

California Regional Water Quality Control Board  
North Coast Region

Resolution No. R1-2003-0128

Authorization to Amend  
Agreement No. 7-904-110-2

Between  
State Water Resources Control Board

on Behalf of the

North Coast Regional Water Quality Control Board  
and  
Sonoma County Water Agency

Sonoma County

**WHEREAS,** Under the state and federal water quality laws, the North Coast Regional Water Quality Control Board (Regional Water Board) is required to prepare, review, and update the Water Quality Control Plan for the North Coast Region (Basin Plan), which contains an inventory of beneficial uses of water within the Russian River Watershed and water quality objectives to protect those beneficial uses; and

**WHEREAS,** the Basin Plan contains an implementation program to achieve the applicable water quality objectives identified in the Basin Plan, including identification of the actions necessary to achieve the objectives, a time schedule for these actions, and a description of the surveillance necessary to determine compliance with the objectives; and

**WHEREAS,** use of the waters of the Russian River by chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), and steelhead trout (*O. mykiss*) is a beneficial use of waters of the State; and

**WHEREAS,** the National Marine Fisheries Service (NOAA Fisheries) has listed chinook salmon, coho salmon, and steelhead trout as threatened species within the Russian River Watershed, pursuant to its authority under the federal Endangered Species Act of 1979 (ESA); and

**WHEREAS,** the ESA prohibits certain activities that directly or indirectly affect endangered species and, under specified circumstances, activities that directly or indirectly affect threatened species; and

**WHEREAS,** the Sonoma County Water Agency (SCWA) is responsible for carrying out numerous water supply, flood control, drainage, estuary management, and sanitation activities throughout the Russian River Watershed, which have the potential to impact chinook salmon, coho salmon, and steelhead trout; and

**WHEREAS,** the SCWA must ensure that its activities comply with the requirements of all applicable laws, including state and federal water quality laws and state and federal endangered species laws, and may, in the course of ensuring such compliance, be required to prepare and carry out plans to prevent or mitigate impacts on or enhance conditions for listed, proposed, candidate, or other rare or declining species (hereinafter known as listed and unlisted species); and

**WHEREAS,** amendments to the Basin Plan must be reviewed and approved by the State Water Resources Control Board (State Water Board), the State Office of Administrative Law (OAL), and by the U.S. Environmental Protection Agency (U.S. EPA) under state and federal water quality control laws; and

**WHEREAS,** under the ESA, the U.S. EPA must consult with NOAA Fisheries prior to approving any amendments to the Basin Plan; and

**WHEREAS,** the SCWA requested that the Regional Water Board review the Basin Plan as applicable to the Russian River Watershed to determine whether activities conducted by the SCWA and other dischargers are in compliance with existing water quality standards and if their activities could have an adverse impact on listed and unlisted species, and, if so, what amendments to those standards, or additional standards, are necessary to ensure that activities do not have an adverse impact on listed and unlisted species; and

**WHEREAS,** SCWA is willing to reimburse the Regional Water Board for actual costs incurred in expediting the necessary review, and, so long as the Regional Water Board's costs are reimbursed, expediting the necessary review will not affect the current level of service provided by the Regional Water Board to the public; and

**WHEREAS,** the State Water Board authorized, per Resolution No. 97-109, the Regional Water Board to enter into a reimbursable contract with SCWA for costs not to exceed \$600,000 for the review; and

**WHEREAS,** the SCWA and the Regional Water Board entered into a reimbursable agreement, Agreement No. 7-904-110-0, on January 1, 1998; and

**WHEREAS,** Agreement No. 7-904-110-0 was amended to add two additional work tasks and increase possible annual funding with no change to the overall contract budget, which resulted in Agreement No. 7-904-110-1; and

**WHEREAS,** the State Water Board authorized, per Resolution No. 2000-104, the Executive Director or his designee to amend Agreement No. 7-904-110-1 to extend the term of the contract to June 30, 2003, and augment the budget by \$700,000.00 for a total of \$1,300,000.00, which resulted in Agreement No. 7-904-110-2; and

**WHEREAS,** Regional Water Board staff have completed the Basin Plan review and are preparing proposed Basin Plan amendments for sediment, temperature, and dissolved oxygen water quality objectives in the Russian River Watershed; and

**WHEREAS,** the obligations of the Regional Water Board under Agreement No. 7-904-110-2 are in the public interest, but Regional Water Board staff cuts have resulted in the inability of the Regional Water Board to complete Agreement Tasks, specifically the Basin Plan amendments, within the time frame of the Agreement, which expired June 30, 2003; and

**WHEREAS,** the SCWA has requested a time extension, amending the termination date in Section 2.A of the Agreement, in order to allow Regional Water Board staff time to complete the tasks identified in the Agreement; and

**WHEREAS,** Regional Water Board staff expect to have Basin Plan amendments for sediment, temperature, and dissolved oxygen developed and submitted to the Regional Water Board for their consideration by December 31, 2004; and

**WHEREAS,** no further monetary augmentation is required and no change to the budget of the Agreement is proposed at this time; and

**WHEREAS,** due to changes in the organizational structure of the Regional Water Board, the contract manager for Agreement No. 7-904-110-2 has changed from David S. Evans to David Hope.

**THEREFORE, BE IT RESOLVED** that the Regional Water Board authorizes the Executive Officer to negotiate with the State Water Board and the SCWA to extend the term of Agreement 7-904-110-2 to June 30, 2004, and to amend Agreement 7-904-110-2 as shown in strike-out and underline format on Attachment A.

Certification

I, Catherine E. Kuhlman, Executive Officer do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on December 3, 2003.

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Catherine E. Kuhlman  
Executive Officer