



Big Valley Band of Pomo Indians

October 3, 2017

Holly Grover
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

Re: Clear Lake Nutrient TMDL

Dear Ms. Grover,

Thank you for the opportunity to comment on the status of the Clear Lake Nutrient TMDL, an important part of the implementation of the Clean Water Act and other state water quality laws.

The Clear Lake Nutrient TMDL was adopted 10 years ago and identified Responsible Parties as well as nutrient pollution load allocations in order to eliminate ‘nuisance algal blooms.’ The Responsible Parties were required to meet their allocations by June 2017. Since 2009 (2 years after the adoption of the Clear Lake Nutrient TMDL), Clear Lake has experienced severe and ongoing harmful algal blooms, as evidenced by the toxin data put forth by Big Valley Rancheria and Elem Indian Colony’s Clear Lake Cyanotoxin Monitoring Program and noted by residents and visitors to the lake who remark on the thick pea soup and foul smells of cyanobacteria blooms that float in Clear Lake.

The 2012 toxicology study on cyanotoxins by the California Office of Environmental Health Hazard Assessment sets an action level of 0.8 micrograms per liter for human recreational uses. Clear Lake has reached levels that are 5 orders of magnitude above that action level, particularly in places with heavy recreation and in areas with drinking water intakes. This is of great concern because of the many designated beneficial uses of Clear Lake. With new Tribal beneficial cultural uses recently adopted by the State Water Resources Control Board, additional activities on Clear Lake will continue to be impacted and impaired.

Protecting the water quality for our Tribal members’ use is a priority for the Tribe. This year, Big Valley Rancheria had to postpone their Annual Tule Boat Festival because of microcystin cyanotoxin levels on the shoreline at Big Valley. This event is an important cultural gathering for Tribes in northern and central California, and for the first time ever, the Tribal shoreline was plagued with a harmful algal bloom that persisted for weeks. The Tribe was compelled to put out Advisory Notices to its members to inform them of the risks of entering the lake on their shoreline.

It is important that the Responsible Parties urgently work to meet their load allocations, and manage for nutrients through land use policies, restoration projects, stormwater control, septic system management and other activities that are known to reduce phosphorus and nutrient levels. Because the Responsible Parties have not been able to show their commitment in the last 10 years to meeting these requirements, we request that they do not get additional time to meet these load allocations. Extensions of compliance means continued impacts to Clear Lake and all its users; inability to conduct traditional cultural practices, illnesses because of exposure to the toxins, fish kills due to suppressed dissolved oxygen caused by decaying blooms, the lowering of property values and tourism, toxic blooms which cause concern to the community, impacts to the drinking water customers (70% of the county gets their drinking water from Clear Lake), and other impacts.

It is unclear why the Responsible Parties have not complied with their loading allocations (which includes nutrient management activities plus monitoring to show their reduction compliance). The completed projects that have been identified by Regional Board staff in this review of the 10 year compliance deadline appear to be mainly management activities and plans, and it does not appear that any plans are being implemented to reduce nutrient loading. There's been a modicum of tributary monitoring (3 years, 3 creeks), there's been no review of agricultural best management practices to ensure that vineyards on deep slopes are not contributing to the nutrient runoff, there's been no targeted monitoring to identify hot spots that need erosion control measures, there's no requirements for aging, failing shoreline septic systems to maintain or repair their systems, there's been no paving of the miles of dirt roads in one of the cities, no requirements in development permits for nutrient buffer ponds or better stormwater management. These types of nutrient management activities would be the minimum of due diligence to control the phosphorus pollution that enters the lake.

As you probably saw during the community outreach meeting that occurred in Lakeport City Hall on August 28th, there are many members of the community that are extremely concerned that the Regional Board is considering an extension of 10-20 years for the Responsible Parties to meet their loading allocations. People were there for many reasons – they were anglers concerned about massive fish die offs, they were residents who brought dirty treated Clear Lake water from their faucets, they were businessmen/women who are concerned about impacts to tourism, they were Tribal members who wanted their lake to be safe again. It is of utmost importance that your recommendations to the Board clearly identify the continued risk and impairment of uses that this community will experience if you allow an extension of the compliance date.

Thank you,

Sarah Ryan
Environmental Director