

Comments

Response

February 20, 2012

Hunewill Land & Livestock Company

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

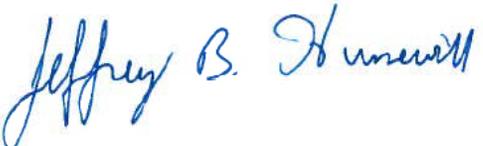
Comments on page 2

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.

Hunewill-R1: Water Board staff met with some BRO members on March 12, 2012, and on May 31, 2012, and discussed BRO concerns. At those meetings, mutually agreeable changes were made to the proposed grazing waiver, showing that this process has been collaborative.

Hunewill-R2: There are no annual fees proposed for the grazing waiver at this time. However, the State Water Resources Control Board may in the future require that fees be paid for grazing waivers.

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<p>Comments on page 4:</p> <p>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.</p>	<p>Hunewill-R3: The proposed grazing waiver acknowledges in Finding 6 that BMP implementation is in its initial phase that it will likely take a substantial amount of time and effort to fully implement, adapt, and evaluate the beneficial effects of management practice implementation.</p>
<p>Comments on page 10:</p> <p>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.</p>	<p>Hunewill-R4: Table 1 has been removed from the proposed waiver and has been replaced with text developed in collaboration with BRO members during a May 31, 2012 meeting with Water Board staff.</p>
<p>Comments on page 11:</p> <p>1. 2. Inventory and plan: Recommend the below 3 items be deleted.</p> <p>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 1st.</p> <p>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.</p> <p>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.</p>	<p>Hunewill-R5: The season of use, number of livestock, grazing system to be used, etc. are determined solely by the enrollee, not by the Water Board. The proposed grazing waiver requires that each enrollee address how it is protecting or enhancing water quality with respect to managing its operations. Exact livestock numbers and type are not needed for the explanation.</p>
<p>Comments on page 14:</p> <p>1. 6. Water quality monitoring</p> <p>Water quality monitoring should be done in cooperation with other BRO members.</p>	<p>Hunewill-R6: Under California Water Code section 13269, one of the key advantages of a waiver to Waste Discharge Requirements (WDRs) versus WDRs is the flexibility to choose either "individual, group, or watershed-based monitoring." Monitoring under WDRs must be done by the individual Discharger. The waiver language in section 1.6. allows the choice to monitor in cooperation as a group doing watershed-based monitoring.</p>

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<p>A few general comments for the record:</p> <p>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.</p>  <p>Jeffrey B. Hunewill President Hunewill L&L Co.</p>	<div data-bbox="1234 126 2047 657" style="border: 1px solid black; padding: 5px;"> <p>Hunewill-R7: Data at the outlet of Bridgeport reservoir is from the publication: USGS. 2004. <i>Water-Quality Data for Selected Stream Sites in Bridgeport Valley, Mono County, California, April 2000 to June 2003</i> which reports typically low single digit or zero concentrations for fecal coliform. Given that much higher concentrations of fecal coliform are commonly discharged from local surface waters in to the reservoir, particularly during the summer season, fecal coliform concentrations must be attenuated within the reservoir, probably via a number of mechanisms such as settling, natural die-off, predation, and ultraviolet light exposure. What is not known is how long it takes for the discharged fecal coliform concentrations to attenuate, nor the physical distribution of fecal coliform within the reservoir prior to full attenuation. Recreational users within the reservoir may be exposed to some fecal coliform prior to those fecal coliform concentrations attenuating.</p> </div>