

Comments

Response

Mono County
Community Development Department

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

February 22, 2012

Dr. Bruce Warden
Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Boulevard
South Lake Tahoe, California 96150

Re: Renewal of General Conditional Waiver of Waste Discharge Requirements for Grazing Operations in the East Walker River Watershed

Dear Dr. Warden:

The Mono County Community Development Department (CDD) provides the following preliminary comments, on behalf of the County of Mono, with respect to the above-referenced tentative conditional waiver. As you are aware, the Mono County Board of Supervisors has requested a 30-day extension of the comment period in order to allow staff to further investigate this matter, including review of relevant economic and environmental data. If that request is granted, then the following comments will be supplemented with additional information. Without the benefit of that additional time, the following are the County's comments on the tentative conditional waiver.

The 2007 waiver should be renewed, without modification, until the Basin Plan Amendment described in the 2007 waiver is achieved.

A renewal of the 2007 waiver without modifications will achieve the same end as the proposed renewed waiver—it will provide for an additional 5 years to study the effectiveness of the management practices that are being undertaken—after which the Regional Board will have a more appropriate basis from which to impose a compliance schedule and/or other requirements.

The 2007 waiver included a discussion of the 20cfu objective, explaining the standard is “ten times more stringent than the Federal standard...and any other region in California.” The 2007 waiver goes on to suggest that a Basin Plan Amendment could rectify this objective within areas such as Bridgeport Valley where beneficial uses have “historically been predominantly agriculture.” But there has been no apparent progress on this effort since the 2007 waiver was issued. The appropriate course of action is to seek this amendment, instead of renewing waivers that are triggered by a standard that is inconsistent with historic agricultural operations within the Bridgeport Valley. Note, the proposed waiver has eliminated this discussion altogether, and therefore fails to provide the Regional Board with critical context that is germane to a decision on this matter.

The Mono County General Plan strongly supports the preservation of agriculture. These policies have been developed over the years because there is widespread support for agriculture in Mono County, and because it is recognized that agriculture provides a direct economic benefit as well as the indirect benefits of open space and related tourism. Since every additional regulatory hurdle impacts the future feasibility of Mono County's historic, and economically vital agriculture operations, any decision should be made with a prudent recognition of the potential consequences of those actions, and the potential impacts of those consequences.

Thank you for your thoughtful consideration of these comments. For additional information or questions, please contact Tony Dublino at tdublino@mono.ca.gov, or by phone at (760) 932-5435.

Sincerely,



Scott Burns
Director, Community Development Department

Mono Co Planning-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 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.

Mono Co Planning-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.

