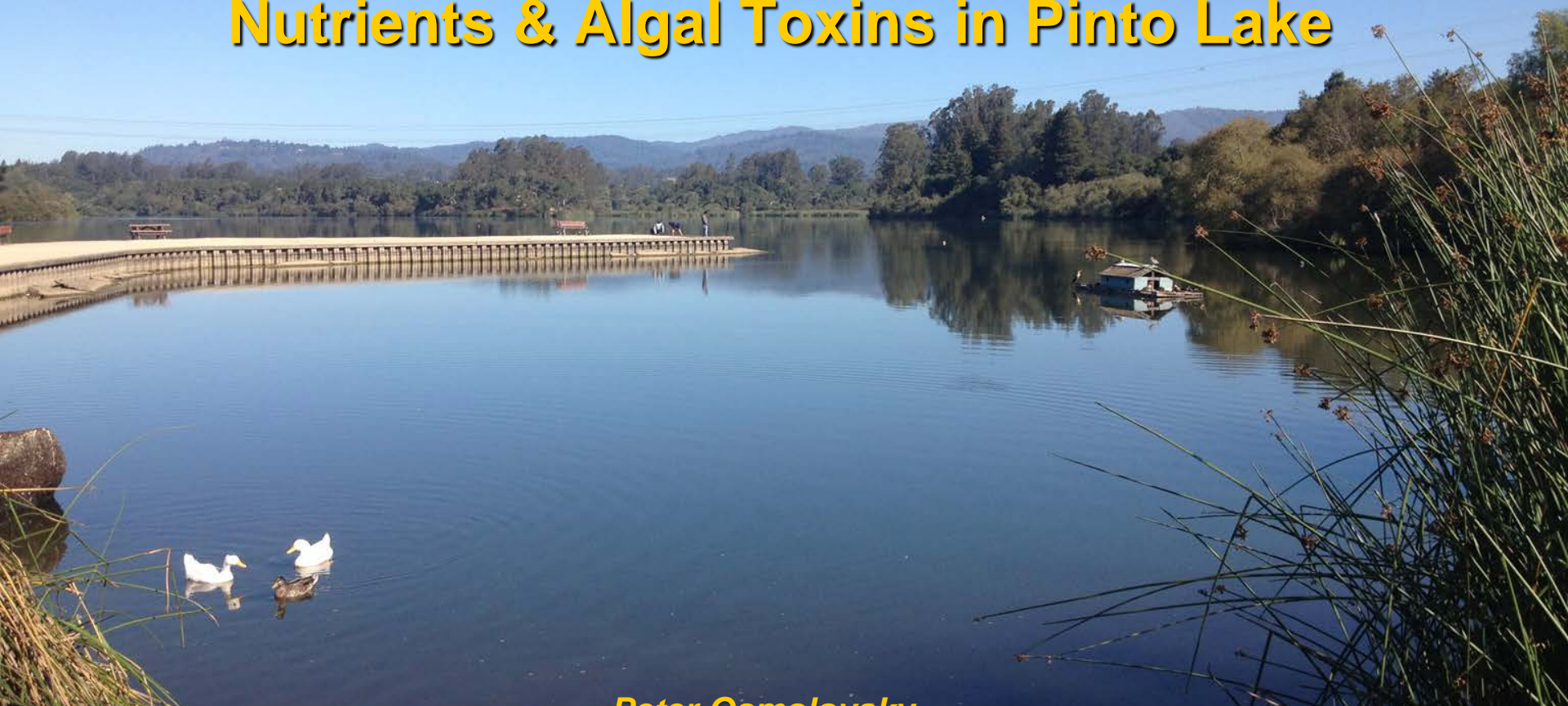


CEQA SCOPING MEETING

to support
**Development of TMDLS Addressing
Nutrients & Algal Toxins in Pinto Lake**



*Peter Osmolovsky
Shanta Keeling*
Water Board TMDL Program
June 2, 2015

Pinto Lake, Aug. 2013

**Photo Credit:
Stephanie Salomonsen
followthehighlinehome.com**



What is CEQA Scoping?...

➤ **Backdrop:** California Environmental Quality Act (CEQA)

- *A statute requiring us to anticipate significant adverse environmental impacts (if any) associated with an action or project, and to identify ways mitigate those impacts, if feasible.*
- *Early public CEQA scoping meeting is required by regulation:*

23 CCR: CEQA Implementation Regulations, §3775.5

“Prior to circulating the draft substitute environmental documentation...the board shall seek early public consultation. Early public consultation may include one or more scoping meetings”

Today's Goals...

- 1) Brief background info on Pinto Lake TMDL (20 minutes)
- 2) Update on current efforts in the watershed – Mr. R. Ketley (10 minutes)
- 3) Water quality update from Mr. Kirk Schmidt (10 minutes)
- 4) CEQA Scoping for the TMDL (1 to 1.5 hours)

What the Water Board Does

Protect Water Quality

- Regulate Waste Discharges
 - Calif. Water Code (State)
 - Clean Water Act (Fed)



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



Central Coast Regional Water
Quality Control Board

What is a TMDL?...

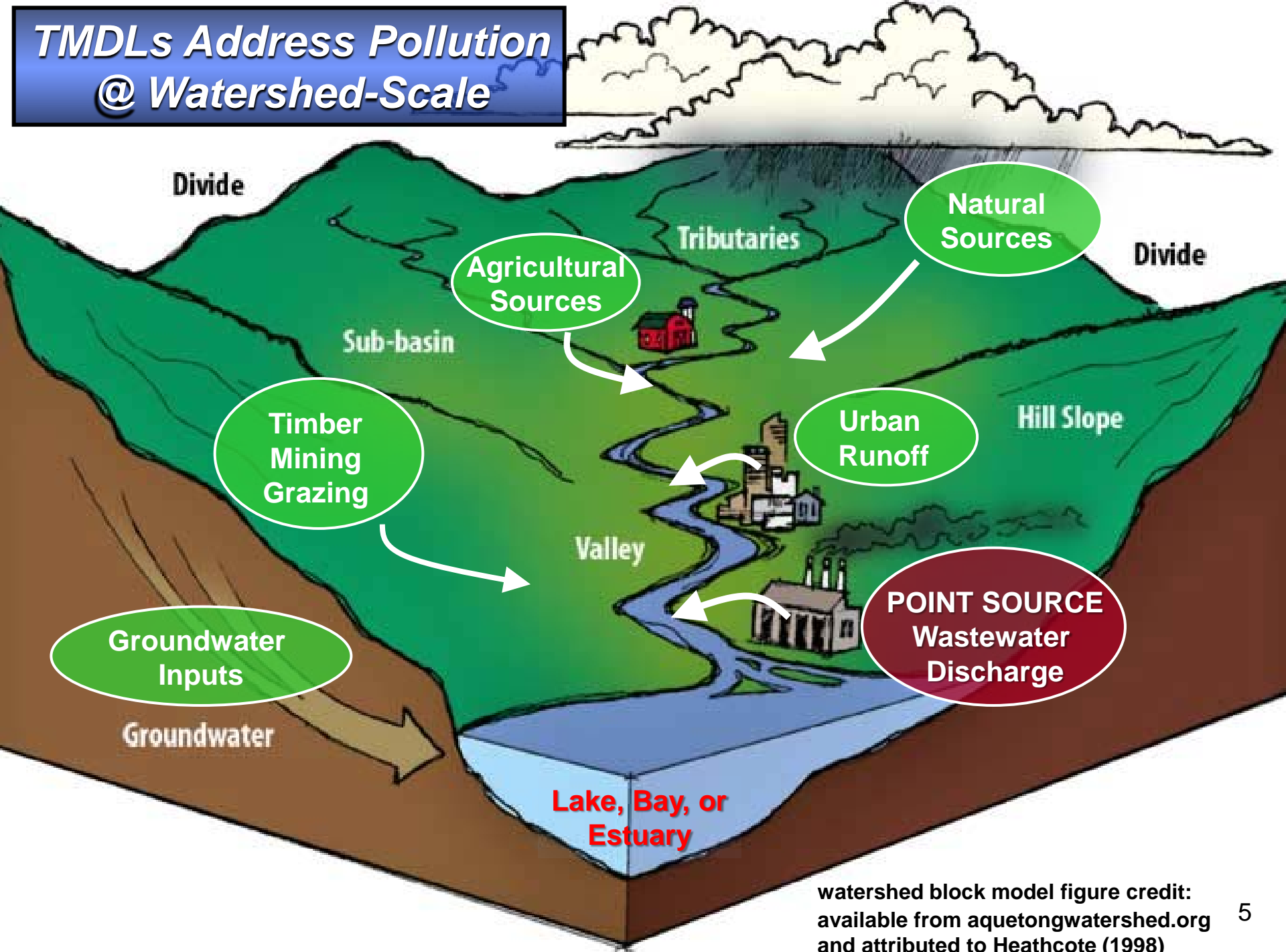
TMDL projects are strategies or plans to improve water quality.



The TMDL is an "informational tool" to assist the State in creating its plan to implement its water quality standards

*U.S. Solicitor General
United States Department of Justice*

TMDLs Address Pollution @ Watershed-Scale



watershed block model figure credit:
available from aquetongwatershed.org
and attributed to Heathcote (1998)

TMDLs: The bottom line....

- 1) TMDL studies are planning tools that can recommend or propose *new* or *additional* regulatory measures for discharges contributing to a water quality impairment.**
- 2) TMDLs can recommend that *existing* regulatory measures are sufficient to achieve water quality objectives.**
- 3) TMDLs can conclude that *natural sources* are the cause of a water quality impairment, and recommend a revision of applicable state water quality standards.**

What TMDLs Do and Do NOT Do....


TMDLs Do Not / Are Not ...

- 1) Require immediate compliance w/ water quality objectives**
- 2) TMDLs are not directly enforceable (existing or future permits are)**
- 3) Imply enforcement actions are imminent**
- 4) Mandate specific management practices**
- 5) Presume every landowner is contributing to pollution**
- 6) Presume all pollutants are from human activities (natural sources too)**

What TMDLs DO and DO NOT Do (continued)....

*TMDLs **Do...***

- 1) Create an expectation and responsibility to achieve WQ goals
- 2) Inform permitting staff regarding permit implementation
- 3) Often rely on existing permits to implement TMDL objectives
- 4) Can propose new, or additional regulatory requirements
- 5) Create more opportunities for obtaining grant funding.



Pinto Lake...

What is the Environmental Problem?

Algae blooms, associated algal toxins, low dissolved oxygen are driven by excess nutrient loads, especially phosphorus





Aerial photo of algae bloom in Pinto Lake
Photo submitted by: City of Watsonville staff



The Pinto Lake Catchment



Source Data & Methodology:
stream drainage network and catchment
delineated on the basis of a U.S.
Geological Survey National Elevation
Dataset 30 meter digital elevation model,
and using the ArcMap 10.1 Spatial Analyst
Hydrology Tool

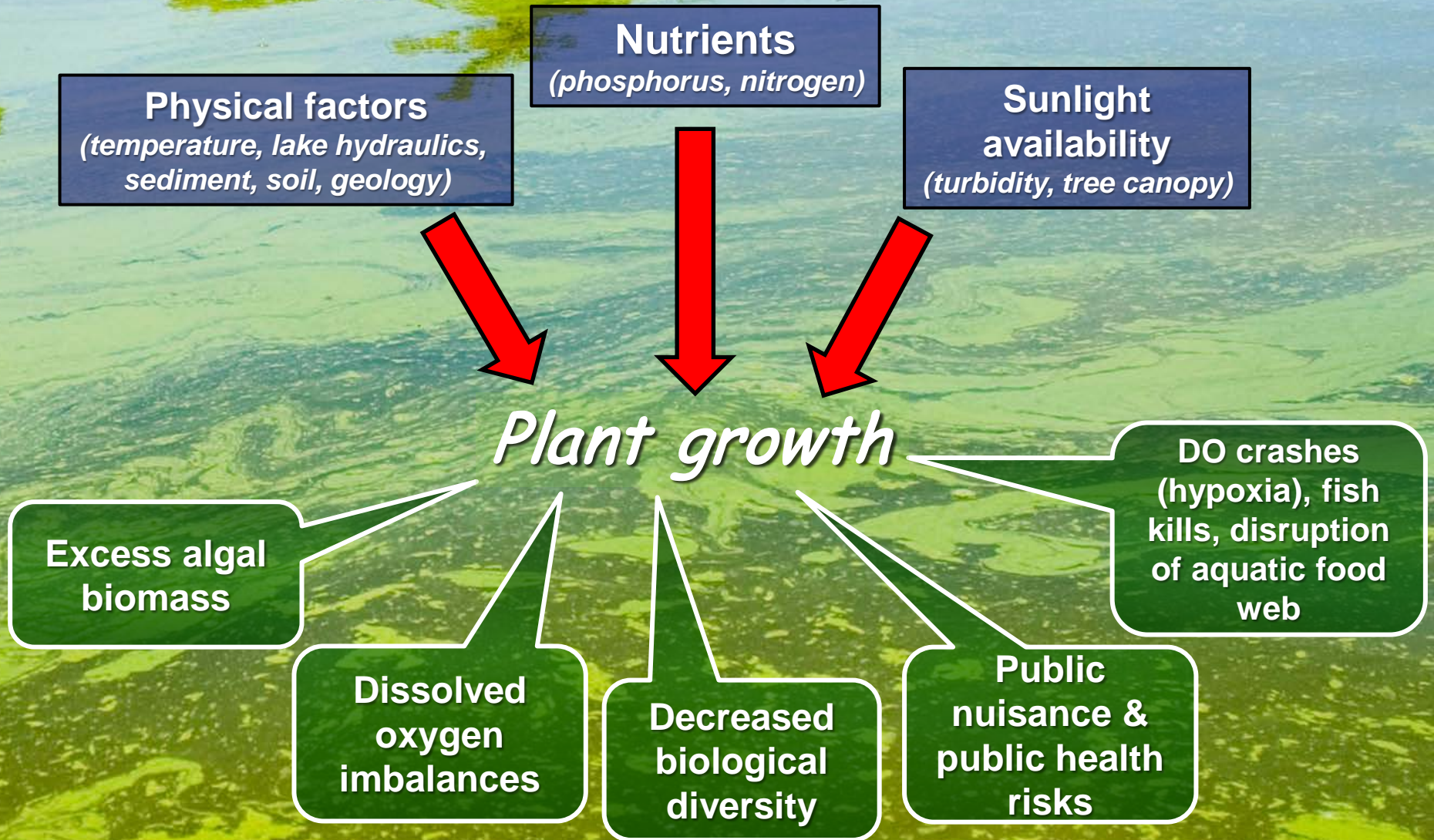
-  Pinto Lake Catchment
-  Lakes
-  Streams
-  Main Roads

N

0 1,000 2,000 Feet

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Nutrient Pollution (phosphorus & nitrogen)...



Potential Environmental Impacts @ Pinto Lake...

Growers had to abandon use of lake waters as an irrigation source due to algal toxins

Documented cases of wildlife fatalities, including the endangered California southern sea otter.



Anecdotal reporting of skin-rashes and flu-like symptoms in humans

Photo: R. Ketley



Photo: Julia Scott

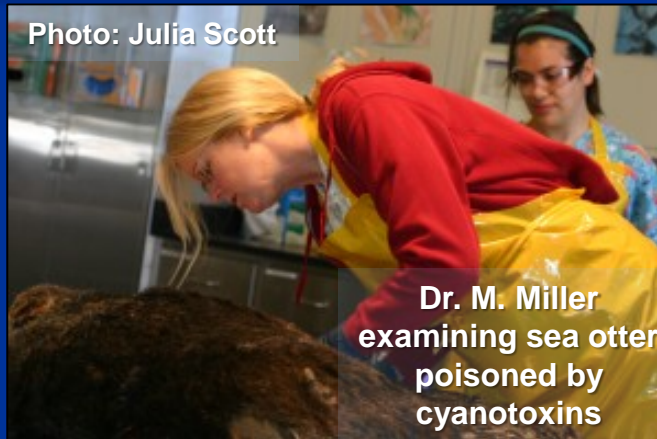


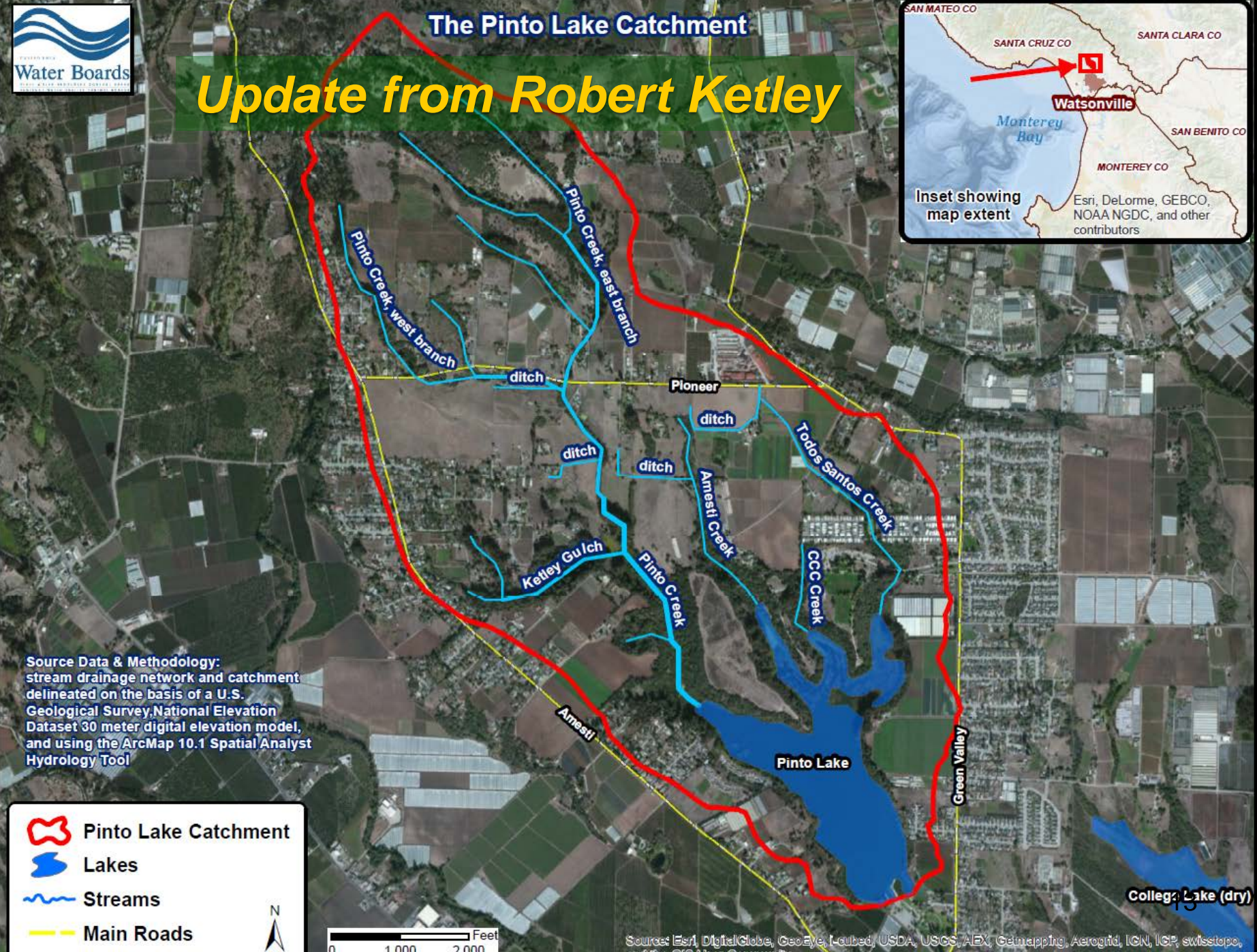
Photo: J.D. Hillard









The Pinto Lake Catchment

Update from Robert Ketley



Source Data & Methodology:
stream drainage network and catchment delineated on the basis of a U.S. Geological Survey National Elevation Dataset 30 meter digital elevation model, and using the ArcMap 10.1 Spatial Analyst Hydrology Tool

-  Pinto Lake Catchment
-  Lakes
-  Streams
-  Main Roads

N

0 1,000 2,000 Feet

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

CEQA Scoping

Adoption of a Water Quality Control Plan (i.e., TMDL) is a discretionary Water Board action or “project” subject to CEQA

What is a CEQA “Project”?

Types of Water Board “Projects” ...

- **Adoption of plans or policies that may result in a significant environmental impact**
- **Issuance of a permit, or waste discharge requirements**
 - **NPDES permits are exempt from CEQA**
- **Basin Plan amendments, including TMDLs**
- **Exemptions may apply**

Project Description...

Adoption of a basin plan amendment to the *Water Quality Control Plan for the Central Coastal Basin* to incorporate TMDLs and an associated water quality improvement strategy addressing nutrients and algal toxins in the Pinto Lake watershed

Water Quality Control Plan
for the
Central Coastal Basin

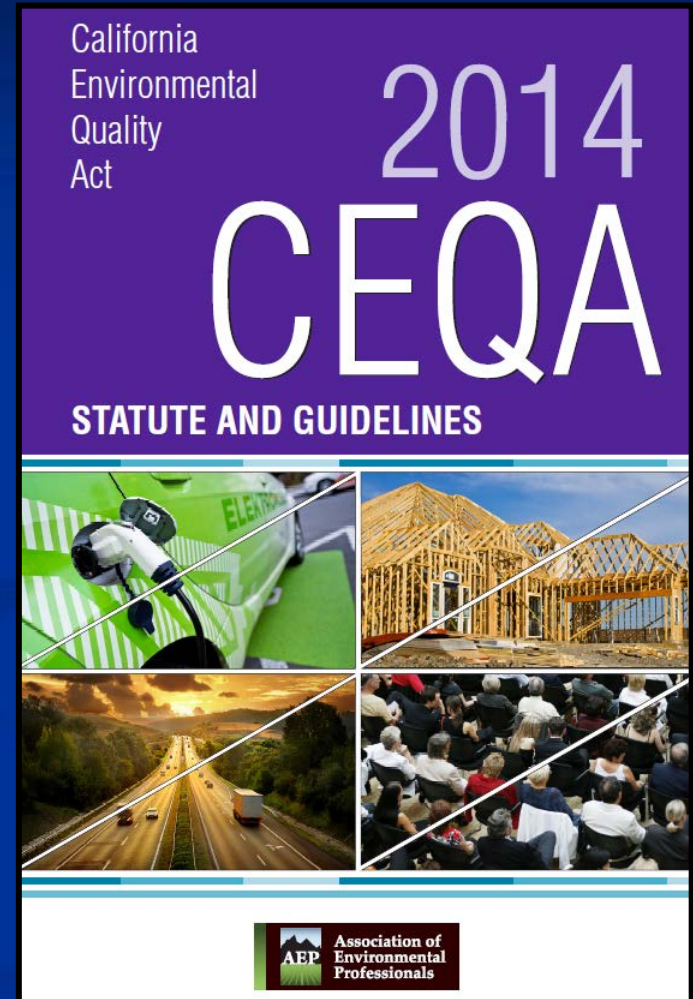
June 2011

Regional Water Quality Control Board, Central Coast Region
State Water Resources Control Board
California Environmental Protection Agency

CEQA Scoping

required by regulation; CCR Title 23, §3775.5

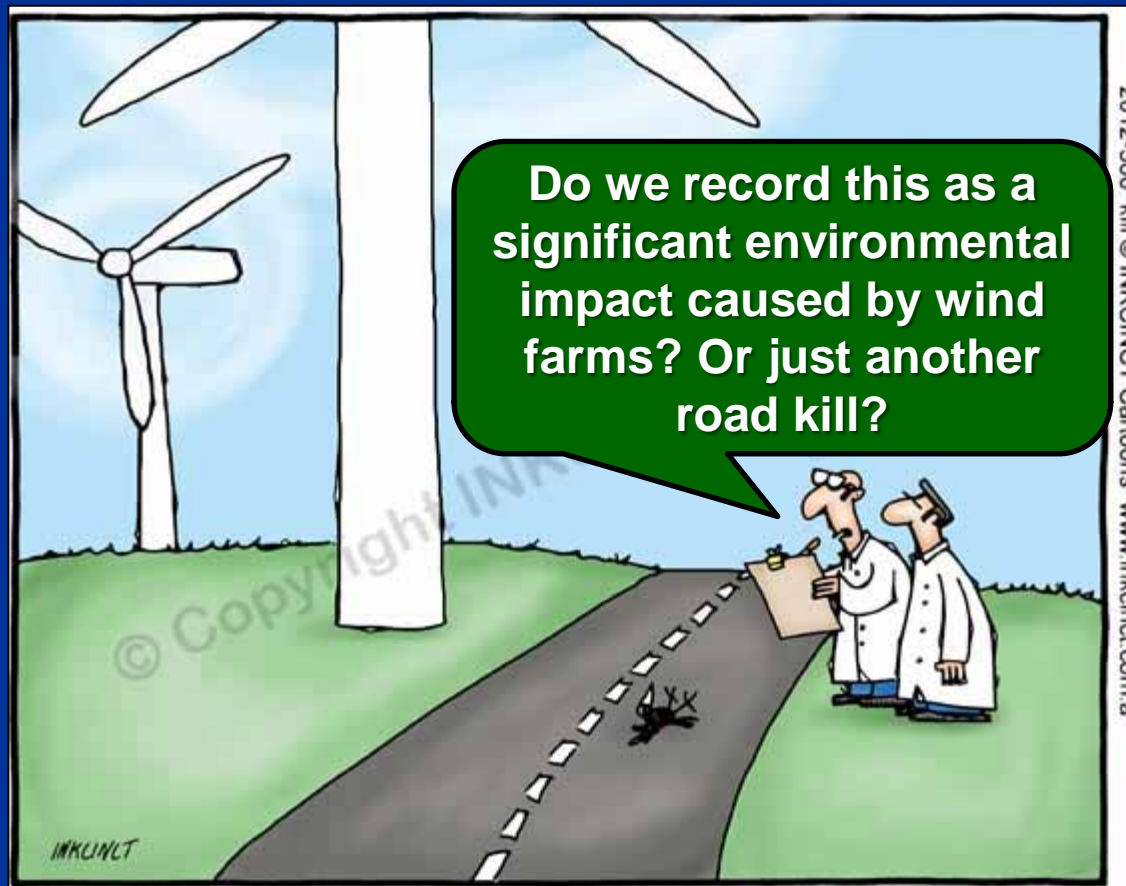
Early public involvement assists Water Board staff in refining the scope of the TMDL project and determining the range of potentially significant environmental impacts TMDL implementation might have (if any) on environmental resources of the Pinto Lake watershed, and identifying feasible mitigation measures to reduce or minimize those anticipated adverse environmental impacts.



What are “Significant Impacts”?

Defined by regulation...

A “significant impact” causes a *substantial* or *potentially substantial* adverse change in physical conditions in the project area



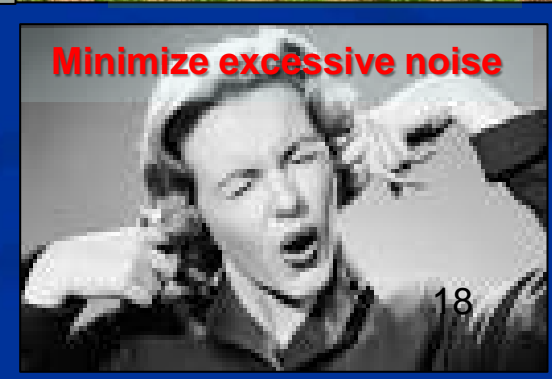
Cartoon credit:
Inkcinct Cartoons
inkinct.com.au

CEQA “Checklist” Categories

The “checklist” refers to the environmental categories we need to consider...
Could there be adverse environmental impacts to them? If so, can we mitigate?

- 1) Aesthetics
- 2) Agricultural Resources
- 3) Air Quality
- 4) Biological Resources
- 5) Cultural Resources
- 6) Geology and Soils
- 7) Greenhouse Gas Emissions
- 8) Hazards & Hazardous Materials
- 9) Hydrology and Water Quality
- 10) Land Use and Planning
- 11) Mineral Resources
- 12) Noise
- 13) Population and Housing
- 14) Public Services
- 15) Recreation
- 16) Transportation/Traffic
- 17) Utilities and Service Systems
- 18) Cumulative impacts

Goals of CEQA – some examples:



CEQA Checklist Analysis

Management Measure or Action to Reduce Lake Pollution

No impact, or less than significant impact on an environmental resource

Significant impact on an environmental resource

Stop
We're done

Can we mitigate the impact to a "less than significant" level?

Yes

No

Stop
We're done

Decide
if environmental benefits outweigh the impact

Pinto Lake, Aug. 2013

Photo Credit:
Stephanie Salomonsen
followthehighlinehome.com

Discussion...



Pinto Lake, Aug. 2010

*Photo Source: Wikipedia 20
under the terms of the GNU
Free Documentation License*

