

05/15/06 BMTg Item
Tomales Bay
Deadline: May 4, 2006



MARIN AGRICULTURAL LAND TRUST

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4 May 2006

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Attn: Song Her
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Comment letter – Pathogens in Tomales Bay

Dear Board Chair Doduc,

Thank you for the opportunity to comment on the proposed amendment to the Water Quality Control Plan for the San Francisco Bay Region Basin Plan that will establish a program (Total Maximum Daily Load - TMDL) to control pathogens in the Tomales Bay Watershed. The TMDL has been adopted by the San Francisco Bay Water Board, and we appreciate the lengthy efforts of that Board and its staff to engage the community while fulfilling its mandate to develop the TMDL.

The existing TMDL addresses many of the concerns that were voiced after release of the initial draft. In particular, timelines for planning and implementation of management measures are more realistic, and it is clearly stated that landowners will be responsible for implementation of appropriate management actions rather than being individually liable for the numeric targets which are "not directly enforceable". A number of stakeholders and resource specialists have begun working with regional Water Board staff to develop a conditional waiver program for grazing lands that is achievable, economically sustainable and practical for landowners, and that will result in improved water quality. We look forward to continuing this collaborative process.

While the stakeholders are engaged in finding solutions, significant doubt remains among source groups and water quality specialists as to whether the numeric targets established by the TMDL are based on sufficient, valid data and whether they are achievable. This uncertainty of success is discouraging to those expected to spend a great deal of money implementing additional management practices. Further, it raises the specter that however much is done, ever more requirements and costs will be required in the future.

The questions listed in the Adaptive Implementation section of the TMDL reflect this gap between the necessary, and available, knowledge needed to quantify source loading and make sound decisions on necessary improvements. It is reassuring that the TMDL, including targets and implementation plans, may be reviewed every five years for modification based on new information. However, except for a minimal level of



monitoring, there is as yet no significant commitment to begin gathering the information that will guide future decisions. As stakeholders begin implementing TMDL plans, we strongly encourage the State and Regional Water Boards, hopefully with assistance from the Environmental Protection Agency, to commit to gathering valid information, such as might result from microbial source tracking studies, that will allow Water Board staff to make sound decisions and give greater confidence to stakeholders that they won't face the same uncertainties and greater costs five or ten years from now.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony R. Nelson", with a long horizontal line extending to the right.

Anthony R. Nelson
Stewardship Coordinator

Marin Agricultural Land Trust



*Permanently preserving Marin County's
agricultural land for
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Fax Cover Sheet

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TO: Song Her, Clerk to State Water Board.

FROM: Tony Nelson

DATE: 5-4-06

FAX #: 916-341-5620

of Pages (including this cover page): 3

RE: Comment letter - Pathogens in Tomales Bay.

Thank you.