

## **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*.<sup>1</sup>

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; individual and general permitting 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. Controllable water quality factors affecting water temperature include, but are not limited to the removal of riparian vegetation that provides shade to a waterbody, physical stream channel responses to anthropogenic sediment discharges, engineered channel alterations, the reduction of instream summer flows, and the reduction of cold water sources.<sup>2</sup>

The *Policy Statement for Implementation of the Water Quality Objective for Temperature in the North Coast Region* states that 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 removal of vegetation that provides shade to a waterbody is a controllable water quality factor. Shade controls effective at correcting temperature impairments also operate to prevent impairments, as well as provide other water quality protections. Therefore, it is the Policy of this Regional Water Board that the removal of vegetation that provides shade to a waterbody is a controllable water quality factor that must be assessed and limited, if necessary, in order to achieve the intrastate water quality objective for temperature. Maintenance or restoration of a site's potential for shade production ensures adequate control of this controllable factor.

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:

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<sup>1</sup> NCRWQCB Res. No. R1-2012-0013

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

1. Land use activities with the potential to reduce riparian shade;
2. Land use 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 potential to alter the natural hydrograph;
5. Actions with the potential to change stream channel geometry;
6. Land use activities with the potential to reduce instream summer flows or reduce sources of cold water, including cold water refugia, in COLD designated waterbodies (e.g., springs and seeps).

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

#### **ACTION PLAN FOR THE IMPLEMENTATION OF THE WATER QUALITY OBJECTIVES FOR TEMPERATURE**

Staff shall take the following actions to achieve temperature objectives and implement temperature TMDLs, including EPA-established TMDLs:

1. Restore and maintain site potential shade conditions through nonpoint source control programs; individual and general 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. 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 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 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.
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, joint compliance inspections, submittal of 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, and 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, riparian 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.

12. Develop and maintain a temperature implementation workplan consistent with the Policy to prioritize efforts, track progress, and identify specific action to address elevated water temperatures. The temperature implementation workplan shall describe 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.

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