

Executive Officer's Summary Report  
8:30 a.m. July 23, 2009  
North Coast Regional Water Board  
David C. Joseph Hearing Room  
5550 Skylane Blvd., Santa Rosa, Suite A  
Santa Rosa, California

ITEM: 7

SUBJECT: Public Hearing on Order No. R1-2009-0049 to consider adoption of Waste Discharge Requirements and 401 Water Quality Certification for **Sonoma County Water Agency**, Stream Maintenance Program, WDID No.1B09026WNSO (*Mark Neely*)

## DISCUSSION

The Sonoma County Water Agency (SCWA) is responsible for providing flood protection, water supply services, and wastewater treatment and disposal throughout the county. As part of their flood protection efforts, they conduct a variety of activities, both in and adjacent to engineered, modified, and natural channels, that are either owned by SCWA or for which an easement is maintained. These activities include routine stream maintenance, sediment management, vegetation management, bank stabilization, and a group of minor activities in streams within its maintenance authority. Routine maintenance activities are anticipated, expected, and consistent annual activities as needed in different locations to provide flood protection and maintain channel conveyance capacity while enhancing natural resources and recreational opportunities.

The proposed Order is both a set of waste discharge requirements and a 401 Water Quality Certification (Permit) that covers discharges from these activities. The Permit will serve to streamline the permitting process and provide consistency for the various projects. This Order supersedes and replaces the previous maintenance permit issued to Applicant, Order 81-73.

The Applicant developed a Stream Maintenance Program Manual which describes program activities, impact avoidance measures, best management practices (BMPs), program mitigation, program oversight and management, and program-area resources, including a characterization of channels. The SMP Manual is one of the major guiding documents within their overall Stream Maintenance Program (SMP). As lead agency, the Applicant also completed the Stream Maintenance Program Draft Environmental Impact Report (EIR), for compliance with the California Environmental Quality Act, which disclosed potential significant adverse environmental impacts and identified mitigation measures to reduce any potential impacts to levels of insignificance.

From a permitting standpoint, this project is planned as a ten-year program. Because 401 certifications have a maximum five-year lifespan, there will be a major review/renewal at the end of five years, followed by issuance of another certification for an additional five years. Other permitting agencies include the Army Corps of Engineers, National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the Department of Fish and Game. Also, a small portion (approximately 10%) of SCWA's service area falls under the San Francisco Bay Regional Water Board, and they will be issuing a WDR/401 for their area of jurisdiction as well. Our staff has worked closely with their staff to conform our permitting efforts.

The Applicant's SMP is composed of three primary maintenance activities: sediment removal, vegetation management, and bank stabilization. These primary maintenance activities occur mainly in engineered flood control channels, but may also occur in other engineered structures, sediment basins, natural watercourses, or other facilities on an as-needed basis. In addition to the primary maintenance activities, the SMP also includes other smaller maintenance activities such as: road maintenance for accessibility and drainage; debris and trash removal; application of herbicides to top-of-bank access roads via truck-mounted sprayers and to willow stumps by hand-painting, and for Himalayan blackberry removal; removing sediment around reservoir inlet structures; repairing fences along the channels; and removing or covering graffiti. The SMP also includes the transport and disposal of removed sediment and vegetation. Only the routine maintenance activities that have the potential to discharge fill to waters of the U.S. or discharge "waste" to waters of the State are covered by this Order.

Compensatory mitigation for SMP activities is required. Impacts from SMP activities may result in temporary fragmentation and reduction of wildlife habitat area, quality, and connectivity. Habitat impacts will be mitigated primarily through the implementation of best management practices, on-site habitat restoration and enhancement mitigation activities such as installation of low-flow channels and planting of native riparian shade trees, and additional off-site compensatory mitigation. Mitigation consists of a three-tiered approach:

- Tier 1 mitigation is directed on-site to compensate for the impacts occurring at the specific project reach;
- Tier 2 mitigation is applied outside of the current project reach, within the watershed, and addresses opportunities to reduce erosion or improve habitat conditions and compensate for the impacts occurring at the specific project reach. Tier 2 mitigation is applied if there is not enough area for Tier 1 mitigation; and
- Tier 3 mitigation is applied off-site within the same or nearby watershed, and addresses the temporary loss of the water body's beneficial uses and ecological functions that occur during the time between the SMP maintenance activities and when mitigation activities have become fully functional, eliminating the temporary impacts of the SMP maintenance activities. Tier 3 mitigation will be implemented through the Watershed Partnership Program (WPP), which engages community, private, and quasi-public organizations to undertake the watershed enhancing activities. The SMP includes details on tracking, reporting, and accounting for mitigation projects.

Each year, the SCWA will submit an annual notification to the permitting agencies that spells out the projects and locations for each year's maintenance activities, followed by a field review. The SMP Manual includes procedures and outlines for reporting on the activities performed under the SMP for the current projects. These procedures describe the contents and protocols for all annual reports submitted to the Executive Officer as part of the SMP. The contents of the Annual Reports sections may be revised with the written approval of the Executive Officer. The SMP Manual also includes Sediment Sampling and Analysis Guidelines. The purpose of this section is to identify sediment disposal options based on the constituents found in the sediment removed as part of SMP activities. Guidance is provided for sediment sampling, analysis, and characterization. This document may be amended with the written approval of the Executive Officer to accomplish the purpose for which it is intended. A Monitoring and Reporting Program is also being issued with this Permit, and further defines required monitoring, sampling, and reporting requirements.

A copy of the public notice is attached to this Executive Officer's Summary Report (Attachment 1). The draft permit was released on May 23, 2009, for a 30-day public comment period. The public notice was published in one newspaper in the Region and it was posted on the Regional Water Board website.

There were no public comments received. There were several comments received from the Applicant. The proposed Permit has been revised by staff during the public review period to correct errors, address comments from the Applicant, and provide clarity where needed.

**STAFF RECOMMENDATION:** Adopt Order No. R1-2009-0049 as proposed.