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**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

Planning  
Community Development  
Administrative Operations

September 1, 2015



File: Home Rule  
GRAP

Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

**RE: Support for Discontinuation of Discussion Regarding a Statewide Approach to Addressing Water Quality Impacts from Livestock Grazing. (Grazing Regulatory Action Project – GRAP)**

Dear Board Members,

On February 3, 2015, the Kern County Board of Supervisors took public testimony on the proposed GRAP program and voted to provide formal comments opposing this effort (attached).

The Kern County Board of Supervisors appreciates the current good relationship with the State Water Resources Control Board and our partnership on many important critical water issues. The proposed action before your Board to address potential impacts from livestock grazing on a geographical and individual property owner basis through collaborative discussions reflects the partnership approach that is needed in these difficult times.

Kern County supports this approach and asks for approval of the Draft Resolution for the discontinuation of discussion on a statewide approach to Livestock Grazing regulations.

Sincerely,

A handwritten signature in black ink that reads "Lorelei H. Oviatt".

LORELEI H OVIATT, AICP, Director  
Kern County Planning and Community Development Department

cc: Clerk of the Board  
Kern County Cattleman  
California Cattlemens Association

**BOARD OF SUPERVISORS  
COUNTY OF KERN**

**SUPERVISORS**

**MICK GLEASON** District 1  
**ZACK SCRIVNER** District 2  
**MIKE MAGGARD** District 3  
**DAVID COUCH** District 4  
**LETICIA PEREZ** District 5



**KATHLEEN KRAUSE**  
**CLERK OF THE BOARD OF SUPERVISORS**  
Kern County Administrative Center  
1115 Truxtun Avenue, 5th Floor  
Bakersfield, CA 93301  
Telephone (661) 868-3585  
TTY (800) 735-2929  
[www.co.kern.ca.us](http://www.co.kern.ca.us)

February 3, 2015

State Water Resources Control Board  
Office of Public Affairs  
Attn: Board Chair Felicia Marcus  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, California 95814

RE: Kern County Board of Supervisors  
Government Stakeholder Comment – Grazing Regulatory Action Project (GRAP)

Dear Ms. Marcus,

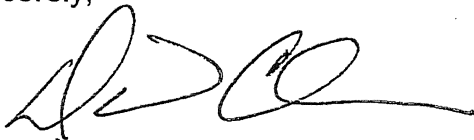
Ranching operations and grazing of livestock is an important economic activity in Kern County. Kern County has over 1.5 million acres of private land suitable for grazing with 880,092.63 acres under a Williamson Act Land Use Contract. The Kern County Board of Supervisors takes exception to the process and formulation of state wide regulations for grazing under the Grazing Regulatory Action Project (GRAP).

While the State Water Board retains jurisdiction over the waters in California, they do not have jurisdiction over land uses or the specific County ordinances that implement those land uses. This program appears to attempt to extend Water Board jurisdiction onto private lands' land uses without the cooperation or collaboration of local government. Further the effort appears to have been formulated based on anecdotal occurrences of intrusion into jurisdictional waters by livestock that should be handled on a case by case basis. The far reaching consequences of such an extensive effort on our ranching operations, including the viability of current Williamson Act Contracts, appears to have not been taken into account when launching this program. For even a cursory evaluation of the challenges of such a program should have resulted in a determination that a State wide regulatory project is neither necessary nor even proper on private property. For it is unclear, even if you formulate regulatory conditions or mitigation, under what mechanism you intend to impose them on grazing operations in Kern County that require no permit from the County to lawfully graze.

State Water Resources Control Board  
Office of Public Affairs  
February 3, 2015  
Page Two

Based on the lack of demonstrated need for this project and potential impacts to the operations of our ranching businesses, the Board of Supervisors opposes this entire effort. The Board appreciates our past good relationship with the State Water Resources Control Board and hopes that these comments will result in the dedication of State resources to other more worthy efforts to protect our surface and groundwater.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Couch', written over a horizontal line.

David Couch, Chairman  
Board of Supervisors

cc: CAO  
County Counsel  
Planning and Community Development  
Kern County Cattleman  
California Cattlemens Association  
Cindy Wise Project Lead – [Cwise@waterboards.ca.gov](mailto:Cwise@waterboards.ca.gov)  
Steve Fagundes, NPS Unit Chief [Fagundes@waterboards.ca.gov](mailto:Fagundes@waterboards.ca.gov)  
Mark Nechodom, California Department of Conservation



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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State Water Resources Control Board

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT  
AND  
NOTICE OF PUBLIC MEETING AND CONSIDERATION OF ADOPTION**

**PROPOSED DRAFT RESOLUTION FOR THE DISCONTINUATION OF DISCUSSIONS  
REGARDING A STATEWIDE APPROACH TO ADDRESSING WATER QUALITY IMPACTS  
FROM LIVESTOCK GRAZING**

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) will receive public comments on the proposed draft resolution for the discontinuation of discussions regarding a statewide approach to addressing water quality impacts from livestock grazing.

**NOTICE IS ADDITIONALLY HEREBY GIVEN THAT** the State Water Board will consider adoption of the proposed draft resolution at its regularly scheduled meeting. The date, time, and location of the meeting are:

**September 16, 2015 - 9:00 a.m.**  
**Joe Serna Jr. CalEPA Headquarters Building**  
**Coastal Hearing Room**  
**1001 I Street, 2nd Floor**  
**Sacramento, CA 95814**

**BACKGROUND INFORMATION**

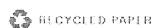
Currently, the nine Regional Water Boards regulate the potential impacts to water quality from grazing operations, on a region-by-region basis. In 2013, the staffs from the State Water Board and all nine Regional Water Boards, led by the Lahontan Regional Water Board, were directed to assess whether there could be improvements in efficiency and statewide consistency of their regulatory programs, while still accounting for regional differences. Five Focused Listening Sessions were held across the state to solicit comments from stakeholder groups. These meetings yielded valuable feedback. Principal among the feedback was that regional differences in rangeland type, grazing practices and water quality factors supported a regional approach to grazing rather than a statewide approach.

The proposed resolution would direct staff to discontinue discussions regarding a statewide grazing approach. The resolution would also direct Regional Water Boards to assess their current regulatory and/or non-regulatory strategies, and to consider adapting these strategies to include implementation of best management practices (BMPs) that are supported by current information. These strategies would consider regional differences in hydrology, topography,

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FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)



climate, and land use, and include watershed-wide or regional monitoring programs to assess the effectiveness of the BMPs implemented under regulatory or non-regulatory actions.

#### **DOCUMENT AVAILABILITY**

The proposed draft resolution and all related documents are available to view or download on the State Water Board's Web site at:

[http://www.waterboards.ca.gov/water\\_issues/programs/nps/grap.shtml](http://www.waterboards.ca.gov/water_issues/programs/nps/grap.shtml)

Interested parties may request a paper copy by contacting Rachael Tadlock at (916) 341-5568 or [Rachael.Tadlock@waterboards.ca.gov](mailto:Rachael.Tadlock@waterboards.ca.gov)

#### **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board will accept public comments on the proposed draft mitigation fee delegation resolution. Written comments must be received by 12:00 noon on September 3, 2015 and addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate the subject line: "**Comment Letter – Grazing Regulatory Action Project**"

Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

#### **PROCEDURAL MATTERS**

Participants are encouraged to submit written comments prior to the meeting, in accordance with the deadline specified above. At the meeting, participants will be given an opportunity to summarize and supplement their written materials with oral presentations.

To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time-limited. For other presentation recommendations, go to: [http://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

#### **PARKING AND ACCESSIBILITY**

For directions to the Joe Serna Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board Web site:

<http://www.calepa.ca.gov/EPABldg/location.htm>.


The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922. An audio broadcast of the meeting will be available via the internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

**ADDITIONAL INFORMATION**

Please direct questions about this notice to Jodi Pontureri, Environmental Scientist, at (916) 341-5306 ([Jodi.Pontureri@waterboards.ca.gov](mailto:Jodi.Pontureri@waterboards.ca.gov)) or Kim Niemeyer, Staff Counsel, at (916) 341-5547 ([Kim.Niemeyer@waterboards.ca.gov](mailto:Kim.Niemeyer@waterboards.ca.gov)).

\_\_\_\_\_  
August 21, 2015  
Date

  
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Jeanine Townsend  
Clerk to the Board

# DRAFT

## STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2015-

### DISCONTINUATION OF DISCUSSIONS REGARDING A STATEWIDE APPROACH TO ADDRESSING WATER QUALITY IMPACTS FROM LIVESTOCK GRAZING

#### WHEREAS:

1. California contains more than 40 million acres of rangeland covering approximately 38 percent of the state's surface area, with approximately half in public, and half in private ownership.
2. Well-managed livestock grazing operations can provide benefits to the economy, California consumers, and the environment. Conversely, poorly-managed livestock grazing operations can cause water pollution and nuisance and impair the beneficial uses of water.
3. The nine Regional Water Quality Control Boards have different regulatory requirements to minimize the water quality impacts from livestock grazing, based on the unique hydrology, topography, climate, and land use in each region.
4. In 2014, the State and Regional Water Boards held public meetings to assess whether there could be improvements in efficiency and consistency by developing statewide standards for livestock grazing management, while recognizing regional differences. A wide range of valuable comments were submitted by stakeholders.
5. Existing non-regulatory efforts for implementation of best management practices (BMPs) were recognized as benefiting water quality, but were also acknowledged to need updating based on current information and evaluation for effectiveness with the assistance of all stakeholders, and the Regional Water Boards.
6. As part of this process, many commenters suggested that any livestock grazing management or regulatory strategy should take into consideration the regional differences in hydrology, topography, climate, and land use.

#### THEREFORE BE IT RESOLVED THAT:

The State Water Board therefore directs the following:

1. Discussions regarding a statewide approach to addressing the water quality impacts from livestock grazing are discontinued.
2. The Regional Water Boards should work collaboratively with individual property owners, livestock grazing operators, and other interested stakeholders to determine which actions, including regulatory actions and effective non-regulatory efforts for BMP implementation, are best suited to protect water quality and the beneficial uses of waters from pollution.

## **D R A F T**

3. The Regional Water Boards should consider prioritizing actions to address livestock grazing operations that cause impairment, or have the likelihood to do so based on unique hydrology, topography, climate, and land use of that specific region.
4. After consideration of the unique hydrology, water quality impacts and cost of compliance, BMPs should be considered for use, where appropriate.
5. The Regional Water Boards should consider establishing monitoring requirements, including watershed-wide or regional monitoring programs, to assess the effectiveness of BMPs implemented under regulatory or non-regulatory actions.
6. The Regional Water Boards should take actions they determine to be necessary to protect water quality and the beneficial uses of waters from pollution consistent with state and federal laws. Actions may be regulatory or based on non-regulatory efforts for BMP implementation, or a combination of the two.

## **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 16, 2015.

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Jeanine Townsend  
Clerk to the Board