

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF JULY 11-12, 2012  
SOUTH LAKE TAHOE**

**ITEM:** 7

**SUBJECT:** **WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR  
GRAZING OPERATORS IN THE BRIDGEPORT AND EAST  
WALKER RIVER WATERSHEDS, MONO COUNTY**

**CHRONOLOGY:** This is a renewed order—the original 2007 five-year waiver expired June 13, 2012. Twelve ranches had been enrolled under the waiver—the seven largest grazing operations in 2007 and five smaller acreage grazing operations in 2011.

The Lahontan Water Board first adopted the Bridgeport grazing waiver to Waste Discharge Requirements (Resolution No. R6T-2007-0019), Monitoring and Reporting Program, and CEQA negative declaration document on June 13, 2007.

**ISSUES:** Should the California Regional Water Quality Control Board, Lahontan Region (Water Board) renew with modifications and updates the Waiver of Waste Discharge Requirements for Grazing Operators in the Bridgeport and East Walker River Watersheds?

Should the Water Board renew with modifications and updates the Monitoring and Reporting Program (MRP) for the Waiver of Waste Discharge Requirements for Grazing Operators in the Bridgeport and East Walker River Watersheds?

**DISCUSSION:** A 2006 Water Board staff review of CWA 303(d)-listed waterbodies found the extent of pathogen-impaired surface waters within the Bridgeport Valley to be larger than any other watershed in the Lahontan Region. It became a priority watershed for water quality improvements consistent with the Lahontan Basin Plan *Regional Board Control Actions for Livestock Grazing* and the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy) which requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDR), through waivers to WDR, or through prohibitions.

The purpose of the 2007 waiver was to set conditions for implementation of grazing operation management practices which result in improved water quality in receiving waters. This renewed

waiver continues this process. Adoption of this renewed 5-year Order will continue the cooperative process of on-going improvements in water quality between ranchers in the Bridgeport Valley and the Water Board.

The primary change in the waiver is the increased emphasis on planning for and tracking of grazing management practice implementation by enrollees. This is embodied in the Monitoring and Reporting Program Attachment 1 (Grazing Management Practice Implementation Annual Report) and a modified water quality sampling schedule wherein 1 sample per month is required 2012-2013, two samples per month is required 2014-2015 and zero samples per month in 2016. Other changes in the proposed renewed waiver include new findings covering the Basin Plan, bacteria water quality objective, summary of Discharger activity since 2007, and rationale for changes to the 2007 grazing waiver.

Water Board staff met with members of the Bridgeport Ranchers Organization (BRO) on May 25, 2011, March 12, 2012, and May 31, 2012 to discuss the renewal of the conditional grazing waiver. As in the 2007 waiver, BRO members prefer to do water quality monitoring as a group on a watershed basis, which is allowed under Water Code section 13269(a)(3). Ranch Water Quality Management Plans (RWQMPs) require a schedule for planning, implementing, and maintaining grazing Management Practices for each enrolled ranch. Annual reporting of RWQMP under the Monitoring and Reporting Program will be done by each waiver enrollee.

**RECOMMENDATION:**

Adoption of the Order as proposed.

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# **ENCLOSURE 1**

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**RENEWAL OF GENERAL CONDITIONAL WAIVER OF  
WASTE DISCHARGE REQUIREMENTS  
NO. R6T-2012-(PROPOSED)**

**FOR**

**GRAZING OPERATIONS IN THE EAST WALKER RIVER WATERSHED  
(BRIDGEPORT VALLEY AND TRIBUTARIES) OF THE LAHONTAN REGION**

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WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. Discharger Description

This grazing waiver is applicable to all private landowners and their operators conducting grazing operations on private lands in the Bridgeport Hydrologic Area (HU No. 630.30), which consists of the East Walker River above Bridgeport Reservoir in the Bridgeport Valley, and the East Walker Tributaries Hydrologic Area (HU No. 630.40), which consists of Clearwater Creek, Virginia Creek, Green Creek, Long Valley Creek, Summers Creek, Swauger Creek, and Robinson Creek. Grazing activities on federal land are not covered by this waiver. This is the same area previously covered by Resolution No R6T-2007-0019, "Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region," which was adopted by the Water Board on June 13, 2007 (also referred to as the "2007 Waiver").

Based on enrollment under the 2007 Waiver, the Water Board anticipates enrolling the following Dischargers under this Waiver: Centennial Ranches, Hunewill Ranch, Gansberg Ranch, F.I.M. Corp – Summer Meadows, F.I.M. Corp – Bridgeport Valley, Point Ranch – Sceirine, Point Ranch – Strosnider, R. N. Fulstone Co., Park Livestock Co., Ullman Livestock, LPD Ranch, and Sario Livestock Co.(This is subject to change under the life of this waiver).

2. Regulatory Authority

This proposed Waiver is a five year renewal of the 2007 Waiver with some modifications and with directions to review, clarify, and appropriately revise the Basin Plan bacteria objective. The Water Board's authority to regulate grazing operations comes from California Water Code Section 13260, subdivision (a), which requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, must file with the appropriate Water Board a report of waste discharge (ROWD) containing such

information and data as may be required by the Water Board. Cattle manure containing fecal coliform and nutrients, and sediment discharges from cattle grazing on private lands are wastes that could affect the quality of the waters of the State.

Water Code Section 13260 allows the Regional Water Boards to waive, pursuant to Water Code Section 13269, the requirements of filing a report of waste discharge and obtaining Waste Discharge Requirements (WDRs) if the Regional Board determines that the waiver is consistent with the applicable water quality control plan (Basin Plan) and is in the public interest.

Water Code Section 13269 provides that any such waiver of waste discharge requirements shall be conditional, must be updated every five years, and may be terminated at any time by the Water Board. Water Code Section 13269(a)(3), waiver monitoring requirements, includes the following provisions:

- a. The waiver shall include the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.
- b. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors.
- c. Monitoring results must be made available to the public.
- d. The Water Board may include as a condition of a waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). At the time of this hearing, the State Water Board has not established annual fee regulations with respect to grazing operations.
- e. Inspections of management practices related to water quality shall be performed as given in the Monitoring and Reporting Program (MRP), Appendix D, Section 6,

The Basin Plan recommends a sample frequency of five times per month for improved data quality, as log-normalization of more than one value per month attenuates occasional high spikes in fecal coliform concentration common to this statistic, improving the probability of compliance with target fecal coliform concentrations.

However, consistent with Water Code Section 13269(a)(3)(b) above, this waiver requires a sampling frequency of only once per month for 2012 and 2013, consistent with that done in the 2007 grazing waiver, to allow for continued focus of BRO member resources on implementation of grazing Management Practices (MPs).

Sampling frequency increases from one to two samples per month in 2014-2015. Water Board staff will work with BRO members to facilitate sampling and analysis of more samples per month up to five, using mutually-agreeable combinations of Water Board and BRO resources.

### 3. Basin Plan

On March 31, 1995, the Water Board adopted a Basin Plan that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the State and discharges to waters of the State within the Lahontan Region.

The Basin Plan pages 4.9-19 to 4.9-20 section titled “**Regional Board Control Actions for Livestock Grazing**” section states

*“In addition to relying on the grazing management expertise of agencies such as the USFS, BLM or RMAC (Range Management Advisory Committee), the Regional Board can directly regulate grazing activities where voluntary implementation of BMPs (Best Management Practices) is deemed by the Regional Board or its Executive Officer to be inadequate to ensure protection of water quality and beneficial uses of water. Actions available to the Regional Board include:*

1. *Require that a Report of Waste Discharge be filed, that an AMP (Allotment Management Plan) be prepared, or that an Individual Rangeland Water Quality Management Plan (RWQMP) or Coordinated Resource Management Plan (CRMP) be adopted within one year of documentation of erosion problems, destruction or major impairment of vegetation, or significant addition of nutrients, pathogens and/or sediments to surface waters or ground waters resulting from grazing or grazing management activities. Such problems indicate impairment of beneficial uses or violation or threatened violation of water quality objectives.*
2. *Require that all AMPs, RWQMPs and CRMPs contain BMPs necessary to correct existing water quality problems or to protect water quality so as to meet all applicable beneficial uses and water quality objectives contained in Chapters 2 and 3 of this Basin Plan. Corrective measures would have to be implemented within one year of submittal of the AMP, RWQMP or CRMP, except where staged BMPs are appropriate. Implementation of a staged BMP must commence within one year of submittal of the AMP, RWQMP or CRMP.*
3. *Require that each AMP, RWQMP or CRMP include specific objectives, actions, and monitoring and evaluation procedures. The discussion of actions must establish the seasons of use, number of livestock permitted, grazing system(s) to be used, a schedule for rehabilitation of ranges in unsatisfactory condition, a schedule for initiating range improvements, and a schedule for maintenance of improvements. The schedule for initiating and maintaining range improvements must include priorities and planned completion dates.*

*The discussion of monitoring and evaluation must propose a method and timetable for reporting of livestock forage conditions, watershed condition, and surface and ground water quality.*

4. *Require that all AMPs and CRMPs be circulated to interested parties, organizations, and public agencies.*
5. *Consider adoption of waste discharge requirements if an AMP, RWQMP or CRMP is not prepared or if the Executive Officer and the landowner do not agree on BMPs proposed in an AMP, RWQMP or CRMP.*
6. *Decide that AMPs, RWQMPs and CRMPs prepared to address a documented watershed or water quality problem may be accepted by the Regional Board's Executive Officer in lieu of adoption of Waste Discharge Requirements.*
7. *Oversee monitoring of water quality variables and beneficial uses. Provide data interpretation."*

The items discussed in Finding No. 3 above are required to be addressed in the RWQMP required of each grazing operation under this Waiver.

#### 4. Nonpoint Source Implementation and Enforcement Policy

- a. Grazing activities can adversely impact water quality and impair beneficial uses by contributing excessive sediment, nutrients and pathogens. These nonpoint source discharges from agricultural grazing operations within the Lahontan Region are considered to be discharges of waste that could affect the quality of waters of the State, as defined in Section 13260 of the California Water Code. The State Water Resources Control Board, May 20, 2004, *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy) requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDRs), waivers to WDRs, or prohibitions, or some combination of these administrative tools (NPS Policy, p. 3).
- b. The NPS Policy encourages the Water Board "to be as creative and efficient as possible in devising approaches to prevent or control NPS pollution." This includes supporting the development of third-party programs, including coalitions of Dischargers, such as the Bridgeport Rancher's Organization (BRO). BRO members have been active in volunteer monitoring of surface water quality and assessment of management practice effectiveness in the Bridgeport Valley since April of 2006, with assistance provided by University of California Cooperative Extension (UCCE) staff and input from Water Board staff.

- c. The NPS Policy requires that waiver enrollees prepare and execute a nonpoint source pollution control implementation program that does the following:
- 1) States the purpose of the program such that nonpoint source pollution is addressed in a manner that ultimately achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.
  - 2) Includes a narrative of the management practices and other program elements that are expected to be implemented to ensure attainment of the nonpoint source pollution control implementation program's stated purpose(s), the process to be used to select or develop management practices, and the process to be used to ensure and verify proper implementation of management practices.
  - 3) Includes a time schedule to achieve water quality objectives, and corresponding quantifiable milestones designed to measure progress toward reaching the specified objectives. CWC Sections 13242 (b) and 13263 (c) and the NPS Policy recognize that there are instances where it will take time to achieve water quality objectives. The effort may involve all or some of various processes, including: identification of measurable long-term and interim water quality goals; a timeline for achieving these goals; identification and implementation of pollution control management practices; provision(s) for maintenance of the implementation actions; provision(s) for additional actions if initial actions are inadequate; and, in the case of third-party organizations, identification of a responsible third party to lead the efforts.
- d. Consistent with the NPS Policy, this waiver of WDRs requires a nonpoint source pollution control implementation program in the form of prescribed management practices, or a RWQMP. Further, this Waiver establishes a time schedule to achieve the interim fecal coliform concentrations and for the Water Board to commence the review and appropriately revise the Basin Plan coliform bacteria objective.

##### 5. Bacteria Water Quality Objective

The Water Board has set the Region-wide water quality objective for bacteria at 20 colonies per 100 ml, ten times more protective than the Federal standard at 200 colonies per 100 ml and any other Region in California. The Water Board set these objectives in recognition of the generally high quality waters of the region, and the importance of protecting surface waters for water recreation uses.

Agriculture is the major use of the surface waters on private lands in the Bridgeport Valley, and livestock grazing has been a part of the landscape since the 1860s.

Limited public access to private grazing lands in Bridgeport Valley results in lower levels of water contact (REC-1 and REC-2) recreation activities as compared to other surface waters within the Lahontan Region.

During the Grazing workshop and triennial review of the October 11, 2006 Water Board meeting and the 2009 triennial review, the Water Board heard public comments regarding revising the fecal coliform standard to be consistent with Federal standards for areas, such as Bridgeport Valley, where beneficial uses have historically been predominantly agricultural, recognizing that US EPA finds the Federal standard to be protective of agricultural and water contact recreational beneficial uses. The Water Board recognizes that the Region-wide bacteria objective, which was partly based on water quality monitoring from forest lands outside the Bridgeport Valley, may be inappropriate for protection of beneficial uses for water bodies in the Bridgeport Valley. Full attainment of the current Region-wide objective may be unlikely given the current and historic land uses in the Bridgeport Valley.

Site-specific objectives may be developed where site-specific conditions warrant them, without compromising protection of the beneficial uses designated for the water body. The Water Board may develop less protective objectives where an existing objective cannot be met through reasonable treatment, source control, and pollution prevention measures.

The Water Board intends to develop site-specific indicator bacteria water quality objectives that are cognizant of land use and attainable water quality in the Bridgeport Valley. Water Board staff are conducting studies to provide a basis for potential future changes in Water Quality Objectives (WQOs) for indicator bacteria such as fecal coliform, *E. coli*, and qPCR enterococci (a new rapid indicator bacteria test from USEPA).

Recognizing that the USEPA has been advocating use of *E. coli* as a better indicator test since 1987, Water Board staff have:

- Collected limited fecal coliform and *E. coli* data for comparisons since July of 2008;
- Completed an FY 2008-2010 \$60,000 UC Cooperative Extension study comparing fecal coliform to *E. coli*;
- Obtained \$1,000,000 for FY 2011-2015 Proposition 84 grant for bacterial source tracking (including fecal coliform and *E. coli*) and evaluation of grazing management practice implementation;
- Initiated a new \$40,000 study, beginning in July, 2012, to assess fecal coliform and *E. coli* and qPCR enterococci in Sierra Nevada Mountain reference sites where grazing is not common.

BRO members have requested that the Water Board modify indicator bacteria water quality objectives for the surface waters in the Bridgeport Valley. Based on the schedule to complete the Proposition 84 study and data analysis including evaluation of management practice implementation effectiveness, Water Board staff anticipates commencing the environmental documentation scoping no later than 2016 so a draft Basin Plan amendment can be proposed for revised indicator bacteria objectives by the end of 2017.

Recognizing that the current Region-wide bacteria objective may not be fully attainable in the Bridgeport Valley within the five-year duration of this waiver, but that further improvements in water quality are being actively pursued by BRO members using adaptive implementation of grazing MPs, the Basin Plan's requirements given in its "Regional Board Control Actions for Livestock Grazing" section (Finding 3) are applicable to the discharges regulated by this Waiver until new objectives are adopted. However, if during the duration of this Waiver, the Water Board has sufficient information to propose a Basin Plan Amendment for fecal coliform, Waiver conditions, milestones, and timelines may be revised accordingly.

6. Summary of Discharger Activity:

Enrollees have been engaged in an adaptive process, in accordance with requirements of the 2007 Waiver, of implementing grazing management practices and evaluating their effectiveness in controlling fecal coliform non-point source pollution from grazing activities. This adaptive process has resulted in evaluation of a number of management practices, including exclusion fencing, vegetated buffer strips, hardened livestock crossings, improved irrigation control structures, coordination of irrigation events and livestock rotation, and irrigation efficiency improvements on a site-by-site basis. In this Waiver data are summarized in Finding 8 and detailed in Attachment B to show that these initial efforts to identify and implement appropriate management practices have not yet led to improvements in fecal coliform concentrations that comply with the Basin Plan water quality objectives for fecal coliform.

7. Existing Water Quality Impairments

Several water bodies within the Bridgeport Hydrologic Area and the Bridgeport Valley and the East Walker Tributaries Hydrologic Area are listed as water quality impaired for pathogens under Section 303(d) of the federal Clean Water Act. These water bodies include: Buckeye Creek, East Walker River above Bridgeport Reservoir, Robinson Creek, and Swauger Creek. These water bodies were placed on the 303(d) impaired water body list in 2001 based on water quality data that showed fecal coliform concentrations above the water quality objectives in these streams.

8. Rationale for Changes to the 2007 Grazing Waiver

As discussed in Findings 6 and 7 of this Waiver, Bridgeport Valley fecal coliform data for 2011 shows improvement, but some sites are not yet fully attaining the 200

fecal coliform/100 mL interim standard given in the 2007 grazing waiver. Since effective implementation of management practices is what will result in attainment of the interim standard, this current waiver focuses more on planning and tracking of management practice implementation within the five-year term of the waiver.

BRO members have been active in implementing management practices and in assessment of management practice effectiveness, and is adaptively managing its operations. Analysis of fecal coliform data collected under the 2007 waiver shows there are some upstream sources that need to be identified. The recently executed Proposition 84 grant "*Bacterial Source Tracking and Grazing Management Practice Implementation and Assessment for Watersheds in the Lahontan Region (Walker River, Carson River, Susan River, and Owens River)*" will be useful for characterizing the sources of upstream fecal coliform and for evaluating management practice implementation. The 2011 data from the 2007 waiver monitoring program show reductions in fecal coliform in local waters.

The grazing waiver approach establishes a framework of cooperative interaction between BRO members and Water Board staff that results in ongoing identification of effective grazing management practices and implementation of these improved grazing MPs. The grazing waiver requires management practice implementation resulting in water quality improvements to proceed according to the schedule for management practice implementation and maintenance in Water Board-approved RWQMP consistent with Basin Plan Section 4.9 "*Regional Board Control Actions for Livestock Grazing.*"

This Waiver has changed some terminology that was used in the 2007 Waiver in order to be more consistent with the language used in the Basin Plan and described in Finding 3 above. For this renewed Waiver what were referred to as "Ranch Water Quality Management Plans" in the 2007 Waiver are now called Rangeland Water Quality Management Plans (RWQMP). The required content for RWQMP submittals is specified later in this Waiver.

The monitoring plan in this Waiver (Attachment D) has been refined to more effectively characterize upstream and downstream fecal coliform sources during the latter years of the waiver's five-year term to better assess attainment of the interim standard.

Attachment B of this waiver shows a comparison of data collected in 2006 prior to the adoption of the 2007 Waiver and data collected in 2011 after implementation of management practices required by the 2007 Waiver. Results of average calculations show the 2011 season had the lowest concentrations of fecal coliform recorded since 2007 in 11 of 12 sites sampled. During the 2011 grazing season there were some exceedances of the 200 fecal coliform/100 mL interim standard: two at site 11 (Walker River at town); three at site 8 (Buckeye Creek at Bridgeport Reservoir), indicating that discharger efforts in grazing management practice implementation aided in meeting the interim standard in most waters at most

sampling events, but, have not yet resulted in full compliance with the interim standard of the 2007 grazing waiver. Although the above-mentioned waters continue to have fecal coliform levels that are above Basin Plan water quality objectives for fecal coliform, the improved water quality results from the 2011 data are encouraging.

The Water Board collects limited water quality monitoring data for fecal coliform throughout the year, including both the non-grazing and grazing seasons, via the Surface Water Ambient Monitoring Program (SWAMP) for Robinson Creek, Buckeye Creek, Swauger Creek, and the East Walker River. SWAMP data corroborates grazing season data collected by BRO members and generally shows low fecal coliform concentrations during the non-grazed season consistent with high quality waters typically present in eastern Sierra Nevada surface waters.

#### 9. Maintenance of High Quality Waters in California

State Water Board Resolution 68-16 (“Statement of Policy with Respect to Maintenance of High Quality Waters in California”) finds:

“Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with the maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies. Any activity which produces or may produce a waste ...and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.”

This Waiver is consistent with Resolution 68-16 because it requires implementation of MPs in an adaptive manner to arrive at the best practicable treatment or control of the discharge to protect beneficial uses and to attain the highest water quality possible. This waiver requires compliance with an interim water quality target and Basin Plan water quality objectives in accordance with a time schedule. Further, this waiver, in allowing for existing operators to continue in business and apply management practices in an adaptive manner to achieve improvements to water quality, is consistent with the maximum benefit to the people of the state. This waiver requires Dischargers to implement additional MPs to assure protection of beneficial uses of waters of the state and maintain the highest water quality consistent with maximum benefit to the people of the State.

## 10. Receiving Water Beneficial Uses

Pursuant to the Basin Plan and State Board Plans and Policies, including State Water Board Resolution No. 88-63, the existing and potential beneficial uses of waters potentially affected by the proposed activity include:

- a. Agricultural Supply (AGR)
- b. Cold Freshwater Habitat (COLD)
- c. Commercial and Sportfishing (COMM)
- d. Freshwater Replenishment (FRSH)
- e. Ground Water Recharge (GWR)
- f. Municipal and Domestic Supply (MUN)
- g. Water Contact Recreation (REC-1)
- h. Non-contact Water Recreation (REC-2)
- i. Spawning, Reproduction, and Development (SPWN)
- j. Wildlife Habitat (WILD)

## 11. California Environmental Quality Act

The Water Board is the lead agency for this project under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA). The renewal of this waiver is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (14 Cal Code Regs. 15301), which provides an exemption for existing facilities. This action involves the renewal of a waiver for existing grazing operations. It does not involve expansion of use beyond that existing previously. Also, it is exempt under Sections 15307 and 15308, which exempt from CEQA activities taken by regulatory agencies to assure maintenance, restoration, or enhancement of a natural resource or the environment. In addition, the Water Board adopted a negative declaration pursuant to CEQA (Public Resources Code Section 21000 et seq.) on June 13, 2007, prior to the adoption of the 2007 Waiver.

Since that time, there has been no expansion of the operations or the area covered by this Waiver. An addendum to the 2007 negative declaration was prepared pursuant to 14 CCR § 15164 to support the decision that a subsequent negative declaration was not necessary for the following reasons:

- (1) there have been no substantial changes in the projects covered by this waiver that would result in new significant environmental effects or increases in the severity of previously identified significant effects;
- (2) there have been no changes with respect to the circumstances under which the projects are undertaken, which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- (3) there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted.

The addendum is provided in Attachment A.

## 12. Grazing Waiver Strategy

The adoption of general or individual WDRs for all grazing operations in the Lahontan Region is not feasible at this time. Given the number of Water Board staff and other factors, it is not feasible for the Water Board to adopt many individual waste discharge requirements in a year. The Water Board is pursuing a policy of adopting waivers to WDRs for priority watersheds, as staffing allows.

## 13. Grazing Operation Definition

The term “grazing operation” is defined as a facility where animals are fed or maintained on irrigated vegetation or rangeland forage for a total of 45 days or more in any 12 month period, and vegetation forage growth is sustained over the lot or facility during the normal growing season.

## 14. Federal Lands

Activities on federal lands adjacent to, or upstream of the Bridgeport Hydrologic Area as described in Finding 1, are not subject to this waiver. Water Board staff will review US Forest Service (USFS) allotment management plans and the Water Board will use its regulatory authority to ensure activities on federal lands meet State water quality requirements.

## 15. Compliance Schedule

Consistent with Basin Plan Chapter 4 “*Regional Board Control Actions for Livestock Grazing*” (Finding 3), this Waiver requires Dischargers to develop a schedule for management practice implementation in their RWQMP that continues to reduce fecal coliform concentrations in surface waters downstream of grazing operations to an interim goal of 200 colony forming units per 100 milliliters (cfu/100ml). The interim goal meets the federal standard for water contact recreation. By 2028 dischargers are to comply with the Basin Plan fecal coliform water quality objectives in effect at that time.

If, at any time, the Water Board determines that enrollees do not make sufficient progress towards compliance with the interim bacteria water quality objectives, this Waiver can be revoked, and WDRs or enforcement action may be pursued.

#### 16. Intent to Issue Renewed Waiver

California Water Code Section 13269 allows Water Boards to waive submission of Reports of Waste Discharge (ROWDs) and/or issuance of Waste Discharge Requirements (WDRs) if it finds that the waiver is consistent with the Basin Plan and is in the public interest. The Water Board adopted Resolution No R6T-2007-0019, "Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Bridgeport Valley and Tributaries) of the Lahontan Region," on June 13, 2007. This is a renewal of that Waiver with some adaptive modifications.

#### 17. Public Notification and Meeting

The Water Board has notified the Dischargers and all known interested agencies and persons of its intent to issue a renewed Waiver of Waste Discharge Requirements. The Water Board conducted a public hearing on July 11-12, 2012 in South Lake Tahoe, California, and considered all testimony and evidence concerning this matter.

#### 18. Monitoring Reports

Water Code section 13269(a)(3), waiver monitoring requirements, includes the following provisions:

- a. The waiver shall include the performance of individual, group, or watershed-based monitoring, unless the Water Board determines that the discharges do not pose a significant threat to water quality.
- b. Monitoring requirements shall be designed to support the development and implementation of the waiver program, including, but not limited to, verifying the adequacy and effectiveness of the waiver's conditions. In establishing monitoring requirements, the Water Board may consider the volume, duration, frequency, and constituents of the discharge; the extent and type of existing monitoring activities, including, but not limited to, existing watershed-based, compliance, and effectiveness monitoring efforts; the size of the project area; and other relevant factors.
- c. Monitoring results must be made available to the public.

The Dischargers operate facilities that discharge waste subject to this Waiver. The wastes contain fecal coliform bacteria and discharges cause or contribute to exceedances of the Basin Plan water quality objective for fecal coliform bacteria. Therefore, the monitoring reports required by this Waiver and the Monitoring and Reporting Program are necessary to assure compliance and track grazing management practice implementation type, extent, and effectiveness.

### 19. Consideration of Water Code Section 13241 Factors

Water Code, section 13263 requires that the Water Board, when prescribing requirements, take into consideration six specific factors in Water Code, section 13241:

- a. Past, Present, and Probable Future Beneficial Uses of Water -The receiving waters are the surface waters of the Bridgeport Hydrologic Area and the East Walker Tributaries Hydrologic Area as described in Findings 1 and 10 . The beneficial uses designated for these waters are described in Finding No. 10. The primary historic, present, and probable further beneficial use is Agricultural Supply (AGR) for irrigated pastures. Conditions of this waiver require compliance with Basin Plan water quality objectives which protect the most sensitive beneficial uses: Water Contact Recreation (REC-1) or Municipal and Domestic Supply (MUN).
- b. Environmental Characteristics of the Hydrographic Unit under Consideration, Including the Quality of Water Available Thereto - Characteristics of the Bridgeport Hydrologic Area and the East Walker Tributaries Hydrologic Area are described in Finding No. 1 and 10.
- c. Water Quality Conditions that Could Reasonably Be Achieved Through the Coordinated Control of All Factors. Which Affect Water Quality in the Area - This waiver requires implementation of management practices to attain the highest water quality reasonably achievable. Additionally, an interim target of 200 fecal coliform/100 mL must be met.
- d. Economic Considerations -This Order encourages Dischargers under the grazing waiver to implement management practices with the potentially highest impact in achieving water quality improvements over the next five years through adaptive planning and implementation of management practices to meet water quality objectives. Upgrading the Discharger's Facility by implementation of management practices with their associated costs is at the discretion of the Discharger, but is subject to review by Water Board staff to assess consistency with the Basin Plan (Finding 3) and with the NPS policy (Finding 4). This waiver further gives a long timeline for Dischargers to implement management practices and meet water quality objectives (2028), allowing the costs of implementation to be spread in a manner that is economically achievable.
- e. The Need for Developing Housing in the Region –Not applicable.
- f. The Need to Develop and Use Recycled Water - Not applicable for municipal supply, though tail water recycling is a desirable grazing MP to conserve water and improve water quality.

**THEREFORE:**

Pursuant to Water Code, Section 13269 subdivision, (a) Waste Discharge Requirements are waived for grazing operations in the Bridgeport Valley and the East Walker Hydrologic Area pursuant to the following conditions.

**1. Eligibility for Coverage**

Operators of grazing lands that meet all of the following are eligible for coverage under this waiver:

- a. Grazing operations are in existence as of April 11, 2007;
- b. Each Grazing operation or ranch (Discharger) shall submit a complete Grazing Waiver Application (Attachment C) by **September 12, 2012**.

**2. Inventory and Plan**

**By September 12, 2012**, each enrolled Discharger is required to submit a RWQMP to the Water Board staff. Consistent with the “**Regional Board Control Actions for Livestock Grazing**” as detailed in Basin Plan, Chapter 4.9 (Finding 3 of this waiver), and the RWQMP must address objectives, actions, and monitoring and evaluation. The discussions of actions must establish:

- The seasons of use,
- Type of livestock consistent with the grazing waiver application,
- Grazing system to be used,
- A schedule for rehabilitation of water body reaches impaired for fecal coliform,
- A schedule for initiating range management practices, structural and irrigation improvements, and
- A schedule for maintenance of range management practices, structural and irrigation improvements.

The Discharger is to develop a schedule to implement management practice in their RWQMP that (1) reduces fecal coliform concentrations in surface waters downstream of grazing operations to an interim goal of 200 colony forming units per 100 milliliters (cfu/100ml) by 2017, and (2) attains the highest water quality reasonably achievable. The schedule for installing and maintaining range and watershed improvements must include a description and rationale of priorities and planned completion dates.

Monitoring shall be conducted as described in the monitoring and reporting program, Attachment D.

The RWQMP must contain:

- a. A scaled facility map including, as applicable: property perimeter, buildings, roads, fences, land use designations (crops, grazed areas, woodlands,

- paddocks, irrigation control structures, confined areas, feeding areas, water troughs, exclusion areas both permanent and seasonal etc.), topography, creeks, and livestock crossings.
- b. Objectives, including improvements in practices to reduce, and/or maintain fecal coliform concentrations in local surface waters so that the RWQMP achieves the interim water quality goal of 200 fecal coliform/100 mL by the end of this waiver and attains the highest water quality reasonably achievable.
  - c. A description of all management practices currently implemented within the ranch facility and an implementation schedule for future MPs. In selecting which management practices to use at each pasture, the Discharger must take into consideration existing water quality, vegetation, terrain, type of livestock and general facility operation procedures. A list of possible management practices may be found in the NRCS Technical Guide. Commonly-used management practices include items i. through viii, below.
    - i. Reducing to the maximum extent practicable, potential delivery of pathogens (using fecal coliform indicator bacteria as a surrogate) from ranching lands to surface waters by considering control of animal access to surface waters, placement of animal crossings to minimize potential pathogen runoff into surface waters, and development of vegetative filter strip buffers to treat sheet flow runoff.
    - ii. Implementing newly selected water quality management practices (e.g. buffer strips, fences) at all identified points of discharge.
    - iii. Implementing grazing management structural improvements.
    - iv. Implementing changes in livestock management methods (e.g. herding, riparian rotation).
    - v. Implementing erosion control and prevention actions along ranch roads.
    - vi. Implementing actions to avoid or reduce management-related increases in erosion of unstable areas.
    - vii. Implementing manure management and disposal operations to prevent runoff containing wastes from entering surface waters, if applicable.
    - viii. Improved irrigation practices.
  - d. A plan for Discharger inspections and reporting to demonstrate that proposed management practices are being implemented, consistent with regulatory authority given in Water Code Section 13269 and discussed in Finding 2.

### 3. Implementation

The Discharger must implement the RWQMP as accepted by the Water Board beginning upon acceptance of the RWQMP by Water Board staff. The Discharger must have a copy of the RWQMP at the ranch office. The Discharger must modify the RWQMP where necessary to achieve improved water quality (specifically achieving the 200 cfu/100 mL interim target) and annually report on the implementation of the RWQMP by **March 15** of the following year.

### 4. Compliance Reporting

All Dischargers must conduct visual inspections and submit annual reports in accordance with Attachment D, Monitoring and Reporting Program No. R6T-2012-XXXX. By **March 15, 2017**, the Discharger must submit a report demonstrating fecal coliform concentrations downstream of operations is meeting the interim water quality objective of 200 fecal coliform/100 mL, or provide substantiation that all feasible management practices have been implemented and that no further improvement in water quality is possible.

### 5. General Waiver Conditions

- a. The Discharger must implement measures identified in the RWQMP and make annual management practice adaptive management adjustments to the RWQMP to reduce fecal coliform indicator bacteria concentrations in surface waters to achieve the 30-day log mean 200 cfu/100 mL interim target

In accordance with the time schedule developed in the RWQMPs, the following conditions apply:

- i. The Discharger shall not cause or contribute to conditions of pollution or nuisance as defined in CWC Section 13050.
- ii. The Discharger must comply with all requirements of The Lahontan Water Quality Control Plan, with the exception of fecal coliform, which is subject to review as set forth in Finding 5.
- iii. The Discharger shall not cause or contribute to exceedances of any regional, state, or federal numeric or narrative water quality standard, other than the narrative and numeric fecal coliform objective in the Basin Plan. The water quality fecal coliform interim target is a 30-day log mean concentration of 200 cfu/100 mL, covering the term of this Waiver (2012 through 2017).
- iv. This Conditional Waiver does not authorize the discharge of any waste not specifically regulated under this Waiver. Waste specifically regulated under this Waiver includes: livestock wastes and fecal coliform bacteria. Examples of wastes not specifically regulated under this Waiver include hazardous materials and human wastes.

- v. Groundwater influenced by irrigation activities and livestock management shall be of such quality so as to assure protection of all actual or designated beneficial uses.
- b. Water Board Inspections – Pursuant to Water Code section 13267(c), which states:

*“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.”*

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. However, since this order is a conditional waiver to waste discharge requirements, the following two waiver conditions apply:

- i. The term “possessor” is understood to include lessees and/or operators when the owner is absentee and not involved actively in the grazing operation.
  - ii. Enrollees under the waiver shall allow Regional Water Board staff entry onto the affected property for the purposes of observing, inspecting, photographing, videotaping, measuring, and/or collecting samples or other monitoring information to document compliance or non-compliance with this Order. If entry or consent to access to property is unreasonably withheld, the Executive Officer may terminate the applicability of the Order and a Report of Waste Discharge shall be submitted to the Regional Water Board pursuant to Water Code section 13260. Unauthorized discharges may result in enforcement action pursuant to Water Code section 13261.
6. Water Quality Monitoring

Pursuant to water code Section 13267 and 13269, water quality monitoring and reporting of wastes discharged must be performed on a site specific or watershed basis. The Discharger may do so individually, or in cooperation with other similar Dischargers in the watershed with acceptance from the Water Board Executive Officer, in accordance with Attachment D– Monitoring and Reporting Plan for East Walker River Watershed.

## 7. Termination Procedures

- a. In the event of closure or change in land use of the Discharger's facility, the Discharger shall notify the Water Board, in writing.
- b. In the event of any change in operation control, or ownership of land or waste discharge facilities, the Discharger shall immediately notify any succeeding Discharger of its responsibility to comply with this waiver. A copy of such notice shall be submitted to the Water Board in order for the original Discharger to be relieved of its responsibility to comply with this waiver. In order to continue the discharge pursuant to this waiver, the succeeding Discharger must submit a completed Notice of Intent (NOI), a grazing waiver application, and a RWQMP to the Water Board within 21 days of receipt of such change, and receive approval by the Water Board Executive Officer.

## 8. Failure to Comply with Terms and Conditions of this Waiver

Dischargers who fail to comply with the terms and conditions of this Waiver shall be subject to appropriate enforcement action. Discharges that could affect the quality of the waters of the State may commence only in accordance with Water Code Section 13264(a). The Water Board Executive Officer reserves the right to terminate individual's coverage under the waiver and the Water Board can impose individual Waste Discharge Requirements after proper notice and hearing (Water Code Section 13263).

## 9. This waiver expires July 10, 2017.

I, Patricia Z Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Waiver adopted by the California Regional Water Quality Control Board, Lahontan Region, on **July 11, 2012**.

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PATRICIA Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

- Attachments:
- A. CEQA Addendum
  - B. Summary Statistics for Pre-Waiver (2000, 2006) and Post-Waiver (2007-2010) Bridgeport Valley Fecal Coliform
  - C. Grazing Waiver Application
  - D. Monitoring and Reporting Program

## Attachment A: CEQA Addendum

Pursuant to Title 14, California Code of Regulations, section 15164(b) of the CEQA Guidelines, the Lahontan Water Board has prepared this addendum to its Negative Declaration, certified on June 13, 2007 in support of the 2007 Grazing Waiver. This addendum summarizes the proposed changes to the Project as part of renewing the 2007 Grazing Waiver, as follows:

- 1) Six new enrollees of relatively small acreage were added to the project. They are all within the original waiver project area of the Bridgeport Hydrologic Unit.
- 2) One change of ownership with a resultant change of livestock management. The new owner has enrolled under the grazing waiver and has submitted a new Ranch Water Quality Management Plan, as required under the 2007 waiver.
- 3) Minor changes to the Monitoring and Reporting Program to improve clarity and reporting compliance.

Based on the information in the record and the changes summarized in this Addendum, the Water Board finds that none of the circumstances set forth in Public Resources Code section 21166 or CEQA Guidelines section 15162, subdivision (a) requiring the preparation of a subsequent MND are present for this Project. Specifically, the Water Board finds (i) no substantial changes are proposed in the Project that will require major revisions to the previous CEQA analyses done by the Water Board in 2007 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) no substantial changes have occurred with respect to the circumstances under which the Project is to be undertaken that will require major revisions to the previous CEQA analyses due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the CEQA analyses were adopted, that shows new significant effects, substantially more severe significant effects, or additional feasible mitigation measures. Therefore, the Water Board finds that this Addendum is appropriate to address the minor changes associated with the renewal of the 2007 Grazing Waiver.

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**Attachment B: Summary Statistics for Bridgeport Valley Fecal Coliform Data (CFU/100mL).**

		<span style="color: blue;">■</span> are upstream sites				<span style="color: green;">■</span> are mid-valley sites			<span style="color: red;">■</span> are downstream sites				
		Swauger Cr		East Walker River				Buckeye Creek			Robinson Creek		
Statistic		Site 0	Site 1	Site 4	Site 5	Site 6	Site 11	Site 2	Site 7	Site 8	Site 3	Site 9	Site 10
<b>Pre-Waiver</b>													
2000, 2006	Average	29	52	26	43	40	125	20	184	195	4	522	175
	Stdev	39	66	27	88	54	121	28	209	227	6	1043	231
	Max	99	250	80	300	140	392	74	601	601	19	3600	670
	Min	0	0	0	1	0	3	0	1	2	0	3	1
	>200*	0.0	0.5	0.0	0.5	0.0	2.5	0.0	2.0	3.0	0.0	3.5	2.0
<b>Post-Waiver</b>													
2007-2011	Average	53	154	42	12	95	213	26	306	363	43	261	246
	Stdev	83	227	50	27	184	269	30	463	528	99	390	462
	Max	384	990	203	156	990	1480	104	1740	2210	496	1830	2680
	Min	0	1	1	1	0	1	0	1	2	0	0	0
	>200*	0.4	1.2	0.2	0.0	0.8	2.8	0.0	2.6	3.2	0.4	2.8	2.2
<b>Last Season</b>													
2011	Average	12	248	10	4	24	134	25	77	190	4	93	76
	Stdev	18	316	11	3	39	161	35	118	210	5	98	73
	Max	46	870	28	8	110	440	84	330	520	12	240	180
	Min	1	2	1	1	1	1	1	1	2	1	1	2
	>200*	0.0	3.0	0.0	0.0	0.0	2.0	0.0	1.0	3.0	0.0	1.0	0.0

Note : Average, standard deviation (Stdev), maximum (Max) and minimum (Min) are seasonal values for 30-day log-normalized data. Downstream sites (in red) are generally considered points of compliance.

\* >200 is the number of 30-day periods with log normalized fecal coliform concentrations greater than 200/100 mL

Monitoring Sites

- 0 Swauger Cr. above Huntoon Valley
- 1 Swauger Cr. below Huntoon Valley at USFS station
- 2 Buckeye Cr. above ranch
- 3 Robinson Cr. above ranch
- 4 Virginia Cr.
- 5 Green Cr.
- 6 Summers Cr.
- 7 Buckeye Cr. at Hwy 395
- 8 Buckeye Cr. at Reservoir
- 9 N. Branch Robinson Cr. @ 395
- 10 Robinson Cr. at Reservoir
- 11 Walker R. at town

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**SECTION IV. ADDRESS FOR CORRESPONDENCE**

Send Correspondence to :             Facility Operator Mailing Address (Section I)             Owner Mailing Address (Section II)

**SECTION V. RECEIVING WATER INFORMATION**

Does your facility's storm water flow directly and/or eventually into waters of the State such as a stream, river, lake, irrigation flows, etc? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, name the receiving waterbodies: \_\_\_\_\_

**SECTION VI. IMPLEMENTATION OF WAIVER CONDITIONS**

CONDITIONS OF WAIVER FOR DISCHARGES FROM GRAZING LANDS  
(check if true)  
 Facility is currently operating in compliance with Conditions of Waiver for Discharges from Grazing Lands

**SECTION VII. Rangeland Water Quality Management Plan (RWQMP)**

(check if true)  
 A Ranch Water Quality Plan is maintained at ranch offices.

I have enclosed a RWQP    YES     I have previously submitted a RWQP    YES     DATE: \_\_\_\_\_

**SECTION VIII. OWNER NOTIFICATION**

If the OPERATOR is not the owner of the facility, the OPERATOR must certify that the owner of the facility has been notified of this waiver and its requirements.  
Discharger's Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION VII. CERTIFICATION**

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the waiver, including the implementation of a Ranch Water Quality Plan, will be complied with."  
Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

**ORDER NO. R6T-2012- PROPOSED**

**MONITORING AND REPORTING PROGRAM  
FOR WAIVER OF WASTE DISCHARGE REQUIREMENTS**

**FOR**

**DISCHARGES RELATED TO GRAZING ACTIVITIES IN THE  
EAST WALKER RIVER WATERSHED (BRIDGEPORT VALLEY AND TRIBUTARIES)**

---

I. Surface Water Sampling and Analysis

Sampling for Water Quality Constituents in the East Walker River Watershed, comprising the Bridgeport Valley and its tributaries, will be performed cooperatively by members of the Bridgeport Rancher's Organization (BRO), following the plan developed by the BRO, University of California Cooperative Extension (UCCE) staff, and Water Board staff. This plan was used under the prior grazing waiver, Resolution R6T-2007-0019.

1. Objectives of Surface Water Monitoring

- a. Determine the change in fecal coliform concentrations from all tributaries exiting the irrigated and grazed portions of Bridgeport Valley (B.V.) as related to implementation of grazing and/or irrigation management practices.
- b. Analyze these data to identify source and sink areas for fecal coliform in the Bridgeport Hydrologic unit, to prioritize implementation of water quality management measures to source areas, and to serve as a baseline against which to judge the effectiveness of future water quality management measures.

2. Surface Water Sites

Sample collection sites have been selected to isolate the irrigated and grazed portion of B.V. from surrounding land uses (e.g., sub-divisions, campgrounds, hot springs) and cover types (e.g., forest, sagebrush, alkaline flats). A sample collection site will be established on each tributary at the point it enters and exits the irrigated and grazed portion of B.V. Sample sites are listed in the Table 1.

**Table 1.**  
**BRO Monitoring Sites in the East Walker River Watershed, Bridgeport Valley**

Site ID	Site Description
0	Swauger Creek above Huntoon Valley
1	Swauger Creek below Huntoon Valley, SWAMP location
2	Buckeye Creek at Upper Diversion
3	Robinson Creek at Upper Diversion
4	Virginia Creek at Gauging Station
5	Green Creek at Green Creek Road Crossing
6	Summers Creek below FIM – Summers Creek Meadow
7	Buckeye Creek above 395
8	Buckeye Creek above Reservoir
9	Robinson Creek above 395
10	Robinson Creek at Reservoir
11	E. Walker River above Highway 395

\* GPS coordinates for each site must be collected once exact sample transect location is determined. These locations must be reported with the Rangeland Water Quality Management Plan.

### 3. Sample Collection Frequency

Samples for fecal coliform must be collected at all sites at least once per month starting approximately one month before grazing and irrigation, then every month during the irrigation and/or grazing season for the grazing season of 2012 and 2013.. Beginning approximately one month prior to commencement of the 2014 and 2015 grazing seasons, and ending approximately one month after cessation of grazing, samples for fecal coliform must be collected at all sites at least twice per month then every month during the irrigation and/or grazing season. No monitoring is required for the 2016 grazing season. Fecal coliform data can be used towards development of a Basin Plan amendment for indicator bacteria, as discussed in the Order, Finding 5. Sampling frequency of once per month is consistent with that done in the 2007 grazing waiver, and allows for continued focus on implementation of grazing Management Practices (MPs). Sampling frequency increases from one to two samples per month during the 2014 and 2015 grazing seasons to provide higher quality data for Regional Water Board Basin Plan indicator bacteria amendment efforts. Water Board staff are committed to collection of high-quality data, and will work with BRO members to facilitate sampling and analysis of ideally five samples or more per month, using mutually-agreeable combinations of Water Board and BRO resources.

### 4. Water Sample Collection

Sample collections will be conducted by members of the BRO, or by their designee, at sample sites located on or near their property. All participants shall be trained in sample collection (e.g., sub-sampling, bottle labeling, sample handling) to assure consistency and data quality. Note that additional water

quality parameter analysis may be performed by BRO at their discretion in cooperation with UCCE. This is encouraged, but only fecal coliform is required under this waiver of WDRs.

Sample collection dates will be established in coordination between BRO and the analytical laboratories. Samples from all sites will be collected in the early morning on the same day, brought to a central collection point, and the one complete set of samples will be transported to a local laboratory for fecal coliform analysis as soon as possible following collection (same day). Sampling dates may be rescheduled to avoid sampling during heavy precipitation events.

Water sample collection will occur at a flowing, well mixed transect at each sample site. Water samples will be collected into 125 mL sterile plastic bottle for indicator bacteria analysis. All samples will immediately be placed on ice. The sample will be transported to a local laboratory for fecal coliform concentration analysis.

#### 5. Analytical Determination of Fecal Coliform

Fecal coliform concentration will be determined by direct membrane filtration (0.45 µm) and incubation on a selective agar (SM 9222) or equivalent. Fecal coliform analysis will be performed at a laboratory certified in fecal coliform analysis by the California Department of Public Health (CDPH), Environmental Laboratory Assessment Program (ELAP) within the prescribed holding times of six hours from sampling till laboratory receipt of samples (40CFR 136.3 Table II).

#### 6. Inspections

At a minimum, all the individual Dischargers must conduct visual inspections during the grazing season to verify that chosen management practices are being implemented, and the Grazing Conditions for Waiver, are being met. The Discharger shall:

- a. Visually inspect the closest receiving water, upstream and downstream of each pasture, to note any change in water quality resulting from facility operations. This inspection is needed to determine the effectiveness of the management practices implemented at the ranch facility. Examples of changes in visual characteristics in water that may be indicative of the effects of grazing and/or grazing management practices include, but are not limited to: color, turbidity, floating material, algae concentration, etc.
- b. Inspect facilities and management practices at the beginning of the grazing season and at least bimonthly during the grazing season. Any problems noted should be documented and corrected as soon as practicable.

- c. Problems noted, corrective actions taken, and any recommendations for improvements in management practices are to be reported in the annual report.

## 7. Reporting Requirements

Annual Reports:

### 1. Monitoring Data Report:

All water quality monitoring data collected the prior sampling season will be summarized and reported to the Water Board by **March 15** of each year, beginning no later than March 15, 2015. This will, at a minimum, include fecal coliform data, copies of lab results, chain of custody forms, and quality assurance/quality control documentation.

### 2. Annual Rangeland Water Quality Management Plan Update

Annual Rangeland Water Quality Management Plan (RWQMP) updates must be submitted by **March 15** of each year, beginning March 15, 2013.

Information provided in the Annual RWQMP shall include at a minimum:

- i. Attachment 1, Grazing Management Practice Implementation Annual Report. Include photographic documentation of all physical structures installed, if any, and a scaled site map showing the approximate location of each structure.
- ii. Problems encountered during monitoring or implementation, if any.
- iii. Management practices which may include irrigation improvements or animal management improvements considered for implementation next season.

## 8. General Provisions

The Discharger shall comply with the applicable "General Provisions for Monitoring and Reporting," dated September 1, 1994, which is attached to and made part of this Monitoring and Reporting Program (Attachment 2).

## II. Compliance Reporting

1. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate potential sources of pathogens.

2. By March 15 each year beginning March 15, 2013, the Discharger must submit an annual certification to the Water Board that its facility is in compliance with the Rangeland Water Quality Management Plan as verified by records of inspections above. This can be done on the Grazing Management Practice Implementation Annual Report (Attachment 1).

Ordered by: \_\_\_\_\_

PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Dated: \_\_\_\_\_

Attachments:

1. Annual Management Practice Reporting Forms
2. General Provisions for Monitoring and Reporting

PROPOSED

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Parcel/Ranch Location: \_\_\_\_\_

Owner/Operator/Authorized Agent: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date Form Completed: \_\_\_\_\_ Form Completed By: \_\_\_\_\_

This form is to be submitted annually with the Ranch Water Quality Management Plan (RWQMP).

**GRAZING OPERATIONS**

1. Operation type (during last grazing season):

- Cattle
- Horse
- Sheep
- Goat
- Other (list below)

\_\_\_\_\_

2. Did livestock have access to surface water during last grazing season?  yes  no

3. Were pastures irrigated after grazing?  yes  no

Approximately how many days were there (on average) between the end of grazing and the beginning of irrigation? \_\_\_\_\_ days.

4. Were livestock brought back onto the pastures after irrigation?  yes  no

Approximately how many days after irrigation (on average) were livestock brought back onto the pastures? \_\_\_\_\_ days.

**IMPLEMENTED AND PLANNED MANAGEMENT PRACTICES (Minimum 2012 through 2017 seasons)**

(Please check all that apply. Include month/year and estimated cost where applicable)

ACTIVITY	MONTH/YEAR	COST \$	ACTIVITY	MONTH/YEAR	COST \$
<input type="checkbox"/> Rotation	_____	_____	<input type="checkbox"/> Increased Herding	_____	_____
<input type="checkbox"/> Exclusion	_____	_____	<input type="checkbox"/> Limited Pasture	_____	_____
<input type="checkbox"/> Salt Placement	_____	_____	<input type="checkbox"/> Stream Crossings	_____	_____
<input type="checkbox"/> Restoration	_____	_____	<input type="checkbox"/> Off-Stream Watering	_____	_____
<input type="checkbox"/> Improved Fencing Linear feet: _____	_____	_____	<input type="checkbox"/> Stream Exclusion Fencing Linear feet: _____	_____	_____
<input type="checkbox"/> Filter Strips	_____	_____	<input type="checkbox"/> Wetland Enhancement	_____	_____
<input type="checkbox"/> Spring Development	_____	_____	<input type="checkbox"/> Irrigation Tailwater Recovery	_____	_____
<input type="checkbox"/> Micro-irrigation	_____	_____	<input type="checkbox"/> Irrigation Reservoir	_____	_____
<input type="checkbox"/> Irrigation Pipeline	_____	_____	<input type="checkbox"/> Irrigation Land Leveling	_____	_____
<input type="checkbox"/> Field Border	_____	_____	<input type="checkbox"/> Contour Border	_____	_____

**NARRATIVE SUMMARY OF IMPLEMENTED AND PLANNED MANAGEMENT PRACTICES** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_

Please submit this checklist electronically, by mail, by fax or through email to:

Dr. Bruce Warden, 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150

FAX: (530) 544-2271

EMAIL: [BWarden@waterboards.ca.gov](mailto:BWarden@waterboards.ca.gov)

PHONE: (530) 542-5416

**Please submit this form by MARCH 15<sup>th</sup> of every year up to and including 2017. Thank you!**

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ATTACHMENT 2  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION

**GENERAL PROVISIONS**  
FOR MONITORING AND REPORTING

1. **SAMPLING AND ANALYSIS**

- a. All analyses shall be performed in accordance with the current edition(s) of the following documents:
  - i. Standard Methods for the Examination of Water and Wastewater
  - ii. Methods for Chemical Analysis of Water and Wastes, EPA
- b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Regional Board Executive Officer. Specific methods of analysis must be identified on each laboratory report.
- c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Regional Board Executive Officer prior to use.
- d. The discharger shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.
- e. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.
- f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.
- g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

## 2. OPERATIONAL REQUIREMENTS

### a. Sample Results

Pursuant to California Water Code Section 13267(b), the discharger shall maintain all sampling and analytical results including: strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

### b. Operational Log

Pursuant to California Water Code Section 13267(b), an operation and maintenance log shall be maintained at the facility. All monitoring and reporting data shall be recorded in a permanent log book.

## 3. REPORTING

- a. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.
- b. Pursuant to California Water Code Section 13267(b), all sampling and analytical results shall be made available to the Regional Board upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.
- c. The discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.
- d. Monitoring reports shall be signed by:
  - i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;
  - ii. In the case of a partnership, by a general partner;
  - iii. In the case of a sole proprietorship, by the proprietor; or

- iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- e. Monitoring reports are to include the following:
  - i. Name and telephone number of individual who can answer questions about the report.
  - ii. The Monitoring and Reporting Program Number.
  - iii. WDID Number.
- f. Modifications

This Monitoring and Reporting Program may be modified at the discretion of the Regional Board Executive Officer.

#### 4. NONCOMPLIANCE

Under Section 13268 of the Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1,000) for each day of violation.

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# **ENCLOSURE 2**

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2-13-2012



To: Bruce Warden and the CRWQCB/Lahontan Region  
Re: Renewal of general conditional waiver of waste discharge requirements for grazing operations in the East Walker River Watershed/Bridgeport Valley.

Thank you for your attention to maintaining the quality of our state/local waters. I recreate in the waters of the Walker River and their health and quality is important to me and our community. I understand your desire to prevent unnecessary economic hardship to the ranchers and can support a staged approach to reaching water quality compliance - as long as real progress is made in a reasonably short period of time and maintained over the long term.

I have the following comments related to the Tentative Grazing Waiver:

I hike in Buckeye Canyon often. This is *public* land that is seasonally grazed by a large number of cattle. The amount of cattle manure in this valley is staggering. While the USFS wants people using the area to follow 'Leave No Trace' practices, the cattle are allowed complete access to the creek where they damage the banks and vegetation and pollute the water. The creek, the shore and the surrounding meadows are a mine field of manure. Public lands should not be allowed to be abused this way. The USFS should be held accountable, and indeed to a higher standard, when it comes to the water quality of this area. Water recreation opportunities in the first five miles of this canyon have been severely negatively impacted by the current grazing management practices.

With the issue of climate change, and especially when concerning the potential we have for having an exceptionally dry winter this year, any waiver issued should consider this topic and address required responses. How will an exceptionally low run off year impact the amount of pollution that will be found in the Walker River and reservoirs?

I would also like to propose that in exchange for generously allowing the Bridgeport area ranches to continue to pollute our waters for the next 15 years, that they be encourage/required to give up some water to support the health of Walker Lake downstream.

Sincerely,

Mark Langner  
109939 Hwy 396 Coleville Ca 96107

## **CENTENNIAL RANCHES**

652 W. Cromwell, Suite 103  
Fresno, CA 93711

**Respond to:**  
**William J. Thomas**  
**500 Capitol Mall, Suite 1700**  
**Sacramento CA 95814**

February 17, 2012

### **VIA EMAIL**

Don Jardine, Board Chair  
Harold Singer, Executive Officer  
Bruce Warden, Environmental Scientist  
*Lahontan Regional Water Quality Control Board*  
2501 Lake Tahoe Blvd  
So. Lake Tahoe, CA 96150

**RE: REQUEST FOR DELAY OF DEADLINE FOR RESPONSES TO PROPOSED  
AMENDMENTS TO THE AGRICULTURE WAIVER**

Dear Board Chair Jardine, Harold Singer and Bruce Warden:

On January 23, 2012, the Lahontan Regional Water Quality Control Board publicly circulated a new proposed agricultural waiver that dramatically expanded the regulatory components of the waiver. The notice for the proposed waiver stated that comments are due on February 22, 2012. Given the scope of changes in the proposed waiver and its extreme consequences to the economy of the region, the 30-day period for comments is inadequate, and Centennial Ranches requests that the comment period be extended to at least March 23, 2012. This is nineteen days prior to the hearing at which the proposed waiver is scheduled to be heard, and should provide staff with adequate time to analyze comments received on proposed waiver.

Moreover, the increased regulatory components in the proposed waiver are based on an unreasonable, and unjustifiable basin plan fecal coliform objective, 20 fecal coliform colonies (FCU) per 100 mL. When the Board promulgated the agricultural waiver in 2006, the reasonableness of the 20 FCU/100 mL fecal coliform was the subject of significant doubt, and in recognition of these questions the Board acted to advance an interim objective of 200 FCU/100 mL. The fecal coliform objective under the new regulatory provisions in the proposed waiver are a drastic departure from and is ten times more restrictive than the interim standard, the US Environmental Protection Agency standard, and the standards of the other regions of the state. Requiring such a severe cutback in fecal coliform concentration will devastate the ranching industry in the Bridgeport Valley, the heart of Mono County. Centennial Ranches and other interested parties require significantly more time to determine the veracity of the basis for the newly proposed fecal coliform standard and to prepare an appropriate response. Therefore, Centennial Ranches hereby requests that the period for response to the proposed waiver be extended to March 23, 2012, to allow further analysis of the proposed amendments and the

February 17, 2012

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reasonableness of the existing basin plan objective and to formulate the appropriate response.

Thank you for your consideration of this request. I look forward to your timely response.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'W. Thomas', with a long horizontal line extending to the right.

William J. Thomas  
CENTENNIAL RANCHES

attachment

cc: Governor Jerry Brown  
Cal/EPA Secretary, Matt Rodriguez  
Cal/EPA Deputy Secretary Gordon Burns  
SWRCB Board Chair Charlie Hoppin  
SWRCB Board Members Frances Spivy-Weber  
and Tam Doduc  
SWRCB Executive Officer Tom Howard  
CDFA Secretary Karen Ross  
Senator Ted Gains  
Senator Tom Berryhill  
Assemblymember Kristin Olsen  
Lahontan Regional Board Vice Chair Peter C. Pumphrey  
Lahontan Regional Board Members Jack Clarke, Keith Dyas,  
Amy Horne, Ph.D., Eric Sandel

**CENTENNIAL RANCHES**

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Respond to:  
William J. Thomas  
500 Capitol Mall, Suite 1700  
Sacramento CA 95814

February 17, 2012

VIA EMAIL

Don Jardine, Board Chair  
Bruce Warden, Environmental Scientist  
Harold Singer, Executive Officer  
**Lahontan Regional Water Quality Control Board**  
2501 Lake Tahoe Blvd  
So. Lake Tahoe, CA 96150

**RE: REQUEST FOR EXTENSION OF COMMENTS AND DELAY OF WAIVER**

Dear Board Chair Jardine, Harold Singer and Bruce Warden:

The undersigned Bridgeport Ranchers join in each of Centennial Ranches' 1) the request for comment extension, and 2) the request for extension of the existing waiver and scheduling of a workshop to discuss the reasonable applicability of the fecal coliform objective in the Lahontan basin plan.

Signed at Gardnerville, Nevada:

Jack Handberg (Gansberg Ranch & Pres. BRO)  
Jeffrey B. Hornum (Hornum Land & Livestock Co.)  
Steve A. Fulston (RN Fulstone Co.)  
Tom Dorda (Borda Land & Sheep)  
Marguerite J. Leinasser (FIM CORP)  
William (Point Ranch)  
Mark Jacey (Jacey Livestock)  
COPY Ullman (ULLMAN LIVESTOCK)

cc:

Board Vice Chair, Peter C. Pumphrey  
Board Members, Jack Clarke, Keith Dyas,  
Amy Horne, Ph.D., Eric Sandel

## **CENTENNIAL RANCHES**

652 W. Cromwell, Suite 103  
Fresno, CA 93711

**Respond to:**  
**William J. Thomas**  
**500 Capitol Mall, Suite 1700**  
**Sacramento CA 95814**

February 17, 2012

### **VIA EMAIL**

Don Jardine, Board Chair  
Harold Singer, Executive Officer  
Bruce Warden, Environmental Scientist  
*Lahontan Regional Water Quality Control Board*  
2501 Lake Tahoe Blvd  
So. Lake Tahoe, CA 96150

**RE: PETITION TO EXTEND THE EXISTING WAIVER FOR TWO YEARS TO  
ALLOW REVIEW FECAL COLIFORM OBJECTIVE OF 20 COLONIES  
FECAL COLIFORM TO 100 MILLILITERS AND TO SCHEDULE WORKSHOP**

Dear Board Chair Jardine, Harold Singer and Bruce Warden:

Centennial Ranches hereby petitions the Lahontan Regional Water Quality Control Board to extend the existing waiver for two years to allow a full review of the Lahontan Regional Board fecal coliform objective, 20 fecal coliform colonies (FCU) per 100 mL, and schedule a workshop for appropriate review of that objective. Such review has to pre-date any hearing on imposing this objective in an amended waiver.

This fecal coliform objective was placed in the Lahontan Regional Board Basin Plan to protect the unique waters of Lake Tahoe without appropriate consideration of its reasonable application to the recreational and agricultural areas within the region. The Lahontan fecal coliform objective is modeled after the United States Environmental Protection Agency fecal coliform objective, but is ten times more restrictive in comparison to the federal objective and the objectives in the other regions of the state.

When the Lahontan Regional Board promulgated the existing agricultural waiver in 2006, the Board recognized the questionable reasonableness of the 20 FCU/100 mL fecal coliform objective and advanced an interim objective of 200 FCU/100 mL. When the existing waiver (R6T-2007-0019) was adopted Finding 4 expressly recognized the unusual and extreme nature of the 20 FCU/100 mL, and further stated that the statewide level of 200 FCU/100 mL would fully protect the agricultural and recreation beneficial uses of the valley water. The Finding also expressly stated that the Board would review this standard during the course of the waiver and make appropriate amendments, but it has done neither (see attached Finding 4).

Surprisingly, the Board now advances the same overly stringent fecal coliform objective it previously recognized as unreasonable. The imposition of this low fecal coliform objective is a drastic departure from the existing interim standard of 200 FCU/100 mL standard. Requiring such a severe reduction in fecal coliform to the new objective of 20 FCU/100 mL would devastate ranching in the Bridgeport Valley. Therefore, it is now imperative for the Lahontan Regional Board to engage in an appropriate review of the fecal coliform objective in the basin plan.

The California Water Code, Porter-Cologne water quality statutes (section 13241) demand that when a regional water board establishes a water quality objective it reflect “a reasonable protection of beneficial uses.” (Emphasis added.) It is neither reasonable nor prudent to apply the singularly most restrictive water quality standard in the state to the agricultural areas of the Lahontan region.

The Code goes on to provide that “it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses.” In guiding regional boards in the development of water quality standards, the Code also directs the regional board to consider if such standards “could reasonably be achieved,” and to take into account “economic considerations.” These factors have not been evaluated or reviewed in respect to this fecal coliform objective, which must be thoughtfully considered before imposing the objective on the ranchers of the Bridgeport Valley. This excessively restrictive fecal coliform standard, which is only being imposed upon the Bridgeport Valley, would devastate the local economy.

The requirement for reasonableness and regulatory balance is further compelled by California Water Code sections 13050(h) and 13050(l)(l). The request to include this matter on the Lahontan Regional Board’s agenda for a workshop to review the new fecal coliform standard is necessary to determine if such statutory provisions have been met in applying this standard to the agricultural areas of the region.

This petition now formally requests review of this standard which had been previously advanced, without response, on December 22, 2011. A copy of our December 22, 2011 request is attached for your reference.

Very truly yours,



William J. Thomas  
CENTENNIAL RANCHES

attachments

cc: Governor Jerry Brown  
Cal/EPA Secretary Matt Rodriguez

February 17, 2012

Page 2

Cal/EPA Deputy Secretary Gordon Burns  
SWRCB Board Chair Charlie Hoppin  
SWRCB Board Members Francis Spivy-Weber  
and Tam Doduc  
SWRCB Executive Officer, Tom Howard  
CDFA Secretary Karen Ross  
Senator Ted Gains  
Senator Tom Berryhill  
Assemblymember Kristin Olsen  
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Lahontan Regional Board Members Jack Clarke, Keith Dyas,  
Amy Horne, Ph.D., Eric Sandel

# CENTENNIAL RANCHES

652 W. Cromwell, Suite 103  
Fresno, CA 93711

Respond to:  
William J. Thomas  
500 Capitol Mall, Suite 1700  
Sacramento CA 95814

VIA EMAIL

## MEMORANDUM

TO: Harold Singer, Executive Officer  
Lauri Kemper, Division Manager  
Bruce Warden, Ph.D., Environmental Scientist  
*Lahontan Regional Water Quality Control Board*

FROM: William J. Thomas

DATE: December 22, 2011

RE: **ANALYSIS OF 2006-2011 WATER QUALITY MONITORING DATA**

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Follows are assessments of the monitoring data relative to (A) the 20 col/100 ml issue, and (B) our 6-year data set for § 13267 purposes.

A. Need for amendment of the 20 col/100 ml Lahontan basin plan objective.

A major factor in evaluating a basin plan objective is its reasonableness. Forgetting for the moment about the applicability of this standard to a grazing meadow, a valid analysis is the applicability of this standard to what are believed to be virgin waters coming off the Sierras into the valley. In that regard the 6-year data shows the "into the valley waters" exceed the 20 col. standards somewhat routinely. Consequently, this standard cannot be sustained.

Swauger Creek: 8 exceedances, of the 20 col/100 ml and 4 exceedances of the 200 col/100 ml objective. The high is 71 times the present basin plan standard.

July 09	117 col/100ml
July 20	160 col/100ml
Aug 09	224 col/100ml
Aug 10	118 col/100ml
Sept 09	384 col/100ml
Sept 10	172 col/100ml
Oct. 07	220 col/100ml
Oct. 10	1410 col/100ml

Buckeye: 9 exceedances of the 20 col/100 ml and 1 over the 200 col/100 ml objective.

June 10	30 col/100ml
July 09	44 col/100ml
July 10	80 col/100ml
Aug 09	83 col/100ml
Aug 10	104 col/100ml
Sept 09	36 col/100ml
Sept 10	20 col/100ml
Oct 09	52 col/100ml
Oct 10	820 col/100ml

Robinson: 7 exceedances of the 20 col/100 ml and 3 over the 200 col/100 ml objective.

May 10	50 col/100ml
July 09	122 col/100ml
Aug 09	496 col/100ml
Aug 10	146 col/100ml
Sept 09	164 col/100ml
Sept 10	260 col/100ml
Oct 10	370 col/100ml

Virginia: 11 exceedances of the 20 col/100 ml and 2 over the 200 col/100 ml objective.

June 09	28 col/100ml
June 10	40 col/100ml
July 07	400 col/100ml
July 09	150 col/100ml
July 10	40 col/100ml
Aug 09	113 col/100ml
Aug 10	44 col/100ml
Sept 09	116 col/100ml
Sept 10	114 col/100ml
Oct. 09	42 col/100ml
Oct. 10	370 col/100ml

Green: 4 exceedances of the 20 col/100 ml and 1 over the 200 col/100 ml objective.

June 09	2 col/100ml
June 10	30 col/100ml
July 10	24 col/100ml
Oct 10	370 col/100ml

Summer: 4 exceedances of the 20 col/100 ml and 1 of the 200 col/100 ml objective.

June 09	168 col/100ml
June 10	30 col/100ml
July 10	124 col/100ml
Oct 10	370 col/100ml

On balance, over six years of seasonal monitoring the waters above the Bridgeport Valley and irrigated agriculture exceed the present basin plan objective 43 times and even exceed the 200 col/100 ml objective 12 times. These exceedances mostly occur in the 5 month (June – October) time period. This is the same period that cattle are in the valley.

This presents a compelling challenge to the present basin plan objective for the agricultural areas of the region and demands an appropriate amendment.

B. 6-Year Data Analysis

1. Swauger Creek

This data set compels caution in analysis as the livestock use has remarkably changed (cattle pair, sheep, cattle yearlings) over the test period, and the ownership and management have also changed and markedly improved.

There appear to be no issues in any year until June. In June 2009 and again in June 2010, the readings off the ranch significantly exceeded those coming onto the ranch (2009: 12 in, 412 out; 2010: 4 in, 990 out). Those are alarming increases, however, they totally reverse themselves in July (2009: 117 in, 120 out; 2010: 160 in, 190 out). That favorable data held through August, September and October 2009 and 2010 (August 2009: 224 in, 88 out; August 2010: 118 in, 88 out; September 2009: 384 in, 72 out; October 2010: 1410 in, 820 out). On balance, the ranch was properly managed and generally cleaned up water once we got into July, but it certainly needs some additional attention in June.

On balance Swauger Creek is in pretty good shape, but more attention is merited.

2. Buckeye Creek

When we commenced monitoring in 2006 and 2007, Buckeye started exceeding the 200 col objective at US 396 by mid-May, and Buckeye at the reservoir significantly exceeded the objective in 2006 and 2007 in September and October.

Moving to 2011, Buckeye did not exceed the standard until mid-June (330 at US 395), but it was only 28 at US 395, and 100 at the reservoir in July. It was only 74 at US 395, and 420 at the reservoir in August, and by September on all waters were within standards.

This data is very promising as it not only shows marked improvement, but the waters are nearly within standards. If Centennial can duplicate its 2011 efforts, concludes some

planned runoff controls, and commences its wetland and ponding project, the waters by US 395 will meet the 200 col/100 ml objectives.

If Centennial and Gansberg can identify and implement protective strategies between US 395 and the reservoir over the next three years, Buckeye will be a significant success story. It also must be remembered that Buckeye comes into the valley over the objective in mid to late summer.

### 3. Robinson Creek

In 2006 Robinson exceeded the standard commencing in May, but by 2010 and 2011 the May waters were fine at both US 395 and the reservoir. In 2009 and 2010 Robinson waters were surprisingly bad in summer, but in 2011 they were within the 200 col standard at both US 395 and the reservoir.

Centennial hopes to duplicate its management efforts to maintain those results, and will be assessing the efforts being planned for Buckeye involving wetlands and settling basins to determine if some of that may be transferable to Robinson Creek.

### 4. Virginia, Green and Summers Creeks

Virginia and Green Creeks have only had a couple of exceedances over the six years, and offer no direct problems. Because, however, they are source waters to the valley, all efforts to further reduce those contributions would be merited.

Summers Creek has offered some higher fecal counts in some mid-summer months, but in 2011 it was also within the objective.

### 5. East Walker River

The Walker River picks up not just the Green, Virginia and Summers waters, but considerable runoff waters from the Rickey Ditch and other valley waters. In some years, this has raised levels above the objective when it reached town. The E. Walker also generally picks up additional fecals passing through town.

In 2011, however, it exceeded the objective only twice, once in July (250) and once in September (440). Management efforts have shown to be effective in 2011 and, hopefully, quality will maintain or improve next year.

Again, Centennial is going to evaluate the efforts that are planned on Buckeye in 2012-2014 relating to settling ponds and wetlands for possible incorporation on some of the Walker tributary drainage.

**BRO - Public Data [2006 - 2011]  
Water Quality Monitoring Data By Station**

Sample Number														
Sample Date	0	1	2	3	4	5	6	7	8	9	10	11	12	13
11-Apr-06	2	6	<2	<2	22	<2	<2	<2	<2	<2	<2	10		
10-Apr-08	<2	2	<2	<2	<2	28	<2	n/a	16	2	<2	<2	<2	
6-Apr-09	Fecal 0 Ecoli 0	Fecal 20 Ecoli 7	Fecal 4 Ecoli 4	Fecal 0 Ecoli 0	Fecal 7 Ecoli 2	Fecal 1 Ecoli 1	Fecal 0 Ecoli 1	Fecal 2 Ecoli 1	Fecal 2 Ecoli 1	Fecal 8 Ecoli 1	Fecal 0 Ecoli 1	Fecal 3 Ecoli 1	Fecal n/a Ecoli n/a	
12-Apr-10	Fecal 1 Ecoli 2	Fecal n/a Ecoli n/a	Fecal 3 Ecoli 4	Fecal 1 Ecoli 0	Fecal 17 Ecoli 15	Fecal 1 Ecoli 1	Fecal 2 Ecoli 1	Fecal 3 Ecoli 2	Fecal 3 Ecoli 2	Fecal 3 Ecoli 2	Fecal 15 Ecoli 10	Fecal 5 Ecoli 4	Fecal 6a Ecoli 4	
8-Apr-11	<2	2	<2	<2	<2	6	2	<2	4	2	2	2	2	2
1-May-06	<2	2	<2	<2	20	2	<2	2	8	10	28	20		
15-May-06	4	8	4	4	24	4	12	360	380	400	300	138		
10-May-07	2	8	<2	<2	20	8	6	960	110	18	14	4		
7-May-08	<2	<2	<2	<2	2	<2	8	2	4	<2	<2	72	28	
4-May-09	Fecal 1 Ecoli 1	Fecal 38 Ecoli 28	Fecal 6 Ecoli 4	Fecal 0 Ecoli 1	Fecal 6 Ecoli 3	Fecal 2 Ecoli 0	Fecal 1 Ecoli 0	Fecal 11 Ecoli 7	Fecal 34 Ecoli 33	Fecal 109 Ecoli 69	Fecal 87 Ecoli 51	Fecal 308 Ecoli 264	Fecal 414 Ecoli 345	
3-May-10	Fecal 1 Ecoli 0	Fecal 16 Ecoli 2	Fecal 9 Ecoli 4	Fecal 50 Ecoli 9	Fecal 7 Ecoli 4	Fecal 9 Ecoli 4	Fecal 5 Ecoli 1	Fecal 24 Ecoli 19	Fecal 13 Ecoli 9	Fecal 22 Ecoli 20	Fecal 15 Ecoli 17	Fecal 16 Ecoli 14	Fecal 14 Ecoli 13	
5-May-11	<2	6	n/a	<2	<2	<2	<2	<2	2	<2	2	<2	<2	<2
5-Jun-06	6	44	28	2	52	20	66	700	720	740	640	640		
19-Jun-06	12	82	14	6	34	50	36	260	420	92	140	720		
11-Jun-07	2	88	<2	<2	8	18	310	230	210	270	220	320		
6-Jun-08	<2	190	<2	<2	12	2	18	180	220	260	150	290	240	
1-Jun-09	Fecal 12 Ecoli 28	Fecal 412 Ecoli 348	Fecal 12 Ecoli 18	Fecal 6 Ecoli 1	Fecal 28 Ecoli 32	Fecal 21 Ecoli 14	Fecal 168 Ecoli 128	Fecal 144 Ecoli 188	Fecal 188 Ecoli 152	Fecal 304 Ecoli 280	Fecal 600 Ecoli 500	Fecal 200 Ecoli 300	Fecal 400 Ecoli 400	
7-Jun-10	Fecal 4 Ecoli 3	Fecal 990 Ecoli 690	Fecal 30 Ecoli 20	Fecal 4 Ecoli 4	Fecal 40 Ecoli 10	Fecal 30 Ecoli 24	Fecal 190 Ecoli 84	Fecal 1740 Ecoli 1150	Fecal 2210 Ecoli 1400	Fecal 1830 Ecoli 1660	Fecal 2680 Ecoli 2270	Fecal 1480 Ecoli 890	Fecal 1830 Ecoli 1030	
13-Jun-11	<2	450	<2	<2	8	6	10	330	520	24	150	140	160	<2
10-Jul-06	<2	<2	<2	<2	<2	<2	2	18	4	54	56	46		
17-Jul-06	68	70	18	8	78	16	140	<2	26	54	160	198		
12-Jul-07	120	260	64	18	400	6	92	420	210	740	390	60		
17-Jul-08	8	300	8	13	130	30	50	300	1600	280	200	300	360	
6-Jul-09	Fecal 117 Ecoli 48	Fecal 120 Ecoli 116	Fecal 44 Ecoli 35	Fecal 122 Ecoli 3	Fecal 150 Ecoli 50	Fecal 4 Ecoli 1	Fecal 130 Ecoli 70	Fecal 1148 Ecoli 708	Fecal 784 Ecoli 420	Fecal 540 Ecoli 408	Fecal 440 Ecoli 380	Fecal 400 Ecoli 100	Fecal 400 Ecoli 500	
6-Jul-10	Fecal 160 Ecoli 170	Fecal 190 Ecoli 120	Fecal 80 Ecoli 80	Fecal 16 Ecoli 4	Fecal 40 Ecoli 40	Fecal 24 Ecoli 12	Fecal 38 Ecoli 20	Fecal 136 Ecoli 80	Fecal 312 Ecoli 172	Fecal 276 Ecoli 204	Fecal 360 Ecoli 276	Fecal 400 Ecoli 400	Fecal 1200 Ecoli 300	
18-Jul-11	8	870	10	<2	20	8	110	28	100	130	50	250	160	<2

7-Aug-06	90	130	36	6	missing	missing	missing	160	220	60	74	122	
21-Aug-06	120	130	58	8	54	16	120	210	580	360	120	220	
9-Aug-07	58	290	4	8	60	4	42	680	130	270	420	50	
6-Aug-08	20	100	4	2	20	<2	10	1600	80	200	180	40	<20
3-Aug-09	Fecal 224	Fecal 88	Fecal 83	Fecal 496	Fecal 113	Fecal 3	Fecal 312	Fecal 508	Fecal 900	Fecal 1500	Fecal 372	Fecal 144	Fecal 212
	Ecoli 92	Ecoli 44	Ecoli 61	Ecoli 12	Ecoli 51	Ecoli 3	Ecoli 156	Ecoli 352	Ecoli 100	Ecoli 2400	Ecoli 324	Ecoli 124	Ecoli 124
2-Aug-10	Fecal 118	Fecal 88	Fecal 104	Fecal 146	Fecal 44	Fecal 10	Fecal 990	Fecal 168	Fecal 380	Fecal 330	Fecal 460	Fecal 330	Fecal 360
	Ecoli 46	Ecoli 88	Ecoli 56	Ecoli 12	Ecoli 16	Ecoli 6	Ecoli 400	Ecoli 96	Ecoli 240	Ecoli 210	Ecoli 110	Ecoli 190	Ecoli 150
19-Aug-11	46	130	84	8	28	6	14	74	420	240	120	70	86
													<2
7-Sep-06	82	102	94	44	40	106	32	122	480	122	102	500	
18-Sep-06	166	48	18	10	missing	missing	missing	240	720	240	220	480	
13-Sep-07	12	18	22	6	26	2	16	180	280	220	520	640	
12-Sep-08	110	34	10	4	56	6	80	1400	240	170	76	240	460
8-Sep-09	Fecal 384	Fecal 72	Fecal 36	Fecal 164	Fecal 116	Fecal 4	Fecal 376	Fecal 240	Fecal 370	Fecal 540	Fecal 112	Fecal 248	Fecal 180
	Ecoli 120	Ecoli 46	Ecoli 10	Ecoli 4	Ecoli 22	Ecoli 8	Ecoli 172	Ecoli 132	Ecoli 340	Ecoli 220	Ecoli 92	Ecoli 160	Ecoli 100
13-Sep-10	Fecal 172	Fecal 200	Fecal 20	Fecal 260	Fecal 114	Fecal 4	Fecal 220	Fecal 424	Fecal 1800	Fecal 290	Fecal 560	Fecal 280	Fecal 360
	Ecoli 62	Ecoli 128	Ecoli 18	Ecoli 0	Ecoli 30	Ecoli 4	Ecoli 130	Ecoli 328	Ecoli 1260	Ecoli 200	Ecoli 430	Ecoli 120	Ecoli 170
16-Sep-11	28	230	50	12	12	2	8	96	240	200	180	440	360
													<2
2-Oct-06	<2	54	18	30	8	300	60	38	380	200	100	320	
18-Oct-06	2	92	8	<2	640	2	<2	8	100	108	12	46	
5-Oct-07	220	30	4	<2	6	12	4	38	260	130	48	480	
10-Oct-08	6	68	10	<2	8	4	10	20	90	82	64	28	48
5-Oct-09	Fecal 56	Fecal 56	Fecal 52	Fecal 92	Fecal 42	Fecal 4	Fecal 80	Fecal 28	Fecal 180	Fecal 88	Fecal 184	Fecal 156	Fecal 280
	Ecoli 28	Ecoli 18	Ecoli 40	Ecoli 2	Ecoli 14	Ecoli 6	Ecoli 47	Ecoli 8	Ecoli 80	Ecoli 44	Ecoli 160	Ecoli 184	Ecoli 108
4-Oct-10	Fecal 1410	Fecal 1170	Fecal 820	Fecal 370	Fecal 392	Fecal 370	Fecal 1220	Fecal 6600	Fecal 10000	Fecal 30000	Fecal 8800	Fecal 2200	Fecal 1780
	Ecoli 1040	Ecoli 860	Ecoli 460	Ecoli 100	Ecoli 276	Ecoli 350	Ecoli 730	Ecoli 4700	Ecoli 8300	Ecoli 16500	Ecoli 7300	Ecoli 1820	Ecoli 1480
00-Oct-11	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
13-Nov-06	<2	18	<2	<2	10	<2	42	<2	12	<2	4	<2	
9-Nov-07	2	2	20	<2	16	<2	<2	30	38	76	54	120	
6-Nov-08	4	20	70	<2	4	4	4	64	92	36	26	110	92
2-Nov-09	Fecal 6	Fecal 16	Fecal 10	Fecal 6	Fecal 14	Fecal 7	Fecal 0	Fecal 22	Fecal 40	Fecal 35	Fecal 76	Fecal 60	Fecal 100
	Ecoli 2	Ecoli 8	Ecoli 6	Ecoli 2	Ecoli 4	Ecoli 2	Ecoli 0	Ecoli 16	Ecoli 90	Ecoli 30	Ecoli 24	Ecoli 28	Ecoli 88
00-Nov-10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
4-Nov-11	<2	48	<2	<2	<2	2	22	6	42	56	26	34	54
													<2

LOCATIONS

0	Swauger Creek above Huntoon Valley
1	Swauger Creek
2	Buckeye above ranch
3	Robinson above ranch
4	Virginia Creek
5	Green Creek
6	Summers Creek

7	Buckeye 395
8	Buckeye Reservoir
9	Robinson 395
10	Robinson Reservoir
11	Walker at town
12	Walker below town

- c. Monitoring results must be made available to the public.
- d. The Water Board may include as a condition of a waiver the payment of an annual fee established by the State Water Resources Control Board (State Water Board). At the time of this hearing, the State Water Board has not established annual fee regulations with respect to grazing operations.
- e. The Waiver requires compliance with monitoring conditions consistent with the amendments to Water Code section 13269.

### 3. Basin Plan

On March 31, 1995, the Water Board adopted a Water Quality Control Plan for the Lahontan Region (Basin Plan) that establishes beneficial uses, water quality objectives, waste discharge prohibitions, and implementation policies that apply to waters of the State and discharges to waters of the State within the Lahontan Region.

### 4. Fecal Coliform Water Quality Objective

The Water Board has set the Region-wide water quality objective for fecal coliform at 20 colonies per 100 ml, ten times more stringent than the Federal standard at 200 colonies per 100 ml and any other Region in California, recognizing that waters in the Lahontan Region are generally pristine, and recreation is the major use of these waters. USEPA finds the Federal standard to be protective of water contact recreational beneficial uses. However, during the Grazing workshop and Triennial Review of the October 11, 2006 Water Board meeting, the Water Board heard public comments regarding revising the fecal coliform standard to be consistent with Federal standards for areas, such as Bridgeport Valley, where beneficial uses have historically been predominantly agricultural. If, during the time of this Waiver, the Water Board has sufficient information to propose a Basin Plan Amendment for fecal coliform, Waiver conditions, milestones, and timelines may be revised accordingly.

### 5. Nonpoint Source Implementation and Enforcement Policy

The discharge of nonpoint source pollution from agricultural grazing operations, within the Lahontan Region is considered to be a discharge of waste that could affect the quality of waters of the State, as defined in Section 13260 of the California Water Code. Potential water quality degradation from such grazing activities has not been regulated prior to this, but the State Water Resources Control Board May 20, 2004 *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy) requires that all sources of nonpoint source pollution be regulated through Waste Discharge Requirements (WDR), waivers to WDRs, or prohibitions.

The NPS Policy encourages the Water Board "to be as creative and efficient as possible in devising approaches to prevent or control NPS pollution." This includes development of third-party programs, including coalitions of Dischargers, such as the

**CENTENNIAL RANCHES**

652 W. Cromwell, Suite 103  
Fresno, CA 93711

Respond to:  
William J. Thomas  
500 Capitol Mall, Suite 1700  
Sacramento CA 95814

February 17, 2012

VIA EMAIL

Don Jardine, Board Chair  
Bruce Warden, Environmental Scientist  
Harold Singer, Executive Officer  
**Lahontan Regional Water Quality Control Board**  
2501 Lake Tahoe Blvd  
So. Lake Tahoe, CA 96150

**RE: REQUEST FOR EXTENSION OF COMMENTS AND DELAY OF WAIVER**

Dear Board Chair Jardine, Harold Singer and Bruce Warden:

The undersigned Bridgeport Ranchers join in each of Centennial Ranches' 1) the request for comment extension, and 2) the request for extension of the existing waiver and scheduling of a workshop to discuss the reasonable applicability of the fecal coliform objective in the Lahontan basin plan.

Signed at Gardnerville, Nevada:

Jack Handberg (Gansberg Ranch & Pres. BRO)  
Jeffrey B. Hornum (Hornum Land & Livestock Co.)  
Steve A. Fulston (RN Fulston Co.)  
Tom Dorta (Borda Land & Sheep)  
Marguerite J. Leinasser (FIM CORP)  
William (Point Ranch)  
Mark Jacey (Jacey Livestock)  
COPY Ullman (ULLMAN LIVESTOCK)

cc:

Board Vice Chair, Peter C. Pumphrey  
Board Members, Jack Clarke, Keith Dyas,  
Amy Horne, Ph.D., Eric Sandel



## BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517  
(760) 932-5538 • FAX (760) 932-5531

**Lynda Roberts**  
Clerk of the Board  
lroberts@mono.ca.gov

**Linda Romero**  
Assistant Clerk of the Board  
lromero@mono.ca.gov

February 21, 2012

Dr. Bruce Warden  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, California 96150

**Re: Renewal of General Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (Tentative)**

Dear Dr. Warden:

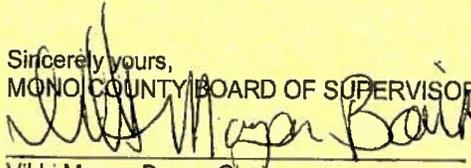
The Mono County Board of Supervisors would like to request an extension of the 30-day period provided for concerned persons and agencies to comment on the Renewal of General Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed (hereafter the "Renewed Waiver" or "Waiver").

At the time it received the Renewed Waiver, the County's understanding was that the regulated operators and the LRWQCB were working together towards a mutually acceptable solution with respect to discharge levels for the East Walker Watershed, and that the Renewed Waiver was the product of that joint effort which was acceptable to all parties. Accordingly, the County did not prepare comments on the Waiver when it was initially released.

However, following recent discussions with representatives of the operators and more detailed review of the Renewed Waiver and the existing 2007 Waiver, the County has become concerned regarding certain provisions of the Renewed Waiver which would appear to unduly burden agricultural operations in the Bridgeport Valley. Given the critical role which agriculture plays in Mono County, the Board of Supervisors is concerned that these provisions will adversely impact the County's economy and its citizens.

Accordingly, the Board respectfully requests that LRWQCB provide an additional 30 days for review and comment on the Renewed Waiver in order to provide time for Mono County to gather further information and prepare written comments. In particular, the County will be looking at impacts which the Renewed Waiver, and the Basin Plan's discharge requirements for Bridgeport Valley, could have on the economic condition, recreational values, and historical ranching culture of Mono County. Thank you for your consideration of this request.

Sincerely yours,  
MONO COUNTY BOARD OF SUPERVISORS

  
Vikki Magee Bauer, Chair

Larry Johnston - District One    Duane 'Hap' Hazard - District Two  
Vikki Magee Bauer - District Three    Tim Hansen - District Four    Byng Hunt - District Five

February 20, 2012

**Hunewill Land & Livestock Company**

Jeffrey B. Hunewill  
195 Hunewill Lane  
Wellington, NV  
89444  
Phone: (775) 465-2579  
Email: djhunewill@hotmail.com



California Regional Water Quality Control Board  
Lahontan Region  
Dr. Bruce Warden  
2501 Lake Tahoe Blvd  
South Lake Tahoe, CA  
96150

Dr. Warden,

Here are my comments concerning the Tentative Grazing Waiver which I received at the end of January, 2012.

In thinking of the Tentative Grazing Waiver as a whole I was surprised to see that it was substantially more restrictive than the 2007-2012 Grazing Waiver. Indeed, the whole approach of LRWQCB to the ranchers in Bridgeport has been inexplicably blunt and brusque in the last several months. The property owners in this small valley have, it seems, been singled out in not only the whole of the Lahontan Region but also the whole State of California for a forceful blast of government regulation. It brings one to question why our family and in fact the whole group of ranchers in the Valley have cooperated so fully and spent so much money in the pursuit of better water quality only to be treated so poorly. The Lahontan board should also know that regulations applied with a heavy hand have a chilling effect on the owners of smaller ranches since they cannot afford to hire attorneys and specialists like the larger ranchers. The unintended consequence of this sort of regulation may well be the loss of the smaller properties, more subdivided land, and the degradation of water quality that goes with more roads and houses.

Comments on page 2

1. Item d. The Ranchers are already paying for water sampling costs including labor, and additional fees paid to the LRWQCB would be burdensome.
2. If LRWQCB requires an AMP- like document, there will be substantial resistance and if it is required to be a public document, compliance will be a huge issue. The only reason that most ranchers have an AMP type document is because of participation in federal programs and these documents are not public but are safeguarded by law in the NRCS offices. The NRCS is a trusted organization and participation in federal programs is not mandatory. The Board should concentrate upon their mandated job of preserving water quality and not get distracted with other issues concerning land management.

Comments on page 4:

1. Item b. BMP's The use of BMP's is in its initial phase and there is a long way to go before it can be said that BMP's have not resulted in sufficiently improved water quality.

Comments on page 10:

1. Table 1. Proposed levels of fecal coliforms over time. With BMP's fully in place it could be possible to stay below the 200 cfu/100ml target. It is not possible in my opinion to decrease the levels of cfu's as proposed to 20 cfu/100ml without the secession of grazing and irrigation which will lead to many other problems including water quality problems. Rain events, sampling below swallow's nests or in areas after ducks have taken off, or even runoff from fields that have no livestock can sometimes lead to high levels of coliforms in the water. It must be remembered that the Bridgeport Valley is and has been for over 150 years a highly productive meadow ecosystem and that a large "biomass" of cattle, sheep, and horses as well as immeasurable numbers of rodents and birds live in the valley. Bridgeport Valley is not Lake Tahoe, it is what it is and allowances for higher levels of coliforms must be made for those differences.

Comments on page 11:

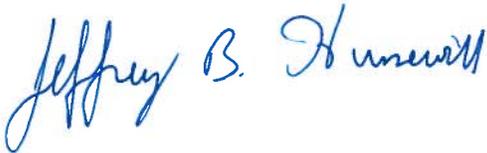
1. 2. Inventory and plan: Recommend the below 3 items be deleted.  
Season of use- This is not a grazing permit on public land and the land owner can have livestock on their property at any time of the year. As a practical matter, no one grazes livestock in any significant numbers between mid December until April 1<sup>st</sup>.  
Number and type of livestock permitted- The number and type of livestock on private land is a matter for private property owners to determine. It is determined by forage availability, market forces, weather, disease, labor availability, and many other factors. LRWQCB should not become involved in decisions concerning livestock numbers and types; it is not a resource agency like the USFS but is a water quality regulatory agency.  
Grazing system to be used- There are many systems used to graze in the valley; as many as there are land owners. The grazing system used is the prerogative of the property owner.

Comments on page 14:

1. 6. Water quality monitoring  
Water quality monitoring should be done in cooperation with other BRO members.

A few general comments for the record:

Generally water passes through the valley and over fields of the various ranches several times before flowing into Bridgeport Reservoir. If there are levels of coliforms that are higher than 200cfu/100ml in places, usually they are filtered out naturally by the mat of decayed vegetation and grass so that most of the time the water meets this standard. When the water flows into the reservoir Dr. Warden has said that the coliforms settle out and are not to be found in the water. This makes the Bridgeport Reservoir a de facto water treatment facility. Virtually no members of the public have water contact with the streams in the valley on private lands and the reservoir is free of any coliforms that might arise in the valley. Therefore the public is protected. This does not mean the BRO members will not continue to work on improving water quality on their ranches but rather that the level of urgency is much lower than in other places in California where circumstances have arisen that critically affect human health and well being. Because of this low level of threat I would ask that the Board reinstate the 2007-2012 grazing waiver as is and then begin to revisit the process of the next 5 year's waiver at least 2 years prior to its issuance.



Jeffrey B. Hunewill  
President Hunewill L&L Co.

# CENTENNIAL RANCHES

652 W. Cromwell, Suite 103

Fresno, CA 93711

**Respond to:**  
**William J. Thomas**  
**500 Capitol Mall, Suite 1700**  
**Sacramento CA 95814**

VIA EMAIL

## MEMORANDUM

TO: Don Jardine, Board Chair  
Harold Singer, Executive Officer  
Bruce Warden, Ph.D., Environmental Scientist  
*Lahontan Regional Water Quality Control Board*

FROM: William J. Thomas

DATE: February 22, 2012

RE: **COMMENT LETTER RE RENEWAL OF GENERAL CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR GRAZING OPERATIONS IN THE EAST WALKER RIVER WATERSHED OF THE LAHONTAN REGION**

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### I. The Waiver Itself Recognized the Extreme Nature of the Basin Plan Objective

When the Lahontan Regional Board was considering its initial agricultural waiver (dated June 13, 2007), it was pointed out to the Board that the Lahontan basin plan contained a very unusual 20 col fc/100 ml fecal coliform objective. This objective was apparently originally adopted based on Lake Tahoe's unique purity. Therefore, we argued that this standard should be amended or clarified so that in agricultural areas of the region outside of the Tahoe basin the objective should be 200 col/100 ml to match all other areas of the state. Board members expressed an interest in this potential amendment to the basin plan; however, a suggestion was advanced to operate under an interim standard of 200 col fc/100 ml for 10 years, during which it would be determined if 20 col fc/100 ml would be easily achieved and, if not, the interim standard of 200 col/100 ml would be made permanent.

The Board was so apprehensive as to initially applying the 20 col fc/100 ml objective, that in the adoption of the waiver they included Finding 4 which recognized the unusual and extreme nature of this objective. The Finding further indicated that the 200 col fc/100 ml would fully protect the beneficial uses of water in the Bridgeport valley, agriculture and recreation uses. The Finding closed by indicating the Board would review and amend the standard, a commitment that Lahontan staff has repeated to the Bridgeport Ranchers throughout the waiver;

however, the Board has neglected to do so.<sup>1</sup>

The BRO landowners have been fully cooperating with Regional staff in an extensive water quality monitoring program, and have been implementing best management practices over the last six years. (Discussed further below.) The monitoring data collected underscore 1) that progress in water quality has been made and 2) that the 20 col fc/100 ml standard is totally unreasonable and unnecessary to protect the beneficial uses of water in the Bridgeport valley.

In the most recent two months, however, the Regional Board staff has shifted from a cooperative partnership with BRO landowners, and instead has 1) issued an aggressive section 13267 enforcement demand, 2) noticed this new, unreasonably restrictive waiver based on the 20 col fc/100 ml, and 3) thereby reneged on the applicability of the ten-year interim 200 col fc/100 ml standard. The proposed waiver is entirely predicated on the 20 col fc/100 ml basin plan objective; therefore, most of this written response, and likely our testimony, to this waiver proposal will be directed to application of this unreasonable objective.

## II. Monitoring Data Demonstrates Improvement

Monitoring data analysis have demonstrated a few overarching lessons over this short six-year monitoring period. Those interim conclusions include:

1. Land operators have implemented many best management practices during this period of cooperation with the Regional Board staff.
2. The monitoring results have evidenced significantly improved water quality; however:
  - a. The water coming into irrigated lands in the Bridgeport Valley often exceeds the existing basin plan standard;
  - b. The periods of water quality concerns have generally narrowed to a couple of mid-summer months and now only involve a couple of the watercourses; and,
  - c. Best practical control practices (i.e., rotational grazing/armor crossings, fence off riparian pastures, cattle management, vegetative buffer zones, control irrigation runoff, etc.) have been employed and have contributed to water quality improvements; however, additional practices or technologies will have to yet be developed by the landowners working with the University to achieve consistent compliance with a reasonable water quality objectives.

---

<sup>1</sup> Finding 4: “Fecal Coliform Water Quality Objective. The Water Board has set the Region-wide water quality objective for fecal coliform at 20 colonies per 100 ml, ten times more stringent than the Federal standard at 200 colonies per 100 ml and any other Region in California, recognizing that waters in the Lahontan Region are generally pristine, and recreation is the major use of these waters. USEPA finds the Federal standard to be protective of water contact recreational beneficial uses. However, during the Grazing workshop and Triennial review of the October 11, 2006 Water Board meeting, the Water Board heard public comments regarding revising the fecal coliform standard to be consistent with Federal standards for areas, such as Bridgeport Valley, where beneficial uses have historically been predominantly agricultural. If, during the time of this Waiver, the Water Board has sufficient information to propose a Basin Plan Amendment for fecal coliform, Waiver conditions, milestones, and timelines may be revised accordingly.”

3. The 20 col fc/100 ml basin plan objective is totally unreasonable, and must be amended to for the agricultural areas of the Lahontan region to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.

### III. Beneficial Uses on Bridgeport Ranchlands

The Bridgeport Valley is entirely private property with the exception of highways and certain in-town and governmental parcels. This includes all the grazing property and the Bridgeport Reservoir. Historical water quality data confirm that the water leaving the private property into the East Walker River at the discharge point of the Bridgeport Reservoir is not only totally within basin plan standards, but never has had evidence of fecal coliform. The entire water quality issue involves “on ranch” coliform levels.

There is no lawful access onto any of the Bridgeport ranches. There is no municipal (MUN) or contact recreation (REC-1) use of these waters. The only significant beneficial uses in the valley are agriculture (AGR), fish habitat (COLD), and non-contact recreation (REC-2).

### IV. The California Water Code Demands Reasonable Water Quality Standards

The California Water Code, Porter-Cologne water quality statutes (section 13241, *et seq.*) demand that when a regional water board establishes a water quality objective it reflect “a reasonable protection of beneficial uses.” (Emphasis added.) It is neither reasonable nor prudent to apply an excessively restrictive water quality objective developed to protect beneficial uses of a water body of national importance to the agricultural areas of the Lahontan region. The Bridgeport Valley is the only location in California where this low standard is being regulatorily imposed on ranchers.

The Water Code goes on to provide that “it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses.” In guiding regional boards in the development of water quality standards, the Water Code directs the regional board to consider if such standards “could reasonably be achieved,” and in doing so to take into account “economic considerations.” These factors have not been evaluated or reviewed with respect to this fecal coliform objective in the basin plan, which must be thoughtfully considered before imposing the objective on the ranchers of the Bridgeport Valley. This excessively restrictive fecal coliform objective, which is only being imposed upon the Bridgeport Valley, and nowhere else in the state or within the Lahontan Region, would devastate the local economy. (See comments below.)

The requirement for reasonableness and regulatory balance is further compelled by California Water Code sections 13050(h) and 13050(l)(1). It is imperative to include this objective on the Lahontan Regional Board’s agenda for a workshop to review whether a new fecal coliform standard is necessary to reflect these statutory provisions and determine an appropriate objective for the agricultural areas of the region.

### V. Economic, Aesthetic and Recreational Impacts as a Result of the Proposed Waiver

Should the proposed waiver be imposed as drafted and the 20 col fc/100 ml standard be

applicable to the Bridgeport Valley, enormous impacts will transpire.

There would be no way the historic use and core economic engine of the Bridgeport Valley could continue. Cattle grazing would never be able to continue, which may be the intention of the Regional staff. However, the Board should clearly also understand the collateral impact that will result to recreation, fishing and other area activities.

In the absence of commercial cattle grazing there will be no spreading of irrigation water; therefore, the valley, after initial spring melt, would only have three green water courses corridors (East Walker, Robinson and Buckeye Creeks) running through dry native pasture forage.

Because we would have no need for irrigation we would not retain our storage water in Twin Lakes so these water bodies would be “run of the river” only and consequently the lake surface areas would shrink to their pre-dam (1901) sizes and wet meadow status. The water in the valley creeks would be even more free of fecal material, but because the waters into the valley routinely exceed the 20 col fc/100 ml, they would still often exceed the basin standard. Further, because the waters out of the reservoir have never had any fecal, there would be no net water quality gain from these Regional Board actions, which would economically devastate Mono County, but would put more water into Nevada for their use at the sacrifice of California’s use of these waters.

Such irresponsible regulatory action will not be sustained by either the State Board or courts as compliant with the California Water Code.

## VI. Impacts on Conservation Agreements with the State of California

The Centennial Ranches in the Bridgeport Valley have been conserved by recorded agricultural conservation easements. The State of California is totally vested in these conservation easements, which are entirely predicated on the continuation of commercial cattle grazing. If this proposed waiver is passed and the 20 col fc/100 objective is imposed as drafted, continued commercial cattle grazing will be impossible in the valley and on the Centennial Ranches.

The impact of this extreme waiver would therefore be violative of several provisions in each of these conservation deeds as outlined below.

### A. Centennial Livestock and Eastern Sierra Land Trust recorded Conservation Easement

1. “Caltrans’ funds represent a substantial investment by the People of the State of California in the long-term conservation of ranching and agricultural land, and their valuable scenic and natural resources and values and the protection of these resources and values in perpetuity.” (Page 3, section 6)
2. “The Department of Conservation’s California Farmland Conservancy Program funds represent a substantial investment by the People of the

State of California in the long-term conservation of valuable agricultural land, and the retention of agricultural land in perpetuity.” (Pg. 3, sec. 6)

3. “The Farmland Policy Act’s purpose is to minimize the unnecessary and irreversible conversion of farmland to nonagricultural uses.” (Pg. 3, sec. J)
4. “Grantor grants this Easement to Grantee for valuable consideration, with a percentage of the value donated as a charitable gift, for the purpose of assuring that, under Grantee’s perpetual stewardship, the Property’s agricultural productivity, open space created by working landscapes and the natural balance of the ranchland environment will be conserved and maintained forever, and that uses of the land that are inconsistent with these conservation purposes will be prevented. The parties agree that the current agricultural use of, and improvements to, the Property are consistent with the conservation purposes of this Easement. The Easement’s protection of the Property and its Conservation Values will therefore yield a significant public benefit.” (Pg. 4, sec. L)
5. “The conservation purpose of this Easement, pursuant to the governmental policies detailed in the Recitals hereto, and in order to yield a significant public benefit, is to enable the Property to remain in productive agricultural ranching use by preventing uses of the Property that will impair or interfere with the Property’s Conservation Values, including its agricultural productivity, open space character as a working landscape, the natural balance of the ranchland environment, its scenic character and its natural habitat values.” (Pgs 4, 5, sec. M.1.)
6. “Grantor retains the right to use the Property for agricultural purposes, including commercial cattle operations, or to permit others to use the Property for agricultural purposes, in accordance with applicable law, as long as the agricultural productive capacity and open space character of the Property are not thereby significantly impaired.” (Pgs. 4, 5, sec. M.1.)

B. Centennial Ranches and American Land Conservancy recorded Conservation Easement

1. “The Property possesses . . . natural balance of the ranchland environment, all of which are of great importance to Grantor, Grantee and the people of the State of California” (Pg. 2, sec. c)
2. “. . . [C]ommerciably viable livestock grazing, which is essential to the purposes of this Conservation Easement, will continue to be conducted on the Property . . .” (Pg. 2, sec. d)
3. “. . . [P]rimary purpose of assuring that the agricultural productivity, open space and scenic qualities created by working landscapes, and the natural balance of the ranchland environment will be conserved, maintained, and

protected forever . . .” (Pg. 2, sec. e)

4. “It is the purpose of this Conservation Easement to preserve and protect the Conservation Values by encouraging commercially viable livestock grazing . . .” (Pg. 3, sec. l)

## VII. Responses to Draft Waiver Language

The proposed amended waiver runs some 18 pages, with a five-page MRP and nine pages of attachments. It is noteworthy that the 34-page regulatory package would be generally acceptable and reasonable with approximately 15 amendments to eliminate its overreach caused by the unreasonable basin plan objective of 20 col fc/100 ml. Below is a detailed list of those areas needing amendment.

- A. Page 1, section 1, first line. Characterizations of these amendments.

The waiver as proffered inaccurately characterizes the amendments as containing with “some modifications.” Unless amended to remove the 20 col/100 ml objective, this language should state “significant reform and modification.”

- B. Page 4, section 4.c. Shortcomings by the Regional Board.

As stated in the waiver, the NPS policy demands the Regional Board to be creative in crafting regulations. This proposed waiver is not cooperative, not creative, disregards the limitation of best control strategies, and totally ignores the statutory requirement for reasonableness.

- C. Page 5, section 5. Overstatement by the Regional Board.

This section references Attachment D, which is a real problem, and it does not “more effectively characterize . . . fecal coliform.” This section appropriately references the 200 col/100 ml interim standard and also identifies that “some sites are not yet in compliance,” which is also true, although it should also contain the narrowing qualification, “at some periods of the year.” All other parts of this section are appropriate and correctly reference past cooperation, management practice implementation and evidence of an encouraging water quality trend.

- D. Pages 6 and 7, section 7. Exceedances are now limited.

This section overstates that the valley creeks “continue to contribute fecal coliform above water quality objectives.” Many of these creeks are within the 200 col. objective standard all year and some only exceed the standard at one or two monitoring points during only a couple of months per year.

- E. Page 7, section 7. Monitoring data.

The document references SWAMP data from the basin. Please provide copies of all of this data on which you rely to the BRO. Attached as Appendix A is our data summary memo and the six years of collective monitoring data. Our actual data analysis is far more instructive

than the “averages” calculations advanced by staff.

F. Page 8, section 9. Beneficial uses of the valley waters.

The only beneficial uses of Bridgeport Valley waters are:

1. Agricultural (AGR)
2. Cold freshwater (COLD)
3. Sportfishing (COMM)
4. Non-contact recreation (REC-2)
5. Spawning (SPWN)

There is no municipal (MUN) or contact recreation (REC-1) water in the Bridgeport Valley streams.

G. Page 9, section 14. Immediate compliance is unreasonable.

The first sentence is correct, until its last word which demands achievement of the 200 col/100 ml “immediately”. This is unreasonable, impossible and a breach of the 10-year schedule to take management efforts to generally approach the 200 col/100 ml. It also violates the statutory demand for “reasonable” application of basin objectives.

H. Page 10, Table 1. Improper and unreasonable Table of Objectives.

This table advances a proposed schedule to ratchet down below the 200 col/100 ml standard to 20 col/100 ml. This improper schedule is further compounded with the threat to landowners that if these levels are not met the waiver would be revoked and enforcement commenced.

I. Page 11, section 2. Ranch plans

This Rangeland Water Quality Management Plan (RWQMP) is new and appears inconsistent with our annual ranch plans which have annually been filed with the Board. Moreover, for no expressed reason this new plan demands needless and inappropriate information as follows:

1. “Number and type of livestock.” We do not report cattle numbers to anyone.
2. “Schedule for rehabilitation of water body reaches.” This waiver is not a cleanup and abatement order nor is any rehabilitation necessary.

J. Page 12, paragraph 2/subdivision (2). Unreasonable objective.

This section mandates compliance with the improper 20 col/100 ml objective and

references the Table 1 which we addressed above and throughout.

K. Page 12, section b. Unreasonable objective.

This section also references the improper 20 col fc/100 ml objective.

L. Pages 12 and 13, section c. Best Management Practices.

The document contains a list of management practices suggested by NRCS. We and the other BRO ranchers have gone well beyond these NRCS management techniques. We are actually well beyond Best Technology Controls and are attempting to develop new control features working with the University.

M. Page 13, section d., and page 14, section b. Inspection warrants are compelled by law.

This section appropriately references the necessary data reporting, but also contains a reference to “include a plan for inspections.” The California Water Code expressly provides that property inspections are limited to voluntary invitation by the landowner or supported by legal inspection warrants. (California Water Code section 13267c.) A waiver cannot be inconsistent with those provisions.

N. Page 13, section 5, and page 14, section ii and iii. Immediate compliance is unreasonable.

Again, the “immediate” meeting of the 200 col/100 ml objective is unreasonable and the reference to Finding 14 relates to the schedule leading to the 20 col/100 ml and therefore must be changed.

#### VIII. Response to the MRP. Monitoring and Reporting Plan

A. Page 2, Table 1.

The list of sample sites should also include the site at the discharge of the Bridgeport Reservoir into the East Walker River.

B. Page 2, section 3. Excessive monitoring.

The language relating to increasing the monitoring to five times per month is unreasonable. The program is already excessively expensive and impacting of our ranch management. The one per month sampling has been successful. Should the Board want to take their own samples at public sites, they may do so. This is not a research project.

C. Attachment 2, page 2, section d. Submittal of reports.

The restriction on who may submit monitoring reports is unreasonable and not reflective of a) ranch operations or b) the reality that monitoring is a collective enterprise in the Bridgeport Valley.

IX. Conclusion

For the reasons set forth above, Centennial Ranches prays that the Regional Board will reject the proposed waiver, and instead, extend the existing waiver for an additional two year period. During this period, the Regional Board and interested parties could collect additional data and conduct analyses required to amend the basin plan to establish a reasonable objective and develop additional best management practices required to achieve that amended objective. Thereafter, it would be appropriate to establish a new waiver.

Appendix A: monitoring data and summary memo.

cc: Dave Wood  
John Lacey  
Mark Lacey  
BRO Landowners  
Billy Gatlin  
Margo Parks  
Senator Gaines  
Senator Berryhill

# Appendix A

**CENTENNIAL RANCHES**  
652 W. Cromwell, Suite 103  
Fresno, CA 93711

**Respond to:**  
**William J. Thomas**  
**500 Capitol Mall, Suite 1700**  
**Sacramento CA 95814**

**VIA EMAIL AND OVERNIGHT MAIL**

**MEMORANDUM**

**TO:** Bruce Warden, Ph.D., Environmental Scientist  
*Lahontan Regional Water Quality Control Board*  
Lauri Kemper, Division Manager

**FROM:** William J. Thomas

**DATE:** February 9, 2012

**RE:** **2006-2011 WATER QUALITY MONITORING**

---

On behalf of the Bridgeport Ranchers Organization, attached please find a year-end chart of the BRO monitoring data. It is an accumulation of six years of data from 2006-2011.

These data are attached as a component of our individual response for the § 13267 letter, and it will also be part of our annual year-end report for our meeting with Lahontan staff next spring. These data are also relevant to the pressing issue of evaluating the appropriateness of the 20 col/100 ml basin standard.

Follows are our initial thoughts on (A) the 20 col/100 ml issue, and (B) our 6-year data set for § 13267 purposes.

A. Need for amendment of the 20 col/100 ml Lahontan basin plan objective.

A major factor in evaluating a basin plan objective is its reasonableness. Forgetting for the moment about the applicability of this extreme purity standard to a grazing meadow, a valid analysis of the applicability of this standard is how it applies to virgin waters coming off the Sierras into the valley. In that regard the 6-year data show that the “into the valley waters” exceed the 20 col/100 ml standard somewhat routinely. Consequently, this standard cannot be sustained.

Swauger Creek: 8 exceedances, of the 20 col/100 ml and 4 exceedances of the 200 col/100 ml objective. The high is 71 times the present basin plan standard.

July 09	117 col/100ml
July 20	160 col/100ml
Aug 09	224 col/100ml
Aug 10	118 col/100ml
Sept 09	384 col/100ml
Sept 10	172 col/100ml
Oct. 07	220 col/100ml
Oct. 10	1410 col/100ml

Buckeye: 9 exceedances of the 20 col/100 ml and 1 over the 200 col/100 ml objective.

June 10	30 col/100ml
July 09	44 col/100ml
July 10	80 col/100ml
Aug 09	83 col/100ml
Aug 10	104 col/100ml
Sept 09	36 col/100ml
Sept 10	20 col/100ml
Oct 09	52 col/100ml
Oct 10	820 col/100ml

Robinson: 7 exceedances of the 20 col/100 ml and 3 over the 200 col/100 ml objective.

May 10	50 col/100ml
July 09	122 col/100ml
Aug 09	496 col/100ml
Aug 10	146 col/100ml
Sept 09	164 col/100ml
Sept 10	260 col/100ml
Oct 10	370 col/100ml

Virginia: 11 exceedances of the 20 col/100 ml and 2 over the 200 col/100 ml objective.

June 09	28 col/100ml
June 10	40 col/100ml
July 07	400 col/100ml
July 09	150 col/100ml
July 10	40 col/100ml
Aug 09	113 col/100ml
Aug 10	44 col/100ml
Sept 09	116 col/100ml
Sept 10	114 col/100ml
Oct. 09	42 col/100ml
Oct. 10	370 col/100ml

Green: 4 exceedances of the 20 col/100 ml and 1 over the 200 col/100 ml objective.

June 09	2 col/100ml
June 10	30 col/100ml
July 10	24 col/100ml
Oct 10	370 col/100ml

Summer: 4 exceedances of the 20 col/100 ml and 1 of the 200 col/100 ml objective.

June 09	168 col/100ml
June 10	30 col/100ml
July 10	124 col/100ml
Oct 10	370 col/100ml

On balance, over six years of seasonal monitoring the waters above the Bridgeport Valley and irrigated agriculture exceed the present basin plan objective 43 times and even exceed the 200 col/100 ml objective 12 times. These exceedances mostly occur in the 5 month (June – October) time period. This is the same period that cattle are in the valley.

This presents a compelling challenge to the present basin plan objective for the agricultural areas of the region and demands an appropriate amendment. It is totally improper for the region to maintain this present objective in the basin plan. If the Lahontan Board expects the continued cooperation of the Bridgeport Ranchers, it is reasonable that the Board do its appropriate work and amend this objective.

## B. 6-Year Data Analysis in Response to the Section 13267 Investigation Report

### 1. Swauger Creek

This data set compels caution in analysis as the livestock use has remarkably changed (cattle pair, sheep, cattle yearlings) over the test period, and the ownership and management have also changed and markedly improved.

There appear to be no issues in any year until June. In June 2009 and again in June 2010, the readings off the ranch significantly exceeded those coming onto the ranch (2009: 12 in, 412 out; 2010: 4 in, 990 out). Those are alarming increases, however, they totally reverse themselves in July (2009: 117 in, 120 out; 2010: 160 in, 190 out). Those favorable data held through August, September and October 2009 and 2010 (August 2009: 224 in, 88 out; August 2010: 118 in, 88 out; September 2009: 384 in, 72 out; October 2010: 1410 in, 820 out). On balance, the ranch was properly managed and generally cleaned up water once we got into July, but it certainly needs some additional attention in June.

On balance Swauger Creek is in pretty good shape, but more attention is merited.

## 2. Buckeye Creek

When we commenced monitoring in 2006 and 2007, Buckeye started exceeding the 200 col objective at US 396 by mid-May, and Buckeye at the reservoir significantly exceeded the objective in 2006 and 2007 in September and October.

Moving to 2011, Buckeye did not exceed the standard until mid-June (330 at US 395), but it was only 28 at US 395, and 100 at the reservoir in July. It was only 74 at US 395, and 420 at the reservoir in August, and by September on all waters were within standards.

Those data are very promising as it not only shows marked improvement, but the waters are nearly within standards. If Centennial can duplicate its 2011 efforts, concludes some planned runoff controls, fences additional portions of Buckeye and commences its wetland and ponding project, the waters by US 395 will meet the 200 col/100 ml objectives.

If Centennial and Gansberg can identify and implement protective strategies between US 395 and the reservoir over the next three years, Buckeye throughout the valley will be a significant success story. It also must be remembered that Buckeye comes into the valley over the objective in mid to late summer.

## 3. Robinson Creek

In 2006 Robinson exceeded the standard commencing in May, but by 2010 and 2011 the May waters were fine at both US 395 and the reservoir. In 2009 and 2010 Robinson waters were surprisingly bad in summer, but in 2011 they were within the 200 col standard at both US 395 and the reservoir.

Centennial hopes to duplicate its management efforts to maintain those results, and will be assessing the efforts being planned for Buckeye involving wetlands and settling basins to determine if some of that may be transferable to Robinson Creek.

## 4. Virginia, Green and Summers Creeks

Virginia and Green Creeks have only had a couple of exceedances over the six years, and offer no direct problems. Because, however, they are source waters to the valley, all efforts to further reduce those contributions would be merited.

Summers Creek has offered some higher fecal counts in some mid-summer months, but in 2011 it was also within the objective.

## 5. East Walker River

The Walker River picks up not just the Green, Virginia and Summers waters, but considerable runoff waters from the Rickey Ditch and other valley waters. In some years, this has raised levels above the objective when it reached town. The E. Walker also generally picks up additional fecals passing through town.

In 2011, however, it modestly exceeded the objective only twice, once in

July (250) and once in September (440). Management efforts have shown to be effective in 2011 and, hopefully, quality will maintain or improve next year.

Again, Centennial is going to evaluate the efforts that are planned on Buckeye in 2012-2014 relating to settling ponds and wetlands for possible incorporation on some of the Walker tributary drainage.

**BRO - Public Data [2006 - 2011]  
Water Quality Monitoring Data By Station**

**LOCATIONS**

<b>0</b> Swauger Creek above Huntoon Valley
<b>1</b> Swauger Creek
<b>2</b> Buckeye above ranch
<b>3</b> Robinson above ranch
<b>4</b> Virginia Creek
<b>5</b> Green Creek
<b>6</b> Summers Creek

<b>7</b> Buckeye 395
<b>8</b> Buckeye Reservoir
<b>9</b> Robinson 395
<b>10</b> Robinson Reservoir
<b>11</b> Walker at town
<b>12</b> Walker below town

Sample Date	Sample Number													
	0	1	2	3	4	5	6	7	8	9	10	11	12	
11-Apr-06	2	6	<2	<2	22	<2	<2	<2	<2	<2	<2	10		
10-Apr-08	<2	2	<2	<2	<2	28	<2	n/a	16	2	<2	<2	<2	
6-Apr-09	Fecal 0 Ecoli 0	Fecal 20 Ecoli 7	Fecal 4 Ecoli 4	Fecal 0 Ecoli 0	Fecal 7 Ecoli 2	Fecal 1 Ecoli 1	Fecal 0 Ecoli 1	Fecal 2 Ecoli 1	Fecal 8 Ecoli 1	Fecal 0 Ecoli 1	Fecal 0 Ecoli 0	Fecal 3 Ecoli 1	Fecal n/a Ecoli n/a	
12-Apr-10	Fecal 1 Ecoli 2	Fecal n/a Ecoli n/a	Fecal 3 Ecoli 4	Fecal 1 Ecoli 0	Fecal 17 Ecoli 15	Fecal 1 Ecoli 1	Fecal 2 Ecoli 1	Fecal 3 Ecoli 2	Fecal 3 Ecoli 2	Fecal 3 Ecoli 2	Fecal 15 Ecoli 10	Fecal 1 Ecoli 1	Fecal 5 Ecoli 4	Fecal 6a Ecoli 4
8-Apr-11	<2	2	<2	<2	<2	6	2	<2	4	2	2	2	2	2
1-May-06	<2	2	<2	<2	20	2	<2	2	8	10	28	20		
15-May-06	4	8	4	4	24	4	12	360	380	400	300	138		
10-May-07	2	8	<2	<2	20	8	6	960	110	18	14	4		
7-May-08	<2	<2	<2	<2	2	<2	8	2	4	<2	<2	72	28	
4-May-09	Fecal 1 Ecoli 1	Fecal 38 Ecoli 28	Fecal 6 Ecoli 4	Fecal 0 Ecoli 1	Fecal 6 Ecoli 3	Fecal 2 Ecoli 0	Fecal 1 Ecoli 0	Fecal 11 Ecoli 7	Fecal 34 Ecoli 33	Fecal 109 Ecoli 69	Fecal 87 Ecoli 51	Fecal 308 Ecoli 264	Fecal 414 Ecoli 345	
3-May-10	Fecal 1 Ecoli 0	Fecal 16 Ecoli 2	Fecal 9 Ecoli 4	Fecal 50 Ecoli 9	Fecal 7 Ecoli 4	Fecal 9 Ecoli 4	Fecal 5 Ecoli 1	Fecal 24 Ecoli 19	Fecal 13 Ecoli 9	Fecal 22 Ecoli 20	Fecal 15 Ecoli 17	Fecal 16 Ecoli 14	Fecal 14 Ecoli 13	
5-May-11	<2	6	n/a	<2	<2	<2	<2	<2	2	<2	2	<2	<2	
5-Jun-06	6	44	28	2	52	20	66	700	720	740	640	640		
19-Jun-06	12	82	14	6	34	50	36	260	420	92	140	720		
11-Jun-07	2	88	<2	<2	8	18	310	230	210	270	220	320		
6-Jun-08	<2	190	<2	<2	12	2	18	180	220	260	150	290	240	
1-Jun-09	Fecal 12 Ecoli 28	Fecal 412 Ecoli 348	Fecal 12 Ecoli 18	Fecal 6 Ecoli 1	Fecal 28 Ecoli 32	Fecal 21 Ecoli 14	Fecal 168 Ecoli 128	Fecal 144 Ecoli 188	Fecal 188 Ecoli 152	Fecal 304 Ecoli 280	Fecal 600 Ecoli 500	Fecal 200 Ecoli 300	Fecal 400 Ecoli 400	
7-Jun-10	Fecal 4 Ecoli 3	Fecal 990 Ecoli 690	Fecal 30 Ecoli 20	Fecal 4 Ecoli 4	Fecal 40 Ecoli 10	Fecal 30 Ecoli 24	Fecal 190 Ecoli 84	Fecal 1740 Ecoli 1150	Fecal 2210 Ecoli 1400	Fecal 1830 Ecoli 1660	Fecal 2680 Ecoli 2270	Fecal 1480 Ecoli 890	Fecal 1830 Ecoli 1030	
13-Jun-11	<2	450	<2	<2	8	6	10	330	520	24	150	140	160	
10-Jul-06	<2	<2	<2	<2	<2	<2	2	18	4	54	56	46		
17-Jul-06	68	70	18	8	78	16	140	<2	26	54	160	198		
12-Jul-07	120	260	64	18	400	6	92	420	210	740	390	60		
17-Jul-08	8	300	8	13	130	30	50	300	1600	280	200	300	360	
6-Jul-09	Fecal 117 Ecoli 48	Fecal 120 Ecoli 116	Fecal 44 Ecoli 35	Fecal 122 Ecoli 3	Fecal 150 Ecoli 50	Fecal 4 Ecoli 1	Fecal 130 Ecoli 70	Fecal 1148 Ecoli 708	Fecal 784 Ecoli 420	Fecal 540 Ecoli 408	Fecal 440 Ecoli 380	Fecal 400 Ecoli 100	Fecal 400 Ecoli 500	
6-Jul-10	Fecal 160 Ecoli 170	Fecal 190 Ecoli 120	Fecal 80 Ecoli 80	Fecal 16 Ecoli 4	Fecal 40 Ecoli 40	Fecal 24 Ecoli 12	Fecal 38 Ecoli 20	Fecal 136 Ecoli 80	Fecal 312 Ecoli 172	Fecal 276 Ecoli 204	Fecal 360 Ecoli 276	Fecal 400 Ecoli 400	Fecal 1200 Ecoli 300	

Sample Date	0	1	2	3	4	5	6	7	8	9	10	11	12
18-Jul-11	8	870	10	<2	20	8	110	28	100	130	50	250	160
7-Aug-06	90	130	36	6	missing	missing	missing	160	220	60	74	122	
21-Aug-06	120	130	58	8	54	16	120	210	580	360	120	220	
9-Aug-07	58	290	4	8	60	4	42	680	130	270	420	50	
6-Aug-08	20	100	4	2	20	<2	10	1600	80	200	180	40	<20
3-Aug-09	Fecal 224	Fecal 88	Fecal 83	Fecal 496	Fecal 113	Fecal 3	Fecal 312	Fecal 508	Fecal 900	Fecal 1500	Fecal 372	Fecal 144	Fecal 212
	Ecoli 92	Ecoli 44	Ecoli 61	Ecoli 12	Ecoli 51	Ecoli 3	Ecoli 156	Ecoli 352	Ecoli 100	Ecoli 2400	Ecoli 324	Ecoli 124	Ecoli 124
2-Aug-10	Fecal 118	Fecal 88	Fecal 104	Fecal 146	Fecal 44	Fecal 10	Fecal 990	Fecal 168	Fecal 380	Fecal 330	Fecal 460	Fecal 330	Fecal 360
	Ecoli 46	Ecoli 88	Ecoli 56	Ecoli 12	Ecoli 16	Ecoli 6	Ecoli 400	Ecoli 96	Ecoli 240	Ecoli 210	Ecoli 110	Ecoli 190	Ecoli 150
19-Aug-11	46	130	84	8	28	6	14	74	420	240	120	70	86
7-Sep-06	82	102	94	44	40	106	32	122	480	122	102	500	
18-Sep-06	166	48	18	10	missing	missing	missing	240	720	240	220	480	
13-Sep-07	12	18	22	6	26	2	16	190	260	220	520	640	
12-Sep-08	110	34	10	4	56	6	80	1400	240	170	76	240	460
8-Sep-09	Fecal 384	Fecal 72	Fecal 36	Fecal 164	Fecal 116	Fecal 4	Fecal 376	Fecal 240	Fecal 370	Fecal 540	Fecal 112	Fecal 248	Fecal 180
	Ecoli 120	Ecoli 46	Ecoli 10	Ecoli 4	Ecoli 22	Ecoli 8	Ecoli 172	Ecoli 132	Ecoli 340	Ecoli 220	Ecoli 92	Ecoli 160	Ecoli 100
13-Sep-10	Fecal 172	Fecal 200	Fecal 20	Fecal 260	Fecal 114	Fecal 4	Fecal 220	Fecal 424	Fecal 1800	Fecal 290	Fecal 560	Fecal 280	Fecal 360
	Ecoli 62	Ecoli 128	Ecoli 18	Ecoli 0	Ecoli 30	Ecoli 4	Ecoli 130	Ecoli 328	Ecoli 1260	Ecoli 200	Ecoli 430	Ecoli 120	Ecoli 170
16-Sep-11	28	230	50	12	12	2	8	96	240	200	180	440	360
2-Oct-06	<2	54	18	30	8	300	60	38	380	200	100	320	
18-Oct-06	2	92	8	<2	640	2	<2	8	100	108	12	46	
5-Oct-07	220	30	4	<2	6	12	4	38	260	130	48	480	
10-Oct-08	6	68	10	<2	8	4	10	20	90	82	64	28	48
5-Oct-09	Fecal 56	Fecal 56	Fecal 52	Fecal 92	Fecal 42	Fecal 4	Fecal 80	Fecal 28	Fecal 180	Fecal 88	Fecal 184	Fecal 156	Fecal 280
	Ecoli 28	Ecoli 18	Ecoli 40	Ecoli 2	Ecoli 14	Ecoli 6	Ecoli 47	Ecoli 8	Ecoli 80	Ecoli 44	Ecoli 160	Ecoli 184	Ecoli 108
4-Oct-10	Fecal 1410	Fecal 1170	Fecal 820	Fecal 370	Fecal 392	Fecal 370	Fecal 1220	Fecal 6600	Fecal 10000	Fecal 30000	Fecal 8800	Fecal 2200	Fecal 1780
	Ecoli 1040	Ecoli 860	Ecoli 460	Ecoli 100	Ecoli 276	Ecoli 350	Ecoli 730	Ecoli 4700	Ecoli 8300	Ecoli 16500	Ecoli 7300	Ecoli 1820	Ecoli 1480
00-Oct-11	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
13-Nov-06	<2	18	<2	<2	10	<2	42	<2	12	<2	4	<2	
9-Nov-07	2	2	20	<2	16	<2	<2	30	38	76	54	120	
6-Nov-08	4	20	70	<2	4	4	4	64	92	36	26	110	92
2-Nov-09	Fecal 6	Fecal 16	Fecal 10	Fecal 6	Fecal 14	Fecal 7	Fecal 0	Fecal 22	Fecal 40	Fecal 35	Fecal 76	Fecal 60	Fecal 100
	Ecoli 2	Ecoli 8	Ecoli 6	Ecoli 2	Ecoli 4	Ecoli 2	Ecoli 0	Ecoli 16	Ecoli 90	Ecoli 30	Ecoli 24	Ecoli 28	Ecoli 88
00-Nov-10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
4-Nov-11	<2	48	<2	<2	<2	2	22	6	42	56	26	34	54

To: Dr. Bruce Warden

From: Mark Lacey

Re: Grazing Waiver Comments.

3 pages including cover

760-878-2550 phone

mjlacey@wildbluec.net

February 22, 2012

To: Dr. Bruce Warden

From: Lacey Livestock (Strosnider-Point Ranch)

Re: Renewal of Waiver-Board Order No. R6T-2012

Dear Dr. Warden,

First of all we believe the comment period should be extended due to the fact that this has been characterized as a renewal when in fact the tentative waiver makes new requirements, takes an unjustified enforcement tone that doesn't recognize our cooperation and improvements, and may cause economic hardship on the private property owners, the town of Bridgeport, and Mono County. Therefore, a longer comment period (30-60 days) is justified so other affected parties can have an opportunity to analyze all potential impacts.

Furthermore, we feel that the increasingly burdensome regulations coupled with the implied enforcement options could trigger a chain of events that would be devastating to watershed ecosystem including endangered species, detrimental to the Mono County economy, and violate the C-125 Walker River Decree. We feel that the board and staff may also need additional time to fully understand the ramifications of this seemingly isolated action. We appreciate the opportunity to have input and stand ready to help everyone understand the spectrum of issues involved. Our specific comments follow.

1. **Discharge Description:** This fails to acknowledge the "Strosnider-Point Ranch" as part of the waiver group even though an application and RWQMP was submitted for the property in August 2011 and October 2011 respectively. We have confirmation correspondence from Dr. Warden indicating as much. Please amend the waiver to reflect inclusion of the "Strosnider- Point Ranch" as a participant.
2. **Regulatory Authority:** In (C) the monitoring may be made public, but the waiver applications, RWQMP's, or the Annual Management Practices Reporting Forms may not be made public if they contain information related to cattle numbers, acres associated with the property, or any other information that could be used to extrapolate financial information. Any data related to that shall be removed or redacted. If neither can be done then the

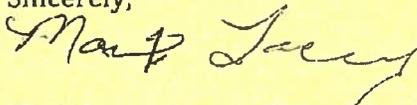
information shall not be released to the public pursuant California Government Code sec. 6254.4 e, 6254 k and 6354 n.

3. **Basin Plan:** In general USFS, BLM, or RMAC authority or standing to implement practices on private land, and also don't have the knowledge or expertise required for the irrigated lands in Bridgeport, and furthermore, do not have and understanding of application of irrigation water as per the C-125 decree. In 3.6 we feel that the staff and board serious consideration to adopting this section in the case of property owners that have implemented BMP's and a RWQMP even though implementation may not have succeeded in 100% compliance with the standard, this is a reasonable and practical approach.
14. **Compliance Schedule:** This is not the understanding we have been working under. It is evident that 20cfu/100ml is not reasonable, practical, or achievable. Therefore, we would like the basin plan amended to 200 cfu/100ml, or subdivide the region and implement different standards reflective of the primary beneficial use; in this case agriculture.

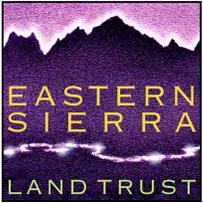
In the section **Inventory and Plan** any information submitted in RWQMP's must be in compliance with the Government code sections mentioned previously.

Finally, we believe that staff and the board have not given enough consideration to long-term practical solutions for Bridgeport valley. The Monitoring and Reporting attachment D indentifies that levels be determined above and below irrigated and grazed portions of the valley. We believe based on that guideline that the operators are responsible for water quality at those points leaving final irrigation and grazing; which is at the town of Bridgeport and at the Bridgeport reservoir. At those points we could install active water management practices that would most likely bring water quality inline with standards. It is unreasonable and impractical to change levels from fence line to fence line when the water will only be spread again. Lahontan must consider the C-125 decree, water rights, and unique irrigation system in Bridgeport valley. It is only feasible to require quality controls at final input points to Bridgeport reservoir where public use is invited. This completes our comments, thank you.

Sincerely,



Mark Lacey, Lessee-Strosnider-Point Ranch



Dr. Bruce Warden  
 California Regional Water Quality Control Board, Lahontan Region  
 2501 Lake Tahoe Boulevard  
 South Lake Tahoe, CA 96150



February 22, 2012

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Re: Grazing Waiver – Bridgeport Valley

**BOARD OF DIRECTORS**

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*AmeriCorps Member*

Dear Dr. Warden,

Eastern Sierra Land Trust (ESLT) works with willing landowners in the Eastern Sierra region to permanently preserve high priority lands that contain habitat, agricultural, recreational, historical, and/or watershed values. We follow a strict set of criteria in choosing our projects that ensures that there are significant public benefits achieved in the preservation of each parcel. One principle that is crucial in our consideration is whether the protection of the property is aligned with the land use goals of the county. Mono County’s general plan calls for growth that “protects the area’s scenic, recreational, agricultural, and natural resources” of the Bridgeport Valley. In addition, Mono County has established a land zoning system for the Bridgeport Valley that seeks to protect agricultural lands by maintaining larger parcel size. The Williamson Act has also been utilized in the past by Mono County for lowering property taxes as an incentive to agricultural producers because of the multiple public benefits achieved by their business activities.

ESLT has recently completed a conservation easement project in the Bridgeport Valley that protects prime grazing lands, while also preserving important habitats and officially designated Scenic Highway views of the valley and surrounding mountains. Funding from two state agencies and one federal agency were brought together to purchase this easement, demonstrating the broad public benefit that was established by this conservation project.

ESLT supports the historic use of Bridgeport Valley lands for ranching purposes and believes that ranching brings multiple benefits to the public and the environment. We find good conservation partners in the ranching community because ranching can’t succeed in the long term unless the land is managed sustainably. Multiple conservation benefits are met by the protection of ranchland by preserving open land for wildlife, sustainable use of water resources, and the maintenance of scenic rural landscapes that benefit tourism and



local economies.

Since the mid-1850s, livestock has thrived in the irrigated pasturelands of the Bridgeport Valley and provided food and economic benefits to the community. Recent times have seen improved management of livestock around streams and wetlands, as described in your Tentative Renewal of General Conditional Waiver. The waiver renewal documents that reasonable and good faith efforts are being made by ranchers to continue that improvement and to meet water quality goals.

ESLT is concerned that the extensive new requirements for water quality attainment and monitoring that have been added to the waiver renewal could present financial hardships for the landowners while not significantly improving water quality. We fear that there will be unintended consequences from this new waiver that will reduce the financial viability of agricultural businesses in the valley that could lead to the break-up of ranches with subdivision and development as the eventual result, causing great diminishment of other environmental values. We are also concerned that the standard of 20 fecal coliform colonies per 100 ml as the ultimate goal for the Basin Plan is unrealistic and unnecessary because the Federal standard of 200 col/100ml is widely accepted as safe for multiple uses throughout California and the country. Seeking a goal of “pristine” waters in the Bridgeport Valley fails to recognize the many public benefits and historic nature of ranching in this area.

ESLT respectfully requests that the Water Board extend the current waiver to allow the Bridgeport Ranchers Organization and other partners time to work together with the Water Board to find reasonable and effective strategies for protecting and improving water quality, while preserving historic and important agricultural uses in the Bridgeport Valley.

Thank you very much for this opportunity to express our views on the grazing waiver. Please don't hesitate to contact me with any questions.

Very sincerely,

A handwritten signature in blue ink that reads "Karen Ferrell-Ingram". The signature is written in a cursive, flowing style.

Karen Ferrell-Ingram  
Executive Director



CALIFORNIA  
FARM BUREAU  
FEDERATION



Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd  
So. Lake Tahoe, CA 96150  
*Attention:* Don Jardine, Board Chair  
Harold Singer, Executive Officer  
Bruce Warden, Ph.D., Environmental Scientist

***Re: Comments on the Renewal of General Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed***

The California Cattlemen's Association (CCA) and the California Farm Bureau Federation (CFBF) appreciate the opportunity to comment on the Lahontan Regional Water Quality Control Board's (Board) proposed amendments to the grazing waiver. As organizations that represent farmers and ranchers all over the state of California, we are concerned over the proposed changes to the grazing waiver as issued by the Board. Ranchers are stewards of the land, and work tirelessly to ensure that the land is healthy and productive for the people of California and future generations of ranchers. As such, CCA and CFBF find the Board's proposal to be an inappropriate overstep of reasonable regulations and hopes that reconsideration will be granted on this matter, as it will negatively affect not only ranching in the area, but the very water quality that the Board is trying to protect.

The proposed compliance with the Basin Plan water quality objective as it relates to fecal coliform is grossly inappropriate and unreasonable when applied to grazing within the East Walker River Watershed. When the Lahontan Regional Board was considering its initial grazing waiver (dated June 13, 2007), it was noted that the Lahontan Basin Plan contained a very unusual 20 cfu/100 mL fecal coliform objective. This objective was apparently originally adopted based on Lake Tahoe's unique purity. It was therefore argued that this standard should be amended or clarified so that in agricultural areas of the region the objective should be 200 cfu/100 mL to match all other areas of the state as well as the federal standard. Board members expressed an interest to do so; however, a suggestion was advanced to operate under an interim standard of 200 cfu/100 mL for 10 years during which it would be determined if 20 cfu/100 mL would be easily achieved and, if not, the interim standard of 200 cfu/100 mL would be made permanent.

In an attempt to follow the suggestions and requests made in the waiver, members of the Bridgeport Ranchers Organization (BRO) have been fully cooperating with Regional Board staff in an extensive water quality monitoring program, and have been implementing best management practices over the last six years. As was stated by the Board, the goal of this ten year period was to assess whether or not 20 cfu/100 mL was a reasonable and achievable goal. Despite countless hours and best management practices conducted by the BRO, testing data demonstrates that 20 cfu/100 mL is an unobtainable goal. Notwithstanding the results from this finding period, the Board has reversed its decision to reconsider a more achievable and universal standard of 200 cfu/100 mL, and has thusly issued amendments to the waiver which establish a time line for achieving the 20 cfu/100 mL level.

Not only does CCA and CFBF find this proposed change in the waiver gravely concerning, but we believe it to be a misinterpretation of the Porter-Cologne Water Quality Control Act (section 13241, *et seq.*), which demands that when a regional water board establishes a water quality objective, the objective must reflect “a reasonable protection of beneficial uses.” It is neither reasonable nor necessary to apply the most prohibitive water quality objective in the state to the agricultural areas of the Lahontan region when the true intent of the objective is to protect Lake Tahoe waters.

The Water Code allows for some flexibility in establishing water quality objectives as it states that “it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses.” In guiding regional boards in the development of water quality objectives, the Water Code directs the regional board to consider if such standards “could reasonably be achieved,” and in doing so to take into account “economic considerations.” It is clear by the Board’s newly proposed amendments that these factors have been neither considered nor analyzed, for if they had been, it is apparent that the resulting impacts from such an objective as will effectively end ranching in the Bridgeport Valley. To impose this standard on the region would undoubtedly force ranchers and future generations to abandon their work on the land, despite years of data which prove that water leaving the ranch frequently is of higher quality than it was upon entering the property.

Not only would these standards devastate the local ranching community, but they would have additional, possibly unforeseen impacts. Within the Bridgeport Valley, there are several ranches which have been conserved by agricultural easements, legally ensuring the ability of cattle ranching to continue in perpetuity. The Centennial Ranches, for example, have entered into a binding easement with the State of California, and should ranching be made impossible by the onerous standards established by the Board, the state would simultaneously be prohibiting an activity it has previously valued and agreed to protect.

In addition to establishing an untenable standard, the Board has also proposed to amend the water monitoring requirements to a level which goes far beyond what might be deemed a reasonable request. The proposed language suggests that land owners monitor the water five times per month as opposed to once a month. On its face, the request may not be striking; however it must be taken into account that all water must be taken to a lab in Reno, Nevada immediately after sampling to avoid further contamination of the water. This sampling and transport generally takes at least 6 hours. To ask that a rancher perform this task five times each month is unreasonable.

CCA and CFBF encourage the Board to give these comments, and those from landowners, serious thought and consideration. Ranchers in the Lahontan region are currently demonstrating levels of stewardship that should be applauded, and to enforce these restrictive standards would surely put an end to ranching in the area, thus eliminating the current protection of resources by ranchers and placing the full responsibility of maintaining and improving water quality on the Board. We encourage a collaborative partnership in the efforts to improve the natural resources of the state, and look forward to working with the Board on the development of attainable water quality objectives for grazing and agricultural areas.

Sincerely,



Margo Parks

Associate Director of Government Relations



Kari E. Fisher

Association Counsel



**From:** Rick Kattelmann <rickk@qnet.com>  
**To:** <BWarden@waterboards.ca.gov>  
**Date:** 2/22/2012 4:44 PM  
**Subject:** comments regarding Renewal of General Conditional Waiver ... Bridgeport Valley

Dr. Bruce Warden  
California Regional Water Quality Control Board -- Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

February 22, 2012

Rick Kattelmann  
143 Jeffrey Pine Road  
Crowley Lake, CA 93546

Dear Dr. Warden:

Thank you for the opportunity for comment on the proposed renewal of the conditional agricultural waiver for the Bridgeport Valley. I happened to receive a copy of the Tentative Renewal document released in January via Mono County. I have been working on a general watershed assessment for the East Walker River watershed and am familiar with the existing waiver and the surrounding issues.

In my opinion, the terms of the proposed renewal may be counter-productive to long term improvements in water quality in the tributaries to the East Walker River. Although I recognize the difficulties of finding an effective mix of incentives and penalties to promote the implementation of management practices that will eventually contribute to improved water quality, I am concerned that the proposed measures, standards, and schedule in the tentative waiver document could lead some of your partners to just give up or contest the action in court.

I recommend that the existing waiver be extended until an alternative program can be developed that encourages implementation and adaptation of Best Management Practices without unreasonable cost and urgency to the ranching partners.

In the longer term, I recommend that the Basin Plan be amended to replace the 20 colony forming units per 100 ml standard with the common 200 colony forming units per 100 ml coliform standard used by the other regions. The current regional standard simply appears unattainable in an area such as the Bridgeport Valley as well as not serving any reasonable purpose for California or the local area.

Sincerely yours,

Rick Kattelmann  
Hydrologist and former Planning Commissioner for Mono County

# Mono County Community Development Department

P.O. Box 347  
Mammoth Lakes, CA 93546  
(760) 924-1800, fax 924-1801  
commdev@mono.ca.gov

## Planning Division

P.O. Box 8  
Bridgeport, CA 93517  
(760) 932-5420, fax 932-5431  
www.monocounty.ca.gov

February 22, 2012

Dr. Bruce Warden  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, California 96150

**Re: Renewal of General Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed**

Dear Dr. Warden:

The Mono County Community Development Department (CDD) provides the following preliminary comments, on behalf of the County of Mono, with respect to the above-referenced tentative conditional waiver. As you are aware, the Mono County Board of Supervisors has requested a 30-day extension of the comment period in order to allow staff to further investigate this matter, including review of relevant economic and environmental data. If that request is granted, then the following comments will be supplemented with additional information. Without the benefit of that additional time, the following are the County's comments on the tentative conditional waiver.

**The 2007 waiver should be renewed, without modification, until the Basin Plan Amendment described in the 2007 waiver is achieved.**

A renewal of the 2007 waiver without modifications will achieve the same end as the proposed renewed waiver—it will provide for an additional 5 years to study the effectiveness of the management practices that are being undertaken—after which the Regional Board will have a more appropriate basis from which to impose a compliance schedule and/or other requirements.

The 2007 waiver included a discussion of the 20cfu objective, explaining the standard is “ten times more stringent than the Federal standard...and any other region in California.” The 2007 waiver goes on to suggest that a Basin Plan Amendment could rectify this objective within areas such as Bridgeport Valley where beneficial uses have “historically been predominantly agriculture.” But there has been no apparent progress on this effort since the 2007 waiver was issued. The appropriate course of action is to seek this amendment, instead of renewing waivers that are triggered by a standard that is inconsistent with historic agricultural operations within the Bridgeport Valley. Note, the proposed waiver has eliminated this discussion altogether, and therefore fails to provide the Regional Board with critical context that is germane to a decision on this matter.

The Mono County General Plan strongly supports the preservation of agriculture. These policies have been developed over the years because there is widespread support for agriculture in Mono County, and because it is recognized that agriculture provides a direct economic benefit as well as the indirect benefits of open space and related tourism. Since every additional regulatory hurdle impacts the future feasibility of Mono County's historic, and economically vital agriculture operations, any decision should be made with a prudent recognition of the potential consequences of those actions, and the potential impacts of those consequences.

Thank you for your thoughtful consideration of these comments. For additional information or questions, please contact Tony Dublino at [tdublino@mono.ca.gov](mailto:tdublino@mono.ca.gov), or by phone at (760) 932-5435.

Sincerely,



Scott Burns  
Director, Community Development Department



# Counties of Inyo & Mono

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George L. Milovich  
Agricultural Commissioner  
Director of Weights and Measures  
207 W. South Street, Bishop, CA 93514  
Telephone - (760) 873-7860 Fax - (760) 872-1610  
<http://www.InyoMonoAgriculture.com>  
E-mail - InyoMonoAg@gmail.com

Dr. Bruce Warden  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150

Dear Dr. Warden,

As you know, the Bridgeport Valley has been a model for over 150 years of an agricultural production area existing in harmony with both nature and also other locally important industries such as tourism and recreation. It is with great reservation, therefore, that I read of the modifications to the 2007 waiver to include water quality standards that are "ten times more stringent than the Federal standard" and ten times the 2007 waiver standards. Indeed, based on data from Attachment "B" of the information released from your office on January 23<sup>rd</sup>, 2012, some upstream water bodies exceed proposed 2028 standards **even prior to entering grazed lands**.

I would like to extend my strong opinion that the modified standards contained in the proposed waiver are unattainable, and may result in the loss of the historic and regionally important agricultural industry. The Bridgeport Valley livestock production values range from \$8,000,000 to \$10,000,000 annually. A common multiplier used in California agriculture statistics to assess the economic benefit derived from agricultural production is 3.5 times the production value. One only needs to examine the Mono Basin and the measures required to sustain Mono Lake to appreciate the devastating economic effect that the loss of irrigated pasture can create.

Not only will this have severe regional consequences, but I believe it will also result in lowering the benefit to the state of California. The potential alternate uses of this watershed, in my opinion, will result in a degradation of this pristine area, and a loss of an important local economic driver. **Because of these concerns, I recommend extension of the 2007 waiver without modification, and based on the existing standards.** Renewal of the 2007 waiver will not result in any expansion of existing grazing operations. Prohibitive restrictions on irrigation have the potential to preclude agricultural production altogether, leading to habitat transition resulting from alternate land uses such as development or water export. Consequences resulting from such transition not only include economic damage, but also habitat degradation, impacting wildlife and threatened and endangered species and even water quality.

Many likely scenarios following the loss of irrigated pasture have potential to worsen long-term water quality potential.

I would also like to supplement these comments to include the following considerations, which I feel are paramount in examining this issue in its entirety. The Bridgeport Ranchers Organization (BRO) has worked with Lahontan Regional Water Quality Control Board in good faith and cooperation since the 2007 waiver. Actions taken by this group to improve water quality proactively include:

- Installing exclusion fencing
- Installing vegetated buffer strips
- Constructing hardened livestock crossings
- Improving irrigation control structures
- Better coordinating irrigation practices
- Livestock rotation
- Improving irrigation efficiency
- Monitoring water quality

Each of these measures were undertaken at significant cost to area ranchers, and as evidenced by 2011 water quality sampling, have created improved water quality. Further, as these measures have been installed or conducted over time, **the full benefit of these measures cannot be readily assessed, and warrant further time for proper analysis and valuation.** This extra analysis will help land managers to understand truly the ecosystem of the valley and the benefit derived from mitigation measures.

Lowering the benefit to the public trust by exporting California water to Nevada, already in the minds of US senators, or construction development in the scenic Bridgeport Valley, is a poor long-term decision. Once initiated, loss of grazing due to unreasonable water quality restrictions may be difficult to regain in future years. Consequences of such restrictions will likely extend to the West Walker River watershed and beyond, possibly to the entire State of California.

Sincerely,



George Milovich, Inyo/Mono Counties Agricultural Commissioner

**CENTENNIAL RANCHES**  
**652 W. Cromwell, Suite 103**  
**Fresno, CA 93711**

**Respond to:**  
**William J. Thomas**  
**500 Capitol Mall, Suite 1700**  
**Sacramento CA 95814**

May 30, 2012

Patricia Kouyoumdjian  
Bruce Warden  
California Regional Water Quality Control Board  
Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

**RE: CENTENNIAL RANCHES – COMMENTS RE TENTATIVE WAIVER**

Dear Ms. Kouyoumdjian and Dr. Warden:

1. Centennial Ranches appreciates the amendments that have been advanced in the tentative waiver from those originally circulated in the initially proposed waiver. We are pleased with many of the amendments; however, there are a couple of additional amendments which we encourage.

2. Clearly, we support continuation of the interim fecal coliform objective of 200 col. FC, which historically and presently governs all other dischargers in the state and which the waiver expressly acknowledges is fully protective of all applicable basin plan beneficial uses (pages 5 and 6, ¶ 5).

3. The waiver, however, falls short of specifically setting a timeline for engaging a workshop specifically for the purpose of amending the present baseless basin plan objective of 20 col. FC/100 ml.

It has always been believed that this basin plan objective set for Lake Tahoe, but was merely unartfully placed in the basin plan with no limitation as to its applicability only to Tahoe and similar waters, and certainly not applicable to agricultural regions of the Region. Through Public Record Act discovery in preparation for litigating the originally proffered waiver, the Regional staff provided all Water Board records regarding this fecal objective. Those records not only confirm the above belief, but further clarify 1) there was no supportive rationale for its applicability to any agricultural waters and 2) that the 20 col. FC level was even exceeded in many locations within Lake Tahoe at the time the 20 col. level was admittedly arbitrarily adopted for Lake Tahoe.

It is clear this is an improper and unsupported arbitrary level and any effort to enforce or apply it to agriculture in the Region would be successfully challenged.

Consequently, there is no need to further delay correcting this mistake. Therefore, the waiver should specifically schedule such a workshop and expedite this basin plan amendment either independently or in the present triennial review.

4. As stated on page 6, we understand that USEPA and the SWRCB is contemplating setting new pathogen objectives and that when that happens, these are likely to trump Regional objectives; however, that is no reason to delay correcting the Lahontan's basin plan well prior to the 2017 date stated in the proposal.

5. Page 8, ¶¶ 7 and 8 characterize the present water quality data. First, it should be recognized that generally, waters above the valley are usually within standards and waters below the Bridgeport Reservoir are always within standards. The only issue with fecal coliform is across the 5+ miles across the ranch properties.

As stated in the waiver, of all the watercourses in the valley, the only exceedances were "two at site" (Walker River in Town) and "three on Buckeye Creek at Bridgeport Reservoir." That is the sum total of the issue presently and that is entirely attributable to the commitment of the valley ranchers.

6. Page 11, ¶ 15 targets 2028 as the period to attain whatever the objective will be at that time. We appreciate the delayed target date, but it is somewhat difficult to promise compliance with a standard which is not yet determined and is entirely "on the come".

7. Page 12, ¶ 19a. The paragraph regarding the attainment should join the two items with an "or" not the "and".

9. Page 16, ¶ iii (this section targets the 5-year waiver period - 2012-2017); however, the language of section 15 references the 2018 date. We should be able to amend this basin plan as to the agricultural areas within a couple of years.

Sincerely,



WILLIAM J. THOMAS

WJT:lmg

# CENTENNIAL RANCHES

652 W. Cromwell, Suite 103  
Fresno, CA 93711

Respond to:  
William J. Thomas  
500 Capitol Mall, Suite 1700  
Sacramento CA 95814

VIA EMAIL

## MEMORANDUM

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

FROM: William J. Thomas

DATE: May 30, 2012

RE: **COMMENT LETTER RE RENEWAL OF GENERAL CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR GRAZING OPERATIONS IN THE EAST WALKER RIVER WATERSHED OF THE LAHONTAN REGION**

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### I. The Original Waiver Itself Recognized the Extreme Nature of the Basin Plan Objective

When the Lahontan Regional Board was considering its initial agricultural waiver (dated June 13, 2007), it was pointed out to the Board that the Lahontan basin plan contained a very unusual 20 col 100 ml fecal coliform objective. This objective was originally adopted based on Lake Tahoe's unique purity. Therefore, we argued that this standard should be amended or clarified so that in agricultural areas of the region outside of the Tahoe basin the objective should be 200 col/100 ml to match all other areas of the state. Board members expressed an interest in this potential amendment to the basin plan at that time; however, Harold Singer suggested the waiver operate under an interim standard of 200 col FC/100 ml for 10 years, during which it would be determined if 20 col FC/100 ml would be easily achieved and, if not, the interim standard of 200 col/100 ml would be made permanent.

The Lahontan Board went with the interim standard approach, but was so apprehensive as to even the possibility of applying the 20 col FC/100 ml objective, that in the adoption of the waiver they included Finding 4 which recognized the unusual and extreme nature of this objective. The Finding further indicated that the 200 col FC/100 ml would fully protect the beneficial uses of water in the Bridgeport valley, agriculture and recreation uses. The Finding closed by indicating the Board would review and amend the standard, a commitment that Lahontan staff has repeated to the Bridgeport Ranchers throughout the several years we have operated under the waiver; however, the Board has neglected to do so, notwithstanding repeated

requests/suggestions.<sup>1</sup>

## II. Monitoring Data Demonstrates Improvement

Water monitoring data analysis has demonstrated a few overarching lessons over this short six-year monitoring period. Those interim conclusions include:

1. Land operators have implemented many best management practices during this period of complete cooperation with the Regional Board staff.

2. The monitoring results have evidenced significantly improved water quality; however:

a. The water coming into irrigated lands in the Bridgeport Valley often exceeds the existing basin plan standard, and at times even exceeds the 200 col FC level;

b. The periods of water quality concerns have generally narrowed to a couple of mid-summer months and now only involve a couple of the watercourses; and,

c. Best practical control practices (i.e., rotational grazing/armor crossings, fence off riparian pastures, cattle management, vegetative buffer zones, control irrigation runoff, etc.) have been employed and have contributed to water quality improvements; however, additional practices or technologies will have to yet be developed by the landowners working with the University to achieve consistent compliance with a reasonable water quality objective.

3. The 20 col FC/100 ml basin plan objective is totally unreasonable, and must be amended for the agricultural areas of the Lahontan region to attain the highest water quality which is reasonable, considering all demands being made on those waters.

## III. Beneficial Uses on Bridgeport Ranchlands

The Bridgeport Valley is entirely private property with the exception of highways and certain in-town and governmental parcels. This includes all the grazing property and the Bridgeport Reservoir. Historical water quality data confirm that the water leaving the private property into the East Walker River at the discharge point of the Bridgeport Reservoir is not only totally within basin plan standards, but never has had evidence of fecal coliform. This entire concern over water quality issue therefore only involves “on ranch” coliform levels involving less than six miles of the watercourses entirely serving agriculture on private property.

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<sup>1</sup> Finding 4: “Fecal Coliform Water Quality Objective. The Water Board has set the Region-wide water quality objective for fecal coliform at 20 colonies per 100 ml, ten times more stringent than the Federal standard at 200 colonies per 100 ml and any other Region in California, recognizing that waters in the Lahontan Region are generally pristine, and recreation is the major use of these waters. USEPA finds the Federal standard to be protective of water contact recreational beneficial uses. However, during the Grazing workshop and Triennial review of the October 11, 2006 Water Board meeting, the Water Board heard public comments regarding revising the fecal coliform standard to be consistent with Federal standards for areas, such as Bridgeport Valley, where beneficial uses have historically been predominantly agricultural. If, during the time of this Waiver, the Water Board has sufficient information to propose a Basin Plan Amendment for fecal coliform, Waiver conditions, milestones, and timelines may be revised accordingly.”

There is no lawful access onto any of the Bridgeport ranches. Notwithstanding the general basin plan reference to designated uses, there is no municipal (MUN) or contact recreation (REC-1) use of these waters. The only significant beneficial uses in the valley are agriculture (AGR), fish habitat (COLD), and non-contact recreation (REC-2).

#### IV. The California Water Code Demands Reasonable Water Quality Standards

The California Water Code, Porter-Cologne water quality statutes (section 13241, *et seq.*) demand that when a regional water board establishes a water quality objective it reflect “a reasonable protection of beneficial uses.” (Emphasis added.) It is neither reasonable nor prudent to apply an excessively restrictive water quality objective developed to protect beneficial uses of a water body of national importance to the agricultural areas of the Lahontan region. The Bridgeport Valley is the only location in California where this unusually severe standard is being regulatorily imposed on anyone and have it imposed on ranchers.

The Water Code goes on to provide that “it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses.” In guiding regional boards in the development of water quality standards, the Water Code directs the regional board to consider if such standards “could reasonably be achieved,” and in doing so to take into account “economic considerations.” These factors have not been evaluated or reviewed with respect to this fecal coliform objective in the basin plan, which must be thoughtfully considered before imposing the objective on the ranchers of the Bridgeport Valley. This excessively restrictive fecal coliform objective, which is only being imposed upon or hung over the heads of the Bridgeport Valley ranchers, and nowhere else in the state or within the Lahontan Region, would devastate the local economy. (See comments below.)

The requirement for reasonableness and regulatory balance is further compelled by California Water Code sections 13050(h) and 13050(1)(1). It is imperative to include this objective on the Lahontan Regional Board’s agenda for a scheduled workshop in the near term to review a new fecal coliform standard to reflect these statutory provisions and determine an appropriate objective for the agricultural areas throughout the entirety of the region.

#### V. Economic, Aesthetic and Recreational Impacts as a Result of the Waiver if the 20 col FC/100 ml standard is imposed

Any imposition of the 20 col FC/100 ml standard in the Bridgeport Valley would be the initial application of this improper objective anywhere in the region and enormous impacts will transpire.

There would be no way the historic use and core economic engine of the Bridgeport Valley could continue. Cattle grazing would never be able to continue, which may be the ultimate intention of the Regional staff. However, the Board should clearly understand the collateral impact that will also result to recreation, fishing and other area activities.

In the absence of commercial cattle grazing there will be no spreading of irrigation water; therefore, the valley, after initial spring melt, would only have three green water courses corridors (East Walker, Robinson and Buckeye Creeks) running through dry native pasture forage.

Because we would have no need for irrigation we would not retain our storage water in Twin Lakes so these water bodies would revert to the 1890 "run of the river" conditions where the lake surface areas would shrink to their pre-dam (1900) sizes and return to their wet meadow status. The water in the valley creeks would be even more free of fecal material, but because the waters flowing into the valley routinely exceed the 20 col fc/100 ml, they would still often exceed the basin standard. Further, because the waters out of the reservoir have never had any fecal, there would be no net water quality gain from these Regional Board actions, which would therefore needlessly economically devastate Mono County, and would merely put more water into Nevada for their use at the sacrifice of California's beneficial use of these California waters. This would additionally violate the Federal Water Decree as administrated by the Federal District Court of Nevada.

Such irresponsible regulatory action could not be sustained by either the State Board or state or federal courts as compliant with either the California Water Code or the controlling federal decree.

#### VI. Impacts on Conservation Agreements with the State of California

The Centennial Ranches in the Bridgeport Valley have been conserved by recorded agricultural conservation easements. The State of California is totally vested in these conservation easements, which are entirely predicated on the continuation of commercial cattle grazing. If the 20 col fc/100 objective is imposed, continued commercial cattle grazing will be impossible in the valley and on the Centennial Ranches.

The impact of this extreme waiver would therefore be violative of several provisions in each of these conservation deeds as outlined below.

##### A. Centennial Livestock and Eastern Sierra Land Trust recorded Conservation Easement

1. "Caltrans' funds represent a substantial investment by the People of the State of California in the long-term conservation of ranching and agricultural land, and their valuable scenic and natural resources and values and the protection of these resources and values in perpetuity." (Page 3, section 6)
2. "The Department of Conservation's California Farmland Conservancy Program funds represent a substantial investment by the People of the State of California in the long-term conservation of valuable agricultural land, and the retention of agricultural land in perpetuity." (Pg. 3, sec. 6)
3. "The Farmland Policy Act's purpose is to minimize the unnecessary and irreversible conversion of farmland to nonagricultural uses." (Pg. 3, sec. J)
4. "Grantor grants this Easement to Grantee for valuable consideration, with a percentage of the value donated as a charitable gift, for the purpose of assuring that, under Grantee's perpetual stewardship, the Property's

agricultural productivity, open space created by working landscapes and the natural balance of the rangeland environment will be conserved and maintained forever, and that uses of the land that are inconsistent with these conservation purposes will be prevented. The parties agree that the current agricultural use of, and improvements to, the Property are consistent with the conservation purposes of this Easement. The Easement's protection of the Property and its Conservation Values will therefore yield a significant public benefit." (Pg. 4, sec. L)

5. "The conservation purpose of this Easement, pursuant to the governmental policies detailed in the Recitals hereto, and in order to yield a significant public benefit, is to enable the Property to remain in productive agricultural ranching use by preventing uses of the Property that will impair or interfere with the Property's Conservation Values, including its agricultural productivity, open space character as a working landscape, the natural balance of the rangeland environment, its scenic character and its natural habitat values." (Pgs 4, 5, sec. M.1.)
6. "Grantor retains the right to use the Property for agricultural purposes, including commercial cattle operations, or to permit others to use the Property for agricultural purposes, in accordance with applicable law, as long as the agricultural productive capacity and open space character of the Property are not thereby significantly impaired." (Pgs. 4, 5, sec. M.1.)

B. Centennial Ranches and American Land Conservancy recorded Conservation Easement

1. "The Property possesses . . . natural balance of the rangeland environment, all of which are of great importance to Grantor, Grantee and the people of the State of California" (Pg. 2, sec. c)
2. ". . . [C]ommercially viable livestock grazing, which is essential to the purposes of this Conservation Easement, will continue to be conducted on the Property . . ." (Pg. 2, sec. d)
3. ". . . [P]rimary purpose of assuring that the agricultural productivity, open space and scenic qualities created by working landscapes, and the natural balance of the rangeland environment will be conserved, maintained, and protected forever . . ." (Pg. 2, sec. e)
4. "It is the purpose of this Conservation Easement to preserve and protect the Conservation Values by encouraging commercially viable livestock grazing . . ." (Pg. 3, sec. l)

VII. Responses to Draft Waiver Language

The newly proposed tentative waiver runs some 20 pages, with a four-page MRP attachment D and several pages of additional attachments. It is noteworthy that most all of this

regulatory package would be generally acceptable and reasonable with only a couple of amendments to make it more certain that the unreasonable basin plan objective of 20 col FC/100 ml will soon be taken up for discussion and amendment. Below is a detailed list of those areas needing further amendment.

A. Pages 7 and 8, sections 6 and 7. Exceedances are now limited.

This section overstates that the valley creeks “continue to contribute fecal coliform above water quality objectives.” Many of these creeks are within the 200 col. objective standard all year and some only exceed the standard at one or two monitoring points during only a couple of months per year. As stated in the waiver, of all the watercourses in the valley, the only exceedances were “two at site” (Walker River in Town) and “three on Buckeye Creek at Bridgeport Reservoir.” That is the sum total of the issue presently and that is entirely attributable to the commitment of the valley ranchers.

B. Page 8, section 8. Monitoring data.

The document references SWAMP data from the basin. Please provide copies of all of this data on which you rely to the BRO. Attached as Appendix A is our data summary memo and the six years of collective monitoring data. Our actual data analysis is far more instructive than the “averages” calculations advanced by staff (copy attached).

C. Page 9, section 10. Beneficial uses of the valley waters.

The only beneficial uses of Bridgeport Valley waters are:

1. Agricultural (AGR)
2. Cold freshwater (COLD)
3. Sportfishing (COMM)
4. Non-contact recreation (REC-2)
5. Spawning (SPWN)

There is no municipal (MUN) or contact recreation (REC-1) water in the Bridgeport Valley streams.

D. Page 11, ¶ 15 targets 2028 as the period to attain whatever the objective will be at that time. We appreciate the delayed target date, but it is somewhat difficult to promise compliance with a standard which is not yet determined and is entirely “on the come”.

E. Page 12, ¶ 19a. The paragraph regarding the attainment should join the two items with an “or” not the “and”.

F. Page 16, ¶ iii (this section targets the 5-year waiver period - 2012-2017); however, the language of section 15 references the 2018 date. We should be able to amend this

basin plan as to the agricultural areas within a couple of years.

VIII. Response to the MRP. Monitoring and Reporting Plan

A. Page 2, Table 1.

The list of sample sites should also include the site at the discharge of the Bridgeport Reservoir into the East Walker River.

B. Page 2, section 3. Excessive monitoring.

The language relating to increasing the monitoring to three times per month is unreasonable. The program is already excessively expensive and impacting of our ranch management. The 6-hour window from sample collection to lab delivery is already a problem. Each ranch manager dedicates the morning of sample days to collection and all ranch samples are delivered to our ranch and then one of three ranches has to drive the samples to Reno, therefore eliminating a full day of no ranch management. This cannot happen three times per month. The one per month sampling has been successful. Should the Board want to take their own samples at public sites, they may do so. This is not a research project.

IX. Conclusion

For the reasons set forth above, Centennial Ranches seeks the Regional Board schedule a workshop to consider a region-wide amendment of the fecal objective and to make the above referenced amendments.

Appendix A: monitoring data and summary memo.

cc: Dave Wood  
John Lacey  
Mark Lacey  
BRO Landowners

# Appendix A

**CENTENNIAL RANCHES**

652 W. Cromwell, Suite 103  
Fresno, CA 93711

**Respond to:**  
**William J. Thomas**  
**500 Capitol Mall, Suite 1700**  
**Sacramento CA 95814**

**VIA EMAIL AND OVERNIGHT MAIL**

**MEMORANDUM**

**TO:** Bruce Warden, Ph.D., Environmental Scientist  
*Lahontan Regional Water Quality Control Board*  
Lauri Kemper, Division Manager

**FROM:** William J. Thomas

**DATE:** February 9, 2012

**RE:** **2006-2011 WATER QUALITY MONITORING**

---

On behalf of the Bridgeport Ranchers Organization, attached please find a year-end chart of the BRO monitoring data. It is an accumulation of six years of data from 2006-2011.

These data are attached as a component of our individual response for the § 13267 letter, and it will also be part of our annual year-end report for our meeting with Lahontan staff next spring. These data are also relevant to the pressing issue of evaluating the appropriateness of the 20 col/100 ml basin standard.

Follows are our initial thoughts on (A) the 20 col/100 ml issue, and (B) our 6-year data set for § 13267 purposes.

A. Need for amendment of the 20 col/100 ml Lahontan basin plan objective.

A major factor in evaluating a basin plan objective is its reasonableness. Forgetting for the moment about the applicability of this extreme purity standard to a grazing meadow, a valid analysis of the applicability of this standard is how it applies to virgin waters coming off the Sierras into the valley. In that regard the 6-year data show that the “into the valley waters” exceed the 20 col/100 ml standard somewhat routinely. Consequently, this standard cannot be sustained.

Swauger Creek: 8 exceedances, of the 20 col/100 ml and 4 exceedances of the 200 col/100 ml objective. The high is 71 times the present basin plan standard.

July 09	117 col/100ml
July 20	160 col/100ml
Aug 09	224 col/100ml
Aug 10	118 col/100ml
Sept 09	384 col/100ml
Sept 10	172 col/100ml
Oct. 07	220 col/100ml
Oct. 10	1410 col/100ml

Buckeye: 9 exceedances of the 20 col/100 ml and 1 over the 200 col/100 ml objective.

June 10	30 col/100ml
July 09	44 col/100ml
July 10	80 col/100ml
Aug 09	83 col/100ml
Aug 10	104 col/100ml
Sept 09	36 col/100ml
Sept 10	20 col/100ml
Oct 09	52 col/100ml
Oct 10	820 col/100ml

Robinson: 7 exceedances of the 20 col/100 ml and 3 over the 200 col/100 ml objective.

May 10	50 col/100ml
July 09	122 col/100ml
Aug 09	496 col/100ml
Aug 10	146 col/100ml
Sept 09	164 col/100ml
Sept 10	260 col/100ml
Oct 10	370 col/100ml

Virginia: 11 exceedances of the 20 col/100 ml and 2 over the 200 col/100 ml objective.

June 09	28 col/100ml
June 10	40 col/100ml
July 07	400 col/100ml
July 09	150 col/100ml
July 10	40 col/100ml
Aug 09	113 col/100ml
Aug 10	44 col/100ml
Sept 09	116 col/100ml
Sept 10	114 col/100ml
Oct. 09	42 col/100ml
Oct. 10	370 col/100ml

Green: 4 exceedances of the 20 col/100 ml and 1 over the 200 col/100 ml objective.

June 09	2 col/100ml
June 10	30 col/100ml
July 10	24 col/100ml
Oct 10	370 col/100ml

Summer: 4 exceedances of the 20 col/100 ml and 1 of the 200 col/100 ml objective.

June 09	168 col/100ml
June 10	30 col/100ml
July 10	124 col/100ml
Oct 10	370 col/100ml

On balance, over six years of seasonal monitoring the waters above the Bridgeport Valley and irrigated agriculture exceed the present basin plan objective 43 times and even exceed the 200 col/100 ml objective 12 times. These exceedances mostly occur in the 5 month (June – October) time period. This is the same period that cattle are in the valley.

This presents a compelling challenge to the present basin plan objective for the agricultural areas of the region and demands an appropriate amendment. It is totally improper for the region to maintain this present objective in the basin plan. If the Lahontan Board expects the continued cooperation of the Bridgeport Ranchers, it is reasonable that the Board do its appropriate work and amend this objective.

B. 6-Year Data Analysis in Response to the Section 13267 Investigation Report

1. Swauger Creek

This data set compels caution in analysis as the livestock use has remarkably changed (cattle pair, sheep, cattle yearlings) over the test period, and the ownership and management have also changed and markedly improved.

There appear to be no issues in any year until June. In June 2009 and again in June 2010, the readings off the ranch significantly exceeded those coming onto the ranch (2009: 12 in, 412 out; 2010: 4 in, 990 out). Those are alarming increases, however, they totally reverse themselves in July (2009: 117 in, 120 out; 2010: 160 in, 190 out). Those favorable data held through August, September and October 2009 and 2010 (August 2009: 224 in, 88 out; August 2010: 118 in, 88 out; September 2009: 384 in, 72 out; October 2010: 1410 in, 820 out). On balance, the ranch was properly managed and generally cleaned up water once we got into July, but it certainly needs some additional attention in June.

On balance Swauger Creek is in pretty good shape, but more attention is merited.

## 2. Buckeye Creek

When we commenced monitoring in 2006 and 2007, Buckeye started exceeding the 200 col objective at US 396 by mid-May, and Buckeye at the reservoir significantly exceeded the objective in 2006 and 2007 in September and October.

Moving to 2011, Buckeye did not exceed the standard until mid-June (330 at US 395), but it was only 28 at US 395, and 100 at the reservoir in July. It was only 74 at US 395, and 420 at the reservoir in August, and by September on all waters were within standards.

Those data are very promising as it not only shows marked improvement, but the waters are nearly within standards. If Centennial can duplicate its 2011 efforts, concludes some planned runoff controls, fences additional portions of Buckeye and commences its wetland and ponding project, the waters by US 395 will meet the 200 col/100 ml objectives.

If Centennial and Gansberg can identify and implement protective strategies between US 395 and the reservoir over the next three years, Buckeye throughout the valley will be a significant success story. It also must be remembered that Buckeye comes into the valley over the objective in mid to late summer.

## 3. Robinson Creek

In 2006 Robinson exceeded the standard commencing in May, but by 2010 and 2011 the May waters were fine at both US 395 and the reservoir. In 2009 and 2010 Robinson waters were surprisingly bad in summer, but in 2011 they were within the 200 col standard at both US 395 and the reservoir.

Centennial hopes to duplicate its management efforts to maintain those results, and will be assessing the efforts being planned for Buckeye involving wetlands and settling basins to determine if some of that may be transferable to Robinson Creek.

## 4. Virginia, Green and Summers Creeks

Virginia and Green Creeks have only had a couple of exceedances over the six years, and offer no direct problems. Because, however, they are source waters to the valley, all efforts to further reduce those contributions would be merited.

Summers Creek has offered some higher fecal counts in some mid-summer months, but in 2011 it was also within the objective.

## 5. East Walker River

The Walker River picks up not just the Green, Virginia and Summers waters, but considerable runoff waters from the Rickey Ditch and other valley waters. In some years, this has raised levels above the objective when it reached town. The E. Walker also generally picks up additional fecals passing through town.

In 2011, however, it modestly exceeded the objective only twice, once in

July (250) and once in September (440). Management efforts have shown to be effective in 2011 and, hopefully, quality will maintain or improve next year.

Again, Centennial is going to evaluate the efforts that are planned on Buckeye in 2012-2014 relating to settling ponds and wetlands for possible incorporation on some of the Walker tributary drainage.

**BRO - Public Data [2006 - 2011]  
Water Quality Monitoring Data By Station**

**LOCATIONS**

0	Swauger Creek above Huntton Valley
1	Swauger Creek
2	Buckeye above ranch
3	Robinson above ranch
4	Virginia Creek
5	Green Creek
6	Summers Creek

7	Buckeye 395
8	Buckeye Reservoir
9	Robinson 395
10	Robinson Reservoir
11	Walker at town
12	Walker below town

**Sample Number**

Sample Date	0	1	2	3	4	5	6	7	8	9	10	11	12
11-Apr-06	2	6	<2	<2	22	<2	<2	<2	<2	<2	<2	10	
10-Apr-08	<2	2	<2	<2	<2	28	<2	n/a	16	2	<2	<2	<2
6-Apr-09	Fecal 0	Fecal 20	Fecal 4	Fecal 0	Fecal 7	Fecal 1	Fecal 0	Fecal 2	Fecal 8	Fecal 0	Fecal 0	Fecal 3	Fecal n/a
	Ecoli 0	Ecoli 7	Ecoli 4	Ecoli 0	Ecoli 2	Ecoli 1	Ecoli 1	Ecoli 1	Ecoli 1	Ecoli 1	Ecoli 0	Ecoli 1	Ecoli n/a
12-Apr-10	Fecal 1	Fecal n/a	Fecal 3	Fecal 1	Fecal 17	Fecal 1	Fecal 2	Fecal 3	Fecal 3	Fecal 15	Fecal 1	Fecal 5	Fecal 6a
	Ecoli 2	Ecoli n/a	Ecoli 4	Ecoli 0	Ecoli 15	Ecoli 1	Ecoli 1	Ecoli 2	Ecoli 2	Ecoli 10	Ecoli 1	Ecoli 4	Ecoli 4
8-Apr-11	<2	2	<2	<2	<2	6	2	<2	4	2	2	2	2
1-May-06	<2	2	<2	<2	20	2	<2	2	8	10	28	20	
15-May-06	4	8	4	4	24	4	12	360	380	400	300	138	
10-May-07	2	8	<2	<2	20	8	6	960	110	18	14	4	
7-May-08	<2	<2	<2	<2	2	<2	8	2	4	<2	<2	72	28
4-May-09	Fecal 1	Fecal 38	Fecal 6	Fecal 0	Fecal 6	Fecal 2	Fecal 1	Fecal 11	Fecal 34	Fecal 109	Fecal 87	Fecal 308	Fecal 414
	Ecoli 1	Ecoli 28	Ecoli 4	Ecoli 1	Ecoli 3	Ecoli 0	Ecoli 0	Ecoli 7	Ecoli 33	Ecoli 69	Ecoli 51	Ecoli 264	Ecoli 345
3-May-10	Fecal 1	Fecal 16	Fecal 9	Fecal 50	Fecal 7	Fecal 9	Fecal 5	Fecal 24	Fecal 13	Fecal 22	Fecal 15	Fecal 16	Fecal 14
	Ecoli 0	Ecoli 2	Ecoli 4	Ecoli 9	Ecoli 4	Ecoli 4	Ecoli 1	Ecoli 19	Ecoli 9	Ecoli 20	Ecoli 17	Ecoli 14	Ecoli 13
5-May-11	<2	6	n/a	<2	<2	<2	<2	<2	2	<2	2	<2	<2
5-Jun-06	6	44	28	2	52	20	66	700	720	740	640	640	
19-Jun-06	12	82	14	6	34	50	36	260	420	92	140	720	
11-Jun-07	2	88	<2	<2	8	18	310	230	210	270	220	320	
6-Jun-08	<2	190	<2	<2	12	2	18	180	220	260	150	290	240
1-Jun-09	Fecal 12	Fecal 412	Fecal 12	Fecal 6	Fecal 28	Fecal 21	Fecal 168	Fecal 144	Fecal 188	Fecal 304	Fecal 600	Fecal 200	Fecal 400
	Ecoli 28	Ecoli 348	Ecoli 18	Ecoli 1	Ecoli 32	Ecoli 14	Ecoli 128	Ecoli 188	Ecoli 152	Ecoli 280	Ecoli 500	Ecoli 300	Ecoli 400
7-Jun-10	Fecal 4	Fecal 990	Fecal 30	Fecal 4	Fecal 40	Fecal 30	Fecal 190	Fecal 1740	Fecal 2210	Fecal 1830	Fecal 2680	Fecal 1480	Fecal 1830
	Ecoli 3	Ecoli 690	Ecoli 20	Ecoli 4	Ecoli 10	Ecoli 24	Ecoli 84	Ecoli 1150	Ecoli 1400	Ecoli 1660	Ecoli 2270	Ecoli 890	Ecoli 1030
13-Jun-11	<2	450	<2	<2	8	6	10	330	520	24	150	140	160
10-Jul-06	<2	<2	<2	<2	<2	<2	2	18	4	54	56	46	
17-Jul-06	68	70	18	8	78	16	140	<2	26	54	160	188	
12-Jul-07	120	280	64	18	400	6	92	420	210	740	390	60	
17-Jul-08	8	300	8	13	130	30	50	300	1600	280	200	300	360
6-Jul-09	Fecal 117	Fecal 120	Fecal 44	Fecal 122	Fecal 150	Fecal 4	Fecal 130	Fecal 1148	Fecal 784	Fecal 540	Fecal 440	Fecal 400	Fecal 400
	Ecoli 48	Ecoli 116	Ecoli 35	Ecoli 3	Ecoli 50	Ecoli 1	Ecoli 70	Ecoli 708	Ecoli 420	Ecoli 408	Ecoli 380	Ecoli 100	Ecoli 500
6-Jul-10	Fecal 160	Fecal 190	Fecal 80	Fecal 16	Fecal 40	Fecal 24	Fecal 38	Fecal 136	Fecal 312	Fecal 276	Fecal 360	Fecal 400	Fecal 1200
	Ecoli 170	Ecoli 120	Ecoli 80	Ecoli 4	Ecoli 40	Ecoli 12	Ecoli 20	Ecoli 80	Ecoli 172	Ecoli 204	Ecoli 276	Ecoli 400	Ecoli 300

Sample Date	0	1	2	3	4	5	6	7	8	9	10	11	12
18-Jul-11	8	870	10	<2	20	8	110	28	100	130	50	250	160
7-Aug-06	90	130	36	6	missing	missing	missing	160	220	60	74	122	
21-Aug-06	120	130	58	8	54	16	120	210	580	360	120	220	
9-Aug-07	58	290	4	8	60	4	42	680	130	270	420	50	
6-Aug-08	20	100	4	2	20	<2	10	1600	80	200	180	40	<20
3-Aug-09	Fecal 224	Fecal 88	Fecal 83	Fecal 496	Fecal 113	Fecal 3	Fecal 312	Fecal 508	Fecal 900	Fecal 1500	Fecal 372	Fecal 144	Fecal 212
	Ecofli 92	Ecofli 44	Ecofli 61	Ecofli 12	Ecofli 51	Ecofli 3	Ecofli 156	Ecofli 352	Ecofli 100	Ecofli 2400	Ecofli 324	Ecofli 124	Ecofli 124
2-Aug-10	Fecal 118	Fecal 88	Fecal 104	Fecal 146	Fecal 44	Fecal 10	Fecal 980	Fecal 168	Fecal 380	Fecal 330	Fecal 460	Fecal 330	Fecal 360
	Ecofli 46	Ecofli 88	Ecofli 56	Ecofli 12	Ecofli 16	Ecofli 6	Ecofli 400	Ecofli 96	Ecofli 240	Ecofli 210	Ecofli 110	Ecofli 190	Ecofli 150
19-Aug-11	46	130	84	8	28	6	14	74	420	240	120	70	86
7-Sep-06	82	102	94	44	40	106	32	122	480	122	102	500	
18-Sep-06	166	48	18	10	missing	missing	missing	240	720	240	220	480	
13-Sep-07	12	18	22	6	26	2	16	190	280	220	520	640	
12-Sep-08	110	34	10	4	56	6	80	1400	240	170	76	240	460
8-Sep-09	Fecal 384	Fecal 72	Fecal 36	Fecal 164	Fecal 116	Fecal 4	Fecal 376	Fecal 240	Fecal 370	Fecal 540	Fecal 112	Fecal 248	Fecal 180
	Ecofli 120	Ecofli 46	Ecofli 10	Ecofli 4	Ecofli 22	Ecofli 8	Ecofli 172	Ecofli 132	Ecofli 340	Ecofli 220	Ecofli 92	Ecofli 160	Ecofli 100
13-Sep-10	Fecal 172	Fecal 200	Fecal 20	Fecal 260	Fecal 114	Fecal 4	Fecal 220	Fecal 424	Fecal 1800	Fecal 290	Fecal 560	Fecal 280	Fecal 360
	Ecofli 62	Ecofli 128	Ecofli 18	Ecofli 0	Ecofli 30	Ecofli 4	Ecofli 130	Ecofli 328	Ecofli 1260	Ecofli 200	Ecofli 430	Ecofli 120	Ecofli 170
16-Sep-11	28	230	50	12	12	2	8	96	240	200	180	440	360
2-Oct-06	<2	54	18	30	8	300	60	38	380	200	100	320	
18-Oct-06	2	92	8	<2	640	2	<2	8	100	108	12	46	
5-Oct-07	220	30	4	<2	6	12	4	38	260	130	48	480	
10-Oct-08	6	68	10	<2	8	4	10	20	90	82	64	28	48
5-Oct-09	Fecal 56	Fecal 56	Fecal 52	Fecal 92	Fecal 42	Fecal 4	Fecal 80	Fecal 28	Fecal 180	Fecal 88	Fecal 184	Fecal 156	Fecal 280
	Ecofli 28	Ecofli 18	Ecofli 40	Ecofli 2	Ecofli 14	Ecofli 6	Ecofli 47	Ecofli 8	Ecofli 80	Ecofli 44	Ecofli 160	Ecofli 184	Ecofli 108
4-Oct-10	Fecal 1410	Fecal 1170	Fecal 820	Fecal 370	Fecal 392	Fecal 370	Fecal 1220	Fecal 6600	Fecal 10000	Fecal 30000	Fecal 8800	Fecal 2200	Fecal 1780
	Ecofli 1040	Ecofli 860	Ecofli 460	Ecofli 100	Ecofli 276	Ecofli 350	Ecofli 730	Ecofli 4700	Ecofli 8300	Ecofli 16500	Ecofli 7300	Ecofli 1820	Ecofli 1480
00-Oct-11	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
13-Nov-06	<2	18	<2	<2	10	<2	42	<2	12	<2	4	<2	
8-Nov-07	2	2	20	<2	16	<2	<2	30	38	76	54	120	
6-Nov-08	4	20	70	<2	4	4	4	64	92	36	26	110	92
2-Nov-09	Fecal 6	Fecal 16	Fecal 10	Fecal 6	Fecal 14	Fecal 7	Fecal 0	Fecal 22	Fecal 40	Fecal 35	Fecal 76	Fecal 60	Fecal 100
	Ecofli 2	Ecofli 8	Ecofli 6	Ecofli 2	Ecofli 4	Ecofli 2	Ecofli 0	Ecofli 16	Ecofli 90	Ecofli 30	Ecofli 24	Ecofli 28	Ecofli 88
00-Nov-10	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
4-Nov-11	<2	48	<2	<2	<2	2	22	6	42	56	26	34	54

# CENTENNIAL RANCHES

652 W. Cromwell, Suite 103

Fresno, CA 93711

**Respond to:**  
**William J. Thomas**  
**500 Capitol Mall, Suite 1700**  
**Sacramento CA 95814**

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**

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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).”

2. Attachment D – MRP, pg. 2, § 3

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

2012 - 1 (once) per month in grazing season  
2013 - 1 (once) per month in grazing season  
2014 - 2 (twice) per month in grazing season  
2015 - 2 (twice) per month in grazing season

There will be no regulatory required monitoring in 2016 as that will be determined in the course of this waiver and the amendment of the basin plan objective.

3. Waiver, pg. 1, § 2; pgs. 5 and 6, § 5; 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 each of the ranch operations at the recent meeting.

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# **ENCLOSURE 3**

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