

California Regional Water Quality Control Board
North Coast Region

RESOLUTION NO. R1-2008-0057

Regarding the

*Regional Water Board Staff Work Plan
To Control Excess Sediment
In Sediment-Impaired Watersheds*

WHEREAS, the California Regional Water Quality Control Board, North Coast Region, hereinafter the Regional Water Board, finds that:

1. Excess sediment is defined as soil, rock, and/or sediments (e.g., sand, silt, or clay) from human-related activities that is discharged to waters of the state in an amount that could be deleterious to beneficial uses or cause a nuisance.
2. Excess sediment can negatively impact beneficial uses of water. Beneficial uses are designated in the *Water Quality Control Plan for the North Coast Region*, hereinafter the Basin Plan. Some of the most sensitive beneficial uses to high sediment loads are associated with the migration, spawning, reproduction, and early development of cold water fish such as Coho salmon, Chinook salmon, and steelhead trout. Excess sediment can also limit the use of water for domestic consumption, agriculture, industry, wildlife, fishing and recreation, and can cause or contribute to flooding.
3. Excess sediment can result in the exceedance of water quality objectives for suspended material, settleable material, sediment, and turbidity, which are defined in the Basin Plan.
4. Section 303(d) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, requires states to identify waters that do not meet water quality standards. The beneficial uses of water, water quality objectives, and anti-degradation policies together constitute water quality standards.
5. Twenty-seven waterbodies in the North Coast Region do not meet sediment-related water quality standards as of 2006. These waterbodies drain approximately sixty-one percent of the area of the Region. These waterbodies are listed as impaired due to sediment under section 303(d) of the Clean Water Act. The vast majority of these waterbodies have been listed as sediment impaired since 1993. The twenty-seven sediment-impaired waterbodies are identified below.

Albion River	Eel River, Middle Mainstem
Big River	Eel River, Lower Mainstem
Eel River, North Fork	Eel River, Van Duzen River
Eel River, Middle Fork	Elk River
Eel River, South Fork	Estero Americano and Americano Creek
Eel River, Upper Mainstem	Freshwater Creek

Garcia River
Gualala River
Jacoby Creek
Klamath River (downstream of
Weitchpec)
Mad River
Mattole River
Navarro River
Noyo River

Redwood Creek
Russian River
Scott River
Stemple Creek and Estero de San
Antonio
Ten Mile River
Trinity River, Mainstem
Trinity River, South Fork

6. Section 303(d) of the Clean Water Act also requires states to establish the total maximum daily load (TMDL) of each pollutant for those waterbodies that do not meet water quality standards.
7. The State of California has a legal obligation to develop TMDL implementation plans to achieve water quality objectives; as found in Section 303(e) of the Clean Water Act which requires states to implement approved TMDLs through their continuing planning process, and Section 13242 of the California Water Code which requires a program of implementation to achieve water quality objectives.
8. There is an immediate need for the prevention and control of excess sediment with a greater dedication of staff time to outreach, education, prevention, permitting, and enforcement of existing rules.
9. In recognition of the need for more immediate and efficient excess sediment control, the Regional Water Board adopted the *Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region* as Resolution R1-2004-0087, hereinafter the Sediment TMDL Implementation Policy, on November 29, 2004. The Sediment TMDL Implementation Policy is the TMDL implementation plan for the North Coast Region's sediment-impaired waterbodies that do not have a Board-adopted implementation plan (Action Plan).
10. Through the Sediment TMDL Implementation Policy, the Regional Water Board directed the Executive Officer to pursue compliance with sediment-related standards from dischargers of excess sediment by using all available authorities and permitting and enforcement tools.
11. Through the Sediment TMDL Implementation Policy, the Regional Water Board directed the Executive Officer to develop a work plan that sets priorities for addressing excess sediment at a watershed-specific level and describes how and when available authorities and permitting and enforcement tools will be used.

12. The *Regional Water Board Staff Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds* (attached), hereinafter the Staff Work Plan, fulfills the requirement of the Sediment TMDL Implementation Policy to develop a work plan.
13. The Staff Work Plan describes thirty-five regional tasks that staff of the Regional Water Board intend to execute to reduce and control excess sediment.
14. The Staff Work Plan describes watershed-specific tasks that are tailored to each of the twenty-seven sediment-impaired watersheds in the North Coast Region. Regional Water Board staff intend to execute these tasks to reduce and control excess sediment.
15. Many of the tasks described in the Staff Work Plan will be facilitated by the proposed future adoption of the *Measures to Control Excess Sediment Basin Plan Amendment* and the *Stream and Wetland Systems Protection Policy Basin Plan Amendment*, which are currently being developed by staff for the Regional Water Board's consideration, should they be adopted.
16. The Staff Work Plan includes priority rankings for each regional task and for each sediment-impaired watershed.
17. The Staff Work Plan identifies the year in which Regional Water Board staff expect to commence work on each regional task and the tasks for each watershed, should resources be available. Under this schedule, staff will be working on all the regional tasks and in all the sediment-impaired watersheds in ten years. This schedule is dependent upon securing additional resources.
18. The Staff Work Plan identifies the need for an estimated twenty additional permanent technical staff, plus more support (e.g., administrative) staff, to execute the tasks listed in the Staff Work Plan and thereby reduce excess sediment and improve water quality.
19. While the Staff Work Plan does not address monitoring, it is necessary to collect and analyze data on the condition of sediment-impaired waterbodies and watersheds throughout the North Coast Region. Sediment monitoring is necessary to demonstrate progress towards recovery and the effectiveness of excess sediment control efforts. Regional Water Board staff will develop a sediment monitoring strategy separate from the Staff Work Plan, per the requirements of the Sediment TMDL Implementation Policy.
20. The Staff Work Plan in no way constrains any action or limits any authority of the Executive Officer, Regional Water Board, and staff.
21. The Staff Work Plan is not intended to alter or interfere with any specific sediment Action Plan already incorporated into the Basin Plan or promulgated and

implemented in the future. The Staff Work Plan is intended to be harmonized with Basin Plan provisions.

22. The Staff Work Plan and this Resolution do not constitute a discretionary permit or regulation or other discretionary action constituting a "project" as that term is defined by the California Environmental Quality Act (CEQA) (Cal. Code Regs., tit. 14, §15378). Thus, no environmental review is required under CEQA.

THEREFORE, be it resolved that,

1. The Regional Water Board concludes that the TMDL implementation program for sediment-impaired waterbodies in the North Coast Region is significantly underfunded, and directs the Executive Officer to provide the Staff Work Plan to the State Water Board, U.S. EPA, and the Rules Committee of the California State Legislature.
2. The Regional Water Board encourages staff to leverage existing resources to reduce sediment discharges and use good judgment in prioritizing tasks. The focus should be on addressing problems efficiently and effectively.
3. The Regional Water Board directs the Executive Officer to focus new resources on excess sediment control in National Forests due to the geographic extent of the forests within the region, and on county roads, which have been identified as a major source in almost all TMDLs in the region.

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 12, 2008.

Catherine Kuhlman
Executive Officer