

STATE OF CALIFORNIA
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

PUBLIC COMMENTS AND STAFF RESPONSES

FOR

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE
SALINAS RIVER 2016-2025 STREAM MAINTENANCE PROGRAM, MONTEREY COUNTY,
FILE NO. 32716WQ02**

A. Monterey County Water Resources Agency (MCWRA)

MCWRA-1: *MCWRA was not included in the Interested Parties distribution for the draft 401 Water Quality Certification Public Review Period. We suggest internal processes be updated to ensure that a project applicant is given the same period as the public, at a minimum.*

Response: Staff updated internal processes and MCWRA is now included on the interested parties list.

MCWRA-2 (Special Condition A.1): *The draft Certification is set to expire on Aug. 31, 2025, which is in the middle of the Program's maintenance season (June 1 to November 15). This would add challenges to implementing a successful year. The MCWRA proposes the expiration date be modified to Nov. 15, 2025 in order to align it with the end of the maintenance season.*

Response: Staff changed the expiration date to November 30, 2025.

MCWRA-3 (Special Condition B.2): *The definition of the main channel appears to include a much wider area than typical when referring to the river's main channel. A main channel should be defined as the active channel which is the area of the channel that can pass a frequent storm event. The broader definition being used currently by the RWQCB appears to include the main or active channel and adjacent floodplains which may carry flows during an event as large as a 25-year flood event. The Ordinary High Water Mark (OHWM) was defined through the permitting process in accordance to the Army Corps of Engineers' definition. MCWRA proposes that the OHWM be used as the definition of the main channel so that there is consistency and a clear understanding of where the main channel is located based on technical evidence (flows, vegetation, soil, and banks).*

Response: Central Coast Regional Water Quality Control Board (Central Coast Water Board) jurisdiction covers waters of the State and is not limited to the OHWM. The term "main channel" is defined in the Certification to correspond with Central Coast Water Board jurisdiction. However, to prevent the potential for misunderstanding and misapplication of Certification conditions, staff replaced the term "main channel" with the term "greater channel." Staff also modified the definition to clarify that the greater channel is defined by the outermost banks / levees or the outermost edge of the riparian corridor, whichever is larger, in order for the definition to more clearly coincide with the boundary of waters of the State.

MCWRA-4 (Special Condition C.7): *Requiring removed sediment to be placed outside of the main channel, as that term is currently used by RWQCB, leads to some discrepancies, with some storage sites approved under the Demonstration Project Certification (32714WQ03) no longer approved. MCWRA proposes that the main channel definition be redefined as stated above or that the OHWM be used as an indicator of where sediment needs to be placed (above the OHWM).*

Response: Appendix C of the Supplemental Attachment to the application for water quality certification states that the OHWM delineation is “slightly wider” than the area inundated by a 2-year flood event. In addition, Appendix A to the *Salinas Valley Channel Maintenance Program Hydraulic Model Documentation* (dated November 29, 2015) indicates that nearly the entire greater channel” (as defined above) is inundated by a 10-year flood event. Stockpiling sediment where it could be mobilized and discharged to the river by such frequent flood events is not protective of water quality and beneficial uses. Water Quality Certification No. 32714WQ03 for the Demonstration Project permitted sediment stockpiles outside of the active floodplain. However, it was not clear in the Demonstration Project application documents that this would result in sediment being stockpiled within the greater channel. Therefore staff added Special Condition C.7 to the Draft Certification to clarify that sediment may only be stockpiled outside of the outer banks / levees. However, to provide flexibility for maintenance operations, staff modified Special Condition C.7 (now C.8) in two ways. First, the revised Certification now allows temporary stockpiling of sediment within the greater channel, provided that sediment stockpiles are placed only in already-disturbed areas and not on native riparian vegetation, and are removed beyond the outer banks / levees and the outermost edge of the riparian corridor by November 15 of each year. Second, the revised Certification now allows some permanent stockpiling of sediment within the greater channel on a case-by-case basis, subject to approval by staff.

MCWRA-5 (Special Condition E.2): *The timing of any adaptive management proposals being due by May 15th will be a challenge as the rainy season ends in April and documenting significant geomorphic changes and any additional necessary analysis for re-aligning secondary channels would take longer than a couple of weeks. MCWRA proposes to align the timing with the submittal of the Annual Work Plan as that is the time when the future work season is reviewed and proposals are made.*

Response: Staff understands that it may be infeasible for MCWRA to provide adaptive management proposals by May 15 each year, which is the date specified in the application for water quality certification. However, staff needs sufficient time to review field conditions where adaptive management is proposed. Therefore staff modified Special Condition E.2 to prescribe a two-step process: (a) identification by May 31 of areas where adaptive management may be proposed, and (b) submittal of adaptive management proposals by July 15. This schedule also allows MCWRA to identify potential adaptive management locations as part of the Annual Report.

MCWRA-6 (Special Condition E.3): *The proposed maintenance season begins June 1st of each year with herbicide treatment and then mechanical work can begin as early as August 15th. Due to this timing, and other resource agencies having required at least 30 days to review any proposed work for the coming season, the MCWRA would likely submit up to two Annual Work Plans in a calendar year. The first would include herbicide treatment if any was proposed for June 1st. The second would be for mechanical work associated with Arundo removal as well as maintenance area work. Allowing for 30 days to RWQCB staff to*

review the Work Plans would result in the first plan being due May 1st, if any work was proposed and the second plan being due July 15th.

Response: Staff modified Special Condition E.3 to allow for submittal of the Annual Work Plan in two parts.

MCWRA-7 (Special Condition G.4): *Successful Arundo eradication is incredibly time consuming and difficult. The maintenance area design process encouraged Arundo removal by placing maintenance areas in or near large infestations when feasible. This proposed Certification offers no credit for Arundo removal within these maintenance areas and yet the successful eradication of the Arundo is required. That offers little incentive for the landowners and differs from the Demonstration Certification where compensatory mitigation credit was given at half the value for Arundo treated within a secondary channel. This item was not discussed in the numerous after action meetings or Permitting Committee meetings. It seems to be in conflict with the incentives of moving secondary channel in Arundo-infested areas and they are still responsible for the successful eradication. MCWRA proposes that this same compensatory mitigation credit be given for this larger project.*

Response: Water Quality Certification No. 32714WQ03 for the Demonstration Project allowed a mitigation credit for removing arundo within designated maintenance areas. The credit could be used only for impacts to early-successional perennial riparian habitat, and was equal to one-half of the mitigation credit allowed for removing arundo outside of designated maintenance areas. Staff did not include this mitigation credit in the draft Certification because the Agency did not request the credit in its application for water quality certification or in any Permitting Committee meetings. Allowing this mitigation credit for the larger Project will reduce the total arundo removed by 33 acres, or about 10%. Staff reviewed the agency's request and finds that the reduction in total arundo removed is not significant compared to the incentive the mitigation credit provides for locating designated maintenance areas in low-value habitat. Therefore staff modified the Certification (see Special Condition G.2) to allow limited mitigation credit for removal of arundo from designated maintenance areas, using mitigation ratios consistent with Water Quality Certification No. 32714WQ03 for the Demonstration Project.

MCWRA-8 (Special Condition G.8.b): *Arundo eradication is very challenging and the measurement of performance criteria can be difficult as well. Therefore, MCWRA proposes that this condition be revised to say that stands within Arundo removal areas shall be reduced by 95% five years after initial removal.*

Response: Staff modified Special Condition G.8.b (now G.7.b) to state that MCWRA shall achieve 5% or less cover by arundo in arundo removal areas five years after arundo removal. However, to avoid new arundo growth as a result of MCWRA stream maintenance activities (such as arundo taking root in newly cleared areas where arundo did not previously grow), staff also added Special Condition E.7, requiring MCWRA to treat new arundo growth areas to achieve less than 1% cover throughout the term of the Certification.

MCWRA-9 (Special Condition G.10): *The difference between temporary and permanent impacts and required mitigation versus restoration is confusing and appears to require double the effort with both restoration and mitigation required. If "permanent" impacts are restored at the end of the permit term then mitigation would not be appropriate in addition to*

that restoration. MCWRA proposes that if an impact is deemed “permanent” then compensatory mitigation is required. When classifying an impact as “temporary” then restoration would be required.

Response: Staff modified the requirement that “permanent” access routes must be restored to pre-maintenance conditions at the end of the permit term. The Certification now requires MCWRA to restore “permanent” (already mitigated) access routes if MCWRA does not expect to use them in the future.

MCWRA-10 (Special Condition H.2.b): *The Salinas River is a naturally braided system with a highly mobile sandy bed, and geomorphic changes due to natural fluvial processes are expected to occur in and possibly adjacent to the active channel over the life of the permit. However, because they are purposefully located on 2-5 year floodplain terraces above the active channel, secondary channels proposed in this Program are not expected to be affected by annual, low-flow events. MCWRA therefore recommends that this condition apply only to proposed maintenance areas where adaptive management is needed, and not in maintenance areas where no changes to management are warranted. If adaptive management of a maintenance area is needed, then the MCWRA would inspect the maintenance area, the adjacent low-flow channel and the upstream and downstream tie-ins of the specified maintenance area, and propose management changes for that area in the Adaptive Management Plan.*

Response: Special Condition H.1 already requires visual inspection of all maintenance sites and areas of waters of the State adjacent to maintenance sites following completion of maintenance activities and for one subsequent rainy season. In addition, Special Condition E.4 requires MCWRA to conduct a pre-maintenance survey of all maintenance areas proposed for maintenance each year. Significant fluvial geomorphological changes typically occur only after significant flood events. Therefore staff agrees that the monitoring specified in Special Condition H.2 will typically only be needed when and where adaptive management will be proposed, and has included language to this effect in Special Condition E.2.b. However, more extensive monitoring of channel conditions is needed following a flow event capable of causing significant fluvial geomorphological changes. Therefore staff also altered Special Condition H.2 to require visual inspection of the low-flow channel and all secondary channels for channel movement following any flood event equal to or greater than a 10-year flow event.

MCWRA-11 (Special Condition I.2.a): *The effectiveness monitoring proposed in the permit application included collecting topographic surveys of 10% of secondary channels in order to account for major changes in topography and to better understand sediment dynamics within those areas. It would not be an appropriate use of this data to calibrate the hydraulic model nor would they help us understand the impacts of the maintenance areas. The model used to develop the Program design has been calibrated based on past events and flood extents, and annual work documentation quantifies the impacts of the maintenance areas. MCWRA proposes that this item remove the reference to calibration of the hydraulic model and impacts of maintenance areas.*

Response: The intent of flood reduction monitoring is to determine whether the Project achieves its flood reduction goals. This objective is addressed in Special Condition I.2.c of the Certification. Therefore staff agrees that effectiveness monitoring does not need to be used to recalibrate the hydraulic model, and has removed this requirement from the Certification. The requirement to assess the impacts of the maintenance areas is addressed in Special Condition I.2.a (“determine how the maintenance areas are

functioning”), the revised Special Condition I.2.b (analyze whether secondary channels are “functioning as designed”), and in Special Condition H.1. Therefore staff also removed from Special Condition I.2.a the requirement to assess the impacts of the maintenance areas.

MCWRA-12 (Special Condition I.2.c): *The Program was designed for flood risk reduction and data was developed up front to quantify the flood risk reduction based on a variety of proposed activities. Unfortunately, duplicating actual flood risk reduction in a modeled simulation is not possible due to the variety of storm events that could occur and the different way they behave in the system. The model used to develop the Program design provides description of the changes in channel structure that can be assessed against predicted flood risk reduction. There is no practical way to monitor flood risk reduction in the field and therefore, MCWRA proposes that this component of the Long-Term Effectiveness Plan be eliminated.*

Response: Staff cannot recommend water quality certification for a project with impacts as large as the Project’s without requiring monitoring that is designed to assess the Project’s effectiveness at achieving its flood reduction goals. The purpose of flood reduction monitoring is to determine whether the Project achieves its flood reduction goals (such as by comparing aerial photographs or other data indicating flooding extent with the extent of flooding predicted by the hydraulic model for that event), and therefore justifies its impacts. Staff also understands that MCWRA will not be able to conduct this monitoring unless flood events occur. Staff added language to Special Condition I.2.c to clarify that MCWRA is only required to conduct this monitoring after flood events equaling or exceeding a 10-year flood event. Special Condition I also provides flexibility for MCWRA to propose a methodology for assessing the Project’s effectiveness at achieving its flood reduction goals. Staff also modified the language of Special Condition I.2.c to clarify the intent of the Certification, and has removed the word “risk” from the language.

MCWRA-13 (Special Condition I.2.d): *MCWRA will be collecting habitat and vegetation data annually that will provide the foundation for biological monitoring. Increasing channel complexity is more of a geomorphic description that is related to a biological function but would be better addressed under condition I2b: Design Verification Monitoring. MCWRA suggests that bullet item to be moved accordingly.*

Response: Staff modified the Certification to make the requested change.

MCWRA-14 (Special Condition I.2.d): *Reductions in the flow velocity in the low-flow channel are not measurable as each storm event behaves differently and velocities are not collected uniformly in the river channel. Condition I2a: Effectiveness monitoring will inform parties as to velocity changes due to depositional or scour environments within the secondary channels. Therefore, MCWRA suggests this bullet be removed.*

Response: One of the stated objectives of the Project is to “promote natural hydrologic and geomorphic processes that support steelhead migration and floodplain use, while reducing the impacts of potential stressors such as stream velocity, stream temperature, and floodplain stranding of fish.” The hydraulic model predicts flow velocity reductions in the low-flow channel in many locations as a result of maintaining secondary channels. Therefore assessing reductions in flow velocity in the low-flow channel is an important aspect of determining the Project’s effectiveness. At the same time, staff understands that MCWRA may not have gages in place to measure flow velocity. Therefore staff

modified the requirement to apply only where velocity data are available. Staff also moved this requirement from Special Condition I.2.d to Special Condition I.2.b.

MCWRA-15 (Special Condition J): *As the RWQCB is well-aware, the MCWRA is embarked upon an extensive effort to implement the Sustainable Groundwater Management Act (SGMA) with a number of other local agencies and many stakeholders. Part of that effort will be groundwater/surface water modeling that will examine the interactions of groundwater and surface water in the Salinas River. The planning effort must be complete by 2020; accordingly, it does not make sense to plan to develop a comprehensive long-term management strategy for the Salinas River until the groundwater sustainability plan required by SGMA is completed.*

Response: See response to Comment MCWRA-19. Staff also added Finding C.1, clarifying that the Central Coast Water Board needs a long-term river management plan before it can certify future iterations of the Project. Staff encourages MCWRA to use relevant and appropriate information developed for SGMA to inform a long-term river management plan, and does not expect MCWRA to conduct duplicative analysis or planning when efforts and information are useful for multiple purposes.

MCWRA-16 (Special Condition J): *The Salinas River Management Program is working with landowners and non-governmental organizations to collect fine-grained data about the Salinas River channel fluvial morphology, about riparian vegetation within the bed and banks of the Salinas River, and about the ways that human intervention for purposes of flood control affects the ecology of the Salinas River. All of these technical data will be important in crafting a long-term management plan and it would be very helpful to have several years of data (and a variety of year-types, such as wet and dry) in crafting a long-term management plan. To develop a plan – or even interim objectives – without such data is to require the MCWRA to engage in an extensive planning effort and then duplicate that effort in a few years.*

Response: Staff recognizes that the information-gathering efforts cited in the comment will have value in the process of developing a long-term river management plan. Staff encourages MCWRA to use this information, as relevant and appropriate, and does not expect MCWRA to conduct duplicative analysis or planning when efforts and information are useful for multiple purposes. (See also response to Public Comment MCWRA-19.)

MCWRA-17 (Special Condition J): *It appears that the RWQCB seeks to require the MCWRA to engage in Arundo removal as part of the Long-Term Management Strategy. It is not at all clear to the MCWRA that it has authority to remove Arundo, at least until there is a clear and demonstrated linkage between such removal and water management in the Salinas River. The Resource Conservation District of Monterey County and the Monterey County Agricultural Commission have been taking the lead on noxious weed removal and work collaboratively with the MCWRA.*

Response: Staff removed Special Condition J, and augmented the Long-Term Effectiveness Assessment section (Special Condition I) (see response to Public Comment MCWRA-19). The revised Certification includes provisions requiring MCWRA to collect and analyze information to assess the Project within the larger context of the Salinas River watershed in Monterey County. The revised Certification also includes provisions requiring MCWRA to develop recommendations for ongoing management of the Project and other MCWRA river management activities based on this information and analysis. The revised Certification does not specifically require MCWRA to address

long-term arundo control, though that may be a component of ongoing management of the river.

MCWRA-18 (Special Condition J): *The current Program is presently in its infancy but, as noted above, there is active collaboration among stakeholders in developing the baseline information needed for sustainable management of the Salinas River ecosystem. The MCWRA believes that it is appropriate to continue to develop the data needed for sound management and – as importantly – the institutional and personal relationships needed for collaborative management to be successful. The RWQCB must remember that almost all of the lands within or abutting the Salinas River channel are privately owned; therefore, landowner “buy-in” and support for collaborative management is critical. Many landowners were very skeptical about the program when it began; they viewed it as the “camel’s nose under the tent” to prevent them from making a livelihood. With the experience of the past few years, attitudes are beginning to change. But, the MCWRA strongly believes that attempting to develop water quality objectives by 2017, as suggested in the 401 certification, would undo all the progress that has been made to date.*

Response: The draft Certification required river management objectives and interim objectives for developing the Long-Term River Management Strategy, not water quality objectives (as this term is defined in the Water Quality Control Plan for the Central Coast Basin (Basin Plan)). Staff recognizes the importance of relationships and landowner support in developing and implementing long-term river management measures. Therefore the draft Certification only required interim objectives for developing the Long-Term River Management Strategy by 2017, and did not require identification of river management objectives themselves until 2021 as part of the draft strategy. In addition, staff understands that developing a long-term management strategy will be challenging and complex, and modified requirements and timelines for developing the strategy. Staff removed Special Condition J and augmented the Long Term Effectiveness Assessment section (Special Condition I). Staff also added Finding C.1, clarifying that the Central Coast Water Board needs a long-term river management plan before it can certify future iterations of the Project. (See also response to Public Comment MCWRA-19.)

MCWRA-19 (Special Condition J): *The purpose of this 401 Certification is to confirm that the Project protects beneficial uses and meets water quality objectives and establishes conditions to project beneficial uses and mitigate unavoidable impacts. Technical and monitoring program reports required by the RWQCB should be related to compliance with a water quality certification under California Water Code section 13267. This condition does none of those things and MCWRA believes it is inappropriate for the RWQCB to attempt to direct MCWRA activities in this manner. Therefore, MCWRA requires that this condition be removed. There may be other options that the MCWRA would be open to discussing with the RWQCB staff that encourage MCWRA to develop a long-term Salinas River Management Plan addressing how this Program fits into the larger watershed. It would be pertinent that the RWQCB commit to helping MCWRA develop that as they are one of the stakeholders and are currently engaged with other discussions such as lagoon management.*

Response: Staff understands that developing a long-term management strategy for the Salinas River will be challenging and complex, and will require the participation of many stakeholders. However, the size (92 river miles, 864 acres of disturbance) and duration (10-year permit term) of the Project indicate the need for such a strategy, because the Project will play a major role in the health of the Salinas River ecosystem. Under existing conditions and on the basis of information currently available, staff believes the

Project is protective of water quality and beneficial uses. However, more information is needed to understand how stream maintenance activities affect the watershed and interact with other management actions, and to ensure that stream maintenance activities are protective of beneficial uses over the long term. Due to the spatial and temporal scale of the Project, Project assessment and planning must be conducted within a watershed context to ensure that future iterations of the Project comply with water quality standards and avoid impacts to the maximum extent practicable. This is the intent of the Certification requirements. To clarify the intent of the long-term assessment and planning requirements, staff removed Special Condition J and augmented the Long Term Effectiveness Assessment section (Special Condition I). Staff also added Finding C.1, clarifying that the Central Coast Water Board needs a long-term river management plan before it can certify future iterations of the Project.

B. Grower-Shipper Association of Central California, Salinas River Channel Coalition, and Monterey County Farm Bureau

GSCCFB-1: *We echo comments by MCWRA that request that the agency, as the project applicant, be included in the Interested Parties distribution for the draft 401 Water Quality Certification Public Review Period, and ask that our organizations also be included in future stakeholder outreach processes.*

Response: See response to Public Comment MCWRA-1. Staff also sent information about registering for the interested parties list to the Grower-Shipper Association of California, the Salinas River Channel Coalition, and the Monterey County Farm Bureau.

GSCCFB-2 (Special Condition A.1): *We concur with MCWRA that the permit's term should extend through November 15, 2025, consistent with the maintenance season.*

Response: See response to Public Comment MCWRA-2.

GSCCFB-3 (Special Condition B.2): *We concur with MCWRA that the main channel should be defined as the active channel which is the area of the channel that can pass a frequent storm event.*

Response: See response to Public Comment MCWRA-3.

GSCCFB-4 (Special Condition C.3): *We request clarification on the language regarding the 30-foot standard as it's currently included in the draft certification. Our design has placed all secondary channels well outside 30-feet of developed areas. We question why this condition is necessary given this is already accomplished by the Program design.*

Response: Special Condition C.3 is included in the Certification as part of the framework for guiding adaptive management decisions related to secondary channels that may have shifted location or alignment due to fluvial processes.

GSCCFB-5 (Special Condition C.7): *We would propose that sediment should be placed outside of the OHWM boundary as mapped and provided in the permit application submittals.*

Response: See response to Public Comment MCWRA-4.

GSCCFB-6 (Special Condition F.1.a): *The provision of not allowing tree planting on a bank above standing or flowing water appears to limit the protection for levees and banks from*

deterioration in periods of higher than normal flows. Landowners are concerned that this could lead to further deterioration of their banks; protection of their property should be a shared benefit through responsible planting of vegetation where needed. We request that this Special Condition be clarified as to its intent.

Response: Special Condition F.1.a prohibits tree planting activities on a bank above standing or flowing water in order to protect water quality, as tree planting activities (e.g., digging holes) may discharge sediment into the standing and/or flowing water, increasing turbidity. When standing or flowing water are not present, the risk of increased turbidity does not exist, and tree planting is permitted, subject to other conditions in the Certification.

GSCCFB-7 (Special Condition G.4): *We concur with MCWRA's request that the compensatory mitigation credit provided for the Demonstration Project be provided for this larger project as well.*

Response: See response to Public Comment MCWRA-7.

GSCCFB-8 (Special Conditions I.1 and I.2): *Regarding the Long-Term Effectiveness Assessment Plan we concur that existing data collected as part of program implementation will provide the necessary data to assess the program after five and ten years respectively. Consistency with the data collected for the Demonstration Program and expanded for all RMUs is appropriate. We respectfully ask that staff from MCWRA and CCRWQCB meet to develop language that will result in cost-effective methods to document effectiveness of channel maintenance activities over the permit period.*

Response: Staff acknowledges that the Certification includes effectiveness assessment requirements that go beyond requirements contained in Water Quality Certification No. 32714WQ03 for the Demonstration Project. This is reasonable because the larger size of the Project, and the fact that the Project includes elements (such as maintenance within the low-flow channel) that were not included in the Demonstration Project, mean that the Project poses a higher risk to water quality and beneficial uses than the Demonstration Project. In addition, the Demonstration Project was expected to result in lessons learned and improvements to the larger Project to make it more effective and more protective of water quality and beneficial uses.

Staff met with MCWRA staff and reached resolution on Certification language related to the Long-Term Effectiveness Assessment section (Special Condition I) (see response to Public Comments MCWRA-11 through MCWRA-14). These meetings included discussion of the burden to MCWRA and landowners of collecting the required information and performing the required assessments within the required timeframes. The revised requirements achieve cost-effectiveness by avoiding unnecessary or redundant efforts, and by establishing reasonable triggers for effectiveness monitoring elements. For instance:

- Staff removed from Special Condition I.2.a the requirements to use survey data to calibrate the model and to assess the impacts of the maintenance areas.
- Staff modified Special Condition I.2.c to require flood reduction monitoring only after flow events equal to or exceeding a 10-year flow event.
- Staff modified the Certification to require assessment of flow velocity reductions only where flow velocity data are available, and only associated with flow events equal to or exceeding a 5-year event.

Due to the size of the Project and the scope and variety of other MCWRA river management activities, the Certification requires MCWRA to assess the cumulative and mutually interactive effects of the Project and other MCWRA river management activities within the larger context of overall watershed health. Staff needs the required information and analysis to determine whether the Project achieves its flood reduction goals, and therefore justifies its impacts; and whether the Project results in adequate mitigation for impacts. Staff also needs the required information and analysis to determine the Project's long-term effect on water quality and beneficial uses, and whether future iterations of the Project will be protective of water quality and beneficial uses.

GSCCFB-9 (Special Condition J): *We concur with MCWRA's request that a long-term Salinas River Management Program, to be developed starting in May 2017, should not be a condition of approval for this permit and is inappropriate for a permit of this type. We have been actively promoting such a plan in the future, but believe that requiring it in this permit is going to create an unfortunate situation, in which MCWRA will be unable to authorize such work in such a quick time frame, stakeholders will not be given sufficient time to effectively participate in a strong plan, and we won't allow ourselves enough time to learn from the current program. A long-term plan is an effort that should be done through collaborative, big-picture planning and not as a permit condition. Good planning results from well-funded and well-initiated partnerships, not expedited requirements under duress of permit conditions.*

Response: See response to Public Comments MCWRA-16, MCWRA-18, and MCWRA-19.

GSCCFB-10: *We recommend the Regional Water Quality Control Board staff refer to the EIR that was certified by the Monterey County Water Resources Agency and the County of Monterey, as it relates to defining the Stream Maintenance Program in two phases with an accompanying planning and design process involving river scientists, ecologists, landowners and resource agency staff. Phase I is meant to be a demonstration of the project, which is now going into its third successful year. Planning and implementation protocols which were developed for the Demonstration Project will remain in place for the remaining River Management units under the proposed permit application. Based upon the Demonstration Project successes, the Technical and Design Committee and the Permit Committee for the five remaining RMUs have met with the resource agencies over the past year to stay consistent with the Demonstration Project. We strongly recommend that the 401 certification reflect the technical requirements of the Demonstration Project 401 certification, in conjunction with a 404 permit and a 1600 that provide the regulatory basis of the project/program.*

Response: Staff recognizes that the Project is an extension of the Demonstration Project design, mitigation, and management approach to the other river management units. However, the Project is much larger than the Demonstration Project. In addition, the larger Project introduces elements, such as maintenance within the low-flow channel, that pose a higher risk to water quality and beneficial uses. Finally, as a pilot for the larger Project, the Demonstration Project was expected to result in lessons learned and improvements to the larger Project to make it more effective and more protective of water quality and beneficial uses. Therefore it is reasonable that the Certification for the larger Project contains conditions that were not included in Water Quality Certification No. 32714WQ03 for the Demonstration Project. Staff modified long-term effectiveness assessment requirements and long-term river management strategy

requirements in response to MCWRA comments (see response to Public Comments MCWRA-11 through MCWRA-19).

GSCCFB-11: *We reiterate that adding policy requirements, such as development of a long-term river management program, are inappropriate in this permit certification.*

Response: See response to Public Comment MCWRA-19.

C. Otter Project

OP-1: *MCWRA seeks to change the definition of “Main Channel” from the definition used by the RWQCB. The RWQCB definition literally defines a broad channel, while the MCWRA definition defines literally a narrow channel. The permit states that loose material can [be] deposited (dumped) outside the “main channel”. Using the broad definition, this means that loose unconsolidated material must be dumped outside the river channel. Using the narrow definition, material can be dumped inside a channel that much more frequently floods. Our concern is for water quality. Many pesticides, both modern pyrethroids and legacy DDT, adhere to sediment particles. Dumping of this material where it can be readily mobilized should not be permitted. We have less concern about material being temporarily stored during the dry season until it can be moved to higher ground. We can support the RWQCB staff intent to have material removed from the river channel.*

Response: See response to Public Comments MCWRA-3 and MCWRA-4. Staff substituted the term “greater channel” for “main channel” in order to avoid confusion, defined as the river channel within the outer banks / levees or the outermost edge of the riparian corridor, whichever is larger. The Certification requires MCWRA to place sediment stockpiles outside of the greater channel prior to November 15 each year, unless otherwise approved in writing by staff on a case-by-case basis.

OP-2: *As we read condition H2b, it essentially requires MCWRA to monitor the newly created secondary channels. MCWRA seeks to avoid monitoring “except where adaptive management is needed.” MCWRA’s argument is circular and nonsensical: How will they ever know if adaptive management is needed if they do not monitor the newly created channels? We support the RWQCB’s monitoring requirements.*

Response: Special Condition H.1 requires visual inspection of all maintenance sites and areas of waters of the State adjacent to maintenance sites following completion of maintenance activities and for one subsequent rainy season. Special Condition E.4 requires MCWRA to conduct a pre-maintenance survey of all maintenance areas proposed for maintenance each year. The inspection and monitoring activities required in these conditions should provide adequate opportunity for MCWRA to observe geomorphological changes in the Salinas River. Therefore Staff determined that the additional monitoring required in Special Condition H.2 is generally needed only prior to MCWRA submitting an adaptive management proposal. Staff also recognizes that more extensive monitoring of the low-flow and secondary channels should occur after a significant flow event, since channel locations are more likely to shift under high flow conditions. Therefore staff modified Special Condition H.2.b to require visual inspection of the low-flow channel and all designated secondary channels following any flood event equal to or exceeding a 10-year flow event.

OP-3: *MCWRA seeks to avoid incorporating recent data into their modeling effort. Models use historical information to predict future events. In any modeling effort, it is then critical to*

test the model's predictions against new events. This is especially critical in this case: The demonstration project was followed by a drought year and we have absolutely no information about the behavior of the secondary channels. We support the RWQCB staff's effectiveness monitoring conditions in I.2.a, c, and d.

Response: Staff modified the language of Special Condition I.2.a, c, and d to clarify the intent of the Certification in the following ways:

- Staff removed from Special Condition I.2.a the requirements to use survey data (a) to calibrate the model, and (b) to assess the impacts of the maintenance areas. The requirement to calibrate the model is covered adequately by the requirement in Special Condition I.2.c to determine whether the Project achieves its flood protection goals. The requirement to assess the impacts of the maintenance areas is addressed in Special Condition I.2.a (“determine how the maintenance areas are functioning”), the revised Special Condition I.2.b (analyze whether secondary channels are “functioning as designed”), and in Special Condition H.1. (See also response to Public Comment MCWRA-11.)
- Staff modified Special Condition I.2.c to require flood reduction monitoring only after flow events equal to or exceeding a 10-year flow event. MCWRA will not be able to determine whether the Project achieves anticipated flood reduction benefits unless flooding actually occurs, and a 10-year flow event provides an objective threshold that can be compared with anticipated results generated by the model. (See also response to Public Comment MCWRA-12.)
- Staff removed from Special Condition I.2.d the requirement to assess reductions in flow velocity in the low flow channel, but added to Special Condition I.2.c a requirement to compare modeled flow velocities to actual velocities observed during a 10-year flow event, where flow velocity data are available. The Certification does not require MCWRA to construct new velocity gaging stations. (See also response to Public Comment MCWRA-14.)
- Staff removed from Special Condition I.2.d the requirement to assess increasing channel complexity, but added a similar requirement to Special Condition I.2.b.

These changes should not reduce the Project's protection of water quality and beneficial uses, and the monitoring requirements specified in the revised Special Condition I will provide robust information for assessing the Project's long-term effectiveness.

OP-4: *MCWRA seeks to avoid any linkage between this 401 Certification and a requirement to undertake a long-term Management Program. For over a decade, The Otter Project has been very involved in MCWRA and Salinas River issues. The River is carrying pesticides and nutrients that are killing sea otters. Project after project, permit after permit, we are repeatedly told that MCWRA plans to undertake a long-term management plan effort. Critical issues, such as management of the river mouth, are dealt with using a clearly illegal “emergency permit” basis. We believe that MCWRA will only undertake long-term planning when required to do so. We support the RWQCB plan to condition this 401 Certification on the Long-Term Management Plan effort. If that long-term effort is not well underway by the half-way point of this permit, the permit should be terminated.*

Response: See response to Public Comment MCWRA-19. Staff included the requirements for long-term management planning because developing a long-term management strategy for the Salinas River is essential for understanding how stream maintenance activities affect the watershed and interact with other management actions, and ensuring that stream maintenance activities are protective of beneficial uses over the long term. However, staff also understands that developing a long-term

management strategy for the Salinas River will be challenging and complex, and will require the participation of many stakeholders. Therefore Staff added Finding C.1, clarifying that the Central Coast Water Board needs a long-term river management plan before it can certify future iterations of the Project. Staff also augmented the Long Term Effectiveness Assessment section (Special Condition I) to include provisions requiring MCWRA to collect and analyze information to assess the Project within the larger context of the Salinas River watershed in Monterey County, and to develop recommendations for ongoing management of the Project and other MCWRA river management activities based on this information and analysis. The Certification requires MCWRA to submit information collected, analysis of the information, and recommendations for ongoing management in two reports during the term of the Certification. These requirements represent significant components of long-term planning efforts for the Salinas River.