

commentletters



From: Richard M. Ross <richross@calcounsel.com>
Sent: Wednesday, August 26, 2015 2:00 PM
To: 'John Eade'; commentletters
Cc: 'Billie'; 'Anthony Botelho'; 'Billy Gatlin'; allanrenz@gmail.com; 'Stan Pura'; smodic@cffsbc.org; 'schwabacherjackson'; 'Shawn Kuchta'; 'Michael Bailey'; 'San Benito County Farm Bureau'; 'Candice Hooper'; 'Susie Snedden'; 'Rusty Areias'; 'Mark Starritt'; 'Vicki Murphy'; 'Mark Bidwell'; mike@ninhomes.com; 'Chris Mathys'; Kenny Watkins; 'Tom Lindemann'; 'Kim Lippert'; 'Leslie David'; lavers@gmail.com; 'Lasgoity, Michele'; 'HIC'; 'John's cattlemen.net'; 'Jeff Gilles'; 'Jamii Eade'; 'Jane Wooster'; 'Reyes, Javier'; 'Jack Lavers'; JerryMuenzer@gmail.com; 'Joe Zanger'; 'Paul Rovella'; pinerockranch@yahoo.com; 'Paul Wenger'; 'KENNETH GRIFFIN'; 'Kellie Mancino'; kirk@calcattlemen.org; Hollister Freelance; kfilice@cffsbc.org; 'Kevin Kester'; 'Katherine Foster'
Subject: RE: GRAP RESPONSE

Hi John ~

I have some concerns. As you note, the proposed resolution calls for the discontinuation of discussions – not of GRAP.

In addition to understanding agriculture, we need to approach this with an understanding of government. A year or so ago I had a Washington insider visit me a few times [wrong party but she was cute]. She noted that the administration knew the WOTUS proposal was 1000x what they could legally justify, but they anticipated (rightly) that the Republicans would re-take the Senate and the administration would have to retrench. The plan was to push an outlandish proposal and settle for only double or 100x what they were entitled to and the stupid Republicans would claim victory.

Fast forward to GRAP.

The threat - - the state board would force horrible and onerous unspecified regulatory mandates on the industry based on unidentified legal authority justified by unidentified problems. CCA opposed (justifiably) and said “scrap grap.” CCA members and staff and UC and others) presented a solid case that the status quo of monitoring and 303(d) listings and high fees to coalitions to monitor non-existent problems are BS. The association through staff with a lot of help from friends and members put on a good case that the history of monitoring and regulation of grazing is unjustified based upon the science, and the facts that have been developed through years of monitoring through waiver programs. We could have pressed more on the law. We wanted 303(d) listings revisited, e coli levels made consistent around the state and with EPA, we wanted monitoring throttled back based on the few problems being found, we wanted natural sources of “pollutants” to be accounted for, we wanted the “unknown” sources of pollutants that justified many of the 303 listings to be pursued instead of grazing

Now – the state board says gosh – we had all these hearings and we’ve heard enough. **Discussions are over (but maybe not GRAP)** and for now we’ll just increase the abuse through the regional boards. We will not acknowledge a single point you tried to make, but in recognition of our ending discussions we want you to endorse our past/ongoing/proposed regulation of your ranch management.

The WRCB resolution contains not one single point recognizing one single issue identified at the listening sessions by the industry and its academic supporters. We don’t even know if GRAP is over – it may well just be the “discussions are discontinued” (words are chosen for a purpose). If the GRAP game is over, we do not have a single point on the score board. To say that we won because the other team is leaving the field is like saying the US won in Viet Nam because the Viet Cong stopped their aggression as soon as we left.

I oppose endorsement of a resolution that starts off with a preamble that says:

2. poorly-managed livestock grazing operations can cause water pollution and nuisance and impair the beneficial uses of water. (i.e. the state needs to monitor grazers and dictate how they manage their livestock grazing)

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. (i.e. the Lahontan's bizarre e coli standards may not match anyone else's, but they have a unique hydrology etc.)

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. (i.e. we didn't take any notes and don't recall what was said)

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. (i.e. the water boards are going to up the ante on mandates to join (pay) coalitions, do monitoring etc. and "all stakeholders" (environmentalists) are going to have a vote on your BMPs which will be mandated by your friendly regional board)

THE RESOLUTION IT SELF SAYS:

1. Discussions regarding a statewide approach to addressing the water quality impacts from livestock grazing are discontinued. (i.e. we are no longer going to engage in "discussions," which are discontinued. The GRAP program may continue. As I recall they have said from the beginning that GRAP would 'start' with discussions.)

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. (i.e. the environmentalists and the regional board folks will work with you (?) to determine what BMPs you will be required to implement, to address historically used pollution myths.)

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. (i.e. same old, same old. In the 'listening sessions' there was a lot of testimony / evidence (e.g. studies by Tate's group) that cattle were not causing pollution in some areas and the response was that they presented a likelihood (albeit that stocking rates are down, there is no history)

4. After consideration of the unique hydrology, water quality impacts and cost of compliance, BMPs should be considered for use, where appropriate. (i.e. we are done with monitoring through coalitions which have found next to nothing, its time to mandate how you manage your ranch.)

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. (i.e. the boards should start working on mandatory BMPs drafted by bureaucrats and environmentalists and implement them through regulatory or non-regulatory (e.g. threat of prosecution as with the coalitions) programs and create new monitoring programs to go with the BMPs and tax the ranchers to pay for them too.)

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. (i.e. – go get those ranchers)

There is nothing apparent to me in the proposed resolution that does anything for grazers. In fact, it endorses increased abuse. If someone can explain the upside of endorsing the resolution, I'm all ears.

Rich Ross