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California Regional Water Quality Control Board  
Central Valley Region

Cc: Clerk of County of Lake Board of Supervisors, Lake County Record-Bee, Lake County News, Harbor View Mutual Water Co.

RE: Comments on the Proposal to amend the Clear Lake TMDL

Dear Board Members and Staff,

Under no circumstances should the CRWQC Board allow the County of Lake, or any other entity subject to the Board's review, any relief, amendment, or delay in accomplishing the maximum reduction in Clear Lake Nutrient Total Maximum Daily Load (TMDL) related to Nitrogen and Phosphorus (N/P) in Clear Lake, as required by the Clear Lake Nutrient Total Maximum Daily Load Control Program.

The entities have had more than 10 years to accomplish the minimal amount of reduction requested by the Board. Many have failed. The Board should formally find the County in violation, and require the County provide within 30 days an initial, substantive, executable plan to meet the reduction by June 2018, independent of, but a basis for executing AB707. The Board should strongly urge the County to focus much more on the causes/sources of TMDL and ingress prevention from watersheds, etc. and less on "remediation" in the form of land acquisition, and/or N/P removal after-the-fact. They need to focus on the sources, not the symptoms.

While the Middle Creek Restoration a part of the long-term solution, the Board should not allow the County to continue to "put all their eggs" in this one basket. They have had years to develop and implement a multi-pronged approach to reduce the TMDL, and have accomplished next to nothing, now saying only that the "Restoration Project" is "behind schedule". The bottom line is that additional tules in the Upper Lake area are only part of a broad solution. They will do little to mitigate Cyanobacteria/ green algae blooms/mats at Lower Lake where the much of the lake's algae is blown by prevailing winds.

Clearly the County's sense of urgency is also inadequate. The Board should not be rewarding such behavior by granting an extension. Instead, in addition to the County's initial Plan, requested above, the Board should require the County, in concert with rest of the AB707 "Blue Ribbon Committee" to develop and implement a variety of broad remediation actions as soon as possible, faster than AB707 describes (see below for accelerated schedule recommendations). These actions can include, in no particular order, and are not limited to:

1. Incentives to replant native tules or similar plants along the shore line that are

proven to reduce N/P by private and public property owners.

2. Identify, evaluate, and apply for any and all available: Federal, State and private/coop grants for watershed/wildlife/wetland/migratory bird reclamation/renewal or similar. The County should be applying for an average of 1 grant per week for the foreseeable future.
3. Acquisition (purchase/long term lease) of lakefront or other suitable properties for N/P remediation. This includes the transformation of said acquired properties into effective remediation areas.
4. Petition Lake County's State and Federal government representatives to introduce additional single purpose bills, or amendments to other's bills to provide funding to reduce the N/P in Clear Lake.
5. Explore with California's US Senators, Representatives, and State leaders as to the potential to access a portion of the \$1.9B provided by the Federal Government for Lake Tahoe restoration.
6. Apply for assistance grants or State funds to enforce environmental runoff regulations, code, or applicable similar ordinance enforcement the County may have/pass in the near future.
7. Re-vitalize the EPA's superfund cleanup of the Mercury Mine adjacent to Clearlake Oaks.

The "Blue Ribbon Committee" established by AB707 is nice, but four meetings a year, with its first report due in 2019 is hardly the rapid or forceful response needed to address the accelerating problem, recognized but ignored for years. The fact that little information has been gathered is not an excuse to slow-roll the problem yet again. I urge the Board and the County to recommend the Committee meet monthly, and generate semi-annual progress reports starting in June 2018.

The Board and the Committee should request the County and UC Davis to develop, and broadly publish reports starting June 2018 of their evolving results indicating the amount of N/P reduction/ absorption/mitigation, both before and after the N/P enters Clear Lake. The results must describe the impacts and costs of options to properly evaluate, prioritize, and implement measures to return Clear Lake to a reasonable and sustainable level of dissolved nutrients. For each alternative, specific metrics are needed.

Further, it is in the County's best interest, both from economic and public health perspectives, to expedite N/P reduction and further improvement of the waters of Clearlake. While there may be short term benefit from vineyard development, the associated N/P impose significant negative impacts on both local water companies that rely on lake water alone as a source, as well as visitors to the County who will simply abandon Clear Lake for alternate tourism destinations where they can safely recreate.

One recent example was a "Learn to Waterski/Wakeboard" weekend for about a dozen families, (about 50 people) cancelled due to the cyanobacteria/algae bloom in July 2017. The cancellation likely cost county businesses about \$5,000 spread across: food, wineries, fuel, boat services, etc. This single economic diversion to other destinations, multiplied by 10 weekends per summer by dozens of groups

including Bass fishermen, will devastate the County's weak economy. A decline in tourism and sales tax revenue, will cause a significant decrease in property values, accompanied by lower tax property revenue. It is a vicious cycle of the County's own making.

Again, I strongly urge the Board to deny any extension to the County's TMDL reduction deadline, and request the Board direct the County along the lines indicated above to remedy the situation quickly and forcefully. Do not wait for AB707 and its Committee to be appointed, and in-"stalled" before requesting the County begin to plan and initiate remedies for their prior inaction. Do not allow the County to use Committee startup as an excuse for further delay. Not knowing for certain the best set of alternatives to resolve a problem long-term is not an excuse for inaction. The time to kick the can down the road has passed. I re-iterate a comment heard at the recent public meeting: "*Delay is just not acceptable.*"

Thank you.

Sincerely,

Mark Benz