

Comments

**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**

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;

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**Thomas-R1:** The 20/100 ml objective covered ten major water bodies, so it clearly was not based solely on the purity of Lake Tahoe. These ten water bodies had at the time livestock grazing as a land use within their respective watershed, including the East Walker River, which is in the Bridgeport Valley. Therefore the argument that the 200/100 ml should be applied to all agricultural areas in the Lahontan Region is not consistent with long-standing Water Board policy memorialized in the 1975 Basin Plan bacteria water quality objective.

1975 Water Quality Control Plan Report, North Lahontan Basin (Basin Plan) states on page I-4-8:

*Waters shall not contain concentrations of coliform organisms attributable to human wastes. Also, in waters designated for contact recreation (REC-I), the fecal coliform concentration based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200/100 ml, nor shall more than 10 percent of total samples during any 30-day period exceed 400/100 ml, with the following exceptions:*

- Eagle Lake*
- Susan River*
- Lake Tahoe*
- Truckee River*
- East Fork Carson River*
- West Fork Carson River*
- East Walker River*
- West Walker River*
- Lake Topaz*
- Bryant Creek*

*The fecal coliform concentration for these waters and their tributaries, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 20/100 ml, nor shall more than 10 percent of total samples during any 30-day period exceed 40/100 ml.*

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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.”

**Thomas-R2:** The Water Board unanimously approved the 2007 grazing waiver. The audio record of the 2007 Water Board hearing did not contain any oral comment to indicate that members of the Water Board were “apprehensive” of the current 20/100 mL standard, nor did the audio record indicate that 200/100 mL was a more appropriate standard for Bridgeport Valley, nor did the audio record document a link approval of the conditional waiver to a commitment to amend the Basin Plan water quality objective during the term of the waiver. Rather, the Water Board agreed to revise the waiver appropriately if “sufficient information to propose a Basin Plan Amendment for fecal coliform” is developed.

Water Board staff have been actively collecting information to support development of a scientifically-defensible indicator bacteria water quality objective for an appropriate Basin Plan amendment.

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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)(l). 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

**Thomas-R3:** The Lahontan Basin Plan lists the Bridgeport Valley waters for municipal supply (MUN) and contact recreation (REC-1). These uses are further defined as follows:

MUN—all waters in the Lahontan Region with the potential to be used for municipal water supply are designated MUN.

REC-1—The Basin Plan includes fishing in the definition of contact recreation activities. Fishing does occur within lands of the Bridgeport Valley, even if infrequent, either at public access points or on-ranch, by owners, operators, employees, guests, or trespassers.

**Thomas-R4:** The Water Board is concerned about the reasonableness of water quality objectives in geographic areas where the dominant beneficial use is agriculture, such as livestock grazing in the Bridgeport Valley. As a result, significant Water Board resources have been used towards assessment of and development of indicator bacteria water quality objectives. For a list of major actions taken, please see Finding No. 5 of the proposed waiver.

**Thomas-R5:** An informational workshop on grazing and water quality is scheduled for the Water Board’s July 11-12, 2012 meeting. There is no action proposed for the workshop item.

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<p>applicable to the Bridgeport Valley, enormous impacts will transpire.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Such irresponsible regulatory action will not be sustained by either the State Board or courts as compliant with the California Water Code.</p> <p>VI. <u>Impacts on Conservation Agreements with the State of California</u></p> <p>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.</p> <p>The impact of this extreme waiver would therefore be violative of several provisions in each of these conservation deeds as outlined below.</p> <p>A. Centennial Livestock and Eastern Sierra Land Trust recorded Conservation Easement</p> <ol style="list-style-type: none"> <li>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)</li> <li>2. “The Department of Conservation’s California Farmland Conservancy Program funds represent a substantial investment by the People of the</li> </ol>	<p><b>Thomas-R6:</b> The Water Board does not have authority to regulate land use and has no intention of putting ranchers out of business. The California Nonpoint Source Implementation and Enforcement Policy (see Finding 4 of the proposed waiver) requires that all sources of nonpoint source pollution be regulated through either Waste Discharge Requirements (WDRs), or waivers of WDRs, or prohibitions. Waivers are the “softest” regulatory approach available to the Water Board and require collaboration with the prospective enrollees. Water Board staff have been collaborating with BRO since 2006 to develop a waiver that is achievable for ranchers, and the timeline provided for compliance with Basin Plan water quality objectives is long and is intended to provide ranchers adequate time to budget management practice implementation in a manner that is affordable. Water Board staff have received no quantitative information on costs of management practice implementation from BRO members or any other organization or individual to substantiate the claim that ranchers will go out of business as a result of reasonable management practice implementation spread out over 5 years.</p>

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<p>State of California in the long-term conservation of valuable agricultural land, and the retention of agricultural land in perpetuity.” (Pg. 3, sec. 6)</p> <p>3. “The Farmland Policy Act’s purpose is to minimize the unnecessary and irreversible conversion of farmland to nonagricultural uses.” (Pg. 3, sec. J)</p> <p>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)</p> <p>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.)</p> <p>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.)</p>	
<p>B. Easement</p> <p>Centennial Ranches and American Land Conservancy recorded Conservation</p> <p>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)</p> <p>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)</p> <p>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</p>	

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<p>protected forever . . .” (Pg. 2, sec. e)</p> <p>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. 1)</p> <p>VII. <u>Responses to Draft Waiver Language</u></p> <p>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.</p> <p>A. Page 1, section 1, first line. <u>Characterizations of these amendments.</u></p> <p>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.”</p> <p>B. Page 4, section 4.c. <u>Shortcomings by the Regional Board.</u></p> <p>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.</p> <p>C. Page 5, section 5. <u>Overstatement by the Regional Board.</u></p> <p>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.</p> <p>D. Pages 6 and 7, section 7. <u>Exceedances are now limited.</u></p> <p>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.</p> <p>E. Page 7, section 7. <u>Monitoring data.</u></p> <p>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</p>	<div data-bbox="1150 329 2045 483" style="border: 1px solid black; padding: 5px;"> <p><b>Thomas-R7:</b> All specific comments and issues in your section VII were addressed during the March 12, 2012 and May 31, 2012 meetings of Water Board staff with BRO members. During those meetings, agreed-upon language was incorporated into the proposed grazing waiver.</p> </div>

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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

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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.

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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

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# Appendix A

Comments

Response

**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**

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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.

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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

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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.

Comments	Response
<p data-bbox="289 94 527 118">2. Buckeye Creek</p> <p data-bbox="58 151 1003 232">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.</p> <p data-bbox="58 264 1056 345">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.</p> <p data-bbox="58 378 1045 492">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.</p> <p data-bbox="58 524 1035 638">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.</p> <p data-bbox="289 670 537 695">3. Robinson Creek</p> <p data-bbox="58 727 1020 833">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.</p> <p data-bbox="58 865 1020 946">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.</p> <p data-bbox="289 979 753 1003">4. Virginia, Green and Summers Creeks</p> <p data-bbox="58 1036 1024 1117">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.</p> <p data-bbox="58 1149 982 1198">Summers Creek has offered some higher fecal counts in some mid-summer months, but in 2011 it was also within the objective.</p> <p data-bbox="289 1230 558 1255">5. East Walker River</p> <p data-bbox="58 1287 1035 1401">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.</p> <p data-bbox="289 1433 1041 1458">In 2011, however, it modestly exceeded the objective only twice, once in</p>	

**Comments**

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.

**Response**

Comments

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 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	<2
10-Apr-08	<2	2	<2	<2	<2	28	<2	n/a	10	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
	Ecol 0	Ecol 7	Ecol 4	Ecol 0	Ecol 2	Ecol 1	Ecol 1	Ecol 1	Ecol 1	Ecol 1	Ecol 0	Ecol 1	Ecol n/a
12-Apr-10	Fecal 1	Fecal n/a	Fecal 3	Fecal 1	Fecal 17	Fecal 1	Fecal 2	Fecal 1	Fecal 3	Fecal 15	Fecal 1	Fecal 5	Fecal 6a
	Ecol 2	Ecol n/a	Ecol 4	Ecol 0	Ecol 15	Ecol 1	Ecol 1	Ecol 2	Ecol 2	Ecol 10	Ecol 1	Ecol 4	Ecol 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	390	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	72	28	
4-May-09	Fecal 1	Fecal 38	Fecal 6	Fecal 0	Fecal 6	Fecal 2	Fecal 11	Fecal 11	Fecal 34	Fecal 100	Fecal 87	Fecal 308	Fecal 414
	Ecol 1	Ecol 28	Ecol 4	Ecol 1	Ecol 3	Ecol 0	Ecol 7	Ecol 7	Ecol 33	Ecol 69	Ecol 51	Ecol 294	Ecol 345
3-May-10	Fecal 1	Fecal 16	Fecal 8	Fecal 8	Fecal 7	Fecal 9	Fecal 5	Fecal 24	Fecal 13	Fecal 22	Fecal 15	Fecal 18	Fecal 14
	Ecol 0	Ecol 2	Ecol 4	Ecol 9	Ecol 4	Ecol 4	Ecol 1	Ecol 19	Ecol 9	Ecol 20	Ecol 17	Ecol 14	Ecol 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	62	20	66	700	720	740	640	640	
19-Jun-06	12	82	14	6	34	50	36	280	420	62	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	280	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 800	Fecal 200	Fecal 400
	Ecol 28	Ecol 948	Ecol 18	Ecol 11	Ecol 32	Ecol 14	Ecol 128	Ecol 188	Ecol 152	Ecol 260	Ecol 500	Ecol 300	Ecol 400
7-Jun-10	Fecal 4	Fecal 860	Fecal 30	Fecal 4	Fecal 40	Fecal 30	Fecal 190	Fecal 1740	Fecal 1830	Fecal 2880	Fecal 2880	Fecal 1480	Fecal 1830
	Ecol 3	Ecol 860	Ecol 20	Ecol 4	Ecol 10	Ecol 24	Ecol 84	Ecol 1150	Ecol 1400	Ecol 1680	Ecol 2270	Ecol 880	Ecol 1030
13-Jun-11	<2	460	<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	360	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
	Ecol 48	Ecol 116	Ecol 35	Ecol 50	Ecol 50	Ecol 1	Ecol 70	Ecol 708	Ecol 420	Ecol 408	Ecol 100	Ecol 500	Ecol 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
	Ecol 170	Ecol 120	Ecol 80	Ecol 4	Ecol 40	Ecol 12	Ecol 20	Ecol 80	Ecol 172	Ecol 204	Ecol 276	Ecol 400	Ecol 300

Response

Comments

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	100
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	590	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	1000	80	200	180	40	<20
3-Aug-09	Fecal 224 Ecoli 92	Fecal 88 Ecoli 44	Fecal 83 Ecoli 01	Fecal 496 Ecoli 12	Fecal 113 Ecoli 51	Fecal 3 Ecoli 3	Fecal 312 Ecoli 156	Fecal 508 Ecoli 352	Fecal 900 Ecoli 100	Fecal 1500 Ecoli 2400	Fecal 372 Ecoli 324	Fecal 144 Ecoli 124	Fecal 212 Ecoli 124
2-Aug-10	Fecal 118 Ecoli 46	Fecal 88 Ecoli 88	Fecal 104 Ecoli 56	Fecal 146 Ecoli 12	Fecal 44 Ecoli 16	Fecal 10 Ecoli 6	Fecal 690 Ecoli 400	Fecal 168 Ecoli 96	Fecal 380 Ecoli 240	Fecal 330 Ecoli 210	Fecal 460 Ecoli 110	Fecal 330 Ecoli 190	Fecal 360 Ecoli 150
19-Aug-11	46	130	84	8	28	6	14	74	420	240	120	70	88
7-Sep-06	82	102	64	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 394 Ecoli 120	Fecal 72 Ecoli 46	Fecal 36 Ecoli 10	Fecal 164 Ecoli 4	Fecal 116 Ecoli 22	Fecal 4 Ecoli 8	Fecal 376 Ecoli 172	Fecal 240 Ecoli 132	Fecal 370 Ecoli 340	Fecal 540 Ecoli 220	Fecal 112 Ecoli 92	Fecal 248 Ecoli 160	Fecal 180 Ecoli 100
13-Sep-10	Fecal 172 Ecoli 62	Fecal 200 Ecoli 128	Fecal 20 Ecoli 18	Fecal 260 Ecoli 0	Fecal 114 Ecoli 30	Fecal 4 Ecoli 4	Fecal 220 Ecoli 130	Fecal 424 Ecoli 328	Fecal 1800 Ecoli 1260	Fecal 290 Ecoli 200	Fecal 660 Ecoli 430	Fecal 280 Ecoli 120	Fecal 390 Ecoli 170
16-Sep-11	28	230	50	12	12	2	8	66	240	200	180	440	360
2-Oct-06	<2	54	18	30	8	300	60	38	380	200	100	320	
18-Oct-06	2	62	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	26	48
5-Oct-09	Fecal 58 Ecoli 28	Fecal 56 Ecoli 18	Fecal 52 Ecoli 40	Fecal 92 Ecoli 2	Fecal 42 Ecoli 14	Fecal 4 Ecoli 6	Fecal 80 Ecoli 47	Fecal 28 Ecoli 8	Fecal 180 Ecoli 80	Fecal 88 Ecoli 44	Fecal 184 Ecoli 160	Fecal 156 Ecoli 184	Fecal 260 Ecoli 108
4-Oct-10	Fecal 1410 Ecoli 1040	Fecal 1170 Ecoli 860	Fecal 820 Ecoli 460	Fecal 370 Ecoli 100	Fecal 362 Ecoli 276	Fecal 370 Ecoli 350	Fecal 1220 Ecoli 730	Fecal 6800 Ecoli 4700	Fecal 10000 Ecoli 8300	Fecal 30000 Ecoli 16600	Fecal 8800 Ecoli 7300	Fecal 2200 Ecoli 1820	Fecal 1780 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 Ecoli 2	Fecal 16 Ecoli 8	Fecal 10 Ecoli 6	Fecal 6 Ecoli 2	Fecal 14 Ecoli 4	Fecal 7 Ecoli 4	Fecal 0 Ecoli 0	Fecal 22 Ecoli 16	Fecal 40 Ecoli 30	Fecal 35 Ecoli 30	Fecal 76 Ecoli 24	Fecal 60 Ecoli 28	Fecal 100 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	66	26	34	64

Response