# Response to Public Comments on the Draft Action Plan for the Gualala River Sediment TMDL

## Introduction

On July 11, 2025, the North Coast Regional Water Quality Control Board (North Coast Water Board) provided notice of public review and comment opportunity for the draft *Action Plan for the Gualala River Sediment TMDL* (Action Plan), the draft *Staff Report Supporting the Gualala River Sediment TMDL Action Plan* (Staff Report), and the appendices to the Staff Report. The deadline for submittal of public comments for those documents was August 25, 2025. The North Coast Water Board received six comment letters. Below is the alphabetical list of the organizations and individuals that submitted comments as well as any acronyms or abbreviations used for reference in this document.

- California Licensed Foresters Association (CLFA)
- California Native Plant Society – Dorothy King Young Chapter (CNPS)
- Eva Lopez (Lopez)
- Forest Landowners of California (FLC)
- Gualala Redwood Timber (GRT)
- Sonoma County Farm Bureau (SCFB)

This Response to Comment document aggregates individual comments from these six letters into five topics. Each comment-response pair includes the summary of the topic and names which commenters provided individual comments for the topic. Topics may cover numerous comments or may only relate to one individual comment or comment letter.

Due to the overlap between the California Environmental Quality Act (CEQA) Scoping period for the proposed private rural roads order and the Action Plan's public comment period, several comment letters for the Action Plan included comments for the proposed roads order. The Action Plan and private rural roads order are two distinct projects being developed independently by staff of the North Coast Water Board. The Action Plan does not contain any specific details for the proposed private rural roads order; therefore, all comments that address the roads order have been forwarded to the appropriate staff for consideration under that project.

Action Plan for the Gualala River Sediment TMDL
Response to Public Comments
February 2026

## 1. TMDL and Source Analysis

All commenters aside from Lopez provided comments related to the 2001 TMDL, its source analysis, and the *Gualala River Watershed Technical Support Document for Sediment* (TSD), which are all appendices to the Staff Report. Commenters contend that over the two decades since the Total Maximum Daily Load (TMDL) was established by the United States Environmental Protection Agency (US EPA), the underlying science including methods, data, and assumptions within the TSD have either become outdated or are flawed. GRT and SCFB argue that the methodology is flawed due to a lack of watershed-specific data used to calculate load allocations. Commenters argue that the North Coast Water Board should incorporate data and information published after the TMDL was established. Specific references commenters recommended include the North Coast Watershed Assessment Program or NCWAP (CNPS, GRT), monitoring data submitted by dischargers or permittees (CLFA, FLCA, GRT), and remote sensing data (FLCA, CNPS). Commenters (CLFA, FLCA, GRT) contend that load allocations should be updated to reflect progress in load reductions from the implementation of Order R1-2004-030, *General Waste Discharge Requirements for Discharges Related to Timber Activities on Non-Federal lands in the North Coast Region* (Timber GDWR) and other pertinent regulatory actions.

**Response**: All sediment source loads across the watershed, including natural background, were derived using a combination of methods including, but not limited to aerial photo analysis, evaluation of random sample plots, assessment of stream bank erosion and direct measurements, all within the Gualala Watershed. While newer methodologies may provide more precision, that does not invalidate the results of the TSD analyses, which showed that approximately one-third of all sediment was from a natural source and the other two-thirds of sediment delivered to surface water was caused by human activity, whether directly, or via exacerbation of natural processes. As with many TMDLs, the uncertainty related to the estimated natural background load in Gualala favors environmental protection. This uncertainty also represents the margin of safety that is required for every TMDL.

The loading capacity used in the Gualala TMDL is derived from the background sediment rate of 380 tons/mi$^2$/yr. The total loading capacity for the Gualala is determined to be 125% of background levels, or 475 tons/mi$^2$/yr. Use of the 125% calculation methodology is an approach taken by US EPA for the South Fork Eel, Navarro and Ten Mile sediment TMDLs. While this approach uses information from the Noyo watershed to relate the sediment yield regime to salmonid abundance (i.e. salmon abundance was prevalent when loading in Noyo surface water was at 125% or less of

natural background) the calculated capacity used as the basis for the Gualala TMDL equation is based upon watershed specific data and assessment[1].

The loading capacity is used as a measure representing a condition when beneficial uses most sensitive to excess sediment could be well supported. This corresponds to a natural load of 380 tons/mi$^2$/yr and an anthropogenic load of 95 tons/mi$^2$/yr when applied to the estimated sediment load. The allocated anthropogenic sediment load is equivalent to an 89% reduction of the 2001 estimated anthropogenic sediment load across all anthropogenic land uses assigned a load under the TMDL. While it is possible that more recent data and information could refine load estimates derived in the TSD, resulting refinements, would not appreciably change the loading capacity of the Gualala and therefore not result in significant changes to the 95 tons/mi$^2$/yr available for discharge among all stated anthropogenic sources.

Furthermore, based upon contemporary assessment of remote sensing data done in conjunction with development of the Action Plan, land use[2] and land cover in the Gualala River Watershed has not substantially changed since 2001. Any refinements from a new or revised source analysis using more recent data would therefore continue to attribute sedimentation associated with roads as the largest anthropogenic sediment source.

The primary objective of the TSD was to identify and quantify sources of sediment delivery in a way that allows a relative comparison of those sources and to provide information required for nonpoint source planning and implementation. US EPA used that information in development of the 2001 established TMDL. The draft Action Plan implements the US EPA-established Gualala Sediment TMDL by providing a framework for controlling sediment in the watershed. The Action Plan acknowledges considerable past and ongoing work by identifying and relying upon existing waste discharge requirements, waivers of waste discharge requirements, plans, policies, and certification programs that were developed, revised, or updated and applied within the watershed since 2001.

Any recommendations to re-open the source analysis are outside the scope of this project as the Action Plan, by itself, does not establish a TMDL. Aside from summarizing existing information from US EPA, the Action Plan simply names all existing permits

[1] The loading capacity of 475 tons/mi$^2$/yr for the Gualala TMDL is not dissimilar from the loading capacity of the neighboring Garcia watershed of 552 tons/mi$^2$/yr, further underscoring its use to represent conditions supporting beneficial uses and a margin of safety.
[2] Staff acknowledge that management practices employed within existing land uses have in some cases changed since the 2001 TMDL and that roads improvements have been made in some areas. However, this would not change the loading capacity or load allocations, but rather could constitute progress toward necessary load reductions identified in the 2001 TMDL.

relevant in the watershed; identifies the gap in private rural roads not under enrolled or active timber harvest plans or another order of the board; and proposes a new requirement for the North Coast Water Board to develop and implement an order targeting this gap. Staff acknowledge that the implementation of existing permits has likely reduced loads, but, again, the TMDL is not based on point-in-time sediment loads, but upon the loading capacity which is tied to beneficial use support. The loading capacity dictates the ongoing and continual need to control sediment across all sediment source categories. Determining the percent reduction in sediment loads accomplished since 2001 is not necessary to support the Action Plan, as its purpose is to guide implementation aimed at achieving and maintaining the 475 tons/mi$^2$/yr loading capacity.

## 2. Implementation and Private Rural Roads Order

All commenters aside from Lopez provided comments regarding the program of implementation and, specifically, the requirement for the North Coast Water Board to develop an order addressing private rural roads. CNPS contends that the program of implementation is too narrowly focused on roads. CLFA, FLCA, GRT, and SCFB express concern regarding the potential to duplicate and/or conflict with existing regulations.

**Response**: The Action Plan does not include specifics of the proposed private rural roads order, which is an active and evolving project still under development within the North Coast Water Board's Watershed Assessment and Recovery Unit. The Action Plan simply identifies that the North Coast Water Board will develop an order to address discharges of waste from private rural roads not covered under another existing order of the board.

The program of implementation focuses on private rural roads because the source analysis and resulting TMDL established by US EPA identify roads as the largest contributing source in one form or another. Non-stormed proofed or otherwise poorly constructed roads contribute to mass wasting via slope destabilization and other processes. Roads and mass wasting are not mutually exclusive categories; the former can be considered a source or cause, and the latter is an effect or consequence leading to sediment discharge. Ergo, addressing roads also addresses mass wasting and other forms of sediment discharge.

## 3. Peer Review

GRT and CNPS question findings from Appendix D of the Staff Report, *External Peer Review Exemption for the Gualala River Sediment TMDL Action Plan* (External Peer

Review Memo) which explains and justifies an exemption from peer review for the development and adoption of the Action Plan. GRT and CNPS's comments are not identical, and a response is provided for each commenter.

3.1 CNPS's comment broadly criticizes the Peer Review Exemption Memo for "lacking administrative and scientific credibility," and requests the formation of an independent scientific peer review panel to revisit the 2001 TMDL.

**Response**: The Action Plan neither relies upon nor contains any new scientific basis or investigations that trigger California Health and Safety Code, section 57004, and therefore does not require scientific peer review. Rather, it summarizes an existing final TMDL. This existing TMDL has already undergone US EPA's public and scientific review process as part of the TMDL's establishment in 2001. The Action Plan provides a framework for a program of implementation that utilizes existing authority under the California Water Code and the *Water Quality Control Plan for the North Coast Region* (Basin Plan) to issue orders for the investigation and/or control of pollutant discharge into waters of the State. The Basin Plan regulations relied upon have already undergone peer review—e.g., Sediment TMDL Implementation Policy[3]. The External Peer Review Memo was reviewed and approved by the Water Boards' Office of Chief Counsel prior to its release for public review; however, to meet the "administrative credibility" criticism, Appendix D has been replaced with a signed version of the External Peer Review Memo with the appropriate Water Board headers and formatting.

3.2 GRT is concerned about the Peer Review Exemption Memo's statements about not needing a reassessment of sediment sources. GRT specifically asks whether there was any consideration for revisiting sediment sites after the adoption of the Timber GWDR.

**Response**: GRT's comment appears to be related to GRT's desire for the North Coast Water Board to revisit sediment load allocations and/or show that the Timber GWDRs have reduced sediment loads. As stated in the response to comment topic (1), load allocations are related to the loading capacity, which is considered static and tied to support of beneficial uses. Estimating current sediment loads associated with implementation of the Timber GWDR would neither change the loading capacity nor lessen the need for ongoing sediment control. Staff acknowledge that the Timber GWDRs have likely reduced sediment loads related to timber harvest activities since

[3] Peer review documents for the Sediment TMDL Implementation policy is available on the North Coast Water Board's website (www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/sediment_tmdl_implementation).

2001, and the Action Plan recognizes the Timber GWDRs among other orders of the Board when describing the program of implementation.

### 4. Funding and Cost of Compliance

CLFA, FLCA, and GRT expressed concerns regarding the costs related to the program of implementation, specifically the costs associated with implementing requirements of a private rural roads order. CLFA and FLCA are concerned that landowners will participate in road assessments, only to find no funding for road improvements, highlighting the uncertainty in the availability of federal grant funding and emphasizing the costs related to permit fees. GRT warns that implementing a private rural roads order may have unintended consequences that push landowners into pursuing land uses that may result in increased sediment discharge (e.g., timber harvest, grazing, vineyards) in order to pay for the cost of compliance.

**Response**: Section 4.4 of the Staff Report provides a comprehensive overview of potential funding sources to comply with TMDL implementation. This section acknowledges that obtaining funding is a dynamic and unpredictable process and that grants are typically available for organizations, not individual landowners. Applicants will need to be vigilant and proactive when searching for funding. For individual landowners, local agencies and organizations such as the Resource Conservation Districts are best suited for direct technical assistance. GRT's warning of unintended consequences with respect to land use does not alter the Action Plan framework as it provides compliance mechanisms for sediment control associated with a variety of uses and aligns with existing regulations. Cost of compliance detailed in the Staff Report are estimates based on examples of similar road work in other sediment TMDL watersheds. Staff are committed to working with landowners to assess, prioritize, and identify pathways to resources that will address significant sediment sources in the watershed.

### 5. Other Comment(s)

Eva Lopez's comments concerned specific activities and events in locations in the Gualala River watershed. Lopez states that rock mining and tailings in the South Fork Gualala River have led to geomorphic impacts affecting salmonid habitat and water recreation. Lopez references aerial imagery showing how unpermitted sediment discharge from timber harvest operations have damaged a beach at the confluence of the North and South Forks of the Gualala River, affecting water recreation.

**Response**: Thank you for your comment. The comments are outside of the scope of this project, which is focused upon developing a plan to implement an existing TMDL. However, staff take these concerns seriously and have forwarded these comments to

the North Coast Water Board's staff overseeing the forest activities and water quality certification programs that manage source control and permitting associated with the activities cited. The Water Boards accept environmental complaints showing water quality discharges and threats via the CalEPA Complaints System. That system enables Water Boards staff to effectively track and respond to complaints, and it provides a mechanism for complainants to follow-up with staff regarding their complaint. To submit a complaint, now or in the future, please click the following hyperlink: complaint submission system (https://calepa.my.salesforce-sites.com/complaints).