

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2024-0041**

AUTHORIZING THE EXECUTIVE DIRECTOR, THE CHIEF DEPUTY DIRECTOR,
AND THE DEPUTY DIRECTOR OF THE DIVISION OF ADMINISTRATIVE SERVICES
TO EXECUTE AND AMEND CONTRACTS FOR THE DEVELOPMENT OF A NEW
REGULATORY FRAMEWORK AND PROGRAM OF TMDL IMPLEMENTATION

WHEREAS:

1. On or about December 2001, pursuant to a consent decree, the U.S. EPA developed Total Maximum Daily Load (TMDL) analyses for water bodies – including the Gualala River Total Maximum Daily Load for Sediment (Gualala River Sediment TMDL) – listed as “impaired” under Section 303(d) of the federal Clean Water Act due to excess sediment primarily attributed to road-related erosion and historic logging practices.

2. In 2004 the North Coast Regional Water Quality Control Board (North Coast Water Board) adopted the Total Maximum Daily Load Implementation Policy Statement for Sediment Impaired Receiving Water in the North Coast Region, [Resolution No. R1-2004-0087](#) (Sediment TMDL Implementation Policy or Policy) and incorporated it into the Water Quality Control Plan for the North Coast Region (Basin Plan) in 2007. The intent of the Policy was to meet the objectives of the USEPA-developed sediment TMDLs and fulfill the requirement to have a program of implementation adopted into the Basin Plan by utilizing the North Coast Water Board’s regulatory authorities, including existing regulatory standards, permitting, and enforcement tools, to manage its limited resources effectively and efficiently.

3. On July 14, 2021, the Friends of the Gualala River (FOGR) filed a lawsuit – Friends of Gualala River v. North Coast Regional Water Quality Control Board and State Water Resources Control Board, in Mendocino County Superior Court, (Case No. 21CV00834) – alleging the North Coast Water Board abused its discretion when it enrolled the Gualala Redwood Timber Company’s timber harvest plan (THP) 1-20-00150 SON under its Timber General Waste Discharge Requirements Permit (Timber Permit) because the enrollment of the THP in the Timber Permit did not implement the Gualala River Sediment TMDL and that the North Coast Water Board was not meeting federal requirements to incorporate the Gualala River Sediment TMDL into its Basin Plan.

4. On April 6, 2023, FOGR, the State Water Resources Control Board (State Water Board), and the North Coast Water Board finalized a negotiated Stipulated Settlement Agreement (Stipulated Agreement) in Mendocino County Superior Court.

5. The Stipulated Agreement obligates the North Coast Water Board to create a new regulatory program to address road-related sediment discharges on private lands and includes the following milestones that must be completed within 36 months of its approval:
 - a. The Stipulated Agreement requires the incorporation of the Gualala River Sediment TMDL into the Basin Plan and that as part of that process, the following timelines be met,
 - i. By June 2025, the North Coast Water Board shall prepare and issue for public review and comment a proposed Basin Plan amendment and accompanying draft environmental document for the incorporation of the Gualala River Sediment TMDL into the Basin Plan.
 - ii. By March 2026, the North Coast Water Board shall consider for adoption the proposed Basin Plan amendment and accompanying environmental document.
 - iii. Beginning July 2023 and approximately every three (3) months thereafter, the North Coast Water Board shall provide updates to all interested parties on the status of the Basin Plan amendment.

 - b. The Stipulated Agreement also requires the North Coast Water Board to develop a public process to develop an order or orders that requires inventory, assessment, and prioritization of treatment of roads to control Road related sediment discharges within the Gualala River watershed and that as part of that process, the following timelines be met,
 - i. By April 2025, the North Coast Water Board shall issue for public review and comment the draft Order proposing to implement the actions identified above,

- ii. By April 2026, the North Coast Water Board shall consider for adoption the proposed Order and accompanying environmental documents.
 - iii. Beginning July 2023 and approximately every three (3) months thereafter, the North Coast Water Boards shall provide updates to all interested parties on the status of Order development and adoption.
- 6. The Gualala River TMDL Stipulated Settlement Agreement Budget Change Proposal was approved to facilitate the development of the new regulatory framework and program implementation to address road-related sediment in the Gualala River Watershed. It established contract allocations for external consulting and professional services of \$1,000,000 per year for Fiscal Year (FY) 24/25 through FY 28/29 (\$5,000,000 total).
- 7. Contract funding will go towards evaluating contemporary road-related sediment sources; developing and prioritizing recovery actions; outreach/education, on-the-ground assessment and treatment of road-related sediment sources; and program implementation.
- 8. The North Coast Water Board anticipates that two three-year contracts, each with the option to extend for up to two (2) years, will be needed to fully implement the requirements of the Stipulated Agreement. The first of these contracts is currently in development and will include a retroactive start date of July 1, 2024.
- 9. The State Water Board authorized the Executive Director, Chief Deputy Director, and Deputy Director of the Division of Administrative Services to execute contracts for no more than \$750,000 or three years in duration per State Board [Resolution No. 2015-0022](#).
- 10. The North Coast Water Board seeks to streamline the contract process by increasing the authorized amount for the Executive Director, Chief Deputy Director, or the Deputy Director of the Division of Administrative Services to execute contracts and amendments of up to \$1,000,000 per year for five (5) years in duration.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director, Chief Deputy Director, or the Deputy Director of the Division of Administrative Services to execute and amend, for and on behalf of the North Coast Water Board, contracts for external consulting and professional services of up to \$1,000,000 per year for five (5) years, totaling up to \$5,000,000 for evaluating contemporary road-related sediment sources; developing and prioritizing recovery actions; public outreach and education; on-the-ground assessment and treatment of road-related sediment sources; and program implementation.
2. Authorizes the Executive Director, Chief Deputy Director, or the Deputy Director of the Division of Administrative Services to act, to the greatest extent provided by law, to perform all things necessary and convenient to implement such contracts and amendments.
3. This authorization shall remain in full force and effect until modified or revoked by State Board.

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 December 18, 2024.

AYE: Chair E. Joaquin Esquivel
Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None



Courtney Tyler
Clerk to the Board