

**Regional Water Quality Control Board
North Coast Region
Executive Officer's Summary Report
August 30, 2022**

ITEM: 1

SUBJECT: Upper Elk River Sediment Total Maximum Daily Load (TMDL) 5-Year Review (Alydda Mangelsdorf, Matt Graves, Jim Burke, Dr. Lance Le, Elizabeth Pope; invited presenters: Humboldt Redwood Company, Green Diamond Resource Company, CalTrout, a Local Landowner, and California Coastal Conservancy staff)

BOARD ACTION: This is an information item only; no action will be taken by the Regional Board.

BACKGROUND: The purpose of this information item is to present an update which describes the implementation actions taken in response to the Action Plan for the Upper Elk River Sediment TMDL (Action Plan) that was adopted by the Regional Water Board in 2016 and amended into the Basin Plan in 2018. The TMDL Action Plan is the implementation framework designed to alleviate beneficial use impairment caused by the accelerated discharge of fine grained sediment. Specifically, goals of the TMDL are to achieve sediment related water quality standards, including the protection of the beneficial uses of water and the prevention of flooding, which constitutes a nuisance conditions under Porter-Cologne Water Quality Control Act. The program of implementation relies upon source control through issuance of waste discharge requirement permits (WDRs) and waivers of WDRs, recovery planning in the form of the Elk River Recovery Assessment, and a Watershed Stewardship Program whose mission it is to engage stakeholders in a collaborative process to achieve the goals of the TMDL.

The Action Plan calls for a review of TMDL implementation actions which occurred within the first five years after Regional Water Board adoption. In 2021, staff initiated a review of all actions taken to satisfy the Action Plan requirements. The findings of this review have been documented in the *2022 Staff Report - Upper Elk River Sediment TMDL: Assessment of the First Five Years (5-Year Report)*. The report is attached.

DISCUSSION: The 5-Year Report documents staff's findings related to:

- Key source control actions required by waste discharge permits that have been undertaken in conjunction with timber harvest activities,
- Monitoring data assessment and water quality trends results, and
- Stewardship and recovery planning activities pursued by Regional Water Board staff and their contractors.

The findings presented in this first 5-Year Report are consistent with the initial stage of TMDL implementation where in, enhanced source control measures are implemented, the foundation for recovery actions is laid, and collaborative efforts have been initiated. Staff conducted analyses of existing data related to sediment and aquatic conditions in

the upper watershed, which shows a variety of results from no statistical difference in conditions relative to the historic sediment concentrations, slight worsening of sediment concentrations which have not been tied to a specific cause, and a few improving conditions related to aquatic habitat. These results are limited in revelatory value due to limitations in covariate data availability with which to consider other potentially relevant factors. A key finding and staff recommendation based upon the 5-Year Report is therefore, that further monitoring and analyses is needed to more clearly identify the influence of source control implementation upon instream conditions, which would be best accomplished in collaboration with interested stakeholders.

The 5-Year Report findings will be used to inform development of a coordinated monitoring program and to inform local agencies and water resource managers of the recommended next steps for alleviating nuisance impacts and restoring supporting conditions for beneficial uses in the Elk River Watershed. Establishment of a Science and Coordinated Monitoring workgroup under the umbrella of the Watershed Stewardship Program is envisioned as the appropriate venue to develop such a plan.

This information item will provide a comprehensive picture of ongoing activities in the Elk River Watershed. In addition to Staff's summary presentation of the 5-Year Report, the Board will hear presentations from Humboldt Redwood Company and Green Diamond Resource Company, the timber companies under permit in the watershed regarding their successes and perspectives. CalTrout with support from Stillwater Sciences, and Northern Hydrology will present an overview of the [Elk River Watershed Stewardship Program: Sediment Remediation and Habitat Rehabilitation Recovery Plan](#) (Recovery Plan), which establishes an actionable plan ready for funding, design, and implementation of reach specific sediment remediation and habitat rehabilitation projects. This Plan is included as an attachment and considered a companion to the staff report. Staff have also invited a downstream landowner to offer their views of watershed status and trajectory and a representative of the California Coastal Conservancy with engagement in funding and restoration in the watershed.

RECOMMENDATION:

Staff's recommendation is to continue implementation of the TMDL Action Plan for the purpose of controlling all controllable sediment sources in the upper watershed; expanding the assimilative capacity of the impacted reach and lower watershed for sediment through sediment remediation and habitat rehabilitation; and continued stakeholder engagement through an expansion of the Watershed Stewardship Program to better address health and safety issues and science and coordinated monitoring. Staff have concluded that given the continued state of impairment it is premature to consider a recalculation of sediment sources or the assimilative capacity. Further, staff conclude that there is no need at this time to develop a Lower Elk River TMDL for sediment, given the recovery actions proposed in the Recovery Plan for the lower river, as well as the functioning regulatory tools already implemented for the control of stormwater discharges from the City of Eureka and the future development of a Grazing Program.

No action will be considered by the Regional Water Board at this meeting.

SUPPORTING DOCUMENTS:

1. *2022 Staff Report - Upper Elk River Sediment TMDL: Assessment of the First Five Years (5-Year Report)*
2. Elk River Watershed Stewardship Program: Sediment Remediation and Habitat Rehabilitation Recovery Plan (Recovery Plan)—
https://caltrout.org/wp-content/uploads/2019/05/Elk-River-Stewardship-Recovery-Plan-Public-Draft-July_2022.pdf

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