**Public Participation Strategy**

**Eel River Seasonal Discharge Prohibition**

**Triennial Review Project**

# Background and Project Overview

The Regional Water Board approved the 2014 Triennial Review and adopted a list of priority planning projects in March 2015. The Eel River Seasonal Discharge Prohibition project is priority project #4. Currently, the Basin Plan prohibits summertime point source discharge of waste in the Eel River from May 15 through September 30 each year. First established in the original Basin Plan as adopted in 1975, this seasonal prohibition contained in Implementation Plans Section 4, was based at least in part, on the limited wastewater treatment capabilities of the time. Compliance with the prohibition protects instream beneficial uses by minimizing pollutant discharges to surface water through the storage, land disposal, or reuse (recycling) of treated effluent.

This project considers the growing appreciation for the relationship between water quality and water quantity by evaluating the potential advantages to beneficial uses that could be derived from flow augmentation during the low flow season, especially as a response to the ecological pressures associated with climate change. It also considers the improvements in wastewater treatment technology and effluent quality compared to that of the 1970s when the prohibition was first designed.

Embedded in the project is an analysis by which the benefits of flow augmentation are weighed against the potential risks associated with effluent discharge. The project’s outcome must ensure water quality protection, but may offer mechanisms by which to promote other water quality factors important to a healthy watershed. The development of prohibition exemption criteria may provide an effective way of balancing the risks and benefits. Development of this Triennial Review project will consider the interests of multiple stakeholders, including resources agencies, municipal service entities, regulatory agencies, and the public.

Planning staff will assess existing conditions in the Eel River watershed, the existing regulatory framework that guides point source waste treatment and discharge permitting, and the risks and benefits of flow augmentation using highly treated effluent. Preliminary stages of scoping and research suggest that planning staff also evaluate the merit of beneficial use enhancement opportunities beyond flow augmentation.

# Purpose of this Public Participation Strategy

It is the intent of the Regional Water Board planning staff (planning staff) through public participation and outreach to provide and solicit information on the Eel River Seasonal Discharge Prohibition triennial review Project (hereinafter Project). Effective public participation increases the transparency, legitimacy, and quality of Regional Water Board decisions. At a minimum, the Project must follow the guidelines of the State Board Office of Administrative Law (OAL), California Environmental Quality Act (CEQA), and Porter-Cologne Water Quality Control Act (Porter-Cologne) regarding public participation and Project alternative scoping. CEQA and Porter-Cologne require that the public participation in a Basin Plan amendment process include:

* Release of a public notice regarding Basin Plan amendment development;
* Holding of public hearings to provide the public with the opportunity to formally submit comments; and
* Preparation of written responses to the public comments received and publishing of those responses in the final Basin Plan Amendment Staff Report.

While additional measures will require greater commitment of time and resources, this Project considers conditional relaxation of a longstanding regulation that has been implemented to protect Eel River beneficial uses from point source discharges of waste; and as such must be pursued with caution. Therefore planning staff will engage in a robust stakeholder process, in excess of the minimum required by CEQA and Porter-Cologne. To facilitate successful Project formation and potential future development of exemption criteria, it is critical that the stakeholder involvement process remains transparent and inclusive. The purpose of this public participation strategy is to provide a framework of enhanced communication with resource agencies, the public and other interested stakeholders to ensure local expertise, interests and data are represented and considered during Project scoping, development, and review.

## **Public Participation Goals**

The North Coast Regional Water Board’s vision is Healthy Watersheds, Effective Regulation, and Strong Partnerships. In this context, staff view the public as a helpful partner in achieving our vision for the North Coast. This strategy for stakeholder involvement in the Project includes the Regional Water Board’s desired goals and outreach objectives for the process. This strategy is a working draft that may be modified based on stakeholder input from initial meetings.

The *goals* of this public participation process are to:

* Ensure broad education, input, and acceptance of approach;
* Develop strong partnerships;
* Define the scope of work;
* Solicit a full array of available information, data, analysis and ideas from a variety of fields of expertise;
* Obtain input on specific elements associated with Project Scoping and the California Environmental Quality Assurance Act (CEQA):
  + Clarify potential risks and benefits of summertime discharge;
  + Identify a range of Project alternatives;
  + Explore measures to implement the Project
  + Identify offset mitigation for any identified significant impacts;
* Ensure effective regulation;
* Promote Eel River Watershed health
* Achieve confidence in a thorough and complete analysis.

## **Outreach Objectives**

Planning staff will engage in outreach and education to inform stakeholders about the Project, solicit input on data and analysis needs as well as Project alternatives and implementation. Staff will strive to gain an understanding of varying ideas and viewpoints, solicit external input from the public, agencies, and academics on draft Project documents, and to provide clear and concise scientific justification, and present alternative Project approaches to Board members.

*Outreach* will consist of a combination of the following activities:

* Project Webpage;
* Fact Sheets;
* Phone Calls;
* Presentations;
* Public Notices and Mailings;
* Initial Project Scoping Meeting;
* One-On-One Meetings
* Advisory Committee (s);
* CEQA Scoping;
* Peer Review and Subsequent Public Review of the Project Staff Report; and
* Public Board Meetings.

Each outreach approach has its advantages and disadvantages and will be used in the appropriate situation with the appropriate stakeholder(s). Planning staff will maintain all meeting documents (agendas, handouts, attendee lists, minutes, etc.) to comply with OAL, CEQA, and Porter-Cologne procedures.

# Stakeholders Scoping and Contact List Preparation and Maintenance

The U.S. Environmental Protection Agency (EPA)defines a stakeholder as a group or individual who has the responsibility for implementing a management action, is affected by the action, or has the ability to aid or prevent its implementation. The planning staff must identify key stakeholders considering the issues, affected parties, and possible solutions related to this Project.

Throughout the development of this Project, staff will continue to solicit input to expand the list of interested stakeholders. The following is an initial list of potential Project stakeholders. Planning staff invites additional suggestions to enhance public participation for this Project.

| **Potential Project Stakeholders** | |
| --- | --- |
| Resource Agencies   * Department of Fish and Wildlife * Office of Drinking Water * Division of Water Rights * Air Resources Board * State Lands Commission * Energy Commission * Coastal Commission * National Marine Fisheries * US EPA   Tribal Governments   * Table Bluff Reservation * Bear River Band of the Rohnerville Rancheria * Round Valley Indian Tribes * Cahto Indian Tribe * Sherwood Valley Rancheria of Pomo Indians * Wailaki Tribe, Laytonville   Local Government   * Eel River Point Source Permittees * Cities and Districts within the Eel River watershed   + Planning or Public Works Departments   + Local Water Purveyors * Counties   + Environmental Health Departments   + Planning Departments | Elected Officials   * City Council Member(S) and their Staff * County Supervisor(S) and their Staff * State Legislators   Special Districts   * Humboldt County RCD * Mendocino RCD   Public   * Recreational Organizations * Agricultural Organizations * Environmental Organizations   + Cal Trout   + Friends of the Eel River   + Eel River Recovery Project   + Statewide and National Environmental Groups * Commercial Fisheries * Chambers of Commerce * Calif. Water Envir. Assoc. (CWEA) * Researchers and Academics * Land Owners * Other Community Groups * General Public |

Planning staff will utilize existing stakeholder databases to develop an initial list of specific stakeholder names and contact information. Additional individual, agency, and organizational stakeholder names will be identified through internet and print media research and through interviews and conversations with previously identified stakeholders.

Planning staff will maintain and update a lyris email contact database containing each stakeholder’s name, title, organization, address, email, and phone number. The lyris system is linked to the Project web page allowing visitors to add themselves to the mailing list. The lyris contact list will satisfy the guidelines of the OAL, CEQA, and Porter-Cologne.

# Community Involvement, Comments and Concerns

Public involvement assists the Regional Water Board planning staff in refining the scope of the project, determining the range of environmental information to analyze, and the potential environmental impacts a project might have on various categories of environmental resources, such as aesthetics, air quality, water quality and others. Planning staff will engage members of the community to ensure stakeholders are educated and familiar with all aspects of this Project and to solicit any concerns. Planning staff will encourage public involvement throughout the Project; and use publically noticed public comment periods as specific opportunities for every stakeholder to provide input and feedback on all facets of the Project.

## **Plain Language**

To the layman, California water law and watershed science can be daunting and overwhelming. California Government Code Section 6219 requires the use of plain, straightforward language. Regional Water Board staff will present the Project using plain, straightforward language and clarify any stakeholder confusion relating to water science, law, or aspects of the Project.

## **Conflict Resolution**

Planning staff will use a consistent and uniform public participation process. All identified stakeholder groups will be treated equally and equitably to ensure environmental justice. Stakeholders will have a clearly defined point of contact (see below) to discuss their concerns about the public participation process or the Project.

## **Advisory Committees**

Multifaceted undertakings such as the Eel River Discharge Prohibition Project often use advisory committees to work through complex issues. Advisory committees may be community based, policy based, or technically based in nature. The main reason to create an advisory committee is to seek expertise beyond the staff. Advisory members can provide knowledge, understanding and strategic thinking, which complement the planning staff team. An advisory committee strengthens the existing knowledge base giving focus to or sometimes even challenging research and work on a project, thus avoiding groupthink and giving perspective on big picture issues.

Advisory committees often provide the following functions in support of the planning process:

* A venue for staff to share project information;
* A place to gather additional information from stakeholders;
* A setting in which stakeholders provide early input;
* A platform for data validation, analysis and reliability;
* A forum for developing recommendations and endorsing major decisions.

In general, during project development, planning staff often face problems for which information already exists, either in documented form or as undocumented experience and practice. This information may be fragmented, scattered, and unevaluated. Consequently, full knowledge about a problem may not be brought to bear on its solution. Planning staff finds great value in the input provided by advisory committees and thinks of them as a vital part of the public involvement process.

Benefits of advisory committees can include:

* Continuity: agencies and committee members are provided with the opportunity to meet with the same members over time;
* Depth: issues can be discussed with members in more depth and detail, which allows for more technical information to be shared and incorporated into the decision-making process;
* Education: stakeholders have the opportunity to hear and learn from differing points of view which can increase understanding of issues;
* Collaboration: formation of relationships over time supports and encourages stakeholders to engage in collaborative problem solving.

Although commonly used to involve stakeholders, advisory committees are not all the same. Advisory committees vary greatly in terms of purpose, membership, structure, and operations. They may cover a broad range of topics or assign a narrow scope to an advisory subcommittee.

Citizen or community advisory committees are one commonly used tool for involving the public in making decisions. Known by a variety of names, ranging from citizen or community advisory committees to stakeholder working groups and community task forces the structure, function, membership, and management of these groups vary based upon the needs of a given project. Citizen committees are aimed at creating informed stakeholders, provide a sounding board for project ideas, and benefit from clearly communicated expectations about authority, goals, and protocols. The purpose of a citizen’s advisory committee is to engage citizens in the planning process giving the community a forum for discussion in greater depth than is possible during a public meeting. The main charge for members of the citizen’s advisory committee board is to provide judicious advice from a citizen perspective.

Citizen or stakeholder advisory committees generally composed of members representing organizations such as neighborhood associations, environmental groups, business groups, advocacy groups, and local agencies, among others. Ideally, members of advisory committees could function as a liaison between the communities they represent and the planning staff. Such a committee can serve as a way to build public consensus on controversial issues before proposed to Board members for a decision.

Policy committees engage stakeholders in the policy process and increase communication around pertinent policy issues. A policy advisory committee could provide input on water quality issues related to this project specific to the longstanding prohibition on summertime point source discharges to the Eel River. The underlying foundation of such a committee would be the mission statement of the state and regional water boards: “To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.” Members representing cities, counties, special districts and the public generally serve on policy committees.

Given the potential implications for water quality associated with the Project, key technical and scientific issues are likely to require a greater level of collaborative input. When working through complex issues, a technical advisory committee provides guidance on technical and scientific matters pertaining to validity and reliability, accuracy, and feasibility of data and analysis used during the planning process. Members of a technical advisory committee generally represent public agencies or academia and are experts in their fields. Areas of expertise need for this Project may include: fisheries, hydrology, contaminants of emerging concern (CECs), waste treatment and design, climate change, computer modeling, and environmental restoration. A collaborative technical advisory process could allow for greater creativity in the search for solutions and decision making may become easier when working together to generate, understand, and assess options. A technical advisory committee would assist planning staff in developing the scope of technical analysis, conduct an objective review of available science for the Project, and provide a forum for resolution of complex issues allowing for in-depth, discussion of multiple aspects of the Project.

As part of initial Project Scoping, planning staff will invite an open discussion of potential issues to assist in determining the need for, purpose, and structure of an advisory committee (s) for this Project. Any committees formed would act as an advisory body that providing non-binding strategic advice related to stakeholder interests and science underlying the Project. Advisory committee collaboration does not take the place of the Regional Water Board’s administrative processes for Basin Plan or permit adoptions, but may be used to help develop staff recommendations prior to Board decision-making.

## **Planning Staff Roles, Responsibilities, and Contact Information**

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# Public Participation Activities

## **Task 1: Develop Project Web Page**

A Project web page attached to the Water Board Website can be an effective and powerful means of communication for stakeholders who have internet access and are accustomed to obtaining information through websites. The web page will be used to communicate the Project background, provide an overview of the Project description, present opportunities for input and participation, host public notices, fact sheets and reports, presentations of research, and other information as developed throughout the life of the Project. In addition, the web page will include planning staff contact information and an invitation to interested individuals to be added to the lyris list for automated notification of all upcoming Project related information.

## **Task 2: Fact Sheets**

Fact Sheets communicate project background information, provide an overview of the project, and may present anticipated timeframes associated with a project. Fact sheets can also be used to provide project updates or to educate the public about a draft plan, program, or report. Initially, planning staff will develop a Fact Sheet to introduce the Project to stakeholders. The initial Fact Sheet will use simple, readable information and graphics to describe the Project background, an initial description of the Project, identify potentially affected stakeholders, provide an overview of the Eel River Watershed, present the issues at the heart of the Project, and outline the process with approximate timeframes for Project development. The initial Fact Sheet will be developed with the initial Project scoping meeting in mind and provide information deigned to engender stakeholder interest, comments and questions.

At key junctures in this Project development Fact Sheets will be used to convey unbiased and factual information of interest to stakeholders and provide contact information for feedback and reader response. Project Fact Sheets may be used as key milestones are either approaching or achieved in order to assist stakeholders with Project tracking and offer a continued means of providing opportunities for stakeholder involvement.

In addition, staff plan to use a Fact Sheet framework to convey completed analysis for this Project on a topical basis. Staff contemplates Fact Sheet topic areas related to Project data collection and analysis might include the scope of the project area, a series on hydrology and beneficial uses, climate change, biostimulatory conditions, contaminants of emerging concern (CECs), waste discharge and antidegradation policies, and waste treatment. Upon completion, each Fact Sheet will be made publically available allowing stakeholders early opportunity for Project development review. Early input of this nature allows staff to adapt aspects of the Project to address stakeholder ideas and concerns. Additional topics requiring evaluation may arise as the Project progresses. Staff invites stakeholders to suggest additional topics for the Fact Sheet framework related to Project development. Ultimately, planning staff will use information developed within the Fact Sheet framework to generate an overall Project assessment and support recommendations made to the Board.

## **Task 3: Introduce the Project to the Public**

*3.1 Stakeholder Involvement*

Due to the Project’s potentially controversial nature and a high level of interest in Eel River watershed protection, the level of stakeholder involvement in the Project is expected to be moderately high.

Stakeholder involvement is vital to the Project’s success (see section IV. Evaluating Success). Some benefits of stakeholder involvement include:

* Enhancing communication;
* Building trust and support for the process and product;
* Forging stronger working relationships;
* Considering better, more cost-effective solutions;
* Promoting healthier watershed conditions;
* Sharing responsibility for decisions or actions;
* Evaluating a more comprehensive range of risks, benefits, and alternatives;
* Creating solutions that are more likely to be adopted;
* Coordinating resources for effective use and outcomes; and
* Developing groundwork for future project development and stakeholder cooperation.

*3.2 Initial Stakeholder Contact*

Planning staff will initiate stakeholder contact by sending an email to a list of presumed stakeholders (see section III. Stakeholders Scoping and Contact List Preparation and Maintenance) announcing the webpage, lyris list, and plan to hold a future scoping meeting. Once the initial Fact Sheet is prepared and timing of the initial scoping meeting arranged, Planning staff will follow-up with a phone call to stakeholders in order to encourage participation.

*3.3 Initial Project Scoping*

Initial scoping involves getting the information required to start a project by identifying existing data needed to satisfy stakeholder’s expectations or concerns. Although similar issues may arise, initial scoping is distinct from scoping conducted in accordance with the California Environmental Quality Assurance Act (see section V. task 5 California Environmental Quality Assurance Act) in that the initial scope defines the edges of a project; in broad strokes, determining what staff will include and exclude from analysis. Just a few of the multitude of conceivable considerations could include things such as geographic extent of the Project, water quality and resource protection, economic impacts related to recreation or waste treatment and reuse, climate change resiliency, human and aquatic organism health considerations, availability and reliability of modeling tools, applicable scientific studies and more.

Proceeding with this Project while understanding requirements from only a few stakeholders could lead to an incomplete definition of scope. Therefore, planning staff will host an initial Project scoping meeting in the Eel River Watershed, inviting all interested stakeholders to provide input defining their specific interests and offering suggested topics for staff analysis related to this Project. In an effort to inform stakeholders beforehand, encourage thoughtful prepared questions, comments, and facilitate transmittal of relevant data, planning staff will publish a Fact Sheet to brief stakeholders on the framework of the Project before the initial Project scoping meeting.

The initial Project scoping meeting agenda will be designed to lay a framework for stimulating stakeholder discussions, and include brief administrative/housekeeping questions on agenda such as:

* How do stakeholders currently get their information about the Project?
* How do they normally get their news?
* How involved would they like to be in the process?
* Who else do they think planning staff should talk with?

At the Project scoping meeting staff will:

* Present the initial Project framework to stakeholders and the public;
* Identify interested stakeholders;
* Discern the public’s level of interest in the Project;
* Provide a forum for questions or concerns;
* Seek access to data, history and pertinent information in the Eel River Watershed; and
* Invite brainstorming related to scientific and socio-economic dilemmas associated with the Project.

In addition to the insight and public participation that will be gained from the initial scoping process, planning staff hope to use this as an initial step to build rapport with Project stakeholders.

*3.4 External Presentations*

Where forums already exist (i.e. council meetings, the Eel River Forum, the California Water Environment Association (CWEA), and others), staff may have an opportunity to present the Project to a stakeholder group or groups. Presentations of this nature will vary in content depending upon the impetus for the presentation; however, each would be based upon the most recent Fact Sheet and body of Project information available at the time. Typically, beginning with a presentation by planning staff, followed by public participation that consists of questions and answers, this type of outreach is most useful when the public participation goal is to inform stakeholders and receive comments. Because this outreach format does not allow for in-depth, discussion of competing aspects of the Project, presentations would be primarily used to assist in dissemination of information, to educate, involve, and solicit input from the public. In depth collaboration for resolution of complex issues, will be address through an advisory committee (see section IV.) or other more direct meeting process.

## **Task 4: Public Notices and Mailings**

Regional Water Board staff often use written notices to inform the public of an upcoming activity or meeting. These notices are especially helpful in promoting public meetings or activities that might affect stakeholders throughout a larger area. The Regional Water Board routinely posts a variety of public notices on the [North Coast Regional Water Quality Control Board website](http://www.waterboards.ca.gov/northcoast/public_notices/%20). In addition, notices may also be posted in the classified section of a local newspaper of wide distribution within the area(s) of the pending activity. A public notice is not meant to be a comprehensive description of the activity or report being publicized. Rather, it gives community members the facts needed to determine whether they would like to read additional materials or attend public meetings and describes a method for pursuing more information. Each scoping meeting and other meetings for this Project that are open to the general public will be publicized through posting of a public notice, announced on the Project webpage, and notices distributed through the lyris list.

## **Task 5: California Environmental Quality Act (CEQA) Compliance**

*5.1 California Environmental Quality Act (CEQA) Scoping*

The California Environmental Quality Act (CEQA) is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. The CEQA regulations for certified regulatory programs in 23 Cal. Code Regs. require the Regional Water Board to seek early public consultation. Early public consultation for this Project will include up to two CEQA scoping meetings, at least one of which will be held in Fortuna, California. Staff will post a public notice announcing the CEQA scoping meeting(s) a minimum of 10 days in advance of the meeting as required by 23 Cal. Code Regs. § 3775.5. CEQA scoping will be performed early in the development of the Project, but is distinct from Initial Project Scoping (Task 3.3 Initial Project Scoping). CEQA scoping will be conducted using a workshop format and will present the goals of the Project in order to receive input from the public on possible environmental impacts. Input from the public is key at this step in Project development, as it may be needed to help provide insight into Project alternatives and implementation options, not previously considered by Project staff.

Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Office of Administrative Law approved changes to Appendix G on September 27, 2016. The Initial Study checklist for this Project will include the questions and language approved by the Office of Administrative Law addressing impacts to tribal cultural resources that may be affected by this Project. In addition, the Regional Water Board will offer consultation early in the CEQA process in order to allow tribal governments opportunity to discuss the necessary level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and to reduce the potential for delay or conflict in the environmental review process. (Public Resources Code section 21083.3.2.)

*5.2 Substitute Environmental Document (SED)*

A supporting staff report describing all Project elements will serve as the technical basis for any amendment of the Basin Plan’s Eel River Seasonal Discharge Prohibition. Amendment of the Basin Plan also necessitates compliance with the basin planning requirements of Porter-Cologne, as well as CEQA. Basin planning is certified as exempt from the requirement to prepare an environmental impact report (EIR), or negative declaration and initial study. (Cal. Code Regs., tit.14, § 15251, subd.(g).) Therefore, in lieu of an EIR or negative declaration and initial study, a substitute environmental document (SED) will be prepared for this Project which simultaneously complies with both these environmental laws and includes consideration of alternatives to the proposal and economic factors. Scientific portions of the SED will be peer reviewed (see task 6 Peer Review) and the entire SED will be circulated for public review and comment followed by a public hearing before the Regional Water Board.

With the benefit of public input on the scope of the Project and potential environmental impacts (task 3. 3 Initial Project Scoping and task 5.1 CEQA Scoping), the SED will evaluate: reasonably foreseeable methods of compliance, significant impacts, cumulative impacts, mitigation measures to reduce impacts to less than significant levels, and other CEQA-related concerns. (See Cal. Code Regs., tit. 23, § 3777 [guidelines for exempt regulatory programs].) The SED analysis will necessarily be programmatic in nature, and may include a programmatic statement of overriding considerations. Should amendments to the Basin Plan be developed as a result of the Project, those changes would not authorize exemption for any specific discharge to proceed without site-specific review and approval; rather, it would establish a process by which individual point source discharges would receive site-specific review and authorization if specified criteria were met.

*5.3 Additional Stakeholder Meetings*

Planning staff will continue to hold stakeholder meetings until all reasonable alternatives have been discussed as required by CEQA and Porter-Cologne. As stakeholder meetings progress, the evaluation process (see section VI. Evaluating Success) will be used to modify and increase the effectiveness of public presentations. Planning staff will determine when sufficient time and resources have been made available for adequate public participation and alternative scoping in each sector and will conclude the public participation process (not including the comment and hearing process for Project adoption) once this point has been reached.

*5.4 Public Comment*

The Regional Water Board will issue a notice of public hearing and notice of filing of an environmental document (public notice) specifying a public comment period upon publication of the SED. Public noticing requirements for this Project include a minimum 45-day public comment period, which begins once the draft SED and any associated documents are released. Interested parties are invited to submit formal written comments on the SED. The Regional Water Board must conduct a public hearing for the receipt of oral comments during or after the written comment period, but at least 30 days after posting of the notice of filing of the SED and before the consideration for adoption hearing in front of the Regional Water Board. The public notice for the SED is required to be sent to newspapers with circulation of at least 10,000 within the Regional Water Board’s jurisdiction including interested and affected parties, anyone who requested notice of public hearing in writing, and all clerks of city councils and boards of supervisors within the Regional Water Board’s jurisdiction. Planning staff will consider carefully each comment received on the SED, provide written response to substantive comments, and make adjustments to the SED as necessary.

## **Task 6: Peer Review**

The purpose of peer review is to evaluate the scientific basis for a proposed amendment to the Basin Plan. Planning staff will work with staff of the Cal/EPA Scientific Peer Review Program to request external scientific peer review of the assertions, findings, and conclusions that constitute the scientific portions of proposed Basin Plan amendments, if any, related to this Project. Peer reviewers will be requested to comment upon the soundness of the scientific knowledge, methods, and practices as presented in the Peer Review Draft Staff Report (peer review draft SED). Following an independent scientific peer review, staff will revise the documents as necessary, prior to release for public comment (see task 5.4 Public Comment).

Because the outcome of this Project could result in conditional relaxation of a longstanding mechanism used to protect summertime water quality in the Eel River, the Regional Water Board planning staff intends to conduct an additional level of peer review than is otherwise required for Basin Plan amendments. Prior to beginning the mandatory peer review process, planning staff will contact, inform, and distribute draft Project documents for review to the following public agencies:

* California Department of Water Resources
* California Department of Fish and Wildlife
* U.S. Army Corps of Engineers
* U.S. EPA
* U.S. Fish and Wildlife Service
* NOAA Fisheries
* Local planning, zoning, public works, water supply and flood control districts

Planning staff will solicit input from these public agencies to determine how the Project can be best coordinated with their existing policies and regulations. Planning staff may also distribute draft Project documents to advisory members of the public (see section IV. Advisory Committees). At this stage, external input must focus only on the scientific justification for the Project, alternatives, or on Project implementation. The input gathered from this process will be duly considered and incorporated when applicable.

## **Task 7: Regional Water Board Consideration**

The primary duty of the Regional Water Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulating and adopting water quality plans (one example of this would be an amendment to the Basin Plan) for specific ground or surface water basins, and by prescribing and enforcing requirements on all domestic and industrial waste discharges. Responsibilities and procedures of the Regional Water Quality Control Board come from the state's Porter-Cologne Water Quality Act and the nation's Clean Water Act.

Regional Water Board meetings are held to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer. The Regional Water Board and staff welcome information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Regional Water Board to take the appropriate action. Should the Project result in a proposed amendment to the Basin Plan, the item will be scheduled for a public hearing, in front of the Regional Water Board.

# California Native American Tribes

California has the second largest number of federally-recognized Tribes and, according to the 2010 U.S. Census, the largest Native American population in the United States. In California, there are currently 109 Tribes that are recognized by the federal government. There are also indigenous communities, which although they existed prior to the formation of the United States, are not currently recognized as sovereigns by the federal government. All, California Native American Tribes, whether officially recognized by the federal government or not, may have environmental, economic, and public health concerns that are different from the concerns of other Tribes or the general public. These differences may exist due to unique lifestyles, cultural beliefs, traditions, and specific connections to areas of California that are their ancestral homelands.

Throughout this Project, Regional Water Board staff will apply the following principles[[1]](#footnote-1) and best practices to improve and maintain effective government-to-government relationships and consultation with California Native American Tribes:

1. Acknowledge and respect Tribal sovereignty.
2. Understand that federally-recognized Tribes have a unique trust relationship with the federal government.
3. Recognize that all California Native American Tribes represent distinct and independent governmental entities with specific beliefs, traditions and unique connections to areas of California that are their ancestral homelands.
4. Communicate and consult with California Native American Tribes during the initial phase of decision-making processes that may affect Tribal lands, people, or cultural resources.
5. Recognize and respect the cultural resources of California Native American Tribes, whether or not the cultural resources are located on Tribal lands.
6. Acknowledge the need for confidentiality regarding places, land, people and cultural resources with traditional Tribal cultural significance.
7. Consider the potential impact of the Agency’s activities or programs on Tribal lands and cultural resources.
8. Encourage collaborative efforts between California Native American Tribes and federal, state, and local government entities to resolve issues of mutual concern.

# Evaluating Success

Evaluation of the public participation process provides an avenue for improvement and adaptive management. Periodic self-evaluation allows for ineffective components to be adjusted or dropped and effective components to be supported or enhanced. The evaluation will consist of a stakeholder evaluation and a self-evaluation.

Self-evaluation will consist of two indicators, process indicators and impact indicators. The following process indicators are related to the execution of the stakeholder involvement effort itself and include:

* How many meetings were held and how often?
* How many attendees were present at each meeting?
* What type of outreach materials were produced for each meeting?
* Did we adequately compile and maintain all meeting documents?

Impact indicators related to the achievement of the goals and objectives of this public participation strategy and include:

* Did we achieve broad education and input?
* Did we strengthen partnerships?
* Did we clarify potential risks and benefits of summertime discharge?
* Did we identify a range of Project alternatives and mitigations?
* Did the process result in effectual regulation?
* Did we promote the health of the Eel River Watershed?
* Did stakeholder meetings run smoothly?
* Did stakeholder engagement result in a better item before the Regional Water Board for consideration?

# Deliverables

To comply with all requirements of OAL, CEQA and Porter-Cologne all meeting documents (agendas, handouts, presentation materials, attendee lists, minutes, etc.) will be compiled and maintained as part of the administrative record for the Basin Plan amendment. Comments received from stakeholders and planning staff responses to these comments, as well as a complete list of stakeholders and their information (name, title, organization, mailing address, email address, and phone number) will be compiled and maintained as well.

# Public Participation Timeline

Development of this Project involves a variety of outreach and/ or technical milestones, report preparations, Board hearings, etc. Because of the complexity of the Project components, clearly articulating the role of public input in relation to the unfolding technical analysis and decision-making process through a process map can help manage expectations. Below is a Table containing an initial timeline for the Eel River Seasonal Discharge Prohibition Project. The Table is a communication tool, which will require periodic updating to remain current, but is intended to serve as a general guide throughout the process, allowing stakeholders to see where the Project is headed, what steps are coming up, and when milestones are anticipated.

|  |  |
| --- | --- |
| **Milestone** | **Tentative Timeframe** |
| Project Scoping | 2017 |
| Supplemental Monitoring | 2017-18 |
| Advisory Team(s) Processes | 2018-19 |
| Peer Review Staff Report | 2019 |
| CEQA Scoping | 2019 |
| Regional Water Board Consideration | 2020 |

# Map Showing Project Geographic Influence



1. CalEPA Policy on Consultation with California Native American Tribes, State of California, California Environmental Protection Agency, CalEPA-019 (8/7/15) [↑](#footnote-ref-1)