

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
8:30 A.M., Thursday, August 22, 2013
Santa Rosa, California

- ITEM: 5
- SUBJECT: Update on the Development of the Upper Elk River Technical TMDL and Implementation Program (*Alydda Mangelsdorf & Holly Lundborg*)
- BOARD ACTION: This is an informational item. No action will be taken by the Regional Water Board.
- BACKGROUND: The Elk River watershed has been listed by the State Water Resources Control Board and USEPA under Section 303(d) of the Clean Water Act as impaired due to excess sedimentation. Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) has completed the draft technical analyses necessary to calculate the total maximum daily load (TMDL) for sediment in the Upper Elk River and derive hillslope and instream targets as indicators of sediment control in conformance with proposed sediment load allocations, water quality objectives, beneficial use protection, and remediation of nuisance flooding conditions. The draft technical TMDL has undergone scientific peer review. This information update focuses on sediment control in the Upper Elk River. Staff will recommend that the Little South Fork Elk River be delisted based on evidence that it is not sediment impaired. Further, staff anticipates that the development of a stormwater control program and grazing program will ensure adequate remediation of excess sedimentation in the Lower Elk River.
- DISCUSSION: On July 19, 2013, the *Peer Review Draft Staff Report to Support the Technical Sediment Total Maximum Daily Load for the Upper Elk River* (Peer Review Draft Staff Report) and related documents were posted on the Regional Water Board's web site. A public notice announcing availability of the documents was also distributed to interested stakeholders via the State Water Resources Control Board's (State Water Board's) Lyris electronic email distribution list. Related documents include:

- A cover letter describing the relationship between the Peer Review Draft Staff Report and the forthcoming TMDL development process;
- Copies of the comment letters submitted by the four scientific peer reviewers; and,
- *Regional Water Board Staff Response to Peer Review Comments* (Response to Comments).

The Peer Review Draft Staff Report and related documents are available for download at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/elk_river/

Over the coming months, staff will be working to develop a draft of the sediment TMDL for the Upper Elk River which is ready for public review and comment (Public Review Draft TMDL). The scientific portions of the Public Review Draft TMDL will be based on the assertions, findings, and conclusions presented in the Peer Review Draft Staff Report. During this period, staff will also engage in a broad stakeholder outreach process. The Public Review Draft TMDL will be updated, as necessary, to:

- Include the information presented in the Response to Comments;
- More completely describe an adaptive management program for the implementation and monitoring of the TMDL, including elements identified in response to stakeholder outreach; and,
- Support the adoption of the Upper Elk River TMDL and a program of implementation through a single action of the Regional Water Board.

Watershed Waste Discharge Requirements

Concurrently, staff will begin the development of draft watershed Waste Discharge Requirements for the Upper Elk River (WWDR) as the regulatory vehicle to control, prevent, and remediate the discharge of sediment from timber operations and associated activities in the Upper Elk River watershed. The draft WWDR will be based on the fundamental scientific findings associated with the load allocations, targets, and implementation framework in the Peer Review Draft Staff Report. The implementation and monitoring chapters of the Public Review Draft TMDL will describe an adaptive management program which supports and is consistent with the draft WWDR. The draft WWDR is scheduled for public review and comment at the same time as the Public Review Draft TMDL in spring 2014.

Remediation of Instream Stored Sediment

On May 7, 2013 the State Water Board unanimously approved funding to the Regional Water Board from the Cleanup and Abatement Account to conduct the Elk River Recovery Assessment to Restore Beneficial Uses and Abate Nuisance Flooding Conditions (Recovery Assessment) and Sediment Remediation Pilot Project (Pilot Project). The Recovery Assessment is designed to assess the fate and transport of fine sediment in the middle and lower reaches of the Elk River from the top of the depositional reach (upstream of the confluence of the North and South Forks) downstream to Humboldt Bay. The Recovery Assessment project requires the collection of sediment and hydraulic data which will be used to populate hydrodynamic and sediment transport models within which several different remediation scenarios can be tested. The end product of the Recovery Assessment will be a feasibility study report from which a remediation action plan can be developed. The Pilot Project will involve the mechanical removal of instream sediment from a pre-selected site to monitor and model the site parameters under which mechanical sediment removal successfully contributes to the improvement of stream channel hydrodynamics. Staff is working with the State Water Board's Division of Administrative Services Contracts Unit to establish a contract to conduct the Recovery Assessment and implement the Pilot Project.

**SIGNIFICANT
CHANGES:**

The Peer Review Draft Staff Report to Support the Technical Sediment Total Maximum Daily Load for the Upper Elk River did not contemplate a specific regulatory vehicle for the implementation of the TMDL. But, the majority of TMDL implementation programs adopted by the Regional Water Board for impaired waters in the North Coast Region have been adopted as Action Plans amended into the Basin Plan. The development of a single watershed Waste Discharge Requirements Permit to control, prevent and remediate sediment discharges in the Upper Elk River as the basis for TMDL adoption and implementation represents a change from this more common regulatory approval process. It is deemed appropriate in this case because timber operations and related activities predominate in the Upper Elk River and adoption of a single watershed WDR as the implementation program will expedite adoption and implementation of the TMDL.

RECOMMENDATION: Not applicable

**SUPPORTING
DOCUMENTS:** Not applicable