

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
JUNE 21, 2006**

ITEM 9

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE NORTH COAST REGION TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD FOR SEDIMENT AND TEMPERATURE IN THE SCOTT RIVER WATERSHED

DISCUSSION

The North Coast Regional Water Quality Control Board (North Coast Water Board) adopted the Water Quality Control Plan for the North Coast Basin (Basin Plan) under Resolution No. 93-89 on December 9, 1993. The Basin Plan was approved by the State Water Resources Control Board (State Water Board) on March 21, 1994 and by the Office of Administrative Law (OAL) on August 18, 1994.

The Scott River Watershed was identified as not meeting water quality standards for sediment and temperature under section 303(d) of the federal Clean Water Act (CWA). The North Coast Water Board determined that excessive sediment loads and elevated temperatures in the Scott River Watershed and its tributaries have resulted in degraded water quality conditions. North Coast Water Board staff identified the following beneficial uses not being protected due to excess sediment and elevated temperature in the Scott River Watershed and its tributaries: water contact recreation (REC1), and non water contact recreation (REC2), commercial and sport fishing (COMM), cold freshwater habitat (COLD), rare, threatened, and endangered species (RARE), migration of aquatic organisms (MIGR), and spawning, reproduction, and/or early development of fish (SPWN). Because the Scott River Watershed is listed as not meeting water quality standards, section 303(d) of the CWA requires that a Total Maximum Daily Load (TMDL) be established for the Scott River Watershed. A TMDL specifies load allocations (LAs) for nonpoint sources and waste load allocations for point sources that, when implemented, are expected to result in attainment of applicable water quality standards. State law requires an implementation plan and schedule to ensure that the TMDL is met.

The TMDL addresses sediment and temperature in the Scott River Watershed and assures that water quality standards will be achieved. The Basin Plan specifies narrative objectives for sediment and temperature for the protection of beneficial uses of inland surface waters. On December 7, 2005, the North Coast Water Board adopted Resolution No. R1-2005-0113 ([Attachment](#)) amending the Basin Plan by establishing a TMDL for sediment and temperature in the Scott River Watershed. The TMDL specifies numeric targets for sediment and temperature in the Scott River Watershed.

Sediment

The sediment source analysis identifies both natural and anthropogenic sources and the following sediment delivery processes in the Scott River Watershed. Natural sources of sediment in the Scott River Watershed include:

- landslides;
- generally, long-term continuing sources of sediment that typically originate on, or extend up onto, the mountainside based on on-site streamside surveys (large discrete streamside features);
- stream bank failures, gullies, and other small failures that mostly deliver episodically to a water body based on on-site streamside surveys (small discrete streamside features);
- streamside soil creep; and
- unique landslide features.

Anthropogenic sources include:

- landslides;
- large discrete streamside features;
- small discrete streamside features;
- road related sources; and
- unique landslide features.

The sediment targets for the Scott River Watershed are the estimate of the total amount of sediment from both natural and anthropogenic sources that can be delivered to a water body without causing non-attainment of applicable water quality standards. The sediment TMDL includes an implicit margin of safety based on conservative assumptions. To account for annual and seasonal variability in sediment delivery events, sediment delivery mechanisms, and storm patterns in the Scott River Watershed, the TMDL and LAs apply to sources of sediment, not the movement of sediment across the landscape.

Temperature

The temperature source analysis identifies the various heating and cooling processes and sources of elevated water temperatures in the Scott River Watershed. The primary anthropogenic factors affecting stream temperatures in the Scott River Watershed are:

- increased solar radiation resulting from reductions of shade provided by near-stream vegetation;
- changes in groundwater accretion in the Scott Valley;
- diversions of surface water that lead to small temperature impacts in the main stem of the Scott River;
- microclimate alterations resulting from near-stream vegetation removal; and
- changes in channel geometry.

The current conditions for the temperature TMDL is described by the effective shade which is the percentage of direct beam solar radiation attenuated and scattered before reaching the ground of stream surfaces from topographic and vegetative conditions. The temperature targets are expressed as the adjusted potential effective shade which is the percentage of direct beam

solar radiation attenuated and scattered before reaching the ground of stream surfaces from the potential vegetative conditions reduced by 10 percent to account for natural disturbances. The temperature targets are expressed as conditions for the date of the summer solstice. The temperature TMDL includes an implicit margin of safety, based on conservative assumptions, to account for uncertainties in the analysis. To account for annual and seasonal variability, the analysis evaluated temperatures and thermal processes during the most critical time period (i.e., the hottest time of the year).

The North Coast Water Board will require implementation actions to achieve the TMDL and the sediment and temperature related-water quality standards in the Scott River Watershed. The implementation actions are designed to encourage and build upon on-going, proactive restoration and enhancement efforts in the watershed. Although the North Coast Water Board prefers to pursue the implementation actions described in Table 4 of the Attachment, it has indicated that it will take the appropriate permitting and/or enforcement actions should any of the implementation actions fail to be implemented by the responsible parties or prove to be inadequate. The implementation actions address:

- sediment waste discharges;
- road development and maintenance on private, county and State lands;
- grading;
- dredge mining;
- water temperature and vegetation;
- water use;
- flood control and bank stabilization activities;
- timber harvest; activities on U.S. Forest Service (USFS) land;
- activities on Bureau of Land Management (BLM) land;
- grazing; and
- cooperation with the Siskiyou Resource Conservation District, Scott River Watershed Council, Natural Resources Conservation District, and California Department of Fish and Game.

The implementation actions use existing regulatory tools including the CWA 401 certification process, modification of the National Pollutant Discharge Elimination System storm water permits, timber harvest plans requiring development of erosion control plans, and the development of memoranda of understanding with the County of Siskiyou, USFS, and BLM to address activities on public and private lands. Specific implementation actions and timeframes for action are detailed in the attachment in Table 4. The responsible parties include the County of Siskiyou, BLM, USFS, the California Department of Transportation, entities that conduct public and private timber harvest activities, and entities responsible for road construction and maintenance.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan in accordance with the Staff Recommendation below?

FISCAL IMPACT

North Coast Water Board and State Water Board staff work associated with or resulting from this action can be accomplished within budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, North Coast Water Board.

**STAFF RECOMMENDATION or
ADVISE OF STAFF ACTION**

That the State Water Board:

1. Approves the amendment to the North Coast Water Board Basin Plan to incorporate a TMDL for Sediment and Temperature in the Scott River Watershed as adopted in North Coast Water Board Resolution No. R1-2005-0113.
2. Authorize the Executive Director to transmit the amendment adopted under North Coast Water Board Resolution No. R1-2005-0113 as approved and the administrative record for this action to OAL and the TMDL to the U.S. Environmental Protection Agency for approval.

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 - _____****APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE NORTH COAST REGION TO INCORPORATE A
TOTAL MAXIMUM DAILY LOAD FOR SEDIMENT AND TEMPERATURE
IN THE SCOTT RIVER WATERSHED****WHEREAS:**

1. The North Coast Regional Water Quality Control Board (North Coast Water Board) adopted the revised Water Quality Control Plan for the North Coast Basin (Basin Plan) under Resolution No. 93-89 on December 9, 1993. The revised Basin Plan was approved by the State Water Resources Control Board (State Water Board) on March 21, 1994 and approved by the Office of Administrative Law (OAL) on August 18, 1994.
2. The State Water Board finds that the North Coast Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and all other applicable State laws and regulations.
3. The North Coast Water Board found that the additions to this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
4. The State Water Board finds that the amendment is in conformance with the requirements for Total Maximum Daily Load (TMDL) development specified in section 303(d) of the federal Clean Water Act.
5. The State Water Board finds that the Basin Plan amendment is in conformance with the requirements of Water Code section 13240, which specifies that Regional Water Quality Control Boards shall periodically review and may revise Basin Plans, and section 13242, which requires a program of implementation of water quality standards.
6. Basin Plan amendments do not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by the U.S. Environmental Protection Agency (USEPA).

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THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the North Coast Water Board Basin Plan to incorporate a TMDL for Sediment and Temperature in the Scott River Watershed as adopted in North Coast Water Board Resolution No. R1-2005-0113.
2. Authorizes the Executive Director to transmit the amendment adopted under North Coast Water Board Resolution No. R1-2005-0113 as approved and the administrative record for this action to OAL and the TMDL to USEPA for approval.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 21, 2006.

Song Her
Clerk to the Board