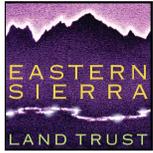


Comments

Response

E A S T E R N S I E R R A L A N D T R U S T



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

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

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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,



Karen Ferrell-Ingram
Executive Director

ESLT-R1: 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.

ESLT-R2: The 1975 Water Quality Control Plan (Basin Plan) for the North Lahontan Basin applied the 20 fecal coliform per 100 mL water quality objective to ten water bodies, including the East Walker River which is in the Bridgeport Valley. The 20 fecal coliform per 100 mL water quality objective was extended to the rest of the Region in the 1995 Basin Plan update. Based on concerns about the applicability of the 20 fecal coliform per 100 mL water quality objective for areas with historic agricultural beneficial uses, such as the Bridgeport Valley, Water Board staff began conducting studies on both fecal coliform and E. coli covering a wide range of land use types in the region, including agriculture, to develop scientifically defensible standards that address these concerns. These efforts are given in more detail in Finding No. 5 of the proposed grazing waiver.

ESLT 2: Regional Water Board staff met with Bridgeport Ranchers Organization (BRO) members on March 12, 2012 to discuss this and other concerns. 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 2nd tentative waiver. Agreed-upon changes to the 2nd tentative waiver are reflected in the proposed grazing waiver. During these collaborative meetings, Water Board staff informed the BRO members in attendance that the conditions of the 2007 grazing waiver could not be met so it was imperative to modify the 2007 waiver to make a new waiver that was reasonable and achievable.

