

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**SUPPLEMENTAL SHEET FOR REGULAR MEETING OF SEPTEMBER 22-23, 2016**

Prepared on September 12, 2016

**ITEM NUMBER:** 18

**SUBJECT:** Executive Officer's Report - Update on Certification of the Salinas River Stream Maintenance Program

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**KEY INFORMATION:** Update on staff's response to public comments and issuance of Clean Water Act Section 401 Water Quality Certification

**BACKGROUND**

During the July 28-29, 2016 Central Coast Water Board Meeting, staff presented an informational item on the Salinas River Stream Maintenance Program (Program). In that presentation, staff shared its plan to issue the Clean Water Act Section 401 Water Quality Certification (Certification) for the Program by way of the Executive Officer, provided that staff was able to resolve all remaining issues with Monterey County Water Resources Agency (MCWRA) and other stakeholders regarding the Program.

Following the July 28-29, 2016 Central Coast Water Board Meeting, staff reviewed all public comments received, discussed them as appropriate with commenters, and resolved all remaining issues that were raised through these comments. Staff prepared a Response to Comments document and posted it on the Central Coast Water Board website, along with the Draft Certification identifying modifications made in response to Central Coast Water Board member input and public comments from both the July Board meeting and the public comment period. The Executive Officer issued the Certification on August 31, 2016, which was also posted on the Central Coast Water Board website and distributed to interested parties.

**DISCUSSION**

Staff received public comment letters on the Draft Certification from MCWRA and the Otter Project, and a third joint letter from the Grower-Shipper Association of Central California, the Salinas River Channel Coalition, and Monterey County Farm Bureau (Joint Letter). The Joint Letter largely followed and concurred with MCWRA comments. Most of the comments involved relatively minor changes to Draft Certification language to clarify conditions, Program management, and/or staff oversight of the Program.

The requirements for the Long-Term River Management Strategy were addressed in all three letters, and resulted in more substantial changes to the Certification. MCWRA and the Joint

Letter questioned the Central Coast Water Board's authority to require development of a comprehensive watershed-scale river management strategy as a Certification condition for the Program, and raised concerns about the scope and timing of the requirements. The Otter Project supported the requirements contained in the Draft Certification. Staff resolved these comments by removing the requirement to develop a long-term river management strategy and replacing it with the following:

- Staff added conditions to the long-term effectiveness assessment section of the Certification requiring assessment of the Program's long-term effects within the larger watershed and its interactions with other river management activities within the watershed. The Certification requires MCWRA to submit two long-term effectiveness assessment reports (after five years and nine years, respectively). The reports must include Program- and watershed-based actions MCWRA can implement to optimize Program effectiveness and watershed health and function, including recommended modifications to the Program and to other river management activities to optimize watershed health and function.
- Staff added a finding that a long-term river management strategy must be included in any application to conduct stream maintenance activities subsequent to the 10-year term of the Certification. The long-term river management strategy must be based on the information, analyses, and recommendations required by the Certification.

These changes require MCWRA to generate and assess critical information regarding the Program within the context of other management activities and the larger Salinas River watershed. They also require development of recommended actions in response to the assessment. Since these are critical components of a long-term management strategy for the river and watershed, the changes serve to ensure substantial long-term management strategy progress. The changes also clarify the need for a long-term river management strategy in order for the Central Coast Water Board to certify the next iteration of the Program will be protective of water quality and beneficial uses for the Salinas River watershed. As such, the changes achieve the purpose of the original long-term river management strategy requirement, while also addressing MCWRA's concerns about flexibility and timing in developing a long term river management strategy.

During the July 28-29, 2016 Board Meeting, the Central Coast Water Board directed staff to incorporate recommendations for protecting anadromous fish migration and habitat developed for the Program by the National Marine Fisheries Service (NMFS). In discussions with NMFS, staff learned that NMFS has determined that the Program is not likely to adversely affect Southern-California Central Coast steelhead or their designated critical habitat. This opinion was formally confirmed in a NMFS concurrence letter to the U.S. Army Corps of Engineers dated September 6, 2016. This letter did not place any additional conditions on the Program in order to protect Southern-California Central Coast steelhead or their designated critical habitat.

The Executive Officer reviewed all public comments received on the application for water quality certification and on the Draft Certification, staff's responses to those comments, and modifications made to the Certification in response to Board direction and public comments. The Executive Officer issued the Certification on August 31, 2016, in time for maintenance activities to begin in September.

Following issuance of the Certification, staff posted the final Certification, the Draft Certification identifying modifications made in response to Board direction and public comments (red line/strikeout), and the Response to Comments document on the Central Coast Water Board website. These three documents are also attached to this supplemental. In addition, staff distributed a notice of the posting to the interested parties list.

## **CONCLUSION**

This Certification provides unprecedented habitat and water quality protection for the portion of the Salinas River covered by the Project, relative to historic Salinas flood protection projects. This Project has also brought together MCWRA, land owners and farmers, and environmental groups to support and craft the Project's scope and implementation. Central Coast Water Board staff will continue to work with all of the participant groups during the implementation of the Project and the development of plan for the long-term management of the Salinas River. Staff will also report periodically to the Board on the progress of the Project during its implementation; these reports will be through Executive Officer's Report.

## **ATTACHMENTS**

1. Final Water Quality Certification No. 32716WQ02 for Salinas River Stream Maintenance Program
2. Underline-Strikeout version of Final Water Quality Certification No. 32716WQ02 for Salinas River Stream Maintenance Program (showing changes made to the Certification after the July 29, 2016 Central Coast Water Board Meeting in response to comments)
3. Responses to Comments on Draft Water Quality Certification No. 32716WQ02

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