



EXECUTIVE OFFICER'S REPORT

North Coast Regional Water Quality Control Board

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Executive Officer's 2023 Water Quality Stewardship Award Goes to Sonoma County Ag + Open Space, and the Denner and Lafranchi Families

Valerie Quinto

The Executive Officer's Water Quality Stewardship Award is an annual award given to an individual or group whose exceptional work contributes to the preservation and enhancement of surface water and groundwater quality in the North Coast Region. The Regional Water Quality Control Board and its staff spend much of its time and energy focused on the task of controlling waste discharges to the region's waters. This award is designed to acknowledge and honor our partners in water quality protection who augment the Regional Water Board's work with their own efforts in pollution prevention, waste minimization, water quality enhancement, and beneficial use restoration.

This year's award goes to Sonoma County Ag + Open Space and two participating landowners, the Denner family and Ken Lafranchi and family, for their efforts to conserve nearly 700 acres of property in the Laguna de Santa Rosa watershed for habitat restoration, flood control, agriculture, and the scenic character of the county.

With a watershed of 254 square miles, the Laguna de Santa Rosa is the largest tributary to the Russian River and the population center of the North Coast Region. Current issues impacting water quality and beneficial uses in the watershed include bacteria, elevated nutrients (nitrogen and phosphorus), invasive non-native aquatic plants, toxic blue-green algae (cyanobacteria) blooms, polluted runoff from urban and agricultural areas, high water temperatures, and altered sediment levels. The Regional Board staff is currently developing Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus, dissolved oxygen, temperature, and sediment in the watershed. As part of the TMDL

development process, staff have recognized the complexity of the factors driving impairment and realized that attainment of water quality standards will likely require both reductions in pollutant loading and restoration/reconciliation of hydrologic functions.

Success of restoration in the watershed will rely on the support of the people who own and steward the land within the current and historical footprint of the Laguna de Santa Rosa and its tributaries. Land conservation can play a key role in facilitating restoration, and in this case, the efforts of Ag + Open Space and the participating landowners to conserve Denner Ranch and the Lafranchi property will allow planned restoration to move forward in earnest on the two properties. Restoration is slotted to focus on the historical channel for Laguna de Santa Rosa and its associated tributaries, while also restoring historic habitats like riparian forest, wet meadows, freshwater marsh, willow-forested wetlands, and oak savanna.

According to Ag + Open Space: “Denner Ranch currently hosts a variety of crops, a farm stand, and livestock grazing. In addition to its rich habitat within the Laguna, the ranch includes 91 acres of federally designated critical habitat for California tiger salamander, as well as significant stands of large valley oak trees. Mark West and Hartman creeks run through the property, and the property is also home to remnants of Ballard Lake. Conservation of Denner Ranch, along with neighboring properties, will help make the restoration of key habitats such as Ballard Lake possible, through partnerships with the Laguna de Santa Rosa Foundation and other conservation partners.

“The Lafranchi property has been owned and operated by the family for three generations, and the proposed conservation easement will cover 187 acres of the 263-acre property, striking a balance between protecting areas key for natural resource conservation and the family’s personal uses on the rest of the property. The entire property lies in the 100-

year floodplain of the Laguna, and also has stretches of three priority streams running across the property – Hartman, Olivet, and Mark West. The property’s marshlands, wetlands, riparian habitat, and oak woodlands offer significant opportunities for restoration.”

Denner Ranch was conserved on November 9, 2023, and the Ag + Open Space Board of Directors approved the Lafranchi project on December 5, 2023.

On behalf of the North Coast Regional Water Board, I applaud the Denner family, along with Ken Lafranchi and family, for their efforts to protect this land for future generations while caring for the Laguna’s unique and precious natural resources. And I applaud Sonoma County Ag + Open Space for their efforts and success in protecting this land, along with other protected lands comprising 12% of Sonoma County’s landscape. It is my pleasure to present the 2023 Executive Officer’s Stewardship Award to Sonoma County Ag + Open Space, the Denner Family, and Ken Lafranchi and family.



Federal Lands Permit Watershed Assessment and Recovery Program

Jonathan Warmerdam

North Coast Regional Water Quality Control Board (North Coast Water Board) staff are continuing development of a fourth iteration of the regulatory program for federal lands in the North Coast Region, referred to as the “Federal Lands Permit” or “FLP.” The North Coast Water Board adopted the current iteration of the Federal Waiver in 2015¹ and renewed the Federal Waiver without modification in 2020².

In 2024, staff intend to (1) circulate a public draft of the Federal Lands Permit and its associated draft Environmental Impact Report (2) hold a public workshop during the April 2024 regular meeting of the North Coast Water Board, (3) respond to comments and modify the draft Federal Lands Permit and draft EIR as necessary, and (4) bring a final proposed Federal Lands Permit to the North Coast Water Board in August 2024 for consideration of adoption.

This article introduces information about a new proposed regulatory process to address nonpoint source pollution sources that is being built into the Federal Lands Permit, known as the “Watershed Assessment and Recovery Program” or “WARP.”

Problem Statement

Most waterbodies in the North Coast Region are identified as “impaired” due to excess sediment or turbidity under Section 303(d) of the Clean Water Act. These impairments are primarily caused by waste discharges

¹ *Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region*, Order R1-2015-0021

² Short Term Renewal of Order No. R1-2015-0021, Order No. R1-2020-0021

resulting from anthropogenic activities such as logging, mining, infrastructure development, and livestock grazing.

Since 2010, the North Coast Water Board has implemented a regulatory program for federal lands that is designed to systematically address controllable sediment discharge sources (CSDS)³ in a timeframe commensurate with the North Coast Water Board’s permit requirements for privately owned forestlands. North Coast Water Board staff have identified variable success across different federal Administrative Units⁴ in treating CSDS required by the existing Federal Waiver.

Comments from United States Forest Service (USFS) and Bureau of Land Management (BLM) staff indicate that the existing Federal Waiver inhibits agencies from implementing priority projects, such as forest resilience and community protection, due largely to the costs and staff time required to satisfy project-level CSDS treatment obligations. The USFS, BLM, and National Park Service (NPS) all face significant resource limitations, budgetary constraints resulting from decisions in the US Congress, and frequently changing federal administrations. All these factors slow the pace of CSDS treatments on federal lands.

Watershed Assessment and Recovery Program

North Coast Water Board staff developed the WARP to establish a new iterative approach for advancing water quality improvement projects on federal lands while also conforming with the federal Clean Water Act

³ The existing Federal Waiver refers to CSDS as “Legacy Sediment Sites.” The two terms share the same definition/criteria.

⁴ A federal Administrative Unit refers to individual federal agency management units such as a USFS National Forest, BLM Field Office, or NPS National Park or Monument.

and California's Porter-Cologne Water Quality Control Act.

The WARP establishes regulatory requirements designed to steadily advance the treatment of CSDS over time. The WARP relies on a performance-based accreditation system developed for each Administrative Unit and tailored to the specific water quality conditions and land management activities on their respective lands.

Each Administrative Unit would be assigned a credit obligation that must be satisfied annually, based on a rolling five-year average, to address CSDS and accrue treatment credits. The WARP would also provide some limited compliance flexibility through alternative actions that protect or improve water quality, including but not limited to aquatic habitat restoration activities, forest resilience and climate adaptation treatments, and certain monitoring and adaptive management actions.

Compliance requirements are intended to be adjusted over time, as treatments are applied, impairment conditions change, and management activities evolve.

WARP Annual Treatment Credit Obligations

The WARP includes a methodology for establishing treatment credit obligations for each of the Administrative Units of the USFS, BLM, and NPS in the North Coast Region. The WARP would integrate water quality conditions and land management activities and aggregate results across Hydrologic Unit Code (HUC) 12 watersheds. The WARP establishes the baseline credit treatment obligations that each Administrative Unit would be expected to satisfy through the planning, designing, and implementation of creditable projects.

The specific factors analyzed to determine the initial WARP treatment credit obligations fall into the following three categories for each HUC 12 watershed: (1) Wilderness or Roadless Designations, (2) Clean Water Act

Section 303(d) impairments, and (3) status of past and present land management activities.

Each Administrative Unit's credit obligations are expected to be adjusted over time as treatments are applied, impairment conditions change, and management activities evolve. Treatment credit obligations may be adjusted as a result of completion of a significant percentage of CSDS within a watershed, changes to the Clean Water Act impairment status of a watershed, or modifications to land management activities.

Each Administrative Unit will be required to report accomplishments to the North Coast Water Board annually, but compliance with the treatment credit obligations will be averaged over a five-year period.

Creditable Pollutant Source Treatment Activities

The WARP establishes regulatory requirements to advance the treatment of CSDS over time. Under the proposed WARP, each Administrative Unit of the USFS, BLM, and NPS in the North Coast Region will be required to complete annual activities to earn "treatment credits" across its lands.

Sediment pollution prevention projects are often associated with roads, landings, trails, and associated watercourse crossings. However, other CSDS can also be found across the federal landscape, including those areas associated with mines, unstable features, in-channel deposits, and stream diversions.

Administrative Units typically conduct road surface and watercourse crossing treatments through road improvement projects or through routine maintenance activities. Road treatments are also conducted after certain post-wildfire emergency actions conducted through post fire suppression repair efforts and the Burned Area Emergency Response (BAER) process, or after floods with funding from the Federal Highway Administration.

The WARP identifies road surface treatments (e.g., road surfacing, ditch relief culvert installation, outsloping) and watercourse crossing treatments (e.g., culvert replacement, rock ford construction, bridge installation) as creditable activities to meet the annual treatment credit obligations. Although independent project activities provide benefits to water quality, comprehensive road segment treatments that address all aspects of a road segment, and are sometimes referred to as “stormproofing,” provide the best benefit for water quality.

Whenever possible, road surfacing and watercourse crossing treatments should be implemented in a manner consistent with the standards described in the Pacific Watershed Associates (PWA) Handbook for Forest, Ranch and Rural Roads ([PWA Handbook](https://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf)) (<https://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf>), or equivalent erosion and sediment control standards. Certain treatments in the PWA Handbook may be infeasible in some locations since most federal roads are open to the public and subject to federal road safety standards.

Alternative Credit Generating Activities

As an alternative to the annual CSDS pollution treatment requirements, the WARP would also provide compliance flexibility for up to 30% of an Administrative Unit’s total credit obligations through alternative actions that protect or improve water quality, including but not limited to aquatic habitat restoration activities, forest resilience and climate adaptation strategies, and certain monitoring and adaptive management actions.

North Coast Water Board staff recognize that many of the federal land management Administrative Units and their partners are implementing aquatic habitat restoration actions. These restoration actions, combined with CSDS treatments, are important for recovering watersheds and protecting beneficial uses, and are consistent with the North Coast Water Board’s Policy in Support

of Restoration in the North Coast Region (Resolution No. R1-2015-0001).

Prioritized Watershed Planning and Implementation Projects

The North Coast Water Board supports the development and implementation of strategic planning efforts for priority watersheds. Each of the federal agencies implement variations of watershed-based planning programs that prioritize landscape and water quality assessments, implement pollution prevention activities, restore aquatic habitats, and conduct instream monitoring.

Examples of these efforts include but are not limited to the following: the USFS’s implementation of Watershed Restoration Action Plans through the Watershed Condition Framework; the BLM’s strategic NEPA planning documents in watersheds such as Lack’s Creek and the Headwaters Forest Preserve; and the National Park Service’s Redwoods Rising program.

To promote the utilization of these watershed-based planning efforts, all projects that include treatment of CSDS as well as other alternative credit generating activities (e.g., aquatic habitat restoration, fuels management, etc.) that are being conducted as part of these strategic planning efforts will qualify for enhanced treatment credits under the WARP.

Reducing Credit Obligations Over Time

The WARP was developed to establish a regulatory framework for advancing pollution control on federal lands, while including adaptive alternatives that provide water quality benefits. The WARP also includes an iterative approach to treatment credit obligations as waterbody conditions, treatment actions, and management activities change over time.

Like the North Coast Water Board, federal agencies endeavor to address the sources of impairments that impact water quality. A major objective of the WARP is to support

Administrative Units to successfully prioritize and implement projects at a scale that will support waterbody improvements. In recognition of these efforts, the WARP provides an iterative approach by allowing for the reduction in treatment credit obligations once an Administrative Unit has successfully implemented watershed treatments of a significant portion of CSDS in a HUC 12 watershed.

Watershed Impairment Delisting

The majority of federal lands in the North Coast Region are listed for sediment/turbidity, nutrients, and/or temperature. One of the North Coast Water Board's primary objectives is to support actions that would facilitate the recovery of impaired waterbodies and lead to their removal from the Section 303(d) list of impaired waters, whenever appropriate.

Following procedures established by the State Water Resources Control Board, a waterbody can be removed from the Section 303(d) list for different reasons, including but not limited to: (1) a waterbody meeting certain water quality conditions, (2) sufficient water quality data or other information supporting that the waterbody is no longer impaired, (3) sufficient pollutant sources have been addressed, or (4) demonstration that the impairment designation does not apply.

Once a waterbody has been removed from the Section 303(d) list, the WARP treatment credit obligations will be changed to reflect those adjustments, therefore reducing the treatment credit obligations for that portion of a waterbody under federal land management control.

WARP Reporting

Under the proposed WARP, federal agencies will be required to provide information each year documenting progress implementing projects that qualify for treatment credits. Each Administrative Unit will submit information to the North Coast Water Board detailing the treatments implemented during the previous year and describe and account

for their accomplished treatment credits. Each Administrative Unit will meet its individual treatment credit obligations based on a rolling five-year average.

Full compliance with WARP and its associated treatment credit obligations is expected to be achieved in the following five years of implementation. Extension requests for compliance with the WARP will be evaluated and approved by the North Coast Water Board Executive Officer on a case-by-case basis.

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Gualala River Sediment TMDL Action Plan Project Update

Nick Fetherston

The Gualala River watershed is located northwest of Santa Rosa in Sonoma and Mendocino counties. Watershed tributaries flow westerly to where they meet the mainstem Gualala River which straddles the San Andres Fault and drains to the Pacific Ocean. This watershed has one of the longest records of timber harvesting in the North Coast region, dating back to the 1860s, which has led to substantial legacy loads of sediment within the Gualala River and its tributaries. These loads, along with contemporary sources of sediment coming off the landscape, have led to significant impacts on the instream conditions and the beneficial uses of the watershed. These impacts have led to a decline in steelhead trout populations in the watershed and the disappearance of the once present Coho salmon.

The Gualala River watershed was listed on the Section 303(d) list of impaired waters due to elevated sedimentation in 1993. The listing was the impetus for the development of the Gualala River Sediment Total Maximum Daily Load (Gualala TMDL) which was established by the United States Environmental Protection Agency (U.S. EPA) in December 2001. The North Coast Regional Water

Quality Control Board (Regional Board) established the Sediment TMDL Implementation Policy in 2005 which declares that the Regional Board shall use all of its existing authorities and programs to implement sediment TMDLs established for the North Coast Region, including the Gualala TMDL.



South Fork Gualala River looking north (Helicopter Surveillance Program). Photo credit: Nick Fetherston

In 2022, a lawsuit was filed against the Regional Board and the State Water Resource Control Board by Friends of the Gualala River (FoGR), contending that the 2001 Gualala TMDL had not been incorporated into the Basin Plan as required under Sections 303(d)(2) and 303(e)(3) of the Clean Water Act. The Regional Board and FoGR came to a stipulated settlement agreement that results in, among other things, Regional Board staff undertaking the public process to incorporate the Gualala TMDL into the Basin Plan.

To that end, Regional Board staff are currently drafting the Gualala River Sediment TMDL Action Plan (Action Plan), and an accompanying staff report to serve as the substitute environmental documentation in support of that Action Plan (Staff Report). To understand how the watershed has changed since the development of the 2001 TMDL, an analysis of watershed conditions will be included in the Staff Report. This will include an assessment of water quality data that was collected over the past 20 years to see if

there are any significant trends in sediment and aquatic habitat data and to make recommendations for future monitoring efforts. Staff are also conducting a desktop assessment of roads in the watershed to help identify gaps in source control and make recommendations for the program of implementation.

Regional Board staff are conducting early outreach and providing quarterly updates to interested parties in the watershed on the status of project development. Staff are also beginning internal scoping to compile a list of reasonably foreseeable compliance measures and will soon be initiating the CEQA scoping process to receive public input on the project's compliance measures and their environmental impacts.

Per the settlement agreement, the Regional Board staff will issue for public review and comment, a draft Action Plan (draft basin plan amendment) and draft Staff Report by June 2025. Staff will respond to public comments and revise the draft documents as needed. Staff will hold public workshops to present project information during CEQA scoping and other public comment periods to inform and receive comment from Regional Board members, public agencies, and other interested parties. A proposed basin plan amendment will then be brought to the Regional Board for consideration no later than March 2026.

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North Coast Regional Water Quality Control Board Freshwater Harmful Algal Bloom Monitoring & Response Program End of Year Summary 2023

Mike Thomas

Overview

Freshwater harmful algal blooms (FHABs) are dense proliferations of planktonic (floating) and/or benthic (attached) cyanobacteria capable of producing cyanotoxins that can

impact human and animal health. In 2023, the North Coast Regional Water Quality Control Board (RB1) FHAB Program recommended 30 public health alert postings in rivers and lakes, including a confirmed human and dog illness (see Table 1 and [Reports Map](https://mywaterquality.ca.gov/habs/where/freshwater_events.html) (https://mywaterquality.ca.gov/habs/where/freshwater_events.html)). These planktonic and benthic FHAB postings are discussed below.

Table 1. Number of planktonic and benthic postings in the North Coast Region, 2023.

Report Type	Planktonic Postings			Benthic Postings
	Caution	Warning	Danger	Toxic Algae Alert
Routine Monitoring	13	3	2	1
Pre-Holiday Assessment	1	0	0	2
Incident Response	2	0	0	3
Studies & Research	0	0	0	3
Total:	16	3	2	9

See [California HABs Portal](https://mywaterquality.ca.gov/habs/resources/habs_response.html) (https://mywaterquality.ca.gov/habs/resources/habs_response.html) for more information on posting guidance.

In addition to responding to FHAB reports, RB1 worked with partners on routine monitoring; performed pre-holiday assessments; conducted studies and research; reported and presented study findings; provided FHAB program trainings; and continued to aid others in the development and implementation of their monitoring programs. Staff worked with various partners including Blue Lake and Big Lagoon Rancherias; Karuk, Yurok, Hoopa, and Wiyot Tribes; Quartz Valley Indian Reservation; Del Norte, Humboldt, Lake, Mendocino, Sonoma, and Trinity Counties;

and the Klamath Basin Monitoring Program, US Environmental Protection Agency (USEPA), US Army Corps of Engineers, and Pacificorp.

Routine & Partner Monitoring

Routine monitoring was conducted for three waterbodies or locations:

- *Big Lagoon* – monitored biweekly for a common class of cyanotoxins called microcystins by Big Lagoon Rancheria and USEPA. Big Lagoon Rancheria also participated in an additional partner monitoring effort by collecting a biweekly sample for cyanotoxin suite analysis and cyanobacteria identification (ID).
- *Klamath Basin* (<https://kbmp.net/maps-data/blue-green-algae-tracker>) – monitored biweekly for microcystins by Hoopa, Karuk, and Yurok Tribes, as well as Pacificorp and USEPA.
- *Russian River* – recreational beaches visually assessed by Sonoma County, and four stations monitored biweekly (cyanobacteria ID) by Sonoma Water.

Pre-Holiday Assessments

RB1 and partners collected water grab or algal mat samples from popular recreational lakes and rivers prior to major holiday weekends to inform visitors of waterbody conditions (Table 2). See State [FHAB Program Wiki Page](https://sites.google.com/view/fhab-program-wiki/pre-holiday-assessment) (<https://sites.google.com/view/fhab-program-wiki/pre-holiday-assessment>) for more information on pre-holiday assessments and participation.

Table 2. FHAB waterbody postings during pre-holiday assessments, 2023.

Waterbody	Memorial Day	Fourth of July	Labor Day	Post-Holiday
Lake Mendocino		No Advisory	No Advisory	No Advisory
Lake Pillsbury	No Advisory	No Advisory	Caution	Caution
Lewiston Reservoir		Toxic Alert	Toxic Alert	Toxic Alert
Ruth Lake		No Advisory	No Advisory	No Advisory
Salmon Creek		Toxic Alert	Toxic Alert	Toxic Alert
Stone Lagoon		No Advisory	No Advisory	No Advisory
Trinity Lake		No Advisory	No Advisory	No Advisory
Klamath River		No Advisory	No Advisory	No Advisory
Salmon River		<i>Wildfire</i>	<i>Wildfire</i>	<i>No Sample</i>
Trinity River		No Advisory	No Advisory	No Advisory

Incident Response & Illnesses

RB1 received five reports of human and dog illnesses in 2023 (Table 3). Reports of illnesses are referred to the State Illness Workgroup who determines if the incident is believed to be related to FHABs. A human illness was confirmed in the Russian River due to the presence of cyanobacteria. A dog illness was confirmed in Humboldt Bay, however, because the marine bloom was comprised of *Noctiluca*, which does not produce toxins, the illness was attributed to contact/ingestion of dried algae byproducts (e.g., ammonia). See [Illness Tracking](https://mywaterquality.ca.gov/habs/hab-related_illness.html) (https://mywaterquality.ca.gov/habs/hab-related_illness.html) for more information.

Table 3. FHAB reports of human and dog illness, 2023.

Illness Type	Waterbody	Symptoms	Status
Human illness	Salmon Creek Estuary	Not disclosed	Not HAB-related
Human illness	Russian River, Monte Rio Beach	Gastrointestinal illness, fever for 48 hours	Confirmed HAB-related illness
Human illness	Lake Mendocino, Pomo Area	Gastrointestinal, vomiting, diarrhea for 24 hours	Not HAB-related
Dog illness	Humboldt Bay, King Salmon B.	Not disclosed	Confirmed HAB-related illness
Human illness	Little River, Van Damme Beach	Not disclosed	Not HAB-related

Studies & Research

The following studies and research were conducted in 2023:

- To better understand the spatial heterogeneity of benthic growth and cyanotoxin production, RB1 collaborated with University of Nevada Reno to monitor cyanobacteria in the South Fork Eel River.
- RB1 participated in the national USEPA Region ORD Associated Research (ROAR) project to develop standardized benthic sampling methods by employing various collection protocols in the South Fork Eel River.
- RB1 provided benthic samples for USEPA to determine the expression of toxin-producing genes at different cyanobacterial growth stages and to identify other groups of genes that are specific to anatoxin producers (i.e., anaF genes).
- RB1 participated in the Helicopter Surveillance Program and was able to observe riffle-specific benthic mats in the South Fork Eel River from the air.
- RB1 conducted a special study in the Eel, Navarro, Russian, and South Fork Eel Rivers to evaluate RB1's tiered benthic monitoring recommendations:
 - 1) Deployed Solid Phase Adsorption Toxin Tracking (SPATT) as sentinel samplers to characterize cyanotoxin production;
 - 2) Conducted visual assessments to determine percent cover of benthic cyanobacteria when cyanotoxins increased in SPATTs; and
 - 3) Collected samples to confirm toxicity of benthic mats when cyanobacteria percent cover increased.

Figure 1 shows results for all three tiers at a station in the South Fork Eel River.

- RB1 is currently co-leading the California Cyanobacteria Harmful Algal Bloom (CCHAB) Benthic Subcommittee and using results from the above special study to revise current benthic guidelines.

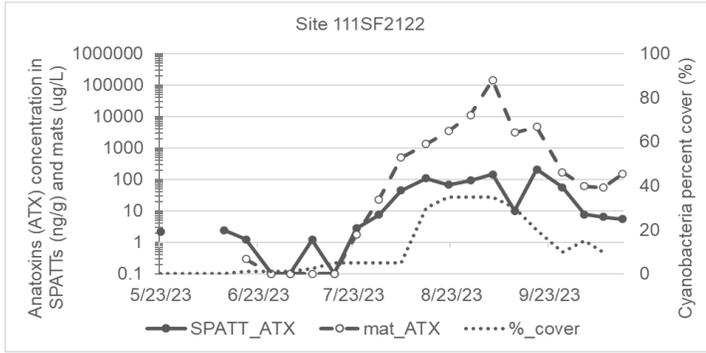


Figure 1. Trend lines showing anatoxins concentrations (ATX) in SPATTs and benthic cyanobacterial mats as well as percent cover of mats in the South Fork Eel River, 2023

- [Partner Training in the North Coast Region](#) (waterboards.ca.gov/northcoast/water_issues/programs/swamp/media/GMT20230823-170410_Recording_1920x1080.mp4). Virtual Training, August 2023.
- Partner Training in the South Fork Eel River. Field Training, August 2023.
- Partner Training in the Russian River. Field Training, August 2023.
- Helicopter Surveillance of Freshwater Harmful Algal Blooms. Memorandum, September 2023.
- Benthic HABs Guidance Subcommittee. State Board, RB1, and SCCWRP Presentation to CCHAB Benthic Subcommittee, October 2023.
- North Coast Region FHAB Season Recap. RB1 Presentation for the Coastal Streamflow and Salmon Meeting, December 2023.



Reports, Presentations, & Trainings

RB1 provided the following reports, presentations, and trainings in 2023:

- [Proposal for Reconvening Benthic HABs Subcommittee](#) (<https://www.youtube.com/watch?v=81by73aJLt0>) State Board, RB1, and Southern California Coastal Water Research Project (SCCWRP) Presentation for CCHAB Network, January 2023.
- North Coast Regional Water Quality Control Board Executive Officer Briefing Memorandum: FHAB Monitoring & Response Program. April 2023.
- FHAB and SWAMP Program Overview. RB1 Presentation for Mendocino High School Class, May 2023.

North Coast Regional Nonpoint Source Grants Program Update *Carriann Lopez*

The 2024 Nonpoint Source (NPS) Grant Program supports projects to reduce and mitigate the effects of nonpoint source pollutants such as sediment, pesticides, and nutrients, to waters of the state within priority watersheds identified by the Regional Water Quality Control Boards (Regional Water Boards). Projects that improve impaired waters, protect high quality waters, and restore fire-damaged landscapes are eligible along with planning and implementation project proposals.

Each year, the United States Environmental Protection Agency (U.S. EPA) allocates a portion of its Clean Water Act (CWA) section 319 and CWA section 604b to fund water quality improvement projects throughout the State. In fiscal year 2024-2025, the State

Water Board anticipates awarding approximately \$5 million to projects.

In recent years, these funds were directed to planning and/or implementing projects to target pollutants in watersheds with adopted or soon to be adopted TMDLs. The State and Regional Water Boards work with the U.S. EPA to select the projects and once approved for funding, administer the projects through grant agreements.

The annual funding cycle typically begins in late spring when each of the Regional Boards selects their “program preferences” for the upcoming grant solicitation by identifying a combination of TMDL watersheds and pollutant discharges that contribute to impairment(s). Project type(s) that reduce non-point source pollutants most efficiently and/or effectively are prioritized. The State Water Board receives CWA section 319 grant funds in mid to late summer upon approval of the CWA section 319 Annual Work Plan by U.S. EPA. State and Regional Water Boards then finalize current grant guidelines and solicit a request for project proposals that meet the program preferences.

After proposals are submitted, representatives from U.S. EPA, State Water Board, and each of the regions that received proposals will review, score, and initially meet to discuss requests for follow up by applicants. In mid-March, the group convenes a final time to review any response to comments then finalize and submit a recommended project list to the State Water Board Executive Director for approval.

Once the projects are approved for funding, staff of those Regional Water Boards with approved projects work with State Water Board staff to develop grant agreements and subsequently manage those grants. A general 2024 NPS grants program timeline can be found below:

2024 Nonpoint Source Grants Program Timeline



In the past, the total amount of funding requested typically exceeded the available funding. That has not been the case in recent years for several reasons, including an increase in available project funding dollars from other agencies, statewide.

Currently, there are six North Coast Regional Water Board staff across four divisions managing eleven NPS Grant projects, with a total dollar amount of \$6,140,683. These eleven grants are summarized below:

Grant Contract Name	Grantee	Description
Parks Creek Riparian Improvement	Shasta RCD	Stabilize streambank, fencing, riparian plantings, stock watering systems on Parks Creek between I-5 bridge and State Hwy 99.
Tenmile Creek Streambank Erosion Prevention and Riparian Restoration Project	Eel River Recovery Project	Stabilize stream bank on eroding tributary locations within the Tenmile Creek watershed using bioengineering techniques and riparian planting to reduce sediment contributions and reduce solar loading affecting water temperatures.
Hart Ranch Stock Watering and Riparian Fence Project	California Trout, Inc.	Install fencing, stock water, riparian plantings, and irrigation infrastructure that supports 1707 dedication and Hart Ranch Safe Harbor Agreement.
Post-Fire Recovery and Sediment Reduction in Mark West Creek	Sonoma RCD	Post-Fire Recovery and Sediment-Reduction into Mark West Creek by re-constructing a retaining wall destroyed in the 2017 Tubbs Fire.
Eel River Road Sediment Treatment Project – Phase 2	Mendocino County RCD	Implement stormproof designs on at least 5 road miles in the Outlet Creek basin.
Post-Fire Recovery in Russian River Subwatersheds	Sonoma RCD	Reduce loading of sediment as well as other toxins in the Russian River Watershed from lands in Sonoma County impacted by recent wildfires in Northern California.
Scott River EFM Road Mill Creek Sediment Reduction Improvements	Five Counties Salmonid Conservation Program	Reduce sediment delivery to tributaries of the Scott River by treating several urgent or high priority sites, which includes stream crossings, road crossings, and misaligned culverts.
Mendocino Coast TMDL Implementation Program, Phase 3	Mendocino County RCD	Reduce sediment delivery to streams and improve anadromous fish habitat on a variety of properties in the Noyo River, Big River and Navarro River watersheds, important watersheds for coho salmon and steelhead trout production.

Grant Contract Name	Grantee	Description
Tenmile Creek Sediment Reduction and Roadway Removal Project	Eel River Watershed Improvement Group	Replace the wet ford with a bridge over Tenmile Creek, decommission the road approaches to the wet ford, restore the riparian zone by planting willow and 80 native trees and plants, conduct community outreach, and monitor the project.
Post Mountain Road Sediment Reduction Project, Phase 1	Cannabis for Conservation	Conduct analysis, planning, and permitting that the Post Mountain PUD needs to begin improving their roads and reducing sources of sediment.
Russian River Pathogen Reduction Planning Project	County of Sonoma	Characterize the pathogen sources and their impacts in the Lower and Middle Russian River and engage stakeholders in identifying and prioritizing pathogen reduction strategies, including potential financial assistance programs such as a low-interest revolving loan, and low-income-qualified grants.

There are ample funding dollars available for projects and the North Coast Region encourages those interested in applying to contact Carrieann Lopez at (707) 576-6745 or, by email, at Carrieann.Lopez@waterboards.ca.gov to discuss your project ideas.

For further information regarding the grants program, please visit:

[North Coast Regional Water Board Grants and Funding Webpage](https://www.waterboards.ca.gov/northcoast/water_issues/programs/grants/)

(https://www.waterboards.ca.gov/northcoast/water_issues/programs/grants/) and/or

[Nonpoint Source Pollution Control Program Grants and Funding Webpage](https://www.waterboards.ca.gov/water_issues/programs/nps/319grants.html)

(https://www.waterboards.ca.gov/water_issues/programs/nps/319grants.html).

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Enforcement Report for February 2024 Executive Officer's Report

Zane Stromberg

Summary of Enforcement Actions issued between **November 15, 2023 – January 12, 2024**

Throughout the year, with support from the State Water Board's Office of Enforcement (OE), Regional Water Board staff (Staff) develop and manage enforcement cases starting informally through direct correspondence including issuing Notices of Violation and pursuing a progressive enforcement approach that results in formal enforcement actions such as Cleanup and Abatement Orders (CAOs), Cease and Desist Orders (CDOs), and Administrative Civil Liability (ACL) Complaints. Once Staff determine that an enforcement action will result in the issuance of an ACL Complaint, the Enforcement Team prepares supporting evidence and provides the discharger(s) an opportunity to discuss the facts relating to the violations, including the option of settlement.

Table 1 summarizes Notice of Violations (NOVs), CAOs, Investigative Orders (13267 Orders), Directive to submit Reports of Waste Discharge (13260/ 13376 Directive), Staff Enforcement Letters, Compliance Notices (CNs), and Notices of Non-Compliance (NNCs). During this reporting period, Staff issued thirteen NOVs, one 13267/13383 Investigative Order, two NNCs, and one CAO. Table 2 summarizes ACL Complaints, ACL Orders, settlement negotiations pending the adoption of a final Stipulated ACL Order, and the status of Compliance Projects (CPs) and Supplemental Environmental Projects (SEPs). During this reporting period, Staff adopted two Stipulated ACL Orders, and continued settlement negotiations with dischargers on five cases.

Table notes and other acronyms:

Basin Plan	Water Quality Control Plan for the North Coast Region
BMPs	Best Management Practices
CCP	Cannabis Cultivation Policy ⁵
CGO	Cannabis General Order ⁶
CGP	Construction General Permit ⁷
CSD	Community Services District
HA	Hydrologic Area
IGP	Industrial General Permit ⁸
MMPs	Mandatory Minimum Penalties
NPDES	National Pollutant Discharge Elimination System
RWB	Regional Water Board
WDRs	Waste Discharge Requirements

⁵ [State Water Resources Control Board Resolution No. R1-2019-0007](#) Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation

⁶ [State Water Resources Control Board Order No. WQ 2019-0001-DWQ](#) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities

⁷ [State Water Resources Control Board Order No. 2009-0009-DWQ \[as amended by Order No. 2010-0014-DWQ\]](#) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities

⁸ [State Water Resources Control Board Order No. 2014-0057-DWQ](#) [as amended in 2015 and 2018] General Permit for Storm Water Discharges Associated with Industrial Activities

Table 1. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs

Date Issued	Action	Owner/ OperatorName	County	Watershed	Program	Inspection Type/Date
November 21, 2023	NOV	Anila, LLC	Trinity County	South Fork Trinity River HA	Cannabis Program	Multi-Agency inspection on October 24, 2023
November 28, 2023	NOV	Valley of the Moon Club	Sonoma County	Middle Russian River HA	401 Certification Program	RWB Inspection on July 13, 2023
November 30, 2023	NOV	Kenneth Bowman and Donna Bowman	Mendocino and Trinity County	Middle Main Eel River HA	Cannabis Program	N/A
December 4, 2023	NOV	Flat Garden and Top Nursery	Mendocino County	Upper Russian River HA	Cannabis Program	Multi-Agency Warrant Inspection on July 18, 2023
December 8, 2023	CAO	Humboldt Sawmill Company, LLC	Humboldt County	Lower Eel River HA	NPDES Industrial Stormwater Program	CDFW Inspections on December 3 & 4, 2023
December 11, 2023	NOV	Atlas Tree and Landscape Wood Waste Reduction Yard	Sonoma County	Middle Russian River Hydrologic Unit	NPDES Industrial Stormwater Program	N/A

Table 1. NOVs, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs

Date Issued	Action	Owner/ OperatorName	County	Watershed	Program	Inspection Type/Date
December 11, 2023	NNC	Overtime Brewing, Inc.	Mendocino County	Noyo River HA	NPDES Industrial Stormwater Program	N/A
December 12, 2023	NNC	Fritz Winery	Mendocino County	Middle Russian River HA	NPDES Industrial Stormwater Program	N/A
December 14, 2023	NOV	Anchor & Rose, LLC	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on July 20, 2023
December 18, 2023	NOV	Green Peace Medicinals	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 2023
December 19, 2023	NOV	Rafael Villalobos and Brian White	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency/ Warrant Inspection on August 22, 2023
December 20, 2023	NOV	Ray's Station Winery	Mendocino County	Upper Russian River HA	Wine, Beverage, and Food Processor Program	N/A

Table 1. NOV, CAOs, Investigative Orders (13267/13383 Orders), Compliance Notices, and NNCs

Date Issued	Action	Owner/ OperatorName	County	Watershed	Program	Inspection Type/Date
December 20, 2023	13267 Investigative Order	Ray's Station Winery	Mendocino County	Upper Russian River HA	Wine, Beverage, and Food Processor Program	N/A
December 21, 2023	NOV	Eric Hoaglen	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Warrant Inspection on August 23, 2023
December 29, 2023	NOV	Courtney Keith White	Sonoma County	Middle Russian River HA	401 Certification Program	RWB Complaint Inspection on October 6, 2023
January 5, 2024	NOV	Michael Harding	Mendocino County	Middle Fork Eel River HA	Cannabis Program	Multi-Agency Warrant Inspection on September 26, 2023
January 11, 2023	NOV	Panama Provisions, LLC	Trinity County	Mad River Hydrologic Unit	Cannabis Program	N/A

Figure 1: NOVs Issued by the RWB Between November 15, 2023 and January 12, 2024

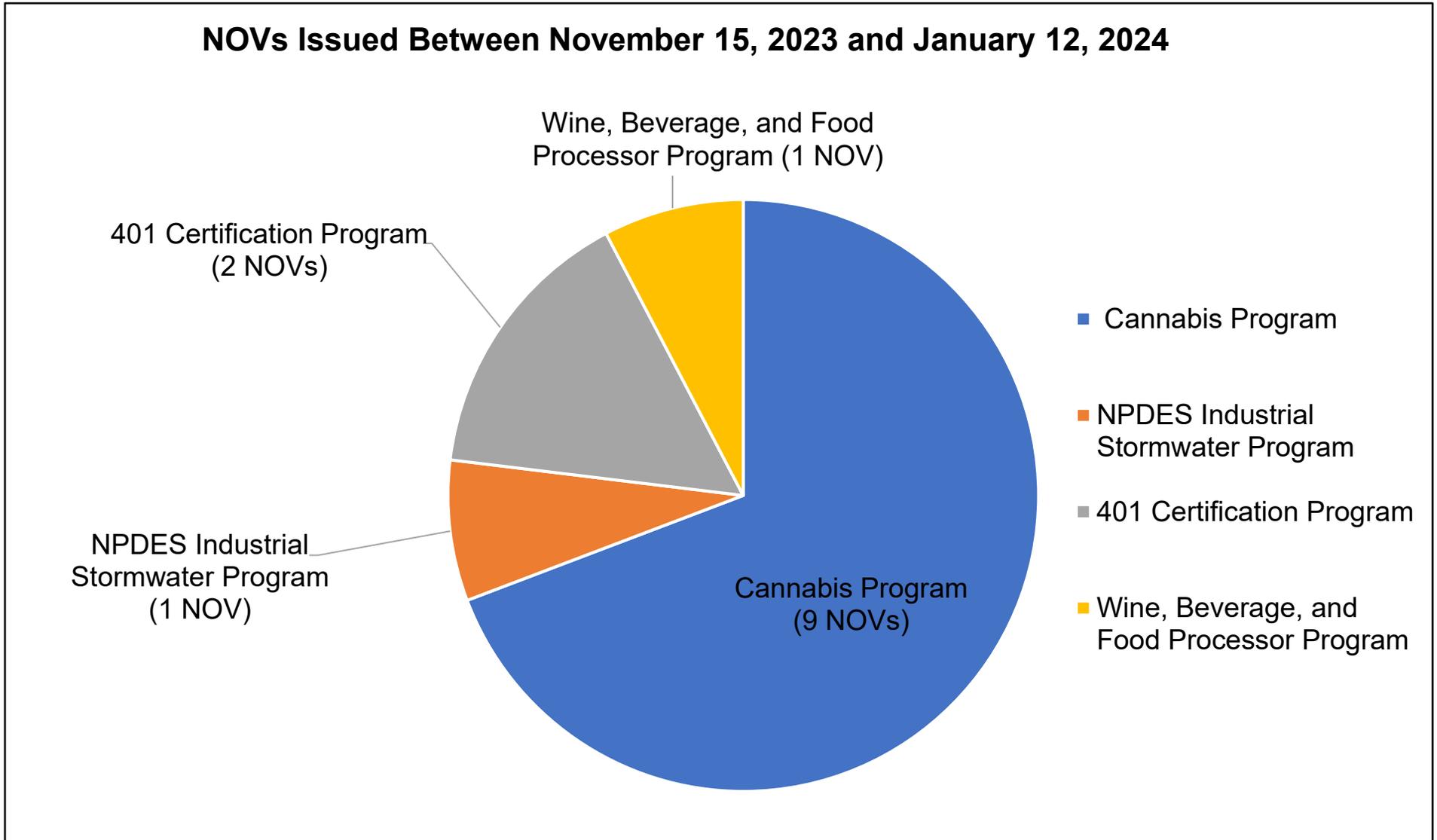


Figure 2: Cannabis NOVs issued Between November 15, 2023 and January 12, 2024

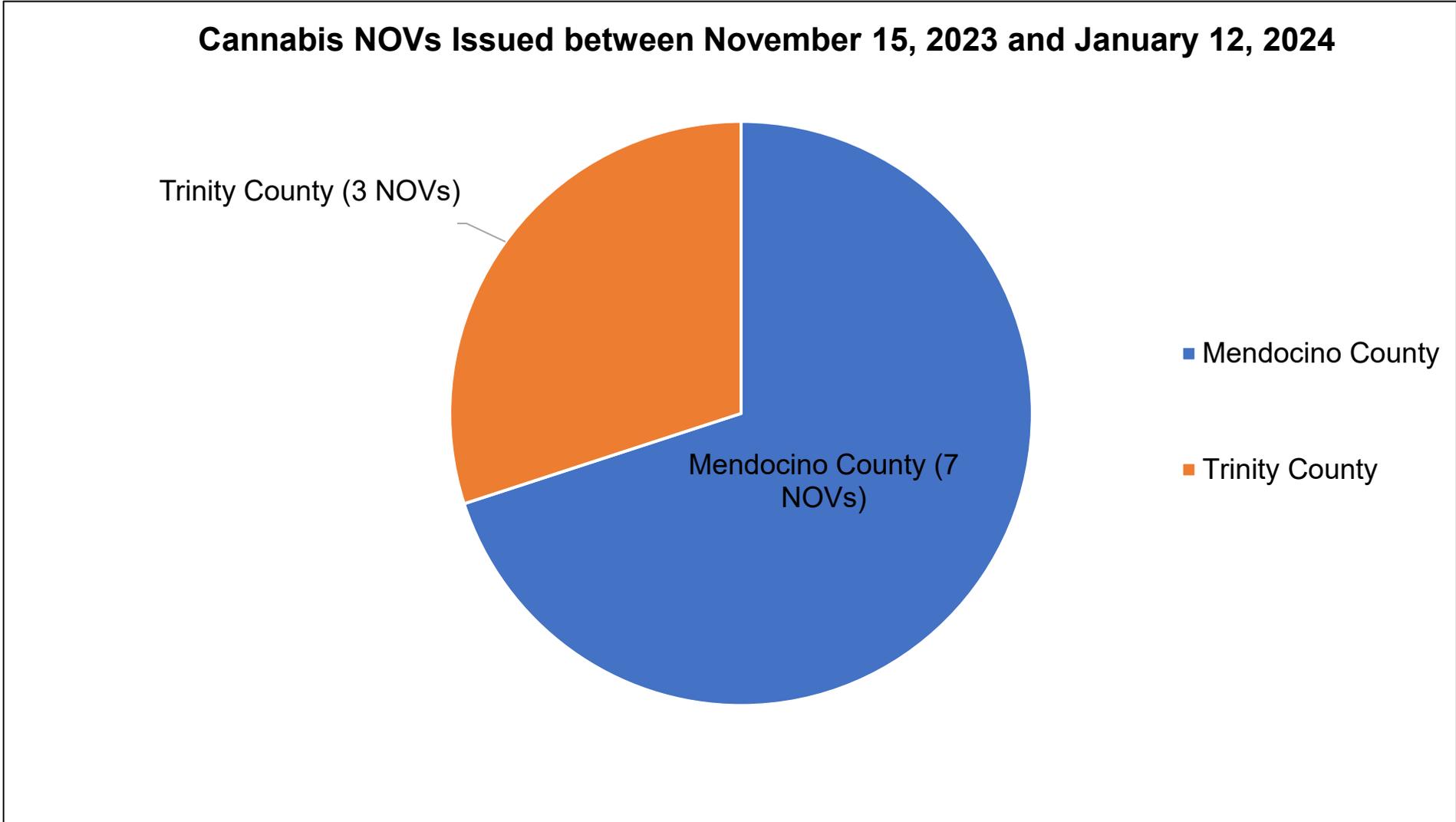


Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of January 12 2024 ⁹
BoDean Company, Inc.- Mark West Quarry Site	NPDES Storm Water	Violation of IGP requirements including failure to implement effective and adequate minimum and advanced BMPs resulting in the discharge of 10.5 million gallons of sediment laden stormwater to Porter Creek, a tributary to the Russian River	\$8,589,406	<p>ACL Complaint No. R1-2021-0047 issued on September 10, 2021</p> <p>Violation Period: December 2018 – January 2023</p>	The First Amended ACL Complaint No. R1-2021-0047-A was issued on September 14, 2023, and includes an increased liability for additional violations that have occurred since the Complaint was first issued on September 10, 2021. A pre-hearing conference with the Advisory Team, Discharge, and Prosecution Team is scheduled for January 10, 2024.
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$243,000	ACL Complaint R1-2023-0008 issued on January 9, 2023.	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.

⁹ More information on ACL Complaints and ACL Orders can be found online at the [Regional Water Boards Adopted Orders Page](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/): [https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/] or at the [California Integrated Water Quality System \(CIWQS\) Public Reports Portal](https://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.html): [https://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.html]

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of January 12 2024 ⁹
City of Fortuna – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$15,000	ACL Complaint No. R1-2023-0033 issued on May 8, 2023. Violation Period: April 1, 2021 to March 14, 2023	The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$555,000	Violation Period: March 15, 2018, to December 31, 2021	Administrative Civil Liability Complaint No. R1-2023-0056 issued on October 15, 2023. The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.
City of Rio Dell – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$33,000	Stipulated Order No. R1-2023-0025 adopted on May 15, 2023.	Chloramination wastewater treatment CP is underway. Final Report is due on May 31, 2025.
City Ventures Homebuilding, LLC- Fox Hollow Development Site	NPDES Storm Water	Violation of CGP requirements including failure to implement effective and adequate minimum BMPs resulting in the unauthorized discharge of sediment laden stormwater to Peterson Creek, a tributary to Russian River	Statutory maximum penalty \$2.83 million	Settlement Invitation issued on October 27, 2021 Violation Period: 2016 and 2017	A tentative settlement agreement has been reached. SEP stipulations are still underway.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of January 12 2024 ⁹
Daniel Maldonado Suarez	Cannabis	Violations of Water Code sections 13267 and 13304 for failure to submit a CRMP by May 1, 2022, and implement the CRMP by October 15, 2022	\$138,750	ACL Complaint R1-2023-0009 issued on January 9, 2023.	ACL Order No. R1-2023-0043 was adopted by the RWB on June 15, 2023. ¹⁰

¹⁰ **ACL Order No. R1-2023-0043** was adopted by the RWB on June 15, 2023.¹⁰ The ACLO requires the Discharger to pay \$138,750 in liabilities, 85% of which is suspended contingent on the Discharger submitting a CRMP within 120 days. \$20,812.50 in liability is due July 24, 2023. Half of the liability has been paid, and a 90-day extension was approved for the remaining liability. As an Enhanced Compliance Action, the Discharger may restore watercourses on the property not subject to actions required by the CAO to further enhance beneficial uses. The State Water Board is considering whether to review Administrative Civil Liability Order No. R1-2023-0043 adopted by the North Coast Water Board on June 15, 2023. On July 18, 2023, the State Water Board invited the discharger, the North Coast Water Board, and the Office of Enforcement to respond to its question of whether the Order is consistent with the State Water Board's Water Quality Enforcement Policy. All three parties submitted a response by the August 30, 2023 deadline. The State Water Board is not required to act within a specified timeframe when considering own motion review of a Regional Water Board action. The Discharger has not complied with the CAO and all the required actions of the ACLO. Half of the liability has been paid timely with the remaining balance late and outstanding.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of January 12 2024 ⁹
Enclave, LLC- Marlow Commons Development Site	NPDES Storm Water	Violation of CGP requirements including failure to implement effective and adequate minimum BMPs resulting in the release of sediment from the site to a municipal storm drain discharging to Piner Creek, a tributary to the Russian River	\$46,200	Settlement Invitation issued on August 2, 2021 Violation Period: December 2019	Stipulated Order No. R1-2023-0052 was adopted on November 15, 2023 requiring \$26,000 in liability payment to the Cleanup and Abatement Account and \$20,000 to the San Francisco Estuary Institute SEP implementing the “Russian River Regional Monitoring Program (R3MP) Project A.1.b. “Data Compilation Study: Laboratory Results of Basic Water Quality Monitoring Data.”
Hugh Reimers and Krasilisa Pacific Farms LLC	Non-Point Source Program Complaint Response	- Basin Plan Section 4.2.1 - Water Code Section 13376 - CAO Required Actions 5 & 9 for failure to submit an acceptable RMMP to the RWB and failure to then implement an approved RMMP, respectively.	\$3,750,852	Stipulated Order No. R1-2023-0045 was adopted on August 22, 2023 and imposes a \$450,000 liability.	The Stipulated Order also required the Discharger to complete the proposed Restoration Mitigation and Management Plan (RMMP) by October 15, 2023, but the Discharger was granted an extension until October 15, 2024 in order to obtain necessary permits. This matter is ongoing.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of January 12 2024 ⁹
Ken Bareilles	Southern Non-Point Source and Forestry Program	<p>- Discharges of waste into waters of the state in violation of Categorical Waiver¹¹ and Basin Plan</p> <p>- CAO R1-2022-0009 Required Action No. 1 for failure to submit plan by deadline</p> <p>- CAO R1-2022-0028 Required Action No. 1 for failure to submit plan</p>	\$276,000	<p>ACL Complaint No. R1-2023-0026 issued on March 20, 2023, covering the period between December 1, 2020 and March 20, 2023. The Complaint CAOs, Basin Plan Prohibitions, and Categorical Waiver⁶ violations while conducting timber harvest activities on the property</p>	<p>ACL Order No. R1-2023-0040 was adopted by the RWB Board on June 16, 2023 and the administrative civil liability was increased to \$276,000. The Discharger was required to complete cleanup work on the property by September 29, 2023, however, the Discharger has not communicated to Staff whether cleanup work has been completed. This matter is ongoing.</p>
Rodney Strong Vineyards	WDRs to Land and NPDES Storm Water	97,000 gallons of wine discharged into Reiman Creek, a tributary to the Russian River, a water of the United States, in violation of discharge prohibitions in the IGP and WDRs Order No. 88-54	\$44,718	<p>Settlement Invitation issued on September 14, 2021</p> <p>Violation Period: January 2020</p>	<p>Stipulated Order No. R1-2022-0052 was adopted on July 25, 2023. The Discharger has submitted payment for 50% of the ACL, while the remaining 50% of the ACL will be spent on an SEP implementing the Russian River Regional Monitoring Program.</p>

¹¹ **Categorical Waiver Order No. R1-2014-0011** Categorical Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of January 12 2024 ⁹
Russian River CSD and Sonoma County Water Agency	NPDES Wastewater	Violations of the Sanitary Sewer Order including unauthorized discharge of 885,664 gallons of raw sewage from the Russian River CSD collection system to the Russian River	\$1,033,546	Order No. R1-2023-0049 includes Enhanced Compliance Action for a study to evaluate regional projects that aim to improve water quality, water supply reliability, and climate change resiliency in the Russian River watershed. The Enhanced Compliance Action would cost \$887,000, and \$147,001 would be paid to the CA Cleanup and Abatement Account.	Stipulated Order No. R1-2023-0049 was adopted on December 20, 2023. The Discharger has paid the liability portion of the Order. The agency plans to Award the Feasibility Study Consultant Agreement for the Enhanced Compliance Action by April, 2024.
Samoa Pacific Group, LLC and Peninsula CSD	NPDES Wastewater	NPDES Permit Effluent Limit and Late Reporting Violations subject to MMPs	\$123,000	Violation period: December 30, 2020, to December 30, 2022	Administrative Civil Liability Complaint No. R1-2023-0032 issued on May 8, 2023. The Discharger has formally waived the right to a hearing and settlement discussions are ongoing.

Table 2. ACLs and Settlement Discussions (Invited, Underway, or Completed)

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of January 12 2024 ⁹
Shadow Light Ranch, LLC Joshua Sweet	Cannabis	Violations of various provisions of the CGO, Basin Plan Prohibition 4.2.1., CWA section 401, failure to obtain CGP coverage for more than one acre of soil disturbance, and Water Code section 13267 for failure to report	<i>Final Judgment \$500,000 to Division of Water Rights, \$175,000 to Regional Water Board, and \$75,000 to CDFW</i>	In addition to the penalties to be paid there is a \$1,000,000 penalty, which is suspended pending the completion of all cleanup and restoration actions.	This case was referred to the Attorney General's office on 18 June 2020. On January 12, 2024 a Stipulated Judgement was issued with settlements awarded to the Division of Water Rights, and the California Department of Fish and Wildlife (CDFW). This matter is ongoing pending completion of the restoration actions.

Projected List of Future Regional Water Board Agenda Items

The following is a list of Regional Water Board agenda items that staff are planning for the next two Board meetings. **This list of agenda items is intended for general planning purposes and is subject to change.** Questions regarding the listed agenda items should be addressed to the identified staff person.

April 4 & 5, 2024

- Forestville WWTP NPDES Permit (*Sabrina Cegielski*) [A]
- Rural Roads General Order (*Jim Burke*) [A]
- Federal Lands Permit Workshop (*Devon Rabellino*) [W]
- Update on Climate Resilience Initiatives (*Matt St. John*) [I]
- Keysight Technologies WDRs (*Lynette Shipsey*) [A]

June 13 & 14, 2024

- 2023 Triennial Review (*Michelle Fuller*) [A]
- City of Fortuna WWTP NPDES Permit (*Justin McSmith*) [A]
- Ferndale NPDES Permit (*Justin McSmith*) [A]
- City of Dorris WDR Revision (*Mike Reese*) [A]
- McKinleyville CSD (*Sabrina Cegielski*) [A]

