

**California Regional Water Quality Control Board
North Coast Region**

Order No. R1-2018-0018

**Scott River TMDL Conditional Waiver
of
Waste Discharge Requirements**

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. The *Action Plan for the Scott River Sediment and Temperature Total Maximum Daily Loads*, hereinafter known as the Scott River TMDL Action Plan or Action Plan, is incorporated into the Water Quality Control Plan for the North Coast Region (Basin Plan).¹ The Action Plan describes the implementation actions necessary to achieve the Sediment and Temperature TMDLs and attain water quality standards in the Scott River watershed. The Action Plan assigns specific actions for the Regional Water Board and Dischargers² in Table 4-10 of the Basin Plan (Attachment A). The implementation actions are designed to encourage and build upon on-going, proactive restoration and enhancement efforts in the watershed.
2. Pursuant to Water Code section 13269, and consistent with California's [Policy for Implementation and Enforcement of Nonpoint Source Pollution Control Program](#) (May 20, 2004), the Regional Water Board adopted Order No. R1-2006-0081, *Conditional Waiver for Discharges Related to Specific Land Management Activities in the Scott River Watershed North Coast Region* on August 9, 2006 (2006 Order). In the 2006 Order, for Discharges not already authorized under an existing permit or order, the Regional Water Board conditionally waived the requirement for Dischargers to file a Report of Waste Discharge (ROWD) and obtain Waste Discharge Requirements (WDR) pursuant to Water Code section 13269. The 2006 Order applied to Dischargers that participate in specified on-going collaborative programs and implement the measures outlined in the 2006 Order. To be covered under the 2006 Order, Dischargers were required to employ land stewardship practices and activities that minimize, control, and prevent discharges of sediment and elevated solar radiation loads to the Scott River and tributaries.
3. On October 4, 2012 the Regional Water Board adopted Order No. R1-2012-0084 (2012 Order), updating the existing Scott River Conditional Waiver of Waste Discharge Requirements and extending its coverage until October 4, 2017.

¹http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/scott_river/060307/bpl/Basin_Plan_Language.pdf.

²The term "Dischargers" is used in this Order and includes individuals or entities that are responsible for discharges of waste into the Scott River as well as those responsible for maintaining operations that may limit or control discharges of waste.

4. On June 1, 2017 the Regional Water Board initiated a 37 day public comment period on Order No. R1-2017-0031 (2017 Order). On June 14, 2017 the Regional Water Board held a staff workshop in Yreka and on June 29, 2017 held a Board workshop in Santa Rosa to solicit public comment on the draft 2017 Order.
5. This 2018 Order waives the requirement for Dischargers to file a ROWD and obtain WDRs for parties who implement the required conditions of this Order and the associated measures described in Table 4-10 of the Basin Plan (Attachment A) and participate in on-going collaborative programs. The Scott River TMDL Action Plan identifies specific implementation actions that apply to Dischargers responsible for road and sediment waste discharge sites, Dischargers responsible for vegetation that shades water bodies, and Dischargers that conduct grazing activities.
6. The Scott River TMDL Action Plan, the 2006 Order, and the 2012 Order did not include automatic requirements for Dischargers to submit enrollment or annual reporting documents. As with the previous Orders, this 2018 Order does not require active enrollment or annual reporting requirements as a condition of obtaining coverage. The Regional Water Board finds that to efficiently prioritize resources for Order implementation it is appropriate for staff to continue to focus on those activities and Dischargers that pose the highest risk to water quality.
7. The Scott River TMDL Action Plan and this 2018 Order include provisions requiring Grazing and Riparian Management Plans and Erosion Control Plans on an as-needed, site-specific basis when required by the Executive Officer. When required, Grazing and Riparian Management Plans must describe, in detail: (1) sediment waste discharges and sources of elevated water temperatures caused by livestock grazing; (2) how and when such sources are to be controlled and monitored; and (3) management practices that will prevent and reduce future sources. For Dischargers responsible for roads, Erosion Control Plans must describe, in detail, sediment waste discharge sites and how those sites will be controlled.
8. The Scott River TMDL Action Plan and this 2018 Order also provide that monitoring and reporting shall be conducted as required by the Executive Officer. Monitoring shall involve one or more of the following: upslope effectiveness monitoring, instream effectiveness monitoring, and compliance and trend monitoring.
9. Factors that increase risk to water quality include type and intensity of land use, proximity to streams, and the length of stream adjacent to such activities. These factors should be considered in determining when Plans shall be required. Accordingly, this Order directs staff to continue its focus on working with Dischargers whose operations present higher risks to water quality. For timberlands managed for timber production, staff should focus on working with the largest Dischargers responsible for upland road management and sediment control.

10. Plans required by the Regional Water Board Executive Officer can range from a simple submittal describing practices implemented to minimize, control and prevent discharges of sediment or elevated solar radiation to the Scott River and tributaries to a plan that comprehensively describes existing sources of sediment discharge and elevated water temperatures, the management practices employed to minimize, control and prevent the sources, and a monitoring and reporting program to document actions taken to control the sources and the effectiveness of such actions. The level of detail required in a plan will be dependent on the site-specific characteristics of an activity or operation, and will be specified in writing by the Regional Water Board Executive Officer.
11. Dischargers who are not required to submit plans and are not otherwise notified by Regional Water Board staff need not file anything with the Regional Water Board so long as they meet conditions of this Order. All Dischargers are required to comply with the provisions in Table 4-10 of the Action Plan (Attachment A of this Order).
12. This Order provides some examples of the types of management measures that minimize, control, and prevent the discharge of sediment and elevated solar radiation loads to the Scott River watershed, consistent with Table 4-10 of the Action Plan (Attachment A). These types of management measures are the type that will minimize, control, and prevent the discharge of waste and other controllable water quality factors associated with a site. Alternative site-specific management measures that achieve equal or better level of performance as the measures contained in this Order may be developed in consultation with Regional Water Board staff for a specific site and activity.
13. Since the adoption of the 2012 Order, important actions have been taken to improve water quality in the Scott River watershed. Fifteen ranches have been assessed by Regional Water Board staff, including 6 of the 15 largest Dischargers in the watershed, as characterized by risk to water quality, accounting for 55 miles of total stream frontage or approximately 33 percent of the total stream frontage adjacent to private property.
14. Concurrent with these assessments 11 acres of riparian vegetation have been planted, 6 beaver dam analogues have been installed, and 4 major bank stabilization projects have been completed. Additionally, a comprehensive groundwater model has been developed with the support of University of California Davis researchers. This effort has identified management options for increasing flows in the Scott River throughout the summer. Since 2006, a total of \$1.6 million in grant and contract funding has been awarded to implement many of these actions and promote practices that implement the Scott River TMDL Action Plan.
15. The Regional Water Board, acting as the lead agency under the California Environmental Quality Act (Public Resources Code, sections 21000-21777) (CEQA), conducted an environmental analysis as part of the Scott River TMDL development and adoption process in accordance with title 14, California Code of Regulations, section 15251(g). The implementation of this Order (the "project") will not result in any physical changes in the environment different than those that were analyzed in the Scott River TMDL Action Plan. This project will not result in any new impacts to the environment, accordingly this Order

does not require preparation of a subsequent or supplemental environmental document pursuant to California Code of Regulations, title 14, sections 15162 or 15163. There is no evidence to indicate that substantial changes are proposed for the project, that substantial changes have occurred with respect to the circumstances of the project, or that there is new information of substantial importance with respect to the project. The issuance of this Order is also exempt from the provisions of CEQA in accordance with the following categorical exemptions: title 14, California Code of Regulations sections 15301, (existing facilities); 15304, (minor alterations to land); 15306 (information collection); and 15307 and 15308 (certain actions by regulatory agencies to maintain, restore, or enhance natural resources and to protect the environment.) The Regional Water Board will file a notice of determination and exemption after adoption of this Order.

16. State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution No. 68-16), requires Regional Water Boards to regulate the discharge of waste to maintain high quality waters of the State to ensure that discharges will not unreasonably affect beneficial uses and will not result in water quality less than that described in Regional Water Board policies. This Order is the latest in a series of regulatory orders that implement the Scott River TMDL Action Plan and requires Dischargers to take actions that minimize, control, and prevent non-point source discharges in the watershed. This Order is consistent with Resolution No. 68-16 because it requires that Dischargers employ the best practicable treatment and control measures in order to minimize degradation, achieve water quality standards and prevent nuisance. The Scott River TMDL Action Plan and the management measures required by this Order establish an iterative process that includes evaluation and implementation of management practices in a timely manner to minimize, control, and prevent the discharge of waste. These management practices are enforceable through this Order, and the effectiveness of these measures will be verified through monitoring and reporting as required by the Executive Officer. The Regional Water Board anticipates that any changes in water quality that may occur as a result of Order implementation will, over time, reflect an improvement in water quality, not degradation. Thus, any change in water quality will be consistent with maximum benefit to the people of the State and will not unreasonably affect beneficial uses.
17. The Regional Water Board determines that the adoption of this Order is consistent with the Basin Plan, all applicable statewide plans and policies, is in the public interest, and will not have a significant adverse impact on the environment.
18. Following the expiration or replacement of this 2018 Order, the Regional Water Board intends to address water quality concerns associated with agriculture in the Scott River watershed through a permitting program (i.e. order) more consistent with approaches implemented in other parts of the state. The future order is anticipated to follow the same general approach as this 2018 Order, requiring Dischargers to proactively implement land stewardship practices and activities that minimize, control, and prevent discharges of sediment and solar radiation loads to the Scott River and tributaries. The future order would continue to involve on-site water quality assessments with Regional Water Board staff. However, the future order may differ from this Order by incorporating

a tiered structure, employing multiple levels of permitting rigor commensurate with the level of discharge or threat of discharge, and may require active enrollment procedures and payment of fees. It is likely that the lowest risk tier would be for those properties that have already been assessed by Regional Water Board staff and successfully implemented practices that minimize, control, and prevent discharges of sediment and solar radiation loads to the Scott River and tributaries. Higher tiers with increased monitoring and reporting requirements would likely apply to those properties that have not developed plans or taken actions to comply with the conditions of this 2018 Order. Any future order would be subject to noticing and public comment before consideration of adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that pursuant to Water Code sections 13263, subdivision (a), 13267, and 13269, the Regional Water Board waives the requirement to submit a Report of Waste Discharge and the requirement to establish Waste Discharge Requirements for Dischargers in the Scott River watershed that comply with the following conditions:

1. Dischargers that are implementing applicable management measures outlined in this Order will be considered eligible for coverage under this Order. Such Dischargers shall employ land stewardship practices as described below and in Attachment A of this Order.
2. If required in writing by the Regional Water Board Executive Officer, Dischargers shall provide Grazing and Riparian Management Plans, and/or Erosion Control Plans as required.
3. The Regional Water Board Executive Officer may direct the Discharger to develop and implement a site specific monitoring and reporting plan, which upon request, shall be submitted for the Executive Officer's review and approval. Monitoring and reporting may include, but is not limited to, the following:
 - a. Photo documentation related to implementation of management measures;
 - b. Evaluation and documentation of instream and near-stream management measures (e.g., riparian buffer establishment affecting sediment and temperature discharges);
 - c. Stream temperature monitoring;
 - d. Collection of tailwater data, including impacts from tailwater discharge (e.g. collection of water temperature, nutrients, or dissolved oxygen data in tailwater and receiving water and estimates of tailwater discharge volumes);
 - e. Annual summary of progress towards implementing management measures in an approved Grazing and Riparian Management Plan and/or Erosion Control Plan, or other activities designed to minimize, control, and prevent potential water quality impacts; and
 - f. Results of specific monitoring requirements.
4. When any plan as described above is required and subsequently approved by the Executive Officer, the Discharger shall implement the plan. Failure to submit or implement the plan as approved is a violation of this Order.

5. Dischargers shall comply with management measures that minimize, control, and prevent the discharge of sediment and elevated solar radiation loads that affect the Scott River watershed. The following are management measures that will minimize, control, and prevent the discharge of sediment and elevated solar radiation loads to the Scott River watershed. Dischargers shall implement management measures to comply with these standard conditions or management measures developed in consultation with Regional Water Board staff that provide equal or better protection:
 - a. Riparian areas are managed in a manner that allows the natural establishment and abundance of native vegetation;
 - b. Riparian areas are managed in a manner that allows sufficient vegetation to minimize, control, and prevent surface erosion;
 - c. Riparian areas are managed in a manner that maintains their essential functions supporting beneficial uses (e.g. sediment filtering, woody debris recruitment, streambank stabilization, nutrient cycling, pollutant filtering, shading);
 - d. Grazed lands are managed in a manner that minimizes, controls, and prevents pollutant discharges;
 - e. Periodic grazing in riparian areas is limited to the late winter/early spring period, when impacts to woody species are minimized;
 - f. Grazing within riparian corridors occurs for short durations, and only when forage consisting of non-woody vegetation is available;
 - g. Livestock are removed from riparian areas when stubble height reaches 4 inches, or livestock shift preference to browsing of woody species, whichever occurs first;
 - h. Livestock are prevented from disturbing sediment discharge sites and other unstable features adjacent to watercourses;
 - i. At no time shall grazing in riparian areas cause a discharge of waste to surface waters;
 - j. Manure, soil, plant waste, and other debris are stockpiled away from areas where they could be washed or eroded into surface waters;
 - k. Management practices are in place to minimize, control, and prevent irrigation water or tailwater from reaching surface waters;
 - l. Tillage practices do not prevent the natural establishment and abundance of native riparian vegetation;
 - m. Management practices, such as buffer strips and cover crops, are in place to minimize, control, and prevent the erosion of sediments that could reach surface waters;
 - n. Nutrients from fertilizers, compost, soil amendments, or other sources are applied at agronomic rates to minimize, control, and prevent nutrient runoff into surface water or percolation into groundwater at levels that violate water quality standards;
 - o. Roads and related infrastructure are constructed and maintained in a manner that minimizes, controls, and prevents the discharge of sediment to surface waters;
 - p. Pesticides are stored, handled, applied, and disposed of in manner that minimizes, controls, and prevents discharge to surface water or groundwater; and
 - q. Petroleum products and other liquid chemicals, such as gasoline, diesel, biodiesel, and oil shall be stored, handled, used, and disposed of in a manner that minimizes, controls, and prevents discharge to surface water or groundwater.

6. This Order shall not apply to any discharges for which an individual WDR or waiver of WDRs has been issued by the Regional Water Board. It also does not supersede or limit the requirements of any enforcement actions (e.g. cleanup and abatement orders) that are issued by the State Water Board or Regional Water Board.
7. Pursuant to Water Code section 13267, the Regional Water Board staff or its authorized representatives may investigate the property of persons subject to this Order to ascertain whether the purposes of the Porter-Cologne Act are being met and whether the discharger is complying with the conditions of this Order. This inspection shall be made with the consent of the landowner, or if consent is withheld, with a duly issued warrant pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3 (commencing with section 1822.50). However, in the event of an emergency affecting the public health or safety, an inspection may be performed without consent or the issuance of a warrant.
8. Nothing in this Order precludes the Regional Water Board from taking enforcement actions for violations of any discharge prohibitions in the Basin Plan, California Water Code, or to require clean up and abatement of existing sources of pollution, where appropriate.
9. This Order shall not create a vested right, and discharges of waste shall be considered a privilege, as provided for in Water Code section 13263 subdivision (g).
10. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). Dischargers are responsible for meeting all other applicable requirements of local, state, and federal regulations and/or required permits.
11. Discharges shall not cause conditions of pollution or nuisance as defined by Water Code section 13050.
12. This Order does not preclude the need for permits that may be required by other governmental agencies, nor does it supersede any requirements, ordinances, or regulations of any other regulatory agency, including necessary certification and permitting for the application of pesticides and herbicides and proper handling of human/domestic waste.
13. This Order expires five years following the date of adoption or when the Regional Water Board or State Water Board adopts a regulatory action that explicitly supersedes this Order, whichever occurs first.

Certification

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of Order R1-2018-0018, adopted by the California Regional Water Quality Control Board, North Coast Region, on April 19, 2018.

Matthias St. John
Executive Officer

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4. IMPLEMENTATION PLANS

Table 4-10 Scott River Sediment and Temperature TMDL Implementation Actions*		
Topic	Responsible Parties	Actions
Roads & Sediment Waste Discharges	<ul style="list-style-type: none"> Parties Responsible for Roads and Sediment Waste Discharge Sites. Regional Water Board. 	<ul style="list-style-type: none"> The Regional Water Board encourages parties responsible for roads and sediment waste discharge sites to take actions necessary to prevent, minimize, and control road-caused sediment waste discharges. Such actions may include the inventory, prioritization, control, monitoring, and adaptive management of sediment waste discharge sites and proper road inspection and maintenance. The Regional Water Board's Executive Officer shall require parties responsible for roads, on an as-needed, site-specific basis, to develop and submit an Erosion Control Plan and a Monitoring Plan. An Erosion Control Plan shall describe, in detail, sediment waste discharge sites and how and when those sites are to be controlled. By September 8, 2008, criteria shall be developed for determining when an Erosion Control Plan shall be required, although nothing precludes the Executive Officer from requiring Erosion Control Plans prior to this date. Should discharges or threatened discharges of sediment waste that could negatively affect the quality of waters of the State be identified in an Erosion Control Plan or by other means, dischargers shall be required to implement their Erosion Control Plan and monitor sediment waste discharge sites through appropriate permitting or enforcement actions.
Roads	<ul style="list-style-type: none"> California Department of Transportation (Caltrans). Regional Water Board. 	<ul style="list-style-type: none"> Regional Water Board staff shall evaluate the effects of Caltrans' state-wide NPDES permit, storm water permit, and waste discharge requirements (collectively known as the Caltrans Storm Water Program) by September 8, 2008. The evaluation shall determine the adequacy and effectiveness of the Caltrans Storm Water Program in preventing, reducing, and controlling sediment waste discharges and elevated water temperatures in the North Coast Region, including the Scott River watershed. If Regional Water Board staff find that the Caltrans Storm Water Program is not adequate and effective, Regional Water Board staff shall develop specific requirements, for State Water Board consideration, to be incorporated into the Caltrans Storm Water Program at the earliest opportunity, or the Regional Water Board shall take other appropriate permitting or enforcement actions.
Roads	<ul style="list-style-type: none"> County of Siskiyou (County). Regional Water Board. 	<ul style="list-style-type: none"> The Regional Water Board and the County shall work together to draft and finalize a Memorandum of Understanding (MOU) to address county roads in the Scott River watershed. The MOU shall be drafted and ready for consideration by the appropriate decision-making body(ies) of the County by September 8, 2008. The following items shall be addressed during MOU development: <ol style="list-style-type: none"> A date for the initiation and completion of an inventory of all sediment waste discharge sites caused by county roads within the Scott River watershed, which can be done with assistance from the Five Counties Salmonid Conservation Program. A date for the completion of a priority list of sediment waste discharge sites. A date for the completion of a schedule for the repair and control of sediment waste discharge sites. A date for the completion of a document describing the sediment control practices to be implemented by the County to repair and control sediment waste discharge sites, which can be done with assistance from the Five Counties Salmonid Conservation Program. A description of the sediment control practices, maintenance practices, and other management measures to be implemented by the County to prevent future sediment waste discharges, which can be done with assistance from the Five Counties Salmonid Conservation Program. A monitoring plan to ensure that the sediment control practices are implemented as proposed and effective at controlling discharges of sediment waste. A commitment by the County to complete the inventory, develop the priority list, develop and implement the schedule, develop and implement sediment control practices, implement the monitoring plan, and conduct adaptive management.

Table 4-10 Scott River Sediment And Temperature TMDL Implementation Actions* (cont.)		
Topic	Responsible Parties	Actions
Grading	<ul style="list-style-type: none"> County of Siskiyou (County). Regional Water Board. 	<ul style="list-style-type: none"> The Regional Water Board encourages the County to develop a comprehensive ordinance addressing roads, land disturbance activities, and grading activities outside of subdivisions in the Scott River watershed, or an equivalent County-enforceable mechanism, by September 8, 2008. The ordinance may be specific to the Scott River watershed or county-wide in scope.
Dredge Mining	<ul style="list-style-type: none"> Regional Water Board. 	<ul style="list-style-type: none"> Regional Water Board staff shall review laws and regulations that address water quality effects of suction dredge mining and shall investigate the impact of suction dredge mining activities on sediment and temperature loads in the Scott River watershed by September 8, 2009. If Regional Water Board staff find that dredge mining activities are discharging deleterious sediment waste and/or resulting in elevated water temperatures, staff shall propose, for Board consideration, the regulation of such discharges through appropriate permitting or enforcement actions.
Temperature & Vegetation	<ul style="list-style-type: none"> Parties Responsible for Vegetation that Shades Water Bodies. Regional Water Board. 	<ul style="list-style-type: none"> The Regional Water Board encourages parties responsible for vegetation that provides shade to a water body in the Scott River watershed to preserve and restore such vegetation. This may include planting riparian trees, minimizing the removal of vegetation that provides shade to a water body, and minimizing activities that might suppress the growth of new or existing vegetation (e.g., allowing cattle to eat and trample riparian vegetation). To address compliance with the Nonpoint Source Policy, the Regional Water Board shall develop and take appropriate permitting and enforcement actions to address the human-caused removal and suppression of vegetation that provides shade to a water body in the Scott River watershed. The Regional Water Board's Executive Officer shall report to the Regional Water Board on the status of the preparation and development of appropriate permitting and enforcement actions by September 8, 2009.
Water Use	<ul style="list-style-type: none"> Water Users. County of Siskiyou (County). Stakeholders. Regional Water Board. 	<ul style="list-style-type: none"> The Regional Water Board encourages water users to develop and implement water conservation practices. The Regional Water Board requests the County, in cooperation with other appropriate stakeholders, to study the connection between groundwater and surface water, the impacts of groundwater use on surface flow and beneficial uses, and the impacts of groundwater levels on the health of riparian vegetation in the Scott River watershed. The study should: (1) consider groundwater located both within and outside of the interconnected groundwater area delineated in the Scott River Adjudication,** (2) the amount of water transpired by trees and other vegetation, and (3), if deleterious impacts to beneficial uses are found, identify potential solutions including mitigation measures and changes to management plans. Should the County determine that it and its stakeholders are able to commit to conducting the above study, the County, in cooperation with other stakeholders, shall develop a study plan by September 8, 2007. The study plan shall include: (1) goals and objectives; (2) data collection methods; (3) general locations of data collection sites; (4) data analysis methods; (5) quality control and quality assurance protocols; (6) responsible parties; (7) timelines and due dates for data collection, data analysis, and reporting; (8) financial resources to be used; and (9) provisions for adaptive change to the study plan and to the study based on additional study data and results, as they are available.
Flood Control & Bank Stabilization	<ul style="list-style-type: none"> Parties Responsible for Flood Control Structures or Dredge, Fill, and/or Bank Stabilization Activities. Regional Water Board. 	<ul style="list-style-type: none"> The Regional Water Board encourages parties responsible for levees and other flood control structures to plant and restore stream banks on and around existing flood control structures. The Regional Water Board shall rely on existing authorities and regulatory tools, such as the 401 Water Quality Certification program, to ensure that flood control and bank stabilization activities in the Scott River watershed are conducted in a manner that minimizes the removal or suppression of vegetation that provides shade to a water body, prevents or minimizes sediment delivery, and minimizes changes in channel morphology that could increase water temperatures.

4. IMPLEMENTATION PLANS

Table 4-10 Scott River Sediment And Temperature TMDL Implementation Actions* (cont.)		
Topic	Responsible Parties	Actions
Timber Harvest	<ul style="list-style-type: none"> • Private & Public Parties Conducting Timber Harvest Activities. • Habitat Conservation Plan Holders. • Regional Water Board. 	<ul style="list-style-type: none"> • The Regional Water Board shall use appropriate permitting and enforcement tools to regulate discharges from timber harvest activities in the Scott River watershed, including, but not limited to, cooperation with, and participation in, the California Department of Forestry and Fire Protection's timber harvest project approval process. • The Regional Water Board shall use, where applicable, general or specific waste discharge requirements and waivers of waste discharge requirements to regulate timber harvest activities on private and public lands in the Scott River watershed. • Timber harvest activities on private lands in the Scott River watershed are not eligible for Categorical Waiver C included in the Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region (Order No. R1-2004-0016, as it may be amended or updated for time to time) simply through the adoption of this TMDL Action Plan. However, timber harvest activities on private lands in the Scott River watershed may be eligible for Categorical Waivers A, B, D, E, and F, as appropriate. • Where a Habitat Conservation Plan (HCP) is developed, Regional Water Board staff shall work with the HCP holder to develop, for Board consideration, ownership-wide waste discharge requirements for activities covered by the HCP, with any additional restrictions necessary to protect water quality and beneficial uses. • If current laws and regulation governing timber harvest (e.g., the Forest Practice Rules) are changed in a manner that reduces water quality protections, the Regional Board will use its authorities to maintain at a minimum the current level of water quality protection.
U.S. Forest Service & U.S. Bureau of Land Management	<ul style="list-style-type: none"> • U.S. Forest Service (USFS). • U.S. Bureau of Land Management (BLM). • Regional Water Board. 	<ul style="list-style-type: none"> • The Regional Water Board and federal land management agencies, including the USFS and the BLM, shall work together to draft and finalize Memoranda of Understanding (MOU) that shall address sediment waste discharges, elevated water temperatures, and grazing activities within the Scott River watershed. The MOUs shall be drafted and ready for consideration by the appropriate decision-making body(ies) by September 8, 2008. The following items shall be addressed during MOU development: Contents Related to Sediment Waste Discharges: <ol style="list-style-type: none"> 1. A date for the completion of an inventory of all significant sediment waste discharge sites and all roads on USFS/BLM land. 2. A date for the completion of a priority list. 3. A date for the completion of a schedule for the repair and control of significant sediment waste discharge sites. 4. A date for the completion of a document describing the sediment control practices to be implemented by the USFS/BLM to repair and control sediment waste discharge sites. 5. A description of sediment control practices, road maintenance practices, and other management measures to be implemented by the USFS/BLM to prevent or minimize future sediment waste discharges. 6. A monitoring plan to ensure that sediment control practices are implemented as proposed and are effective at controlling discharges of sediment waste. 7. A commitment by the USFS/BLM to complete the inventory, develop the priority list, develop and implement the schedule, develop and implement sediment control practices, implement the monitoring plan, and conduct adaptive management. Contents Related to Elevated Water Temperatures: <ol style="list-style-type: none"> 8. A commitment by the USFS/BLM to continue to implement the Riparian Reserve buffer width requirements. 9. A monitoring plan to ensure that the Riparian Reserve buffer widths are effective at preventing or minimizing effects on natural shade. 10. A commitment by the USFS/BLM to implement the Riparian Reserve monitoring plan and conduct adaptive management.

Table 4-10 Scott River Sediment And Temperature TMDL Implementation Actions* (cont.)		
Topic	Responsible Parties	Actions
U.S. Forest Service & U.S. Bureau of Land Management	<ul style="list-style-type: none"> • U.S. Forest Service (USFS). • U.S. Bureau of Land Management (BLM). • Regional Water Board. 	<p>Continued from previous page.</p> <p>Contents Related to Grazing Activities:</p> <ol style="list-style-type: none"> 11. A date for the completion of a description of grazing management practices and riparian monitoring activities implemented in grazing allotments on USFS/BLM lands. 12. A commitment by the USFS/BLM and the Regional Water Board to determine if existing grazing management practices and monitoring activities are adequate and effective at preventing, reducing, and controlling sediment waste discharges and elevated water temperatures. 13. A commitment by the USFS/BLM to develop revised grazing management practices and monitoring activities, should existing measures be inadequate or ineffective, subject to the approval of the Regional Water Board's Executive Officer. 14. A commitment by the USFS/BLM to implement adequate and effective grazing management practices and monitoring activities and to conduct adaptive management.
Grazing	<ul style="list-style-type: none"> • Private Parties Conducting Grazing Activities. • Regional Water Board. 	<ul style="list-style-type: none"> • The Regional Water Board encourages the parties responsible for grazing activities to take necessary actions to prevent, minimize, and control sediment waste discharges and elevated water temperatures. • The Regional Water Board's Executive Officer shall require parties responsible for grazing activities on private lands in the Scott River watershed to develop, submit, and implement a Grazing and Riparian Management Plan and a Monitoring Plan on an as-needed, site-specific basis. A Grazing and Riparian Management Plan shall describe, in detail, (1) sediment waste discharges and sources of elevated water temperatures caused by livestock grazing, (2) how and when such sources are to be controlled and monitored, and (3) management practices that will prevent and reduce future sources. By September 8, 2008, criteria shall be developed for determining when a Grazing and Riparian Management Plan shall be required, although nothing precludes the Executive Officer from requiring Grazing and Riparian Management Plans prior to this date. • Should human activities that will likely result in sediment waste discharges and/or elevated water temperatures be proposed or identified, through a Grazing and Riparian Management Plan or by other means, the responsible party(ies) shall be required to implement their Grazing and Riparian Management Plans and monitor through appropriate permitting or enforcement actions.
Siskiyou RCD & Scott River Watershed Council	<ul style="list-style-type: none"> • Siskiyou Resource Conservation District (SRCD). • Scott River Watershed Council (SRWC). • Regional Water Board. 	<ul style="list-style-type: none"> • The Regional Water Board and staff shall increase efforts to work cooperatively with the SRCD and SRWC to provide technical support and information to landowners and stakeholders in the Scott River watershed and to coordinate educational and outreach efforts. • The Regional Water Board shall encourage the SRWC to (1) implement the strategic actions specified in the Strategic Action Plan and (2) assist landowners in developing and implementing management practices that are adequate and effective at preventing, minimizing, and controlling sediment waste discharges and elevated water temperatures.
Natural Resources Conservation Service and University of California Cooperative Extension	<ul style="list-style-type: none"> • Natural Resources Conservation Service (NRCS). • University of California Cooperative Extension (UCCE) • Regional Water Bd 	<ul style="list-style-type: none"> • The Regional Water Board shall increase efforts to work cooperatively with the NRCS and UCCE to provide technical support and information to responsible parties and stakeholders in the Scott River watershed and to coordinate educational and outreach efforts.
CA Dept. of Fish and Game	<ul style="list-style-type: none"> • CA Depart. of Fish & Game (CDFG). • Regional Water Board. 	<ul style="list-style-type: none"> • The Regional Water Board shall encourage the CDFG and aid, where appropriate, in the implementation of necessary tasks, actions, and recovery recommendations as specified in the Recovery Strategy for California Coho Salmon (CDFG 2004) in the Scott River watershed.

* Although the Regional Water Board prefers to pursue the implementation actions listed in Table 4-10, the Regional Water Board shall take appropriate permitting and/or enforcement actions should any of the implementation actions fail to be implemented by the responsible party or should the implementation actions prove to be inadequate.

** Superior Court of Siskiyou County. 1980. Scott River Adjudication: Decree No. 30662.

4. IMPLEMENTATION PLANS

IX. Glossary

Adjusted Potential Effective Shade:

The percentage of direct beam solar radiation attenuated and scattered before reaching the ground or stream surface from the potential vegetation conditions, reduced by 10% to account for natural disturbances such as fire, windthrow, disease, and earth movements that reduce the actual riparian vegetation below the site potential.

Compliance and Trend Monitoring:

Monitoring intended to determine, on a watershed scale, if water quality standards are being met, and to track progress towards meeting water quality standards.

Effective Shade:

The percentage of direct beam solar radiation attenuated and scattered before reaching the ground or stream surface from topographic and vegetation conditions.

Groundwater Accretion:

The gradual increase in surface flow in a stream resulting from the influx of groundwater.

Implementation Monitoring:

Monitoring used to assess whether activities and control practices were carried out as planned. This type of monitoring can be as simple as photographic documentation, provided that the photographs are adequate to represent and substantiate the implementation of control practices.

Instream Effectiveness Monitoring:

Monitoring of instream conditions to assess whether sediment control practices are effective at keeping waste sediment from being discharged to a water body. Instream effectiveness monitoring may be conducted upstream and downstream of the discharge point or before, during, and after the implementation of sediment control practices.

Potential Vegetation Conditions:

The most advanced seral stage that nature is capable of developing and making actual at a site in the absence of human interference. Seral stages are the series of plant communities that develop during ecological succession from bare ground to the climax community (e.g., fully mature, old-growth).

Road:

Any vehicle pathway, including, but not limited to: paved roads, dirt roads, gravel roads, public roads and highways, private roads, rural residential roads

and driveways, permanent roads, temporary roads, seasonal roads, inactive roads, trunk roads, spur roads, ranch roads, timber roads, skid trails, and landings which are located on or adjacent to a road.

Salmonids:

Fish species in the family Salmonidae, including but not limited to, salmon, trout, and char.

Sediment:

Any inorganic or organic earthen material, including, but not limited to: soil, silt, sand, clay, and rock.

Sediment Waste:

Sediment that is generated directly or indirectly by anthropogenic activities or projects.

Sediment Waste Discharge Site:

An individual, anthropogenic erosion site that is currently discharging or has the potential to discharge sediment waste to waters of the State.

Thermal Refugia:

Colder areas within a water body that provide cold water refuge from unsuitably warm water.

Timber Harvest Activities:

Commercial and non-commercial activities relating to forest management and timberland conversions. These activities include the cutting or removal of both timber and other solid wood forest products, including Christmas trees. These activities include, but not limited to, construction, reconstruction and maintenance of roads, fuel breaks, firebreaks, watercourse crossings, landings, skid trails, or beds for the falling of trees; fire hazard abatement and fuel reduction activities; burned area rehabilitation; and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities; but excluding preparatory tree marking, surveying, or road flagging.

Upslope Effectiveness Monitoring:

Monitoring intended to determine, by assessing upslope conditions, if sediment control practices are effective at keeping waste sediment from being discharged to a water body. This type of monitoring can be as simple as photographic documentation, provided that the photographs are adequate to represent and substantiate that the sediment control practices are effective.