

# CALIFORNIA CATTLEMEN'S ASSOCIATION

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July 20, 2012

North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
*Attention:* David Noren, Board Chair  
Matt St. John, Executive Officer  
**Re: Irrigated Lands Program**

The California Cattlemen's Association (CCA) appreciates the opportunity to comment on the June 26<sup>th</sup> draft of the Agricultural Lands Discharge Program (Program). Representing over 2,000 ranchers throughout the state who work tirelessly to ensure continued land stewardship, CCA has a great stake in ensuring that this program results in the lowest possible regulatory burden for our members. California ranchers are some of the most committed and longest serving stewards of the land. The sustainability of the land and its resources are of the utmost concern to ranchers, as these lands are passed from one generation to the next, and must retain productivity and viability. As a participant in the ongoing development efforts, CCA feels it is greatly important to comment on the recent changes to include irrigated pasture with tail water runoff in the scope of the program. CCA encourages staff to recognize the minimal impact of irrigated pasture runoff on water quality and make the necessary revisions to exclude irrigated pasture all together

CCA believes that including irrigated pasture will result in a duplicative effort that is currently being worked on by the State Water Resources Control Board in their development of a statewide grazing waiver. Given the public acknowledgement that staff at all regional boards and the state level are facing increased responsibilities with resources, it seems fiscally irresponsible for the Board to attempt to regulate irrigated lands in this program, given the statewide effort and the negligible impact discharges from pasture lands has on water quality.

With the exception of Siskiyou, Modoc and Glenn Counties, which have irrigated pasture on less than 1.5% of the total land acres, all other counties within the Region One have irrigated pasture representing between .03% and .6% of total land in the county<sup>1</sup>, not all of which have tail water nor are in proximity to a waterway. In addition to the minimal amount of land that is used by irrigated pasture, scientific data has shown that irrigated pasture can actually act as a barrier to the transmission of nutrients and sediment. According to research conducted by UC Cooperative Extension "annual rangelands and irrigated pastures retain the vast majority of the microbes deposited in cattle fecal pats. Over 90% of the microbe load was either retained in the fecal pat, dead, or filtered by the vegetation strip within 0.1 yard of the fecal pat. Each additional yard of filter strip removed 30 to 99.9% of the microbes that were mobilized more that 0.1 yard from the fecal pat."<sup>2</sup> Additionally, the study reports

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<sup>1</sup> USDA 2007 Ag Census Data.

[http://www.agcensus.usda.gov/Publications/2007/Full\\_Report/Volume\\_1,\\_Chapter\\_2\\_County\\_Level/California](http://www.agcensus.usda.gov/Publications/2007/Full_Report/Volume_1,_Chapter_2_County_Level/California)

<sup>2</sup> Atwill, E.R., L. Hou, B.M. Karle, T. Harter, K.W. Tate, and R.A. Dahlgren. 2002. Transport of *Cryptosporidium parvum* Oocysts through Vegetated Buffer Strips and Estimated Filtration Efficiency. *Applied and Environmental Microbiology*. 68:5517-5527.

that within irrigated pasture “90+% of *E. coli*, *C. parvum*, and *Salmonella* are either trapped in the cow fecal pat or 0.1 yards below the fecal pat.”<sup>3</sup>

An additional study conducted by UC Cooperative Extension in Northern California rangeland watersheds, concluded that “by focusing on erosion associated with natural and historical influences, inventory and assessment efforts on these watersheds can characterize the majority of sediment deliverable to streams.” The conclusions of the study continue to report that “Overall, we determined that rangeland managers can achieve the greatest reductions in sediment generation by focusing on erosion from roads”<sup>4</sup>.

While CCA finds the inclusion of discharges from irrigated pasture to be unnecessary, we believe clarification of the definition of tail water is necessary. As provided by the Board, the definition of a discharger is “the owner or operator of agricultural lands that discharges or have potential to discharge waste that would directly or indirectly reach waters of the state”. The Board needs to further clarify how they define waste as it relates to tail water. §13260 of the Water Code suggests that any discharge must contain “waste” which affects water quality of the state. Tail water, by definition, does not imply waste, as it can be clean, thus the Board should consider limiting the scope of the program to discharges with proven waste. The board should also consider whether these discharges of polluted waste unreasonably affect beneficial use. CCA would argue that many of these discharges do not qualify as unreasonably affecting beneficial use.

In addition to further defining “tail water”, the Board should exclude those with irrigated pasture who do not discharge into waters of the state. § 13267 of the Water Code states that , with regards to monitoring reports and requirements “the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.” While groundwater is under the purview of this program, the burden of proof lies with the Board, as they may not presume a waste discharge. Under this provision, it would behoove the Board to seriously consider the realistic possibility of monitoring ground water from irrigated pasture. Measurement and monitoring of groundwater are both expensive and do nothing to accurately determine the cause or source of pollution, especially on irrigated pasture on which the pasture acts a filter before water is absorbed into the ground.

Again, we thank you for the opportunity to comment on this draft proposal and strongly encourage the Board to reevaluate the need to include irrigated pasture within the scope of the program. While CCA certainly believes that there are practices which could be improved upon, we do not believe that the discharges related to tail water from irrigated pasture are appropriate to be included in this program.

Sincerely,



Margo Parks

Associate Director of Government Relations

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<sup>3</sup> Atwill, E.R., K.W. Tate , M. Das Gracias C. Pereira, J.W. Bartolome, and G.A. Nader. 2006. Efficacy of Natural Grass Buffers for Removal of *Cryptosporidium parvum* in Rangeland Runoff. *J. Food Protection*. 69:177-184

<sup>4</sup> Lewis, David, K.W. Tate, John Harper, Julie Prise .2001. Survey identifies sediment sources in North Coast Rangelands. *California Agriculture*, Volume 55, number 4, 32-38

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