



Upper Feather River Watershed Group

Agriculture Stakeholders Advancing Water Stewardship
PO Box 975 Loyalton, Ca 96118

March 27, 2011

To: Adam Laputz

ILRP Central Valley Regional Water Quality Control Board

RE: Comments on ILRP Framework

We thank you for incorporating low-threat Tier 1 and Tier 2 opportunities in the new ILRP Framework.

There are two important points we would like you and staff to review prior to the April 7th presentation to the CVRWQB meeting.

Point 1: Planned use of direct electronic submittal of individual farm information by growers -- Framework Attachment Pg A-3

Our concerns for this proposal have been transmitted by individual members of our group; and aligns with other coalition comments and concerns regarding the undermining of 5-6 years of groundwork by coalitions to develop local collaborative partnerships to advance water quality, as well as individual farm security issues and database misuse by program litigators.

Point 2: Identification of conditions and/or management measures for conditional waivers of future Orders in the Framework document

Example: Page A-9 #5. *Conditional waivers of WDRs for the following commodities: (1) irrigated pasture¹⁰; and (2) certified organic farmers¹¹*

¹⁰ *Conditions will include minimizing tailwater/stormwater runoff; keeping cattle from water courses with designated contact recreational or drinking water uses.*

Prematurely mandating (“conditions will include”) a condition for the waiver such as footnote 10 on page A-9, for a future Pasture Order for our area, will give ground to program litigators and will *unnecessarily constrain* (Framework pg 12) local UCCE Advisors, conservation agencies and other third parties in opportunities to develop practical water quality implementation practices specific to the unique geographic conditions of this extensive and complex watercourse system that flows through the Sierra Valley. This entire network of natural watercourses and constructed conveyance channels flows through privately held ranch lands.

We have provided links to maps of Sierra Valley showing the extensive channel system of the Middle Fork Feather River tributaries and conveyance watercourses upstream (southward) of the USGS point: [39°48'49"N 120°22'46"W](#) [39.81361°N 120.37944°W](#) identified as the starting point of the Middle Fork Feather River in wikipedia.org and more clearly shown in mapper.com and Google Earth satellite view.

A quick review of the maps will illuminate the complexity of the watercourses across the private lands of Sierra Valley. The simplistic identification by RB staff of an implementation practice, at the Framework stage of the new ILRP, would require taking literally thousands of



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acres of private meadows out of production; which in turn would collapse the economic viability of these family ranch operations which supply beef to both local and foreign markets. This in turn would further erode the economic viability of our disadvantaged rural communities of Plumas and Sierra Counties.

To identify a blanket condition in the Framework document for a conditional waiver of WDRs (i.e. *keeping cattle from watercourses*) fails to recognize the local collaboration and planning that will be needed to identify a best management practice and management plan to work within the unique characteristics of the waterways in this intermontaine valley. This step will need to be completed prior to identifying a set of best management practices for these circumstances. The adjoining landscape characteristics result in a complex ecosystem located on private pastures and private meadowlands which support not only grazing but important wildlife habitats as well.

Historic attempts at fencing these vast waterways, which experience annual snow and ice impacts as well as flooding and high flows from seasonal snow runoffs, has resulted in costly damage to “*hardware*” *management practices* structures. (Framework page 32) These damaged structures then cause further ecosystem degradation as man-made fences are annually damaged and scattered throughout the downstream watercourses and riparian areas.

We acknowledge that prescribed fencing can be a practical management tool for many circumstances; however, to identify, in the Framework, this single practice for all pasture conditional waivers will place an unattainable condition on any waiver for our low-threat watershed region of the Middle Fork Feather River.

We encourage you to reconsider identifying a specific management practice condition for a waiver in the Framework document. We encourage you to allow these types of details to be crafted between the Regional Board staff and local third party groups in the development of Orders, so that identification of the most practical best management practice within a region will not be excluded at the get-go; while an unattainable practice is identified, which may not be practical for all regions and which will ensure exclusion from Tier 1 goals for an otherwise low-threat geographic region. This could invite unwarranted program litigation by critics whose focus is on Framework language rather than specific Order language. Limit Framework language to objectives rather than specific practices that shall be in the Orders.

Thank you again for the tremendous work that has gone into development of this Framework. We had requested an option beyond “one size fits all” and this new ILRP plan appears to have numerous options. We trust this will provide good opportunities for all stakeholders as we strive for a practical cost-effective program for our low-threat region.

UFRWG Board of Directors

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References:

http://en.wikipedia.org/wiki/Feather_River#Middle_Fork

Middle Fork

The [Middle Fork Feather River](#) begins at 39°48′49″N 120°22′46″W﻿ / ﻿39.81361°N 120.37944°W﻿ / 39.81361; -120.37944, in southeastern Plumas County about 0.5 miles (0.80 km) south of [Beckwourth](#), at the north end of the [Sierra Valley](#).^[21] It is formed by the joining of a number of tributaries that merge in an [inverted river delta](#) wetland with a complex network of irrigation ditches and drains called the Sierra Valley Channels.^[22] A number of creeks merge in the Sierra Valley, the longest of which is Little Last Chance Creek, which originates at 40°1′9″N 120°13′15″W﻿ / ﻿40.01917°N 120.22083°W﻿ / 40.01917; -120.22083 and flows south through Frenchman Lake and Last Chance Valley to the Sierra Valley, where it divides into two [tributary](#) channels.^[23] Other tributaries that join to form the Middle Fork in the Sierra Valley include Carman Creek, Fletcher Creek, Turner Creek, Berry Creek, Hamlin Creek, Sierraville Creek, and Smithneck Creek.^{[12][19]}

The **Middle Fork Feather River** is a major river in [Plumas](#) and [Butte](#) Counties in the [U.S. state](#) of [California](#).^[1] Nearly 100 miles (160 km) long, it drains about 1,062 square miles (2,750 km²)^[3] of the rugged northern [Sierra Nevada](#) range.^[5]

It rises near [Beckwourth](#),^[1] formed by the confluence of several streams in a large mountain-surrounded basin, the [Sierra Valley](#) called the Sierra Valley Channels.^[6] The largest is Little Last Chance Creek, which flows from the northeast side of the valley

Geography

This section is contradicted by the [Feather River](#) article, which claims the **Sierra Valley** is "about 470 square miles", while this article states (without citation) a much smaller area of "120,000 acres" ([187.5 square miles](#)).*(September 2010)*

An intermontaine valley at approximately 4,850 feet (1,480 m) elevation, Sierra Valley is surrounded by mountains ranging in elevation from 6 to 8,000 feet (2,400 m). The huge valley, 120,000 acres (490 km²),^[citation needed] is a down-faulted basin, formerly a lake bed of similar geologic origin to [Lake Tahoe](#) to the south, now filled with sediment up to two thousand feet thick. Average annual rainfall is less than twenty inches, most falling as snow. The valley floor has a grassland and sagebrush ecosystem and is the site of extensive freshwater marshes filled with [cattails](#), [bulrush](#)^[disambiguation needed] and [alkaline flats](#) that drain into the middle fork of the [Feather River](#). Many species of wildlife make their permanent home in the valley, and a great number of migratory bird species stop over in the fall and nest in Sierra Valley in the spring. The Valley also has thermal activity. Marble Hot Springs is located in the north central valley floor. <http://mapper.acme.com/?ll=39.79644,-120.36372&z=15&t=M&marker0=39.80267%2C-120.37795%2C7.8%20km%20E%20of%20Portola%20CA>

(q) [Waters of the United States](#). Surface watercourses and water bodies as defined at 40 CFR § 122.2, as it may be amended from time to time, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.