

Comments

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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 the 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

Response

**Lacey-R1:** Regional Water Board staff met with Bridgeport Ranchers Organization (BRO) members on March 12, 2012 to discuss this and other concerns. By mutual agreement, the Water Board hearing for the proposed adoption of the grazing waiver was delayed three months—from April 2012 to the July 2012 Water Board meeting. After revising the tentative waiver in response to BRO and other commenter concerns, a second tentative waiver was issued May 4, 2012 with comments due June 4, 2012. Another meeting of Water Board staff and BRO members was held May 31, 2012 to arrive at a mutually agreeable approach to address key issues of concern in the 2<sup>nd</sup> tentative waiver. Agreed-upon changes to the 2<sup>nd</sup> tentative waiver are reflected in the proposed grazing waiver.

**Lacey-R2:** 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.

**Lacey-R3:** The proposed grazing waiver reflects the stated participants.

**Lacey-R4:** 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.

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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

Response

**Lacey-R5:** The references to publicly-available agricultural management practices are either to be used directly, if appropriate, or used for information or guidelines for development of more appropriate site-specific agricultural management practices. Listing the practices does not prohibit changing the application of agricultural management practices if enrollees determine that specific changes are needed.

**Lacey-R6:** 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.

**Lacey-R7:** The proposed grazing waiver does not specify methods that must be used to achieve compliance. Rather, the proposed grazing waiver, Order 4, requires the Discharger to submit a report by March 15, 2017, 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.

The monitoring plan in the proposed grazing waiver is designed to collect information useful for assessing overall improvements in water quality and effectiveness of agricultural management practices as they are implemented throughout Bridgeport Valley.