

Executive Officer's Summary Report  
9:00 a.m., March 15, 2012  
River Lodge Conference Center  
1800 Riverwalk Drive  
Fortuna, CA

ITEM: 10

SUBJECT: **Workshop** on the Development of the **Elk River TMDL**

### BACKGROUND

On March 15, 2012, North Coast Regional Water Quality Control Board (Regional Water Board) staff will host a public workshop to inform the Regional Water Board and the public about the ongoing development of the sediment Total Maximum Daily Load (TMDL) for the Elk River watershed. The purpose of the workshop is to inform the Regional Water Board and public about the status of the Elk River TMDL, discuss related actions that are an outgrowth of the TMDL development, and present a schedule for completion of the draft TMDL and associated Basin Plan amendment. The public notice for the March 15, 2012, workshop is included with this Executive Officer's Summary Report (EOSR) as Attachment 1.

### WORKSHOP AGENDA

The structure of the workshop will be as follows:

- Staff presentation – 45 minutes
  - Update of the Development of the Elk River TMDL
  - Proposed Elk River Waterbody Delineation
  - Overview of the Elk Restoration Summit
- Public comment – one hour with five minutes per speaker
- Board comment and discussion – 15 minutes

### UPDATE ON THE DEVELOPMENT OF THE ELK RIVER TECHNICAL TMDL

The *Staff Report for the Upper Elk River Sediment TMDL* (Staff Report) is currently under development. The final Staff Report will include the necessary information to support the proposed Elk River TMDL, including the load allocations and associated implementation actions. *Chapter 1: Introduction* and *Chapter 2: Problem Statement* of

the draft Staff Report were released to the public and posted on the Regional Water Board's website in May 2008. A draft copy of *Chapter 3: Sediment Source Analysis for Upper Elk River* was released and posted in May 2011. Staff is developing the following technical portions of the draft TMDL package:

- Targets;
- Linkage Analysis, and Load Allocations; and
- Margin of Safety.

Staff intends to revise the draft versions of Chapters 1-3 of the Staff Report based on public comments and to be consistent with the most recent analyses and approaches being taken in the remaining chapters of the Staff Report. Following release of the completed Staff Report, staff intends to conduct an additional workshop to inform the Regional Water Board and the public on the completed draft technical TMDL and a proposed implementation program.

Public notices, announcements on availability of documents, and other Elk River TMDL related information are distributed to interested stakeholders through the State Water Board's electronic email distribution system (Lyris list). Interested parties are encouraged to sign up for the Lyris list at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg1\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.shtml)

Regional Water Board staff maintains an Elk River TMDL website that contains links to the available chapters and other related information. The Elk River TMDL webpage can be accessed at:

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/elk\\_river/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/elk_river/)

## PROPOSED REVISION TO ELK RIVER WATERBODY DELINEATION

As a result of the development of the draft Elk River sediment TMDL, staff proposes that the Elk River watershed be delineated into three distinct waterbodies based upon differences in topography, geologic formations, land use and zoning, dominant sediment source areas, beneficial use impairment, and nuisance conditions. These differences are described in Chapters 1 – 3 of the draft Staff Report. It is Regional Water Board staff's professional judgment that the delineation of the Elk River watershed into three distinct waterbodies would best support the development of sub-basin specific approaches, leading to appropriate TMDL load allocations. It would also be extremely useful in seeking alternative approaches in watershed recovery and compliance with the federal Clean Water Act impaired waters [303 (d)] requirements.

The proposed waterbodies as well as staff's proposed approach to address the 303(d) listing are described below.

1. The Little South Fork Elk River Waterbody, located within the Headwaters Forest Reserve, is comprised of unmanaged old-growth redwood forest with sediment loading and instream conditions representative of natural conditions. Staff intends to recommend that the State Water Board delist the Little South Fork Elk River Waterbody because water quality objectives are achieved and beneficial uses are unimpaired.
2. The Upper Elk River Waterbody encompasses the North and South Forks and the upper extent of the Mainstem. This waterbody includes industrial timberlands and Bureau of Land Management lands as the dominant sediment source areas and includes reaches of impaired domestic water supplies and areas subject to nuisance flooding conditions. The Regional Water Board has focused significant regulatory and non-regulatory efforts to control timber harvest-related discharges and address beneficial use impairment and nuisance flooding in this portion of the Elk River watershed. Development of the TMDL for the upper portion of the Elk River has been the focus of staff's efforts since 2002 due to the direct impacts to public health and safety from land use activities. This is the technical TMDL that is currently under development.
3. The Lower Elk River Waterbody is comprised of areas dominated by agricultural and rural and urban residential uses that generally do not rely on the river for domestic supply. Generally, the topography is gentler than the rest of the watershed; sediment sources, water quality, beneficial use condition, and changes in the frequency and magnitude of overbank flooding as a result of waste discharge are not well documented. The dominant agricultural uses in the Lower Elk River Waterbody include grazing and dairies. Regional Water Board staff anticipates that potential sediment discharges from these land uses would be addressed via the recently adopted dairy program and the development and implementation of a grazing program in the next five years. Urban residential development within the city of Eureka sphere of influence is projected to increase in Martin Slough and the Humboldt Hill area in the western portion of Mainstem Elk River; staff anticipates that these areas will be incorporated into the Phase II Stormwater Program within the next three years. Staff proposes that the impairments in the Lower Elk River Waterbody be addressed in one of two ways:
  - a) through development of a technical TMDL and implementation program; or
  - b) by providing evidence to EPA demonstrating that one or more existing regulatory programs is expected to result in the attainment of water quality standard within a reasonable, specified time frame.

## SUMMARY OF ELK RIVER RESTORATION SUMMIT

On February 8 and 9, 2012 staff, in coordination with Redwood Community Action Agency, hosted the Elk River Restoration Summit. The purpose of the summit was to explore a process for landowner and stakeholder participation and a viable technical approach to address impairments associated with instream sediment deposits which originated from timber harvest activities in the Upper Elk River watershed. The summit was well attended by landowners, agency staff, technical experts, and advocacy groups. Discussions included the structure of a group to pursue restoration, the need for system-wide approach, and means of building momentum by implementing actions in the near-term. There appeared to be agreement on the need to address cleanup, that a successful approach must have landowners at the core, and that the Upper and Lower Elk River have different levels of impacts and landowner interests but are connected due to system-wide considerations. Next steps include further exploration of group formation, funding, and technical analyses. Staff will continue to evaluate the best means for the implementation program to address the instream deposits.

### PRELIMINARY STAFF RECOMMENDATION:

This is an information item. No Board action will be taken at this time.