

POLICY IN SUPPORT OF RESTORATION IN THE NORTH COAST REGION

To achieve the objectives of the Clean Water Act and Porter-Cologne, the Regional Water Board must take an active role in promoting the implementation of restoration projects that are expected to help restore the chemical, physical, and biological integrity of the waters within the North Coast Region.

Restoration projects are implemented for the purpose of eliminating, reducing or ameliorating a variety of conditions that can negatively impact aquatic ecosystems, including but not limited to: water pollution, eutrophication, desiccation, habitat simplification, species displacement, migration barriers, erosion from diverted streams, riparian zone disturbance, effects of climate change, or other impairments to the beneficial uses of waters of the State.

The Policy in Support of Restoration in the North Coast Region includes Resolution No. R1-2015-0001, which accomplishes the following: (1) recognizes the important role that restoration plays in restoring and maintaining water quality, (2) highlights some of the barriers that inhibit implementation of restoration projects, (3) describes the work being done by the Regional Water Board and its staff to support restoration, (4) describes the regulatory requirements for permitting restoration projects, and (5) provides direction on how the Regional Water Board and its staff will continue to promote and support restoration in the future.

GUIDELINES FOR IMPLEMENTATION OF RESTORATION POLICY

The Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program requires that all current and proposed nonpoint source discharges be regulated under waste discharge requirements, waivers of waste discharge requirements, basin plan prohibitions, or some combination of these administrative tools. The implementation of restoration projects with potential to cause nonpoint source discharges of waste into waters of the State is regulated similarly to other types of nonpoint source activities.

The State and Regional Water Boards use permitting authorities to implement the requirements of applicable State policies and state and regional water quality control plans. Boards may permit or certify restoration projects that result in significant and sometimes unavoidable impacts (including temporary exceedances of water quality objectives) if it is shown that the project will result in long-term protection of beneficial uses and water quality. In issuing waste discharge requirements, the Regional Water Board may include a time schedule, subject to revision at the discretion of the Board and pursuant to the provisions of Water Code section 13263. Similarly, in issuing a water quality certification under the Clean Water Act section 401, the state certifies a federal project or a project required to obtain a federal permit with conditions to protect beneficial uses and meet water quality objectives. The state has discretion to condition the water quality certification based on the circumstances of a specific project, and may include time schedules for achieving compliance.

The Basin Plan includes prohibitions that apply to restoration projects within the action plans for the Action Plan for the Garcia River Watershed Sediment TMDL (2002) and the Action Plan for the Klamath River Total Maximum Daily Loads Addressing Temperature, Dissolved Oxygen, Nutrient, and Microsystin Impairments in the Klamath River in California and Lost River Implementation Plan (2010). Both of these watershed-specific action plans describe the Regional Water Board's support for restoration efforts and provide methods for compliance with the prohibitions.

The Basin Plan also includes waste discharge prohibitions within the Action Plan for Logging, Construction, and Associated Activities. While useful as an enforcement tool to regulate certain nonpoint source or unpermitted discharges, the Action Plan for Logging, Construction, and Associated Activities is not necessary to regulate or enforce upon otherwise authorized restoration projects. Therefore, it shall not be construed to prohibit any restoration project subject to a permit or other order of the State or Regional Water Board.