

06/16/09

To: California Regional Water Quality Control Board
Los Angeles Region

Subject: Objections, Comments and Recommendations to the Draft 2008 303(d) pertaining to
Lake Sherwood

I am writing on behalf of Lake Sherwood in response to the Draft 2008 California 303(d) / 305(b) Integrated Report. I am chairman of the Lake Sherwood Joint Advisory Committee (LSJAC), which is a voluntary committee comprised of homeowners, part-time consultants and a Lake Manager who advise the owners of Lake Sherwood on lake management issues. Lake Sherwood, a small lake within the Malibu Creek Watershed, is privately owned and maintained by the Sherwood Valley Homeowners Association (SVHOA). Sherwood Development Company, SVHOA, Lake Sherwood Management and the Lake Sherwood community at large have taken many steps necessary to maintain and improve this water body over the last 25 years. All the principals involved have the dedication and commitment to continue to strive towards the improvement and maintenance of Lake Sherwood in perpetuity.

Objections

We are concerned with the State Water Resources Control Board and Los Angeles Regional Board's inadequate communication with the small stakeholder. This has been confirmed by the absence of the State and/or Regional Board's to notify Lake Sherwood lake management of the inclusion of Lake Sherwood in the following listings:

The 1998 California 303(d) List and TMDL Priority Schedule
The 2002 CWA Section 303(d) List of Water Quality Limited Segment
The 2006 CWA Section 303(d) List of Water Quality Limited Segment Requiring TMDLS
The 2008 CWA Section 303(d) List of Water Quality Limited Sections

The State and Regional Board's have failed to provide Sherwood lake management any current evidence for listing Lake Sherwood as an impaired body of water. Additionally, the State and Regional Board's have repeatedly failed to notify Sherwood lake management of the request for solicitation of data and information. This lack of communication has effectively denied the owners, SVHOA, the opportunity to respond to and/or comply with the suggested impairments indicated in the California 303(d) List.

Lake Sherwood was included in the "Evaluation of Water Quality for Selected Lakes in the Los Angeles Hydrologic Basin" final report dated December 1994. The lake was subsequently listed on the 1998 California 303(d) List and TMDL Priority Schedule for Algae, Ammonia, Eutrophic, Mercury in fish tissue and Organic Enrichment/Low Dissolved Oxygen. Definitions for Algae and Eutrophic were not established at the time of the 1994 report. We believe that these impairments were listed in the 2008 List based on visual inspection and/or 14-year-old-data (1992/1993) and not based on actual water quality test data. This is a grossly inadequate effort and provides a fractional snapshot of the lake ecosystem in the 1992/1993 time period.

We do not believe that adequate efforts have been displayed by the Regional Board to communicate with the Lake Sherwood lake management in order to update the Regional Boards information of current Lake Sherwood lake management policies or actions. This is evidenced by the outdated generic listing of the sources for pollution in the Supporting Information section of the current draft 303(d) List that has been applied to all suggested impairments.

Source (303(d) listing)	Present Status
<ul style="list-style-type: none">• Agriculture-animal	Significant reduction upstream, ongoing monitoring by SVHOA
<ul style="list-style-type: none">• Atmospheric Deposition	No data available (exception: Mercury)

• Golf Course Activities	Ongoing monitoring by SVHOA
• Groundwater Loadings	No data to confirm as source pollutant
• Irrigated Crop Production	Discontinued, no data to confirm as source pollutant
• Major Municipal Point Source-dry and/or wet weather discharge	Does not exist, no data to confirm as source pollutant
• Onsite Wastewater Systems (Septic Tanks)	Removed, septic tanks do not exist
• Urban Runoff/Storm Sewers	Does not exist, no data to confirm as source pollutant

It has become apparent that all communication originating from the Regional Board is aimed specifically towards industry, counties, municipalities and/or water districts. We believe communication focused solely towards the large stakeholder unfairly isolates the smaller stakeholder from participating in the process to contribute and partner with the Regional Board in establishing water quality standards that are reasonable, realistic and relate specifically to that water body. The small stakeholder, such as Lake Sherwood, requires ongoing communication with the Regional Board to provide timely, appropriate and accurate information in order to stay current in the important processes of water quality management.

Existing Beneficial Uses

Lake Sherwood is listed as having the following designations and examples of how they apply:

Municipal and Domestic Supply (MUN) (potential)

This water body is not used as a municipal or domestic water supply.

Ground Water Recharge (GWR)

We recognize the relationship between water level of the lake and the adjacent aquifer. All pumping of lake water for irrigation ceased approximately 1986. Lake Management has documented an annual fluctuation of water level between 2'-4' depending on seasonal conditions.

Navigation (NAV)

Lake use includes sailboat, paddleboat and motorboat activity.

Water Contact Recreation (REC-1)

Sherwood Development Company, SVHOA and LSJAC have mandated REC-1 body contact water quality standards as a water quality minimum and test accordingly.

Non-contact Water Recreation (REC-2)

Lake Management has established a catch and release fishing policy, maintains the community park and shoreline areas as a scenic resource and is noted by the Audubon Society as a haven for migratory waterfowl.

Warm Freshwater Habitat (WARM)

Wildlife Habitat (WILD)

Wetland Habitat (WET)

Sherwood Development Company, SVHOA and LSJAC have developed wetlands, enacted an erosion control program and promoted the growth wildlife habitat in order to maintain a natural environment and balanced ecosystem.

Proactive Measures for Water Quality Improvement

1984-1986	The lake was drained to inspect dam. The lake bottom was de-silted and the shoreline re-contoured.
1985-2000	Construction of de-siltation basins at all inflows.
1986	Installation of a community-wide sewer system.
1986-1988	Removal of existing septic tanks within the community.
1987	Lake refilled through natural runoff.
1987	Implementation of lake management plan by Lake Sherwood Ranch.
2000	Final lake management plan developed by Sherwood Development Company.
2002	Final lake management plan approved by the Ventura County Planning with the following Mission Statement: To create in perpetuity, a peaceful, scenic, natural area to fish, swim and boat. To maintain the beauty of the lake in order to preserve its simple elegance in accordance with the current Recreation I Standard.
2002	Establishment of the Joint Lake Management Committee to advise Sherwood Valley Homeowners Association on lake management concerns.
2004	Arundo Donax removal along Lake Sherwood shorelines.
2004	Update of the Lake Management Plan for the long term maintenance of Lake Sherwood.
2007	Review and update of the Lake Management Plan
2008	Installation of an aeration system.

Ongoing maintenance program:

- Contract with Clean Lakes, Inc. to advise on the latest water quality standards; advise on Best Management Practices; develop Water Quality Monitoring Methods.
- Develop effective testing program using proposed Malibu Creek Watershed TMDL's
- Monthly Joint Lake Advisory Committee meeting to discuss lake issues and develop action plan.
- Daily removal of organic material.
- National Pollution Discharge Elimination System (NPDES) permit acquired and complied with for Aquatic Weed Control.
- Development of an Aquatic Weed Removal and Control Program.
- Development of an Algae Reduction and Control Program.
- Development of an Invasive Species Monitoring, Removal and Control Program: Arundo Donax
- Clearing of de-silting ponds as needed based on annual monitoring.
- Management of the aeration system to improve Dissolved Oxygen levels and aquatic habitat.
- Rec-1 Standard for body contact maintained and verified weekly during swimming season.
- Development of a Quagga Mussel prevention policy.
- On-going community education for preventative measures for the protection of lake water quality.
- Annual inspection of dam.
- Management of the Erosion Control Program.

It is the knowledge that has followed the discovery of the Evaluation of Water Quality for Selected Lakes in the Los Angeles Hydrologic Basin and the 303(d) listing that has, in great part, influenced the testing program initiated at Lake Sherwood. The LSJAC discovered both items by chance. This testing program has been developed in order to aid in recognizing and improving the lake water quality. Additionally, the testing program established a lake water quality database to offset detrimental data collected from other agencies. Over the years, the LSJAC has found that the vast majority of testing programs are under funded or poorly organized. Inadequate testing programs have led some agencies to take limited or incomplete data and stretch it to fit their criteria.

We believe that the water quality testing program at Lake Sherwood has developed sufficient data and information to justify removal from the 303(d) list for Ammonia, Total Nitrogen and in the next de-listing cycle Dissolved Oxygen. We feel that there is insufficient data to list Lake Sherwood for Eutrophic and Organic Enrichment as no criteria appears to exist for these pollutants in the documents provided on the LARWQCB website or elsewhere.

The development of Best Management Practices in a continuous review and update process by lake management has provided the ability to introduce new techniques and positive actions towards this maintenance effort. This effort includes a water quality testing program that has yielded long-term data to support de-listing from the 303(d) list. Unfortunately, due to a lack of notification by the Regional Board, Lake Sherwood lake management was not given the opportunity to present this data within the solicitation window for the 2008 de-listing. Lake management is now faced with an unacceptable and costly delay that requires continued testing until the solicitation period for 2010 is decided. This unnecessarily extends the period in which Lake Sherwood remains on the 303(d) list for an additional 2 to 4 years.

Action Request

To aid the small stakeholders, including Lake Sherwood, in partnering with the Regional Board, we submit the following recommendation for the Regional Board to consider and adopt:

- Accept and analyze data from the small stakeholder for de-listing when the data is available. Waiting for a solicitation period is financially impractical. This burden limits the ability of the small stakeholder to contribute and participate with the Regional Board.
- We believe that the water quality testing program at Lake Sherwood has developed sufficient data and information to justify removal from the 303(d) List for Ammonia and Total Nitrogen. We request the Regional Board accept this data outside the solicitation period and remove Lake Sherwood from the 303(d) List for these items.
- We believe that there is insufficient data to list Lake Sherwood for Eutrophic and Organic Enrichment as no criteria appears to exist for these pollutants in the documents provided on the LARWQCB website or elsewhere. We request the Regional Board remove Lake Sherwood from the 303(d) List for these items.
- Establish one department with consistent staff to communicate with the small stakeholder on the 303(d) and TMDL process.
- Develop an ongoing, proactive communication effort specifically geared towards the small stakeholder to provide timely, appropriate and accurate information.
- Simplify and streamline the processes of the Regional Board when communicating with the small stakeholder. Agencies employing full-time staff that specializes in water related issues and standards have a distinct advantage in comprehending formulas and communicating with Regional staff. The small stakeholder does not possess the full-time staff to track the actions and decipher policies of the Regional Board. Our participation, and I am sure many other small stakeholders, has been hampered by confusing rhetoric and complicated processes.
- Partner with small stakeholders to encourage the development of testing programs and standards. Communicate with the stakeholder in order to minimize duplicate or erroneous efforts to maximize the budget potential for both the stakeholder and Regional Board.
- Develop clear cut definitions and criteria. We have, as an example, found it difficult to receive specific definitions on something as basic as Dissolved Oxygen levels.

- Consider the impact that Lake Sherwood has on the watershed, given that the lake does not discharge water into Potrero Creek except during high flows in the winter season. During these times of high flow, Dissolved Oxygen, Ammonia as N, Total Nitrogen, Total Phosphorus and Chlorophyll-a do not exceed TMDL standards developed by the USEPA as waters are well mixed. These waters either fall within objectives or the objectives currently do not exist.
- Maintain accurate data that is easily available to the small stakeholder. Update all information to a digital format for acquisition and viewing over the internet as Listing data cannot be located on the Regional Boards website. Adopted 2003 TMDL was not presented until 2008.

The Lake Sherwood Joint Advisory Committee thank you in advance for your consideration and plan to attend the public hearing you have scheduled for July 16, 2009. I am available to respond to your questions on this subject.

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Lake Sherwood Joint Advisory Committee

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cc: California State Water Resources Control Board
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