

Public Workshop: Clear Lake Nutrient TMDL

Lake County Courthouse, Lakeport, CA

25 January 2006

Meeting Notes

Meeting Called By: Lori Webber, Central Valley Regional Water Quality Control Board

Notetaker: Karen Larsen, Central Valley Regional Water Quality Control Board

Attendees:

Robert Faust, Mendocino National Forest

Cecil Prack, Public

Carol Binkley, Public

Jim Mahon, Keys POA

Dennis Locke, Keys POA

Harry Lyons, Yuba College

Holly Harris, Citizen

Chuck Morse, West Lake Resources Conservation District (RCD)/Lake County Ag Dept.

Korinn Smith, East Lake and West Lake RCDs

Ron Yodar, CDD

Carolyn Ruttan, CDD

Gary Lewis, Lake County Board of Supervisors

Don Eutenier, Eutenier Ranchet

Margaret Eutenier, Eutenier Ranchet

Kim Clymire, Public Services

Pam Francis, Lake County Department of Public Works

Stan Schubert, Lake County Department of Public Works

Erica Lundquist, Lake County Winegrape Commission

Chuck Lamb, Citizen

Linda Juntunen, West Lake RCD

Terre Logsder, Record-Bee

Chuck Holder, Sierra Club

Julie Pimentl, Lake County Environmental Health

Pheakdey Preciado, Lake County Environmental Health

Bob Lossias, Lake County Department of Public Works

Background:

The Regional Water Quality Control Board, Central Valley Region (Regional Water Board) staff held a public workshop to discuss the development of a proposed amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan) to reduce nutrient concentrations and nuisance algal blooms in Clear Lake. The meeting began with a staff presentation describing: (1) background on Regional Water Board mandates under the Federal Clean Water Act and the State Porter-Cologne Water Quality Control Act and the Basin Plan Amendment process; (2) background on nutrient sources in the Clear Lake watershed; and (3) the elements of the

proposed Total Maximum Daily Load (TMDL) and Basin Plan amendment. The presentation is attached to these notes.

Summary of Public Comments

1. *Comment:* Why was the discussion of the potential for toxicity caused by blue-green algal blooms added to the staff report? A study conducted in the late 1980s by the Department of Health Services concluded that algal toxins in Clear Lake were at measurable levels but not high enough to cause toxic effects.
Regional Water Board Staff Response: Staff agreed to review the report before distributing the TMDL staff report.
2. *Comment:* the staff report did not mention the issue of aquatic weed problems in Clear Lake.
Regional Water Board Staff Response: Clear Lake is listed as impaired for nuisance algae blooms, not attached aquatic weeds, so the TMDL is focused on reducing nutrients that cause algae blooms. However, staff did indicate that reducing nutrient loads to Clear Lake may also reduce aquatic weeds.
3. *Comment:* There was concern about how the responsible parties will pay for TMDL implementation.
Regional Water Board Response: Projects that implement TMDLs are prioritized for funding under State Water Board grant programs.
4. *Comment:* How will compliance with the TMDL target be measured? Will responsible parties be subject to a notice of violation?
Regional Water Board Response: The TMDL is not a discharge permit so responsible parties listed in the TMDL would not be subject to notice of violation.
5. *Comment:* Are phosphorous loads based on Lake level?
Regional Water Board Response: No, so compliance with the target is measured as a five-year average.
6. *Comment:* There is a lot of year-to-year variability in phosphorous loads from the Middle Creek watershed. How can a 20% load reduction be measured?
Regional Water Board Response: Compliance with the target and load reductions is based on a five-year average.
7. *Comment:* Clear Lake clarity has increased since 1991. How was that factored in when the loads and load reductions were assigned?
Regional Water Board Response: Load allocations were based on data during the modeled period (1985 to 1992). The report recognizes that the lake clarity has improved and that the County has already done a lot of work to reduce erosion in the watershed. Current loads may already be achieving the load reductions. Monitoring under the TMDL implementation plan is needed to determine whether or not that is the case.
8. *Comment:* Are the loads based on the model only or was it verified with actual data?
Regional Water Board Response: Phosphorous loads were validated with actual data; however, the chlorophyll-a data presented in the report are simulated. The Regional Water Board already is collected chlorophyll-a data to be used to validate the modeled values.

9. *Comment:* When algae blooms are reduced, attached aquatic weed problems increase. Redirected impacts should be considered.
Regional Water Board Response: Nutrient load reductions may also reduce problems from aquatic weeds.
10. *Comment:* What watershed inputs were considered in the technical TMDL?
Regional Water Board Response: The creeks with flow gauges were investigated: Scotts, Middle, and Kelsey Creeks.
11. *Comment:* Blue-green algae are known for their ability to adapt to changes in the environment. How does the model account for algae's ability to adapt to reduced nutrient loads?
Regional Water Board Response: The model does take into account internal cycling processes associated with algal growth.
12. *Comment:* A 20% phosphorous load reduction from Middle Creek is not achievable.
Regional Water Board Response: After monitoring data are collected, responsible parties are required to report to the Regional Water Board. In that report, one can make a case that all controllable sources have been addressed and additional load reductions are not necessary or achievable. The report would have to present data to support this claim.
13. *Comment:* Municipalities and tribes should be included in the list of responsible parties.
Regional Water Board Response: Staff will follow-up with this issue.
14. *Comment:* Should private landowners who irrigate their lands be included as responsible parties?
Regional Water Board Response: Irrigated agricultural interests will be included as responsible parties. Implementation of the TMDL will be coordinated with the Irrigated Lands Program. As such, rather than individual landowners, the Regional Water Board will work directly with coalition groups defined under the Irrigated Lands Waiver.
15. *Comment:* What are the consequences of failing to meet the load reductions called for in the TMDL?
Regional Water Board Response: The Regional Board can require that further management actions be implemented to control inputs of nutrients to Clear Lake.