

**NORTH COAST REGIONAL
WATER QUALITY CONTROL BOARD
RESOLUTION NO. R1-2025-0055**

*Amendment to the Water Quality Control Plan for the North Coast Region
to Incorporate the Action Plan for the Gualala River Sediment TMDL*

WHEREAS:

Background

1. The Gualala River watershed is located in the North Coast Region in Sonoma County and Mendocino County and drains an area of approximately 298 square miles into the Pacific Ocean. According to the 2023 National Land Cover Dataset, approximate land cover distribution in the watershed comprises forestlands (75 percent), shrublands (18 percent), grassland (4 percent), urban development (2 percent), and the remaining one percent being barren land, water, and wetlands.
2. The Gualala River watershed lies within the Central California Coast Evolutionary Significant Unit (ESU) for coho salmon and within the Northern California Distinct Population Segment (DPS) for steelhead trout. The National Marine Fisheries Service (NMFS) listed the coho salmon ESU as threatened in 1996 and uplisted to endangered status in 2005. In 2000, NMFS listed the steelhead DPS as threatened.
3. The North Coast Regional Water Quality Control Board (North Coast Water Board) is responsible for ensuring the protection of surface and ground waters through implementation of the federal Clean Water Act and California Water Code.
4. The federal Clean Water Act requires the North Coast Water Board to establish water quality standards for each waterbody within its region. Water quality standards are comprised of the beneficial uses of waterbodies, water quality objectives, and the state and federal antidegradation policies. The *Water Quality Control Plan for the North Coast Region* (Basin Plan) designates the beneficial uses of waterbodies within the North Coast Region. The Basin Plan also establishes water quality objectives, identifies the state and federal antidegradation policies, and incorporates programs of implementation needed for achieving water quality objectives to protect beneficial uses in the North Coast Region.
5. In 1993, the entire Gualala River watershed was listed on section 303(d) of the federal Clean Water Act as impaired for excessive sedimentation and siltation. Excessive sediment in the Gualala River watershed impairs beneficial uses

associated with the Gualala River's salmonid fishery, specifically: Commercial or Sport Fishing; Cold Freshwater Habitat; Estuarine Habitat; Migration of Aquatic Organisms; and Spawning, Reproduction, and/or Early Development.

6. As part of a consent decree (*Pacific Coast Federation of Fishermen's Associations, et al. v. Marcus*, No. 95-4474 MHP, 11 March 1997), the United States Environmental Protection Agency (US EPA) established a sediment Total Maximum Daily Load (TMDL) for the Gualala River watershed in 2001. The sediment TMDL for the Gualala River watershed is 475 tons per square mile per year. The load allocations and sediment sources for the TMDL comprise natural background (31 percent), timber harvest-related activities (11 percent), and road-related sources (58 percent). The sediment TMDL is based on the watershed's loading capacity which, if exceeded, would impair beneficial uses. While sediment loads from anthropogenic sources may change over time, the loading capacity and the TMDL are static values so long as anthropogenic land use remain relatively consistent in the watershed.
7. California Water Code section 13242 authorizes the North Coast Water Board to adopt programs of implementation to achieve water quality objectives for amendment into the Basin Plan. These implementation plans are often referred to as "Action Plans".
8. In 2005, the North Coast Water Board adopted the Sediment TMDL Implementation Policy as an amendment to the Basin Plan. The Sediment TMDL Implementation Policy states that the North Coast Water Board will rely upon all its existing authorities and programs to implement TMDLs established for sediment impaired waters in the North Coast Region. The Sediment TMDL Implementation Policy also envisioned that, at the Executive Officer's discretion, US EPA established TMDLs would be brought before the North Coast Water Board for future consideration as amendments to the Basin Plan.
9. In *Friends of Gualala River v. California Regional Water Quality Control Board, North Coast Region et al*, No. 21CV00834 (Cal. Super. Ct. Mendocino Cnty. Apr. 5, 2023), the North Coast Water Board and State Water Resources Control Board (State Water Board) entered into a Stipulated Settlement Agreement with Friends of Gualala River, an environmental nonprofit organization. In the Stipulated Settlement Agreement, the North Coast Water Board would, within 26 months, prepare and issue for public review and comment a proposed Basin Plan amendment incorporating¹ the Gualala River Sediment TMDL and an Action Plan to implement the sediment TMDL.

The Action Plan

10. Natural background sources and anthropogenic land use informs the basis of estimating load allocations for a sediment TMDL. North Coast Water Board staff

¹ The North Coast Water Board has adopted an editorial Basin Plan amendment under Resolution No. R1-2025-0019 that incorporates, by reference, all US EPA established TMDLs.

assessed land use in the Gualala River watershed using data for parcel ownership, land cover, and roads. Staff found that land use has not appreciably changed since the 2001 TMDL. Because of this lack of change, staff determined that the scientific basis for the 2001 US EPA established TMDL remains valid for the purpose of developing the Action Plan.

11. The Gualala River Sediment TMDL was established through U.S. EPA's regulatory and scientific review process, and the TMDL has met legal requirements as an approved U.S. EPA final action. The final U.S. EPA TMDL must be incorporated into the Basin Plan pursuant to Clean Water Act requirements. The final approved U.S. EPA TMDL is not a proposed rule subject to peer review requirements in California Health and Safety Code section 57004. This Action Plan, which implements the U.S. EPA TMDL, does not rely on nor is premised upon a new scientific basis. The Action Plan relies on existing authorities and permitting actions to implement the U.S. EPA TMDL.
12. North Coast Water Board staff considered instream monitoring data collected by the Gualala River Watershed Council. The monitoring data collected were consistent with the instream numeric targets defined in the 2001 US EPA established sediment TMDL. Staff found that while instream conditions were improving in some areas, the results collected fell short of the 2001 TMDL numeric targets.
13. In accordance with California Water Code section 13242 a program of implementation to achieve water quality objectives must include, but may not be 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, (c) a description of surveillance to be undertaken to determine compliance with objectives.
14. In accordance with California Water Code section 13242(a), the Action Plan provides a "description of the nature of actions" necessary to achieve water quality objectives in the Action Plan's Program of Implementation. The Program of Implementation first lists all existing regulations applicable to the sediment sources identified in the US EPA established TMDL. The Program of Implementation requires that all parties subject to these existing regulations continue to comply with these regulations and Best Management Practices with regard to controlling sediment discharge. This requirement is consistent with the following regulations: the Sediment TMDL Implementation Policy; the *Action Plan for Logging, Construction, and Associated Activities in the North Coast Region*; and the State Water Board's *Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program*. The applicable existing regulatory tools and Orders implementing the regulations comprise:
 - Order No. R1-2004-0030 – *General Waste Discharge Requirements for Discharges Related to Timber Harvest Activities on Non-Federal Lands in the North Coast Region*

- Order No. R1-2013-0005 – *General Waste Discharge Requirements for discharges for Timber Operations on Non-Industrial Timber Management Plans in the North Coast Region*
 - Order No. R1-2024-0001 – *General Waste Discharge Requirements for Discharges Related to Specific Types of Forest Management Activities on Non-Federal Lands in the North Coast Region*
 - Order No. R1-2023-0034 – *Waiver of Waste Discharge Requirements and General Water Quality Certification for Road Management and Activities Conducted Under the Five Counties Salmonid Conservation Program in the North Coast Region*
 - Order No. R1-2024-0056 – *General Waste Discharge Requirements for Commercial Vineyards in the North Coast Region*
 - *National Pollutant Discharge Elimination System (NPDES) Statewide Stormwater and Waste Discharge Requirements for the California Department of Transportation (NPDES No. CAS000002 and Order No. 2022-003-DWQ)*
 - *National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (NPDES No. CAS000002 and Order No. 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ, 2012-0006-DWQ, and 2022-056-DWQ)*
 - Federal Clean Water Act, Section 401 Water Quality Certification Program as issued by Orders² under the State Water Board
15. The *Staff Report Supporting the Gualala River Sediment TMDL Action Plan*, (Staff Report) identifies private rural roads outside of those enrolled under existing Waste Discharge Requirements (WDRs) or Waivers of WDRs (Waivers) as the remaining sediment source that lacks a regulatory control mechanism. Recognizing that road-related sediment is the largest contributor in the 2001 TMDL, the Action Plan's Program of Implementation requires that the North Coast Water Board develop a new order(s) to address sediment control for these private roads. In accordance with California Water Code section 13242(b), the Action Plan provides a "time schedule" for implementation of any new order(s) of the Board.
16. The Action Plan summarizes and lists the existing 2001 US EPA established TMDL load allocations, instream and hillslope indicators and targets. . The Action Plan describes responsible parties, implementation actions and a monitoring and reporting program and satisfies the requirement for a "description of surveillance to be undertaken to determine compliance with objectives" in California Water Code section 13242(c).

² https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html

California Environmental Quality Act

17. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the North Coast Water Board's basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. § 15251(g); 23 Cal. Code Regs. § 3782). The North Coast Water Board staff has prepared "substitute environmental documentation" for this project that contains the required environmental documentation under the State Water Board's CEQA regulations (23 Cal. Code Regs. § 3777.) The necessary substitute environmental documentation is represented within the Staff Report, including the environmental checklist, and public engagement. Substitute environmental documentation also includes, public comments, staff's responses to comments, the Basin Plan amendment language, and this resolution.
18. In preparing the accompanying substitute environmental documentation, the North Coast Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187. This analysis is not intended to be an exhaustive analysis of every conceivable impact, but an analysis of the reasonably foreseeable consequences of the adoption of this regulation, from a programmatic perspective. Project level impacts, including those envisioned in future order(s), will need to be considered in any subsequent environmental analysis performed pursuant to Public Resources Code section 21159.2.
19. Consistent with the North Coast Water Board's substantive obligations under CEQA, the substitute environmental documents do not engage in speculation or conjecture, and only consider the reasonably foreseeable environmental impacts, including those relating to the methods of compliance, reasonably foreseeable feasible mitigation measures to reduce those impacts, and the reasonably foreseeable alternative means of compliance, which would avoid or reduce the identified impacts.
20. The reasonably foreseeable methods of compliance with the Action Plan have no significant adverse effects on the environment. The substitute environmental documents identify less than significant effects with mitigation incorporated to the following: biological resources; cultural resources; hydrology and water quality; tribal cultural resources; and wildfire. The North Coast Water Board finds that project level alternatives, mitigation measures, or both, if employed, would substantially lessen any adverse impacts identified in the substitute environmental documents to a less than significant level. These feasible alternatives and mitigation measures are described in more detail in the Staff Report's Appendix C, which contains a CEQA environmental checklist. Further, to the extent that alternatives or mitigation measures will be analyzed for project-level approvals, and where those approvals are within the responsibility and jurisdiction of other public agencies and not the North Coast Water Board, the

North Coast Water Board anticipates such measures can and should be incorporated into any subsequent projects or project approvals. (Cal. Code Regs., tit.14, § 15091(a)(2).)

21. The North Coast Water Board's environmental analysis has considered a reasonable range of economic factors in evaluating the methods of compliance with the Action Plan. The CEQA checklist and other portions of the substitute environmental documents contain the analysis and findings to support this consideration.

Outreach and Public Review

22. On March 26, 2024 and as part of tribal consultation requirements in Pub. Res. Code, § 21080.31, North Coast Water Board staff sent letters to the following tribal entities: Cloverdale Rancheria of Pomo Indians; Kashia Band of Pomo Indians; Lytton Rancheria; and Manchester-Point Arena Band of Pomo Indians. No tribe requested formal consultation.
23. The North Coast Water Board staff held two CEQA Scoping meetings to inform the public and interested parties on the Action Plan. A remote, online meeting was held on June 3, 2024. An in-person meeting was held on June 5, 2024 at a location within the Gualala watershed.
24. On July 11, 2025, the draft Staff Report and draft Action Plan were released for a 45-day public review and public comment period. The public comment and review period closed on August 25, 2025. The North Coast Water Board received comment letters from the following parties: California Licensed Foresters Association, California Native Plant Society – Dorothy King Young Chapter; Eva Lopez; Forest Landowners of California; Gualala Redwood Timber; and the Sonoma County Farm Bureau.
25. On August 14, 2025, the North Coast Water Board held a public workshop to present the draft Action Plan and draft Staff Report, which occurred during the public comment and review period.
26. The North Coast Water Board has satisfied the outreach requirements set forth in California Water Code section 189.7 by conducting meaningful civic engagement to potentially affected disadvantaged and tribal communities concerning the amendment.
27. Pursuant to California Water Code section 13149.2, the North Coast Water Board reviewed readily available information and information raised to the Board by interested persons concerning anticipated water quality impacts in disadvantaged or tribal communities resulting from adoption of this amendment. The Board also considered environmental justice concerns within the Board's authority.

Regulatory Requirements

28. On December 4, 2025, the North Coast Water Board held a public hearing to receive oral comments on the Basin Plan amendment. Notice of the public hearing was given to all interested persons and published in accordance with the requirements of Water Code section 13244, Government Code 11125, and 40 C.F.R. section 25.5.
29. Consistent with the California Code of Regulations, title 23, sections 3778-80, North Coast Water Board consulted interested parties in the Region, and other potentially affected parties about the proposed action, and considered and addressed all comments.
30. The Basin Plan amendment is consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16), and the federal Antidegradation Policy (40 CFR 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards to fully protect beneficial uses.
31. The regulatory action meets the “Necessity” standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). As specified above, federal law and regulations require that TMDLs be incorporated, or referenced, in the state’s water quality management plan. The necessity of developing an Action Plan to implement the TMDL is established in the Staff Report, and the data contained in the administrative record.
32. The Basin Plan amendment must be submitted for review and approval by the State Water Board and Office of Administrative Law (OAL). The Basin Plan amendment will become effective upon approval by OAL. A Notice of Decision will be filed with the California Natural Resources Agency.

THEREFORE, BE IT RESOLVED that pursuant to sections 13240, 13242 and 13243 of the California Water Code, the North Coast Water Board hereby amends the Basin Plan in accordance with the following:

1. The North Coast Water Board hereby approves and adopts the CEQA substitute environmental documentation, which was prepared in accordance with Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187.
2. After considering the entire record, including oral testimony at the hearing, the North Coast Water Board hereby adopts the amendment to the *Total Maximum Daily Loads and Watershed Specific Action Plans* implementation chapter of the Basin Plan, as set forth in Attachment A to this Resolution R1-2025-0055, to incorporate the *Action Plan for the Gualala River Sediment TMDL*.
3. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of section 13245 of

the California Water Code.

4. The North Coast Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL.
5. If, during the approval process, North Coast Water Board staff, the State Water Board, or OAL determines that minor, non-regulatory corrections to the language of the amendments are needed for clarity or consistency, the Executive Officer or their designee may make such changes and shall inform the North Coast Water Board of any such changes.

Certification:

I, Valerie Quinto, 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, North Coast Region, on December 4, 2025.

Valerie Quinto
Executive Officer

Attachments:

- A. Basin Plan amendment incorporating the *Action Plan for the Gualala River Sediment TMDL*