

## GRAP Listening Session Jan 9, 2015 Morning Session San Luis Obispo

### Attendance

Approximately 100 to 125 stakeholders, with over 90% ranchers.

Attending water board leadership:

Jean-Pierre Wolff, Chair, Central Coast RWQCB.

Paul Hann, Manager, SWRCB Watersheds, Oceans and Wetlands Section (*sitting in for absent SWRCB GRAP Executive Sponsor, Phil Crader*).

Ken Harris, Executive Officer, Central Coast RWQCB.

Attending water board staff:

Lisa McCann (Central Coast – GRAP member), Cindy Wise (Lahontan – GRAP member), and Esther Tracy (SWRCB)

### Program (9 am to noon)

Water Board leadership described the roles and responsibilities of the regional and state water boards. Both Dr. Wolff and Mr. Hann stated that GRAP is and will be a transparent process. They also stated the water boards have no preconceived structure or outcomes in-place for this proposed statewide regulatory program (i.e., planning, monitoring, and reporting). They reiterated that this is a “clean-slate” start at developing a new, consistent, efficient, level-playing field statewide regulatory program.

Staff gave a presentation of the background, purpose, legal mandate, scope, and expected timeline of GRAP. They reported on the general extent of 303d (TMDL) listed impaired waterbodies with “grazing” as a potential source of impairment. They implied there is strong scientific evidence supporting all 1000+ listings of waterbodies as impaired by grazing across the state, but gave no specific examples of that evidence nor how grazing could contribute to water quality impairment. They stated that in developing GRAP they will consider water board mandates, tools already in use, stakeholder input, 1995 CARWQMP, 2011 proposed statewide waiver for national forests, and online submittal of related science. They reported very general stakeholder responses to the questions discussed during the 4 (5<sup>th</sup> with Tribal Communities pending) focused (invitation only) listening sessions (Nov 2014) – with comments lumped across the 4 focused listening sessions. The general content of the presentation agreed with the information currently available on the GRAP website:

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

Staff finished with Next Steps: 1) complete regional stakeholder sessions in Jan 2015, 2) set up online submittal of input and science on GRAP website, 3) share summary of input and science on GRAP website, 4) develop options for statewide regulatory program, 5) stakeholder input on options.

Following these presentations (there were no questions, nor discussion), there were 2 hours of stakeholder comments and questions. Stakeholders who wished to speak were asked to fill out and hand in speaker request cards. Each stakeholder was limited to 3 minutes of comment/question time. Thirty-six stakeholders commented – everyone who requested to speak was accommodated.

There were no stakeholders speaking up in support of this current GRAP process. One or two stakeholders felt such a process was needed, but that it should be done slowly and carefully, ending with an effective program. There was overwhelming opposition to this process. Some major themes of comments/questions are below.

1. Commenting stakeholders felt this process is not transparent, nor is it efficient, effective, or inclusive. Many commented that holding only 3 listening sessions across the entire state was insufficient. This was a ubiquitous comment.

2. Commenting stakeholders felt there are indeed preconceived opinions (i.e., grazing is a pervasive source of water quality impairment across the state), and fixed outcomes (i.e., fee and monitoring requirements) already in place among the water boards relative to this program. This was a ubiquitous comment.

3. Stakeholders challenged the water boards to show clear and specific scientific and monitoring evidence that grazing is a pervasive source of water quality impairment (i.e., data supporting the original 303d impaired waterbody listings) – thus questioning the fundamental basis of the need for a statewide regulation (as opposed to existing regional and watershed level regulatory vehicles and tools which focus on specific issues).

4. The water boards must develop credible estimates of background water quality levels and non-controllable source contributions (i.e., wildlife, geologic nitrogen, naturally erodible soils), and they must use water quality standards that are supported by the best available science (e.g., microbial water quality standards). The boards should re-examine (before setting out on an expensive new statewide regulatory program) the basis of listings of impaired waterbodies in the context of best available science on these three aspects.

5. There was strong agreement that water boards, GRAP team members, and the GRAP process are moving forward without full knowledge or consideration of the existing management knowledge, science base, planning tools and courses, and experience developed by industry, UCCE, NRCS, RCDs, RMAC, the pre-GRAP water boards, and others over the past 20+ years. Many commented that the GRAP team and water boards should seek opportunities to educate themselves about ranching and rangeland management. Basically GRAP is in a bubble, uninformed, and trying to reinvent the wheel.

6. A one-size-fits-all approach is not going to work on-the-ground, it will not improve water quality, nor will it increase efficiency in the long run. Nor is one-size-fits-all compatible with the site-specific adaptive management strategies shown to be effective at improving water quality and successfully managing grazing in a dynamic setting. Several successful local examples were mentioned.

7. The water boards need to analyze the unintended consequences of this proposed program and associated costs and restrictions on the economic sustainability of ranches and rural communities. They also need to account for the many benefits of grazing as a natural resources management tool (i.e., fuel load reduction, habitat management for specific species, weed control) – what are the broader

ecosystem service costs of a sole management focus (dictated by this regulatory program) on water quality?

8. Stakeholders unanimously recommended to either stop the GRAP process altogether, or to slow the process down and “take a big step backwards” to address the fundamental issues raised above, among others. Of the commenters who suggested slowing down, it was unanimously in the context of starting this process over in a more transparent, participatory, and informed manner targeted on clearly documented spatially specific (e.g., regional or watershed) grazing related water quality impairments.

#### **Problems with the Process of this Session**

1. With the exception of Dr. Wolff and Mr. Hann (sitting in for the GRAP SWRCB Executive Sponsor) there were apparently no other regional/state water board members or GRAP executive sponsors in attendance (in person or online). With the exception of Ms. McCann and Ms. Wise, apparently none of the other 30 GRAP team members were present (in person or online). Stakeholders were very aware of the lack of participation by regional and state staff and decision makers in this listening session – which greatly diminished the value of this outreach effort. It also enforced the opinion of many stakeholders that the outcome of this process is pre-determined, and that water boards are not genuinely interested in their input.

2. Despite the low attendance by GRAP team members and executive sponsors (3 of 34) the session was not recorded. GRAP water board staff (Ms. Wise and Ms. McCann) did take notes during stakeholder comments. However, over the course of 2 hours 36 people verbalized an almost continuous and massive amount of constructive feedback, concerns, and suggestions to improve this process to the water boards. Speakers were very efficiently moved to and from the podium, and there was no reprieve from the procession of commenters. It is very unlikely that all points were captured, and there was no time allotted for note-takers to affirm with speakers that they had captured comments accurately. It will be impossible for non-attending water board members, leadership, and GRAP team members to gain firsthand insight of the full intent, depth and thoughtfulness of stakeholder input. The failure to capture a complete official record of such an important public hearing session was clearly noted by several speakers, and eroded the confidence of many stakeholders that their input will be considered as GRAP progresses.

3. There was limited effective outreach by the water boards to the public about this event. There was substantial confusion among stakeholders on whether this was a public hearing or invitation only. Registration confirmations were not sent out in a timely manner, yet announcements that the event was full were sent out. This left many potential attendees (who had registered, but had no confirmation) uncertain if they had a seat or not. Many participants drove substantial distances to attend the session – uncertain if they would be admitted upon arrival. Collectively, the issues with registration substantially fueled concerns about the transparency of this process.

4. There was no meaningful dialogue between the water boards and stakeholders at this session. GRAP leaders and staff **presented at** stakeholders for an hour, and then stakeholders **commented back at**

GRAP leaders and staff for two hours. There was no real interaction between the two groups during this entire session.

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5. The water boards had no clear plan for concluding this meeting in a productive and confidence inspiring manner, which was evident from the wrap-up presentations. One would expect at the end of a listening session such as this that those who requested the input would conclude the session by: 1) summarizing the main themes of comment they heard from stakeholders and affirming with stakeholders that their "hearing" of input was accurate; 2) discussing some of the major themes of input with the stakeholders; 3) giving clear assurances and specific examples to stakeholders about the use and value of this information in the GRAP process; 4) explaining how the process would move forward from here, and how the input received might/might not affect how the process moves forward; and 5) reaffirm that stakeholders understand how to continue to provide input following this initial listening session. Since these wrap-up steps largely did not occur, many stakeholders went home with the message that they were not heard, nor listened to.