

February 5, 2013

**Notice to Hold CEQA Scoping Meetings  
for a Proposed Amendment  
to the *Water Quality Control Plan for the North Coast Region*  
Incorporating a Policy for the Implementation of the Water Quality Objective  
for Temperature and Temperature TMDL Action Plans  
for the Navarro, Eel, and Mattole River Watersheds**

**NOTICE IS HEREBY GIVEN** that Regional Water Quality Control Board, North Coast Region (Regional Water Board) staff will hold three California Environmental Quality Act (CEQA) scoping meetings on a proposed amendment to the *Water Quality Control Plan for the North Coast Region* (Basin Plan). The scoping meetings will be held on February 15<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 2013, in Santa Rosa, Bayside (Eureka), and Yreka, respectively, to gather input on possible environmental impacts of this project.

The North Coast Region is located in the northwest corner of California and encompasses all the watersheds draining to the Pacific Ocean between Tomales Bay and the California-Oregon border (See Figure 1). The purpose of the proposed amendment is to amend the Basin Plan to include in Chapter 4 (Implementation Plans) a *Policy for the Implementation of the Water Quality Objective for Temperature* (Temperature Implementation Policy) which will apply to the whole North Coast region. In addition, watershed-specific Temperature Total Maximum Daily Load (TMDL) Action Plans for the Navarro, Mattole, and Eel River watersheds will also be incorporated into Chapter 4 of the Basin Plan.

**CEQA SCOPING**

California Code of Regulations, title 23, section 3775.5, subdivision (b) provides: The purpose of a scoping meeting is to seek input from public agencies and members of the public on the range of project actions, alternatives, reasonably foreseeable methods of compliance, significant impacts to be analyzed, cumulative impacts if any, and mitigation measures that will reduce impacts to a less than significant level as part of the development of the proposed amendment; and to eliminate from detailed study issues found not to be important. Scoping may also assist in resolving concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons. Early public involvement assists the Regional Water Board staff in refining the scope of the project and determining the range of environmental information and potential impacts the proposed amendment might have on the various categories of environmental resources such as water quality or geologic stability.

These meetings will provide participants with: (1) a description of the proposed amendment, including the conditions in the region that the proposed amendment is intended to address; (2) a discussion of probable environmental effects; and (3) an opportunity to provide input and comment on the proposed amendment and potential environmental impacts, alternatives, and mitigation measures.

Adoption of a Temperature Implementation Policy and Temperature TMDL Action Plans is a discretionary action subject to CEQA; however, basin planning is certified as exempt from

the requirement to prepare an environmental impact report (EIR), or negative declaration and initial study. (Cal. Code Regs., tit.14, § 15251, subd.(g).) To include a Policy in the Basin Plan requires the amendment of the Basin Plan and compliance with the basin planning requirements of Porter-Cologne, as well as CEQA. In lieu of an EIR or negative declaration and initial study, a substitute environmental document (SED) will be prepared which simultaneously complies with both these environmental laws. It will be circulated at a later date followed by a public hearing before the Regional Water Board.

**Fact Sheet for  
Temperature Implementation Policy  
and Temperature TMDL Action Plans for the Navarro, Eel, and Mattole Watersheds**

**Policy for the Implementation of the Water Quality Objective for Temperature Background:**

Approximately sixty-one percent of the area of the North Coast Region is listed as temperature impaired, per Section 303(d) of the Clean Water Act, because the water quality of those rivers and streams does not meet the temperature water quality objectives, or protect certain beneficial uses. Temperature impairments in the watersheds of the North Coast Region are predominantly associated with nonpoint source pollution. Temperature TMDL analyses found the same factors to be responsible for elevated water temperatures: increased exposure to solar radiation due to loss of stream shade, physical stream channel alteration in response to elevated sediment loads, and in some cases alterations of hydrology, including impoundments and water diversions. Widespread temperature impairments within the North Coast Region point to the need for a region-wide approach for addressing temperature issues. The establishment and implementation of a Temperature Implementation Policy will provide a common approach to ensuring attainment of the water quality objective for temperature. Similarly, the establishment and implementation of such a policy will ensure that high quality waters are also protected.

On January 19, 2012, the Regional Water Board adopted resolution R1-2012-0013 titled "*Policy Statement for Implementation of the Water Quality Objective for Temperature in the North Coast Region*" (Policy Statement)<sup>1</sup>. The Policy Statement describes the water quality objective for temperature, identifies common activities that have the potential to elevate water temperatures in exceedance of the water quality objective, and identifies regulatory mechanisms by which they are addressed in order to provide a comprehensive and consistent approach to the control of elevated temperatures throughout the North Coast Region. The Policy Statement also provides direction to staff developing and implementing permits and evaluating the water quality impacts of proposed actions, clarification to the public regarding what is required to comply with the objective, and direction to staff to incorporate a Temperature Implementation Policy into the Basin Plan.

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<sup>1</sup> Resolution R1-2012-0013 can be downloaded at:  
[http://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2012/120127\\_12\\_0013\\_Resolution\\_Temperature.pdf](http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2012/120127_12_0013_Resolution_Temperature.pdf)

**Proposed Action:**

Regional Water Board staff will prepare and present to the Regional Water Board for adoption into the Basin Plan, to include in Chapter 4 (Implementation Plans) a Temperature Implementation Policy, as directed by the Regional Water Board through resolution R1-2012-0013. The proposed Basin Plan amendment will describe the approach to implementing the interstate water quality objective for temperature in one cohesive policy, as described in the Policy Statement.

The Regional Water Board's goal in developing and adopting the policy into the Basin Plan is to describe the actions and approaches that the Regional Water Board will take to achieve the intrastate water quality objective for temperature. It will identify the significance of stream shade as a factor determining stream temperatures, and it will direct staff to address temperature concerns through existing authorities and processes. It will also include consideration of issues other responsible agencies, with jurisdiction over controllable factors that influence water temperature, must consider when taking actions that may affect temperature.

**Temperature Implementation Plans for the Navarro, Mattole, and Eel River Watersheds**

**Background:**

The entirety of the Navarro, Mattole, and Eel River watersheds are listed as temperature impaired, per Section 303(d) of the Clean Water Act, because the water quality of those rivers and streams does not meet the temperature water quality objective, or protect certain beneficial uses. Section 303(d) of the Clean Water Act requires states to address impaired waters by developing a TMDL or implementing another program that will result in the attainment of water quality standards.

**Proposed Action:**

Regional Water Board staff will prepare and present to the Regional Water Board for adoption into the Basin Plan temperature TMDL action plans (Action Plans) for the Mattole, Navarro, and Eel Rivers (see Figure 1). These Action Plans will identify the source of the problems, the parties involved and the actions to be taken. The Plans' remedial framework will likely emulate the Temperature Policy by employing a mix of existing regulatory tools such as permits, waivers and prohibitions, combined with recommendations arising from water rights regulations and water quality issues.

Specifically, the Action Plans for the Mattole, Navarro, and Eel will each include the following provisions:

- Regional Water Board coordination with Division of Water Rights to achieve temperature TMDLs through the Division of Water Rights' administration of the

water rights permitting process, including the *Policy for Maintaining Instream Flows in Northern California Coastal Streams*<sup>2</sup> where applicable;

- Implementation of existing EPA-established shade allocations in each of the three waterbodies cited above through existing and future permitting actions;
- Relevant provisions of existing nonpoint source regulatory programs, such as those addressing dairies, timber activities, US Forest Service activities;
- An adaptive management-based program for monitoring and periodic review and modification as appropriate; and,
- Implementation of actions described in the *Staff Work Plan to Control Excess Sediment in Sediment-Impaired Watersheds*.<sup>3</sup>

The Eel, Mattole, and Navarro watersheds have been listed on the 303(d) list of impaired waterbodies for sediment and temperature impairment, and technical TMDLs promulgated by the US EPA. The TMDLs for these watersheds can be found at:

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/).

#### **AVAILABILITY OF DOCUMENTS**

This fact sheet and CEQA scoping notice are available for review and download on the Regional Water Board at the following location:

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/basin\\_plan/temperature\\_amendment.shtml](http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/temperature_amendment.shtml)

Copies of this document can also be obtained in person at the Regional Water Board's office at 5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 or by calling 707-576-2751.

#### **Public Comments**

Written comments on the CEQA aspects of the proposed Basin Plan Amendment should be submitted to Regional Water Board staff no later than April 1, 2013 (contact information provided in the table below).

Comments should discuss concerns and identify those issues on which the commenter believes that the Regional Water Board needs to focus its in-depth environmental analysis. For example, significant environmental issues, alternatives to the proposed action(s), the potential means of compliance and significant environmental effects of compliance with the proposed action(s), and any mitigation measures that should be explored to reduce any potentially significant impacts.

Following the meetings, staff will review written and oral comments in preparation of its draft staff report and CEQA-equivalent document, which will be released for public review. All CEQA Scoping comments received will be included in the final administrative record for this proposed amendment.

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<sup>2</sup> [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/instream\\_flows/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/)

<sup>3</sup> [http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/sediment\\_workplan/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/sediment_workplan/)



Figure 1: North Coast Region of California

**CEQA Scoping Meetings Schedule**

<b>CEQA Scoping Meeting Location:</b>	<b>Regional Water Board Office</b>  5550 Skylane Blvd., Suite A Santa Rosa, CA 95403	<b>Humboldt Area Foundation</b>  373 Indianola Road, Bayside, CA 95524	<b>U.S. Fish and Wildlife Service Office</b>  1829 South Oregon St. Yreka, CA 96097
<b>Date:</b>	<b>02/15/2013</b>	<b>02/27/2013</b>	<b>02/28/2013</b>
<b>Time:</b>	<b>2:00-4:00 p.m.</b>	<b>9:00-11:00 a.m.</b>	<b>9:00-11:00 a.m.</b>
<b>Contact information:</b>	<b>Bryan McFadin</b> <a href="mailto:Bryan.McFadin@waterboards.ca.gov">Bryan.McFadin@waterboards.ca.gov</a> North Coast Regional Water Quality Control Board 5550 Skylane Blvd., Suite A Santa Rosa, CA 95403 (707) 576-2751		

**FOR FUTURE UPDATES**

Interested parties are encouraged to subscribe to the “Temperature Issues” email list at: [http://www.waterboards.ca.gov/resources/email\\_subscriptions/reg1\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.shtml).

**PARKING AND ACCESSIBILITY**

For directions and location information, please refer to the websites for the facilities:

These facilities are accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Patti Corsi, Executive Assistant, at (707) 576-2307 or [Corsi.Patti@waterboards.ca.gov](mailto:Corsi.Patti@waterboards.ca.gov) at least five days prior to the meeting of interest. TTY/TDD/Speech-to-Speech users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.