

California Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2005-0058

Adopting the Salmon River Total Maximum Daily Load for Temperature and Implementation Plan

WHEREAS, The Salmon River watershed, tributary to the Klamath River, thence the Pacific Ocean, was listed for temperature impairment on the Clean Water Act Section 303(d) list by USEPA action in 1992, as a part of the Klamath Hydrologic Unit listing; and

WHEREAS, More than ninety-eight percent (98%) of Salmon River watershed is managed by the United States Forest Service; seventy percent or more of the watershed is designated as Wilderness Area, Late Successional Reserve, or other management constrained allocation; and

WHEREAS, The Salmon River has been identified as a high priority (key watershed) by the Northwest Forest Plan and as a component of the Federal Wild and Scenic River system; and

WHEREAS, The United States Forest Service and the State Water Resources Control Board have a Memorandum of Understanding that certifies a set of United States Forest Service practices as Best Management Practices; and

WHEREAS, Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) have developed a Salmon River Temperature TMDL and Implementation Plan (Attached); and

WHEREAS, The Salmon River Temperature TMDL relies on proper implementation of the specific provisions of the 1994 President's Forest Plan (Record of Decision) and the Klamath National Forest Final Land and Resource Management Plan (USDA Forest Service, 1995), (hereinafter, "current forest guidelines") to meet North Coast Basin Plan water quality standards; and

WHEREAS, Use of these tools, management measures and goals will be pursued through a Salmon River TMDL Implementation Plan Memorandum of Understanding (Salmon River Temperature MOU) between the Regional Water Board and the Klamath and Six Rivers National Forests; and

WHEREAS, This Resolution, combined with the Salmon River Temperature MOU, further described below, will constitute the Implementation Plan for the Salmon River TMDL, and it is expected to result in water quality attainment, meet the Basin Plan Narrative Objective for temperature, and support restoration of Beneficial Uses; and

WHEREAS, The Supervisor of Klamath National Forest has provided written support for the proposed two-party Salmon River Temperature MOU between the Regional Water Board and the Forests for purposes of implementing this TMDL, maintaining and improving water quality; and

WHEREAS, This action is consistent with Policies and Practices of the Water Boards, including the Strategic Initiative, the Watershed Management Initiative, and the State Water Board Policy for Implementation and Enforcement of the Non-point Pollution Control Program; and

WHEREAS, The Forest Service and Regional Water Board is engaged in other pertinent programs such as the Klamath River Basin Fisheries Task Force, Klamath Basin Conservation Implementation Program; and

WHEREAS, This Salmon River Temperature TMDL and Implementation Plan has been developed in coordination with the United States Environmental Protection Agency, and will address a listing identified in the Consent Decree, ***Pacific Coast Federation of Fishermen's Associations v. Marcus***, U.S. District Court for the Northern District of California, No. 95-4474 MHP, requiring timely development of TMDLs for certain named watersheds in the North Coast Region; and

WHEREAS, A Public Notice of the proposed Salmon River TMDL for Temperature and Implementation Plan was published on April 15, 2005; and

WHEREAS, A Regional Water Board Workshop was held on May 4, 2005 in Weaverville, California, followed by a staff workshop on May 5, 2005 at Sawyers Bar, California; and

WHEREAS, This resolution, TMDL and Implementation Plan are consistent with the provisions of State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality Waters in California" as these documents, taken together, are calculated to result in improvements to water quality, not degradation thereof; and

WHEREAS, The goal of the MOU is to restore the Salmon River's impaired temperature to levels that will protect cold water fisheries, support delisting under 303(d) when deemed recovered, and restore and maintain riparian corridors to achieve the TMDL, which is adjusted potential effective shade; and

WHEREAS, The adoption of this resolution, TMDL and Implementation Plan is exempt from the California Environmental Quality Act (CEQA) document preparation requirements pursuant to the CEQA Guidelines' Class 7 and Class 8 Exemptions, as this resolution, TMDL and Implementation Plan are together an action taken by a regulatory agency "to assure the maintenance, restoration, or enhancement of a natural resource," and "to assure the maintenance, restoration, enhancement or protection of the environment (14 CCR §§ 15307 and 15308), and further cannot reasonably be expected to have any significant adverse effects on the environment.

THEREFORE, BE IT RESOLVED that the North Coast Regional Water Quality Control Board, in fulfillment of the requirements described in Section 303(d) of the Clean Water Act with regard to the temperature impairment on the Salmon River, hereby adopts the Salmon River Temperature Total Maximum Daily Load and Implementation Plan; and

BE IT FURTHER RESOLVED that the Executive Officer is directed to prepare and execute a Salmon River Temperature MOU with the Forest Supervisors for Implementation of the Salmon River Temperature TMDL, to include adherence to, and implementation of, the current forest guidelines, whatever additional terms and measures and necessary are sufficient to achieve water quality standards, and including a monitoring and reporting element to measure progress, and adaptive management measures as necessary; and

BE IT FURTHER RESOLVED that if the Forest Service does not implement actions in the MOU toward attainment of water quality standards in the Salmon River, the Executive Officer is directed to prepare draft Waste Discharge Requirements for the Board's consideration; and

BE IT FURTHER RESOLVED that nothing in this resolution, the TMDL, nor the MOU shall impede or restrict the scope of enforcement options available to the Regional Water Board and its Executive Officer in response to violations of the Porter-Cologne Water Quality Control Act, the North Coast Basin Plan, the Clean Water Act, or any other applicable water quality laws relating to discharges in the Salmon River watershed, and the Executive Officer is expressly directed to use all available enforcement mechanisms to ensure that these laws are followed and water quality is protected.

Certification

I, Catherine Kuhlman, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on June 22, 2005.

Catherine Kuhlman
Executive Officer

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