

Executive Officer's Summary Report
8:30 A.M., Thursday, June 10, 2010
Regional Water Quality Control Board
David C. Joseph Hearing Room
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

Item: 12

Subject: Draft Work Plan for Development of Klamath Basin Conditional Waiver for Agriculture & Scoping Process for Development of Regional Conditional Waiver/WDR(s) for Agriculture

Introduction

The Action Plan for the Klamath River Total Maximum Daily Load (TMDL) Addressing Temperature, Dissolved Oxygen, Nutrient, and Microcystin Impairments in the Klamath River and Lost River Implementation Plan (Action Plan) includes, as an action item for the Regional Water Board, the development of a conditional waiver of Waste Discharge Requirements (WDRs) for discharges associated with agricultural activities in the Klamath River basin that include grazing and irrigated agriculture. The Action Plan directs staff to propose a conditional waiver (waiver) for consideration by the Regional Water Board by December 2012. At the March 24, 2010 Regional Water Board hearing on the Klamath River TMDL, the Board directed staff to prepare a workplan for the development of the waiver that meets the timeline required in the Action Plan.

Background

Consistent with the State Water Board's *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (State NPS Policy), the development of a conditional waiver program is necessary to control nonpoint source discharges associated with grazing and irrigated agriculture in the Klamath River basin and to meet the Klamath River basin TMDLs. Seven out of the nine Regional Water Boards have adopted grazing and/or irrigated lands programs, since the adoption of the State NPS Policy that requires the Regional Water Boards to regulate all nonpoint sources of waste, including those associated with agriculture. Links to some of these regions' program websites as well as the State Water Board website are provided below:

San Francisco Bay Region 2 – Tomales Bay Pathogen TMDL Grazing Waiver (2008)
http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/tomalesbaypathogenstmdl.shtml

Central Coast Region 3 – Irrigated Land Program (2005)

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/ag_waivers/index.shtml

Central Valley Region 5 – Irrigated Lands Program (2004)

http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/index.shtml

Lahontan Region 6 (Lake Tahoe) – Bridgeport Valley Grazing Waiver (2007)

http://www.waterboards.ca.gov/lahontan/water_issues/programs/nps/index.shtml

Recommended Approach to Waiver Development

In preparation for this item, Regional Water Board staff explored various approaches to the development of the waiver and considered how the waiver would fit into the context of regionwide nonpoint source program planning. The two basic pathways considered were to either 1) develop a regionwide conditional waiver, or waivers, that would include parties in the Klamath River basin, or 2) to limit the geographic scope to only include the Klamath River basin, with the intent of addressing other watersheds in the region at a later date. Staff considered several goals for the waiver development process in deciding which option would more efficiently direct staff resources and produce a higher quality waiver. Regional Water Board staff intend to work with stakeholder representatives and a technical advisory group to develop the waiver. In addition, staff want to provide multiple updates to the Board and public on waiver development as well as opportunities for public comment on drafts. To best meet these goals, staff recommend the development of a Klamath-specific waiver at this time, while holding regionwide scoping meetings that will inform future development of waivers in other parts of the region. This approach limits the geographic scope to the Klamath basin, which provides better insurance that the Klamath TMDL deadline will be met. A watershed specific waiver also provides an opportunity for greater local stakeholder involvement that will better focus the program on local water quality conditions. Staff intend to develop a waiver program that is both feasible for growers and ranchers to implement and reasonably protective of water quality.

Workplan

During the informational item, staff will present their recommended approach to the development of a waiver for the Klamath River basin, along with a preliminary workplan. The primary elements of the workplan and a schedule are provided below. Staff will discuss the individual tasks in more detail at the June 10, 2010 Regional Water Board meeting.

Tasks	Timeline
Development of stakeholder plan	June – August 2010
Regionwide Scoping meetings	Fall 2010
Formation of Technical Advisory Group (TAG) and other stakeholder groups	October 2010 – February 2011
TAG meetings, stakeholder group meetings and public workshops	Spring 2011 – Spring 2012
Public review draft released	Spring 2012
Public Comment Period	May – June 2012 (45 to 60 day comment period)
Response to Comment and Staff revisions	July 2012 – August 2012
Board Adoption Hearing	October 2012

PRELIMINARY STAFF
RECOMMENDATION:

This is an informational item Only.