

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 3909.2

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

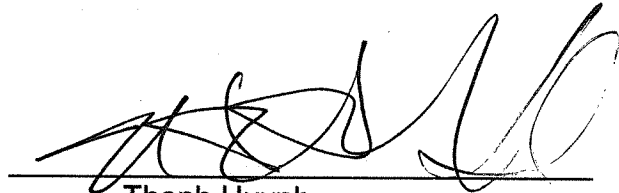
OAL Matter Number: 2016-0603-04

OAL Matter Type: Regular (S)

The State Water Resources Control Board (State Water Board) submitted this action for review under Government Code section 11353 to adopt section 3909.2 in Title 23 of the California Code of Regulation regarding amendments to the Water Quality Control Plan for the North Coast Region (Basin Plan). The amendments establish a Policy for region-wide implementation of the water quality objectives for temperature and establish action plans to address temperature impairments in the Mattole, Navarro, and Eel River watersheds. The North Coast Regional Water Quality Control Board adopted the Basin Plan on March 13, 2014 in Resolution No. R1-2014-0006. The State Water Board approved the Basin Plan on April 8, 2015 in Resolution No. 2015-0020.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: July 18, 2016



Thanh Huynh
Senior Attorney

For: Debra M. Cornez
Director

Original: Thomas Howard

Copy: Bryan McFadin

STATE OF CALIFORNIA
REGULAR
 NOTICE PUBLICATION/REGULATIONS SUBMISSION

11353 (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2015)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2016-0805-045	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

JUL 18 2016
 1:53 PM

2016 JUN -3 P 4: 33
 OFFICE OF
 ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board	AGENCY FILE NUMBER (if any) 2015-0020
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Policy and action plans for implementing water temperature objectives	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 3909.2
	AMEND
	REPEAL
TITLE(S) 23	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Gov't code 11353</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon approval (Gov't code 11353)</u>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Bryan McFadin	TELEPHONE NUMBER 707-576-2751	FAX NUMBER (Optional) 707-523-0135	E-MAIL ADDRESS (Optional) bryan.mcfadin@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Matthias St. John</i>	DATE 5/9/16
TYPED NAME AND TITLE OF SIGNATORY Matthias St. John, Executive officer, North Coast Regional Water Quality Control Board	

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ENDORSED APPROVED
 JUL 18 2016
 Office of Administrative Law

Concise Summary of Regulatory Provisions

Title 23. Waters

Division 4. Regional Water Quality Control Boards

Chapter 1. Water Quality Control Plans, Policies, and Guidelines

Article 1. North Coast Region

The following section 3909.2 is to be added to Title 23 of the California Code of Regulations:

Section 3909.2 – "Policy for Implementation of the Water Quality Objectives for Temperature, and Action Plans to Address Temperature Impairments in the Mattole, Navarro, and Eel River Watersheds."

On March 13, 2014, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted Resolution No. R1-2014-0006 to incorporate a Policy for Implementation of Water Quality Objectives for Temperature (Policy), which a) establishes a policy for region-wide implementation of the water quality objectives for temperature and b) action plans to address temperature impairments in the Mattole, Navarro, and Eel River Watersheds (Action Plans). On April 8, 2015, the State Water Resources Control Board approved the amendment under Resolution No. 2015-0020.

The Policy describes the approach to implementing the water quality objectives for temperature, identifies activities that may result in temperature alterations, and identifies the regulatory tools that the Regional Water Board may use to address temperature concerns in one cohesive policy. The Policy explicitly identifies the shade provided by riparian vegetation as a controllable water quality factor, and directs the implementation of riparian management measures, sediment controls, and stream flow considerations through programs and permits, as appropriate and necessary to address and prevent further impairments.

The Action Plans address temperature impairments in the Mattole, Navarro, and Eel River watersheds. The Action Plans implement the Policy by identifying specific activities in the watersheds that may affect temperature, and identifies the regulatory programs and actions the Regional Water Board will implement to address temperature concerns in the respective watersheds.