

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

**SUPPLEMENTAL SHEET FOR REGULAR MEETING OF MAY 12-13, 2016**

Prepared on April 21, 2016

**ITEM NUMBER: 12**

**SUBJECT: Executive Officer's Report - Status Update on the Salinas River  
Stream Maintenance Program**

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**KEY INFORMATION: Update on Process for Issuing Clean Water Action Section  
401 Water Quality Certification**

*Background*

In the Executive Officer's Report for the March 17-18, 2016 Water Board meeting, staff provided Water Board members with an update on the Salinas River Stream Maintenance Program (Program). In that update, staff shared its plan to issue the Clean Water Act Section 401 Water Quality Certification (Certification) by way of the Executive Officer, rather than by Central Coast Water Board action, provided that staff was able to resolve all issues with Monterey County Water Resources Agency (MCWRA) regarding the Program.

At the March 17-18, 2016 Central Coast Water Board meeting, Board members expressed an interest in being able to provide input to staff regarding the Program and Certification. Following discussion on the item, the Board members directed staff to bring the Certification to an appropriate future Central Coast Water Board meeting for Board action.

*Considerations*

Staff evaluated the timing and process for bringing the Certification to the Central Coast Water Board for action while maintaining MCRWA's schedule for implementing the Program. Staff determined that this plan will be challenging to implement and will have unintended consequences, due to Water Board meeting dates, permitting information needs, Program implementation timing, and other factors. An alternative proposal, presented in detail below, will offer Central Coast Water Board members ample opportunity to learn about the Program and the Certification and provide opportunity for Board input and direction, while also addressing various challenges related to the Certification timing and schedule.

Central Coast Water Board action on the Certification is constrained by available Water Board meeting dates. The July 28-29, 2016 Water Board meeting occurs early schedule-wise; public noticing and comment periods for that meeting date necessitated finalizing the draft documents and distributing them in April 2016. MCWRA has yet to provide staff with all the information it needs in order to draft a Certification for public review and comment. In addition, once staff has received all requested information, it will need time for review, discussion and negotiation with MCWRA (as necessary), and drafting of the Certification and related documents. As such, presenting the Certification to the Central Coast Water Board Meeting in July 2016 will not provide adequate opportunity for staff and MCWRA to resolve all issues such that the Certification that is protective of water quality and beneficial uses.

Beyond July 2016, September 22-23, 2016 is the only scheduled Central Coast Water Board meeting before the season (Fall 2016) to implement the Program. This Central Coast Water Board meeting occurs late, since MCWRA plans to start implementation of the Program on September 1, 2016. This start date was requested or described in the application for the Certification. In addition, the late date of the September 2016 Central Coast Water Board meeting provides staff little opportunity to address potential Board member concerns after the meeting and still allow MCWRA to conduct the work in Fall 2016. Additionally, the September 2016 Water Board meeting will be in Santa Barbara, not optimal for the Salinas River area item.

#### *Alternative Proposal*

To accommodate these scheduling and input challenges and still issue an appropriately protective Certification in time for MCWRA to complete the Program start-up on September 1, 2016, staff proposes that the Central Coast Water Board rely on their delegated authority to the Executive Officer to approve and issue the Certification. Under this scenario, staff will present a comprehensive informational item at the Central Coast Water Board meeting in July 2016. This informational item on the Salinas River Stream Maintenance Program at the Central Coast Water Board's meeting on July 28-29, 2016 will include a detailed Staff Report to the Board describing the Program, impacts of the Program, measures to mitigate Program impacts, Certification conditions, any remaining unresolved issues, and potential solutions for unresolved issues. This will give Central Coast Water Board members and stakeholders the opportunity to provide input to staff regarding the Program and pending Certification. In addition, it will provide staff with adequate time to address input when writing and issuing the Certification prior to September 2016. After staff addresses input from Water Board members and stakeholders in the Certification, the Executive Officer will issue the Certification. Staff also proposes to provide a follow-up report in the Executive Officer Report to the Water Board for the September 22-23, 2016 Water Board meeting, describing the contents of the Certification and how it addressed input from the Water Board members.

## Update on Progress Towards Issuing Clean Water Act Section 401 Water Quality Certification

On January 25, 2016, MCWRA submitted an application for Clean Water Act Section 401 Water Quality Certification (Certification) for the Program. As required by the regulations governing Water Quality Certifications, staff made the application available for public comment for 21 days, and accepted comments. Staff will consider the comments in developing the conditions of the Certification. Staff found the application to be complete on February 3, 2016, but also found they needed supplemental information to evaluate and determine conditions to issue a Certification. On March 14, 2016, Central Coast Water Board staff met with MCWRA staff to discuss comments and questions regarding the application and Program, as well as supplemental information needed. Topics discussed included impact avoidance, mitigation approaches, and sediment management. The meeting was productive, in that MCWRA staff provided substantial information that clarified various aspects of the Program. Staff for both agencies also identified areas where additional information was needed. MCWRA has since provided a portion of the supplemental information requested by staff, but some information remains outstanding. Once staff receives all information requested, it will reconvene with MCWRA to discuss any remaining issues and as these are resolved, staff will draft the Certification for the Executive Officer's consideration, should the Central Coast Water Board concur with the process and timing described above.

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