

**Item 10**

**LATE ADDITION**

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

**MEETING OF SEPTEMBER 16-17, 2015  
BARSTOW**

**Item 10 - SCOPING MEETING - 2015 TRIENNIAL REVIEW OF THE WATER  
QUALITY CONTROL PLAN FOR THE LAHONTAN REGION**

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Add the attached two comment letters behind Bates page 10-55.

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**William J. Thomas**  
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September 4, 2015

**VIA EMAIL (richard.booth@waterboards.ca.gov)**

Richard Booth  
California Regional Water Quality Control Board  
Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

**RE: COMMENTS RE BASIN PLAN AMENDMENTS – TRIENNIAL REVIEW**  
**BASIN PLAN OBJECTIVES**

Dear Mr. Booth:

On behalf of Dave Wood Ranches, we respond to the request for public input on the Lahontan Board's Triennial Review of Basin Plan Objectives.

We run cattle on the leased Los Angeles Department of Water and Power (LADWP) Chance Ranch below the town of Mammoth Lakes. Those cattle also graze on two USFS lands on each side of U.S. 395. We have operated the Chance Ranch for decades, and coordinate very closely with LADWP on all matters affecting this ranch.

Follows are our initial comments on the August 10, 2015 notice and request for public input on the triennial review of the basin plan proposed amendments.

**Project: Water Quality Objectives – Bacteria**

As the Board's document specifies, the Lahontan Basin Plan has for decades had an "outlier" level of 20 col. fecal coliform, where the balance of the state has a fecal objective level of 200 col FC/100mL. This anomaly has persisted in the basin plan for decades since it was originally adopted for Lake Tahoe, and was subsequently morphed to apply throughout the basin without any data or evaluation of its appropriate applicability to any or all waters of the region.

The agricultural community has challenged this improper basin objective for many years as the Bridgeport Agricultural Waiver was adopted and subsequently amended. Similarly, agriculture has challenged this improper objective in each of the basin plan triennial review sessions. In several of these hearing sessions, board members had expressed that they would fix this improper fecal objective. It was often stated that the Board would make the overdue amendment soon, or in the next waiver, or during the next triennial review. Those statements have been hollow as the Lahontan Board has not made the basin amendments to the pathogen

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objective. That should all now be in the past as there have been additional compelling factors issued well above this particular region which mandate an adjustment in the Region's bacteria standard.

First, after years of review, the US EPA has set forth its evaluation of bacteria, and has published its recommended bacteria standard as 126 col. E.coli/100 mL. This region, therefore, should shift to an E.coli objective, and promulgate it at 126 col. E.coli/100mL.

Second, the SWRCB has been evaluating the statewide basin standards, and may set a single statewide pathogen objective, although this may be difficult balancing both inland and beach standards; however, it is clear that the State Board is concerned with outlier objective situations, such as in the Lahontan Region. This must end, and the EPA guideline be adopted.

Specific to our ranch, we graze cattle throughout the Chance Ranch meadow, which is bisected by Mammoth Creek. Upstream of the ranch is the town of Mammoth Lakes with many houses along the creek, extensive recreation in and around the creek and the town's feeder drain waters, run into the creek. This area also includes golf courses, pack stations, many fishermen, and other recreational activities, all adjacent to the creek. Further above town, the Mammoth Creek source waters are impacted by campgrounds, homes, resorts, and many hundreds of person day users. Throughout the area are squirrels, rodents, deer, bear, and numerous dogs. Mammoth Creek is far from pristine.

On the Chance Ranch itself, we have protected Mammoth Creek by riparian fencing, rest rotation grazing, and other management practices to protect and restore the stream bank riparian area to improve stream bank stability, stream morphology, improve fish habitat, and to protect water quality.

Immediately below the ranch, however, Mammoth Creek flows through a heavily used fishery, and then intersects hot volcanic outflow of intensely hot and chemically polluted water, which thereby totally destroys all the quality water in Mammoth Creek.

The bacteria standards should therefore have no applicability to this highly impacted creek whatsoever; but certainly the 20 col. FC is totally inapplicable. Therefore, Mammoth Creek should either be exempted, or the US EPA level of 126 col. E.coli/100mL be adopted.

**Project: Riparian Protection**

On the Chance Ranch, we, in cooperation with the landowner, LADWP, had fenced the watercourses into riparian pastures and implemented rest rotation grazing to enhance woody vegetation growth to improve stream bank restoration, stream sinuosity, fish habitat, and improve water quality, which often is impacted from activities upstream of the ranch. This



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project was designed by leading expert Bill Platts, and has received awards from each conservation and environmental groups. It was also the precursor of LADWP engaging similar management throughout their area ranches.

Consequently, is no reason for the Lahontan Regional Board to otherwise regulate riparian zones in these areas of the Region.

Moreover, the meadow areas of this ranch and throughout the Region are very stable due to flat terrain and mature native grasses, so there are not erosion risks, which were referenced. Additionally, there are no problems associated with flood erosions needing any attenuation.

**Project: Biological Indicators**

The proposal to develop new biological objectives (bio-criteria), such as applying the “California Stream Condition Inventory Score (CSCI), or more widely applying the wetland criteria dealing with protecting aquatic communities is unnecessary. Using insects for regulatory purposes is yet a developing science, and completely premature to convert to a regulatory provision. The populations of our Caddis and Stone Flies peak and rebound quickly and vary substantially within single stream reaches.

**Project: Hot Creek Objectives**

We take no position as to Hot Creek objectives; however, we do note that these hot and chemical flows into Mammoth Creek totally render the quality standards as to Mammoth Creek meaningless immediately below our Chance Ranch.

Sincerely,

William J. Thomas  
for BEST BEST & KRIEGER LLP

WJT:lmg

Cc: Kimberly Cox, Board Chair  
Keith Dyas, Vice Chair  
Peter Pumphrey  
Amy Horne, Ph.D.  
Don Jardine  
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South Lake Tahoe, CA 96150

**RE: COMMENTS RE BASIN PLAN AMENDMENTS – TRIENNIAL REVIEW**  
**BASIN PLAN OBJECTIVES**

Dear Mr. Booth:

On behalf of Centennial Ranches, we respond to the request for public input on the Lahontan Board's Triennial Review of Basin Plan Objectives.

**Project: Bacteria Objectives:**

As the Board's document specifies, the Lahontan Basin Plan has an "outlier" level of 20 col. fecal coliform/100mL, where the balance of the state has a fecal objective level of 200 col FC/100mL. This anomaly has persisted in the basin plan for decades since it was originally adopted for Lake Tahoe, and subsequently morphed throughout the basin without any data or evaluation of its appropriate applicability to any or all waters of the region, most specifically agricultural waters.

The agricultural community has challenged this improper basin objective for many years as the Bridgeport Agricultural Waiver was adopted and subsequently amended. Similarly, we have challenged this improper objective in each of the basin plan triennial review sessions. In several of these hearing sessions, board members had expressed that they would fix this improper fecal objective. It was often stated that the Board would make the overdue amendment "soon," or in the next waiver," or "the next triennial review." Those statements have turned out to be hollow as the Lahontan Board has not made the basin amendments to this anomaly pathogen objective. That should all now be in the past as there have been additional compelling factors well above and beyond this particular region.



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First, after years of review, the US EPA has set forth its evaluation of bacteria standards, and has published its bacteria standard as 126 col. E.coli/100mL. This region, therefore, should shift to an E.coli objective, and promulgate that objective at the 126 col. E.coli/100mL level.

Second, the SWRCB has been evaluating a possible statewide basin standard, and may set a single statewide pathogen objective, although this may turn out to be difficult as they attempt to balance both inland and beach standards; but, it is clear that the State Board is concerned with the outlier situations, such as in the Lahontan Region. Therefore, this must end, and the EPA guideline be adopted.

**Project: Lake Tahoe Standard:**

It is interesting that the Board is considering splitting the Tahoe water quality standards based on the distance from shore. In that the bacterial standard of 20 col. FC/100mL was originally set for Lake Tahoe, now may be a perfect time to adopt the US EPA recommended 126 col. E.coli/100 mL across the entire basin. Alternatively, the Board could do so for the entire basin and only for waters near the shore of Tahoe, and setting a special, more strict standard for Lake Tahoe mid-lake.

**Project: Riparian Protection to Enhance Watershed:**

In the Bridgeport Valley, we have fenced the natural waterways to protect water quality and enhance native protective growth (particularly woody species) along the waterways. We have, additionally, fenced other watercourses, armored livestock crossings and limited livestock access to creeks.

The Bridgeport Valley is very level, has stable soils throughout the ranch, and is characterized by abundant forage and extensive woody species across the western and southern reaches of the valley. The valley receives runoff from watercourses directly from the Sierra slope, and is a valley “sponge” for water. No further regulation is necessary for “riparian protection” or “floodplain” improvement, or increasing “groundwater storage or flood attenuation.”

**Project: Biological Indicators:**

The description is unclear as to what “new objectives” for stream condition are contemplated. Further, the expansion of the objective “protecting aquatic community populations” from applicability to wetlands and extending it to meadows is also uncertain and concerning.



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**Project: Data – Means of Monthly Means**

Water sampling in the Eastern Sierra streams is limited as to runoff season, icing and snow conditions, and limited use periods. These and other factors lead to limited sampling and thus, a limited assortment of data points. This supports the proposed amendment to Means of Monthly Means. It will also balance out data fluctuations, which makes both landowner management and Board enforcement more difficult.

Sincerely,

William J. Thomas  
for BEST BEST & KRIEGER LLP

WJT:lmg

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