

State of California
North Coast Regional Water Quality Control Board

SUMMARY OF PUBLIC COMMENTS & RESPONSES

FOR THE

REGIONAL WATER BOARD STAFF WORK PLAN
TO CONTROL EXCESS SEDIMENT
IN SEDIMENT-IMPAIRED WATERSHEDS

April 14, 2008



State Water Resources Control Board
North Coast Region
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TABLE OF CONTENTS

Introduction	4
Comments and Responses	5
General Comments of Support or Opposition	5
Process Comments	
• Resolution	10
• Scope and Intent.....	11
Regional Tasks Comments	
• Measures to Control Excess Sediment Amendment and Stream and Wetland Systems Protection Policy	13
• Outreach and Education	18
• Progressive Enforcement	24
• WDRs and Waivers.....	24
• Vineyards	26
• Dairies	27
• Grazing.....	30
• Restoration Activities.....	30
• Roads.....	31
• Timber Harvest Activities	32
• USFS	34
• Storm Water	34
• Gravel Mining	35
• Grants and Loans	40
• Reconnaissance and Storm Response	40
• Grading Ordinances	41
• County Coordination.....	43
• CDFG’s 1600 Permits.....	43
• Incentives	44
• Training.....	44
Watershed-Specific Tasks Comments	
• Eel River Watershed	45
• Gualala River Watershed	45
• Klamath River Watershed.....	47
• Mad River Watershed	48
• Mattole River Watershed	49
• Redwood Creek Watershed.....	50
• Russian River Watershed.....	51

- Scott River Watershed52
- Prioritization Comments53
- Funding Comments.....56
- Miscellaneous Comments
 - TMDL Source Analyses59
 - TMDL Allocations.....60
 - Dams60
 - Voluntary BMPs61
 - Offset Credits61
 - Monitoring61
 - Landowner Involvement62

INTRODUCTION

The North Coast Regional Water Quality Control Board (Regional Water Board) released the *Public Review Draft of the Regional Water Board Staff Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds* (Work Plan) on November 14, 2007. Regional Water Board staff solicited written and verbal comments on the Work Plan. The written public comment period ended March 17, 2008.

All written comments received by March 17, 2008, are summarized in this document. Comments are summarized and not duplicated verbatim. Regional Water Board staff has provided written responses to all public comments received in writing by the end of the March 17th comment period. The staff responses also address the significant oral comments made by the public during the Regional Water Board meetings.

The comments are grouped into the categories. Within these categories, comments made by more than one individual are listed first. The remaining comments are organized alphabetically by the commentator's surname. All task numbers in this document correspond to task numbers found in the Final Work Plan dated April 8, 2008.

COMMENTS & RESPONSES

GENERAL COMMENTS OF SUPPORT OR OPPOSITION

(1) Comment(s)

- For most of all the waterbodies in the North Coast Basin, the approval, funding and implementation of actions, programs, and tasks as described in the Work Plan is crucial for the protection and recovery of beneficial uses and attainment of water quality standards.
- The outreach component is necessary to develop understanding and cooperation from those permitting and conducting land use projects where excess sediment may be an issue.
- Regional Water Board participation in the development of General Plans, stormwater plans, grading ordinances, etc. is necessary and effective.
- Garcia River tasks as outlined are appropriate.
- Ownership-wide WDRs for the major timber operations in the Gualala is a good idea.
- For the Albion River, Big River, Eel River, Gualala River, Mad River, Mattole River, Navarro River, Noyo River, Redwood Creek, Ten Mile River, and Trinity River watersheds: the watersheds would benefit greatly from the tasks as described in the Work Plan. Tasks are appropriate and essential. Failure to support such tasks or funding will inhibit recovery and attainment of standards.

Comment(s) Made By:

Alan Levine, Coast Action Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

Comments noted.

(2) Comment(s)

- We support the Work Plan.
- We find it to be comprehensive, detailed, and sufficiently flexible to address current conditions and those that may have been overlook or arise in the future.

Comment(s) Made By:

Sharon E. Duggan, Environmental Protection Information Center
Daniel Myers, Redwood Chapter of the Sierra Club

Response

Comments noted.

(3) Comment(s)

- The Work Plan will help reduce sediment pollution in the Klamath River basin and thereby allow fisheries recovery.
- The Work Plan appropriately calls for the hiring of 19.5 additional staff.
- The Work Plan has a practical and logical outreach strategy that could be a key in achieving sediment reduction goals.
- It is refreshing and reassuring to see the Work Plan includes discussion of enforcement. Chronic problems with sediment pollution in the Klamath river make increased enforcement warranted.
- Establishing increased communication with county staff is also highly desirable and the investment of Regional Water Board staff time participating in General Plan updates and the crafting of grading ordinances will likely have long lasting benefits.
- The Work Plan recognizes the need to perform immediate aerial and ground reconnaissance to assess damage and discover patterns of sediment pollution so that problems can be abated. Formation of a staff storm response team for follow-up would be a positive step.
- The addition of an excess sediment control specialist would provide in-house technical expertise that is much needed.
- Staff training and inter-agency cross-training will likely reap substantial benefits.

Comment(s) Made By:

Crystal Bowman, Quartz Valley Indian Reservation
Sandi R. Tripp, Karuk Tribe

Response

Comments noted.

(4) Comment(s)

- Supports the Work Plan.
- It is the Regional Water Board's responsibility to restore sediment-impaired watersheds.
- Prioritize decommissioning roads, enforce water quality standards, and control timber and agriculture related sediment.

Comment(s) Made By:

Jennifer Lane
David Rose

Response

Comments noted.

(5) Comment(s)

Supports the Work Plan, but requests the Big River watershed be moved up in its ranking status.

Comment(s) Made By:

James Bernard, Mendocino Land Trust

Response

Comment noted. Please see the response to Comment 129 regarding the ranking status of the Big River watershed.

(6) Comment(s)

Supports the Regional Water Board in its effort to adopt a long-term Work Plan. Once completed, it will provide efficiency and guidance to staff and assist landowners in developing their own management plans. Unfortunately, the current Work Plan suffers from a lack of prioritization necessary to utilize limited resources to their fullest potential.

Comment(s) Made By:

Michele Dias, California Forestry Association

Response

Comments noted. The Work Plan includes priority rankings for all regional tasks and for each watershed, as found in Appendix A. Additionally, the Work Plan includes a list of the tasks that are currently underway or will be worked on in the next two fiscal years given current resources, as found in Chapter 6.

(7) Comment(s)

The regulated public would be better served by a program that is more transparent and objectively science-based. Thus you should consider applying the standards of necessity, non-duplication, clarity, and consistency to your efforts.

Comment(s) Made By:

Arne Hultgren, Roseburg Resources Co.

Response

Regional Water Board staff and a number of public commentators feel the Work Plan is transparent. Staff have been commended on the development of such a transparent staff level planning document. As documented in the sediment TMDLs developed to date, the Work Plan is based on science and the most significant excess sediment sources. Staff have developed the Work Plan in response to direction from the Regional Water Board (necessity) and in a manner that is consistent with State law and regulations.

(8) Comment(s)

Supports the Work Plan as a means to gather and organize information for purposes of addressing water quality issues in sediment impaired watersheds.

Comment(s) Made By:

Michael Luiz, Siskiyou County Farm Bureau

Response

Comment noted.

(9) Comment(s)

- Supports all the Stemple Creek tasks except for the two tasks related to general WDRs and conditional waiver for dairies and to require ranch management plans, use progressive enforcement, or develop WDRs or waivers.
- Supports the Estero Americano tasks related to outreach and education, funding projects, implementing the Estero Americano Watershed Management Plan, and identifying egregious sources. Does not support using progressive enforcement or developing WDRs/waiver and implementing general WDRs and conditional waiver for dairies.
- Opposition is grounded in the belief that there is a more practical and effective way that is also less intrusive or burdensome to accomplish.

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

Comments in support of the Work Plan are noted. Please see the response to Comment 56 in regards to comments in opposition to Work Plan tasks.

(10) Comment(s)

It is critically important for the Regional Water Board to use care and make careful distinctions in implementing the Work Plan. While we appreciate the need for consistency, the watersheds are unique and call for carefully tailored actions as indicated at least in concept in the Work Plan.

Comment(s) Made By:

Len Mayer, Humboldt Creamery Association

Response

Comment noted.

(11) Comment(s)

There are some wonderful recommendations that would enhance cooperative efforts to address sediment issues and we are supportive of the overall intent of the plan. We believe there is a better way to achieve the goals of the work plan that would not require a regulatory and costly program to achieve the same or better outcomes.

Comment(s) Made By:

Lex McCorvey, Sonoma County Farm Bureau

Response

Comments in support of the Work Plan are noted. Please see the response to Comment 56 in regards to regulatory necessity.

(12) Comment(s)

Approval of funding, and implementation of actions, programs, and tasks, as described in the Work Plan is crucial for protecting the Russian River system, for recovering many of its beneficial uses, and for attaining water quality standards.

Comment(s) Made By:

Dr. Jane Nielson, Sebastopol Water Information Group

Response

Comment noted.

(13) Comment(s)

- In general, supports the Work Plan.
- Funding projects to remove excess sediment is a high priority. Clear organization of which projects have priority will be important.
- Municipal storm water programs are extremely important and as yet under solicited.
- Agrees with the following tasks specific to the Russian River watershed:
 - addressing downcutting from Warm Springs and Coyote dams.
 - identify most egregious excess sediment sources and suggests there be an easy way for citizens to report egregious sediment sources.
 - using progressive enforcement and or developing/implementing permits.
 - working with road associations.
 - working with the North Coast Railroad Authority.
 - working with the Department of Parks and Recreation to ensure compliance with the Regional Excess Sediment Prohibition.
 - implementing general WDRs and conditional waiver for vineyards.
 - implementing general WDRs and conditional waiver for dairies.
 - implementing WDRs or a conditional waiver for BLM, Mendocino Redwood Company, and county roads.
 - working with Caltrans.

Comment(s) Made By:

Robert Pennington, Community Clean Water Institute

Response

Comments noted.

(14) Comment(s)

This program has been developed with poor information and the Farm Bureau would like the Regional Water Board to step back and look at the big picture. The Work Plan creates more questions and implementation than it answers, and we are concerned it will produce more problems from implementation in the future.

Comment(s) Made By:

Jim Regli, Humboldt County Farm Bureau

Response

Regional Water Board staff do not concur and consider the Work Plan to be a transparent, valuable, and appropriate effort to control excess sediment that is based on solid information and data.

COMMENTS RELATED TO THE RESOLUTION

(15) Comment(s)

- Because the Work Plan is a non-regulatory planning tool, it is inappropriate for the Board to adopt the Work Plan by formal resolution.
- If adopted by formal resolution, the legal and regulatory status of the document would be blurred.

Comment(s) Made By:

Michael Luiz, Siskiyou County Farm Bureau
Jack Rice, California Farm Bureau Federation

Response

Regional Water Board staff have determined that while it is appropriate to ask the Regional Water Board to consider a resolution related to the Work Plan, it is not staff's intent to ask for Regional Water Board adoption. Instead, the Board will be asked to consider a resolution that acknowledges the successful development of the Work Plan as directed by Resolution No. R1-2004-0087. The resolution will increase the transparency of the Region's sediment control program. It also reflects the importance of the Work Plan and lends direct Regional Water Board support to a staff-level document. Additionally the assignment to develop the Work Plan came from a resolution, and another resolution, as proposed, is proper.

(16) Comment(s)

- The Work Plan will not stand alone, and will serve little purpose if not fully staffed. We would like to see the resolution make a stronger case for the staffing increase.
- The language can make the point that it is in the economic interest of the state to finance this program. It should be made clear that this work is not optional; it must be done.
- Resolution R1-2007-0087 makes a more convincing case for the adoption and support of the program than the proposed resolution.
- Suggests the resolution include language from Resolution R1-2004-0087 that references the origin of the impairments back to 1993.
- Other suggestions are offered in an annotated version.
- Include information that the Regional Water Board has had primary responsibility as the Lead Agency for nine of the listed rivers since the 1996 consent decree and the other rivers since EPA completion of the technical TMDLs.
- Suggests the following or similar language be added: "The Work Plan places a major reliance upon the subsequent adoption of the Stream and Wetland Systems Protection Policy for the support and direction of many of the stated tasks. It is to be incorporated into this Work Plan."
- Add a statement saying that monitoring is important and must be added to the Work Plan as soon as possible.

- For the Work Plan to succeed, the resolution to be adopted must make a clear and convincing case that the proposed staff increase is imperative. It must demonstrate compliance with the requirements of the Clean Water Act and the Porter-Cologne Act.

Comment(s) Made By:

Daniel Myers, Redwood Chapter of the Sierra Club

Comment(s) Supported By:

Sharon E. Duggan, Environmental Protection Information Center

Response

Comments noted and will be considered when staff revise the proposed resolution preceding the next Regional Water Board Hearing.

COMMENTS RELATED TO SCOPE AND INTENT

(17) Comment(s)

- It is our understanding that TMDL implementation plans will be the tools to address sources of sediment within impaired watersheds.
- Will the Work Plan fulfill the requirements of a sediment TMDL action/implementation plan? Will landowners also have to look forward to an action/implementation plan for each of the sediment impaired watersheds that do not as of yet have an action plan?

Comment(s) Made By:

Michael Luiz, Siskiyou County Farm Bureau
Dina More, Yager/Van Duzen Environmental Stewards
Jack L. Rice, California Farm Bureau Federation

Response

The Regional Water Board determined that developing a work plan is a more effective mechanism to control excess sediment, as found in Resolution No. R1-2008-0087, also known as the Sediment TMDL Implementation Policy. The Work Plan describes the Region's sediment control strategy to attain water quality standards and the sediment TMDLs. The Work Plan describes what needs to be done for all the sediment-impaired watersheds in one effort, which provides an economy-of-scale for much of the work with the regional tasks while still addressing individual water bodies with the watershed-specific tasks. To conclude, the Work Plan is the next step – a more effective tool – in controlling excess sediment. A later step will be developing the TMDL implementation plans as Basin Plan amendments.

(18) Comment(s)

Suggests the Work Plan clearly state that it is a guidance document and not a regulatory document. Perhaps explicitly state within the Work Plan preamble that it is a non-regulatory planning tool for the development of data and identification of issues within sediment-impaired watersheds.

Comment(s) Made By:

Michael Luiz, Siskiyou County Farm Bureau
Jack L. Rice, California Farm Bureau Federation

Response

Language has been added to the Introduction Chapter to state that the Work Plan is a staff-level planning document. Additionally, Regional Water Board staff agree that the Work Plan, in and of itself, does not establish any regulation. However, some of the tasks in the Work Plan are to develop/implement regulation (e.g., develop general waste discharge requirements for vineyards). Other tasks are not regulatory (e.g., education and outreach efforts).

(19) Comment(s)

The primary focus of the Work Plan should be a process to develop, organize, and coordinate data and identify issues pertinent to water bodies listed as sediment impaired.

Comment(s) Made By:

Michele Dias, California Forestry Association

Response

Regional Water Board staff disagree. The Work Plan was never intended to be a document that lists and analyzes data. Data analysis for sediment sources is found in sediment TMDLs and other documents. The Work Plan is an accounting of the actions and tasks that Regional Water Board staff are currently taking, or intend to take, over the next ten years to control excess sediment in the Region's sediment-impaired watersheds.

(20) Comment(s)

It would appear to be more efficient and manageable for staff to focus their efforts on regulatory tools it already possesses, the preparation of TMDL implementation plans for the 20 water bodies with EPA-established sediment TMDLs.

Comment(s) Made By:

Michele Dias, California Forestry Association

Response

Regional Water Board staff disagree as the Regional Water Board has provided specific direction for staff to develop the Work Plan via the Sediment TMDL Implementation Policy (Resolution No. R1-2004-0087). The Regional Water Board determined the Work Plan is a more effective and efficient method to identify actions needed to reduce sediment loads and meet TMDL and water quality standards than developing individual TMDL implementation plans as Basin Plan amendments for each of the 25 sediment-impaired water bodies that do not already have a TMDL Action Plan in place. Additionally, many of the tasks listed in the Work Plan are to continue to implement a regulatory program/tool that is already underway. Other tasks are to develop new amendments or permits, which rely on existing authority granted to the Regional Water Board.

(21) Comment(s)

- The Work Plan approach is primarily represented as an activity-based regulatory approach that has the potential to miss opportunities.
- Suggests the Regional Water Board develop Water Resource Management Planning Agreements for each ownership in the Region. The agreement would include water resource and road management components.
- Suggests the Regional Water Board adopt a general memorandum of understanding, categorical waiver, and general ownership-wide WDRs that define standard procedure for developing Water Resource Management Planning Agreements.

Comment(s) Made By:

Stormer Feiler

Response

Comments noted. Regional Water Board staff have determined the Work Plan describes an appropriate approach for controlling excess sediment.

(22) Comment(s)

The Regional Water Board should take the time necessary to make sure the broad reach of the Measures to Control Excess Sediment Amendment and the Work Plan are reasonable, logical, and can be achieved.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Comment noted. Regional Water Board has already conducted extensive outreach to stakeholders on both the Work Plan and the Measures to Control Excess Sediment Amendment. During the process of the developing the Work Plan, staff provided many opportunities for the public to comment at Board Meetings and in writing in order to gain reaction and input to the Work Plan's proposals. As the Excess Sediment Amendment continues through the amendment approval process, many more opportunity for discussion and comment will be available.

COMMENTS RELATED TO THE MEASURES TO CONTROL EXCESS SEDIMENT BASIN PLAN AMENDMENT AND THE STREAM & WETLAND SYSTEMS PROTECTION POLICY

(23) Comment(s)

- If the Work Plan explicitly relies on yet-to-be-adopted Basin Plan amendments (the Measures to Control Excess Sediment Amendment and the Stream and Wetland Systems Protection Policy), it could impair the fair development both of the amendments and the TMDL implementation plans.
- Suggests removal of reference to either pending amendments, or postpone the Work Plan until after the amendments are adopted.
- The inclusion of the task related to the Measures to Control Excess Sediment Amendment is confusing at the least; and at the worst, will result in further diluting the efforts of limited staff by expanding the geographical scope of enforcement into the entire Region.

- The connection between the Stream and Wetland Systems Protection Policy and the Work Plan is very tenuous.
- Concerned that the Work Plan identifies regulatory and funding strategies in a time line before the Measures to Control Excess Sediment Amendment has been considered and approved by the Regional Water Board.
- Requests the Work Plan not be adopted before the Measures to Control Excess Sediment Amendment has been adopted.
- The Basin Plan amendments should be thoroughly vetted before the Work Plan is finished.
- The need for the Stream and Wetlands Systems Protection Policy has not been established.
- Delete the tasks to adopt the Measures to Control Excess Sediment Amendment and the Stream and Wetland Systems Protection Policy, and any associated tasks, from the Work Plan.
- Until Regional Water Board staff can thoroughly justify the need for designation of additional beneficial uses and additional standards rather than implementing existing uses and standards, the task for the Stream and Wetland Systems Protection Policy should be deleted from the Work Plan.

Comment(s) Made By:

Ric Costales, County of Siskiyou

Michele Dias, California Forestry Association

Michael Luiz, Siskiyou County Farm Bureau

Justin Oldfield, California Cattlemen's Association

Jack L. Rice, California Farm Bureau Federation

Gary C. Rynearson, Green Diamond Resource Company

Response

Regional Water Board staff have determined that including the development of Basin Plan amendments (such as the Measures to Control Excess Sediment Amendment and the Stream and Wetland Systems Protection Policy) as tasks within the Work Plan is necessary and appropriate. The purpose of the Staff Work Plan is to have a complete and comprehensive description of what staff feel is necessary to do in the next ten years to control excess sediment. This includes ongoing tasks, such as the two amendments, as well as future tasks like the development of land use-specific WDRs. Including the ongoing tasks in the Work Plan will not impair the fair development of the amendments or future TMDL implementation plans. The flexible nature of the Work Plan easily allows for modification to the time line should the consideration and adoption process for the Basin Plan amendments, or any other task, take longer than estimated.

(24) Comment(s)

- The wording of the proposed Excess Sediment Prohibition is sufficiently open-ended and vague as to give reasonable cause for alarm with how such language tends toward unintended consequences.
- It is irresponsible and simply wrong to force regulatory overkill through such litigable verbiage as “threatened discharge” or “could be deleterious.”
- Objection to the use of the Measures to Control Excess Sediment Amendment as progressive enforcement, rather than the regulatory tools that are already in place.
- Concerned that the Measures to Control Excess Sediment Amendment would preempt otherwise logical, progressive approaches found in regulatory tools.

- Concerned that the geographic scope of the Measures to Control Excess Sediment Amendment is overly broad by applying to the entire Region, and diverts valuable resources away from addressing specific activities and programs.
- The Amendment is vague and could lead to misinterpretation and misuse. For example, the Amendment could cause management activities to occur on pristine, untouched forestlands.
- Staff should include a discussion of the financial burden the Excess Sediment Prohibition places on landowners, particularly small landowners.
- Complaint-reporting can lead to trespass by overzealous citizens. Moreover, once a compliance is lodged, staff will be required to take action despite a lack of resources to proceed.
- Regional Water Board staff have failed to explain how they will respond to threats of litigation when they fail to fulfill their own prohibition requirement.
- Regional Water Board staff do not address the financial burden corrective measures will place on small landowners.
- Regional Water Board staff have failed to address why the existing regulatory mechanisms are so inadequate as to require the elevation of a prohibition far ahead of existing regulatory mechanisms – TMDL implementation plans.

Comment(s) Made By:

Ric Costales, County of Siskiyou
Michele Dias, California Forestry Association
Gary C. Rynearson, Green Diamond Resources Co.

Response

The appropriate place and time to address these comments is during the development, public review, and Board consideration of the Measures to Control Excess Sediment Amendment. These comments have been forwarded to the lead staff for that project.

(25) Comment(s)

The Measures to Control Excess Sediment Amendment would provide protections to water resources not listed as impaired in addition to sediment impaired listed waterbodies.

Comment(s) Made By:

Alan Levine, Coast Action Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

Comment noted.

(26) Comment(s)

- Working on the Stream and Wetland Systems Protection Policy will result in another budget-consuming exercise that winds up in an essentially arbitrary outcome.
- There is not sufficient reasons for the Regional Water Board to infringe upon the Army Corps of Engineers current responsibility for wetlands.
- There are other projects of far greater urgency and far more likely to be responsive to effort.
- The proposed Policy is overly broad.
- Question the need for designation of additional beneficial uses or additional standards rather than implementation of existing ones.
- Question the focus on progressive enforcement as a replacement for a traditional regulatory approach.
- The need for the Stream and Wetland Systems Protection Policy has not been established, it is overly broad, and has not been vetted thoroughly enough to warrant consideration.

Comment(s) Made By:

Ric Costales, County of Siskiyou
Michele Dias, California Forestry Association

Response

The appropriate place and time to address these comments is during the development, public review, and Board consideration of the Stream and Wetland Systems Protection Policy. These comments have been forwarded to the lead staff for that project.

(27) Comment(s)

- Adoption and implementation of both sediment control and riparian and wetland protection measures could improve cost-efficiency, if new staff were trained to deal with both sets of issues.
- Separate public outreach envisioned for each of these initiatives could also be combined, if the Riparian and Wetland Systems Protection Policy were implemented in the near future.

Comment(s) Made By:

Crystal Bowman, Quartz Valley Indian Reservation
Sandi R. Tripp, Karuk Tribe

Response

Comments noted. The Work Plan has been revised to include all outreach and education efforts into one regional task.

(28) Comment(s)

The Measures to Control Excess Sediment Amendment and the Stream and Wetland Systems Protection Policy must be implemented to address excess sediment inputs and the related impairment issues of temperature, nutrients, and lack of dissolved oxygen.

Comment(s) Made By:

Dr. Jane Nielson, Sebastopol Water Information Group

Response

Comment noted.

(29) Comment(s)

Delete the tasks relating to the Stream and Wetland System Protection Policy as they are not appropriate to the amendment (assumed meaning was the Work Plan) and are separate policies that the Regional Water Board has already considered and prioritized.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Regional Water Board staff have determined that including the Stream and Wetland Systems Protection Policy as a task within the Work Plan is necessary and appropriate. The purpose of the Staff Work Plan is to have a complete and comprehensive description of what staff feel is necessary to do in the next ten years to control excess sediment. This includes the amendment.

(30) Comment(s)

- The Work Plan appears to focus/rely too much upon the Regional Excess Sediment Basin Plan Amendment (e.g., enforcement) rather than on cooperative, non-regulatory actions.
- Suggests alternate, less regulatory, pro-active approaches to reduce excess sediment that could be specified in conjunction with a voluntary reporting program of sediment reduction projects undertaken annually by each watershed.

Comment(s) Made By:

Peter F. Ribar, Campbell Timberland Management/Hawthorne Timber Company

Response

Comments noted. Regional Water Board staff agree that the Measures to Control Excess Sediment Amendment is very critical to the sediment control program described in the Work Plan, and that many of the Work Plan's tasks cannot be done, or will be hampered, without the Excess Sediment Prohibition in place. The Work Plan includes many regulatory tasks because of the requirements of the State Non-Point Source Policy to ensure all non-point sediment pollution is regulated by a prohibition, WDR, or conditional waiver. However, cooperative, non-regulatory tasks to encourage excess sediment control are also a significant part of the Work Plan, such as the extensive outreach and education tasks.

(31) Comment(s)

- Decouple the Measures to Control Excess Sediment Amendment from the Work Plan or move forward simultaneously with the development of individual, ownership-wide WDRs or conditional waivers (Regional Task 11).
- Change the priority of Regional Task 11 from low to high with the direction to increase staff resources on this approach.

Comment(s) Made By:

Peter F. Ribar, Campbell Timberland Management/Hawthorne Timber Company

Response

Regional Water Board staff are currently working on many tasks listed in the Work Plan simultaneously, and intend to continue to do so in the future. Staff are not waiting for the Measures to Control Excess Sediment Amendment to develop individual, ownership-wide WDRs or conditional waivers for landowners, and are currently developing individual WDRs for three timberland owners. The priority rankings are high for the ownership-wide WDRs currently under development.

COMMENTS RELATED TO OUTREACH AND EDUCATION

(32) Comment(s)

- The goal of Alexander Valley landowners is to work together to protect and enhance agricultural landscapes in Alexander Valley and enhance habitat for listed salmonids by supporting NOAA Fisheries' recommended skimming techniques in Alexander Valley.
- The Humboldt Creamery Association requests to be kept informed of future steps related to the development of the Work Plan.
- Mining companies are not included as stakeholders in the Russian River watershed.
- The Gold Ridge Resource Conservation District should be added as a stakeholder in the Russian River watershed.
- Include the Community Clean Water Institute and the Sonoma County Water Coalition in the list of interested stakeholders for the Russian River.
- Counties and cities should be added as specific key stakeholders in the Regional Task.
- As regards the Albion River and Big River watersheds, add the Mendocino Land Trust as stakeholder groups.
- As regards the South Fork Eel River watershed, the Work Plan needs to incorporate the following landowners and interested stakeholders: Redwood Forest Foundation, Inc., Coastal Headwaters Association, a number of Indian organizations and tribes (e.g., Cahto, Eel River Wailakis, and the InterTribal Sinkyone Wilderness Council), and other South Fork Eel River restoration entities such as Even Engber's bioengineering Associates, and restoration configurations that Bill Eastwood and Harry Vaugh are associated with (that includes ERWIG).

Comment(s) Made By:

171 landowners from the Alexander Valley
James R. Bernard, Mendocino Land Trust
Richard Gienger
Lisa Hulette, Gold Ridge RCD
Mark Lancaster, Five Counties Salmonid Conservation Program
Len Mayer, Humboldt Creamery Association
Robert Pennington, Community Clean Water Institute
David Ripple, Shamrock Materials, Inc.

Response

Comments noted. The following stakeholders have been added to the appropriate watersheds in the Work Plan: Alexander Valley landowners, the Humboldt Creamery Association, gravel mining companies, Gold Ridge RCD, Community Clean Water Institute, cities, counties, Mendocino Land Trust, Redwood Forest Foundation, Inc., Coastal Headwaters Association, and Indian organizations and tribes in the South Fork Eel River watershed (e.g., Cahto, Eel River Wailakis, and the InterTribal Sinkyone Wilderness Council).

(33) Comment(s)

Agencies should be approached and enlisted in programs assuring compliance with excess sediment control.

Comment(s) Made By:

Alan Levine, Coast Action Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

The language of the Work Plan has been changed to include other agencies in the list of key stakeholders.

(34) Comment(s)

The *Handbook for Forest and Ranch Roads* is out of date and needs to be republished and additional copies need to be printed for distribution, including publication in Spanish and on the web.

Comment(s) Made By:

Alan Levine, Coast Action Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

A new subtask has been added to the outreach and education task (Regional Task 5) to include the distribution of the Handbook to landowners and agencies as needed, and to work with Mendocino County RCD to consider web publication and a Spanish translation.

(35) Comment(s)

- The Work Plan fails to draw upon the knowledge and experience of landowners in the watershed.

- Before the Work Plan is finalized, landowners should be consulted to gain their reaction to the Work Plan proposals and to gain their input on how to address sediment issues in the watershed.
- The Regional Water Board is urged to actively engage impacted stakeholders, including those who graze livestock adjacent to sediment-impaired water bodies, to ensure activities outlined in the Work Plan are justified, efficient, and are economically feasible to implement.
- Recommend staff tour water bodies identified for action with ranchers to learn more about strategies implemented on the ground by ranchers to control excess sediment to the best extent possible.

Comment(s) Made By:

Nick Frey, Sonoma County Winegrape Commission
Justin Olfield, California Cattlemen's Association

Response

Regional Water Board staff recognize and value the knowledge and experience of landowners throughout the North Coast Region. The Work Plan strongly emphasizes the need for outreach efforts, including working with landowners on how to best address excess sediment. Therefore, the Work Plan includes tasks to do this outreach in the future. The Work Plan specifically mentions hosting watershed meetings and has been revised to also include tours. In addition, during the process of developing the Work Plan, staff provided many opportunities for the public to comment at Board Meetings and in writing in order to gain reaction to the Work Plan's proposals.

(36) Comment(s)

Suggest that the Regional Water Board hold a Sediment Control Congress/Workshop for the South Fork Eel River Watershed, and another for the Mattole River Watershed, that specifically invites a wide range of community groups to initiate and help comprehensive implementation of the Work Plan.

Comment(s) Made By:

Richard Gienger

Response

Comment noted. The outreach and education tasks listed in the Work Plan already include this concept, although perhaps in less descriptive language.

(37) Comment(s)

- Applauds the outreach and education program.
- Staff should conduct outreach and education with children as well as adults.
- Outreach and education specific to rural residential roads should be a high priority.

Comment(s) Made By:

Peter S. Johnson, Mendocino County Farm Bureau

Response

Comments noted.

(38) Comment(s)

The focus on educating landowners on road assessment methods is a pro-active step that should be encouraged.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Comment noted.

(39) Comment(s)

- Recommends removing the language in the Work Plan that gives as an example of a workshop topic the issue of when a licensed professional vs. a layman landowners can perform an assessment.
- Assessing whether a licensed profession is required is not warranted for a number of listed reasons.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Regional Water Board staff have determined that staff do indeed need to discuss the question of when a landowner can do an excess sediment assessment and when a licensed professional is needed. Staff have often been asked this question by the public.

Staff have determined that in most cases, and most of the time, an assessment of excess sediment sources can and should be done by the landowner. The comments include many reasons to support landowner assessments, and staff agree with these reasons. However, there are instances where a professional's opinion is needed and staff want to be clear what those instances are likely to be. One example may be determining if a landslide is caused by natural processes or by human activities. Staff are fully aware of the economic cost of hiring professionals and intend for their use to be limited.

(40) Comment(s)

Recommends removing the language in the Work Plan that states the Guidance for Excess Sediment Control will be the textbook for the workshops. This is premature since the document is not yet completed.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Language in the Work Plan has been revised to add flexibility and states that the Guidance will likely be the main textbook for the workshops, although other publications will be appropriate.

(41) Comment(s)

Recommends the Regional Water Board includes workshops in non-regulated municipalities as well as regulated municipalities.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Language in the Work Plan has been revised to remove the term “regulated” so that all municipalities are not included. Staff listed municipalities regulated under the storm water program in particular because some storm water requirements include outreach and education components.

(42) Comment(s)

Western United Dairymen, Sonoma County Farm Bureau, and California Cattlemen’s Associations are the only organizations that directly and solely represent the interests of the dairy farmers and ranchers of the Stemple Creek, Estero Americano, and Laguna de Santa Rosa watersheds, and should be identified as the primary points for consultation as policy issues and regulatory options are determined.

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

The Work Plan specifically mentions these three organizations because of the landowners they represent and Regional Water Board staff intend to work closely with them. However, staff are obligated to consider comments and opinions from all members of the public, groups, and organizations as they pertain to water quality, and staff intend to continue to do so.

(43) Comment(s)

Suggestions for an initial sediment program are to:

- direct staff to work with the Farm Bureau’s Animal Resource Management (ARM) Committee to develop a outreach and education program.
- commit to being reliable and active partners in the ARM Committee.
- embark on aggressive and collaborative educational and outreach program that includes photos of active sediment sources as well as sources that are healing, and highlight control projects that are underway.
- present technical and other experts to the agricultural community.

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

The Work Plan has been revised to add new watershed-specific tasks for the development of a dairy-focused outreach and education program to the Lower Mainstem Eel River, Estero Americano, Russian River, and Stemple Creek watersheds. These tasks include many of the suggestions listed in these comments.

(44) Comment(s)

We encourage the Regional Water Board to meet with members of the Humboldt Creamery Association.

Comment(s) Made By:

Len Mayer, Humboldt Creamery Association

Response

Comment noted and the Executive Officer has been notified.

(45) Comment(s)

- Supportive of those recommendations that include education and communications with farmers, ranchers, and property owners. This course of action should be the preferred choice.
- The educational and workshop approach may be the best plan for avoiding a one-size fits all work plan that would seem to invite a much more complex set of unintended programs that could result in unintended consequences.

Comment(s) Made By:

Lex McCorvey, Sonoma County Farm Bureau

Response

Comments noted.

(46) Comment(s)

- The Excess Sediment Control Guidance document discussed in the Work Plan includes a four-step plan to address excess sediment. These steps lack the information necessary to determine if they are even feasible.
- Concerned that landowners will experience arbitrary modifications to this plan (assumes this refers to the Guidance document) without adequate input.
- Request you slow down and take time to determine if this vague set of guidelines will serve to be effective in the future.

Comment(s) Made By:

Jim Regli, Humboldt County Farm Bureau

Response

Regional Water Board staff have not yet completed the Excess Sediment Control Guidance document. Staff expect the Guidance will be released for public review so that there is the opportunity to provide comments.

COMMENTS RELATED TO PROGRESSIVE ENFORCEMENT

(47) Comment(s)

Progressive enforcement has a draconian sound to it.

Comment(s) Made By:

Denver Nelson

Response

Comment noted. The language is taken from the State Water Quality Enforcement Policy.

COMMENTS RELATED TO WDRs AND WAIVERS

(48) Comment(s)

- The WDR process needs to consider setting limits to disturbance to prevent sediment discharge and damaging changes to watershed hydrology attributable to cumulative watershed effects.
- Need to integrate unstable soil types, rain-on-snow events, landslide risk, and prudent risk thresholds for road density, road crossings, and timber harvest into WDRS or waivers for timber harvest operators.
- WDRs need to impose strict limitations on timber harvest and road building on unstable soils.
- Timber harvesting needs to be limited in watersheds where extensive road networks and clear-cutting have previously taken place in the transient snow zone due to risk increased runoff during rain-on-snow events.
- WDRs or waivers should include restrictions against intensive logging or road building on SHALSTAB high risk areas.
- WDRs or waivers need to reduce road densities over time to less than 2.5 mi/mi² and require road removal from streamside zones and from unstable areas that are likely to trigger mass wasting.
- WDRs need to reduce timberland road networks to a point where they can be actively maintained, so that catastrophic road failures are reduced.
- WDRs or waivers for timber harvest need to limit the number of stream crossings to less than 1.5 per mile of stream.
- WDRs should limit the extent of timber harvest in a watershed to no more than 25% over a span of 30 years.

Comment(s) Made By:

Crystal Bowman, Quartz Valley Indian Reservation
Sandi R. Tripp, Karuk Tribe

Response

The appropriate place and time to address these comments is during the development, public review, and Board consideration of the WDRs and conditional waivers. These comments have been forwarded to the lead staff for timber activities and non-point source activities.

(49) Comment(s)

The development of general WDRs and conditional waivers for each segment of the agricultural industry seems unnecessary or at the least premature if proper educational effort is developed.

Comment(s) Made By:

Lex McCorvey, Sonoma County Farm Bureau

Response

Regional Water Board staff have determined that developing general WDRs and conditional waivers for vineyards, dairies, grazing activities, and restoration projects is an appropriate and valuable series of tasks that will help improve water quality.

(50) Comment(s)

With respect to developing individual ownership-wide WDRs or waivers, suggest modify the 2nd and 3rd paragraph under the task category to reflect the more cooperatively worded approach proposed under Regional Task 17 for the USFS.

Comment(s) Made By:

Peter F. Ribar, Campbell Timberland Management/Hawthorne Timber Company

Response

Regional Water Board have determined that the language is appropriate as is.

(51) Comment(s)

Add Hawthorne Timber Company to the bulleted list of prospective entities utilizing ownership-wide WDRs or waivers in Regional Task 11 and in the South Fork Eel River, Noyo River, and Ten Mile River watersheds.

Comment(s) Made By:

Peter F. Ribar, Campbell Timberland Management/Hawthorne Timber Company

Response

Tasks have been added to the Work Plan to develop ownership-wide WDRs for Campbell Timberland Management/Hawthorne Timber Company in the South Fork Eel River, Upper Mainstem Eel River, Noyo River, and Ten Mile River watersheds.

COMMENTS RELATED TO VINEYARDS

(52) Comment(s)

- The Work Plan needs to look at sediment problems from vineyards more closely.
- The San Francisco Bay Regional Water Board's vineyard conditional waiver fails to control cumulative impacts.

Comment(s) Made By:

Crystal Bowman, Quartz Valley Indian Reservation
Alan Levine, Coast Action Group
Robert Pennington, Community Clean Water Institute

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

The Work Plan recognizes that vineyards are sources of excess sediment and includes Regional Task 7 to develop a general WDR and conditional waiver for vineyards. The appropriate time to address the conditions of the general WDR and conditional waiver in regards to cumulative effects will be during their development.

(53) Comment(s)

- The Work Plan is a concern to grape growers and we suggest that it not be acted upon at this time.
- The Work Plan should be set aside so that the Salmon Coalition has a chance to finalize and implement its efforts for salmonid recovery. In addition, the Code of Sustainable Winegrowing Alliance has management practices that address sediment movement from vineyards. Both of these efforts may be viable alternatives to Fish Friendly Farming conditions proposed in the Work Plan (Regional Task 7).

Comment(s) Made By:

Nick Frey, Sonoma County Winegrape Commission

Response

Comments noted. Regional Water Board staff have determined that proceeding with the Work Plan is appropriate at this time. Commendable efforts by the Salmon Coalition and the Sustainable Winegrowing Alliance pertain only to vineyard activities, while the Work Plan addresses all land uses that can impact sediment loads in the North Coast Region. Additionally, Regional Water Board are currently working with the Salmon Coalition to discuss possible permits and regulatory approaches. Finally, the appropriate time to address specific conditions of the general WDR and conditional waiver for vineyards, including conditions taken from the Fish Friendly Farming program, will be during the development of the general WDRs and conditional waiver.

(54) Comment(s):

- Ensure riparian corridors are preserved or enhanced and that these areas may not be permanently or temporarily encroached upon for any reason including for eradication of pests.
- Promote BMPs including swales and sediment retention systems.
- Discourage disking as to preserve the soils integrity and infiltration ability.

Comment(s) Made By:

Robert Pennington, Community Clean Water Institute

Response:

The appropriate place and time to address these comments is during the development, public review, and Board consideration of the general WDRs for vineyards.

COMMENTS RELATED TO DAIRIES

(55) Comment(s)

Dairies can have water quality concerns, but do not produce sediment. If the Regional Water Board desires to enact guidelines for dairy water quality, the Work Plan is not the appropriate vehicle.

Comment(s) Made By:

Denver Nelson

Response

Regional Water Board staff have determined that dairies have the potential to discharge excess sediment, such as from access roads, bank erosion due to cow access to stream corridors, and stormwater runoff. Staff concur that other water quality concerns, such as nutrients, may also be associated with a dairy. When developing general WDRs and conditional waivers for dairy operations (Regional Task 8), staff will address all potential water quality pollutants.

(56) Comment(s)

- By implementing a WDR and conditional waiver with mandatory ranch plans, the Regional Water Board will inadvertently embark upon a pathway that will be terribly burdensome to our dairy farms and ultimately reduce economic viability.
- Objects to the basic premise of the Work Plan. WDRs are not necessary for the majority of the dairy farms in the region and neither is a conditional waiver.
- The requirement to submit a Report of Waste Discharge should be waived by the Regional Water Board.
- It does not make good fiscal sense to embark on a detailed and cumbersome regulatory program with Reports of Waste Discharge, WDRs, waivers, inventories, prioritizations, storm water response teams, and annual reports when simple collaborative education and outreach opportunities with a proven formula and effective structure is already in place and poised to respond.
- Does not support using progressive enforcement.
- Opposition is grounded in the belief that there is a more practical and effective way that is also less intrusive or burdensome to accomplish.

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

In order to comply with the State Non-Point Source Policy, all non-point source discharges must be regulated by a Basin Plan prohibition, WDRs, or a conditional waiver. Regional Water Board staff have determined that developing general WDRs and conditional waivers for dairies is appropriate. Although the details of the general WDRs and waivers have not yet been developed, staff intend for them to address all possible pollutants from dairies, which includes nutrients mainly and sediment secondarily. Because the purpose of the Staff Work Plan is to have a complete and comprehensive description of what is necessary to do in the next ten years to control excess sediment, the general WDRs and waiver for dairies are included. It is also likely that conditional waivers will be available to those dairies that are already implementing sediment control measures.

In regards to outreach and education, staff intend to focus on these important efforts before the general WDRs and conditional waivers are developed, which is likely to take several years. The Work Plan gives a higher priority to outreach and education than to the general WDR for dairies as well.

In regards to enforcement, Regional Water Board staff intend to continue to comply with the State Water Resources Control Board's *Water Quality Enforcement Policy* (February 2002), which recognizes statutory obligations to enforce water quality laws and includes a policy of progressive enforcement. It is appropriate and necessary for the Work Plan to include this aspect of sediment control regulation.

(57) Comment(s)

- Included in the comment letter is a list of practices, techniques, and other considerations regarding dairy farms that need to be reviewed and evaluated before making determinations as to the regional tasks identified in the Work Plan and before identifying base line inventories. This list includes:
 - freestall housing for dairy cows
 - Sonoma County Farm Bureau's Animal Resource Management Committee
 - farm water supply ponds
 - grazing management
 - location of facilities
 - fencing, riparian and field
 - continuing closure of dairy farms
- Include grazing activities in dairy nutrient and sediment WDRs and waiver so that dairy farmers only need to deal with one regulatory instrument.
- Consistency between Sonoma and Marin County dairy programs (with the San Francisco Bay Regional Water Board's program) would be desirable.

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

Regional Water Board staff recognize and appreciate the great works that have been made to control water quality pollutants from dairies. The appropriate place and time to address these comments is during the development, public review, and Board consideration of the general WDRs and conditional waiver for dairies. These comments have been forwarded to the lead staff for that project.

(58) Comment(s)

Suggests the term “for example” preface the list of requirements for inclusion into the general WDRs and conditional waiver so that flexibility is allowed as the programs are developed.

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

Regional Water Board staff conclude the existing language already includes the needed flexibility since the Work Plan is intended to be a flexible, staff level planning document. Staff also note that the language uses “should” instead of the more limiting “shall” or “will.”

(59) Comment(s)

Concurs with initial implementation efforts focusing on education and outreach

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

Comment noted.

(60) Comment(s)

- The dairy farms in the valley do not produce excess sediment; actually they are recipients of excess sediment.
- The beef cattle producers in the hills are also not a major contributor of excess sediment.

Comment(s) Made By:

Jim Regli, Humboldt County Farm Bureau

Response

Regional Water Board staff consider dairies and grazing activities to have the potential to discharge excess sediment, such as from access roads and bank erosion due to cattle access to stream corridors.

(61) Comment(s)

- The Regional Water Board should focus on the major contributors of excess sediment instead of dairies and grazing activities and spend its time and budget working on activities which

actually produce the larger amounts of sediment like subdivision roads, grading operations, etc.

- It appears these regulations will be costly to enforce. The additional staff members needed for enforcement would seem to outweigh your accomplishments, and your mission would be better served if you focus energy on the larger sediment and harmful discharge abusers.

Comment(s) Made By:

Jim Regli, Humboldt County Farm Bureau

Response

Staff concur that other sources of excess sediment are higher priorities than developing general WDRs for dairies and grazing activities, as is reflected in the Work Plan. The purpose of the Staff Work Plan is to have a complete and comprehensive description of what staff feel is necessary to do in the next ten years to control excess sediment. This includes working on dairy and grazing sources. While the dairy and grazing general WDRs will increase staff needs, the expected improvement in water quality protection and excess sediment control is worth-while.

COMMENTS RELATED TO GRAZING

(62) Comment(s)

- The Regional Water Board should make every effort to minimize the costs of future regulatory actions and ensure that the families and rural communities depending on the production of livestock are not forced to close their operations due to burdensome and overbearing regulations.
- Asks the Regional Water Board to recognize the voluntary contributions of ranchers and collaborate with livestock producers, rather than dictate onerous and likely burdensome regulatory actions.

Comment(s) Made By:

Justin Oldfield, California Cattlemen's Association

Response

Comments noted.

COMMENTS RELATED TO RESTORATION ACTIVITIES

(63) Comment(s)

- Adopt a conditional waiver for restoration activities that may have a minor short term increase in sediment, but will have a significant long-term reduction in sediment.
- Develop a regional general permit for Regional Water Board funded sediment restoration projects.
- Provide regulatory certainty for restoration efforts that exceed the time schedule of the Work Plan.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Regional Task 10 is to develop and implement general WDRs and a general 401 Certification for restoration projects that should address these comments.

COMMENTS RELATED TO ROADS

(64) Comment(s)

Rural public roads should be given a clearer and high priority in the Work Plan.

Comment(s) Made By:

Michael Luis, Siskiyou County Farm Bureau
Jack L. Rice, California Farm Bureau Federation

Response

The priority rank for the Regional Task 13 to develop and implement waste discharge requirements (WDRs) for county roads has been increased from “high” to “very high,” and staff are currently working with Siskiyou County on WDRs for their county road system.

(65) Comment(s)

- Rural roads are the main contributor to sediment in North Coast streams.
- Roads should be the number one priority within the work plan.
- Suggests that there be a rural residential road general WDRs/waiver.
- Each watershed should have rural roads addressed.

Comment(s) Made By:

Peter S. Johnson, Mendocino County Farm Bureau

Response

Regional Water Board staff concur that in many watersheds, rural roads are the main excess sediment source. The Work Plan recognizes this and most of the regional and watershed-specific tasks address roads in some way. For example, outreach and education will focus on roads, the Measures to Control Excess Sediment Amendment applies to road-related sources, and every WDR and conditional waiver will include conditions pertaining to roads. Additionally, almost every task that involves roads is given at least a high priority in the Work Plan.

During the development of the Work Plan, staff considered a general WDRs/waiver program for new rural road construction, but decided against it at this time. Instead, staff intends to rely on the Excess Sediment Prohibition, outreach and education efforts including work with watershed groups, the construction storm water permit that applies to activities greater than one acre in size, reconnaissance, enforcement, working with counties on their general plans and grading ordinances, and other tasks described in the Work Plan that apply to rural roads. If these tasks fail to adequately and effectively prevent and control excess sediment from rural roads, staff will then focus on developing a road-specific general WDRs and a conditional waiver.

(66) Comment(s)

- Is the Road Management Policy (project 16 on the 2007 Triennial Review Priority List) another policy that landowners need to be concerned with, provide input to, follow and participate in?
- Isn't the Road Management Policy addressed in the Work Plan? And if not, why not?

Comment(s) Made By:

Dina Moore, Yager/Van Duzen Environmental Stewards

Response

The concepts likely to be included in the Road Management Policy are also included, in some part, in the Work Plan. The concepts are also included in the proposed Measures to Control Excess Sediment Amendment. These concepts, subject to revision, are the prevention and minimization of the discharge and threatened discharge of excess sediment to water bodies and the need for roads to not significantly disrupt natural hydrologic function. The development of the Road Management Policy remains on the Triennial Review Priority List because the Regional Water Board may still want to consider a resolution describing their policy specific to roads in the region as a way of emphasizing the importance of proper road construction and use in water quality protection in the Region.

(67) Comment(s)

- Humboldt County Public Works Department is ready to work with Regional Water Board staff on developing general WDRs for county roads. Presumably this will facilitate permitting for county road maintenance activities.
- Effort by the Regional Water Board and other agencies to facilitate permitting is an excellent investment for reducing sediment releases and improving water quality.

Comment(s) Made By:

Hank Seemann, County of Humboldt

Response

Comments noted.

COMMENTS RELATED TO TIMBER HARVEST ACTIVITIES

(68) Comment(s)

The Regional Water Board should continue to comment on rule making by the Board of Forestry and the Department of Fish and Game regarding Impaired Waters Policy and Coho Recovery Guidelines.

Comment(s) Made By:

Alan Levine, Coast Action Group
Robert Pennington, Community Clean Water Institute

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

Language pertaining to commenting on rule making by the Board of Forestry has been added to Regional Task 15. Working the California Department of Fish and Game is included in Regional Task 30.

(69) Comment(s)

WDRs and conditional waivers for timber harvest operations have loopholes or inconsistencies that need repair, such as non-industrial timber harvest plans.

Comment(s) Made By:

Alan Levine, Coast Action Group
Robert Pennington, Community Clean Water Institute

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

The discussion of specific conditions for the timber harvest conditional waivers is more appropriate for the next time the waivers are before the Board for renewal, which happens every five years. The timber general conditional waivers will expire in June 2009.

(70) Comment(s)

Yarding methods should be covered in the Work Plan. Elimination of high lead yarding in favor of skyline yarding would decrease sediment input and would allow uneven age forestry to be employed. There should be a task to change the CDF logging rules.

Comment(s) Made By:

Denver Nelson

Response

The discussion of specific sediment control practices is more appropriate for the Excess Sediment Control Guidance Document that staff will be working on, as discussed in Regional Task 1. Additionally, staff intend to focus the Work Plan on tasks that the Regional Water Board has authority to implement.

COMMENTS RELATED TO THE USFS

- (71) Comment(s)
WDRs for USFS for grazing need to require appropriate monitoring and adaptive management, which would include stock removal when warranted.

Comment(s) Made By:
Crystal Bowman, Quartz Valley Indian Reservation
Sandi R. Tripp, Karuk Tribe

Response
The Work Plan includes language stating that both WDRs and/or a conditional waiver for the USFS should include monitoring and adaptive management.

- (72) Comment(s)
To retain flexibility in development of our statewide program, requests the Work Plan be modified to include State Water Board waivers, WDRs, and Management Agency Agreements as regulatory actions that would bring the USFS into compliance with the Non Point Source Policy.

Comment(s) Made By:
Barry Hill, U.S. Forest Service

Response
The language of Regional Task 17 has been modified to state that another possibility, although not preferred by Regional Water Board staff at the time of this writing, is to develop state-wide WDRs or conditional waivers. This option, as well as regional or national forest specific WDRs or waivers, will bring the U.S. Forest Service into compliance with the Non Point Source Policy.

COMMENTS RELATED TO STORM WATER

- (73) Comment(s)
- The rural residential storm water program is ineffective as is.
 - Perhaps a goal or rule should be made that post-project hydrology be equal to that of pre-project conditions.

Comment(s) Made By:
Robert Pennington, Community Clean Water Institute

Response
The appropriate place and time to address these comments is during the development of individual and general storm water permits. These comments have been forwarded to the lead staff for the storm water program.

COMMENTS RELATED TO INSTREAM GRAVEL MINING

(74) Comment(s):

Alexander Valley landowners recognize the importance of instream maintenance, including gravel bar skimming.

Comment(s) Made By:

171 landowners from the Alexander Valley.

Response:

Comment noted. Nothing in the Work Plan prohibits instream gravel bar skimming. Russian River Task 6 states that Regional Water Board staff intend to continue to use 401 Certification permits and industrial stormwater permits to regulate instream gravel operations in the Russian River watershed and, through the permits, ensure activities are conducted so as to control excess sediment.

(75) Comment(s)

- The conclusion of the analysis by Swanson Hydrology and Geomorphology is that gravel bar skimming, rather than being a source of excess sediment, actually helps to reduce excess sediment by reducing lateral bank erosion.
- Since gravel mining is not a source of excess sediment, surprised to see that regulation of bar skimming in the Russian River is given such emphasis in the Work Plan.
- The results of many years of monitoring data have demonstrated that Shamrock Material's gravel bar skimming is not a source of excess sediment, does not cause bank erosion, and does not deplete the gravel supply of the river.
- The large scale edge-of-water buffers that are required by the Regional Water Board are contributing to excess sediment discharges during high flow events.
- Request the Regional Water Board direct staff to work with the mining industry and stakeholders to review all monitoring data and determine if there are excess sediment discharges occurring from mining sites.

Comment(s) Made By:

John F. Perry, Syar Industries, Inc.

David Ripple, Shamrock Materials, Inc.

Response

Instream gravel mining activities are included in the Work Plan because these activities have the potential to discharge excess sediment, such as from in-channel dredging, the placement of fill within the channel, and storm water runoff from in-channel and out-of-channel facilities. Gravel mining activities are currently permitted through Clean Water Act Section 401 certifications for dredge and fill activities and storm water permits. As stated in the Work Plan, Regional Water Board staff intend to continue to use these permit mechanisms to ensure that gravel mining activities do not discharge excess sediment. The effects of specific gravel bar skimming operations in specific locations, their discharge (if any) of excess sediment, specific monitoring data, and the impact of riparian buffers will be addressed during the permit development or renewal process. Data submitted with the comment letters have been distributed to permit development staff.

(76) Comment(s)

- Concerned about emphasis on mitigation of instream impacts.
- It is unclear what impacts require mitigation.
- Unclear how restoration/mitigation relates to excess sediment.
- Prior to submitting an application for a 401 Certification, all instream mining permits would have undergone a complete CEQA review. It is not clear if other potential impacts, above and beyond what is identified through CEQA are being assumed here.

Comment(s) Made By:

John F. Perry, Syar Industries, Inc.

David Ripple, Shamrock Materials, Inc.

Response

Language within the Work Plan has been changed to state that staff intend to ensure instream impacts are mitigated with stream restoration projects or other mitigation projects when specifically called for in a 401 Certification permit. More specific concerns about possible mitigation requirements should be addressed during 401 Certification development or renewal. Potential impacts would be from in-channel dredge and fill activities. It is possible that mitigation activities, if needed, would be identified through the CEQA and permit process.

(77) Comment(s)

- Since no other watershed identifies the need for mitigation, it is unclear what is unique about the Russian River.
- There appear to be inconsistencies in the proposed tasks to regulate instream gravel mining operations in the Gualala, Lower Eel, and Mad River as compared to the regulations proposed for the Russian River.

Comment(s) Made By:

John F. Perry, Syar Industries, Inc.

David Ripple, Shamrock Materials, Inc.

Response

The language of the Work Plan has been changed so that tasks relating to instream gravel mining operations, including mitigation issues, are consistent between the Lower Mainstem Eel River, Gualala River, Mad River, and Russian River watersheds.

(78) Comment(s)

Instream gravel mining should be phased out completely in the Russian River.

Comment(s) Made By:

Robert Pennington, Community Clean Water Institute

Response

Comment noted.

- (79) Comment(s)
Confused that regulating gravel mining is a higher priority (Russian River Task 6) than determining the sources of excess sediment (Russian River Task 8) in the Russian River watershed.

Comment(s) Made By:
John F. Perry, Syar Industries, Inc.

Response

The task numbers used throughout the Work Plan do not represent priority rankings, but are used simply as reference numbers. The tasks within a watershed are not prioritized. Only work on the watershed as a whole is prioritized in the Work Plan relative to other watersheds. Staff apologize for the confusion.

- (80) Comment(s)
The Work Plan states Shamrock Material is mining in the middle reach of the Russian River. Shamrock Materials' only mining activity is in the Cloverdale reach.

Comment(s) Made By:
David Ripple, Shamrock Materials, Inc.

Response

The Work Plan has been corrected.

- (81) Comment(s)
We continue to ask for Regional Water Board participation in the planning process in order to achieve mining projects that will continue to maintain the stability of the river's form and function.

Comment(s) Made By:
David Ripple, Shamrock Materials, Inc.

Response

Comment noted and appreciated. The need for the Regional Water Board to be involved in gravel mining operations is a reason why the Work Plan includes tasks relating to such activities.

- (82) Comment(s)
The Work Plan language that says to ensure instream gravel mining activities are conducted so as to prevent and minimize future excess sediment discharges presumes that existing discharges are occurring.

Comment(s) Made By:
David Ripple, Shamrock Materials, Inc.

Response

The purpose of the above language is to state that Regional Water Board staff intend to develop permits for instream gravel mining activities that ensure existing excess sediment sources, if they are present, are controlled.

(83) Comment(s)

How does the Regional Water Board plan to define or quantify existing excess sediment discharges?

Comment(s) Made By:

David Ripple, Shamrock Materials, Inc.

Response

Excess sediment is defined at the beginning of the Introduction chapter of the Work Plan. The presence, type, and volume of existing excess sediment sources should be defined by the responsible party during an inventory of their property. In regards to instream gravel mining activities, an inventory will likely happen during the permit development or renewal process.

(84) Comment(s)

What does adaptive management mean and how would it be implemented and used by the Regional Water Board. What types of activities and permit requirements would be needed to implement adaptive management activities?

Comment(s) Made By:

David Ripple, Shamrock Materials, Inc.

Response

Adaptive management is the practice of monitoring and reviewing management activities as they are carried out and after implementation to determine if they are working as intended and are adequately protecting water quality; and if not, adaptive management includes making changes and adapting management activities as needed. The details on monitoring, reviewing, and revision requirements are more appropriately discussed during the permit development or renewal process.

(85) Comment(s)

What does it mean to use industrial stormwater permits to regulate instream gravel operations and how does the Regional Water Board propose to do this?

Comment(s) Made By:

David Ripple, Shamrock Materials, Inc.

Response

The language in the Work Plan has been changed to clarify that industrial stormwater permits regulate stormwater runoff from gravel processing plants and haul roads.

- (86) Comment(s)
What does it mean to increase the prevention of excess sediment from access and haul roads and how does the Regional Water Board propose to do this?

Comment(s) Made By:
David Ripple, Shamrock Materials, Inc.

Response
The language in the Work Plan has been changed to clarify that Regional Water Board staff intend to include in industrial stormwater permits a focus on access and haul roads to ensure excess sediment is prevented and controlled. Again, industrial stormwater permits will be the mechanism used by the Regional Water Board.

- (87) Comment(s)
In regards to incorporating recommendations from the Scientific Review Committee, what is it that the Regional Water Board believes needs to be done?

Comment(s) Made By:
David Ripple, Shamrock Materials, Inc.

Response
The purpose of the above reference language is to demonstrate that the Regional Water Board intends to review the recommendations from the Scientific Review Committee and incorporate appropriate recommendations into future 401 Certification and stormwater permits as is suitable and correct.

- (88) Comment(s)
The tasks will become de facto policy that staff Regional Water Board staff will use to regulate all instream mining in the Russian River.

Comment(s) Made By:
David Ripple, Shamrock Materials, Inc.

Response
Comment noted. Regional Water Board staff are currently regulating instream gravel mining operations, and intend to continue to do so, through 401 Certifications and industrial stormwater permits as described in Russian River Task 6 of the Work Plan.

- (89) Comment(s)
Request the Regional Water Board work with operators and other resource agencies to develop consistent mining regulations.

Comment(s) Made By:
David Ripple, Shamrock Materials, Inc.

Response

Regional Water Board staff are working with other agencies, stakeholders, and gravel mining industry representatives on gravel mining regulation, including working on recent efforts to update Sonoma County's Aggregate Resources Management Plan.

COMMENTS RELATED TO GRANTS & LOANS

(90) Comment(s)

- The task of funding restoration projects seems wasteful until such protections for stream and road conditions are put in place to assure the long term success of such restoration.
- Restoration projects should be assessed for potential for long term success.
- Grand funds should not be allocated unless patterns of land use disturbance are improved sufficiently to reduce cumulative effects risk.

Comment(s) Made By:

Crystal Bowman, Quartz Valley Indian Reservation
Alan Levine, Coast Action Group
Sandi R. Tripp, Karuk Tribe

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

Comments noted. Regional Water Board staff believe that funding restoration work in watersheds where excess sediment is an active problem is of value to public trust resources.

(91) Comment(s)

Strongly agrees that the Board should obtain grant funding adequate to assure long-term success of restoration projects.

Comment(s) Made By:

Dr. Jane Nielson, Sebastopol Water Information Group

Response

Comment noted.

COMMENTS RELATED TO RECONNAISSANCE AND STORM RESPONSE

(92) Comment(s)

- How does staff expect to gain access to gated road networks?
- Why would staff drive on roads during storm events and thus increase sediment runoff?

Comment(s) Made By:

Arne Hultgren, Roseburg Resources Co.

Response

The purpose of the road-based reconnaissance is to help Regional Water Board staff determine where the most significant excess sediment problems are on a large landscape. The specifics of this how this effort will be done have not been developed yet. However, staff expect that most of the road-based reconnaissance would take place on public roads or private roads where access has been granted. Staff currently, and will continue to, make every effort to not contribute to road-related excess sediment discharges during their field activities.

(93) Comment(s)

Is staff assuming the aerial helicopter surveys (which cost \$550/hr) will be funded by fines derived from cleanup and abatement orders?

Comment(s) Made By:

Arne Hultgren, Roseburg Resources Co.

Response

The Work Plan does not identify funding sources for any of the tasks. In regards to fines derived from cleanup and abatement orders, the California Water Code specifies how money collected can be allocated. In most cases, a portion of any fine for violating permit limits must be deposited in the Cleanup and Abatement Account, which is used for environmental cleanups throughout California .

(94) Comment(s)

Add language encouraging coordination with local agencies, and include non-Regional Water Board staff members to the response team when appropriate.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Language has been added to the Work Plan to state that staff from other agencies should be considered for inclusion into the storm response team as appropriate. Language pertaining to coordination with agencies was already included.

COMMENTS RELATED TO GRADING ORDINANCES

(95) Comment(s)

- Modify the language to read “Work with Del Norte, Humboldt, and Sonoma counties to research and determine the adequacy of existing and raft grading regulations” and, similarly, “Work with Mendocino County . . .”
- Recommends that the Regional Water Board work with the counties and agricultural interests in the development of grading ordinances that recognize the unique needs of agricultural

activities and proportionality of those grading activities compared to development activities or road construction.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program
Lex McCorvery, Sonoma County Farm Bureau

Response

The Work Plan has been revised to add language to work with the counties.

(96) Comment(s)

- Regarding the discussion and task on Mendocino County's grading ordinance, add language saying that Mendocino County follows the Uniform Building Code for grading purposes.
- Add language saying that Mendocino County began draft road grading regulations following the tabling of their proposed grading ordinance in April 2007. The draft regulations should be ready for the public hearing process early in 2008. Staff should review the document and submit comments for improvement if needed.

Comment(s) Made By:

Peter S. Johnson, Mendocino County Farm Bureau

Response

Language in the Work Plan has been revised to incorporate these changes.

(97) Comment(s)

Adopt a conditional waiver for activities covered under city or county ordinances that control excess sediment, such as grading ordinances, stream buffer ordinances, storm water plans, road standards, impervious surface ordinances, and road maintenance manuals.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Regional Water Board staff recognize the merit in this proposal in regards to grading ordinances, stream buffer ordinances, and impervious surface ordinances. Staff will consider its possibilities separate from this version of the Work Plan. It may however, be incorporated as a new task in a future update to the Work Plan. Additionally, county roads will be addressed through county-specific WDRs and storm water plans are part of the existing storm water WDRs and NPDES permits.

COMMENTS RELATED TO COUNTY COORDINATION

(98) Comment(s)

Add a new task to fund water quality specialists that will work for the counties/cities and the Regional Water Board to determine the best methods to implement the Measures to Control Excess Sediment in association with local jurisdictions.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

The Work Plan has been revised to add a new sub-task to Regional Task 27 to assign staff liaisons to the cities and counties in the North Coast Region to aid them in controlling excess sediment, and to consider locating liaisons at county or city offices.

(99) Comment(s)

Revise language in the Work Plan related to the regional task to work with counties to update their general plans as follows: “Participate in peer review research of general plans as they relate to the prevention and control of excess sediment.” Removal language pertaining to grading activities. The current language is too specific to a single item to necessarily be included in a General Plan. The ability to work cooperatively may be the best way to address this matter.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Language in the Work Plan has been revised to remove mention of grading activities. This was an error.

(100) Comment(s)

Regarding the regional task to meet regulatory with county staff, include county road, public works, and/or community development departments in these efforts.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

The Work Plan has been revised to include this change.

COMMENTS RELATED TO CDFG’s 1600 PERMITS

(101) Comment(s)

- It is our understanding that activities conducted under a CDFG 1600 Permit for streambed alteration are considered to not be a significant contributor to the degradation of water quality. Regional Task 29 appears to be a duplication of regulatory effort.

- Why would the Regional Water Board expand their jurisdiction to overlap that of other State agencies?
- Further complication of permitting requirements, processing delays, and fees will only serve to limit funding available to do the ground work.

Comment(s) Made By:

Arne Hultgren, Roseburg Resources Co.

Response

Nothing in the Work Plan expands the jurisdiction of the Regional Water Board. Regional Task 29 specifically addresses coordination between CDFG on their 1600 permits and the Regional Water Board on our 401 Certifications for dredge and fill activities, the authority for which comes from Section 401 of the federal Clean Water Act and under the California Water Code. Each agency has its own authority and responsibilities that it must fulfill. There may be water quality issues remaining after all CDFG 1600 permit requirements are in place. The purpose of Regional Task 29 is to improve the coordination between CDFG and the Regional Water Board so that streambed alteration and dredge and fill activities can be permitted and accomplished more easily.

COMMENTS RELATED TO INCENTIVES

(102) Comment(s)

The incentive program is a good example of utilizing a cooperative approach in order to meet environmental protection objectives. Expedited permit review is a significant incentive.

Comment(s) Made By:

Arne Hultgren, Roseburg Resources Co.

Response

Comment noted.

(103) Comment(s)

Regional Task 32, regarding incentive programs, is an excellent idea.

Comment(s) Made By:

Denver Nelson

Response

Comment noted.

COMMENTS RELATED TO TRAINING

(104) Comment(s)

Suggests interagency staff training.

Comment(s) Made By:

Alan Levine, Coast Action Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee

Sharon E. Duggan, Environmental Protection Information Center

Dr. Jane Nielson, Sebastopol Water Information Group

Response

Language has been added to Regional Task 35 to include inter-agency staff training.

COMMENTS RELATED TO THE EEL RIVER WATERSHED

(105) Comment(s)

Stitz Creek should be included in the Lower Mainstem Eel River.

Comment(s) Made By:

Richard Gienger

Response

A task has been added to the Work Plan to develop and implement watershed-wide WDRs for timber harvest activities in the Stitz Creek watershed.

(106) Comment(s)

Dredging as a management tool should be used in the flats of the Salt River and should be considered in the lower portions of the Eel River.

Comment(s) Made By:

Denver Nelson

Response

Comment noted.

COMMENTS RELATED TO THE GUALALA RIVER WATERSHED

(107) Comment(s)

In the Gualala River watershed, Regional Water Board staff should participate in the review of forestland conversion to vineyard use, road construction for agricultural and residential use, transportation road construction and maintenance, county grading ordinances, and storm water plans.

Comment(s) Made By:

Alan Levine, Coast Action Group

Dr. Jane Nielson, Sebastopol Water Information Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center

Response

The Work Plan includes tasks that address these issues.

(108) Comment(s)

Coastal Ridges may need additional enforcement than ensuring compliance with the Excess Sediment Prohibition, and possibly ownership-wide WDRs, if continuing problems are observed due to historic and continuing excess sediment impacts.

Comment(s) Made By:

Alan Levine, Coast Action Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee
Sharon E. Duggan, Environmental Protection Information Center
Dr. Jane Nielson, Sebastopol Water Information Group

Response

Comment noted.

(109) Comment(s)

Road restoration has been done from almost all roads in the Dotty Creek Planning Watershed, which includes the Little North Fork, Dotty Creek, Log Cabin Creek, and Tributary #1 to Little North Fork watersheds.

Comment(s) Made By:

Henry Alden, Gualala Redwoods Inc.

Response

Mention of the above listed watersheds was removed from the list of high priority locations for road restoration work.

(110) Comment(s)

Regarding reconnaissance efforts, the Little North Fork watershed can be checked off as done.

Comment(s) Made By:

Henry Alden, Gualala Redwoods Inc.

Response

The Little North Fork watershed was included as a focus for initial reconnaissance efforts because it is identified in the *Gualala River Watershed Assessment Report* (Klamt et al. 2002) as

having potential for salmonid refugia. Regional Water Board staff applaud efforts to control excess sediment in the watershed. Although reconnaissance may not reveal any egregious excess sediment sources, the presence of refugia means that staff intend to focus reconnaissance efforts, at least initially, in the Little North Fork watershed.

COMMENTS RELATED TO THE KLAMATH RIVER WATERSHED

(111) Comment(s)

- Hopes the region-wide strategies put forward for sediment control can be implemented as a priority in such sub-basins as the Salmon River, Lower Klamath and Middle Klamath because of their potential fisheries productivity.
- The Regional Water Board should make Middle Klamath basin sediment control and abatement a priority.

Comment(s) Made By:

Crystal Bowman, Quartz Valley Indian Reservation
Sandi R. Tripp, Karuk Tribe

Response

Comments noted.

(112) Comment(s)

Work to identify other waterways in Northern California – such as the upper mid-Klamath – that have sediment problems but are not yet listed as impaired.

Comment(s) Made By:

Jennifer Lance
David Rose

Response

Comments noted.

(113) Comment(s)

It is not clear if the area covered by the Klamath River TMDL includes the entire lower mainstem Klamath

Comment(s) Made By:

Denver Nelson

Response

The Work Plan covers the Klamath Glenn Hydrologic Area, which is the watershed that drains to the mainstem Klamath River downstream of Weitchpec, excluding tribal land.

- (114) Comment(s)
Dredging as a management tool should be considered in the lower portions of the Klamath River.

Comment(s) Made By:
Denver Nelson

Response
Comment noted.

- (115) Comment(s)
The TMDL should be done as a unit and cover the entire watershed.

Comment(s) Made By:
Denver Nelson

Response
Regional Water Board staff are currently developing the TMDL for temperature, dissolved oxygen, and nutrients in the entire Klamath River watershed that falls within the State of California, excluding the area that lies within Native American reservations. Sediment issues are also being addressed in the TMDL development effort due to the effects on listed pollutants from excess sediment.

COMMENTS RELATED TO THE MAD RIVER WATERSHED

- (116) Comment(s)
Suggests language be inserted or rewritten to better reflect the actual scope of work that the Natural Resources Services of the Redwood Community Action Agency has with the Regional Water Board.

Comment(s) Made By:
Craig Benson, Redwood Community Action Agency

Response
A new task (Mad River Task 4) has been added to the Work Plan. It includes much of the suggested language on the scope of the Mad River Watershed Management Plan plus tasks for Regional Water Board staff to take in regards to the Plan.

- (117) Comment(s)
Under Mad River Task 4, suggests language be inserted or rewritten to reflect increased incentives for landowners rather than a threatening list of enforcement actions that will be taken.

Comment(s) Made By:
Craig Benson, Redwood Community Action Agency

Response

Language has been added to the Work Plan to state that one option for addressing excess sediment sites is to consult with the Natural Resources Services to determine if the site is identified in the Mad River Watershed Management Plan and if control work is underway or scheduled.

(118) Comment(s)

Assumed the Mad River Watershed Management Plan would address the entire watershed and cover all land owners. The Work Plan proposes to develop separate ownership-wide WDRs for the USFS, Green Diamond, Pacific Lumber Company, gravel mining interests, county roads, etc. Understand the value in this approach since these entities have holdings in multiple watersheds, but these interests comprise roughly 70% of the land area of the watershed. Does this mean we should completely adjust our scope of work to focus on small landowners? How do we create a comprehensive management plan in this manner?

Comment(s) Made By:

Craig Benson, Redwood Community Action Agency

Response

As the objective of the grant given to develop the Mad River Watershed Management Plan is to improve water quality, especially as it relates to sediment loads, in the Mad River watershed, it is immaterial if one or more permit processes are developed if all activities strive to reach the same goal. Regional Water Board staff continue to highly value the work to be conducted by the Natural Resources Services and continue to expect the Mad River Watershed Management Plan to be a very important tool for excess sediment control.

COMMENTS RELATED TO THE MATTOLE RIVER WATERSHED

(119) Comment(s)

- The task to meet with Humboldt County planning staff to discuss public evasion of the county permit process may be misconceived and might alienate residents.
- Outreach and education and incentives will work better than broad threats of enforcement.
- Be aware that the Alternative Owner Builder Ordinance that allows unpermitted residences if those residences are never to be sold or rented.

Comment(s) Made By:

Richard Gienger

Response

Language has been added to the Work Plan to discuss with the County staff the Alternative Owner Builder Ordinance. Regional Water Board staff feel the rest of the task is appropriate as it is focused on primarily discussing the issue and includes outreach/education efforts.

COMMENTS RELATED TO THE REDWOOD CREEK WATERSHED

(120) Comment(s)

- It can't be emphasized enough that flood protection is extremely important to the community of Orick.
- Request the Regional Water Board consider deleting Redwood Creek Task 4 because levee issue are included within the framework described under Redwood Creek Task 2.
- If Task 4 is not deleted, the task should be amended to specify that the task will be implemented in a manner that ensures continued flood protection and respects private land ownership.
- The Work Plan does not mention the function of the levees, which is to protect life and property in the community of Orick. This oversight suggests a heavy handed regulatory approach and contradicts Redwood Creek Task 2. This task is no longer applicable to current conditions, has been superseded by more inclusive and effective watershed-based approach, and is economically infeasible (on the order of \$10 million).

Comment(s) Made By:

Ron Barlow, Orick Community Services District
Hank Seemann, County of Humboldt

Response

Redwood Creek Task 4 has been changed so that it now includes language to work with stakeholders, such as the Redwood Creek Watershed Group, on channel and riparian improvement projects in the estuary subbasin to benefit salmonids, reduce excess sediment, and offer flood protection to the town of Orick and pasturelands surrounding the estuary. Language that mentions levee removal, relocation, or re-configuration has been removed. Regional Water Board staff feel that the new language better describes work that needs to be done as is recommended in the Redwood Creek Basin Assessment (Cannata et al. 2006).

(121) Comment(s)

We believe Redwood Creek Task 2 is the right approach, because these groups will help ensure that sediment control efforts are developed within the overall context of the watershed with input from local residents.

Comment(s) Made By:

Ron Barlow, Orick Community Services District

Response

Comment noted.

(122) Comment(s)

- For the purposes of the TMDL, the Redwood Creek basin is that area upstream of the Orick monitoring station located near the Route 101 crossing. The TMDL is not designed to address the levees.
- Redwood Creek Task 4 should be removed from the Work Plan because it is not related to the sediment TMDL.

Comment(s) Made By:

Hank Seeman, County of Humboldt

Response

The estuary of Redwood Creek is part of the Redwood Creek Hydrologic Unit, which in its entirety is listed as sediment impaired. Therefore, it is appropriate to include the estuary in the Work Plan.

COMMENTS RELATED TO THE RUSSIAN RIVER WATERSHED

(123) Comment(s)

In the Russian River watershed, Regional Water Board staff should participate in the review of forestland conversion to vineyard use, road construction for agricultural and residential use, transportation road construction and maintenance, county grading ordinances, and storm water plans.

Comment(s) Made By:

Alan Levine, Coast Action Group

Dr. Jane Nielson, Sebastopol Water Information Group

Comment(s) Supported By:

Brenda Adelman, Russian River Watershed Protection Committee

Sharon E. Duggan, Environmental Protection Information Center

Response

The Work Plan includes tasks that address these issues.

(124) Comment(s)

- It is unclear how the Regional Water Board can make any decision on how to address excess sediment in the Russian River until it develops a basic understanding of the sources of excess sediment.
- Baseline sediment conditions for the Russian River need to be established. The first order of business is to determine the existing TMDL and what/where the significant contributors are.
- The Work Plan should include developing the Russian River TMDL for sediment, and it should be a high priority.

Comment(s) Made By:

John F. Perry, Syar Industries, Inc.

David Ripple, Shamrock Materials, Inc.

Dr. Jane Nielson, Sebastopol Water Information Group

Response:

The Regional Water Board directed staff to develop the Work Plan per Resolution No. R1-2004-0087 to provide a staff level work plan describing work necessary to achieve recovery in sediment-impaired watersheds. The Resolution was specific to implementation activities, rather

than the develop of future TMDLs. Additionally, based on the many sediment TMDLs that have been developed in the North Coast Region, the major sources of excess sediment are well documented. The excess sediment control tasks listed for the Russian River watershed in the Work Plan reflect staff's best professional judgment of the sources and control efforts needed at the time of its writing. However, the Work Plan is intended to be updated as more information becomes available.

(125) Comment(s)

Education materials on infiltration basins and swales should definitely be made available.

Comment(s) Made By:

Robert Pennington, Community Clean Water Institute

Response

Language has been added to the Work Plan to develop and distribute educational material on storm water control practices.

COMMENTS RELATED TO THE SCOTT RIVER WATERSHED

(126) Comment(s)

- The wording of the Work Plan seems to give too short a time and too little encouragement to the notion that regulatory actions will truly be a last resort.
- Work on "hammers" should have an exceedingly low priority, with the timeline being toward the end of the 10-year time frame or in the subsequent decadal work plan.

Comment(s) Made By:

Ric Costales, County of Siskiyou

Response

Comment noted and will be taken into consideration as the Scott River TMDL Implementation Work Plan is revised and updated, which was the document that many of the Scott River Watershed Tasks were taken from. This comments has been forwarded to the lead staff on that project. Please note, however, that many of the first steps in working with the County of Siskiyou on infrastructure, planning, and permitting is a cooperative, non-regulatory approach.

(127) Comment(s)

Why are private landowners not being consulted when staff identify how private roads and other excess sediment sites are being addressed?

Comment(s) Made By:

Arne Hultgren, Roseburg Resources Co.

Response

Language has been changed to add private landowners to the list of entities that staff will consult with.

(128) Comment(s)

Regarding emergency flood control and bank stabilization activities, who will be responsible for damage that occurs while a landowner is waiting for authorization from the Regional Water Board to conduct emergency in-stream repairs?

Comment(s) Made By:

Arne Hultgren, Roseburg Resources Co.

Response

The 401 Certification program, as well as CDFG 1600 permit program, includes provisions for emergencies so that landowners can address emergency flood control and bank stabilization situations without having to wait for specific authorization. The purpose of Scott River Task 7, sub-task 5 is to ensure watershed residents are aware of what to do in the case of an emergency, what constitutes an emergency, and to explain notification requirements. It is an educational task. The language of this task has been revised to clarify the intention of this task.

COMMENTS RELATED TO TASK AND WATERSHED PRIORITIZATION

(129) Comment(s)

- The watershed prioritization criteria is quantitative and transparent.
- It is appropriate to use the number of Salmonid species, relative productivity, and risk of extinction as ranking criteria.
- One major flaw is the exclusion of federal lands from consideration since cleanup and abatement responsibilities on these lands falls to the USFS and BLM.

Comment(s) Made By:

Crystal Bowman, Quartz Valley Indian Reservation
Sandi R. Tripp, Karuk Tribe

Response

Comments noted. Federal lands were not excluded from consideration in the watershed prioritization process. Perhaps these comments are related to a change that staff made from the original Bradbury et al. (1995) prioritization approach in which staff did not give additional points to any watershed that was designated as a “key watershed” by the USFS. By keeping this criterion, more than half of the Region would have been excluded for consideration since they fall outside of USFS land boundaries and were never even considered for key watershed status.

(130) Comment(s)

- Requests the Big River watershed be moved up in its ranking status.
- Given the concentrated land ownership in the Big River watershed, less time and staff should be required for implementation.

- Other factors that militate toward successful implementation include road assessments, interest in the waiver process, and educational opportunities.

Comment(s) Made By:

James R. Bernard, Mendocino Land Trust

Response

Comments noted. Regional Water Board staff recognize the good works and beneficial ownership patterns of the Big River watershed. Many of these types of political factors were considered when ranking watershed priorities.

(131) Comment(s)

A water body with a high risk of extinction and low numbers of fish got the same number of points as a water body with low risk of extinction and high numbers of fish.

Comment(s) Made By:

Ric Costales, County of Siskiyou

Response

The watershed prioritization has been revised to remove the risk of extinction category.

(132) Comment(s)

After the Work Plan is approved, all water bodies will have action plans, and should thus be equal in the “Staff Work Underway” category. Adding 10 points to the rest, then, places the Scott much farther down the list.

Comment(s) Made By:

Ric Costales, County of Siskiyou

Response

The purpose of this category is to give points to those watersheds where the Regional Water Board have given specific direction to staff to work on sediment control efforts in a watershed. Although completion of the Work Plan will not equate to completion of a TMDL Action Plan for sediment amended into the Basin Plan, staff note the comment. The “Staff Work Underway” category of the watershed prioritization has been revised to better describe its purpose.

(133) Comment(s)

- It is politics, not science affecting the decision-making process.
- Having an TMDL Action Plan (10 points) and likely Board support (3 points) accounted for fully 1/3 of the score for the Garcia and carried 13 times the weight as low number of fish (1 point).
- With environmental and biological issues at the heart of salmonid decline, bureaucracy-centric bias should not overwhelmingly dictate our restoration priorities.

Comment(s) Made By:

Ric Costales, County of Siskiyou

Response

Comment noted. Regional Water Board staff have determined that it is important for staff to consider political realities when prioritizing watersheds, while also placing significant weight on biological and ecological factors, beneficial uses, risks to humans, and the potential for improvement based on sediment sources. Political factors are considered because the easier it is to work within a watershed politically, the more cost-effective the sediment control efforts. Additionally, staff will follow direction from the Regional Water Board.

Furthermore, the Garcia River Watershed received 11 points for biological and ecological resources (2 of which were from salmonid abundance, not 1 as commented), 1 point for beneficial uses, 0 points for risks to humans, 8 points for potential for improvement from a technical feasibility standpoint, 8 points for potential for improvement from a political feasibility standpoint, and 10 points from specific Board direction. The political considerations carried 1.6 times the weight as biological and ecological considerations (18 points to 11 points).

(134) Comment(s)

Encourages the Regional Water Board to conduct another public hearing at its April meeting to allow the public to review, evaluate, and discuss the revised watershed prioritization ranking that staff completed after the Board's March 6th meeting. During the past two Board meetings, it was pointed out by Regional Water Board staff that the proposed watershed prioritization ranking: 1) was based on a limited data set; 2) relied on subjective calls on many of the specific factors used to determine overall priority; and 3) had minimal staff participation. The revised review by additional staff members indicated at the March meeting will not be known until the April Board meeting.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

During the March 6, 2008 Board Meeting in Fortuna, the Regional Water Board agreed to (1) release the final Work Plan on April 1st without another round of public comment following the April 1st release date, and (2) consider a resolution for the Work Plan in June 2008. Staff are moving forward with this schedule.

(135) Comment(s)

The relation between the Department of Fish and Game's Coho Recovery Strategy and the watershed prioritization should be examined.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

The watershed prioritization has been revised to include the watershed ranking of the Coho Recovery Strategy.

(136) Comment(s)

Focusing staff resources on the prioritized watersheds over regional tasks should take precedence.

Comment(s) Made By:

Peter F. Ribar, Campbell Timberland Management/Hawthorne Timber Company

Response

Comment noted.

(137) Comment(s)

The watershed prioritization criteria and ranking process is transparent and understandable.

Comment(s) Made By:

Peter F. Ribar, Campbell Timberland Management/Hawthorne Timber Company

Response

Comment noted.

COMMENTS RELATED TO FUNDING AND STAFF RESOURCES

(138) Comment(s)

- The Work Plan needs a funding plan that can effectively be supported and successful for the sediment control program.
- The Work Plan should include a comprehensive implementation plan and staffing, along with securing funding sources for the implementation of the conditions of the Work Plan.

Comment(s) Made By:

Richard Gienger
Lex McCorvey, Sonoma County Farm Bureau

Response

Comments noted.

(139) Comment(s)

- Concerned that the Work Plan embodies an ambitious financial commitment, in terms of staff resources, which may be unrealistic.
- Believes contingencies must be adopted to accommodate the inability to fund the Work Plan, as well as to make the Work Plan less expensive and less staff intensive. Suggestions include:

- Set standards now to limit the use of roads in impaired water bodies.
- Restrict industrial activities (e.g., logging, gravel mining).
- Require NPDES permits for any discrete conveyance of pollution, including from ditches and culverts.
- Require larger and wider stream buffer zones.
- In Freshwater Creek and Elk River watersheds, continue a development moratorium on industrial land use until the Work Plan is fully funded and achievable.

Comment(s) Made By:

Sharon E. Duggan, Environmental Protection Information Center

Response

Comments noted.

(140) Comment(s)

Is the Work Plan realistic given the current level of staff and resources?

Comment(s) Made By:

Dina Moore, Yager/Van Duzen Environmental Stewards

Response

The Work Plan is realistic. It estimates the resources needed to undertake sediment control efforts in the Region's sediment-impaired watersheds and clearly describes what can be done given current resources (see Chapter 6). Additionally, it is also important that staff identify resource/funding needs. Otherwise, it is unlikely that even a portion of those needs will be provided.

(141) Comment(s)

How much will the Work Plan cost the Regional Water Board and landowners?

Comment(s) Made By:

Dina Moore, Yager/Van Duzen Environmental Stewards

Response

The Work Plan estimates the staff resources needed to execute all the sediment control tasks. Under the Work Plan project, Regional Water Board staff are not obligated to estimate any potential costs to landowners. However, potential costs to landowners from the implementation of Work Plan tasks may be determined during task development. For example, tasks relating to Basin Plan amendments will include an economic analysis.

(142) Comment(s)

Acquisition of the additional required 19.2 (or more) PYs detailed in the Work Plan are essential for the Regional Water Board to meet its obligation for the sediment-impaired watersheds to the TMDL schedule approved by the State Water Board in 2006 for the completion of TMDLs and

implementation plans by 2019. The Work Plan must demonstrate a capability of meeting that schedule by having completed TMDLs with implementation plans by 2019.

Comment(s) Made By:

Daniel Myers, Redwood Chapter of the Sierra Club

Comment(s) Supported By:

Sharon E. Duggan, Environmental Protection Information Center

Response

Comment noted.

(143) Comment(s)

Any prospect of further delay in completing this program beyond this 10-year schedule should not be considered or addressed in the Work Plan. There should not be a Plan B for having inadequate staff to carry out the program.

Comment(s) Made By:

Daniel Myers, Redwood Chapter of the Sierra Club

Comment(s) Supported By:

Sharon E. Duggan, Environmental Protection Information Center

Response

Comment noted.

(144) Comment(s)

- In response to concern expressed by the Board about the size of the proposed staff increase, we offer that the staff size which was increased in response to the 1996 Consent Decree has been regressively reduced in the last six years to a level that makes compliance impossible.
- Even adding 19 new staff will leave the overall program far short of responding to the additional needs of the Klamath TMDLs, temperature impairments, monitoring, and administering these plans once they are finalized.

Comment(s) Made By:

Daniel Myers, Redwood Chapter of the Sierra Club

Comment(s) Supported By:

Sharon E. Duggan, Environmental Protection Information Center

Response

Comments noted.

(145) Comment(s)

- Concerned about the cost to implement the Work Plan. Adding 19 staff is unrealistic.
- How substantial would permitting fees for landowners be to cover any shortfall in funding?
- No action should be taken until a realistic budget and funding mechanism for implementing the Work Plan is shared with the public.

Comment(s) Made By:

Nick Frey, Sonoma County Winegrape Commission

Response

The Work Plan is necessary because it identifies the sediment control work that staff need to do in order to protect water quality. Regardless of whether or not funding is provided to execute all the tasks listed in the Work Plan, the Work Plan remains a valuable and important document. It is also important that staff identify resource/funding needs. Otherwise, it is unlikely that even a portion of those needs will be provided. Finally, permitting fees are established at the State level by the State Water Board, and Regional Water Board staff are unable to guess what effect the Work Plan might have, if any, to the permit fees for WDRs or storm water permits.

(146) Comment(s)

The additional staff called for in the Work Plan should be based in a permanent office in Eureka since most of the streams covered are much nearer to Eureka than to Santa Rosa.

Comment(s) Made By:

Denver Nelson

Response

Comment noted.

COMMENTS RELATED TO TMDL SOURCE ANALYSES

(147) Comment(s)

- In regards to the Stemple Creek, Estero Americano, and Laguna de Santa Rosa watersheds, we question the accuracy of the determinations as to what the baseline level of anthropogenic sediment discharge really is.
- It appears that the starting inventory of sediment sources has failed to adequately recognize recent changes in dairy management and conservation practices.
- It is neither conceivable nor desirable that these areas return to conditions of agricultural activities of the previous century.
- The goal of the Regional Water Board should be to accurately assess current conditions, identify the clearly and most egregious anthropogenic influences, and move forward from that point.

Comment(s) Made By:

Michael L. H. Marsh, Western United Dairymen

Response

In developing the Work Plan, Regional Water Board staff researched completed TMDLs and other documents for information on sediment sources. The Work Plan will not hold landowners responsible for meeting the TMDL allocations that were based on results of TMDL sediment source analyses, which the comments imply are inaccurate. It is not the scope or intention of the Work Plan to re-evaluate sediment source analyses.

Staff agree that it is necessary to accurately assess current conditions, identify the most egregious excess sediment sources, and move forward with fixing those sources. This, in fact, is part of the process described in the Work Plan to inventory excess sediment sites, prioritize, schedule site repair, determine and describe repair measures, repair the sites, describe practices to prevent future excess sediment sites, monitor, and adapt. The Work Plan states that this process is to be included in the general WDRs and conditional waivers for dairies.

COMMENTS RELATED TO TMDL LOAD ALLOCATIONS

(148) Comment(s)

Caution against using the load allocations in the TMDLs for regulatory compliance until a TMDL implementation for each respective watershed is adopted.

Comment(s) Made By:

Peter F. Ribar, Campbell Timberland Management/Hawthorne Timber Company

Response

Comment noted.

COMMENTS RELATED TO DAMS

(149) Comment(s)

How have dams affected the streams and bank stability and what percentage of sediment comes from natural processes that landowners cannot impact?

Comment(s) Made By:

Nick Frey, Sonoma County Winegrape Commission

Response

TMDLs provide valuable information and data on the relative volume and types of natural sediment sources, and on the impact of dams. In watersheds for which a TMDL has not yet been developed, such as the Russian River watershed, the Work Plan describes sediment control tasks that are estimates of the work that needs to be done based on current information and staff's best professional judgement. For these watersheds, staff acknowledge that additional sediment control tasks might be needed and others might not be necessary after the sediment source analysis and TMDL are complete.

COMMENTS RELATED TO VOLUNTARY BMPs

(150) Comment(s)

- Add a new task to develop a list of voluntary agriculture, rural residential, and urban best management practices (BMP), including low impact development BMPs to address storm runoff flows.
- Add a new task to develop a conditional waiver for those activities that implement the BMPs mentioned above.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

The Work Plan includes a task to develop the Guidance for Excess Sediment Control document, which will include some BMPs for excess sediment control for the variety of land uses in the North Coast Region. Additionally, the Work Plan includes tasks to develop new and implement existing permits and programs to address agriculture, rural residential, and urban excess sediment impacts. These WDRs, conditional waivers, and NPDES permits (as is the case with urban storm water) include specific BMP conditions and/or water quality standards that must be met through the use of any BMP that is appropriate.

COMMENTS RELATED TO OFFSET CREDITS

(151) Comment(s)

Provide a marked-based sediment credit for non-mitigation restoration activities that reduce sediment from (1) anthropogenic legacy sources and (2) natural legacy sources where these sites are less expensive to restore compared to specific anthropogenic sources.

Comment(s) Made By:

Mark Lancaster, Five Counties Salmonid Conservation Program

Response

Regional Water Board staff have determined that the more appropriate direction for excess sediment control is to undertake the tasks listed in the Work Plan, which primarily consists of outreach/education, the Excess Sediment Prohibition, and specific WDRs or conditional waivers (in compliance with the State Non Point Source Policy). Under this approach, landowners are responsible for controlling the excess sediment discharges on their property.

COMMENTS RELATED TO MONITORING

(152) Comment(s)

- Why isn't a sediment TMDL implementation monitoring strategy not incorporated into the Work Plan?
- The requirement for monitoring cannot simply be dismissed from the Work Plan. The 2004 Resolution specifically set a date certain for adoption of a monitoring program that we urge be reinstated in the resolution.

- Monitoring is not adequately addressed. If staff are going to implement all the measures in the Work Plan, past successes and failures at sediment reduction should be presented and used as models.

Comment(s) Made By:

Dina Moore, Yager/Van Duzen Environmental Stewards
Daniel Myers, Redwood Chapter of the Sierra Club
Denver Nelson

Response

The Work Plan is not intended to address monitoring, although Regional Water Board staff are acutely aware of the need to monitor instream and upslope conditions to be effective at controlling excess sediment. A sediment TMDL implementation monitoring strategy will be developed separately by staff in the next year or two.

COMMENTS RELATED TO LANDOWNER INVOLVEMENT

(153) Comment(s)

How many programs, policies, permits, documents, and meetings will landowners have to stay current with and engaged in to stay abreast of developments for sediment control with just the Regional Water Board?

Comment(s) Made By:

Dina Moore, Yager/Van Duzen Environmental Stewards

Response

Regional Water Board staff cannot accurately answer the question. The Work Plan is an attempt to comprehensively compile sediment control tasks for all sediment-impaired watersheds in the Region, and should make the Regional Water Board's sediment control program easier for landowners to stay current.