

American River Watershed Mercury TMDL Stakeholder Meeting

Meeting Summary

Meeting Date: January 11, 2011 (10 am – 1 pm)

Location: Placer County Water Agency
144 Ferguson Road
Auburn, CA

Attendees: See below.

Agenda Items:

- Project Background
- Basin Plan Amendment (BPA) and Total Maximum Daily Loads (TMDL)
- Mercury and Methylmercury Data
- Mercury and Methylmercury Source Analyses
- Fish Tissue Targets (to be continued at next meeting)
- Schedule and Next Steps

Regional Board Staff welcomed everyone, reviewed the purpose of the meeting and meeting logistics, and led a round of introductions of meeting participants.

Regional Board Staff gave a slide presentation that provided:

- Federal and State Regulatory Requirements and TMDL background.
- Locations of available mercury data.
- Source analysis and load estimate strategies.

The PowerPoint presentation was shown in the meeting room and via web conference. The slide presentation is available on the web.

Key Topics Discussed:

TMDL and BPA Background

Both Federal and State laws require the Regional Board to develop regulations to protect water quality. The federal Clean Water Act requires that States identify waters that do not meet water quality standards and develop plans, commonly called TMDLs, to reduce pollution. A TMDL is designed to reduce pollution and lower risks to human and wildlife health. A TMDL report describes the reductions of a pollutant that are needed and allocates those reductions among the sources in the watershed. The Basin Plan is the water quality control plan the Regional Board uses to name beneficial uses of the water bodies located within its region and protect these beneficial uses from pollution and other adverse impacts. As part of the TMDL process, the Regional Board will amend the Basin Plan to add a new TMDL and a management program to implement the TMDL.

Regional Board staff will be developing the TMDL and BPA over approximately the next year. During this time, Regional Board staff will hold stakeholder meetings to solicit input to help develop the TMDL and BPA.

Data Collection and Load Estimates

During the November 2010 stakeholder meetings, Regional Board staff were asked to provide more information about mercury data in the watershed. Staff presented maps of fish and aqueous total mercury data that have been collected by various agencies and organizations. Locations were also shown where Regional Board staff has recently sampled for aqueous total and methyl-mercury and suspended sediment concentration and sediment total mercury analyses for source and load estimates. Regional Board staff will likely sample these locations and possibly other locations in the spring and summer to evaluate seasonal effects on mercury. Regional Board staff will provide a sampling plan for the mercury sampling. The Regional Board Mercury TMDL staff collects samples under the guidance of the CALFED Mercury Program Quality Assurance Project Plan (Posted online).

A stakeholder asked whether Regional Board staff was planning on sampling the North Fork American River. The NF American River is listed as impaired between Folsom Lake and the North Fork Dam. Regional Board staff sampled the NF upstream of its confluence with the Middle Fork and near its input to Folsom Lake. Any sampling upstream of the North Fork Dam may be limited because it is not currently identified as being impaired.

Stakeholders questioned the quality and comparability of the data that Regional Board staff has compiled. Most of the data are from reports produced by projects and/or organizations including, but not limited to, PCWA, UARP, SMUD, PG&E, UCD, LWA, USGS, USBR, and SWAMP, and all of the reports are publically available. The reports include components of planning and quality assurance, however, Regional Board staff is also assessing the quality and applicability of data that are used for the development of the TMDL. Regional Board staff will provide a list of reports and data sources that will be used for the development of the TMDL and BPA so that stakeholders can review the information.

Stakeholders are concerned that sound science will not be employed in the development of the TMDL. Throughout this process, stakeholders can provide information and suggestions to help better the TMDL. Staff is engaging with stakeholders both before and while draft documents are developed for the express purpose of obtaining stakeholder input. By law, the Staff Report must undergo an independent scientific peer review. In addition, the TMDL and BPA must go through State Water Resources Control Board approval, California Office of Administrative Law approval, and US EPA approval before becoming effective.

Where available, source and load estimates will be calculated using data collected locally. If local data are not available, then information, such as atmospheric deposition, erosion, sediment transport, and mercury loading rates, will be used from literature values. Regional Board staff encourages stakeholders to submit data and studies that characterize mercury and methylmercury in the American River watershed. Additional information that could be helpful in developing the TMDL include: erosion rates, mine waste discharges, land use, lake characteristics, environmental impacts, site-specific mining history, and water diversions. All references to literature values and assumptions will be disclosed.

Rick Weaver, Tahoe National Forest, presented maps developed from GIS layers showing areas disturbed by hydrologic mining. These maps are useful for identifying sources of mercury to the watershed and possible areas where mercury reductions can be the most effective.

Schedule and Timeline

There were stakeholder concerns about the accelerated schedule for development of the TMDL and Basin Plan amendment, and suggestions that additional time should be granted, select another watershed to work on, or combine the American River watershed with nearby watersheds. The lower American River mercury impairment was determined to be a high priority by the Regional Board. The Delta Methylmercury BPA adopted a schedule for the development of upstream TMDLs, and the American River watershed was scheduled to be completed sometime in 2012. In Folsom Lake and Lake Natoma, channel catfish and bass are both popular for human consumption and have high mercury levels. During the initial stakeholder meetings for the LAR TMDL, stakeholders suggested and Regional Board staff agreed that a whole watershed approach in developing the TMDL would likely result in a more effective mercury control program, as mercury levels in the lower American River are affected by mercury sources in upper watershed. Recently, stakeholders have suggested that the Yuba River watershed should be a higher priority TMDL because extensive hydraulic mining in this watershed. The Yuba and Feather watersheds could be the next TMDLs to be developed.

Stakeholders were unsure of their role during the process to develop this TMDL. Regional Board staff will schedule stakeholder meetings approximately every 4-6 weeks. The plan is to discuss some of the technical TMDL elements along with conceptual implementation ideas, with a specific focus at each meeting. Stakeholders should be prepared to provide input regarding mercury sources and transport in the American River watershed, sediment loading and transport in the American River watershed, water management in the American River watershed, possible implementation actions to reduce mercury, monitoring plans, and development and coordination of implementation activities.

Other Stakeholder Concerns

There was a discussion on the possible adverse or beneficial environmental impacts of suction dredging in the watershed. The Regional Board does not regulate the permits for suction dredging. Please refer to the November 2010 stakeholder meeting summary notes or the CA Department of Fish and Game website for more information. At this time, we do not know how or if suction dredging will be part of this TMDL.

The Delta Methylmercury TMDL and BPA incorporated an adaptive management approach, and the American River TMDL could have a similar approach. Stakeholders can help draft the Basin Plan amendment to include adaptive management.

Next Steps:

- Staff will provide an example of the adaptive management process that was part of the Delta TMDL.
- Staff will provide the sampling plan for the American River watershed.
- Staff will develop a schedule and a set of topics for next stakeholder meetings.
- A discussion about fish tissue targets, fish consumption, and fisheries management will be the next stakeholder meeting.

**American River Watershed Mercury TMDL
Stakeholder Meeting
January 11, 2011**

Attendees

Stephen Louie, Central Valley Water Board
Janis Cooke, Central Valley Water Board
Don Gould, Placer County F&G Commission
Beth Gould, Placer County F&G Commission
Gene Lee, USBR
Carrie Monohan, The Sierra Fund
Marie Davis, PCWA
Mark Fowler, Placer County F&G Commission
Carol Kennedy, Tahoe National Forest
Lavina Suehead, Colfax Todds Valley Consolidated Tribe
Justin,* Friends of Deer Creek
Stephen McCord, Larry Walker Associates
Pat Malberg, Placer County BOS
Jane Rimer, BSK Laboratory & Engineering
Rick Weaver, USFS
Michael Garabedian, Friends of the North Fork
Steve Tyler, Self
Rick Eddy, Self
Allen Edward, Edwards Family Farm
Bill Deitchman, CA State Parks
Stuart Angerer, U.S. Bureau of Reclamation
Ben Ransom, PCWA
Debbie Webster, CVCWA
Bonnie Van Pelt,* U.S. Bureau of Reclamation
Brad Gacke,* SMUD
Robert Columbro,* Shingle Springs Band of Miwok Indians
Melissa Marquez,* Eldorado County & Georgetown Divide RCD
Kim Morales,* USFS
Robyn Alongi,* California Dental Association
Sarah Staley,* City of Folsom
Rod Miller,* City of Folsom
Jill Sunahara,* Horizon Water and Environment
Emily Stevens,* Tuolumne Band of Mewuk Indians
Leslie Case,* Caltrans
Ken Ballard,* Sacramento County
Dave Tamayo,* Sacramento County Stormwater
Gian Villarreal,*
Stephanie Suess,* Tuolumne Band of Mewuk Indians
Patrick Morris, Central Valley Water Board

* People who attended by Webinar/conference call.