

Addendum

Item 2

Public Hearing on Resolution No. R1-2013-0058, amending the Water Quality Control Plan for the North Coast Region to include the Policy for the Implementation of the Water Quality Objectives for Temperature, and Action Plans to Address Temperature Impairments in the Mattole, Navarro, and Eel River Watersheds

November 2013

The following changes and additions are proposed for the *Action Plans to Address Temperature Impairments in the Mattole, Navarro, and Eel River Watersheds* (Action Plans), adopting Resolution No. RB1-2013-0058, and *Staff Report Supporting the Policy for the Implementation of the Water Quality Objectives for Temperature and Action Plan to Address Temperature Impairment in the Mattole River Watershed, Action Plan to Address Temperature Impairment in the Navarro River Watershed, and Action Plan to Address Temperature Impairment in the Eel River Watershed* (Staff Report).

Application of Policy and Action Plans in Regard to Shade - Proposed Changes

As stated in the adopting Resolution No. RB1-2013-0058, the term “site potential effective shade” illustrates a general concept, but should not be construed as a hard and fast standard. Load allocations are not automatically enforceable; rather, they must be translated and implemented through some sort of permitting mechanism and for the Regional Water Board this is generally through implementation of best management practices for nonpoint source land use activities. Compliance is generally achieved by not removing or hindering vegetation that provides shade to a waterbody. This is accomplished by managing riparian areas differently than the surrounding land. Riparian buffers are also important for controlling sediment and other pollutants. The *Policy Statement for the Implementation of the Water Quality Objective for Temperature* (Policy Statement Resolution; Order No. R1-2012-0013) makes clear that relevant factors should be evaluated when determining shade controls and preserves the Regional Water Board’s discretion to develop management measures as appropriate for a specific land use or geographic area. The Policy Statement Resolution and the Staff Report provides more detail on how this term can be applied in a site- or activity-specific context. The Policy Statement Resolution states in its description of site potential effective shade that the “policy is not intended to predetermine precise parameters for effective shade for a specific location or land use.”

Due to expressed concerns about the application of the *Policy for the Implementation of the Water Quality Objectives for Temperature* (Policy) as it relates to shade, changes to the Action Plans are proposed to ensure consistency with the approach articulated in the Policy, Policy Statement Resolution, and Staff Report. Staff propose the following revisions to the implementation actions that apply to parties conducting timber harvest activities on non-federal lands contained in the Action Plans, as follows:

Implement the riparian shade allocations and water quality standards through riparian management measures that meet the riparian shade allocations and water quality standards. Where the Forest Practice Rules are not sufficient to meet the TMDL allocations or water quality standards, implement additional measures, as appropriate and necessary, as directed by Regional Water Board staff during the timber harvest review process.

Similarly, the implementation actions that apply to parties conducting activities associated with agriculture on non-federal lands have been revised, as follows:

“Implement the riparian shade allocations and water quality standards through riparian management measures that meet the riparian shade load allocations and water quality standards.”

Assessing Site Potential Effective Shade – Proposed Changes

The Staff Report contains a detailed discussion on how the Regional Water Board addresses water quality for timber operations. (Staff Report at 43-45.) “Regional Water Board staff have an opportunity to make specific THP recommendations and clarify Basin Plan requirements, if needed, so that the final THP is eligible for enrollment in the timber GWDRs or waivers.” (*Id.*) In describing the multi-agency timber harvest review process, the Staff Report states: “To address this potential gap between temperature protection and Forest Practice Rule requirements, Regional Water Board staff evaluate the proposed harvest in the field during pre-harvest field inspections *with the forester* and other members of the interdisciplinary review team, and following discussion with the interdisciplinary team, make recommendations to ensure adequate temperature protection, as needed.” (Staff Report at 45 [emphasis added].)

Staff proposes to add the following sentences to the Staff Report following the last sentence of page 27 to underscore the importance of the collaborative process and to acknowledge the specific expertise of the Registered Professional Forester (RPF) and other professionals:

“The Regional Water Board also utilizes the expertise of professional foresters, geologists, and biologists provided through the multi-agency timber harvest planning and pre-harvest inspection process. RPFs have special expertise in the field of forestry in the areas of silviculture, biology, dendrology, ecology, entomology, geology, hydrology, engineering, and other natural resource topics as they apply to the consultation, investigation, evaluation, planning or responsible supervision of forestry activities. (Pub. Resource Code, §752). Regional Water Board staff gives careful consideration to the expertise offered by the RPF in assessing site potential effective shade and riparian management measures in a given THP.”

CEQA Findings

CEQA findings are attached to Resolution No. R1-2013-0058 as attachment 4. The findings were previously circulated as part of the Staff Report and are not new information.