

ITEM: 17

SUBJECT: Amendment to the Basin Plan for the Control of Nutrients in Clear Lake

BOARD ACTION: *Consideration of Adoption of Proposed Amendment and Filing of a Draft Environmental Document.*

BACKGROUND: Clear Lake is listed on the 303(d) list as impaired for nutrients due to nuisance blooms of blue-green algae. Studies indicate that excess phosphorus contributes to the occurrence of the algae blooms. Most sources of phosphorus to Clear Lake are sediment driven.

Staff prepared a draft Basin Plan Amendment that included a chlorophyll-a target, phosphorus load and wasteload allocations and phosphorus control program for Clear Lake. The staff report, including the draft Basin Plan language, was circulated for review in April.

On 5 May 2006 the Regional Board held a workshop on the Basin Plan Amendment to solicit comments from the public on the April staff report and Basin Plan Amendment. At the workshop staff presented the proposed Basin Plan Amendment to the Board. The proposed Amendment states that responsible parties would be required to submit reports to the Regional Board that quantify their phosphorus loads and describe the actions they are undertaking to reduce phosphorus inputs to Clear Lake. The responsible parties would also be encouraged to work with Regional Board staff to conduct additional studies to evaluate whether the phosphorus control program is appropriate for Clear Lake. The Regional Board would review the studies and the reports five years after adoption of the Basin Plan Amendment and determine whether the loading allocations should be modified. Comments were received both orally and in writing and a response to comments has been prepared.

Based on comments received at the May workshop and in writing staff has developed alternative Basin Plan Amendment language to be considered at this hearing. The alternative language was developed to respond to comments and take better advantage of ongoing local coordination efforts in the county and better accommodate an adaptive management approach that can incorporate new information on the factors influencing nuisance blooms. Under this alternative, responsible parties would work together to develop a framework for gathering the information needed to address the impairment. It would allow for reconsideration of the phosphorus allocations and exploration of other control programs, as appropriate.

This agenda item contains the resolution with the draft Basin Plan Amendments (original and alternative), a staff report with alternative analyses and the environmental checklist, comments and response to comments, and an alternative implementation chapter of the staff report to support the alternative Basin Plan Amendment. The environmental checklist concludes that the proposed amendments have no potential for adverse effects on wildlife or the environment.

Staff will make a presentation at the Regional Board meeting to discuss the proposed amendments and responses to public comments. The

formal public comment period was still open at the time the Board agenda was prepared, therefore there may be additional public comments to consider and late revisions to the Basin Plan Amendment and staff report. At this meeting, the Regional Board may close the public comment period and may consider either adoption of the resolution or continue the item at a later meeting. The resolution includes:

- Adoption of the amendment to the Basin Plan,
- Certification of the environmental documents and direction to the Executive Officer to file a Notice of Completion with the State Clearinghouse, and
- Direction for the Executive Officer to sign a Certificate of Fee Exemption and submit this Certificate in lieu of payment of the Department of Fish and Game filing fee to the Secretary for Resources.

A staff report has been prepared and released for public review. It is available on the internet at:
http://www.waterboards.ca.gov/centralvalley/programs/tmdl/clearlake_nutrient_tmdl.html. The comment period ends on 7 June 2006. Written responses to the public comments will be provided to the Regional Board at the hearing. The alternative Basin Plan Amendment language and an alternative implementation chapter to support the language are also available at the internet address listed above.

ISSUES:

The issues to be considered include:

- Impairment status of Clear Lake
- Role of phosphorus
- Cost of implementation
- Basin Plan Amendment language (original and alternative)

RECOMMENDATION

Adopt the alternative Basin Plan Amendment

Mgmt. Review _____

Legal Review _____

22/23 June 2006

Central Valley Regional Water Quality Control Board
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