California Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2015-0001

Policy in Support of Restoration in the North Coast Region

WHEREAS, the California Regional Water Quality Control Board, North Coast Region, (hereinafter the Regional Water Board) finds that:

Introduction

1. The primary objective of the federal Clean Water Act is to *restore* and maintain the chemical, physical, and biological integrity of the Nation's waters (Clean Water Act section 101(a).) The Porter-Cologne Water Quality Control Act (California Water Code, Section 13000 et seq.) is California's comprehensive water quality control statue, which implements portions of the federal Clean Water Act. Under Porter-Cologne, water quality objectives are established to ensure the reasonable protection of beneficial uses[1] and the prevention of nuisance, in consideration of various factors including past, present and probable future beneficial uses of water (Water Code, § 13241.)

2. Many of the North Coast Region's aquatic ecosystems - *rivers, streams, lakes, reservoirs, wetlands, enclosed bays, and estuaries* - are home to sensitive beneficial uses and at-risk species. The structure, function, and biodiversity of aquatic ecosystems are vulnerable to disruption, and ~~occasionally~~ often require proactive, restorative measures to correct impairment, prevent further degradation, or increase resilience.

3. The pressures associated with population growth and development, impacts from land use activities and "legacy" problems, disruption of native plant and animal communities, changes to instream flows, effects of climate change, and the cumulative effects of past and present impacts, continue to threaten and degrade many of our aquatic ecosystems.

4. The goal of aquatic ecosystem restoration is the return of the chemical, physical, and biological attributes of an aquatic ecosystem to a closer approximation of its condition prior to disturbance or disruption by recreating the ecosystem's natural structure, function, or biodiversity.

5. To achieve the objectives of the Clean Water Act and Porter-Cologne, the Regional Water Board must take an active role in promoting the implementation of restoration projects that are expected to help restore the chemical, physical, and biological integrity of the waters within the region.

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[1] Beneficial uses that may be enhanced or protected as a result of restoration include, but are not necessarily limited to: recreation; aesthetic enjoyments; navigation; Native American cultural use, subsistence fishing, and preservation and enhancement of fish, wildlife and other aquatic resources and preserves.

Restoration Projects in the North Coast Region

6. The structure, function and biodiversity of aquatic ecosystems are vulnerable to disruption by a variety of anthropogenic stressors (e.g., pollution, landscape and habitat modification, flow alterations, exotic species introduction, and natural stressors (e.g., floods, ~~fires~~ catastrophic wildfires, landslides, droughts). In many watersheds, the impacts of past land use activities or so-called "legacy" problems may require decades or longer to recover from and to return to historic, natural, or functioning conditions. Some aquatic ecosystems have been so significantly altered that it is no longer reasonable or feasible to achieve historic conditions; but rather, restoration efforts must focus ~~on establishing~~ on the rehabilitation of an existing site to its best achievable structure, function and biodiversity.

7. The current and future effects of climate change pose a serious threat to aquatic ecosystems and beneficial uses of water in the North Coast Region. To prepare for these effects, the California Natural Resources Agency has developed an adaptation strategy titled *Safeguarding California: Reducing Climate Risk*[2]. As detailed in the strategy, the restoration and conservation of natural systems such as forests, grasslands and shrub lands, agricultural lands, and wetlands can provide more resilient natural systems that also offer protection from effects of climate change.

8. The re-attainment of an impaired beneficial use, or uses, often requires some combination of pollution controls, restorative actions, adaptive management, and sufficient time for an undesirable condition or conditions to abate and recovery to occur. Often, no single action can be expected to recover an impaired beneficial use or to restore a cumulatively affected watershed.

9. Restoration is conducted for the purpose of providing a net benefit to the environment by eliminating, reducing or ameliorating a variety of conditions that can negatively impact aquatic ecosystems, including but not limited to: sources of water pollution, eutrophication, nuisance flooding, desiccation, habitat simplification, species displacement, migration barriers, erosion from diverted streams, riparian zone disturbance, or other impairments to the beneficial uses of waters of the State.[3]

10. Restoration projects in the North Coast Region typically include, but are not limited to: bioengineering of eroding hill slopes and streambanks, wetland restoration,

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[2] California Natural Resources Agency. (2014). Safeguarding California: Reducing Climate Risk. An Update to the 2009 California Climate Adaptation Strategy.
http://resources.ca.gov/docs/climate/Final_Safeguarding_CA_Plan_July_31_2014.pdf

[3] This Restoration Policy does not include a specific definition of the type of activities that qualify as a restoration project as that determination is more appropriately made during the project specific review process. The determination of the "net benefit" of a given restoration project can be a factor for various permit fees, permit eligibility criteria, offset-ratios and/or prioritization of public funding sources.

migration barrier removal, decommissioning of roads and stream crossings, instream flow enhancement, habitat improvements, accelerated recruitment of large woody material, spawning gravel augmentation, exotic species removal, and the reestablishment of native wetland and riparian vegetation. Restoration projects can also include larger scale activities associated with estuary modification, creation of off-channel refuge, augmentation of instream flows, correction of stream diversions, and the dismantling or removal of materials associated with dams and reservoirs.

11. Regional Water Board staff oversees other regulated activities such as land development, offset programs, compensatory mitigation projects, enforcement actions, or supplemental environmental projects[4] that may include restorative actions or requirements. Although these projects can also include actions that are restorative in nature, they differ from other restoration projects in the net effect they may have on the environment when viewed in context with the impacts of the larger project ~~objectives~~ or activity. Nevertheless, these types of projects must also be similarly regulated to ensure that they are protective of beneficial uses while also being expeditiously administered, particularly when these actions are requirements under a permit or other order.

Removing the Barriers to Restoration

12. Although many restoration projects are intended to improve aquatic ecosystems, and can aid in the recovery of impaired beneficial uses, there are a number of obstacles that are frequently cited as impediments to the implementation of restoration actions; permitting and fees, project design complexity, incomplete applications, implementation costs, endangered species, and exposure to liabilities. At times, these barriers can demotivate project proponents from conducting restoration and conservation activities altogether, thus allowing an undesirable condition to persist or further degrade beneficial uses.

13. In 2002, California's former Secretary of Resources, Mary Nichols, convened a multi-stakeholder group known as the State Task Force on Removing Barriers to Restoration. The collaboration produced a report titled *Removing Barriers to Restoration, Report of the Task Force to the Secretary of Resources*[5] which highlighted categories of obstacles that are consistently sited as impediments to *voluntary* implementation, many of which persist today.

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[4] The Water Boards may allow a discharger to satisfy part of the monetary assessment imposed in an administrative civil liability (ACL) order by completing or funding one or more Supplemental Environmental Projects (SEPs.) These are projects that restore or enhance the beneficial uses of the waters of the State, that provide a benefit to the public at large and that are not otherwise required of the discharger.

[5] California Resources Agency. (2002). *Removing Barriers to Restoration - Report to the Task Force to the Secretary of Resources*. 1416 Ninth Street, Suite 1311, Sacramento, CA 95814. *http://resources.ca.gov*

14. The state and federal permitting process is frequently cited as a major impediment to conservation activities and restoration projects. The process for obtaining permission to conduct a restoration project is complex, costly, and time consuming, even for restoration projects that the agencies recommend and support.

15. The environmental laws that govern restoration projects are administered by many different local, state, tribal and federal agencies. Before a restoration project can be implemented, permit approval may be required from any or all of the following agencies: the State Water Resources Control Board, the Regional Water Quality Control Boards, the California Department of Fish and Wildlife (CDFW), the California Coastal Commission, the United States Army Corps of Engineers, the NOAA-National Marine Fisheries Service (NMFS), ~~the~~ United States Fish and Wildlife Service, State Lands Commission, federally recognized tribes, and various city or county agencies. State agency approvals require compliance with the applicable California Environmental Quality Act (CEQA) requirements. (California Public Resources Code, §§ 21000 *et seq*.)

16. Although there is some overlap in the information requested in state and federal agency permit applications, there are only a few coordinated permit application processes currently administered in the North Coast Region. Often, only experienced restoration practitioners are equipped to navigate through the complex regulatory processes that are required to successfully implement a restoration project.

17. Fortunately, in addition to agency staff, there are local resource conservation districts, the Natural Resources Conservation Service, watershed groups, environmental non-profits, federally recognized tribes, and private consultants who also can provide assistance on how to navigate through the regulatory processes necessary for restoration project development and implementation. Additionally, there are several watersheds in the North Coast Region where a watershed stewardship framework helps support collaborative, coordinated restoration efforts where legacy or cumulative impacts have created significant water quality challenges beyond the resource capacity of any single agency, organization, or landowner. By working closely together, regulatory agencies, stakeholders, and restoration practitioners can help to facilitate the implementation of beneficial restoration projects and reduce or eliminate the barriers to restoration.

Regulation and Permitting Restoration Projects

18. Under Porter-Cologne, each regional water board shall establish water quality objectives to ensure the reasonable protection of beneficial uses and the prevention of nuisance, in consideration of various factors including past, present and probable

future beneficial uses of water (Water Code, § 13241.) The implementation of restoration projects has the potential to cause nonpoint source discharges[6] of waste into waters of the State and therefore must be regulated. These discharges are typically short-term (during the course of construction and/or as a result of the first storm events); but they sometimes exceed water quality objectives that are included in the Water Quality Control Plan for the North Coast Region (Basin Plan).

19. The *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program*[7] (NPS Policy) is a statewide policy that explains how existing permitting and enforcement tools will be used to address nonpoint sources of pollution. The NPS Policy states that all current and proposed nonpoint source discharges be regulated under waste discharge requirements (WDRs), waivers of waste discharge requirements, basin plan prohibitions, or some combination of these administrative tools. As stated in the NPS Policy, regional water boards may prohibit discharges of waste or types of waste either through WDRs, waivers, or through waste discharge prohibitions specified in a basin plan pursuant to CWC section 13243. A regional water board may amend a basin plan to prohibit a particular discharge or a particular type of discharge or to conditionally prohibit a discharge.

20. The Basin Plan includes prohibitions that apply to restoration projects within the action plans for the Action Plan for the Garcia River Watershed Sediment TMDL (2002) and the Action Plan for the Klamath River Total Maximum Daily Loads Addressing Temperature, Dissolved Oxygen, Nutrient, and Microsystin Impairments in the Klamath River in California and Lost River Implementation Plan (2010). Both of these watershed-specific action plans describe the Regional Water Board's support for restoration efforts and provide methods for compliance with the prohibitions. To ensure compliance with the Garcia prohibitions, each landowner conducting restoration projects on their property must notify the Regional Water Board in writing of any proposed stream restoration activity and obtain permits prior to implementation. In the Klamath Action Plan, the exceedance of water quality objectives is prohibited unless otherwise subject to a permit or other order from the State or Regional Water Board.

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[6] Nonpoint source (NPS) pollution, also known as polluted runoff, comes from many diffuse sources and is caused by rainfall, snowmelt, or irrigation water that moves over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants and deposits them into lakes, rivers, wetlands, ground water, and other inland and coastal waters. NPS pollution can also include controllable water quality factors not associated with discharges such as salt water intrusion and water diversions. If a restoration project includes the point source discharge of pollutants to surface waters, it may require a National Pollutant Discharge Elimination System (NPDES) permit.

[7] The *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* can be found at http://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_iepolicy.pdf.

21. The Basin Plan includes a 1972 adopted Action Plan for Logging, Construction and Associated Activities (Action Plan) in its section on nonpoint source measures that contains prohibitions on the discharge of soil, silt, bark, slash, sawdust, or other organic material in quantities deleterious to fish, wildlife, or other beneficial uses. If an investigation reveals a violation or threatened violation, the Action Plan specifies cleanup and abatement or cease and desist orders as the most expeditious way for bringing a discharge into compliance. This Action Plan is useful for enforcement purposes, particularly discharges and threatened discharges not otherwise subject to a permit or order. The official record shows that it was not intended for the purpose of regulating restoration projects, nor would it be appropriate given the wider range of permitting tools available and described in detail below.

22. For nonpoint sources of pollution, implementation of the Clean Water Act and Porter-Cologne is an iterative process aimed at achieving water quality objectives over time. In issuing waste discharge requirements, a Regional Water Board prescribes requirements that implement the Basin Plan, taking into consideration the beneficial uses of the waterbody, the water quality objectives required to protect the beneficial uses, other waste discharges, the need to prevent nuisance, and the provisions of section 13241. (Water Code, section 13263.) Requirements may contain a time schedule, subject to revision at the discretion of the Regional Water Board. (*Id.*) Similarly, section 401 of the Clean Water Act allows a certifying agency considerable discretion to condition the certification based on the circumstances of a specific project.

23. Many restoration projects in the North Coast Region are permitted through the State Water Board's General 401 Water Quality Certification for Small Habitat Restoration Projects and rely on the corresponding CEQA Categorical Exemption for Small Habitat Restoration (Cal. Code Regs., tit. 14, section 15333). Projects that do not meet the eligibility requirements for this Certification must seek other permit coverage through an individual or general water quality certification, waste discharge requirements, or a waiver of waste discharge requirements.

24. Restoration projects must conform to the state and federal antidegradation policies. Section 131.12 of the U.S. EPA's Water Quality Standards regulations includes the "federal antidegradation policy" which emphasizes protection of instream beneficial uses, especially protection of aquatic organisms. As required by the federal antidegradation policy (40 C.F.R. §131.6(d)), each state's water quality standards must include a policy consistent with the federal antidegradation policy. The State Water Resources Control Board adopted resolution No. 68-16, the "Statement of Policy with Respect to Maintaining High Quality of Waters in California" as required by the federal antidegradation policy.

25. The State policy establishes two conditions that must be met before the quality of high quality waters may be lowered by waste discharges. First, the State must determine that lowering the quality of high quality waters: 1) will be consistent with

the maximum benefit to the people of the State; 2) will not unreasonably affect present and anticipated beneficial uses of such water; and 3) will not result in water quality less than that prescribed in State policies (e.g., water quality objectives). Second, any activities that result in discharges to high quality waters are required to: 1) meet waste discharge requirements that will result in the best practicable treatment or control of the discharge necessary to avoid pollution or nuisance; and 2) maintain the highest water quality consistent with the maximum benefit to the people of the State.

26. Restoration projects are intended for the purpose of correcting a water quality problem or condition, which is causing, or threatens to cause, a detrimental effect on an aquatic ecosystem and beneficial uses. Although a restoration project may result in a discharge of waste to a water of the State, or a water of the United States, or both, the impacts are intended to be temporary in nature with the purpose of providing a net benefit to water quality.

27. Restoration projects should be designed to incorporate clear measurable, success criteria with associated monitoring that are tailored to the individual project and can inform implementation outcomes over time. Monitoring is integral to any restoration project because it allows project proponents and reviewers to evaluate whether a project has been implemented according to applicable permit requirements and regulations, identify whether success criteria are being met over time, and provides a mechanism to inform adaptive management. Monitoring may include qualitative or quantitative metrics, or some combination of both, depending upon the project-specific characteristics and objectives. Monitoring programs should be commensurate with the complexity and objectives of the project, and may vary from simple completion reports and photo-point documentation, to more complex pre- and post- evaluations of physical habitat or water quality changes, biological responses of aquatic organisms, and/or comparisons to reference site conditions.

28. Large-scale restoration projects (e.g., the Trinity River Restoration Program, implementation of a total maximum daily load, watershed-wide programs to address non-native plant or animal species, and dam removal projects) may cause significant discharges of waste into waters of the State and may require a longer time period to achieve water quality standards. In permitting these types of projects, the Regional Water Board would need to determine, on a case-by-case basis, that water quality impacts resulting from the project are determined: 1) to be consistent with the maximum benefit to the people of the State; 2) to not, in the short-term, unreasonably affect beneficial uses of water or cause a permanent nuisance; and 3) to not, after a restoration project is completed, result in water quality less than that prescribed in State policies, including but not limited to the Basin Plan, Bays and Estuaries Plan, and Ocean Plan. Compliance is determined for project impacts ~~alone~~ and not necessarily the condition of the entire waterbody. Any permit would require that water quality objectives be achieved within the shortest

amount of time possible, and that all applicable Best Management Practices and mitigation measures are incorporated into the project to minimize soil erosion, surface runoff, and other potential adverse environmental impacts, including cumulative impacts.

29. Any large-scale restoration projects will likely be subject to applicable site-specific CEQA analyses, which will help inform the Regional Water Board in making project-specific decisions. Large-scale restoration projects could result in potentially significant impacts, including aesthetics impacts, air quality impacts from blasting and heavy equipment use, and biological and water quality impacts from release of turbid water or other pollutants. In some cases, impacts may be unavoidable. If the environmental document identifies significant and unavoidable impacts, including water quality impacts, the Regional Water Board must decide, based on all available information whether the benefits of the specific project outweigh the adverse impacts, with consideration of social, economic, legal, technical, or other beneficial aspects of the project. The findings should state the Regional Water Board's rationale for its decision in a project, watershed, or regional context.

Support for Restoration Projects

30. There are a number of ways in which Regional Water Board and its staff have been actively engaged in, and are providing support towards, the implementation of restoration projects in the region. These efforts include but are not necessarily limited to the following:

    a. Clean Water Act 401 Water Quality Certifications: Interacting with the public through education, outreach, technical review, permit conditioning, monitoring, and inspections as part of the 401 certification process.

    b. Grants, Contracts, and the State Revolving Fund: Administering various grants and contracts, including federal 319h grants and State bonds that allocate funding towards implementation of restoration projects. Staff periodically provides support to stakeholders seeking State Revolving Fund loans from the State Water Board. These loans can be directed towards restoration actions or for the purchase of lands for conservation purposes.

    c. Revision to the State Water Board General Water Quality Certification for Small Habitat Restoration Permit – General Water Quality Certification: Working closely with the State Water Board and the restoration community to develop an improved interim permit application form and guidance materials for the General Water Quality Certification for Small Habitat Restoration Projects. Staff is working with the State Water Board during its development of a new permitting strategy and CEQA considerations for restoration projects.

d. Revision to the State Water Board Fee Calculator for water quality certifications: Staff worked closely with the State Water Board to retain a low-cost fee structure for restoration projects seeking water quality certification.

e. Permit Coordination Programs: In November 2013, the Regional Water Board adopted a permit for the Mendocino County RCD and NRCS' Mendocino County Permit Coordination Program (MCPCP). The MCPCP allows for a number of different types of restoration practices ~~but also helps promote projects to conduct~~ including upslope source controls, barrier removal, native plant restoration, instream habitat improvements, large wood augmentation, streambank stabilization, and invasive species removal. The MCPCP is an expansion of the former *Navarro River Permit Coordination Program*.

f. Five Counties (5C) Salmonid Conservation Program: In May 2013, the Regional Water Board adopted the 5C Road Management Waiver. The 5C Road Management Waiver provides permit coverage and 401 Water Quality Certification for county road maintenance and associated project activities done as part of the Five Counties Salmonid Conservation Program. The 5C program is designed to implement projects on county and rural roads such as barrier removal, sediment control, and correction of stream diversions.

g. Trinity River Restoration Program: In May 2010, the Regional Water Board issued a General 401 Water Quality Certification to permit the mechanical channel rehabilitation and sediment management activities on the mainstem Trinity River below Lewiston Dam as part of the Trinity River Restoration Program (TRRP). TRRP is part of an ongoing program to help restore the anadromous fishery of the Trinity River. The proposed river channel rehabilitation activities recreate complex fish habitat and provide conditions suitable for reestablishing and sustaining native riparian vegetation.

h. CEQA Coverage: The 5C permits described above, Navarro River Permit Coordination Program, TRRP, as well as the U.S. Forest Service waiver and others were accompanied by CEQA analyses that broadened the range of identified impacts to provide permit coverage for more restoration projects. These CEQA documents can also be used by other responsible state agencies to further streamline permitting processes.

i. Secretarial Determination and Klamath TMDL: Staff continues to support implementation of a watershed stewardship framework to further implement Klamath River TMDLs in partnership with multiple state, federal, tribal and local agencies and other stakeholders. The Klamath River TMDLs contemplate numerous restoration initiatives, including a Secretarial Determination under the Klamath Hydroelectric Settlement Agreement and the Klamath Basin Restoration Agreement.

j. Elk River Recovery Assessment and Pilot Implementation Project: Largely funded by the Cleanup and Abatement Account, this analysis to identify feasible sediment remediation actions that in combination with sediment source reductions can recover channel capacity and ecosystem function in low gradient reaches of Elk River impacted by storage of fine sediment waste. Coupled with implementation of waste discharge requirements and supported by a watershed stewardship framework, instream remediation is anticipated to abate nuisance flooding conditions, and improve water quality and habitat in support of water supplies and fisheries.

k. Water Quality Credit Trading Program: As part of the development of the TMDL for the Laguna de Santa Rosa, Regional Water Board staff has been working closely with the Sonoma RCD, Gold Ridge RCD, City of Santa Rosa, and other stakeholders, through a NRCS Conservation Innovation Grant to develop an innovative water quality credit trading program. This new type of program uses offsets, credit trading, and other market based approaches that bolster restoration actions in support of TMDL goals and objectives.

l. Coho Recovery Team, Priority Action Coho Team~~, and Coho HELP Act~~: Participating in several cross-agency collaborations led by the CDFW and/or the NMFS to identify and prioritize specific recovery and restoration actions to prevent extinction of critically endangered central California Coast coho salmon. ~~Staff has been collaborating with the CDFW on the new Coho Habitat Enhancement Leading to Preservation Act (Coho HELP Act) program including participating in public workshops for restoration practitioners.~~

m. Coho HELP Act (AB 1961), Habitat Restoration and Enhancement Act (AB 2193): Staff has been collaborating with the CDFW on the new Coho Habitat Enhancement Leading to Preservation Act –AB 1961 (Coho HELP Act) program including participating in public workshops for restoration practitioners. Staff has also been working closely with Sustainable Conservation and the State Water Board to support development of the new Habitat Restoration and Enhancement Act (AB 2193). Staff members from the State and Regional Water Boards are coordinating the revision of the General 401 Certification for Small Habitat Restoration Projects to support the CDFW's restoration permitting programs through AB 2193.

n. Wood for Salmon Working Group (WFSWG): Since 2010, the WFSWG – a coalition of state and federal regulatory agencies, non-governmental organizations, and stakeholders – has been working to identify, improve upon, and develop new permitting pathways for large wood augmentation projects for the benefit of salmonids.

o. CAL FIRE Section-V Projects: As part of the WFSWG efforts, Regional Water Board collaborated with CAL FIRE, Campbell Global Incorporated, and other state and federal agencies to permit the first timber harvest plan in California to include a large woody material restoration project.

p. Low Impact Development: Supporting the design and implementation of low impact design (LID) techniques that incorporate restoration practices for new development projects.

THEREFORE, BE IT RESOLVED THAT, to continue to support restoration projects that are designed to help eliminate, reduce or mitigate existing sources of water pollution, or other impairment of beneficial uses of water, the North Coast Regional Water Quality Control Board directs its staff to do the following:

1. Actively promote restoration projects that can play an essential role in the protection, enhancement, and recovery of beneficial uses.

2. Continue to regulate the design, implementation, and water quality outcomes of restoration projects to ensure that associated activities are protective of the chemical, physical, and biological integrity of State and federal waters.

3. Ensure that permits for restoration projects are consistent with all requirements of the federal Clean Water Act, Porter-Cologne Water Quality Control Act, and the Water Quality Control Plan for the North Coast Region (including the antidegradation policy, and as described in more detail in findings 18-27).

4. As appropriate, prescribe a schedule for compliance for any restoration projects that may temporarily exceed water quality objectives as provided under section 13263 (c) of the Water Code. The schedule must require conformance with water quality objectives at the soonest time possible, and shall include practices to avoid and minimize adverse impacts to water quality, and a monitoring and reporting program.

5. Support the implementation of small-scale restoration projects that are expected to enhance or restore an aquatic ecosystem or impaired beneficial use, and which meet the eligibility requirements for permitting under the State Water Board's General Water Quality Certification for Small Habitat Restoration Projects and as it may be amended from time to time.

6. Improve the coordination between restoration practitioners, landowners, and agency contacts to help facilitate the submittal of complete permit applications and supporting technical information to support successful project outcomes.

7. Provide support, recommendations, and technical expertise to the State Water Board during development or revisions to permitting strategies for restoration projects, including the General Water Quality Certification for Small Habitat Restoration Projects.

8. Support the implementation of medium to large scale restoration projects that are expected to restore the function of an aquatic ecosystem, improve impaired beneficial uses, reduce nuisance flooding conditions, or that implement approved TMDLs. Coordinate CEQA analyses to the extent possible so as to streamline permitting processes of restoration projects in a given watershed or project area.

9. Continue to support development of watershed-wide and ownership-wide permits to support the implementation of key restoration actions.

10. Continue to implement the watershed stewardship framework to enhance coordination and collaboration on ecological restoration projects in north coast watersheds (e.g., Klamath Basin, Elk River, Mendocino Coastal watersheds, Laguna de Santa Rosa, and Eel River).

11. Support the development of policies and/or permits to encourage offset programs and mitigation (e.g., wetland or riparian mitigation banks, LID, offset projects, in-lieu fee programs), pollutant trading, and other market-based regulatory approaches that promote the implementation of restoration actions and TMDLs.

12. <u>Support restoration activities required by enforcement actions to counter the negative impacts resulting from illegal or unpermitted activities such as: land grading and development, vegetation clearing, forest conversion, waste dumping, road construction, and marijuana grows.</u>

13. Promote implementation of restoration actions, conservation practices, and policy decisions designed to improve ecosystem resilience to environmental stressors, including the effects of climate change.

14. Collaborate with other state and federal agencies to identify and prioritize candidate locations for implementation of high priority restoration projects. Coordinate with partner agencies to promote the implementation of key recovery actions detailed in state and federal recovery plans for threatened or endangered anadromous salmonids, or other listed aquatic species.

15. Participate in efforts between state and federal agencies, non-governmental organizations, environmental non-profits, and other stakeholders working to coordinate permitting and application requirements, develop new permitting pathways, secure funding sources, and remove the barriers to restoration projects.

16. Support the acquisition of public funding assistance in the form of grants, contracts, and loans that support implementation of restoration projects that are expected to protect beneficial uses, improve water quality, or avoid degradation. Coordinate and leverage funding opportunities for restoration projects (e.g., CDFW's Fisheries Restoration Grant Program, federal 319h, NRCS' Environmental Quality Incentives Program and National Water Quality Initiative, NOAA-NMFS' Habitat Conservation funds, private foundations, or other sources).

BE IT FURTHER RESOLVED THAT, the following narrative amendment shall be added in Chapter 4 (Implementation) of the Basin Plan, under nonpoint source measures:

~~*Draft*~~ POLICY IN SUPPORT OF RESTORATION IN THE NORTH COAST REGION

To achieve the objectives of the Clean Water Act and Porter-Cologne, the Regional Water Board must take an active role in promoting the implementation of restoration projects that are expected to help restore the chemical, physical, and biological integrity of the waters within the North Coast Region.

Restoration projects are implemented for the purpose of eliminating, reducing or ameliorating a variety of conditions that can negatively impact aquatic ecosystems, including but not limited to: water pollution, eutrophication, desiccation, habitat simplification, species displacement, migration barriers, erosion from diverted streams, riparian zone disturbance, effects of climate change, or other impairments to the beneficial uses of waters of the State.

The Policy in Support of Restoration in the North Coast Regional includes Resolution No. R1-2015-0001, which accomplishes the following: (1) recognizes the important role that restoration plays in restoring and maintaining water quality, (2) highlights some of the barriers that inhibit implementation of restoration projects, (3) describes the work being done by the Regional Water Board and its staff to support restoration, (4) describes the regulatory requirements for permitting restoration projects, and (5) provides direction on how the Regional Water Board and its staff will continue to promote and support restoration in the future.

GUIDELINES FOR IMPLEMENTATION OF RESTORATION POLICY

The *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* requires that all current and proposed nonpoint source discharges be regulated under waste discharge requirements, waivers of waste discharge requirements, basin plan prohibitions, or some combination of these administrative tools. The implementation of restoration projects with potential to cause nonpoint source discharges of waste into waters of the State is regulated similarly to other types of nonpoint source activities.

The State and Regional Water Boards use permitting authorities to implement the requirements of applicable State policies and state and regional water quality control plans. Boards may permit or certify restoration projects that result in significant and sometimes unavoidable impacts (including temporary exceedances of water quality objectives) if it is shown that the project will result in long-term protection of beneficial uses and water quality. In issuing waste discharge requirements, the Regional Water Board may include a time schedule, subject to revision at the discretion of the Board and pursuant to the provisions of Water Code section 13263. Similarly, in issuing a water quality certification under the Clean Water Act section 401, the state certifies a federal project or a project required to obtain a federal permit with conditions to protect beneficial uses and meet water quality objectives. The state has discretion to condition the water quality certification based on the circumstances of a specific project, and may include time schedules for achieving compliance.

The Basin Plan includes prohibitions that apply to restoration projects within the action plans for the Action Plan for the Garcia River Watershed Sediment TMDL (2002) and the Action Plan for the Klamath River Total Maximum Daily Loads Addressing Temperature, Dissolved Oxygen, Nutrient, and Microsystin Impairments in the Klamath River in California and Lost River Implementation Plan (2010). Both of these watershed-specific action plans describe the Regional Water Board's support for restoration efforts and provide methods for compliance with the prohibitions.

The Basin Plan also includes waste discharge prohibitions within the Action Plan for Logging, Construction, and Associated Activities. While useful as an enforcement tool to regulate certain nonpoint source or unpermitted discharges, the Action Plan for Logging, Construction, and Associated Activities is not necessary to regulate or enforce upon otherwise authorized restoration projects. Therefore, it shall not be construed to prohibit any restoration project subject to a permit or other order of the State or Regional Water Board.

Certification

I, Matthias St. John, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, North Coast Region, on January 29, 2015.

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Matthias St. John
Executive Officer