

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – SAN FRANCISCO BAY REGIONAL BOARD
NOVEMBER 18, 2014**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR FINE SEDIMENT IN THE LAGUNITAS CREEK WATERSHED AND AN IMPLEMENTATION PLAN TO ACHIEVE THE TMDL AND RELATED HABITAT ENHANCEMENT GOALS.

DISCUSSION

The San Francisco Bay Regional Board (Water Board) adopted this amendment on June 11, 2014, with [Resolution No. R2-2014-0027](#). Lagunitas Creek is listed pursuant to federal Clean Water Act section 303(d) as impaired due to increases in the amount of fine sediment (primarily sand) being deposited in the streambed. Lagunitas Creek is not meeting narrative water quality objectives for sediment and settleable material due to elevated rates of erosion and sedimentation in the Lagunitas Creek watershed. It is also not meeting narrative water quality objectives for population and community ecology due to channel incision (also the largest source of sediment), which greatly simplifies the physical habitat structure of the channel and disconnects it from its floodplain. Controllable anthropogenic sources of sand and fine sediment being discharged to Lagunitas Creek and/or its tributaries include:

- Channel incision and associated bank erosion, which accounts for approximately 60 percent of the total sediment delivered to the creek;
- Gully erosion and landslides resulting from legacy land-use disturbances (e.g., 19th century logging, intensive historical grazing, and road construction and drainage, which together account for 20 percent of the total sediment delivery); and
- Road surface erosion along the tread of dirt roads, and on the cut banks and along the inboard ditches on all roads, and accounts for about 20 percent of the total sediment load.

All channel incision and road-related erosion is human-caused, as is part of the gully and landslide erosion as well.

The Basin Plan amendment establishes:

- 1) A sediment TMDL at two locations along Lagunitas Creek - upstream of Devils Gulch the TMDL at 120 percent of natural background (7,400 metric tons/year), and upstream of Olema Creek at 110 percent of natural background (11,800 metric tons/year);
- 2) Numeric targets for streambed mobility and redd scour (both of which are biologically significant and responsive to sediment load);
- 3) Allocations for all significant sediment sources; and

- 4) An implementation plan to achieve the TMDL and related habitat enhancement goals. Implementation of the TMDL will result in attainment of numeric targets for sediment, and enhanced stream-riparian habitat complexity and connectivity, as are needed to conserve listed populations of coho salmon, steelhead, and California freshwater shrimp.

The implementation plan describes a program of actions to attain water quality objectives for sediment, settleable material, and population and community ecology. The responsible parties for TMDL implementation include:

- Owners and/or operators of livestock ranches who are required to manage grazing, stock pond facilities, and roads to minimize delivery of sediment to channels and achieve numeric performance standards for road sediment discharge, and to attain numeric target values for residual dry matter; and
- Parks, open space, and public works agencies, who will implement best management practices for road maintenance and perform necessary retrofits to road drainage infrastructure to achieve numeric performance standard for road sediment discharge.

Problems associated with channel incision reflect and integrate multiple historical and ongoing disturbances, some of which are local and direct, and others that are indirect and distal. Effectively addressing these issues will require cooperative and coordinated actions by multiple landowners, working with public agencies, over significant distances along Lagunitas Creek and its tributaries. Therefore, the Water Board is emphasizing cooperative restoration programs to address this sediment source and also to achieve the floodplain restoration and/or large woody debris enhancement goals.

POLICY ISSUE

Should the State Water Board approve an amendment to the San Francisco Bay Water Board's Basin Plan to establish a TMDL for fine sediment in the Lagunitas Creek watershed and an implementation plan to achieve the TMDL and related habitat enhancement goals?

FISCAL IMPACT

San Francisco Bay Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

Approval of this resolution will amend the San Francisco Bay Water Board's Basin Plan and will complete a priority project in a priority watershed to address impaired waters through actions that are consistent with both national and regional U.S. Environmental Protection Agency regulations and guidance as well as with State technical, regulatory, and legislative requirements.

STAFF RECOMMENDATION

That the State Water Board:

1. Approve the amendment to the Basin Plan adopted under San Francisco Bay Water Board [Resolution No. R2-2014-0027](#).

2. Authorize the Executive Director or designee to submit the amendment as approved and the administrative record for this action to the Office of Administrative Law and the amendment to the U.S. Environmental Protection Agency for approval.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies. In particular, this item will assist in fulfilling Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads (TMDLS), designed to meet water quality standards, for all impaired water bodies on the 2006 list.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2014-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR FINE SEDIMENT IN THE LAGUNITAS CREEK WATERSHED AND AN IMPLEMENTATION PLAN TO ACHIEVE THE TMDL AND RELATED HABITAT ENHANCEMENT GOALS

WHEREAS:

1. On June 11, 2014, the Regional Water Quality Control Board for the San Francisco Bay Region (San Francisco Bay Water Board) adopted [Resolution No. R2-2014-0027](#), an amendment to the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan amendment), to establish a Total Maximum Daily Load (TMDL) for fine sediment in Lagunitas Creek and an implementation plan to achieve the TMDL and related habitat enhancement goals.
2. The San Francisco Bay Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report, and the responses to comments, complies with the State Water Resources Control Board's (State Water Board's) regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the San Francisco Bay Water Board's findings and determinations.
3. The scientific basis for the TMDL was subjected to an independent, external peer review, pursuant to the requirements of Health and Safety Code section 57004. San Francisco Bay Water Board staff revised the proposed Basin Plan amendment in response to the comments provided by the reviewers, or provided a written response that explained the basis for not incorporating other proposed changes. The peer reviewers' responses confirmed that the rulemaking portions of the TMDL and implementation plan are based on sound scientific knowledge, methods, and practices.
4. The San Francisco Bay Water Board also adopted the Basin Plan amendment pursuant to the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
5. The State Water Resources Control Board (State Water Board) finds that, in amending the Basin Plan, the San Francisco Bay Water Board complied with the requirements set forth in sections 13141, 13240, 13242, 13245, and 13246 of the Water Code. The State Water Board also finds that the regulatory action meets the "necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).

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6. The Basin Plan amendment establishes the following: a) a sediment TMDL at two locations along Lagunitas Creek, upstream of Devils Gulch established at 7,500 metric tons per year (corresponding to about 120 percent of natural background), and upstream of Olema Creek established at 11,900 metric tons per year (corresponding to about 110 percent of natural background); b) numeric targets for stream mobility and redd scour; c) allocations for all significant sediment sources; and d) an implementation plan to achieve the TMDL and related habitat enhancement goals.
7. The San Francisco Bay Water Board found the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining the High Quality of Waters in California ([State Water Board Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
8. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that regional water quality control boards may revise basin plans, and section 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of section 303(d) of the federal Clean Water Act.
9. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA)

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2014-0027.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2014-0027 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 18, 2014.

Jeanine Townsend
Clerk to the Board