none"> • Focused Outreach Listening Sessions 	2014
<ul style="list-style-type: none"> • Development of Initial Proposal • CEQA Scoping and Broader Outreach • Public Comment on Proposal 	2015
<ul style="list-style-type: none"> • Final Drafts of Proposal and Environmental Document • Consideration of Adoption by the State Water Board • Begin Implementation 	2016



Why

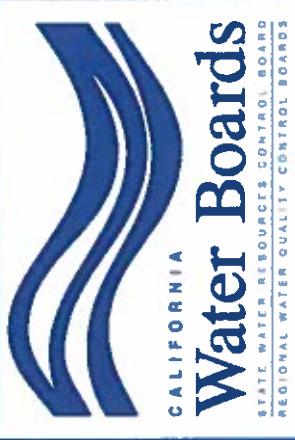
Well-managed livestock grazing operations can provide benefits to the environment, the economy, and California consumers.

Grazing operations can contribute to impairments of water quality and impact beneficial uses.

Impaired Waters

subset of overall 303(d) list with livestock grazing as possible source

Regional Board	Number of Impaired Waters	Number of Listings	Estimated Size Affected	
			Miles of Rivers or Streams	Acres of Lakes or Bays
1	20	40	9,894	199
2	16	30	261	74,500
3	55	55	628	3,104
4	2	3	17	0
5	6	9	166	40,070
6	21	39	162	108,846
7	0	0	0	0
8	1	1	0	653
9	1	1	0	925
TOTAL	122	178	11,128	228,297



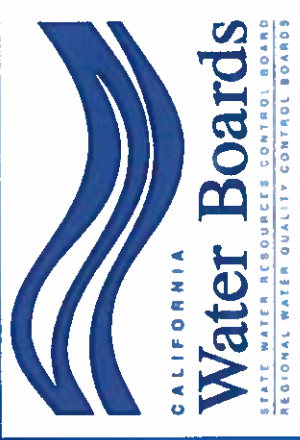
Why

It's the Law

Section 303(d) of the Clean Water Act -
Impaired Waters

Porter-Cologne Water Quality Act

State Nonpoint Source Policy



How

State Nonpoint Source Policy- Permitting Authorities & Five Key Elements

- Basin Plan Prohibitions
- Waste Discharge Requirements
- Waivers of Waste Discharge Requirements

Five Key Elements of NPS Pollution Control Program

Tools Currently Used

Regional Board	Number of Impaired Waters	Number of Listings	Regulatory and Other Tools Currently Used to Address Grazing-Related Water Quality Impacts								
			TMDLs	General WDRs	WDRs	Waivers	ILRP or other Certification Programs	Basin Plan Prohibitions	Grants	Other	
1	20	40	16	1		4				6	1
2	16	30		1		3					
3	55	55	12					2	2	1	
4	2	3	1					1			
5	6	9		1				1			
6	21	39	6			1				1	
7	0	0									
8	1	1	1								
9	1	1									
TOTAL	122	178	36	3	0	8	4	2	8	1	

We will also consider:

- California Rangeland Water Quality Management Plan (1995)
- Proposed Statewide Waiver For National Forests in 2011



Public Input

- Key stakeholder sectors:

Ranching and related Industries; Government and Local Agencies; Tribes; Environmental and Environmental Justice Organizations; and Academia)

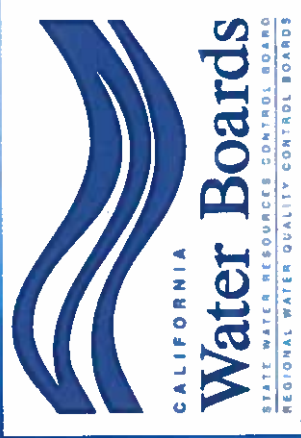
- Outreach Listening Sessions in 2014 and early 2015

Sacramento (Five Sessions in November & December)

San Luis Obispo January 9

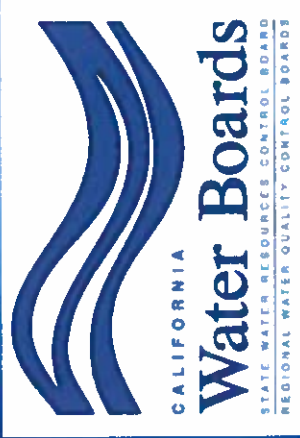
Redding January 15

Bishop January 28



Consider the Science

Online submittal of related science –
opportunity to submit scientific studies and
reports related to grazing for our
consideration as we begin to develop our
GRAP options



In Summary

Who: California Water Boards

What: Grazing Regulatory Action Project

When: 2014-2016

Where: Statewide

Why: Laws directing actions for impaired waters & nonpoint source pollution

How: Public input, Science, and our Nonpoint Source Policy (WDRs, Waivers, Prohibitions & Five Key Elements)

Next Steps

- Stakeholder Input from Eight Sessions
Sacramento - November & December
San Luis Obispo, Redding, Bishop - January
- Online submittal of related science
- Share summary of input and science on our website
https://www.waterboards.ca.gov/water_issues/programs/nps/grap.shtml
- Develop Options

Let's Get Started.....

Six Questions

For purposes of GRAP, how should we define grazing (e.g., herd size, range size, duration/intensity, water source, type of animal, open range, irrigated pasture)?

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

In your experience, what types
of monitoring have been
effective in assessing water
quality?

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)?

How can we best collaborate
with all stakeholders regarding
grazing and water quality?

Who else should we be talking
with? Are there other key
stakeholders with whom we
should coordinate?

For questions about the process of developing the GRAP, please contact:

Steve Fagundes Division of Water Quality, State Water Resources Control Board
(916) 341-5487 sfagundes@waterboards.ca.gov

Cindy Wise Lahontan Regional Water Quality Control Board, South Lake Tahoe Office
(530) 542-5408 cwise@waterboards.ca.gov

Ben Letton Central Valley Regional Water Quality Control Board, Redding Office
(530) 224-4129 bletton@waterboards.ca.gov

The State and Regional Water Boards' Executive Sponsor for GRAP:

Patty Kouyoumdjian Executive Officer, Lahontan Regional Water Quality Control Board,
South Lake Tahoe Office (530) 542-5412 pzkouyoumdjian@waterboards.ca.gov

For questions related to stakeholder meeting schedule or locations, please contact:

Esther Tracy Office of Public Participation, State Water Resources Control Board
(916) 341-5908 www.waterboards.ca.gov



Statewide Grazing Regulatory Action Project Outreach Document

I. Introduction

The State Water Resources Control Board (State Water Board) is proposing a statewide action to enhance environmental benefits from grazing, protect beneficial uses of surface and groundwater, and address water quality impacts related to livestock grazing in California. This Grazing Regulatory Action Project (GRAP) aims to facilitate efficiency and statewide consistency in developing and implementing requirements to meet these goals, while at the same time accounting for regional differences in hydrology, topography, climate, land use, and microeconomics. A cornerstone of the GRAP will be thoughtful consideration of the costs of compliance to the regulated grazing community.

In California, there are more than 40 million acres of rangeland (approximately 38 percent of the state's surface area), with about half of this acreage in public and half in private ownership. Well-managed livestock grazing operations provide benefits to the environment, the economy, and California consumers. In some instances, however, grazing operations contribute to impairment of water quality and impact beneficial uses. Approximately 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. Under existing law, Total Maximum Daily Loads (TMDLs) are required for all waters and pollutants on the CWA list, including waters impacted by grazing operations.

Developing a TMDL for each impaired water body is not a practical solution. To date, the Water Boards have chosen to regulate livestock grazing through Water Board orders, grazing waivers, Water Quality Control Plan (Basin Plan) prohibitions, TMDLs and enforcement actions. These approaches have varied in their application and effectiveness, and have resulted in inconsistencies statewide. GRAP is one of several collaborative efforts established by the Water Boards directing staff to work with interested stakeholders on ways to more efficiently and consistently address impaired waters.

In addition to meeting the requirements of the CWA, the Water Boards must meet the requirements of the California Porter-Cologne Water Quality Control Act, which obligates the Water Boards to address all discharges of waste that could affect the quality of the waters of the State, including all nonpoint sources of pollution. This means that not only must the Water Boards address water bodies impaired by grazing activities, but that they must also protect the numerous high-quality streams within public lands, including federally managed wilderness areas, from water quality degradation caused by livestock grazing. Grazing in California is a nonpoint source of water pollution that is not currently regulated statewide. Examples of nonpoint source pollution that may be associated with grazing include discharges of sediment

from the erosion of stream banks, discharges of bacteria from livestock feces that get into the surface water, and increased temperature of streams caused from trampling of riparian habitat.

II. Grazing and the Environment

Grazing is an important economic commodity in California, resulting in over \$3 billion in food and fiber annually. Over 85 percent of California's drinking water supply is generated and/or stored within watersheds that include rangelands. Environmental benefits from grazing on rangelands can include vegetation management, fire management; invasive species control and carbon sequestration. In California, many of the private rangelands are under intense pressure for conversion to residential, commercial, or other agricultural land uses.

Improperly managed livestock grazing degrades riparian habitat by trampling soils, reducing shade- producing cover, degrading the structure of streamside vegetation, and destabilizing stream banks. This can result in shallow, wide streams and increased water temperatures. Grazing in riparian zones also causes substantial amounts of stream bank and stream bed erosion causing sediment increases, resulting in the loss of spawning beds and overall habitat degradation for riparian wildlife species. Pollution, including by fecal coliform bacteria from animal waste, can reach high levels and impact beneficial uses of the water, including uses for recreation, domestic and municipal supply.

Our challenge is to support well-managed grazing while still protecting water quality and its beneficial uses.

III. Public Outreach

The participation of interested stakeholders in the development of a statewide grazing regulatory strategy is crucial to its success. Thus, the Water Boards will actively engage stakeholder groups by soliciting early public comments during focused outreach listening sessions in 2014 and early 2015. The listening sessions will be held in Sacramento and in other more remote locations throughout the state. These listening sessions will be the first of many opportunities for stakeholder participation.

The purpose of the first series of outreach meetings is to discuss the statewide issue of water quality impairments associated with grazing, solicit input on what types of management practices have been effective, and hear concerns and suggestions or other feedback on the approach for this project.

The initial outreach sessions will invite input from five key stakeholder sectors: Ranching and related Industries; Government and Local Agencies; Tribes; Environmental and Environmental Justice Organizations; and Academia. In the sessions, stakeholders will be invited to share their thoughts on several questions including:

1. How should we define grazing (e.g., herd size, range size, duration/intensity, water source, type of animal, open range, irrigated pasture)?
2. What would a successful regulatory program look like to you? In your experience, what types of management practices have been effective in protecting or improving water quality? How can we incentivize use of effective management practices?

3. In your experience, what types of monitoring have been effective in assessing water quality?
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)?
5. How can we best collaborate with all stakeholders regarding grazing and water quality?
6. Who else should we be talking with? Are there other key stakeholders with whom we should coordinate?

Water Board staff will compile all input from these initial outreach sessions and consider it in the development of the GRAP proposal during 2015. As the proposal is developed, there will be additional opportunities for stakeholder input.

IV. State and Regional Water Board Contacts for the GRAP

For questions about the process of developing the GRAP, please contact:

Steve Fagundes Division of Water Quality, State Water Resources Control Board
(916) 341-5487 sfagundes@waterboards.ca.gov

Cindy Wise Lahontan Regional Water Quality Control Board, South Lake Tahoe Office
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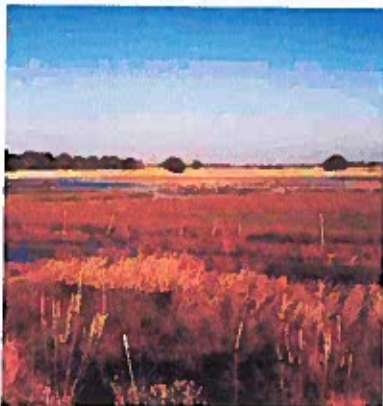
For questions related to stakeholder meeting schedule or locations, please contact:

Esther Tracy Office of Public Participation, State Water Resources Control Board
(916) 341-5908 etracy@waterboards.ca.gov

V. Proposed Schedule for GRAP Development

Milestone	Estimated Date
<ul style="list-style-type: none"> • Focused Outreach Listening Sessions 	2014
<ul style="list-style-type: none"> • Development of Initial Proposal • CEQA Scoping and Broader Outreach • Public Comment on Proposal 	2015
<ul style="list-style-type: none"> • Final Drafts of Proposal and Environmental Document • Consideration of Adoption by the Water Boards • Begin Implementation 	2016

POLICY FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM (NPS Implementation and Enforcement Policy)



Why Is The NPS Implementation And Enforcement Policy Necessary?

- California's most serious water quality problem is NPS pollution. Polluted runoff from nonpoint sources accounts for more than 76 percent of the water bodies where Total Maximum Daily Loads (TMDLs) are required.
- The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) was amended in 1999 to require the SWRCB to develop guidance to enforce the state's NPS pollution control program. The SWRCB complied by adopting the NPS Implementation and Enforcement Policy on May 20, 2004. The Office of Administrative Law approved the policy on August 26, 2004.

What Does The Policy Require The RWQCBs To Do?

- The RWQCBs must regulate all nonpoint sources of pollution, using the administrative permitting authorities provided by the Porter-Cologne Act.

The permitting authorities include but are not limited to:

- Basin Plan prohibitions
- Waste Discharge Requirements (WDRs)
- Waivers of WDRs. In addition, Porter-Cologne requires that:
 - Waivers must be conditional and may be terminated at any time.
 - Waivers must be consistent with the public interest and any applicable state or regional water quality control plan.
 - Waivers may not exceed five years, but may be renewed following consideration of the necessity for issuing WDRs.
 - Waivers must be enforced.

What Are Dischargers Required To Do?

- Dischargers must comply with the administrative permits issued by the RWQCBs by participating in the development and implementation of NPS pollution control programs, either individually or collectively as participants in third-party coalitions.
- NPS pollution control implementation programs may be developed by a RWQCB, an individual discharger, or a discharger coalition in cooperation with a third-party representative, organization or government agency. The third-party role is restricted to entities that are not actual dischargers under RWQCB/SWRCB permitting and/or enforcement jurisdiction.

POLICY FOR THE IMPLEMENTATION AND ENFORCEMENT OF THE NONPOINT SOURCE POLLUTION CONTROL PROGRAM

- All NPS pollution control programs must meet the requirements of the following (Five) Key Elements described in the NPS Implementation and Enforcement Policy. Each implementation program must be endorsed or approved by the appropriate RWQCB.
- **Key Element 1:** A NPS control implementation program's ultimate purpose must be explicitly stated and at a minimum address NPS pollution control in a manner that achieves and maintains water quality objectives.
- **Key Element 2:** The NPS pollution control implementation program shall include a description of the management practices (MPs) and other program elements expected to be implemented, along with an evaluation program that ensures proper implementation and verification.
- **Key Element 3:** The implementation program shall include a time schedule and quantifiable milestones, should the RWQCB so require.
- **Key Element 4:** The implementation program shall include sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine if the implementation program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required.
- **Key Element 5:** Each RWQCB shall make clear, in advance, the potential consequences for failure to achieve an NPS implementation program's objectives, emphasizing that it is the responsibility of individual dischargers to take all necessary implementation actions to meet water quality requirements.

What Kind Of Enforcement Does The Policy Require?

- Individual dischargers, including both landowners and operators, continue to bear ultimate responsibility for complying with a RWQCB's water quality requirements and orders. All RWQCB enforcement actions taken will be taken against non-compliant individual dischargers, not third-party representatives. All enforcement actions taken shall be consistent with the SWRCB Enforcement Policy (SWRCB 2002).

Find out more about the
Nonpoint Source Pollution Control Program
www.waterboards.ca.gov/waterquality

