

## Addendum to Response to Public Comments on the Draft Action Plan for the Gualala River Sediment TMDL

### Additional Comments: Submitter Name, Association, and Submittal Date

- Mr. Alan Levine, Gualala River Advocate, December 5, 2025

### **Background:**

Two independent but related efforts are underway to address sediment control in the Gualala Watershed; development and proposed adoption of the Action Plan for the Gualala River Sediment Total Maximum Daily Load (TMDL) Action Plan and development of an order to address sediment controls on private rural roads (Roads Order). The latter is identified as an implementation action in the Action Plan, and work on permit development is already underway.

The public comment period for the draft Action Plan was open from July 11, 2025, through August 25, 2025. Concurrently, a California Environmental Quality Act (CEQA) scoping period for an earlier iteration of the Roads Order was open from July 14, 2025 through August 15, 2025. As a result of this overlap, it may have been unclear to commenters that the development of the Roads Order and Action Plan were separate, distinct projects.

Planning staff received five public comment letters related to the draft Action Plan during the open comment period, through the typical submittal process. Comments from the five letters were addressed in the *Response to Public Comments on the Draft Action Plan for the Gualala River Sediment TMDL* and reviewed during the December 4, 2025 public meeting as part of an information item. However, at the December 4<sup>th</sup> meeting, Mr. Alan Levine indicated that his comments on the draft Action Plan had not been incorporated into the record. Based on Mr. Levine's verbal comment, staff reviewed internal records to determine whether Action Plan comments had been submitted during or outside the public comment period and confirmed that none had been received. Following a discussion with Mr. Levine, he submitted written comments on the Action Plan on December 5, 2025. These were a copy of comments he had previously submitted outside of the formal channels for public comment and did not contain a request to be included in the public record. In an effort to be comprehensive in our

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response to public input, Planning staff are providing comment summaries and responses to these additional comments below.

**Comment Summary 1:** The comments emphasized that adoption of the TMDL Action Plan must be accompanied by clearly defined and enforceable implementation measures, particularly a roads permit, to ensure compliance with CEQA and Water Code section 13242.

**Response:** The basin planning process is certified by the Secretary for Natural Resources as “functionally equivalent” to CEQA<sup>1</sup> and therefore Basin Plan amendments proposed for board approval must include or be accompanied by Substitute Environmental Documentation (SED)<sup>2</sup> which shall include, at a minimum:

1. A brief description of the proposed project.
2. An identification of any significant or potentially significant adverse environmental impacts of the proposed project.
3. An analysis of the reasonable alternatives to the proposed project.
4. An analysis of mitigation measures to avoid or reduce any significant or potentially significant adverse environmental impacts of the proposed project.
5. An environmental analysis of the reasonably foreseeable methods of compliance, an analysis of any reasonably foreseeable significant adverse environmental impacts associated with those methods of compliance, an analysis of reasonably foreseeable alternative methods of compliance that would have less significant adverse environmental impacts, and an analysis of reasonably foreseeable mitigation measures that would minimize any unavoidable significant adverse environmental impacts of the reasonably foreseeable methods of compliance.

The SED requirements are fully satisfied by the Staff Report and appendices, which describe the project, identify potential environmental impacts associated with the project, identify and analyze the reasonably foreseeable methods of compliance and project alternatives. Reasonably foreseeable compliance measures, also known as implementation measures or actions, for this project have been assessed for erosion control and prevention projects that address road-related sediment sources identified in the 2001 US EPA established Gualala River Sediment TMDL (2001 TMDL) (road-related landslides, road-related crossing failures, road-related gullies, road-related surface erosion). There is no regulatory requirement for the compliance tool (e.g. a specific permit) to be incorporated into the Action Plan, and the regulations do not require the Board to conduct a site-specific project level analysis of the methods of compliance.

Water Code section 13242 lays out the requirements for establishing a program of implementation for achieving water quality objectives, which shall include, but not be

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<sup>1</sup> Pub.Res.Code § 21080.5 ; Cal. Code Regs., tit. 14, § 15251(g); Cal. Code Regs., tit. 23, § 3775.

<sup>2</sup> Cal. Code Regs., tit. 23, § 3777.

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limited to: (a) A description of the nature of actions which are necessary to achieve the objectives, including recommendations for appropriate action by any entity, public or private; (b) a time schedule for the actions to be taken; and (c) a description of surveillance to be undertaken to determine compliance with objectives. The Action Plan requirements meet these criteria.

**Comment Summary 2:** Comments identified key sediment sources, including culvert design issues, slope stability, and the need to address smaller landowner roads. Additional feedback questioned reliance on Forest Practice Rules, noting high skid trail density, and potential impacts from vegetation management and vineyard operations.

**Response:** North Coast Water Board staff agree that roads and related issues are the primary sources of sediment in the Gualala River Watershed. This is consistent with the 2001 TMDL. The Action Plan is designed to implement the 2001 TMDL. The Action Plan does not presume that the Forest Practice Rules alone achieve adequate sediment control; instead, the Action Plan integrates multiple permitting mechanisms such as Waste Discharge Requirements (WDRs), waivers, and certifications, with a focus on sediment control across all sources, including private rural roads. Skid trail density and hydrologic interception are addressed through timber harvest permitting and monitoring to reduce erosion and connectivity. Stream protection and vegetation management concerns are managed through nonpoint source permitting actions and adaptive planning based on monitoring feedback, ensuring sediment control without authorizing new vegetation disturbance. For vineyards, the Action Plan relies on recently adopted WDRs that include sediment control provisions, with compliance monitored for effectiveness.

The Action Plan prioritizes sediment sources from roads, relying on existing timber harvest permits, county road programs, WDRs for vineyards, and other adopted requirements. These implementation actions are designed to encourage and build upon on-going and proactive efforts in the watershed. More importantly, the Action Plan also commits North Coast Water Board staff to developing a rural roads order that prioritizes sediment control measures for private roads (Roads Order, a gap identified in established regulatory permitting during development of the Action Plan.

**Comment Summary 3:** The commenter noted that temperature standards were not addressed in the Action Plan.

**Response:** Because the Action Plan is designed to implement the 2001 TMDL, which addresses sediment impairment, it is not designed nor intended to implement controls for other water quality conditions or parameters (including temperature) . To address temperature issues in the Gualala River Watershed and throughout the region, staff apply the *Policy for the Implementation of the Water Quality Objectives for Temperature*,

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[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2014/140313\\_0006\\_TemperaturePolicy\\_Att1.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2014/140313_0006_TemperaturePolicy_Att1.pdf) which directs staff to achieve temperature objectives through a combination of riparian management and other temperature controls in non-point source control programs including permits and waivers.