

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Tina Low)  
MEETING DATE: December 10, 2008

ITEM: 6

SUBJECT: Proposed Amendment to the Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region to Establish a Total Maximum Daily Load (TMDL) for Sediment in Sonoma Creek and an Implementation Plan for the TMDL and Related Habitat Enhancement Goals - Hearing to Consider Adoption of Proposed Basin Plan Amendment

CHRONOLOGY: February 2008 Public Notice of Proposed Basin Plan amendment  
April 2008 Testimony Hearing  
September 2008 Public Notice of revisions to the February 2008 Proposed Basin Plan amendment and supporting documentation

DISCUSSION: This is the second hearing on a Basin Plan amendment to establish a TMDL for sediment in the Sonoma Creek watershed and an implementation plan to control sediment and achieve related habitat enhancement goals. At this hearing, the Board will be asked to consider adopting the Resolution (Appendix A) amending the Basin Plan to establish the Sonoma Creek Watershed Sediment TMDL and implementation plan. We will present revisions (Appendix B) that we made to the Basin Plan amendment and supporting documentation in response to written stakeholder comments received during two public comment periods, and comments raised by Board members and the public at the April 2008 testimony hearing. Additional documentation in this package includes our revised Staff Report, both showing changes and a final version (Appendices C and D, respectively), Responses to Comments (Appendix E), copies of all written comments received during the public comment periods (Appendix F), and a transcript of the April testimony hearing (Appendix G).

In order to protect and restore the habitat of Sonoma Creek's native fish and aquatic communities, the Basin Plan amendment will establish the following:

- Numeric targets for sediment that protect water quality
- A TMDL equal to 125 percent of natural background sediment load
- Allocations for all significant sediment source categories
- An implementation plan to achieve the TMDL and related habitat enhancement goals (e.g., habitat complexity, baseflow, and fish passage), which includes both a plan to control sediment and a habitat enhancement plan

- A plan and schedule for evaluating and monitoring progress toward meeting the targets and goals

Since the April testimony hearing, we re-evaluated our regulatory analysis. As a result, we revised some assessments of potential environmental impact, and added a performance standard for vineyards. In September 2008, we circulated these revisions to the Basin Plan amendment and supporting Staff Report and held a second 45-day public comment period. In response to additional comments received, we further revised the Basin Plan amendment and supporting Staff Report to clarify the implementation approach, and issues to be considered during adaptive implementation.

The Responses to Comments document (Appendix D) includes responses to the thirteen comment letters submitted during the first comment period and an additional three letters submitted during the second comment period. It also includes responses to the peer review comments, and comments made by Board members and members of the public during the April testimony hearing. The document describes revisions made to the Basin Plan amendment and Staff Report. The following is a brief overview of expressed concerns and our responses:

- **Habitat enhancement plan.** Comments on the habitat enhancement plan component of the implementation plan ranged from those who requested clarification on the role of the habitat enhancement plan, to those who felt its inclusion in the implementation plan was not appropriate. Other stakeholders requested the actions specified in the habitat enhancement plan receive higher priority than sediment control actions. In response, we clarified the dual nature of the implementation plan, which includes both a plan to control sediment and a habitat enhancement plan. Both components are necessary ingredients of a comprehensive approach towards conserving native fish and supporting the beneficial uses of Sonoma Creek.
- **Problem statement.** U.S. EPA requested clarification on the problem statement and how it relates to sediment sources. In response we added a table to the Staff Report that presents our rationale for concluding that fine sedimentation is causing impairment. Other stakeholders requested that the sediment impairment listing be reevaluated. The scientific studies that informed this TMDL confirm that excessive sediment is a factor in the decline of populations of steelhead and other native fish; therefore reevaluation of the listing is not necessary at this time.
- **Channel incision and erosive flows.** Many commenters asked how the Basin Plan amendment addresses ongoing channel incision, erosive flows, and the adverse effects of past channel incision on habitat complexity. In response, we clarified that channel incision is caused by many disturbances in the watershed, and we propose using a *regulatory* approach, as well as a *collaborative* approach to address channel incision and its impacts. Specifically, we clarified that upcoming regulatory programs will address

erosive flows, and existing programs will be updated to include more stringent requirements to address erosive flows.

- **Upcoming regulatory programs.** Some commenters suggested provisions to include in upcoming regulatory programs, and others requested that certain areas be excluded from the regulatory requirements. These suggestions are more relevant to the proposed Waste Discharge Requirements (WDR) waiver process, which includes its own public participation process, and will be further considered during waiver development. Other stakeholders requested a streamlined permitting process that recognizes existing efforts and third-party certification programs. We support a streamlined process and effective third-party certification programs, provided that they protect water quality and aquatic habitat, and meet the key elements of the *Nonpoint Source Enforcement Policy*.

The revised Basin Plan amendment and supporting documents respond to stakeholder concerns, protect water quality, and meet all federal and state requirements. The Basin Plan amendment is a balanced approach for addressing the complex issues of sediment reduction and related habitat enhancement in the Sonoma Creek watershed. The implementation plan utilizes our best tools in these efforts to reduce sediment and enhance habitat by: 1) emphasizing use of our regulatory authorities to reduce discharges of sediment through WDR waiver programs for grape growers, ranchers, other rural property owners, and public agencies; and 2) supporting and providing incentives for collaborative efforts to enhance habitat.

RECOMMEN-  
DATION      Adopt the Tentative Resolution.

APPENDICES:      A. Tentative Resolution with Exhibit A, Proposed Basin Plan amendment  
                          B. Proposed Basin Plan amendment, showing changes  
                          C. Supporting Staff Report, showing changes  
                          D. Supporting Staff Report, December 3, 2008  
                          E. Responses to Comments  
                          F. Comment Letters  
                          G. April 2008 Hearing Transcript