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File No. 82226.00001

September 4, 2015

VIA EMAIL

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 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,

A handwritten signature in blue ink, appearing to read 'W. Thomas', with a long horizontal line extending to the right.

William J. Thomas
for BEST BEST & KRIEGER LLP

WJT:lmg

Cc: Kimberly Cox, Board Chair
Keith Dyas, Vice Chair
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