

Central Valley Regional Water Quality Control Board

24 September 2019

United States Bureau of Land Management
California State Office
Attn: Joe Stout
2800 Cottage Way Suite W1623
Sacramento, CA 95825
castatedirector@blm.gov

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United States Bureau of Land Management
Central California District Office
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United States Bureau of Land Management
Ukiah Field Office
Attn: Amanda James
2550 N State St, Ukiah, CA 95482
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United States Bureau of Land Management
Ukiah Field Office
Attn: Molly Nilsson
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ORDER PURSUANT TO WATER CODE SECTION 13267

You are legally obligated to respond to this Order. Please read this Order carefully.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) issues this Order pursuant to California Water Code section 13267, which requires the submittal of a written technical report to the Board that assesses all management practices that have been implemented to reduce phosphorus loads to Clear Lake in response to the Clear Lake Nutrient Total Maximum Daily Load (TMDL). This report must be submitted to the Board within six months of the notification that this letter has been received by the United States Bureau of Land Management (USBLM). In addition, the Board is requiring the submittal of a progress report within three months of the notification that this letter has been received by USBLM, which will demonstrate the status of efforts taken to evaluate management practices. Applicable monitoring data

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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that has not previously been submitted to the Board shall also be included with the technical report.

This information is to be submitted to:

Attention: Taran Sahota
California Regional Water Quality Control Board,
Central Valley Region
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
taranjot.sahota@waterboards.ca.gov

Central Valley Water Board staff is requesting information to assess whether United States Bureau of Land Management (USBLM) is in compliance with the assigned load allocation under the Clear Lake Nutrient TMDL, as required by the 2006 Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Nutrients in Clear Lake (Basin Plan Amendment).

This Order, which requires the submittal of technical information describing the management practices implemented to reduce phosphorus loads to Clear Lake, is being issued because USBLM is one of the responsible parties identified and assigned a load allocation in the 2006 Clear Lake Nutrient TMDL. The Clear Lake Nutrient TMDL Control Program was adopted in 2006. The waste load allocations were based on modeling studies that predicted a 40% reduction in average phosphorus loading would significantly reduce the frequency of algae blooms. The load allocation for nonpoint source dischargers is 85,000 kg/year average annual phosphorus load (five year rolling average). The U.S. Bureau of Land Management (USBLM), U.S. Forest Service (USFS), Lake County (County), and Irrigated Agriculture are responsible for controlling phosphorus discharges from those portions of the watershed within their respective authority. The compliance date for the TMDL was 19 June 2017.

According to the [2018 Clear Lake Nutrient TMDL Technical Memorandum](#), which summarizes and evaluates previously available data and implementation efforts, staff cannot verify that the USBLM waste load allocation is being met. Although management practices have been implemented extensively to reduce contributions of phosphorus loads to Clear Lake, and the utilization of management practices indicate sediment and nutrient loading reductions, there is insufficient data to quantify the phosphorus loading reductions into Clear Lake from USBLM lands within the Clear Lake watershed.

Therefore, Central Valley Water Board is requesting the following information:

- 1) Within three months of the notification that this letter has been received, submit a progress report outlining the status of the work being done to collect the information identified below.
- 2) Within six months of the notification that this letter has been received, submit written technical information that describes management practices implemented to reduce phosphorus loads to Clear Lake. This assessment must include:
 - A comparison of pre- and post-TMDL management practices,
 - An evaluation of the effectiveness of management practices implemented by USBLM,

- Applicable monitoring data that has not previously been submitted to the Board,
 - A total number of acres implementing current management practices,
 - Summary of total acres associated with each current management practice, and
 - Information regarding management practices utilized in the Cow Mountain Recreation Area to address potential erosion impacts from recreational activities as well as USBLM's process for handling illegal Off-highway vehicle (OHV) use, and
 - An estimate of the load reduction from USBLM based on the implementation of management practices compared to the TMDL load allocation. To demonstrate an estimate of the load reduction, USBLM can point to scientific literature to demonstrate how effective management practices are and/or use credible assumptions based on the land to calculate the load reduction, and
 - Any changes in management practices caused by wildfires. The Board understands that management practices may have changed over time due to post-fire management. At this time, staff is requesting information on additional management practices that were used due to fires and any usual management practices that were not implemented due to fire management. In addition, the Board is requesting an estimate of load reduction or increase based on post-fire management practices.
- 3) Board staff will review the findings of the technical report once submitted. Based on the assessment, if Board staff conclude that the load allocation for USBLM is not being met, the Executive Officer will notify you and require you to submit a Work Plan. The Work Plan to reduce discharges of phosphorus and comply with the designated allocation is due to the Board within six months of the date of Executive Officer notification that a Plan is required. This Work Plan shall include:
- A detailed timeline outlining when USBLM will be in compliance with the specified load allocation,
 - Additional management practices that will be implemented,
 - The potential locations of future management practices, and
 - A quantitative estimate of the load reduction based on the methods outlined in the Work Plan.
- 4) All submittals pursuant to this Order must be accompanied by a signature statement whereby the person submitting the report represents:

"I certify under penalty of law that to the best of my knowledge and belief, this document and any attachments submitted is true, accurate, and complete and was prepared by me or under my direction or supervision. I am aware that there are significant penalties for knowingly submitting false information."

If, in the opinion of the Assistant Executive Officer, there is failure in complying with this Order, the Assistant Executive Officer may issue a complaint for administrative civil

liability. Failure to timely submit the required information may result in the imposition of administrative civil liability (monetary penalty) of up to \$1,000 per day under Water Code section 13268. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law, including, but not limited to, issuance of Orders under Water Code section 13304 to mandate implementation of the TMDL waste load allocation and submission of a technical report. You have the right to appeal the Central Valley Water Board's issuance of this order by submitting a petition for review to the State Water Board. The State Water Board must receive the petition by 5 p.m., 30 days after the date this Order is issued, unless the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, in which case the petition must be received by 5 p.m. on the next business day. The regulations applicable to filing petitions may be found on the State Water Resources Control Board's [public notices website](#) or will be provided upon request.

If you require more time than allowed by this Order to submit the information, please submit a written request for a time extension to the Executive Officer. The Executive Officer will review and approve requests for time extensions on a case-by-case basis.

If you have any questions regarding this Order, please contact Taran Sahota at (916) 464-4716 or via email at taranjot.sahota@waterboards.ca.gov.

ORIGINAL SIGNED BY PATRICK PULUPA

PATRICK PULUPA, Executive Officer