

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING MAY 16, 2003

Prepared on March 25, 2003

ITEM: 35

SUBJECT: Readopting the San Lorenzo River Total Maximum Daily Load for Sediment (Including Carbonera Creek, Lompico Creek, and Shingle Mill Creek) as a Basin Plan Amendment

BACKGROUND

On September 20, 2002 the Regional Board adopted Resolution R3-2002-0063, amending the Basin Plan to include a TMDL for sediment for the San Lorenzo River, Carbonera Creek, Lompico Creek, and Shingle Mill Creek.

Public Resources Code Section 3777 of the Title 23 California Code of Regulation requires that the Regional Board consider alternatives when adopting Basin Plan Amendments and to document the alternatives considered in the staff report that proposes the amendments. Staff did not explicitly include documentation of alternatives considered in the staff reports for this TDML, although staff did consider alternatives as part of the process of preparing the recommendations for the amendment.

In order to insure proper documentation and presentation of alternatives as part of the decision to adopt this TMDL as a Basin Plan Amendment, staff has prepared alternatives analyses and provided public notice of this additional information.

DISCUSSION

After Regional Board adoption in September 2002, staff transmitted the Resolution and the associated Administrative Record to the State Water Resources Control Board (State Board). State Board in January 2003.

In preparing to present this Basin Plan Amendment to the State Board, State Board staff indicated the need for an explicit

alternatives analysis for the TMDL. Regional Board and State Board legal counsel also indicated that this information must be part of the decision to adopt the TMDL as a Basin Plan Amendment and, therefore, the TMDL needs to be re-adopted with this information in the public record.

Staff has prepared the alternatives analysis for this TMDL and it is included in Attachment C of the proposed amendment package, as part of the California Environmental Quality Act (CEQA) Functional Equivalent Report, placed after the Environmental Checklist. Regional Board staff revised the Resolution language to reflect these changes only with the addition of findings 22 and 27.

The technical supporting documentation for the resolutions (unchanged portions) is the same as that presented with the previous recommendation and adoption of the TMDL. These documents can be accessed at the Region Three website: <http://www.swrcb.ca.gov/rwqcb3/tmdl/Participation.htm>. Staff did not include the entire document in the staff report in order to save paper.

PUBLIC COMMENT

This TMDL was made available for Public Review on April 1, 2003.

Comment: Comments were received from one commenter on April 21, 2003. This commenter, Mr. Harold J. Biaggini, stated he wished to protest the Las Tablas Creek and Lake Nacimiento TMDL in addition to the San

Lorenzo river and Chorro Creek and Los Osos Creek TMDLs. Mr. Biaggini stated that there are other alternatives that should be discussed. Neither these alternatives nor the reasons for discussing them were clearly presented in his letter.

Staff Reply: Comment noted.

RECOMMENDATION

Adopt the revised Resolution No. R3-2002-0063 contained in Attachment A, as proposed, to amend the Basin Plan to include this TMDL.

ATTACHMENTS:

- A. Resolution No. R302002-0063 with revisions.
- B. San Lorenzo River Total Maximum Daily Load for Sediment (Including Carbonera Creek, Lompico Creek, and Shingle Mill Creek) Technical Support Document- available at the Region 3 website
<http://www.swrcb.ca.gov/rwqcb3/tmdl/Participation.htm>
- C. California Environmental Quality Act "Functional Equivalent" Report for Basin Plan Amendment (Resolution No. R3-2002-0063)
- D. Notice of Public Hearing/Notice of Filing
- E. Certificate of Fee Exemption/De Minimis Impact Finding

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