

**CENTENNIAL RANCHES**  
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Respond to:  
 William J. Thomas  
 500 Capitol Mall, Suite 1700  
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VIA EMAIL

**MEMORANDUM**

TO: Don Jardine, Board Chair  
 Patricia Kouyoumdjian, Executive Officer  
 Bruce Warden, Ph.D., Environmental Scientist  
 Lauri Kemper, Assistant Executive Officer  
*Lahontan Regional Water Quality Control Board*

FROM: William J. Thomas

DATE: June 1, 2012

RE: SUPPLEMENTAL COMMENTS ON TENTATIVE WAIVER

Centennial Ranches submits these additional comments subsequent to the very effective meeting staff held with Bridgeport Rangers Organization members on Thursday, May 31, 2012 in Bridgeport.

1. Waiver, page 16, section 56.

The language proffered suggests Board staff may, on 48-hour notice, take entry onto the private property of the ranchers. This is expressly inconsistent with the California Water Code, which requires permission or an inspection warrant.

This issue has been fully vetted in the waivers of other regions. Per our discussion, follows is replacement language extracted from the Central Coast waiver:

“Pursuant to Water Code section 13267(c), the Lahontan Water Board staff or its authorized representatives may investigate the property of persons subject to this Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the Discharger is complying with the conditions of this Order. The inspection shall be made with the consent of the owner or possessor of the facilities, or if consent is withheld, with a duly issued warrant pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with Section 1822.50).”

**Centennial 15: comment 1—Inspection Language:** The Water Board and their staff appreciate and respect your comments concerning entry and private property rights. Just some general comments on Water Board staff approach to, and philosophy about inspections: Staff has inspected the seven original enrollee ranches under the waiver. In each case, permission was received to enter property with the owner or their representative. Indeed, it makes no sense to do otherwise, as the goal of the inspections is to go over pertinent aspects of the ranch-specific Range Water Quality Management Plan (RWQMP) with the owner / operator on-site. Water Board staff will continue to take this approach.

Based on your request to examine the language in our 2007 and 2<sup>nd</sup> tentative grazing waiver in light of Water Code Section 13267 and Regional Water Board waiver language, we found the following: The full quotation for 13267 is:

“In conducting an investigation pursuant to subdivision (a), the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.”

This language is now included in the waiver “Water Board Inspection” section in full.

Additionally, there is other inspection language in the timber waivers for both Regions 6 and 1 that has been added to the grazing waiver, and the 48-hour inspection notification language has been removed for consistency.



Comments

Response

2. Attachment D – MRP, pg. 2, § 3

We support the replacement language which Doug outlined at the meeting involving monitoring as follows:

- 2012 - 1 (cow) per month in grazing season
- 2013 - 1 (cow) per month in grazing season
- 2014 - 2 (cows) per month in grazing season
- 2015 - 2 (cows) per month in grazing season

There will be no regulatory aspects of monitoring in 2012 as that will be determined in the course of this review and the amendment of the basin plan objective.

3. Waiver, pg. 1, § 3 & pg. 3 and 4 of Basin Plan Objective

We appreciate the discussion regarding the need to hold a “workshop” regarding the basin plan objective for pathogens. We support the decision to expand the agenda on Wednesday, July 11, 2012 to constitute a workshop on the basin plan as an agenda item and the Bridgeport waiver as an action item.

We concur with the position that the record on the basin plan amendment will remain open after the June 4, 2012 comment deadline as to the waiver adoption.

We believe that clarification as to the applicability of the present basin plan (i.e., not applicable to agricultural areas) is not a “reduction” in the present basin plan objective. Consequently, it is quite possible to set a fecal objective for the agricultural areas far sooner than the 5-year timeline that staff suggests. That view was expressed from such as the ranch operations at the recent meeting.



**Centennial 16:** comment 2—This monitoring schedule language has been incorporated into the proposed grazing waiver.



**Centennial 17:** comment 3—Please see response to tentative comments **Petition 2 and 3.**