

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2015-0034**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE NORTH COAST REGION TO ESTABLISH A POLICY IN SUPPORT OF
RESTORATION IN THE NORTH COAST REGION

WHEREAS:

1. On January 24, 2015, the North Coast Regional Water Quality Control Board (North Coast Water Board) adopted [Resolution No. R1-2015-0001](#)—*the Policy in Support of Restoration in the North Coast Region* (Restoration Policy), and [Resolution No. R1-2015-0004](#)—*Adopting Basin Plan Amendment for the Policy in Support of Restoration in the North Coast Region* (Adopting Resolution).
2. The Restoration Policy is primarily a narrative expressing support for restoration and similar type projects that describes in detail: (1) the importance of restoration projects for the protection, enhancement and recovery of beneficial uses, (2) the obstacles that slow or preclude restoration actions, (3) the legal and procedural requirements for permitting restoration projects, (4) the ongoing North Coast Water Board effort to provide support towards the implementation of restoration projects, and (5) direction to staff to continue to support restoration in the future. In addition, Restoration Policy includes Basin Plan narrative amendment language that provides a similar expression of support for restoration but without specific details on current restoration efforts that will become dated over time.
3. While the Restoration Policy is primarily a narrative and description of existing law, the North Coast Water Board has treated the Restoration Policy as a regulatory amendment out of an abundance of caution. It clarifies that the Action Plan for Logging, Construction, and Associated Activities prohibitions do not apply to restoration projects otherwise subject to an order by the State or North Coast Water Board.
4. The North Coast Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) Substitute Environmental Document (SED) adopted for the *Policy for the Implementation of the Water Quality Objectives for Temperature* (Temperature Policy) complies with the requirements of Public Resources Code section 21159, including the CEQA Environmental Checklist containing an analysis of environmental impacts, mitigation measures to reduce or avoid those impacts, and alternative means of compliance that would avoid or eliminate environmental impacts, and California Code of Regulations, title 23, sections 3775-3781. Various projects intended to comply with the Temperature Policy are similar if not identical to the various projects contemplated under the Restoration Policy. Pursuant to California Code of Regulations, title 14, section 15164, the North Coast Water Board prepared an addendum to the SED to

analyze factors that would trigger the need to prepare subsequent CEQA analyses under California Code of Regulations, title 14, section 15162, subdivision (a). The addendum reports no anticipated new or worsened water quality impacts that are expected to result from the adoption of the Restoration Policy. The North Coast Water Board therefore found that it was not required to prepare subsequent or supplemental CEQA documentation. The State Water Board has reviewed the SED and addendum for the Basin Plan amendment and concurs with the North Coast Water Board's findings and determinations, including the programmatic statement of overriding considerations.

5. The North Coast Water Board found that the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining High Quality Waters in California (State Water Board Resolution No. 68-16) and the federal Antidegradation Policy (40 C.F.R. §131.12), in that it is supportive of restorative actions designed to protect or recover instream beneficial uses and impaired aquatic ecosystems. While some restoration projects could result in temporary exceedances of water quality objectives, short-term impacts may be acceptable in cases where long-term benefits to beneficial uses outweigh short-term impacts, based on detailed, site-specific information and findings.
6. The North Coast Water Board found that the Basin Plan amendment meets the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, subdivision (b).
7. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that the regional water quality control boards may revise basin plans; and section 13242, which requires a program of implementation for achieving water quality objectives. In addition, the State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13241, which requires the establishment of water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance, in consideration of various factors including past, present and probably future beneficial uses of water.
8. A Basin Plan amendment does not become effective until it is approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL) and the CEQA filing fee is collected by the California Department of Fish and Wildlife.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under Resolution Nos. R1-2015-0001 and R1-2015-0004.
2. Authorizes the Executive Director or designee to submit the amendment adopted under North Coast Water Board Resolution Nos. R1-2015-0001 and R1-2015-0004 to OAL for approval of the regulatory provisions.

CERTIFICATION

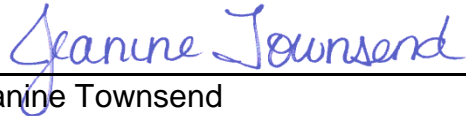
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 19, 2015.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board