

Resolution No. R1-2014-0006
Attachment 1

[Add a new sub-section to the Water Quality Control Plan for the North Coast Region implementation chapter (Chapter 4) with the following policy. This section will be added after the “Region-wide Policies Affecting TMDLs, A. Sediment TMDL Implementation Policy”. In addition to adding the following language, several editorial revisions will be made, including appropriate changes to the Title Page, Table of Contents, Summary of Basin Plan Amendments (Appendix 1), page numbers, table and figure numbers, footnote numbers, and headers and footers to reflect the new language. The final locations of tables and figures in relation to the text may also be changed to accommodate the existing formatting of the Basin Plan.]

B. POLICY FOR THE IMPLEMENTATION OF THE WATER QUALITY OBJECTIVES FOR TEMPERATURE

The strategy for implementing the intrastate and interstate water quality objectives for temperature in the North Coast Region is set forth in the *Policy Statement for Implementation of the Water Quality Objective for Temperature in the North Coast Region*.¹ The Regional Water Board shall address sources of elevated water temperature region-wide but on a case-by-case basis in the context of a given permit or other action as appropriate and necessary to reduce impairments and prevent further impairment.

The water quality objectives for temperature shall be implemented through a combination of riparian management and other temperature controls as appropriate in nonpoint source control programs; permits and waivers, grants and loans, and enforcement actions; support of restoration projects; and coordination with other agencies with jurisdiction over controllable factors that influence water temperature.² Controllable water quality factors affecting water temperature include, but are not limited to, any anthropogenic activity which results in the removal of riparian vegetation that provides shade to a waterbody, sediment discharges, impoundments and other channel alterations, the reduction of instream summer flows, and the reduction of cold water sources.

To attain and maintain the water quality objectives for temperature, the Regional Water Board and its staff will implement programs and collaborate with others in such a manner as to prevent, minimize, and mitigate temperature alterations associated with the following factors:

1. Activities with the potential to reduce riparian shading of waterbodies;
2. Activities with the potential to increase sediment delivery;
3. The quality, quantity, location and timing of effluent, storm water, and agricultural return flow discharges;
4. The location, size, and operation of in-channel impoundments with the ability to alter the natural temperature regime;
5. Actions with the potential to change stream channel geometry;
6. Activities with the potential to reduce instream flows or reduce sources of cold water, including cold water refugia.

This policy in no way limits the State Water Board or Regional Water Board’s authority and discretion to develop riparian management measures and other measures as appropriate and necessary for a specific land use, activity, or geographic area, and in consideration of existing regulatory and non-regulatory programs in place that provide temperature protections.

The Regional Water Board shall take the following actions to achieve temperature objectives and implement temperature TMDLs, including EPA-established TMDLs:

1. Restore and maintain riparian shade,³ control sediment loading, and address hydrologic conditions resulting in exceedence of temperature objectives— ~~site potential effective shade conditions through~~

¹ NCRWQCB Res. No. R1-2012-0013 is hereby incorporated by reference.

² Section 13247 of the Porter-Cologne Water Quality Control Act requires other state offices, departments, and boards to carry out their activities in a manner that complies with water quality control plans approved or adopted by the state board.

³ The removal of vegetation that provides shade to a waterbody is a controllable water quality factor. Riparian shade-related temperature TMDL load allocations are based on the concept of “site-specific potential effective shade,” which means the shade equivalent to that provided

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nonpoint source control programs; permits and waivers, grants and loans, and enforcement actions; support of restoration projects; and coordination with other agencies with jurisdiction over controllable factors that influence water temperature, as appropriate.

2. Continue to implement the Sediment TMDL Implementation Policy as a means of addressing elevated water temperature associated with excess sediment discharges. Implement sediment controls consistent with the approach articulated in the Sediment TMDL Implementation Policy to address temperature concerns associated with sediment in areas not impaired by sediment.
3. Examine and address temperature impacts when developing and implementing permits or programs for nonpoint source activities. Consider and implement, where applicable, all available measures to prevent and control the elevation of water temperatures in permit or program development. Such measures shall include, but are not limited to, sediment Best Management Practices and cleanups, memoranda of understanding or agreement with other agencies, prohibitions against waste discharges, management of riparian areas to retain shade, and control and mitigation of tailwater and impoundments. Where appropriate, include monitoring requirements for incorporation into permits, programs, and other orders to confirm management actions required to prevent or reduce elevated temperatures are implemented and effective.
4. Address factors that contribute to elevated water temperatures when issuing 401 certifications, NPDES permits, Waste Discharge Requirements, or Waivers of Waste Discharge Requirements, or Prohibitions.
5. Use other regulatory, executive, and enforcement tools, as appropriate, to address elevated water temperatures and preserve existing cold water resources.
6. Support and encourage restoration projects that are designed to eliminate, reduce, or mitigate existing sources of temperature impairments. Administer, encourage, and support the use of grant funds to facilitate projects that address elevated water temperature concerns. Pursue non-regulatory actions with organizations, landowners, and individuals to encourage the control of elevated water temperatures, watershed restoration, and protection activities.
7. Continue to coordinate with the Division of Water Rights by participating in the water right application and petition process, providing monitoring recommendations, conducting joint compliance inspections, submitting data in support of 401 certifications related to water diversions and/or facilities regulated by the Federal Energy Regulatory Commission, and any other appropriate means to help ensure that the terms of water right permits and licenses are consistent with the water quality objectives for temperature.
8. Coordinate with the Division of Water Rights on the development of instream flow studies and flow objectives, as appropriate.
9. Provide cities, counties, state, and federal agencies guidance and recommendations on compliance with the water quality objectives for temperature. Work with local governments to develop strategies to address the prevention, reduction, and mitigation of elevated water temperatures, including, but not limited to, ordinances, general plans, and other management policies.
10. Identify statewide policies under development with implications for water temperature, collaborate with State Water Board counterparts, and provide recommendations and guidance with respect to this policy.
11. Develop and implement a region-wide water temperature trend monitoring program to assist the Regional Water Board in determining whether this Policy is effectively reducing and preventing elevated temperatures over the long-term.

by topography and potential vegetation conditions at a site. Shade controls that are effective at correcting temperature impairments also operate to prevent impairments, and provide other water quality protections such as bank stability and filtering sediment and other waste discharges. The Regional Water Board has discretion on how to implement load allocations on a case-by-case basis. This policy is not intended to predetermine precise parameters for achieving potential effective shade for a specific location or land use, and does not necessarily preclude management in riparian areas.

12. Develop and maintain a temperature implementation workplan consistent with the Policy to prioritize efforts, track progress, and identify specific actions to address elevated water temperatures. The temperature implementation workplan shall describe specific actions that will be taken throughout the North Coast Region and set watershed priorities for addressing elevated water temperatures at a watershed-specific level. The temperature implementation workplan shall be presented to the Regional Water Board on a triennial basis.