

California Regional Water Quality Control Board  
North Coast Region

Order No. R1-2012-0070

Short Term Renewal of Order No. R1-2006-0052

For

Conditional Waiver for Discharges Related to Specific Land Management Activities in  
The Shasta River Watershed  
North Coast Region

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

1. The *Action Plan for the Shasta River Temperature and Dissolved Oxygen Total Maximum Daily Loads* (Shasta River TMDL Action Plan) was adopted by the Regional Water Board on June 28, 2006 (Order No R1-2006-0052) and was amended into the *Water Quality Control Plan for the North Coast Region* (Basin Plan) on January 26, 2007 following approval by the United States Environmental Protection Agency.<sup>1</sup> The Action Plan includes temperature and dissolved oxygen total maximum daily loads (TMDLs) and describes the implementation actions necessary to achieve the TMDLs and attain water quality standards in the Shasta River watershed. Table 4-14 of the Action Plan sets forth specific implementation actions required of the Regional Water Board and other responsible parties to achieve these standards.
2. The Action Plan also contains a provision conditionally waiving the requirement to file a Report of Waste Discharge (RWD) and obtain Waste Discharge Requirements (WDR), pursuant to Water Code section 13269, for responsible parties that choose to participate in the on-going collaborative programs and implement applicable management measures (Shasta River TMDL Waiver or Waiver). To be eligible for coverage under the Waiver, responsible parties are required to employ land stewardship practices and activities that minimize, control, and preferably prevent discharges of fine sediment, nutrients (including animal waste), other oxygen consuming materials, and elevated solar radiation loads (including loss of riparian vegetation) from affecting waters of the Shasta River and tributaries. In accordance with Water Code section 13269, subdivision (a)(2), the Shasta River TMDL Waiver was set to expire on January 26, 2012.
3. On January 19, 2012, the Regional Water Board adopted Order No. R1-2012-0008, Short Term Renewal of Order R1-2006-0052, *Conditional Waiver for*

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<sup>1</sup> *Water Quality Control Plan for the North Coast Region*, 2011, pg 4-78.00 through 4-80.00; see also *Action Plan for the Shasta River Watershed Temperature and Dissolved Oxygen Total Maximum Daily Load*, Table 4-14:  
[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/basin\\_plan/083105-bp/05\\_implementation\\_plans.pdf](http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/083105-bp/05_implementation_plans.pdf)

*Discharges Related to Specific Land Management Activities in the Shasta River Watershed North Coast Region* (Short Term Shasta River TMDL Waiver). The Regional Water Board authorized the Short Term Shasta River TMDL Waiver to remain in effect until August 23, 2012 to allow staff additional time to prepare a revised Shasta River TMDL Waiver.

4. On July 17, 2012, a draft of the revised Waiver was posted on the Regional Water Board's website and distributed to interested parties through the State Water Resources Control Board electronic distribution list (Lyris). On August 1, 2012, Regional Water Board staff hosted a public workshop in Yreka to receive public comment from responsible parties and other interested stakeholders on the provisions of the draft Waiver. It is anticipated that a revised Shasta River TMDL Waiver will be considered for adoption by the Regional Water Board on October 4, 2012. Consequently, a continuation of the existing Shasta River TMDL Waiver is needed to provide continued regulatory coverage for specific land management activities while the revised Waiver is considered for adoption.
5. Without a waiver in place, responsible parties participating in on-going collaborative programs will be without regulatory coverage. With a temporary 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. R1-2006-0052.
6. The Regional Water Board has reviewed the terms of the existing Shasta River TMDL Waiver and determined that its terms are adequate for the purpose of a temporary renewal. A temporary renewal of the existing Shasta River TMDL Waiver ensures that specific land management activities being conducted in accordance with Shasta River TMDL Waiver conditions comply with the Basin Plan until the replacement waiver is considered and adopted.
7. In accordance with the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (CEQA), the temporary renewal of a conditional waiver is a "project" and the 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 temporary 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 Shasta River TMDL Waiver. The Regional Water Board, in a public meeting on August 23, 2012, heard and considered all comments pertaining to the temporary renewal of the Shasta River TMDL Waiver.

THEREFORE, IT IS HEREBY ORDERED, that Order No. R1-2006-0052, *Conditional Waiver for Discharges Related to Specific Land Management Activities in the Shasta River Watershed North Coast Region* is renewed to continue coverage of specific land management activities in the interim while a replacement waiver is developed.

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, North Coast Region, on August 23, 2012.

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Matthias St. John  
Executive Officer