

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2006 – 0093**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE NORTH COAST REGION (BASIN PLAN) TO ESTABLISH
TOTAL MAXIMUM DAILY LOADS (TMDLs) FOR DISSOLVED OXYGEN (DO)
AND WATER TEMPERATURE IN THE SHASTA RIVER BASIN

WHEREAS:

1. The North Coast Regional Water Quality Control Board (North Coast Water Board) adopted a revised Basin Plan on December 9, 1993, which was approved by the State Water Resources Control Board (State Water Board) on March 21, 1994 and by the Office of Administrative Law (OAL) on August 18, 1994.
2. On June 29, 2006, the North Coast Water Board adopted Resolution No. R1-2006-0052 (Attachment) amending the Basin Plan to establish TMDLs for temperature and DO in the Shasta River Watershed.
3. The program of implementation for the temperature TMDL includes a numeric goal of 45 cfs or alternative flow regime that achieves the same temperature reductions from May 15 to October 15. The State Water Board has stated in numerous resolutions that numeric targets in a TMDL are not water quality objectives. As such, neither the 45 cfs nor alternative flow regime is a flow objective. Further, the TMDL does not require a water right proceeding to implement the temperature reductions and is explicit that the 45 cfs goal or alternative flow regime is not binding in any water right proceeding—should there ever be one. In the event the State Water Board commences a water right proceeding on the Shasta River, the State Water Board will conduct an evidentiary hearing as required by law to establish appropriate flow requirements and condition water rights.
4. The North Coast Water Board found that Basin Planning documents and the environmental checklist comply with the requirements of the State Water Board's certified regulatory California Environmental Quality Act process. (California Code Regulations Title 23 §3777 et seq.)
5. North Coast Water Board staff found that adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
6. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDLs as reflected in the Basin Plan amendment are consistent with the requirements of federal Clean Water Act section 303(d).
7. State Water Board staff is preparing for the Board's consideration, as authorized by subdivision (a)(2) of Water Code section 1259.4, an extension of the Assembly Bill 2121 enforcement policy to be adopted pursuant to subdivision (a)(1) of Water Code section 1959.4. The extension should include, but not necessarily be limited to, the Klamath River and its tributaries.

8. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. TMDLs must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under North Coast Water Board Resolution No. R1-2006-0052.
2. Authorizes the Executive Director or designee to submit the amendment adopted under North Coast Water Board Resolution No. R1-2006-0052, as approved, and the administrative record for this action to OAL and the TMDLs to USEPA for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 15, 2006.

AYE: Tam M. Doduc
Gerald D. Secundy
Arthur G. Baggett, Jr.
Charles R. Hoppin
Gary Wolff, P.E., Ph.D.

NO: None

ABSENT: None

ABSTAIN: None



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Clerk to the Board