
North Coast Regional Water Quality Control Board

Date: July 19, 2013

To: All Interested Parties

Subject: Public Release of the *Peer Review Draft Staff Report to Support the Technical Sediment Total Maximum Daily Load for the Upper Elk River* and Associated Documents

Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) worked with staff of the Cal/EPA Scientific Peer Review Program to request external scientific peer review of the assertions, findings, and conclusions that constitute the scientific portions of 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). The reviewers were requested to comment upon the soundness of the scientific knowledge, methods, and practices as presented in the Peer Review Draft Staff Report.

Links to documents relevant to the Peer Review Draft Staff Report will be distributed to interested stakeholders, via the Lyris email distribution process. They are also posted on the Elk River TMDL website at:

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

Relevant documents include the following:

1. Peer Review Draft Staff Report (March 4, 2013)
2. Peer review request letter (July 17, 2012)
3. Peer review approval letter (January 15, 2013)
4. Copies of the four peer review comment letters (Spring 2013)
5. Staff response to peer review comments (Response to Comments) (July 19, 2013)

Items 2-4 above are included as appendices to the Response to Comments.

While staff welcomes informal comments from interested parties on the Peer Review Draft Staff Report and the Response to Comments, no formal public comment period will be initiated at this stage in the process.

Over the coming months, staff will be working on revising the Peer Review Draft Staff Report for release as the Public Review Draft Technical TMDL Staff Report by:

- Making revisions in response to the peer review comments, consistent with the revisions identified in the Response to Comments;
- Developing more completely the implementation and monitoring chapters; and
- Making revisions to support the adoption of an implementation program for the Upper Elk TMDL through a "single action" of the Regional Water Board, as described below.

Pursuant to the Impaired Waters Policy¹, TMDLs may be adopted by the Regional Water Board in any of the following ways:

- A. The TMDL may be adopted with and reflected in assumptions underlying an amendment to the *Water Quality Control Plan for the North Coast Region* (Basin Plan), or another regulation or policy for water quality control that is designed to guide the Regional Water Board in correcting the impairment;
- B. The TMDL may be adopted with and reflected in assumptions underlying a permitting action, enforcement action, or another single regulatory action that is designed by itself to correct the impairment; and,
- C. The TMDL may be adopted with and reflected in a resolution or order that certifies either that:
 1. A regulatory program has been adopted and is being implemented by another state, regional, local, or federal agency, and the program will correct the impairment; or
 2. A non-regulatory program is being implemented by another entity, and the program will correct the impairment.

Staff intends to propose to the Regional Water Board that the Upper Elk River TMDL be adopted via option B above. Therefore, staff will revise the Peer Review Draft Staff Report to support, by single action of the Regional Water Board, the adoption of both the technical components of the Upper Elk River TMDL and a new watershed Waste Discharge Requirement which would be applicable to all timberland landowners in the watershed Upper Elk River watershed (Upper Elk WDR). The framework of a regulatory program is already in place to address the discharge of sediment from timber operations (e.g. various ownership-specific WDRs). Given the extensive regulatory history and level of public outreach in the Upper Elk River watershed, and the need to address cumulative impacts in a comprehensive manner, staff believes that the most efficient approach to timely implementation of the TMDL is through the consolidation of the existing WDRs into a comprehensive watershed permit.

Revisions to the Peer Review Draft Staff Report will be made to remove recommendations associated with adoption of an Upper Elk TMDL Action Plan, adoption of a narrative water quality objective for hydrology, and the identification of wetland-related beneficial uses in Elk River. These recommendations are applicable to region-wide updates to the Basin Plan and were identified in the Peer Review Draft Staff Report in an effort to provide clarity to existing water quality standards and not necessary for the implementation of the Upper Elk River TMDL. Staff will ensure that these issues related to updating the Basin Plan will be included for consideration as part of the next Triennial Review of the Basin Plan scheduled for 2014/2015.

Revisions to the Peer Review Draft Staff Report will be incorporated into a Public Review Draft Technical TMDL Staff Report which is scheduled for release in spring 2014. Concurrently, staff will begin the development of the draft Upper Elk WDR to control, prevent, and remediate the discharge of sediment from timber operations and associated activities in the Upper Elk River Watershed 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 Technical TMDL Staff Report will be drafted consistent with development of the draft Upper Elk WDR. The draft Upper

¹ http://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/iw_policy.pdf.

Elk WDR is scheduled for release at the same time as the Public Review Draft Technical TMDL Staff Report in spring 2014.

Staff will present the Public Review Draft Technical TMDL Staff Report and draft Upper Elk WDR to the Regional Water Board in a public workshop in the spring 2014, as well as provide periodic updates at regularly scheduled meetings of the Regional Water Board through 2013/2014. Staff will also be scheduling a series of stakeholder meetings to share the findings of the technical TMDL and establish a forum for public discussion of its implementation. Interested parties not already on our email list are invited to join by subscribing at http://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.shtml.

Please contact Regional Water Board staff Adona White for questions or comments on the Upper Elk River TMDL. She can be reached at Adona.White@waterboards.ca.gov or by phone at (707) 576-2672.

To address questions relative to the development of the Upper Elk WDR please contact Holly Lundborg at Holly.Lundborg@waterboards.ca.gov or by phone at (707) 576-2609.