

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

**Minutes  
June 21, 2005**

**Attending:**

**RMAC:**

Ken Zimmerman, Chairman  
Mike Connor  
Henry Giacomini  
J.R. McCollister  
Leonard Hale  
Mel Thompson  
Jeff Stephens

**Representing**

California Cattlemen's Association  
Public Member  
Farm Bureau  
Public Member  
Watershed Fire Council of Southern California  
California Wool Growers Association  
CDF / RMAC Executive Secretary

**Members of the Public:**

Tony Francois                      Farm Bureau

**Call to Order and Introductions:**

Items 1 and 2 of the agenda: Henry Giacomini called the meeting to order at 8:00 a.m. serving as Focus Group Chairman in place of Clancy Dutra. Introductions of all present were made.

**Item 3 Proposed Water Quality Regulations by the Lahontan Regional Water Quality Board.**

Henry Giacomini introduced the topic and provided background information regarding the State Water Board policy on non point source pollution as it relates to grazing lands and the issue of obtaining a waiver for grazing activities. Chuck Curtis with Lahontan was cited as the primary contact person. Tony Francois noted that Mr. Curtis serves in more of a program manager role with Lahontan as compared to a permit writer.

Mr. Giacomini has been in contact with Chuck Curtis and proceeded to relay the results of his discussion. Lahontan WQ is faced with the task of implementing State Water Quality Board Policy regarding non point source pollution, and has chosen grazing lands as a focal point. Henry Giacomini stated that Lahontan WQ in all likelihood does not have the personnel to permit every rancher within the

Region. Conditional waivers are being investigated with focus placed on the Bridgeport area as a zone where water quality problems are a concern of the Regional Board.

Leonard Hale inquired as to how large of an area is included in Lahontan WQ. Other RMAC members described it as quite extensive including all of the Tahoe Basin and south to portions of the desert country in San Bernardino County.

The Rangeland Water Quality Handbook was mentioned by Ken Zimmerman as having relevance to the issue. Jeff Stephens provided copies of the Handbook to the RMAC during the meeting.

Tony Francois explained that the focus on grazing lands is related to the issue of 303d impaired water bodies with bacteria contamination being the issue. Leonard Hale raised the question as to the contribution of grazing to this problem as compared to natural background levels present. Tony Francois stated that this is a valid question for Lahontan WQ. Tony Francois went on to state that Chuck Curtis has been a reasonable person to work with, and expects continued cooperation. It is unknown if Mr. Curtis will be the lead throughout the development of Lahontan's enforcement of permits/waivers; however, he is the only person working on the issue to date.

Tony Francois continued by stating that the basis for Lahontan's conclusions regarding grazing livestock and bacteria contamination are several studies on the subject. Based on this information he believes that the conclusions drawn on the relationship of livestock to bacteria levels is scientifically based. Mike Connor stated that RMAC should ask for copies of the scientific literature for evaluation. He further stated that Ken Tate completed research in high elevation areas on bacteria and found that regulatory standards could not be met even in non-grazed areas.

Tony Francois stated that most existing water standards are the result of work completed in the 1970s and are based on indicator species of bacteria, not the E. coli types that are considered harmful. He believes that the research should be questioned and the impacts due to grazing investigated thoroughly.

Mike Connor stated that based on the example set by the Central Valley Regional Board some sort of regulatory program will be implemented. Additional discussion from Tony Francois, Henry Giacomini and others on the RMAC indicated a belief that Chuck Curtis is focused on the list of impaired streams (303d listed), and that he desires for the State Board of WQ to develop a general grazing waiver. He will then focus on the areas with the greatest potential for problems.

Ken Zimmerman, Tony Francois, and Henry Giacomini joined in a discussion of potential impacts this may have for federal ground and the possibility that meeting WQ standards may become a condition of receiving grazing allotments. Tony

Francois stated that he does not foresee the State Water Board regulating federal ground.

Ken Zimmerman noted that this is an opportunity for RMAC to approach Lahontan in a cooperative way, offering assistance in understanding the producer's point of view and serving as a source of information. Tony Francois agreed with this approach indicating that Chuck Curtis would be receptive to this type of assistance from RMAC.

Henry Giacomini noted that in his opinion Lahontan is most likely favoring the creation of a conditional waiver process, but the form that this will take is yet to be determined.

Mel Thompson posed the question, what is the impact of bacteria contamination to Lake Tahoe. Tony Francois responded by stating that Lake Tahoe is a listed water body for bacteria contamination, but also stated that Chuck Curtis is investigating whether other regulating agencies take precedent in place of the State Water Board Policy.

Mel Thompson asked if this move on the part of Lahontan represents a trend for the other regional boards. Tony Francois replied this action seems to be specific to Lahontan, and does not believe it represents a statewide trend.

Discussion between Henry Giacomini, Mel Thompson, Ken Zimmerman, and Tony Francois developed regarding the possibility to exert influence on grazing regulations with the various water boards. The close of this discussion indicated that it is better for RMAC to offer advice and assistance rather than to direct or attempt to influence the outcome.

Ken Zimmerman cited S.B 646, the legislation linked to authority to enforce regulation related to grazing lands and non point source. He noted that it is basically a funding source. Mel Thompson and Henry Giacomini in discussion noted that monitoring would have to be part of any program in order to determine the level of bacteria in grazing lands as it is with irrigated pasture. This monitoring process (toxicity testing) is an expensive process.

Henry Giacomini closed the session on Lahontan with a recommendation that RMAC meet with Chuck Curtis. The approach would be one of assistance and not confrontational. Mike Connor stated that RMAC involvement should include a review of the research Lahontan is using to base their perception that a problem does exist with bacteria impacted water bodies as a result of grazing. Ken Zimmerman asked that the Water Focus Group write a paper describing RMAC and extending an invitation to Chuck Curtis to assist with information and advice regarding any actions by the Regional Board that impacts grazing.

**Item 4 Central Valley Regional Water Quality Control Board Conditional Waivers for Irrigated Lands:**

Tony Francois was asked by Henry Giacomini to open discussion on conditional waivers for irrigated land within the Central Valley Regional Water Quality Board area of jurisdiction. This involves a monitoring program for all irrigated lands. The program expires this year; the Watershed Coalitions of which there are nine are asking for a five year extension on the existing program. Tony Francois stated that Regional Water Boards are under intense pressure to regulate agriculture. Much of this pressure originates from environmental groups concerned with the de-watering of the San Joaquin River system, and in general a desire to return watershed conditions to pre-European conditions. Environmental groups have become very active in flood control and are promoting the action that every farm in the valley prepare and file a ranch plan with a monitoring component.

Tony Francois stated that the long term outlook is that as monitoring data is developed problem areas will come under increasing regulation. His objective is to have the non-problem areas removed from the monitoring program. The Central Valley is influenced by a very strong environmental presence including representation by the Sierra Club on the Board.

**Item 5 Northern California Water Masters Service Fee Increase:**

Henry Giacomini introduced the topic and explained the method by which water masters function in his area. They regulate water use according to Water Use Decrees that are adjudicated water rights. If a user is not in an adjudicated system then it is the State Water Quality Control Board that administers the water decrees.

Tony Francois explained the funding system for water masters indicating that the State provides approximately 50% of the cost. Beginning in the 05/06 fiscal year the State's share is eliminated; thus the increase in fees to cover the shortfall. This fee system falls directly to the user, therefore the cost is concentrated on a relatively small percentage of the State's population.

**Item 6 Senate Bill 646 Kuehl, Water Discharge Requirements; Waivers:**

Tony Francois stated that this bill reflects the trend by regulators to fund existing programs with fees when other funding becomes in short supply. It provides agencies with a mechanism for growth during periods of a shrinking General Fund budget. RMAC members asked what are the chances of SB 646 passing the legislature. He stated his opinion is less than 50% of becoming law.

Henry Giacomini asked even if the bill fails to pass what are our alternatives given the ever increasing trend towards more fees from government? Tony Francois responded stating that what is needed is a constitutional initiative that reforms the fee based system in California. Leonard Hale asked if anyone is working on such

an initiative. Tony Francois stated that an initiative was tried several years ago and failed. He is not certain if there are any current efforts underway that reforms state fees.

Henry Giacomini stated a main concern of his is that the fee structure will have significant impacts to relatively few people. Within his Watershed Coalition area it costs \$30,000 per year to monitor the Pitt River Watershed. His share started at \$1,200; last year it was \$2,500; if the proposed DWR budget is approved his fee will be \$7,500 per year. The end effect is that the financial wellbeing of his grazing operation is placed in further jeopardy.

Henry Giacomini moved the Focus back to a discussion of the Lahontan Regional Board's task of implementing regulation on grazing lands. He cited this topic as the most important issue of discussion and asked for recommendations to carry forward to the full RMAC. Ken Zimmerman recommended that an action item be proposed for the full RMAC to consider. Henry Giacomini with concurrence from the other Focus Group members elected to propose a meeting with Chuck Curtis at the Lahontan head quarters. A paper shall be prepared explaining RMAC's role and offer assistance to Lahontan for dealing with the grazing lands issue

Meeting adjourned 12:00 Noon.