

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Mike Napolitano)
MEETING DATE: January 23, 2007

ITEM: 14

SUBJECT: **Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) for Sediment in Napa River, and an Implementation Plan to Achieve the TMDL and Related Habitat Enhancement Goals—Hearing to Consider Adoption of Proposed Basin Plan Amendment**

CHRONOLOGY: June 2006 – Public Notice of Proposed Basin Plan Amendment
September 2006 – Hearing to Receive Testimony on Proposed Basin Plan Amendment

DISCUSSION: At this hearing, the Board will be asked to consider adopting the Tentative Resolution (Appendix A) amending the Basin Plan to incorporate a TMDL and implementation plan to control sediment and achieve related habitat enhancement goals in the Napa River watershed. At the hearing, we will present an overview of revisions we have made to the Basin Plan amendment (Appendix B) as an outgrowth of stakeholder written comments and comments and questions raised by the public and Board members at the September 13, 2006 testimony hearing. Additional documentation in this packet includes the revised Staff Report (Appendix C), Responses to Comments (Appendix D), copies of all written comments received during the public comment period (Appendix E), and the transcript from the September testimony hearing (Appendix F).

In order to protect and restore the habitat of the Napa River's native fish community, and to enhance the recreational values of the river, the Basin Plan amendment will establish the following:

- Numeric targets for sediment that protect water quality
- A TMDL equal to 125 percent of natural background sediment load
- Allocations for all significant sediment source categories
- An implementation plan to achieve the TMDL and related habitat enhancement goals (e.g., habitat complexity, baseflow, stream temperature, and fish passage)
- A plan and schedule for evaluating and monitoring progress toward meeting the targets

The Responses to Comments document (Appendix D) addresses all comments received and calls out revisions to the Basin Plan amendment and Staff Report now proposed. The following is an overview of expressed concerns and our responses.

- While some stakeholders commended us for developing a comprehensive approach to protecting fish, both the Napa Farm Bureau and local municipalities expressed concern that the Habitat Enhancement Plan is outside the scope of the TMDL and therefore inappropriate for inclusion in the Basin Plan amendment. In our responses, we clarify the dual nature of the amendment, which includes both a Sediment TMDL and Implementation Plan, and a Habitat Enhancement Plan. The Habitat Enhancement Plan addresses other stressors (in addition to sediment) on steelhead

and salmon. These other stressors include habitat degradation, low flows during the dry season, fish migration barriers, and stressful summer water temperatures.

- Municipalities expressed concern that increasing flows for fish will diminish public potable water supplies. To address their concerns we clarified that our intent is to participate in a facilitated multi-agency planning process focused on development of practical and reasonable solutions to both humans' and wildlife's needs for water. We also clarified which aspects of the Habitat Enhancement Plan are *recommended* versus *required*.
- The County of Napa, the Napa Farm Bureau, and the Living Rivers Council raised numerous technical questions regarding implementation. In response, we have clarified the land use types and parcel sizes that will be affected by the TMDL, and elaborated on future monitoring requirements. We describe how specific sediment control and habitat enhancement actions will be evaluated in the process of developing waiver conditions for waste discharge requirements (WDRs) applicable to grazing lands and vineyards. We also clarify our intent to require actions aimed at protecting stream channels from increases in peak flow runoff.
- In response to comments from U.S. EPA, we revised the TMDL so that it is expressed in terms of the mass rate of sediment delivery to the Napa River, and we have provided specific wasteload allocations for construction, industrial, and municipal NPDES stormwater dischargers, including Caltrans, and for wastewater treatment facilities operating under NPDES permits.
- In response to a number of specific issues raised by commenters and in conformance with California Environmental Quality Act, we have revised and expanded Chapter 7 of the Staff Report, the Environmental Analysis section, to be consistent with revisions made throughout the Staff Report and Basin Plan amendment.

The revised Basin Plan amendment and supporting documents respond to stakeholder concerns, protect water quality, and meet all federal and state requirements. The overall approach to solving this water quality problem requires that all potential sources take responsibility for controlling sediment discharges, and that collaborative efforts continue to improve fish habitat. The implementation plan provides opportunities for future adaptive improvements to the plan. The proposed amendment outlines a comprehensive and holistic approach to restoring threatened fish populations, as well as protecting recreational and aesthetic values.

RECOMMEN-
DATION

Adopt the Tentative Resolution

APPENDICES:

- A. Tentative Resolution with Proposed Basin Plan Amendment (Exhibit A)
- B. Proposed Basin Plan Amendment showing all changes since June 30, 2006
- C. Staff Report
- D. Responses to Comments
- E. Written Comments
- F. September 13, 2006 Hearing Transcript