

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 fourstate 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 cocoordinators 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

for which California and the North Coast Regional Water Quality Control Board is known as a leader.

KFHAT has begun its 2016 coordination efforts for the Klamath River and is holding bi-weekly teleconferences to facilitate information sharing on the latest water quality, fishery, and fish disease information. Given the significant rain and snowfall the basin received this winter, flows in the Klamath River and its tributaries remain high and KFHAT members are hopeful that this year the threat of a fish kill is significantly less than in the previous four years of record-breaking drought.

Sonoma County Water Agency's Fish Habitat Flows and Water Rights Project

Pam Jeane, Assistant General Manager – Water & Wastewater, Sonoma County Water Agency

The Fish Habitat Flows and Water Rights Project (Fish Flow Project) is being proposed by the Sonoma County Water Agency (Water Agency) to change the Water Agency's management of water supply releases from Lake Mendocino and Lake Sonoma to provide minimum instream flows that will improve rearing habitat for threatened and endangered salmon, as required by the National Marine Fisheries Service's (NMFS) Russian River Biological Opinion (Russian River Biological Opinion) and California Department of Fish and Wildlife's (CDFW) Consistency Determination, and to update the Water Agency's existing water rights to reflect current conditions.

The Water Agency releases stored water from Lake Mendocino and Lake Sonoma for diversion into its transmission system and delivery to a number of retail, mostly municipal, water suppliers, which deliver the water to their customers for residential, governmental,

commercial, and industrial purposes. The Water Agency also releases water to satisfy the needs of other Russian River water users and to maintain the minimum instream flow requirements included in its water rights permits for the Russian River and Dry Creek as established by the State Water Resources Control Board's (SWRCB) Decision 1610.

The Water Agency is currently preparing an environmental impact report (EIR) for the Fish Flow Project. A draft EIR is expected to be released for public review in the summer of 2016. Impacts that will be analyzed in the draft EIR include, but are not limited to: hydrology, water quality, fisheries, wildlife, recreation, and cumulative.



Russian River, Sonoma County. Photo credit: Sonoma County Water Agency.

Public workshops and public hearings will be held during the draft EIR review period. Water Agency staff intends to recommend a 60-day public review period to the Board of Directors. Once the public review period has ended, responses to the comments will be developed and a final EIR will be prepared. The final EIR will be presented it to the Board of Directors for consideration of certification and project approval. The exact timing of these steps is unknown as it depends on the comments received.

Information about the Fish Flow Project can be found at the Water Agency's website: http://www.scwa.ca.gov/decision1610/.

Information about the Russian River Biological Opinion can also be found at the Water Agency's website: http://www.scwa.ca.gov/rrifr/.

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

of the areas identified in the NOV and any area that is discharging or threatens to discharge waste to receiving waters, and to propose corrective action. The Permittee must apply effective erosion controls to all areas of bare soil where there is a potential for sediment to discharge to watercourses. Corrective action must be completed no later than October 15, 2016.

Date Issued	Discharger	Action Type	Violation Type	Status as of May 24, 2016
4/21/2016	Timberland Resource Consultants	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 Water Protection Division issued a NOV to Timberland Resource Consultants for improper installation of waterbars, sediment discharges into Class II and Class III watercourses, and discharge of slash debris into a Class III watercourse. On March 1, 2016, staff inspected the site and found that the Permittee had installed interim repairs to minimize additional discharges into nearby watercourses until dryer weather will allow for more substantive repairs. The NOV requires that by May 21, 2016, the Permittee submit a written description of existing site conditions with proposed corrective action plan. Corrective actions must be completed no later than June 25, 2016.

Cannabis Program Enrollment Numbers as of May 31, 2016

COUNTY/TIER	ENROLLMENTS
Humboldt	276
1	27
2	248
3	1
Mendocino	68
1	24
2	44
Siskiyou	1
2	1
Sonoma	5
1	3
2	2

Trinity	57
1	10
2	47
GRAND TOTAL	407*

*There are an additional 140 applications that are in the process of enrollment.

