



## EXECUTIVE OFFICERS REPORT

North Coast Regional Water Quality Control Board  
June 2016

### **Klamath Fish Health Assessment Team (KFHAT) used as a Model for a Program in the Columbia River Basin**

*Katharine Carter*

During the fall of 2002 the first major adult fish kill recorded in the Klamath River Basin killed over 34,000 adult fish, mostly salmon and steelhead. Resource management agencies had no warning that the fish kill was about to occur and the sheer magnitude of the die-off made it difficult for fisheries and water quality agencies to coordinate monitoring efforts during and immediately after the event. In response, North Coast Regional Water Board staff helped bring together tribes, private parties, and state and federal agencies in an effort to facilitate the sharing of information on water quality and fishery conditions in the basin. Thus, KFHAT was formed. KFHAT is a technical workgroup with the express purpose of providing early warning to avert fish kill events and mobilize a coordinated response effort to monitor conditions in the anadromous portion of the Klamath River Basin.



**Mouth of the Klamath River.** Photo Credit: Sara Borok, California Department of Fish and Wildlife

In July 2015, over 250,000 Columbia River Basin sockeye salmon were killed due to disease

exacerbated by high water temperatures. It is estimated that ultimately 80 percent of the sockeye run perished. There was some criticism surrounding the response to the fish kill and no warning that the event was about to occur. During meetings following the fish kill, the four-state Northwest Power and Conservation Council (Council) discussed how they could better coordinate and provide early warning of such an occurrence in the future. Members of the Council heard about KFHAT and asked the co-coordinators of the group (Katharine Carter of the Regional Water Board and Sara Borok of the California Department of Fish and Wildlife) to attend a Council meeting and advise them about how KFHAT was developed, how it functions, and how it might be used as a model for the development of a similar program in the Columbia River Basin.

On May 12, 2016, Mrs. Carter and Mrs. Borok presented to the Council at their regional coordination meeting in Boise, Idaho. It was a unique opportunity to assist a quad-state group (Oregon, Idaho, Washington, and Montana) in setting up a program for the largest salmon and steelhead river system in the United States. The presentation sparked a robust conversation among members of the Council about the need for such a group in the Columbia Basin. Since the meeting the Council has made plans to begin a program, modeled after KFHAT, and has asked Mrs. Carter and Mrs. Borok to provide advice and information during the development process.

KFHAT is a model for multi-agency coordinated scientific monitoring and information sharing of water quality and fish health data, and is an example of the pro-active and creative teamwork



## **Update on Klamath Agreements** *Clayton Creager*

There has been much activity recently regarding the future of the Klamath Hydroelectric Project (KHP). On April 6, 2016, two new agreements were signed: (1) Amended Klamath Hydroelectric Settlement Agreement (KHSA), and (2) Klamath Power and Facilities Agreement (KPFA). The KPFA commits the signatories to work out various water issues in the basin, including water rights settlement with Tribes and irrigators, land for Klamath Tribes, water for refuges, and additional water for salmon.

The current parties to this Klamath Power and Facilities Agreement are:

- U.S. Department of the Interior;
- National Marine Fisheries Service;
- State of California;
- California Department of Fish and Wildlife;
- California Natural Resources Agency;
- The State of Oregon;
- Oregon Department of Environmental Quality;
- Oregon Department of Fish and Wildlife;
- Oregon Water Resources Department;
- Klamath Water Users Association;
- Upper Klamath Water Users Association;
- American Rivers;
- California Trout;
- Trout Unlimited;
- Sustainable Northwest.

Unlike the original KHSA, the Amended KHSA will pursue dam removal through the Federal Energy Regulatory Commission (FERC) and will not require Congressional authorization. Per the Amended KHSA, on May 6, 2016, PacifiCorp requested that FERC place the KHP relicensing process in abeyance to allow time for PacifiCorp to transfer the KHP to the Klamath River Renewal Corporation (KRRC), a nonprofit organization that will oversee the decommissioning of the KHP facilities. FERC’s decision on PacifiCorp’s abeyance is pending.

Per the Amended KHSA, on or around July 1, 2016, PacifiCorp will ask FERC to transfer the KHP to the KRRC. Concurrent with PacifiCorp’s application for KHP transfer, the KRRC will apply to FERC decommission the KHP consistent with the Amended KHSA. FERC will need to determine that the KRRC meets certain requirements to carryout decommissioning of KHP facilities, including but not limited to financial resources, bonding, and technical capabilities. If FERC approves of PacifiCorp’s request to transfer the KHP to the KRRC, the KRRC will need to meet a set of FERC imposed requirements including but not limited to permits and a water quality certification. If KRRC fulfills these requirements, FERC may issue the KRRC a license surrender order.

In the months ahead the KRRC will establish a board of directors and add staff to fulfill the goals and objectives described in the agreements. So, stay tuned for the fast moving developments that are intended to complete removal of the four hydroelectric facilities on the Klamath River by 2020, which is consistent with the original Agreement.

Throughout this process the North Coast Regional Water Board will serve in an advisory and technical support capacity to the State Water Board and the California Natural Resources Agency.



# Enforcement Report for June 2016 Executive Officer's Report

*Diana Henrioulle*

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2016
2/19/2016	Mendocino Railway	NOV	Unauthorized discharges into Pudding Creek and failure to submit reports under 13267 Order	Ongoing

**Comments:** On February 19, 2016, the Point Source and Groundwater Protection Division Chief issued a Notice of Violation (NOV) to Mendocino Railway for unauthorized discharge of waste to Pudding Creek and for failure to submit reports under a 13267 Order (issued November 13, 2015). The NOV requires that Discharger obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities and/or to submit a Report of Waste Discharge. The NOV also requires the Discharger submit short-term and long-term erosion control plans and monthly progress reports to comply with the 13267 Order.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2016
3/7/2016	City of Rohnert Park	NOV	General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities	Resolved

**Comments:** On March 7, 2016, the Point Source and Groundwater Protection Division Chief issued a NOV to the City of Rohnert Park for failure to implement adequate soil stabilization on a construction site located at Snyder Lane and for unauthorized non-storm water discharge to Copeland Creek. Although the Permittee sprayed hydraulic mulch on exposed slopes at the site, the hydraulic mulch did not have sufficient time to establish before the storm, resulting in ineffective soil cover and erosion. The eroded hydraulic mulch discharged into Copeland Creek. In response the Permittee removed the hydraulic mulch and installed fiber blankets to provide adequate soil cover and prevent further erosion.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2016
3/7/2016	Vast Oak Properties, UDLLC	NOV	General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities	Resolved

**Comments:** On March 7, 2016, the Point Source and Groundwater Protection Division Chief issued a NOV to the Vast Oak Properties, UDLLC, for failure to stabilize and implement soil



coverage for construction entrances and utility work areas. The Permittee has corrected these violations.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2016
4/12/2016	Eureka City Elk River WWTP	ACLO	Mandatory Minimum Penalties (MMPs)	Settled

**Comments:** On April 12, 2016, the Executive Officer issued a Stipulated Administrative Civil Liability Order (Stipulated Order), No. R1-2016-0005, to City of Eureka, Elk River Wastewater Treatment Facility for MMPs in the amount of \$54,000. The Stipulated Order indicates that the Discharger will pay \$19,500 to the Cleanup and Abatement Account, and that it will apply the remaining balance of \$34,500 towards a Supplemental Environmental Project (SEP) to: (1) Further development and expansion of the Sequoia Park Zoo Stormwater and Water Pollution Prevention Program, and (2) Complete a study and plans, and subsequently implement Low Impact Development (LID) measures to City parking facilities.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2016
4/13/2016	CDOT Districts 1, 2, and 4	13267	Maintenance Operations	Ongoing

**Comments:** On April 13, 2016, the Assistant Executive Officer issued a 13267 Order to California Department of Transportation (CDOT) Districts 1, 2, and 4 requiring submittal of technical reports by May 27, 2016. These reports will include herbicide use and protocol, stockpile assessment and corrective actions taken, storm water controls for stockpiles and animal carcass disposal procedures. This matter is ongoing. Upon request, the AEO granted an extension to June 27, 2016 for submittal of required reports.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2016
4/21/2016	4S Management	NOV	General Waste Discharge Requirements for Discharges for Timer Operations on Non-Industrial Timber Management Plans	Ongoing

**Comments:** On April 21, 2016, the Division Chief of the Nonpoint Source and Surface Water Protection Division issued a NOV to 4S Management (Permittee) for failing to adequately apply and maintain effective erosion control at hydrologically connected sections of roads, placing fill materials within or at locations where they can enter or be transported into watercourses, and failing to identify and treat newly developed sediment sources in a timely fashion. The NOV required that by May 21, 2016, the Permittee submit a written description

