



Indian Wells
(760) 568-2611

Irvine
(949) 263-2600

Los Angeles
(213) 617-8100

Ontario
(909) 989-8584

BEST BEST & KRIEGER
ATTORNEYS AT LAW

500 Capitol Mall, Suite 1700, Sacramento, CA 95814
Phone: (916) 325-4000 | Fax: (916) 325-4010 | www.bbklaw.com

Riverside
(951) 686-1450

San Diego
(619) 525-1300

Walnut Creek
(925) 977-3300

Washington, DC
(202) 785-0600

William J. Thomas
(916) 551-2858
william.thomas@bbklaw.com

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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September 4, 2015

Page 2

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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September 4, 2015

Page 3

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
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