



Elem Indian Colony
A Sovereign Nation

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October 3, 2017

Holly Grover
Central Valley Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670
holly.grover@waterboards.ca.gov

RE: Concerning the development of an amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins addressing the Clear Lake Nutrient Control Program

Dear Ms. Grover:

The Elem Indian Colony is NOT in support of extending the compliance date of June 19, 2017 for the total maximum daily load (TMDL) load and waste load allocations required by the Basin Plan's Clear Lake Nutrient Control Program to reduce phosphorus contributions to Clear Lake. Regardless there should be development of milestones to track progress should the compliance date be extended.

Protecting water quality for our members' use and enjoyment is the highest priority for the Tribe. While algae blooms and fish die-offs are a regular event for Clear Lake, the MAGNITUDE of them has visibly increased. The water testing done by Elem Indian Colony and Big Valley Environmental Departments around the lake bi-weekly and on request attest to this. Between the winter flooding and the summer heat, the nutrients and other factors have led to severe harmful algal blooms and cyanotoxin levels restricting Tribal Cultural and Subsistence uses of the lake all year. We understand that when water is degraded by harmful algal blooms and cyanotoxins, that wildlife, fish and shellfish and plants can retain that. Our members can then be exposed at higher rates than the general population to these contaminants. Our uses of Clear Lake and other ancestral waters are indistinguishably linked to our spiritual, cultural, subsistence and traditional ways of life and practices, and are not being taken into consideration by existing water quality control measures.

The Clear Lake Nutrient Control Program was adopted in 2007 and implements the Clear Lake Nutrient TMDL to decrease the incidence of nuisance algal blooms in Clear Lake. In September 2012, five years after TMDL adoption, the Clear Lake Nutrient Control Program was evaluated to determine if the TMDL was still appropriate based on new information. The Central Valley Water Board determined that the TMDL was still appropriate and phosphorus reductions should continue. At this time it should have been apparent that the parties responsible for nonpoint discharges which include the U.S. Bureau of Land Management, the U.S. Forest Service, Lake County (along with the two cities) and irrigated agriculture have not done their due diligence of completed projects or pre and post monitoring to show the reduction. The burden of the reduction seemed to lie completely on the shoulders of the Middle Creek Restoration Project, which to date is still not close to being funded or have solid commitment from property owners that they will sell their properties enabling this to happen.



Central Valley Water Board states there have been many implementation activities completed and are being implemented but the majority of these activities are only plans and handbooks while very few are actual completed projects. One of the completed project, Tule Lake Wetland Restoration Project, was done with no post monitoring requirements to show if the project was successful in reducing the nutrient load to Clear Lake. Elem Indian Colony is very concerned with the Lake County Water Resource/Watershed District inability to monitor source and non-source sites for meaningful data which is why we are in favor of developing milestones to track progress. Accountability seems to be lacking.

The Elem Indian Colony Tribal community does not want to wait another generation for compliance on the nutrient TMDL. Water quality issues have exponentially worsened in the past decade. We are fearful of what is to come if the responsible parties are given a pass for another generation.

Sincerely,



Karola Kennedy
Environmental Director

