

North Coast Regional Water Quality Control Board

Regional Water Quality Control Board North Coast Region Staff Summary Report October 10, 2025

ITEM: 3

SUBJECT: Public Workshop on Conceptual Framework for Waste Discharge Requirements for Commercial Agricultural Activities in the Scott and Shasta Watersheds (*Eli Scott*)

BOARD ACTION: This is an informational item; no action will be taken by the Board.

BACKGROUND: Located within Siskiyou County, the Scott River watershed (813 square miles) and the Shasta River watershed (795 square miles) are major tributaries to the Klamath River. The Shasta River watershed shares divides with the Scott River watershed to the west, Butte Creek watershed to the east, and the Trinity and Sacramento Rivers to the south. The Scott River watershed shares divides with the Shasta River watershed to the east, the Trinity River watershed to the south, and the Salmon River watershed to the west.

The Shasta River watershed is home to over 50,000 acres of irrigated agriculture, with pasture, grain, and hay comprising the primary crops. The Scott River Watershed includes approximately 35,000 acres of irrigated agriculture, dominated by field crops, including alfalfa and other hay crops, and livestock ranching.

In 2005, the Regional Water Board adopted the Action Plan for the Scott River Sediment and Temperature Total Maximum Daily Loads (TMDL). In 2006, the Regional Water Board adopted the Shasta River Temperature and Dissolved Oxygen TMDLs. Since 2006, the Regional Water Board adopted and has implemented a series of Orders conditionally waiving the requirement for certain responsible parties in the watersheds to file a Report of Waste Discharge and obtain Waste Discharge Requirements. The 2018 Conditional Waivers of Waste Discharge Requirements (2018 Waivers) for each watershed both included a finding (Finding 18) describing the North Coast Water Board's intent to shift from Waivers of Waste Discharge Requirements to General Waste Discharge Requirements as the next substantive iteration of the

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program. In this presentation staff will present core concepts of the Order, including those aimed at fulfilling the intent of Finding 18 and move the agricultural regulatory program in the Scott and Shasta Watersheds in alignment with the current requirements of the Irrigated Lands Regulatory Program and the Non-Point Source Policy.

ORDER DETAILS: North Coast Water Board staff began developing Draft Waste Discharge Requirements (WDRs) in mid-2023. The development process has included an assessment of the existing program and water quality data collected in both watersheds; internal cross-program working group meetings with representatives of the State Water Resource Control Board (State Water Board) and North Coast Water Board Programs; development of an Initial Study under the California Environmental Quality Act (CEQA); initiation of formal tribal consultation with the Karuk Tribe, Shasta Nation, Shasta Indian Nation, Quartz Valley Indian Reservation, Yurok Tribe, and Pulikla Tribe; and the initiation and continuous engagement with an external Technical Advisory Group (TAG). Key concepts in the WDRs that build on the requirements of the 2018 Waivers are described below.

1. Prohibitions on discharges of tailwater, riparian grazing without an approved riparian grazing plan, and tillage within 35 feet of the waterside edge of a watercourse.
2. Specific permit requirements for the management and condition of riparian areas, storage of chemicals and fertilizers, road maintenance, and management of agricultural infrastructure and irrigation as it relates to water quality.
3. A Farm Evaluation to assess compliance of current practices and on-farm infrastructure with standard permit conditions to identify unauthorized discharges and controllable water quality factors, collectively known as Water Quality Threats (WQTs).
4. Planning via Agricultural Water Quality Management Plans (AWQMP) to address WQTs with Best Management Practice (BMP) implementation. Plans will also establish specific effectiveness monitoring approaches to confirm BMPs effectively control WQTs.
5. Application of a suite of representative monitoring methods that are designed to track the overall progress of program implementation, including instream monitoring for dissolved oxygen, temperature, and pH as well as applying the California Rapid Assessment Method for wetlands (CRAM) to assess trends in riparian conditions across the watersheds. Monitoring requirements are also included that fulfill the Statewide Irrigated Lands Program precedential requirements, including nitrogen reporting, domestic well monitoring, and groundwater monitoring for nitrogen.

6. Producers¹ will be able to enroll through coalitions or enroll individually. Requirements for third party coalitions will be included in the Order. These requirements will include those like the Vineyard Order, including the ability to collect fees, manage communications between enrollees and the State and Regional Water Board, develop outreach and education materials for enrollees, fulfill monitoring requirements, manage data collected for monitoring. Prospective coalitions will apply via a request for proposal process managed by the North Coast Water Board. Individual enrollees will be responsible for complying with all monitoring requirements on their own.

PUBLIC INPUT: On February 4, 2025, a public notice was released announcing the availability of, and scoping period for, the CEQA Initial Study for the Scott and Shasta WDRs. A public scoping meeting was held within the scoping period on February 26, 2025, in Yreka, California. The scoping period ended on March 3, 2025.

The North Coast Water Board held a workshop in Yreka, California on May 7th, 2025 that presented an update on the Draft Order, a summary of findings of the Environmental Impact Report, and received initial public comments on concepts presented at the workshop.

Five Technical Advisory Group (TAG) meetings have been held throughout 2025, discussing permit concepts including, but not limited to, coalition development, monitoring and reporting requirements, potential fee structures, alternative permitting pathways, and acceptable best management practices. TAG members have expressed specific concerns related to overlapping monitoring requirements with other concurrent regulatory efforts in the Scott and Shasta, including implementation of the Sustainable Groundwater Management Act (SGMA), the Scott and Shasta Emergency Drought Regulations, and the future instream flow setting efforts managed by the State Water Board Division of Water Rights. North Coast Water Board staff have included Siskiyou County staff and the State Water Board staff in TAG meetings and made efforts to find monitoring efficiency across the three programs where they overlap, including assessing how appropriate the data collected pursuant to SGMA requirements and the implementation of Local Cooperative Solutions under the Emergency Drought Regulations would be at fulfilling monitoring requirements of this Order.

TAG members have also expressed concern around the move to formal enrollment and the fees necessarily associated with that process. The 2018 Waivers for each watershed do not include enrollment and do not have any associated fees. However, this approach has proven to limit engagement with landowners because of the staff-

¹ Producers include landowners, lessees, and operators engaged in agricultural activities in the Scott and Shasta watersheds such as livestock grazing, pasture cultivation, alfalfa cultivation, or other agricultural enterprises not currently regulated by an existing North Coast Water Board or State Water Resources Control Board permit.

driven prioritization of implementation and, therefore, resulted in uneven and incomplete implementation of management practices across both watersheds. As a result, tailwater continues to be a threat to water quality in both watersheds and riparian conditions have not seen significant improvement in the Shasta River watershed. Since the implementation of the Scott and Shasta Waivers of Waste Discharge Requirements additional impairments associated with non-point source pollution have been listed, including biostimulatory conditions in the Scott and a proposed indicator bacteria listing in the Shasta as identified in the draft 2026 Integrated Report. Moving to an enrollment-based model, which necessarily must include fees for activities covered in the State Water Board fee schedule, will increase the pace and scale of management practice implementation across both watersheds and has the potential to address both the new listings and existing impairments.

REGULATORY CONCEPT: Finding 18 in the 2018 Waivers envisioned an approach that acknowledged proactive restoration, past compliance, and minimized risk to discharge by having multiple categories of enrollment that have distinct levels of monitoring and reporting. After ongoing conversations with the TAG, staff are currently considering the following concept to form the structure of the WDRs:

Enrollees with already approved plans that are determined by staff to be compliant with the WDRs would only have to participate in watershed status and trends monitoring, adaptively manage their sites as necessary over time, and then submit an Instream Work Plan for approval prior to doing any work within waters of the State. All other Producers who have not already had their operating evaluated by North Coast Water Board staff would need to develop a Farm Evaluation, which would assess their properties for compliance with the Waste Discharge Requirements and identify any water quality threats (WQTs) associated with their operation. Sites with WQTs identified in the Farm Evaluations would then need to develop more detailed Agricultural Water Quality Management Plans (AWQMPs) that identify the specific BMP to be implemented to address those concerns and the monitoring necessary to ensure BMP effectiveness. This concept is summarized as follows:

1. Producers with an approved Farm Evaluation at time of Order adoption and determined by staff not to have WQTs to warrant the need for additional BMP implementation must:
 - a. Enroll
 - b. Participate in watershed representative status and trends monitoring
 - c. Participate in monitoring to meet Statewide Irrigated Lands precedential requirements
 - d. Update Farm Evaluation if property conditions change
 - e. Develop an Instream Work Plan for approval if conducting activities in Waters of the State or Waters of the U.S, including upgrading waterway crossings, culverts, livestock watering lanes, treatment wetlands, tailwater capture ponds, and other activities that require construction in jurisdictional waters

2. Producers that do not qualify for (1) above must:
 - a. Fulfill all requirements listed under (1) above
 - b. Complete Farm Evaluation
 - i. If Farm Evaluation identifies no water quality threats, no BMP implementation or BMP effectiveness monitoring is required
 - ii. If Farm Evaluation identified water quality threats, go to (3)
3. Producers with a Farm Evaluation that identifies WQTs must:
 - a. Fulfill all requirements listed under (1) above
 - b. Develop and implement an Agricultural Water Quality Management Plan
 - c. Conduct BMP effectiveness monitoring as identified in the AWQMP
 - d. Conduct Adaptive Management, if triggered by BMP effectiveness monitoring results

During this informational item, Staff will present an overview of the current and past agricultural regulatory program in the Scott and Shasta watersheds, discuss the current process and schedule to develop WDRs including stakeholder engagement and outreach, and outline the conceptual regulatory framework for the WDRs including key prohibitions, farm plan and BMP requirements, as well as key monitoring and reporting requirements.

ADOPTION TIMELINE: Staff aims to have the WDRs released for a 45-day public comment in April 2026 and to be considered for adoption by October 2026.

RECOMMENDATION: N/A