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CALIFORNIA CATTLEMEN'S ASSOCIATION CCA SINCE 1917 CALIFORNIA FARM BUREAU FEDERATION October 19, 2012 Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd So. Lake Tahoe, CA 96150 *Attention*: Don Jardine, Board Chair Patty Kouyoumdjian, Executive Officer Bruce Warden, Ph.D., Environmental Scientist The California Cattlemen's Association (CCA) and the California Farm Bureau Federation (CFBF) appreciate the opportunity to comment on the Lahontan Regional Water Quality Control Board's (Board) Triennial Review of the Basin Plan (Plan). As two organizations that represent ranchers and farmers all over the state of California, we are pleased to see that the Board is considering revising water quality objectives for bacteria in the triennial review. Ranchers are stewards of the land, and work tirelessly to ensure that the land is healthy and productive for the people of California and future generations of agricultural producers. In order to ensure a continuation of land management, it is critical that regulatory bodies establish policies which reflect sound science and logical application, and thus we encourage your adoption of revised bacteria standards. CCA and CFBF strongly support the Board's prioritization of bacteria objectives in the Plan review. For eight years, the agricultural community has been asking for an amendment to the Plan to address a fecal coliform standard that we believe, and members of the Board and staff have agreed, is untenable. This item has been considered before as a potential priority item in previous triennial reviews, and we believe that, given the history of the issue, that the Board would be remiss in not accepting the item now. As the Board is well aware, Lahontan Regional Water Quality Control Board is the only regional board to set a fecal coliform standard at 20 col fc/100ml. Both the EPA and all of the other regional boards have adopted a standard of 200 col fc/100ml. As far as can be determined, no scientific data has been shown to support the use of such a restrictive standard for the entire region. It is assumed that Lake Tahoe's uniquely high water quality was used as a baseline for this standard, but water data from 1966-1971 set forth fecal standards in Lake Tahoe itself of 32, 64, 240 and 700 fecal colonies depending on lakeshore development and distance from shore. These numbers would indicate that even Lake Tahoe is unlikely to meet the 20 col fc/100ml standard, further highlighting the need for revision and consideration. It is additionally evident that this standard was not intended to apply region-wide, as the beneficial use in many locations in the region, including Bridgeport Valley, have been historically and predominately agriculture. Not only is this standard seemingly arbitrary, but because of its unobtainable nature, does nothing to protect water quality. Since 2004, ranchers in the Bridgeport Valley have been working with Board staff and experts from UC Cooperative Extension in a collaborative effort to reduce levels of fecal coliform by creating and	**CCA/CFBF-1**: The 1975 Water Quality Control Plan (Basin Plan) for the North Lahontan Basin applied the 20 cfu/100mL standard to ten water bodies, including the East Walker River which is in the Bridgeport Valley. The existing 20 cfu/100mL standard is associated with a risk to human health of less than one person in 1000 becoming ill when they come into contact waters containing fecal contamination. The 20 cfu/100mL standard was extended to the rest of the Region in the 1995 Basin Plan update. Based on concerns about the compatibility of the 20 cfu/100mL standard with areas with historic agricultural uses, such as the Bridgeport Valley, Water Board staff began conducting studies on both fecal coliform and E. coli, covering a wide range of land use types in the region, including agriculture. Note that the North Coast Regional Water Board's Basin Plan includes a fecal coliform standard of 50 cfu/100mL standard for waters with designated recreational use. (see http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/083105-bp/04_water_quality_objectives.pdf) In nearly all places where livestock are not allowed unrestricted access to surface waters, the water quality meets the 30-day log mean for the existing standard of 20 cfu/100mL. See, for example, Nilson, C., and others, 2012. Bacteria Monitoring in the Eastern Sierra Nevada, Summary of Results for 2011—Staff Report. Lahontan Regional Water Quality Control Board, South Lake Tahoe, CA. March 27, 2012. 34 pp.)

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implementing various best management practices. Their efforts have resulted in improved water quality and a decrease in the frequency of standard exceedances. This cooperation should be a model for the entire region, and should the Board opt not to prioritize the revision of the bacteria standard, it will send a message that proactive, collaborative approaches have a limited chance of creating or influencing policy change. Because of the Board's acknowledgement that the standard is unworkable, the infeasibility of this standard in protecting water quality, and the work that has been done to date to improve water quality, and, CCA and CFBF firmly believe that the Board should demonstrate responsible policy setting and prioritize the revision of the bacteria standard. Staff has offered three options by which the Board may achieve the goal of revising the bacteria standards. Of the three, CCA and CFBF strongly urge your adoption of option two. While we certainly support option number one, which would make changes to the standard for the entire region, we believe that this should be a more long term goal that will come after the site –specific objective change to the Bridgeport Valley. Not only will option two require less staff, but it is also the most expeditious option. Acknowledging tight budgets and restricted resources, it would be appropriate for the Board to take advantage of the work that has already been done in Bridgeport and use their best management practices as a model for the rest of the region. Given the existing six years of data compiled by both Board staff and UC Cooperative Extension, the Board should prioritize this item and ultimately change the bacteria standard. By prioritizing and going forward with option two, the Board will vindicate the tremendous work that has already been done. Both CCA and CFBF would hate to see these efforts be rewarded with yet another delay in standard reform. CCA and CFBF encourage the Board to give these comments, and those from landowners, serious thought and consideration. Ranchers in the Lahontan Region are currently demonstrating levels of stewardship that should be applauded, and properly recognized with an appropriate bacteria standard change to the Basin Plan. We believe that the work that has been done over the past eight years has demonstrated not only sound scientific work, but an extraordinary effort on behalf of landowners. Ranchers' efforts coupled with the Board's repeated public acknowledgement of an workable standard makes the prioritization of this item both critical and time sensitive. We hope that the Board chooses to encourage the work that has been done and accept option two as presented by staff. Sincerely, Margo Parks Associate Director of Government Relations, CCA Kari Fisher Associate Counsel, CFBF	**CCA/CFBF-2**: The 2012 Triennial Review Staff Report recommends that Water Board staff continue to work on the water quality bacteria objectives as one of its highest basin planning priorities over the next three years. The Triennial Review Staff Report does not include a recommendation for choosing one of the three options previously listed in a scoping report. Rather, the 2012 Triennial Review Staff Report describes specific tasks that must be completed as part of continuing focus on the water quality bacteria objectives project. State Water Board Resolution No. 68-16 requires that changes to standards that maintain high quality water can be done if "demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies." Changes to numeric water quality objectives must be scientifically defensible and be consistent with Resolution 68-16. Please refer to Table 3, Water Quality Bacteria Objectives tasks.

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