

Executive Officer's Summary Report
9:00 a.m., April 23, 2009
Fortuna River Lodge Conference Center
Chinook Room
1800 Riverwalk Drive
Fortuna, California

ITEM: 9

SUBJECT: Update on the Implementation of the Scott River TMDLs

PURPOSE

The purpose of this workshop is to inform the Regional Water Board and the public about progress being made in implementing the Scott TMDLs.

BACKGROUND

The United States Environmental Protection Agency approved the Total Maximum Daily Load (TMDL) for the Scott River on September 8, 2006 following adoption by the Regional and State Water Boards and approval by the Office of Administrative Law. Regional Water Board staff developed the TMDL in coordination with stakeholders and government agencies. The TMDL contains an Action Plan (attached) that requires landowners to take specific actions to reduce pollutant loads and ultimately achieve water quality standards.

The Scott River is listed as impaired due to excessive amounts of sediment and elevated stream temperatures. The *Scott River TMDL Action Plan* (attached) requires landowners to implement measures that will reduce erosion and sediment discharges into streams, and protect streams and enhance riparian vegetation to reduce stream temperatures.

On August 9, 2006, the Regional Water Board adopted the *Conditional Waiver for Discharges Related to Specific Land Management Activities in the Scott River Watershed, North Coast Region* (Conditional Waiver). The Conditional Waiver waives the requirement to file a Report of Waste Discharge and obtain Waste Discharge Requirements, pursuant to Water Code section 13269, for dischargers who choose to participate in ongoing collaborative processes that abate discharges addressed in the *Scott River TMDL Action Plan*.

Schedule of Implementation Activities

At the request of stakeholders in the Scott River watershed, many TMDL implementation efforts are intended to be locally led by the Scott River Watershed Council and Siskiyou Resource Conservation District (RCD). The TMDL also gives landowners an opportunity to address TMDL requirements by working with the

Department of Fish and Game (DFG) under its Incidental Take Permit (ITP) and Programmatic 1600 Agreement, once they are approved and have taken effect.

At the October 23, 2008 Regional Water Board meeting the Board directed staff to develop a comprehensive schedule that reflects planned and/or required implementation activities between now and 2011 when the Scott River TMDL Conditional Waiver expires. In response to this request, at a public meeting facilitated by the Scott River Watershed Council, Regional Water Board staff presented the need and rationale for the schedule, along with a draft of the schedule, and requested local input from the community. As an outcome of that meeting, the Scott River Watershed Council (SRWC) agreed to coordinate the development of the portion of the schedule of implementation activities that represent the locally self-directed efforts to implement the goals of the *Scott River TMDL Action Plan*. The attached schedule of planned and required actions reflects the projected efforts of Regional Water Board staff, the Memorandum of Understanding between the Regional Water Board and the US Forest Service, and the activities submitted by the SRWC.

For consideration by the Board:

- Do the actions specified in the schedule of implementation activities presented meet the Board's expectations for progress under the conditional waiver?
- If not, what additional actions should Regional Water Board staff pursue to achieve the goals of the *Scott River TMDL Action Plan*?

Permitting Framework for Non-Point Source Discharges Associated with Agriculture

The Conditional Waiver currently provides permit coverage for non-point source dischargers, as required by the Porter-Cologne Water Quality Control Act and described in the State Non-Point Source Policy. The State Non-Point Source Policy establishes that all non-point source discharges must be regulated under WDRs, Waivers of WDRs, basin plan prohibitions, or combinations thereof. Compliance with the Conditional Waiver is a major element of *Scott River TMDL Action Plan* implementation.

The *Scott River TMDL Action Plan* directs Regional Water Board staff to develop criteria for when a Grazing and Riparian Management Plan and/or an Erosion Control Plan shall be required. Additionally, the Action Plan directs staff to prepare and develop permit and enforcement actions to address the removal and suppression of vegetation that provides shade to water bodies in the Scott River watershed.

At the April 23, 2009 Regional Water Board meeting, staff will present an approach to integrate the need for a framework to address grazing and riparian issues, erosion control, and the protection of shade in the Scott River watershed with the State Non-Point Source Policy.

Compliance and Trend Monitoring Plan

The *Scott River TMDL Action Plan* directs Regional Water Board staff to develop a Compliance and Trend Monitoring Plan in order to determine the effectiveness of the

Scott River TMDL Action Plan. A public draft of the *Scott River Watershed Water Quality Compliance and Trend Monitoring Plan* has been completed and circulated for comment, and is available at the website shown below. The *Scott River Watershed Water Quality Compliance and Trend Monitoring Plan* will inform the Klamath Basin Water Quality Monitoring Coordination Group on Regional Water Board monitoring priorities for temperature and sediment in the Scott River watershed. The Klamath Basin Water Quality Monitoring Coordination Group is a collection of entities conducting water quality monitoring in the Klamath Basin that are developing a comprehensive basin-wide program to answer management questions and facilitate the protection and restoration of beneficial uses. The Klamath Basin Water Quality Monitoring Coordination Group includes federal, state, and tribal agencies, as well as the Klamath Watershed Institute at Humboldt State University, and non-profit organizations.

For more information on the Scott TMDL, including the action plans and workplans, visit our web site at:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/scott_river/

PRELIMINARY STAFF
RECOMMENDATION:

Informational item only.