

**Board of Forestry and Fire Protection
Range Management Advisory Committee (RMAC)
Water Focus Group**

**Minutes
August 16, 2005**

Attending:

RMAC:

Ken Zimmerman
Mike Connor
Clancy Dutra
Henry Giacomini
J.R. McCollister
Chuck Pritchard
Scott Carnegie
Leonard Hale
Mel Thompson
Jeff Stephens

Representing

California Cattlemen's Association
Public Member
California Farm Bureau Federation
California Farm Bureau Federation
Public Member
California Assoc. of Resource Conservation Districts
California Forestry Association
Watershed Fire Council of Southern California
California Wool Growers Association
CDF / RMAC Executive Secretary

Also Attending:

Gaylon Lee	State Water Control Board
Stephen Fagundes	State Water Control Board
Katherine Domeny	State Water Control Board
Chuck Curtis	Lahontan Regional Water Quality Control Board

Items 1 and 2, Call to Order and Introductions:

Henry Giacomini called the meeting to order at 1:00 PM. Introductions of all present were made.

Item 3, Lahontan Regional Water Quality Board Proposed Regulations for Non Point Source Pollution on Grazing Lands

Henry Giacomini invited Chuck Curtis with the Regional board to open discussion on the subject of NPS Pollution regulation on grazing lands. He noted the presence of three members of the State Water Quality Control Board present at the meeting; Gaylon Lee, Stephen Fagundes, and Katherine Domeny. Katherine Domeny presented a power point summary of the NPS issue in California that informed RMAC of the current regulatory requirements that are driving State policy on NPS.

Ken Zimmerman asked how much funding is available for funding NPS regulation. Stephen Fagundes responded stating that the 319 Program provides for approximately \$12 million; half of which is for support staff and half for project work. Mr. Zimmerman observed that these funds are not making their way to the beneficial use of the water, which lack incentive other than that of enforcement. Another concern is that the regulations are based on sound science. Katherine Domeny stated that the beneficial uses have not changed for many years.

Gaylon Lee and Stephen Fagundes mentioned SWAMP (Surface Water Ambient Water Program); a state wide monitoring program funded from multiple sources. It was developed by USGS and others. Henry Giacomini confirmed that SWAMP is a source of information to determine if a water body is not within state standards. He also stated that in his opinion the listing of water bodies under 303d was subjective. Chuck Curtis confirmed that past listings were not according to the best information. His belief is that further study will show that listing of some water bodies is not warranted. Gaylon Lee commented that the State Board recognizes this problem and is working towards rectifying the situation.

Mr. Giacomini cited a situation that exists with his property where the stream that flows through his property is not 303d listed; yet he is subject to monitoring fees enforced by Region 5 because his property falls within the Pitt River watershed. Is this consistent statewide?

Gaylon Lee emphasized that different water quality regions have different methods of doing business when it comes to enforcement. Each region has a list of land practices they impose restrictions. If you are using a high impact practice coupled with a 303d listing then enforcement and fees will be more severe. Chuck Curtis stated that the ability to enforce is often limited due to staffing and funding. Therefore the regions will focus on the areas they believe are at greatest risk from land management practices.

Chuck Pritchard cited an example where monitoring done by the local population (RCD) is superior to the monitoring provided by the Regional Board. This creates concern as to the value of the monitoring that is being used for enforcement.

Gaylon Lee and Stephen Fagundes clarified the issue of some funding and its use. Federal regulations stipulate that 319 funding must be used for implementing TMDLs. Money specific to compliance monitoring is not available. Ken Zimmerman responded by stating it may reach a point where his beneficial use may no longer be of any economic value. Ms. Domeny responded by stating that it is possible that some are doing more monitoring than what is needed. Each case should be considered individually.

Chuck Curtis stated that a common sense approach with Regional Boards working with the ranching community is needed to address the issue of regulation. Input

from the Agricultural community is needed. Katherine Domeny stated that there must be a good deal of give and take to work issues out at the local level.

Gaylon Lee mentioned SB 390 of 1999. This legislation eliminated the option for a voluntary compliance program, including the Rangeland Quality Management Program.

The discussion turned to types of monitoring. Mr. Lee commented that not all monitoring is in-stream and that some types are better for the situation and cheaper. Emphasis was placed on the notion that we (the regulators and the Ag community) are just getting into this issue, and that discussion with the Ag community and RMAC is welcome. Three types of monitoring were explained by Mr. Lee:

1. Compliance Monitoring conducted in-stream usually to verify compliance with the regulations.
2. Implementation Monitoring used to determine if the discharger do what was expected of them.
3. Effectiveness Monitoring of which there are two types:
 - a) Did in fact an impact occur – sediment deposited to the stream
 - b) In stream effectiveness – macro invertebrates, structure, biological community

Katherine Domeny advised that RMAC examine the current document (Rangeland Quality Management Program). It is currently a good document but may need some upgrades that will comply with the new policy.

Mel Thompson asked if the guidelines are well defined. Stephen Fagundes stated that there are guidelines for meeting the SWAMP program requirements.

Ken Zimmerman commented that monitoring is paid for by the landowners; however, it becomes a public document available for public viewing. If the public has ownership in the document then the public should pay for the monitoring. Chuck Curtis commented that water is considered a public resource; therefore, impacts to water quality from the user have an effect on others downstream.

Henry Giacomini asked if anyone is doing compliance monitoring presently. Gaylon Lee confirmed that no one is presently. Mr. Giacomini stated that he does not see how the State will be able to do its job without compliance monitoring. Mr. Lee replied that use of pilot and test programs that create the relationship between compliance and effectiveness monitoring will create confidence in effectiveness monitoring. Mr. Giacomini stated that this is where RMAC may play a useful role;

assist with building the models that limit compliance monitoring, with a goal of the state paying for compliance monitoring when it is required.

Mr. Giacomini asked for an explanation of the relationship between the State and regional boards for working on the permitting and waiver process. Chuck Curtis responded stating that regional boards do not wish to develop local waivers and permits. They prefer to statewide permit/waiver system. Local boards will focus on local exceptions.

Chuck Curtis was asked to by RMAC members to send local water quality data to Jeff Stephens for distribution to RMAC. Mr. Curtis agreed.

Henry Giacomini asked if it is possible to meet the Lahontan standard for water quality in the Bishop area. Mr. Curtis stated that it is possible and cited examples along the Owens Creek where fencing has been effective.

Mike Connor stated that University of California personnel have discovered examples in the natural environment where pathogen levels exceed the standard prior to any impact by management practices. Mr. Curtis responded by stating that if this is the case then there would be no violation of the standard. Mike Connor responded by stating that it would be the land managers responsibility to demonstrate that his practices are contributing to the problem.

Henry Giacomini verified with Gaylon Lee and Chuck Curtis that a pasture with high background levels of bacteria has tighter constraints for management. And a person with very high initial quality standard is charged with the responsibility to maintain that high standard. Therefore, it would appear that the landowner is greatly limited in practices. Chuck Curtis responded from a practical point of view it is possible to allow some degradation if it is in the people's interest.

Gaylon Lee made the point that RMAC may wish to pursue a joint policy between the Board of Forestry and the State Water Board for the prevention of the conversion of range land, similar to that of timberland. If the Range land Water Quality Plan is to be amended it should include input from RMAC that describes the importance of range lands to open space. Clancy Dutra stated that RMAC would need a source of funding to amend the Plan. Mr. Giacomini was supportive of working with the groups represented by RMAC to push for a policy of preventing range land conversions. Ken Zimmerman recommended a letter be written to groups represented by RMAC that promotes the concept of preventing range land conversions.

Item 5 Focus Group Objectives:

Henry Giacomini led the discussion on Focus Group objectives and outlined the following:

1) Focus attention specifically on the State Water board and Gaylon Lee's effort in dealing with NPS on grazing lands, and less attention on individual Regional Boards.

Scott Carnegie agreed with this approach.

2) Update the Range Land Water Quality Plan for compliance with new Water Board Policy on NPS.

Clancy Dutra favored this objective as the highest priority. Scott Carnegie recommended running # 1 and # 2 concurrently.

3) Write a letter to RMAC represented groups and ask for input regarding any legislation or existing law that refers to maintaining the economic viability and sustainability of range lands.

Mr. Giacomini request that each RMAC member send to him a contact person from their respective represented groups. Ken Zimmerman recommended contacting University of California for water monitoring data. The group as a whole agreed to initiate contact with Ken Tate.

Mel Thompson raised the issue that we can not expect that State or Regional Boards to address our concern/issue when the rest of California Agriculture is doing the monitoring and all of the other compliance regulation. Mr. Giacomini responded that in his opinion agencies are beginning to realize that over regulation is occurring. Perhaps we can take advantage of this fact.

Henry Giacomini will compose the draft letter to RMAC represented groups by September 1, 2005 and distribute to all members.

Meeting Adjourned 5:00 PM