

California Regional Water Quality Control Board
North Coast Region

RESOLUTION NO. R1-2007-0095

December 6, 2007

Directing Staff to

Execute the Sediment Control Tasks

Described in the

**Work Plan To Control Excess Sediment
In Sediment-Impaired Watersheds**

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

1. Excess sediment is defined as soil, rock, and/or sediments (e.g., sand, silt, or clay) from human related activities that is discharged to waters of the state in an amount that could be deleterious to beneficial uses or cause a nuisance.
2. Excess sediment can negatively impact beneficial uses of water. Beneficial uses are designated in the *Water Quality Control Plan for the North Coast Region* (hereinafter the Basin Plan). Some of the beneficial uses most sensitive to high sediment loads are associated with the migration, spawning, reproduction, and early development of cold water fish such as coho salmon, Chinook salmon, and steelhead trout. Excess sediment can also limit the use of water for domestic consumption, agriculture, industry, wildlife, fishing and recreation, and can cause or contribute to flooding.
3. Excess sediment can result in the exceedence of water quality objectives for suspended material, settleable material, sediment, and turbidity, which are also designated in the Basin Plan.
4. Section 303(d) of the Clean Water Act requires states to identify waters that do not meet water quality standards. The beneficial uses of water bodies, water quality objectives, and anti-degradation policies, together, constitute water quality standards.
5. Twenty-seven water bodies, which drain approximately sixty-one percent of the area of the North Coast Region, do not meet sediment-related water quality standards as of 2006. These water bodies are listed as impaired due to sediment under section 303(d) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act. These water bodies are the:

Albion River	Klamath River (downstream of Weitchpec)
Big River	Mad River
Eel River, North Fork	Mattole River
Eel River, Middle Fork	Navarro River
Eel River, South Fork	Noyo River
Eel River, Upper Mainstem	Redwood Creek
Eel River, Middle Mainstem	Russian River
Eel River, Lower Mainstem	Scott River
Eel River, Van Duzen River	Stemple Creek and Estero de San Antonio
Elk River	Ten Mile River
Estero Americano and Americano Creek	Trinity River, Mainstem
Freshwater Creek	Trinity River, South Fork
Garcia River	
Gualala River	
Jacoby Creek	

6. The Regional Water Board adopted the *Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region* (Resolution R1-2004-0087) (hereinafter the Sediment TMDL Implementation Policy) on November 29, 2004.
7. Through the Sediment TMDL Implementation Policy, the Regional Water Board directed the Executive Officer to pursue compliance with sediment-related standards from dischargers of excess sediment by using all available authorities and permitting and enforcement tools. This allows for effective and immediate excess sediment control.
8. Through the Sediment TMDL Implementation Policy, the Regional Water Board further directed the Executive Officer to develop a work plan that sets priorities for addressing excess sediment at a watershed-specific level and describes how and when available authorities and permitting and enforcement tools will be used.
9. The *Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds* (hereinafter known as the Work Plan) (Attached) fulfills the requirement of the Sediment TMDL Implementation Policy to develop a work plan.
10. The Work Plan describes thirty-three regional tasks that staff of the Regional Water Board intend to execute to reduce and control excess sediment.
11. The Work Plan describes watershed-specific tasks that are tailored to each of the twenty-seven sediment-impaired watersheds in the North Coast Region. Regional Water Board staff intend to execute these tasks to reduce and control excess sediment.
12. The Work Plan includes priority rankings for each regional task and for each sediment-impaired watershed.
13. The Work Plan identifies the year in which Regional Water Board staff expect to commence work on each regional task and the tasks for each watershed. Under this schedule, and with adequate staff resources per the estimates in the Work Plan, staff will be working on all the regional tasks and in all the sediment-impaired watersheds in ten years. This schedule is dependent upon securing additional staff.

14. The Work Plan identifies the need for an estimated 19.2 additional permanent technical staff, plus more support (e.g., clerical) staff, to execute all of the tasks listed in this Work Plan and thereby reduce excess sediment and improve water quality.
15. The Work Plan is intended to be a living document that may be revised by the Executive Officer as additional information is gathered, conditions change, priorities are rearranged, and resources become available. The Work Plan in no way constrains any action or limits any authority of the Executive Officer, Regional Water Board, and staff.
16. The Work Plan is not intended to alter or interfere with any specific sediment Action Plan already incorporated into the Basin Plan or promulgated and implemented in the future. The Work Plan is intended to be harmonized with Basin Plan provisions.
17. The Work Plan and this Resolution do not constitute a discretionary permit or regulation or other discretionary action constituting a "project" as that term is defined by the California Environmental Quality Act (CEQA) (Cal.Code Regs., tit. 14, §15378). Thus, no environmental review is required under CEQA.

THEREFORE, be it resolved that,

The Regional Water Board directs the Executive Officer to execute the tasks listed in the Work Plan, as resources allow, generally starting with the regional tasks in order of high to low priority, followed by the watershed-specific tasks in order of high to low priority.

The Regional Water Board directs the Executive Officer to actively seek at least 19.2 permanent full time technical staff positions, plus additional support staff (e.g., clerical), beyond current staff levels in order to ensure the tasks listed in the Work Plan are executed.

The Regional Water Board directs the Executive Officer to annually report to the Regional Water Board on (1) the status of efforts to execute the sediment control tasks listed in the Work Plan, and (2) any updates and changes to the Work Plan.

Certification

I, Robert R. Klamt, Interim 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 December 6, 2007.

Robert R. Klamt
Interim Executive Officer