

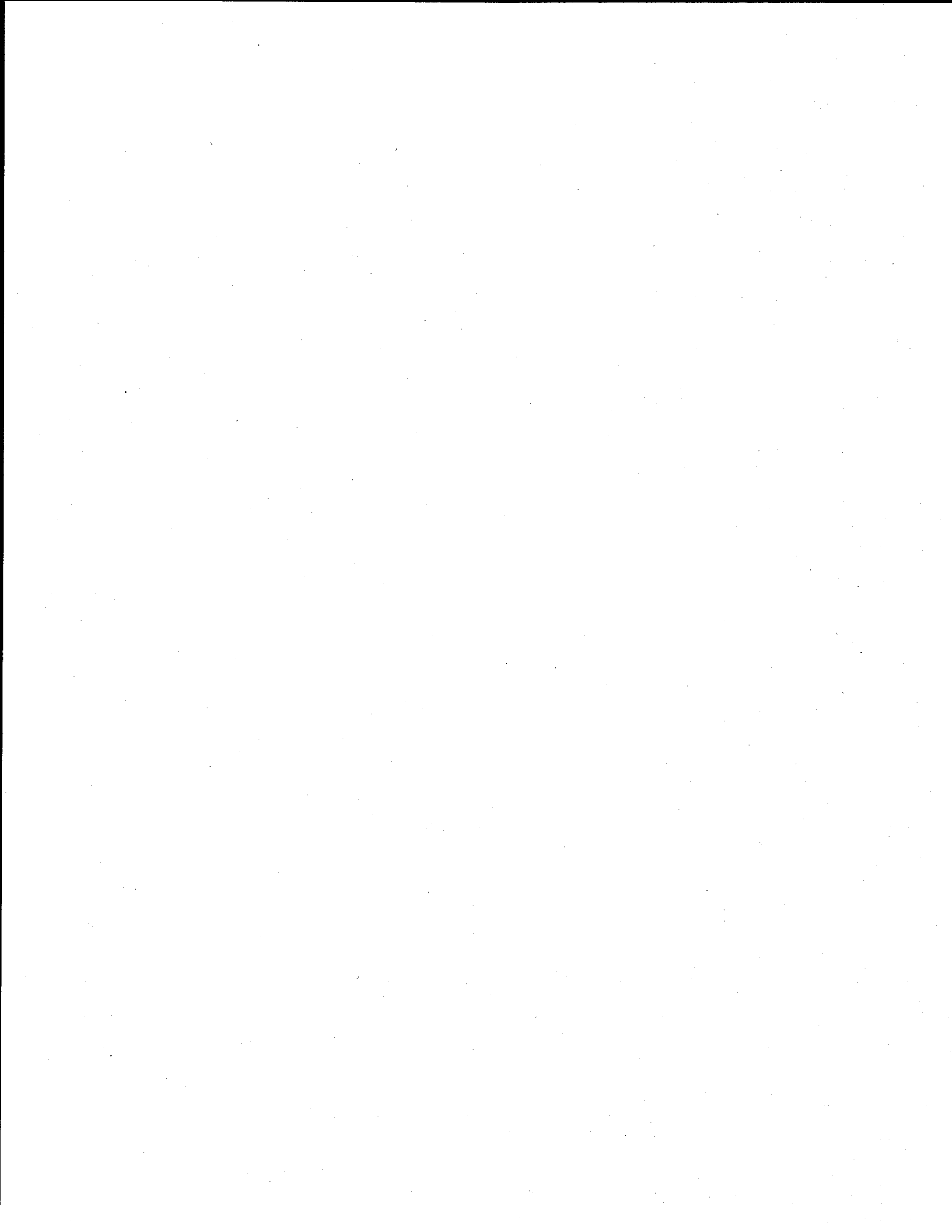
**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

MEETING DATE: February 13, 2013

ITEM: 7

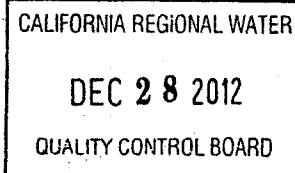
SUBJECT: Correspondence

ATTACHMENTS: Letter from Robert Zatkan
Water Board staff response letter to Robert Zatkan
Letter from Mt. View Sanitary District



November 18, 2012

Regional Board
State of California, San Francisco Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612



Members of the Board:

I have been involved for over twenty years in coastal San Mateo County watershed issues that are founded in water quality with a focus on ecosystem function and services, in particular those concerning the anadromous salmonids, Coho Salmon and Steelhead Trout. Two weeks ago I discovered of the pending review by your Board of the San Francisco Bay Basin, Water Quality control Plan (Basin Plan) and that the public comment period on the plan had closed weeks earlier. This revelation was discouraging as the component of the review of Priority Ranking for TMDL Development¹ is muddled in ranking² given field-based realities, extant knowledge of discrete watersheds, and relative antagonism, or lack thereof, by in-watershed groups toward development and implementation of the TMDL mandate. Specifically, TMDL Development for the San Gregorio Creek watershed should be superior to development for the Pescadero Creek watershed, an assertion I would have argued had I been able to submit comment for the review of the Basin Plan.

This discouraging situation positioned against a background of neglect and delay by the State of California, San Francisco Regional Water Quality Control Board (RWQCB) in fulfilling their legal obligation to facilitate TMDL development in impaired water bodies in San Mateo County under mandate of the federal Clean Water Act.

To place my engagement with the RWQCB in perspective I have had repeated contact over years time with many staff members of the RWQCB on water quality issues in San Mateo County including the Executive Officer, Assistant Executive Officers, Division and Section Leaders and many members of the technical staff. I have conducted in-field trips concerning water quality that were attended by technical staff and supplied the staff with substantial and substantive documentation and data in an effort to assist them in execution of their duties. I have also co-formulated and participated in successful efforts

¹ Basin Plan Triennial Review Staff Report
San Francisco Bay Regional Water Quality Control Board
November 1012, page 10

² Interpretation of the ranking is likewise muddled. A staff member of the RWQCB told me the bullet list is ordered by Priority Ranking for TMDL Development, another staff member told me the list I not ordered as such. Which is correct? The Priority Ranking for TMDL Development should have been displayed in tabular form with ranking delineated by rank number – an unacceptable mistake by an entity that is supposedly science centric in their mission and execution of the mission.

to fund research on water quality and watershed wide investigation and analysis focused on critical species and restoration of their habitat.

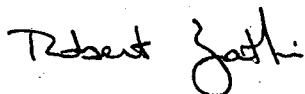
In spite of my presence and engagement with the RWQCB I did not receive a telephone call, email, or letter stating that a review of the Basin Plan and contained Priority Ranking for TMDL Development was pending. After the fact I learned that the only mechanism for notification is by way of registering for delivery via the World Wide Web. This mechanism indicates that the RWQCB is neither assertive or pro-active in reaching out to the engaged and informed public, seeking their input and opinions on relevant matters. Defaulting to a computer generated notification service which requires registration by the populous may fulfill some element of State of California law, but it certainly does not obtain the superior need to engage the public.

The lack of outreach by the RWQCB may go well beyond that for the public as it is my understanding that the RWQCB does not contact the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fish Service) for their input and guidance in matters concerning federally listed species of anadromous salmonids. It would be a good exercise for your Board instruct to instruct RWQCB staff to compile a complete and comprehensive list of all federal and State of California agencies and their staff that have been contacted for consultation and cooperation in matters concerning specific watersheds in the San Francisco Bay Region over the course of say, the last fifteen years. If the exercise demonstrates consistent engagement by the RWQCB with other agencies than there is no issue. Conversely if contact proves thin than your Board has an issue that must be addressed and remedied.

Concerning pro-active notification by the RWQCB to the public a simple solution is to enable a server-based database for each Section into which staff enters information concerning contact and expressed interest by the public. Data fields could include name, watershed of concern, specific concern, date and contact information. Prior to review and decision on matters by your Board a relational search can be executed on the database to cull the names and contact information of individuals and entities that have engaged the RWQCB on a specific issue, and notification served of pending action via email or USPS mail.

In closing I left voice mail messages for Bruce Wolfe and Dyan Whyte to convey the substance contained in this letter – neither responded to my request for a return telephone call. In the context of the substance contained herein the lack of a return telephone call makes perfect sense.

Sincerely,



Robert Zatzkin
Geologist

San Francisco Bay Regional Water Quality Control Board

January 31, 2013

Mr. Robert Zatkan

Sent via email to robertzatkan@gmail.com – no hard copy to follow

Subject: Water Board Work on Coastal San Mateo County Projects

Dear Mr. Zatkan:

This letter responds to your letter of November 18, 2012, which I only became aware of after we received a copy on December 28, 2012. Herein we provide additional information regarding the Water Board's work on coastal San Mateo County projects and expand on recent communications with you, including your telephone and email communications with Setenay Frucht, Richard Looker, Sandi Potter, Keith Lichten, and me prior to the November 2012 Board meeting.

We share your concern regarding the need to address impacts to coastal San Mateo County creeks. The Water Board's mission directs us to maintain and improve water quality within our Region, including using regulatory approaches like developing and implementing total maximum daily loads (TMDLs), collaborating with local partners, and identifying available grant monies and other resources to implement solutions to water quality problems.

We view other agencies, local non-profits and landowners, and the interested public as partners crucial to the protection and improvement of water quality within our Region. Recently, we collaborated with the Mid-Peninsula Regional Open Space District and other agencies, including the National Marine Fisheries Service and the State Department of Fish and Wildlife, on a project you were significantly involved in: repair of the trails with the highest threat of erosion at the El Corte Madera Open Space Preserve. This project is expected to reduce sediment inputs into San Gregorio Creek tributaries and improve salmonid habitat.

At its November 2012 meeting, our Board adopted the Pacifica bacteria TMDL, which is intended to improve water quality for human contact and wildlife in San Pedro Creek and at Pacifica State Beach, by reducing concentrations of pathogens. Prior to TMDL adoption, we investigated illegal creek fill and horse boarding facility operations at Millwood Ranch. This work resulted in cessation of creek fill activities, a plan for creek restoration, removal of facilities built too close to the creek, and significant improvements in manure management.

JOHN MULLER, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

1515 Clay St., Suite 1400, Oakland, CA 94612 | www.waterboards.ca.gov/sanfranciscobay

We are working on a sediment TMDL for Pescadero and Butano creeks. This is a high priority because we've already completed a significant amount of the necessary work, and because it is an opportunity to improve degraded fish habitat.

In the coming fiscal year (i.e., July 2013 – June 2014), we will begin gathering information for the planned San Gregorio Creek sediment TMDL. We recognize that some work has already been done, and we look forward to reviewing available information and working with stakeholders. We expect that the San Gregorio Creek sediment TMDL will be significantly informed by the 2010 watershed management plan for that creek.

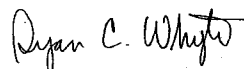
We are committed to implementing early TMDL implementation actions whenever possible. In advance of completing TMDLs for Pescadero, Butano, and San Gregorio creeks, we are reviewing timber harvest plans in those catchments to ensure the plans appropriately minimize water quality impacts. This review includes necessary site inspections.

We regret that you did not receive timely notice, and thus were unable to submit a written comment on the Basin Plan Triennial Review. As the staff who spoke and emailed with you before the November 2012 Board meeting noted, the priority listing of TMDL projects in the Triennial Review Staff Report simply lists those TMDLs that are in the "high priority" category for development and completion within the next three years. Within the Staff Report, the TMDL projects are ordered alphabetically only for ease of reading. This does not indicate relative priority. Staff also provided you with the information necessary to ensure you could receive future communications by joining the Water Board's project-specific email lists.

We consider San Gregorio Creek an important waterbody and note that the San Gregorio Creek sediment TMDL is included on our TMDL project list as a high priority. Thus, we intend to complete it before numerous other projects within our nine-county region. Water Board staff believes firmly in our agency's mission and the need to protect and restore water quality—including creek habitat. Unfortunately, with limited resources we are unable to complete all of our projects—even all of the high-priority projects—at once.

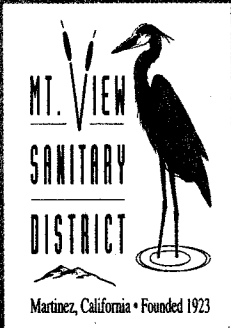
Thank you for your continued interest and for the substantive information you have provided over the years regarding water quality impacts in San Mateo County. We hope to continue working with you.

Sincerely,



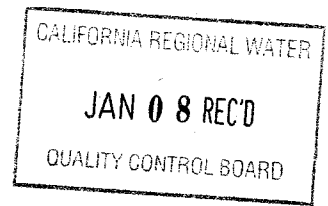
Dyan C. Whyte
Assistant Executive Officer

cc: SF Bay Region Water Board members



January 3, 2013

Mr. Bruce H. Wolfe
Executive Director
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612



Dear Mr. Wolfe,

I am very pleased to inform you of Mt. View Sanitary District's (MVSD) successful grant application with the Environmental Enhancement Fund (Fund) of the California Department of Fish and Game – Office of Spill Prevention and Response. MVSD's award of \$415,500 from the Fund for the Peyton Slough Hydraulic Relief Project is due in part to your letter of support for this crucial water quality and wetlands enhancement project.

We are now well positioned to move forward with design, environmental review and permitting for this long anticipated endeavor. I believe that our current funding level will also make future grant applications to other entities significantly more attractive.

Your support of the Peyton Slough Hydraulic Relief Project over the years has been essential to the success of our fundraising efforts. On behalf of MVSD's Board of Directors and staff, please accept my heartfelt gratitude for your ongoing commitment to improving the San Francisco Bay Area's water quality and wetland habitats.

Sincerely,

Michael D. Roe
District Manager

Cc: Steve Moore

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