

Regional Water Quality Control Board  
North Coast Region

Executive Officer's Summary Report  
8:30 A.M., Thursday, August 23, 2012  
Santa Rosa

ITEM: 8

SUBJECT: Resolution requesting Cleanup and Abatement Account funding for Elk River Recovery Assessment (*Adona White*)

BOARD ACTION: Consideration of a Resolution requesting \$401,437 from the State Water Resource Control Board's Water Pollution Cleanup and Abatement Account (CAA) to help fund the Elk River Recovery Assessment to Recover Beneficial Uses and Abate Nuisance Flooding Conditions (Recovery Assessment).

BACKGROUND:

- 1850 - 1975 Historic logging in upper Elk River.
- 1988 - 1997 Significant discharge of fine sediment waste from industrial timber harvest activities in upper Elk River.
- 1993 - 1998 Significant sediment deposition on the bed, banks, and floodplain of Elk River, including several miles of North Fork, South Fork, and Mainstem impairs beneficial uses and diminishes flow conveyance resulting in frequent, extensive flooding which poses health and safety risks to residents and constitutes a nuisance condition.
- 1997 - 2006 North Coast Regional Water Quality Control Board (Regional Water Board) begins efforts to quantify past waste discharge volumes, treat sites with the potential to discharge, and implement measures designed to and prevent new discharges.
- 2004 Sixty-four Elk River residents present a petition to the Regional Water Board calling for dredging of sediment deposits from Elk River. Regional Water Board denies the petition, citing need for a viable lead entity and a feasibility study prior to initiating such cleanup and abatement actions.
- 2006 Regional Water Board adopted watershed-based Waste Discharge Requirements for timber harvest activities in Elk River and Freshwater Creek watersheds.

- 2008 Pacific Lumber Company (the primary landowner in Upper Elk) filed for bankruptcy and Humboldt Redwood Company (HRC) took over their lands, assets, and liabilities.
- 2008 A technical advisory committee (TAC) evaluated Elk River sediment information and helped to develop a work plan to achieve a recovery strategy that meets the needs of a feasibility study.
- 2009 Regional Water Board staff and Redwood Community Action Agency (RCAA) develop and submit Recovery Assessment proposal for funding by California Department of Fish and Game Habitat Restoration Grant funding with a cost-share in the form of a Supplemental Environmental Project (SEP) from HRC for penalties accrued by Pacific Lumber Company. Due to timing issues, rather than a SEP, HRC paid \$330,000 into CAA for civil liabilities.
- 2012 Elk River Hydrodynamic and Sediment Transport Modeling Pilot Project demonstrates reasonable results within a small pilot reach in Elk River supporting the proposed strategy in the Recovery Assessment.
- 2012 Regional Water Board staff, with RCAA, co-sponsor Elk River Restoration Summit concluding 1) there is broad support for the Recovery Assessment, 2) funding with planning grants is difficult due to the size of the project and funding with implementation grants is premature, 3) there are opportunities for partnerships with landowners, public agencies, and non-profits, 4) the cleanup and abatement account is an appropriate funding source.
- 2012 CalTrout is identified as a viable, ready, and willing entity to lead implementation of recovery actions in Elk River. Regional Water board staff and CalTrout pursue funding for the Recovery Assessment, including diverse cost-shares.

ISSUES: None Identified

RECOMMENDATION: Adopt Resolution R1-2012-0079 as proposed.

SUPPORTING DOCUMENTS:

1. Draft Resolution No. R1-2012-0079
2. Recovery Assessment Project description