

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

**MEETING OF MARCH 9-10, 2022
VIDEO/TELECONFERENCE**

ITEM 5

BRIDGEPORT GRAZING WAIVER STATUS UPDATE

CHRONOLOGY

June 13, 2007	Water Board adopted Conditional Waiver of Waste Discharge Requirements (Waiver) – (Board Resolution No. R6T-2007-0019)
July 11, 2012	Water Board adopted Renewal of Conditional Waiver of Waste Discharge Requirements (Board Resolution No. R6T-2012-0041)
July 13, 2017	Water Board adopted Renewal of Conditional Waiver of Waste Discharge Requirements (Board Resolution No. R6T-2017-0033)

BACKGROUND

The Waiver of Waste Discharge Requirements for Grazing Operations in Bridgeport Valley (Waiver) applies to landowners and operators conducting grazing operations on private lands in the Bridgeport Valley. It does not apply to grazing on federal lands. A third-party coalition, the Bridgeport Ranchers Organization (BRO), assists with Waiver implementation by conducting surface water monitoring and assessing management practice effectiveness with input provided by University of California Cooperative Extension and Water Board staff. In 2007, the Lahontan Regional Water Quality Control Board (Water Board) adopted the Waiver and has since adopted a waiver every five years, including in 2012 and 2017.

Many of the ranches in Bridgeport Valley have been in operation since the 1800s. When the first Water Board waiver was issued in the early 2000s, most ranches in Bridgeport Valley were leased out to other grazing operators. Today, the ranches are primarily operated by owners. There are currently seven Bridgeport Grazing Waiver enrollees: Centennial Livestock, F.I.M Corp. - Bridgeport Ranch & Summers Meadows, Gansberg Ranch, Hunewill Land & Livestock, Sceirine Ranch, R.N. Fulstone Co., and Ullman Livestock LLC.

The purpose of the item is to provide the Water Board with an update of how the BRO has complied with the Waiver during the 2017-2021 term of the waiver, including compliance with Bacteria Water Quality Objectives (WQO), the End-of-Valley Project, and implementation of on-ranch BMPs. Input and feedback during this informational item will help determine requirements of the next Waiver which may also include precedential requirements established by the General Order of Waste Discharge Requirements for Agricultural Growers in the Eastern San Joaquin (ESJ) River Watershed.

ISSUES

1. The 2017 Waiver's monitoring plan refined the compliance points to include three downstream sampling sites where surface waters flowing into Bridgeport Reservoir may be impacted during critical grazing/irrigation months (July/August) from upstream ranch operations in the Bridgeport Valley. This plan provided a way to assess the effectiveness of cooperative grazing management practice implementation on the watershed-based scale. Does the Water Board support continuing this approach though other modifications such as sampling frequency may be adjusted to create an effective and yet efficient monitoring plan?
2. Does the Water Board support the BRO's proposed End-Of-Valley next steps?
3. Does the Water Board agree that the Bridgeport Valley Waiver is only subject to a limited subset of the ESJ Review Order precedential requirements based on information provided in the ranch survey presentation?

DISCUSSION

The following topics and discussion are related to the questions listed above and also identify specific areas where changes may be most significant between the 2017 to 2022 Waiver.

Bacteria

According to the California 2018 Integrated Report, several streams within the Bridgeport Valley are identified on the Clean Water Act section 303(d) list as impaired for pathogens: Buckeye, East Walker River, Robinson, Swauger, and Virginia. Placement of waterbodies on the 303(d) list initiates the development of Total Maximum Daily Loads (TMDLs); however, impairments may be addressed through other means besides the development of a TMDL. The bacteria impairment of several Bridgeport Valley streams may be addressed by actions other than a TMDL, such as through the Bridgeport Grazing Waiver.

There are two effective numeric water quality objectives in the Lahontan Region: the fecal coliform WQO and State Board's E. coli WQO. In the Fall of 2022, the Water Board will be considering a Basin Plan Amendment to remove the fecal coliform WQO from the Basin Plan. As part of the development process of the Waiver, staff will consider what requirements should apply to the dischargers taking into account the two effective WQOs and the proposed Basin Plan Amendment. The 2017 Waiver expires on July 13, 2022 and has a fundamental requirement of (1) reduction of fecal coliform concentrations in surface waters downstream of grazing operations to an interim goal of 200 colony forming units per 100 milliliters (cfu/100ml) or the State-wide E. coli standard, whichever is applicable, by 2022, and (2) attainment of the highest water quality reasonably achievable.

Since 2007, the enrollees have had challenges meeting the region-wide bacteria water quality objective (WQO) of 20 cfu/100 ml for fecal coliform and the interim goal of 200 cfu/100 ml in some locations. The enrollees have implemented many best management practices (BMPs), such as fencing and water crossing improvements. Nevertheless, compliance with the interim WQO has not been achieved at the downstream sampling and compliance points.

DISCUSSION

Considerable progress has been made by the BRO enrollees to protect and improve water resources in Bridgeport Valley over the past 15 years. A total of 1,232 samples were collected between 2006 and 2021, estimating at over \$300,000. Sampling efforts were largely funded by the BRO as well as UC Rangelands, Rustici Endowment, and Atwill & Dahlgren Labs. During a December 2021 meeting with BRO and staff, University of California Cooperative Extension provided a statistical analysis of the BRO's 2006-2017 bacteria data that showed a 73% improvement in fecal coliform levels since 2006; however, levels are still above the 200 cfu/100ml interim target.

Presenters Ken Tate, Tina Saitone, and Emily Fulstone will expand on the BRO's efforts to improve water quality by providing more details about the 2006-2017 microbial data and rancher implemented BMPs through photos and cost analysis.

End-of-Valley (EOV) Project

In 2016, watershed-based approaches to address bacteria and pathogen issues in the Bridgeport Valley area were discussed and led to the Natural Resources Conservation Service (NRCS) and the Walker River Irrigation District (WRID) working with the BRO to develop plans for the end-of-valley water treatment project. A watershed-based approach typically focuses on a geographic area such as micro watershed with a bottom-up concept where in this case pathogens may be more effectively managed at a single point to improve bacteria impacted surface waters after flowing through multiple ranches. The approach presented relied on slowing and dispersing water at the bottom of Bridgeport Valley above the Bridgeport Reservoir allowing sunlight UV rays to break down E.coli more easily in shallower water, as well as filter bacteria and nutrients. Since then, the project has lost momentum for a variety of reasons ranging from substantial costs of implementation, uncertainty regarding whether the project would provide the needed water quality improvements, and a lack of a designated lead entity to oversee funding, implementation, on-going operations, and overall maintenance of the project.

The 2017 Waiver allowed enrollees to focus efforts on watershed-based approaches such as the End-of-Valley Project and implementing grazing BMPs rather than the previous level of monitoring requirements. Due to the decreased monitoring requirements and the BRO enrollees not monitoring in 2020, data gaps may make it challenging to determine effectiveness of water quality improvements in later years.

BRO President Steven Fulstone will provide a status update on the EOV Project that may cover cost estimates, any new information learned since the adoption of the 2017 Waiver, and justification to continue to pursue, revise, or abandon the EOV Project.

Irrigated Lands Regulatory Program (ILRP)

In response to petitions filed following the Central Valley Water Board's adoption of the General Order of Waste Discharge Requirements for Agricultural Growers in the Eastern San Joaquin (ESJ) River Watershed, the State Water Board established a robust set of "precedential requirements" to be incorporated into all ILRP permits by February 2023.

DISCUSSION

The Bridgeport grazing operations covered under this Waiver meet the definition of “irrigated lands” to which ESJ precedential requirements apply. “Irrigated lands” are defined as “Land irrigated to produce crops or pasture for commercial purposes; nurseries; and privately and publicly managed wetlands.” It is worth noting that while irrigated pastures are included in the Central Valley’s ESJ irrigated lands definition, the ESJ review order states that some of the precedential requirements may not apply to certain dischargers due to low or no use of nitrogen fertilizers, pesticides, and minimal field plowing.

The Bridgeport Grazing Waiver may include a limited subset of the ESJ review order precedential requirements, such as: sediment and erosion control planning and implementation; management practice reporting; water quality monitoring and evaluation; groundwater quality monitoring, education and outreach; and record keeping. The enrollees and the public will have an opportunity to comment on the incorporation of these requirements and any other changes to the Waiver during the development and review process of the Waiver renewal.

SUSTAINABLE GROUNDWATER MANAGEMENT ACT BASINS

For purposes of the Sustainable Groundwater Management Act, the California Department of Water Resources identifies the following groundwater basin in Mono County, along with priority, near the discharge location within the Lahontan Region.

Priority Groundwater Basin

Very Low Bridgeport Valley (6-008)

Source: [Sustainable Groundwater Management Act Basin Prioritization](#)

CLIMATE CHANGE RESPONSE

Waste Discharge Requirements presented in the Board Resolution Order No. R6T-2017-0033 are consistent with [Resolution R6T-2019-0277](#), the Water Board’s Climate Change Mitigation and Adaptation Strategy in the following key resources areas: (1) Protection of Wetlands, Floodplains, and Headwaters.

In particular, the Waiver’s recommendation to implement ongoing water quality BMPs help protect streambanks from excessive erosion near the headwaters of the East Walker River as well as protect riparian zones that connect a river to its floodplain and adjacent wetlands. Additionally, several Bridgeport Grazing Waiver enrollees have dedicated nearly 9,000 acres in total to conservation easements that will protect these parcels from development in perpetuity. The preserved open spaces are ideal habitat for mule deer, waterfowl, American badger, Sierra Nevada bighorn sheep, various other wildlife species, and, especially important for, the rare Bi-state greater sage-grouse.

PUBLIC OUTREACH/INPUT

Water Board staff met with the enrollees in December of 2021 to discuss results of bacteria water quality monitoring, requirements in the existing Waiver, and a proposed schedule and possible inclusion of relevant ESJ requirements or renewal of the 2017 Waiver. Additionally, Water Board staff have initiated stakeholder engagement by hosting stakeholder meetings that began on January 25, 2022 and will continued to be conducted as needed until Fall of 2022. The Board Meeting agenda item was also distributed via the Board Meeting listserv and to the Regionwide Grazing listserv.

PRESENTERS

- Mo Loden, Water Board, Environmental Scientist (presentation is Enclosure #1; guest speaker slides are embedded in staff presentation).
- Guest: Dr. Ken Tate, University of California Davis Cooperative Extension
- Guest: Tina Saitone, University of California Davis Cooperative Extension
- Guest: Emily Fulstone, Bridgeport Ranchers Organization Member (TBD)
- Guest: Steven Fulstone Bridgeport Ranchers Organization President

RECOMMENDATION

This is an informational item only. No Water Board action is required for this item; however, the Water Board may provide direction to staff.