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From: Alan Levine [<mailto:alevine@mcn.org>]
Sent: Friday, January 16, 2015 11:21 AM
To: Mangelsdorf, Alydda@Waterboards
Cc: NorthCoast
Subject: CAG comments - Basin Plan Triennial Review -

Alydda - does this work for comments?



COAST ACTION GROUP P.O. BOX 215 POINT ARENA, CA 95468

Alydda Mangelsdorf, Supervisor of the Planning Unit
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January 9, 2015

Subject: Comment Letter-Draft Staff Report for the 2014 Triennial Review

Dear Alydda, Staff of the Planning Unit, and Board Members,

Coast Action Group has long been a in support of the work plan associated with the Basin Plan projects and related prioritization of projects and related Regional Board Resources. We believe that utilization of the authority and structure of the Basin Plan is the basis of for preserving and recovering our water resources. Thus, your efforts here are greatly appreciated.

In general CAG supports the projects that you have designated as “High Priority”.

There are some issues related to these projects, other proposed projects, and continuing projects from previous years – which are discussed – below:

Triennial Review Basin Plan Amendment Projects

Triennial Review Of The Basin Plan

Laguna de Santa Rosa Nutrient, Dissolved Oxygen, Temperature, and Sediment TMDL Action Plan, beneficial use and water quality objective revision.

We support the allocation of resources to clarify the geographic extent of the impairments and to remap the Laguna Watershed into smaller segments with mainstem reaches separate from tributary waterbodies in the 2015-2017 listing cycle. We think that this activity will allow for more precise identification of issues.

The Laguna historically had provided habitat for salmonids. Changing beneficial use designation to only consider warm water fish species is not supported by historical evidence. Such change in beneficial use designation would alter water quality objectives that should support the cold water fishery that historically existed in the Laguna.

Laguna de Santa Rosa Nutrient, Dissolved Oxygen, Temperature, and Sediment TMDL Action Plan, beneficial use and water quality objective revision.

Nutrient Trading Program – as noted by CAG comments on previously approved nutrient trading programs, we believe that: 1) Nutrient sources that are existing violations should be treated as such and be subject to Clean-up and Abatement (in a prompt and judicious manner) – and not subject to (or able to be qualified for the Nutrient Trading Program. 2) Restoration of non-functional aspects of the Laguna system be the sole basis of any Nutrient Trading program. Restoration and protection (via Basin Planning and WDRs) will yield the most efficient recovery process. We believe the use of multiple strategies (Regional Board toolbox of authorities and actions – including restorative process) can yield better results - instead of relying solely on trading programs.

Ground/Surface Water Objectives

It is imperative that we move forward recognizing surface and groundwater interaction – with development of an effective process to protect, both, surface and groundwater resources. In this process the Regional Board should note that there are NGOs, with expertise, that are supportive of this project/objective. These parties should be considered in the development of your process.

It should be noted in the subject discussion (Laguna – above) – that the nutrient issues related to dairy and agriculture are a significant aspect of issue/treats to both surface and ground water. And – that current Dairy and Agricultural land use WDRs are not sufficient to protect surface and ground water resources. We will be looking forward to progress in this area.

Instream Flow (Watershed Hydrology) Objective

We agree with staff that improved coordination between the NCRWQCB and the Division of Water Rights should remain a high priority for staff and external stakeholders. Low flows are a

limiting factor in many of our streams. The need to maintain adequate instream flow has been identified in several TMDLs and is supported by State Board Policy. It is not entirely clear the causal relationship with current low flow issues and historic flow values. Making specific determinations to get at the basis of causes and effects (including land use and climate) is necessary for policy development and implementation. We look forward to the development of such implementing measures that would protect flow regimes and riverine function.

At this point the idea of prohibitions (related to Basin Plan Water Quality Objectives) should be mentioned. Historically the Regional Board (in the Triennial Review and other policy development venues) considered Stream and Wetland Protection and Sediment Basin Plan amendments (with prohibitions) as action necessary to protect and recover water quality resources. It is suggested here that though these actions never came to fruition – aspects of the these actions, and need for these actions still exist. We support, and it is suggested, that aspects of these actions be integrated into the proposed projects and processes discussed as high priorities in this review

We agree with the San Francisco Regional Water Board narrative watershed hydrology objective in the draft Stream and Wetlands System Protection Policy that describes the need to maintain and protect 4-dimensional hydrologic functionality, including hillslope to valley, headwaters to estuary, groundwater to surface water, and annual/seasonal connectivity in a manner that mimics the natural pattern and range of flows necessary to support beneficial uses and prevent nuisance

Adopt Policy for Mixing Zones

We oppose such a policy. The fact that Ukiah's WWTP upgrade project did not address the need for nutrient removal resulting in their plant not being able to achieve consistent compliance with ammonia and nitrate effluent limitations is by no means grounds for staff to waste time on developing a policy that is in direct opposition to regulations established by California Dept. of Fish and Wildlife as well as US Fish and Wildlife, the Endangered Species Act and others to protect various life stages of state and federal ESA listings of fish in the Ukiah reach of the Russian River.

We ask that this take be removed from consideration and to not retained, Mixing zones should only be considered if conflicts with recovering ESA listed species are not an issue.

Lower Russian River Low Flows – and - other impaired waterbodies

See flow discussion above – we support allocation staff resources to be used in the assessment and consideration of flow, as it relates to water quality, including its evaluation for potential listing on the 303(d) or 304 © list of impaired waters. We support efforts - as indicated - that it will be “identifying only a few specific waters as a high priority for numeric flow objective development, moving other individual waters up from low to high priority, depending on the disposition of other higher ranked projects,”

TMDL Action Plans for Impaired Waters

CAG has supported the TMDL processes from the beginning. We hope for continued Regional Board dedication to these ongoing impaired water processes – with related Action Plans. Success of Action Plans are dependent on effective and efficient policy and implementation policy (and action). Some current WDRs and Waivers (Timber and Dairy) need updates (with inclusion of more enforceable language) and other WDRs and Waivers in process need development. Additionally there are a number of State TMDLs that need development (with associated Action Plans). TMDL development and Implementing Program development should be of High Priority.

We look forward to continued progress in this area.

Consider Endocrine Disruptors and Objectives

We support Regional Board staff's decision to commit to a pilot monitoring project in the Russian River that will be initiated in 2015-2016 with the goal of investigating the occurrence of select Chemicals of Emerging Concern (CECs) in the watershed, determine the prevalence of select CECs in sport fish, and to develop a list of priority pesticides for monitoring

We look forward to reviewing the data this monitoring project will provide as well as directing (through the public participation process) subsequent policy/regulations that will come out of these findings, particularly as it will relate to various water recycling practices, groundwater recharge/reuse, urban landscape irrigation and point source discharge prohibitions.

Ocean beaches and freshwater streams bacteria TMDL and Action Plan

We agree with the Regional Board Staff staff that an ocean beaches and freshwater streams bacteria TMDL and action plan should follow completion of the Russian River pathogen TMDL and action plan. We agree that it would allow staff to refine the approach developed for the Russian River, offering staff the ability to derive efficiencies from replicating those elements of the analysis and load allocations that resulted from the thorough and detailed work associated with the Russian River TMDL.

Policy to Address the Effects of Climate Change on Water Quality

CAG supports Regional Board efforts to identify all of the factors associated with climate change with the potential to impact water quality and beneficial uses.

We commend you on speculating that resulting Basin Planning efforts could include the

development of: seasonal beneficial uses and objectives, natural conditions clause, policy for the protection of groundwater recharge, policy for the sustainable management of floodplain and riparian function, Outstanding National Resource Waters, and others.

Policy to promote groundwater recharge

The Department of Water Resources (DWR) has identified 8 groundwater basins in the North Coast Region which will require the development of Sustainable Groundwater Plans by 2020-2022 under the Groundwater Sustainability Act of 2014. These 8 basins provide water supplies to approximately 60% of the North Coast Region's population.

Regional Board staff recognizes the interconnected relationship that exists between groundwater and surface water particularly as it relates to drought, over pumping, land subsidence and the necessity to establish a policy for preservation or

restoration of landscape conditions that naturally promote the slowing of runoff for increased infiltration and groundwater recharge, the preservation or restoration of natural groundwater recharge areas, the recharge of groundwater with captured stormwater, and the alteration of urban stormwater control measures to better retain stormwater on the land surface and allow for natural infiltration (e.g., Low Impact Development (LID) principles).

Revise the biostimulatory substances objective to address biostimulatory conditions.

CAG supports this project recommendation and is encouraged that it will effectively respond to new science that establishes a link amongst multiple variables, including nutrients, temperature, flow and others, which in combination produce biostimulatory conditions. Revision of the objective would promote watershed health by promoting a more rational approach to assessing and controlling biostimulation.

Designate Wild and Outstanding National Resource Waters

CAG supports the designation of Outstanding Natural Resource Water (CWA restriction of degradation of such high quality waters). This would require assessment of waters that would qualify for ONRW designation. We think this action is worth the effort – over time.

Sincerely

Alan Levine for Coast Action Group.

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