

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

RESOLUTION No. R6T-2023-0036

SUPPORTING IMPLEMENTATION OF THE WEST FORK CARSON RIVER VISION PLAN

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Water Board) finds that:

1. Federal Clean Water Act (CWA) Section 303(d) requires States to identify waterbodies that do not meet water quality standards and to take appropriate actions to remedy those impairment(s); and
2. The three reaches of the West Fork Carson River (WFCR) are identified on California's CWA Section 303(d) List (303(d) List) as impaired, as indicated by elevated levels of pollutants; and
3. The segment of the WFCR from its headwaters to Hope Valley is identified on California's 303(d) List as impaired by nitrate, total Kjeldahl nitrogen, phosphorus, and sulfate; and
4. The segment of the WFCR from Hope Valley to Woodfords is identified on California's 303(d) List as impaired by chloride, nitrogen, nitrate, total Kjeldahl nitrogen, phosphorous, sulfate, total dissolved solids, and turbidity; and
5. The segment of the WFCR from Woodfords to the Nevada state line is identified on California's 303(d) List as impaired by fecal indicator bacteria, iron, nitrogen, nitrate, total Kjeldahl nitrogen, phosphorous, sulfate, total dissolved solids, and turbidity; and
6. Water Board staff assembled and considered all readily available data to assess water quality conditions of the WFCR to evaluate the 303(d) listings, consistent with the 'Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List' (Listing Policy); and
7. Under CWA Section 303(d), the Water Board is required to establish a Total Maximum Daily Load (TMDL) for those pollutants identified as causing impairment of waters on the 303(d) List; and
8. USEPA's 2022-2032 Vision for the Clean Water Act Section 303(d) Program (EPA Vision) recognizes that, in addition to TMDLs, other types of plans may be more

immediately beneficial or practicable for restoring water quality, encourages the most effective approaches for restoring water quality and acknowledges how vital creativity and collaboration are for successful restoration; and

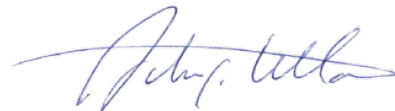
9. Consistent with The EPA Vision, the Water Board developed a Water Quality Improvement Plan (Vision Plan) to address the impairments in the WFCR. The Vision Plan is intended to include the 9 elements of a US EPA Non-Point Source Watershed Plan, allowing stakeholders to apply for Clean Water Act section 319h funding opportunities to support Vision Plan implementation; and
10. This Vision Plan does not establish or change any existing regulations but rather references existing regulatory and non-regulatory actions that are expected to result in attainment of Water Quality Standards in the West Fork Carson River; and
11. The Vision Plan describes pollutant sources to the WFCR and describes ongoing and expected implementation actions to reduce pollutant loading. The Vision Plan identifies historical impacts, roads and road maintenance activities, recreational activities and camping, onsite wastewater treatment systems (OWTS), grazing, hydrologic modification, climate change, fire, and invasive species as potential causes of pollution to the WFCR and outlines actions to reduce potential pollutant discharges due to all of these causes and sources; and
12. Ongoing and expected actions by numerous parties in the WFCR watershed are expected to continue to improve and protect water quality in the WFCR. These parties include the Washoe Tribe of Nevada and California, the Humboldt-Toiyabe National Forest, Alpine Watershed Group, the Carson Water Subconservancy District, the Carson River Coalition, Friends of Hope Valley, American Rivers, Caltrans, National Resource Conservation Service, California Department of Fish and Wildlife, South Tahoe Public Utilities District, and private landholders; and
13. The Vision Plan identifies the Water Board's existing regulatory tools and other means for achieving pollutant reductions and identifies other potential mechanisms for achieving pollutant reductions should implementation actions not be pursued or if these measures do not effectively reduce pollutant levels to meet water quality objectives in the ten-year scheduled period of implementation and review; and
14. The Vision Plan identifies sources of funding for implementation of actions to improve WFCR water quality. To the extent feasible, the Water Board will commit technical resources and work with stakeholders to obtain funding for the actions identified in the Vision Plan; and

15. The Vision Plan includes a commitment to ongoing water quality monitoring and collection of information about sources and actions being implemented to protect water quality in the WFCR. The data and information collected will allow the Water Board to assess effectiveness of the actions being implemented and verify attainment of water quality objectives; and
16. Water Board staff has conducted outreach to stakeholders in the WFCR watershed beginning in 2018 and some parties have already begun implementation efforts. Thus, this non-TMDL advance restoration plan is appropriate for continued efforts addressing the impairments in the WFCR; and
17. Development and implementation of the Vision Plan does not eliminate the requirement to develop TMDLs. If water quality objectives for constituents of concern in the WFCR are not attained within 10 years, the Water Board will consider prioritization of completion of TMDLs for the constituents causing the remaining impairments. Staff will provide an annual report of the status of implementation to the Water Board and will provide a comprehensive 5-year review in 2029, and a 10-year review in 2034; and
18. Whereas U.S. EPA is required to approve a TMDL, it is not required to approve the Vision Plan; and
19. The Water Board's support for the Vision Plan for the WFCR is not a "project" as defined in the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21065) because the Plan is not an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code § 21065). The Vision Plan identifies and discusses ongoing and expected actions to remedy the impairment in the WFCR but does not mandate compliance activities.

THEREFORE, BE IT RESOLVED that the Water Board:

1. Supports implementation of the Vision Plan which, is reasonably expected to achieve water quality objectives in the WFCR, as documented in the Vision Plan.
2. Directs staff to transmit the Vision Plan to U.S. EPA.

I, Michael R. Plaziak, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Lahontan Region, on October 31, 2023.



(for) Mike R. Plaziak
Executive Officer