

California Regional Water Quality Control Board
North Coast Region

ORDER No. R1-2011-0063

Short Term Renewal of ORDER No. R1-2006-0081

CONDITIONAL WAIVER FOR DISCHARGES RELATED TO SPECIFIC LAND
MANAGEMENT ACTIVITIES IN THE SCOTT RIVER WATERSHED
NORTH COAST REGION

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. On August 9, 2006 the Regional Water Board adopted Order No. R1-2006-0081, Conditional Waiver for Discharges Related to Specific Land Management Activities in the Scott River Watershed North Coast Region (Scott River Waiver). In accordance with Water Code section 13269, subdivision (a)(2), the Scott River Waiver expires on August 9, 2011.
2. The Scott River Waiver is the primary regulatory mechanism used to provide coverage for discharges of waste from nonpoint sources in the Scott River watershed not covered by other existing regulatory programs. It conditionally waives the requirement to file ROWDs and obtain WDRs for discharges addressed in the Action Plan for the Scott River Watershed Sediment and Water Temperature Total Maximum Daily Loads (Scott River Action Plan), for dischargers who choose to participate in the on-going collaborative programs including the implementation, as applicable, of the recommended measures described in Table 4 of the Scott River Action Plan.
3. The Scott River Action Plan and Waiver do not have provisions for formal reporting of activities completed that enable the Regional Water Board to assess participation and compliance status. To address this deficiency, Regional Water Board staff hosted a public workshop in Fort Jones on April 21, 2011 to provide the community covered by the Scott River Waiver an opportunity to report to Regional Water Board staff on activities reflecting progress made in implementing measures described in Table 4 of the Scott River Action Plan. Regional Water Board staff received significant information during and subsequent to this workshop regarding such activities.
4. A draft revision of the Scott River Waiver is underway, but is not yet completed. Regional Water Board staff are considering information presented before, during and subsequent to the April 21, 2011 workshop during the process of revising the existing Scott River Waiver, and cannot adequately incorporate this information and complete the waiver revision process prior to the expiration date of the existing waiver. It is anticipated that a revised Scott River Waiver will be considered for adoption no later than March 2012. Consequently, a short term renewal of the existing Scott River Waiver is needed to continue coverage of specific land management activities in the interim while the revised waiver is developed.
5. It is essential that the Scott River Waiver remain in effect until a revised Scott River Waiver is considered and adopted. Without a waiver, dischargers participating in on-going collaborative programs will be without regulatory coverage. With a short-term renewal, programs and activities being conducted under the existing waiver

can continue without interruption, provided they comply with the conditions and criteria of Order No. R1-2006-0081.

6. The Regional Water Board has reviewed the terms of the Scott River Waiver and determined that its terms are adequate for the purpose of the short-term renewal. A renewal of the existing Scott River Waiver ensures that specific land management activities being conducted in accordance with Scott River Waiver conditions comply with the Basin Plan until the revised waiver is considered and adopted.
7. In accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the renewal of a conditional waiver is a "project" and Regional Water Board is the lead agency responsible for approving that project. Section 15061(b)(3) of the CEQA Guidelines (section 15000 et seq of title 14 of the California Code of Regulations) allows a lead agency to find a project exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The short term renewal of the waiver with no substantive changes will not have any effect on the environment because the environmental baseline, against which the Regional Water Board considers the environmental impacts of a project, includes the existing conditional waiver. There is no possibility that the project will have a significant effect on the environment, and it is, therefore, exempt from CEQA.
8. The Regional Water Board has notified interested parties of its intent to temporarily renew the Scott River Waiver. The Regional Water Board, in a public meeting on June 22, 2011 heard and considered all comments pertaining to the renewal of the Scott River Waiver.

IT IS HEREBY ORDERED, that

Order No. R1-2006-0081, Conditional Waiver for Discharges Related to Specific Land Management Activities in the Scott River Watershed North Coast Region is renewed until March 31, 2012 to continue coverage of specific land management activities in the interim while a revised waiver is developed.

I, Catherine 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 June 22, 2011.

Catherine Kuhlman
Executive Officer