

# **Appendix C**

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## **Staff Report**

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# ***San Francisco Bay Basin Water Quality Control Plan***

## **Basin Plan Update**

### **Addition of Surface Water Bodies & Beneficial Uses**



**FINAL STAFF REPORT**

**July 7, 2010**

Cover photos, clockwise from upper left:

- San Leandro Creek, Water Board staff photo, March 2001
- Mallard Slough, unattributed photo on [www.flickr.com](http://www.flickr.com)
- Alameda Creek, Water Board staff photo, May 2004
- North bay creek, Water Board staff photo

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## **1. INTRODUCTION**

This Staff Report presents the supporting documentation for a proposed Basin Plan amendment (amendment) that will be considered by the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board). The amendment will add surface water bodies and beneficial uses to the *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan). Beneficial uses are uses of the waters of the State that are to be protected against degradation (California Water Code Section 13050).

As the Water Board's master planning document for water quality, the Basin Plan establishes water quality standards for the San Francisco Bay Region. These standards include (1) designated beneficial uses for surface and ground waters, (2) water quality objectives to protect those beneficial uses, and (3) a provision to protect high quality waters from degrading to the level allowed by the objectives, i.e., an antidegradation policy<sup>1</sup>. Thus, designation of beneficial uses of the Region's water bodies is one cornerstone of water quality protection. The Basin Plan currently lists about 250 surface water bodies in Table 2-1; however, Table 2-1 does not show the existing beneficial uses for about 40% of these water bodies. In addition, many important water bodies in the Region are not listed, including for example, water bodies that receive a permitted discharge or are the focus of significant public interest.

The amendment would add approximately 280 surface water bodies to the Basin Plan, and designate the beneficial uses for over 380 water bodies. The beneficial uses addressed in this Staff Report are existing uses and the purpose of this amendment is to provide clarity and transparency to the public. Water quality objectives protective of a beneficial use apply whether or not an existing use is specifically identified in the Basin Plan. This report presents documentation to support designation of these beneficial uses. Section 2 of the report presents the project definition and defines the project, why it is necessary and its objectives. Section 3 explains how water bodies were selected for inclusion in the amendment. Section 4 presents the methodology used to designate beneficial uses. Section 5 proposes edits of Basin Plan Chapter 2 text to reflect the amendment, and Section 6 presents the results of California Environmental Quality Act (CEQA) analyses.

This report meets the requirements of the CEQA, including the preparation of a checklist (see Appendix D) for adopting Basin Plan amendments and serves in its entirety as a substitute CEQA environmental document.

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<sup>1</sup> The antidegradation policy is contained within the Statement of Policy with Respect to Maintaining High Quality Waters in California, State Water Resources Control Board Resolution No. 68-16.

## 2. PROJECT DEFINITION

This section explains why the proposed Basin Plan amendment project is needed and it also presents the project definition and objectives which form the basis of the assessment required by the CEQA.

### 2.1 Project Necessity

The Basin Plan provides the foundation for regulatory activities, including designation of beneficial uses of the Region's surface waters. The Water Board first adopted the precursor to the Basin Plan, a "Plan for Waters Inland from the Golden Gate," in 1968. The first comprehensive Basin Plan for the region was adopted by the Water Board, and then approved by the State Water Board, in April 1975. At that time beneficial uses were designated for some, but not all, the surface water bodies listed in the Basin Plan. In addition, the list of surface water bodies in the Basin Plan is insufficient in some respects. For example: some geographic areas of the region have very few or no surface water bodies listed; surface waters with permitted dischargers are not all listed; and water bodies with restorations or other public interest are not listed. As a result, Board staff and the public must research the beneficial uses of these water bodies on a case-by-case basis. This process may be unclear to the public and can result in inefficient use of staff resources.

Adding surface water bodies and beneficial uses to Table 2-1 of the Basin Plan was recognized as a high priority project by the Water Board in its 2004 and 2009 Triennial Reviews of the Basin Plan.

### 2.2 Project Definition

The project is a proposed Basin Plan amendment (see Appendices A and B) to add surface water bodies to Chapter 2 of the Basin Plan, and to designate beneficial uses for existing and proposed surface water bodies. The project's components include:

- Augmentation of Table 2-1, *Existing and Potential Beneficial Uses of Water Bodies in the San Francisco Bay Region*, with approximately 280 additional surface water bodies.
- Designation of beneficial uses for the newly added surface water bodies and for the 103 surface water bodies in Table 2-1 for which beneficial uses have not yet been explicitly designated.
- Augmentation of Figures 2-3 through 2-9 with names of the additional surface water bodies.
- Amendment of Basin Plan Chapter 2 text where necessary to support the water body and beneficial use additions and to correct related typographical errors.
- Replace designations on Table 2-1, where appropriate, to provide clarity and consistency. For example, replace the designation "L" limited, for the water contact recreation beneficial use, as "L" is not defined in the Basin Plan and its meaning is unclear.

## **2.3 Project Objectives**

The main objective of the project is to improve the clarity and completeness of the Basin Plan by adding surface water bodies and beneficial uses to the Basin Plan. The objectives of the proposed Basin Plan amendment are consistent with the mission of the Water Board and the requirements of the federal CWA and California's Water Code. These laws require the Water Board to protect the beneficial uses of water bodies in the San Francisco Bay Region.

These beneficial uses reflect existing uses, those uses that were attained in the water body on or after November 28, 1975, and which must be protected, whether or not they are specifically listed in the Basin Plan. Thus, the objective is solely to add clarity to the Basin Plan, not to add any new regulatory standard, requirement, or program.

## **3. ADDITION OF SURFACE WATER BODIES**

This section describes the rationale behind the selection of water bodies proposed for addition to the Basin Plan.

Since the Basin Plan was originally adopted in 1975, Water Board staff and the public have found that many significant surface water bodies are not included in Table 2-1, the Basin Plan list of surface water bodies. For example, Table 2-1 omits a number of water bodies that receive a discharge permitted under our National Pollutant Discharge Elimination System program; are monitored by the Water Board's Surface Water Ambient Monitoring Program; that support endangered aquatic species; or that are under the stewardship of a public interest group. Certain types of surface water bodies are not well-represented, such as sloughs and reservoirs. In addition, very few water bodies are identified for some geographic areas, such as west Alameda and east San Mateo Counties. Both the 2004 and 2009 Triennial Reviews responded to these omissions by ranking this project a high priority among basin planning projects.

Water Board staff first solicited public input on this project on March 31, 2003. A CEQA scoping meeting was held on June 24, 2003, to solicit public input on the proposed scope of the Basin Plan amendment. Staff resources were diverted to working on other higher priority basin planning projects until 2008. In November 2008, we invited the public to actively participate in this project by emailing stakeholders through Lyrus notification lists and posting pertinent information to our web site.

As a result of this effort, we propose adding approximately 280 surface water bodies to Table 2-1 of the Basin Plan and updated maps to show all the surface water bodies listed in Table 2-1.

The expanded list is not intended to be an exhaustive list of every surface water body in the Region. Listing every water body is not manageable given staff resources, nor is it a prerequisite for protection of water quality, because the Water Board has water quality authority over Waters of the State, regardless of whether the water body is listed in the Basin Plan. We considered the following criteria when determining which water bodies to include:



- Water Board interest: include water bodies receiving a permitted discharge, especially where needed to assist in permitting decisions, and those being monitored under the Surface Water Ambient Monitoring Program.
- Water body types: ensure that all types of surface water bodies are represented, including sloughs and lakes.
- Geographic representation: while not every stream can be included, ensure that streams across the entire Region are listed at a consistent density.
- Substantial public interest: include water bodies that have undergone restoration or water bodies with stakeholder groups, such as Friends of the Creek groups.

## **4. DESIGNATION OF BENEFICIAL USES**

This section describes the methodology used to designate beneficial uses to surface water bodies.

“Beneficial uses” are the beneficial ways water is used by humans and wildlife; they are also a cornerstone of water quality protection under the Basin Plan. Once beneficial uses are identified, programs that protect or enhance water quality can be implemented to ensure the protection of beneficial uses.

The CWA requires, as part of the establishment of water quality standards, that each state specify appropriate water uses to be achieved and protected (40 CFR 131.10(a)). The State Water Resources Control Board (State Water Board) adopted a uniform list and definitions of possible beneficial uses to be applied to all of California’s basins in 1972, and updated this list in 1996. The beneficial uses that may apply to surface waters in the San Francisco Bay Region are listed below, with their commonly used abbreviations.

- Agricultural supply (AGR)
- Areas of special biological significance (ASBS)
- Cold freshwater habitat (COLD)
- Commercial and sport fishing (COMM)
- Estuarine habitat (EST)
- Freshwater replenishment (FRSH)
- Groundwater recharge (GWR)
- Industrial service supply (IND)
- Marine habitat (MAR)
- Fish migration (MIGR)
- Municipal and domestic supply (MUN)
- Navigation (NAV)
- Industrial process supply (PRO)
- Preservation of rare and endangered species (RARE)
- Water contact recreation (REC1)
- Noncontact water recreation (REC2)
- Shellfish harvesting (SHELL)

- Fish spawning (SPWN)
- Warm freshwater habitat (WARM)
- Wildlife habitat (WILD)

Federal and State laws, regulations, and policies provide the basis for determining where these beneficial uses exist and how beneficial uses are designated in this amendment. For example, the CWA section 101(a)(2) creates a “rebuttable presumption” that fishable and swimmable uses are attainable. This means that most surface waters are designated with recreational and aquatic life beneficial uses. In addition, CWA regulations at 40 CFR 131.3(e) state that existing uses, whether identified or not in water quality standards, must be protected. In addition, the Basin Plan already provides that the beneficial uses of a water body generally apply to its tributaries (referred to as the “tributary rule”). More specific information regarding the approach used to determine the existence of beneficial uses is discussed in the following sections.

#### **4.1 Clean Water Act National Goals**

The CWA section 101(a)(2) establishes as an interim national goal that, “wherever attainable... water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved...” Further, section 101(a)(2) states that the objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” To meet these CWA objectives, states must provide water quality for the protection and propagation of fish and wildlife, and for recreation in and on the water where attainable. Thus, propagation of fish and wildlife, and recreation in and on the water are presumptive surface water uses. To reflect the goals of the CWA, the WILD, REC-1, and REC-2 beneficial uses are proposed to be designated to all surface water bodies, and WARM is proposed for all inland surface water bodies. In cases where an entire water body supports cold freshwater habitat (COLD) and not warm freshwater habitat, only COLD is designated, and not WARM.

In a few cases, such as reservoirs used primarily for drinking water, REC-1 uses can be restricted or prohibited by the entities that manage these waters. In Table 2-1 of the draft Basin Plan amendment, these cases are indicated by an “E\*” for the REC-1 beneficial use. E\* indicates that public access to the water body is limited or prohibited for purposes of protecting drinking water quality and public health. REC-1 is designated as E\* for the purpose of protecting water quality. No right to public access is intended by this designation. The current Basin Plan contains an “L” for some reservoirs to indicate the REC-1 use is “limited.” The term “limited” is not defined within the Basin Plan and no water quality objectives specific to this designation have been adopted into the Basin Plan. This amendment replaces “L” with “E\*” for those water bodies where full body contact use of the water body is physically limited or prohibited by a water management entity. Thus “L” and “E\*” have the same meaning and this amendment will provide clarity and transparency to the Basin Plan.

#### **4.2 Documented Evidence and Databases**

Published documents and resource agency databases are useful sources of evidence of existing uses, particularly the RARE, COLD, COMM, and NAV beneficial uses. The following sources

provide information on water bodies that support aquatic, plant, and/or animal species established as rare, threatened, or endangered (i.e., RARE) under State or federal law:




- Leidy, R.A., G.S. Becker, B.N. Harvey. 2005. Historical distribution and current status of steelhead/rainbow trout (*Oncorhynchus mykiss*) in streams of the San Francisco Estuary, California. This document provides information on the presence of steelhead, which has “threatened” status under federal wildlife protection programs, as well as existence of spawning habitat (SPWN) and migration corridors (MIGR). In addition, the existence of steelhead or rainbow trout also indicates the existence of cold freshwater habitat (COLD).
- Becker, G.S. and I.J. Reining. 2008. Steelhead/rainbow trout (*Oncorhynchus mykiss*) resources south of the Golden Gate, California. Cartography by D.A. Asbury. This reference is similar to the document above, but provides additional detail about coastal streams in San Mateo County.
- The National Marine Fisheries Service steelhead distribution database, available via the internet at [http://swr.nmfs.noaa.gov/cg/CCC\\_Steelhead\\_Distribution\\_06\\_2005.xls](http://swr.nmfs.noaa.gov/cg/CCC_Steelhead_Distribution_06_2005.xls). This database identifies spawning habitat (SPWN) and migration corridors (MIGR), in addition to the presence of steelhead trout (RARE).
- State, county, and local websites and/or brochures that describe wildlife refuges, preserves, restoration areas, parks, and similar areas often provide information about the existence of threatened or endangered species in or along the riparian areas of surface water bodies.
- The California Department of Fish and Game’s Natural Diversity Data Base (NDDDB). The NDDDB tracks the location and condition of California’s rare, threatened, endangered, and sensitive plants, animals, and natural communities. RARE is designated only where the water body supports State or federally listed threatened or endangered species that are water-dependent.

Sources that provided information about the COMM and NAV uses included:

- The California Department of Fish and Game database of locations where commercial fishing licenses are issued provides evidence of water used for commercial or recreational fishing (COMM). This database is available via the internet at [http://imaps.dfg.ca.gov/viewers/fishing\\_guide/app.asp](http://imaps.dfg.ca.gov/viewers/fishing_guide/app.asp).
- National Oceanic and Atmospheric Administration nautical charts indicate navigable waters (NAV), and are available via the internet at <http://www.charts.noaa.gov/OnLineViewer/>.

Water-dependent threatened or endangered species that were considered in designating the RARE beneficial use are listed in Table 1.

**Table 1. Water-Dependent Threatened or Endangered Species**

Species	Status	Habitat Remarks
California freshwater shrimp ( <i>Syncaris pacifica</i> )	Federal Endangered, State Endangered	Lowland perennial streams. Favor pool areas with undercut banks, exposed tree roots, and overhanging vegetation. Inhabits only 16 streams in Marin, Napa & Sonoma Counties. <sup>2</sup>
Chinook salmon ( <i>Oncorhynchus tshawytscha</i> ) 	Federal Threatened, State Endangered	Freshwater streams & estuaries; lay eggs in deeper streams with larger gravel (than steelhead); need cool water and good water flow (to supply oxygen); young Chinook rear in estuaries & associated wetlands prior to departing to the open ocean.
Coho salmon ( <i>Oncorhynchus kisutch</i> )	Federal Endangered State Endangered	Freshwater streams to spawn & mature, then departure to ocean water; historically ranged from Oregon/California border to northern Monterey Bay.
Delta smelt ( <i>Hypomesus transpacificus</i> )	Federal Endangered State Endangered	Western San Pablo Bay and Napa River landward to tidal freshwater reaches of the Delta. <sup>3</sup>
Long fin smelt 	State Threatened	San Francisco Bay; migrate to brackish or freshwater in Suisun Bay and lower reaches of Sacramento and San Joaquin Rivers. Probably spawns in freshwater. <sup>4</sup>
Sacramento splittail ( <i>Pogonichthys macrolepidotus</i> )	Federal Threatened	Sacramento-San Joaquin Delta, streams of the Central Valley, and the Napa and Petaluma rivers. <sup>5</sup>
Steelhead-Central California Coast ( <i>Oncorhynchus mykiss</i> ) 	Federal Threatened	Freshwater streams with spawning gravel free of heavy sedimentation, adequate flow, & cool, clear water. Logs, undercut banks, and deep pools needed for spawning adults. Eggs and pre-emergent fry require cool water with adequate dissolved oxygen prior to departure to ocean water. <sup>6</sup>
Tidewater Goby ( <i>Eucyclogobius newberryi</i> )	Federal Endangered	California coastal lagoons, estuaries, and marshes from Tillas Slough (Del Norte County) to Agua Hedionda Lagoon (northern San Diego County). <sup>7</sup>

<sup>2</sup> U.S. Fish & Wildlife Service. 1998. *Recovery Plan for California Freshwater Shrimp* (*Syncaris pacifica* Holmes 1895). U.S. Fish & Wildlife Service, Portland, Oregon.





<sup>3</sup> Bennett, B. *Delta Smelt Life History Model, A Contribution for the CALFED Ecosystem Restoration Program* 01/31/05. University of California, Davis. <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentVersionID=12208>

<sup>4</sup> California Department of Fish and Game. *Longfin Smelt in San Francisco Bay*. Accessed January 11, 2010. <http://www.delta.dfg.ca.gov/baydelta/monitoring/lf.asp>.

<sup>5</sup> US Fish and Wildlife Service. News release. Accessed January 11, 2010. [http://www.fws.gov/sacramento/ea/News\\_Releases/2002%20News%20Releases/SFWO%202002%20News%20Releases/Sac\\_Splittail\\_Correction.htm](http://www.fws.gov/sacramento/ea/News_Releases/2002%20News%20Releases/SFWO%202002%20News%20Releases/Sac_Splittail_Correction.htm).

<sup>6</sup> National Marine Fisheries Service. 2007. *Federal Recovery Outline for the Distinct Population Segment of Central California Coast Steelhead*. Southwest Region Office. May 2007. [http://swr.nmfs.noaa.gov/recovery/FINAL\\_Steelhead\\_061507.pdf](http://swr.nmfs.noaa.gov/recovery/FINAL_Steelhead_061507.pdf)

<sup>7</sup> US Fish and Wildlife Service. *Tidewater Goby General Information*. Accessed January 11, 2010. <http://www.fws.gov/arcata/es/fish/Goby/goby.html>.

Species	Status	Habitat Remarks
California red-legged frog <i>(Rana aurora draytonii)</i> 	Federal Threatened	Aquatic habitats, including pools within streams, ponds, marshes and lagoons. Dense, shrubby or emergent riparian vegetation associated with perennial and intermittent fresh water bodies that are still or slow moving water. <sup>8</sup>
California tiger salamander <i>(Ambystoma californiense)</i> 	Federal Threatened	Breed in slow streams or fish-free ephemeral ponds that form during winter. Live in grassland, oak savanna, & edges of mixed woodland & lower elevation coniferous forest. <sup>9</sup>
California black rail <i>(Laterallus jamaicensis coturniculus)</i>	State Threatened	Reside permanently in San Francisco Estuary. Breeds in salt or freshwater marshes, where the ground is moist but not entirely submerged. <sup>10</sup>
California clapper rail ( <i>Rallus longirostris obsoletus</i> )	Federal Endangered, State Endangered	Marshes and tidal sloughs; forages on mudflats or very shallow water where taller plants provide protection at high tide.
Western snowy plover <i>(Charadrius alexandrinus nivosus)</i> 	Federal Threatened	Nest along tidal waters and estuaries. Breed on coastal beaches above the high tide line, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek & river mouths, & salt pans at lagoons & estuaries. <sup>11</sup>
California least tern ( <i>Sterna antillarum browni</i> )	Federal Endangered, State Endangered	Nest on coastal beaches & estuaries near shallow waters where small fish are abundant. <sup>12</sup>
Salt-marsh harvest mouse <i>(Reithrodontomys raviventris)</i> 	Federal Endangered, State Endangered	Endemic to San Francisco Bay Area; inhabit dense pickleweed stand in tidal salt marshes; also found in salt, brackish, & freshwater marshes, & occupying nontidal uplands up to 150 feet from wetland. <sup>13</sup>

<sup>8</sup> U.S. Fish and Wildlife Service. 2002. *Recovery Plan for the California Red-legged Frog (Rana aurora draytonii)*. Region 1, Portland, Oregon. May 28, 2002. [http://ecos.fws.gov/docs/recovery\\_plan/020528.pdf](http://ecos.fws.gov/docs/recovery_plan/020528.pdf)

<sup>9</sup> *Ambystoma californiense* - California Tiger Salamander. Accessed January 12, 2010. <http://www.californiaherps.com/salamanders/pages/a.californiense.html>

<sup>10</sup> Audubon. Black Rail *Laterallus jamaicensis*. Accessed January 12, 2010. <http://web1.audubon.org/science/species/watchlist/profile.php?speciesCode=blarai>

<sup>11</sup> U.S. Fish and Wildlife Service. Western Snowy Plover *Charadrius alexandrinus nivosus*. Accessed January 12, 2010. <http://www.fws.gov/arcata/es/birds/WSP/plover.html>

<sup>12</sup> California Department of Pesticide Regulation and California Department of Fish & Game. California Least Tern (*Sterna antillarum browni*) pamphlet. Accessed January 12, 2010. [http://www.cdpr.ca.gov/docs/endspec/espdfs/clt\\_bio.pdf](http://www.cdpr.ca.gov/docs/endspec/espdfs/clt_bio.pdf)

<sup>13</sup> San Francisco State University. The Biogeography of the Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*). Accessed January 12, 2010. [http://bss.sfsu.edu/holzman/courses/Spring%2005%20projects/SMH%20mouse/salt\\_marsh\\_harvest\\_mouse%20.htm](http://bss.sfsu.edu/holzman/courses/Spring%2005%20projects/SMH%20mouse/salt_marsh_harvest_mouse%20.htm)

### **4.3 Personal Knowledge and Visual Evidence**

Knowledgeable individuals, such as resource agency personnel and active Friends of Creeks members, have seen and learned a significant amount about the beneficial uses of the Region's water bodies. These individuals provided information on beneficial uses such as groundwater recharge (GWR), recreational fishing (COMM), cold water habitat (COLD), fish migration (MIGR), support of rare species (RARE), spawning habitat (SPWN), and recreation (REC-1 and REC-2). The following organizations provided information on beneficial uses of the region's surface waters:

- Alameda County Public Works Agency
- Alameda Creek Watershed Council
- California Department of Fish and Game
- Contra Costa Water District
- Guadalupe-Coyote Resource Conservation District
- Marin County Department of Public Works
- Marin County Resource Conservation District
- Napa County Resource Conservation District
- National Marine Fisheries Service within the National Oceanic & Atmospheric Agency
- National Park Service, particularly personnel from the Point Reyes National Seashore
- San Francisco Public Utilities Commission
- Alameda, Santa Clara Valley and San Mateo County stormwater programs
- Santa Clara Valley Water District
- Sonoma Ecology Center
- Zone 7 of the Alameda County Flood Control and Water Conservation District

The following stakeholder groups provided information on beneficial uses:

- Friends of Corte Madera Creek
- Friends of Los Alamitos Watershed
- Friends of Sausal Creek
- Friends of Springtown Preserve
- Mill Valley StreamKeepers
- Ross Creek Neighbors
- Salmon Protection and Watershed Network
- Save San Francisco Bay
- Salmon Protection and Watershed Network (SPAWN)
- Urban Creeks Council

### **4.4 State Drinking Water Policy**

In November 1986, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) was approved by the California voters. Proposition 65 prohibits the discharge of toxic substances into "sources of drinking water." The State Water Board has defined the term "sources of drinking water" in Resolution No. 88-63, Sources of Drinking Water Policy, which the San Francisco Bay Water Board adopted in Resolution No. 89-39. This policy specifies that,

except under specifically defined conditions, all surface and ground waters of the State should be designated as suitable, or potentially suitable, for municipal or domestic water supply.

Under this policy the Water Board has both the discretion through the basin planning process to retain previously designated beneficial uses and the authority to identify those waters in the Region that should be exempted from the MUN designation. In accordance with the Sources of Drinking Water Policy, this amendment designates specific inland surface water bodies as having an existing MUN beneficial use.

#### **4.5 Other Guidelines**

In addition to the approach described above, Water Board staff employed the following guidelines in designating beneficial uses:

- Under the “tributary rule,” the beneficial uses of any specifically identified water body generally apply to all its tributaries (Basin Plan, Section 2.2.1).
- Where a beneficial use is known to exist in a portion of a water body, the use is designated to the entire water body. In some cases, beneficial uses may not exist across the entire water body. For example, spawning habitat may be present (or have been present any time on/after November 28, 1975) only in certain reaches of a stream. Resource constraints do not allow us to make reach-specific determinations at this time.
- Beneficial uses of streams that have intermittent flows, as is typical of many streams in the region, are designated as “existing.”
- Designating a beneficial use does not assign permission or a right to use the water body for a related purpose. For example, designating REC-1 or REC-2 does not mean that the water body must be open for public recreation; it simply means that the water quality must meet the water quality objectives that protect these uses.
- Beneficial use designations for any given water body do not rule out the possibility that other beneficial uses exist or have the potential to exist.

Attachment A contains documentation sheets for each water body for which beneficial uses are proposed; these documentation sheets explain the bases for proposing each beneficial use.

## 4.6 Summary of Beneficial Use Criteria

For each beneficial use applicable to surface waters in the San Francisco Bay Region, Table 2 summarizes the state-wide definition and describes the information used to determine where and/or whether the beneficial use exists.

**Table 2. Definitions and Applicability of Beneficial Uses**

Beneficial Use	Definition	Applicability <sup>14</sup> / Info to support the Beneficial Use
AGR	Use for farming, horticulture, ranching	Designated where agricultural activities use surface water and agriculture is a predominant land use along the water body.
MUN	Use for community or individual drinking water	Although broadly applicable, MUN is specified primarily on reservoirs, where the water body is used as a drinking water supply or is used to store imported drinking water sources <sup>15</sup> .
FRSH	Use for natural or artificial maintenance of surface water quality or quantity	Designated where fresh water flows are needed to balance salinity or maintain flows, e.g., to marshes and managed ponds and designated where fresh water flows to a reservoir.
GWR	Use for natural or artificial recharge of groundwater	Designated where surface water is hydrologically connected to a regionally important groundwater basin used for drinking water supply.
IND	Use for industrial activities that <i>don't</i> depend on water quality	Designated in estuary and coastal waters, particularly where industrial use exists.
PROC	Use for industrial activities that <i>depend</i> on water quality	Designated where inland streams are used for industrial process water.
COMM	Commercial or recreational collection of fish, shellfish, other organisms for consumption or bait end uses	Designated where commercial or recreational fishing occurs, including water bodies for which the California Department of Fish & Game issues fishing licenses.
SHELL	Use that support habitats suitable for collection of crustaceans and filter-feeding shellfish (clams, oysters, bivalves, mussels)	The State Board is in the process of evaluating beneficial uses associated with shellfish harvesting, including COMM and SHELL. Therefore SHELL is not being designated to water bodies at this time, pending completion of the statewide policy effort.
COLD	Uses that support cold water ecosystems, including aquatic habitats, vegetation, fish, or wildlife	Designated where indicators of cold freshwater habitat are present, such as the presence of steelhead trout, salmon, or other cold water species. Note that both cold and warm water habitat may be present in a given water body.
EST	Uses that support estuarine ecosystems, including estuarine habitats, vegetation, fish, shellfish, wildlife, organisms	Designated in estuarine water bodies, such as Lower San Francisco Bay, its embayments and tidally-influenced river reaches.
MAR	Uses that support marine ecosystems, including marine habitats, vegetation such as kelp, fish, shellfish, or wildlife	Designated in ocean waters where shorebirds, waterfowl, kelp beds, marine mammals, fish, shellfish, intertidal zones, and/or marshes are found.

<sup>14</sup> Beneficial uses are designated where the use exists *or has existed at any time* since November 28, 1975.

<sup>15</sup> See discussion of State Water Board Resolution No. 88-63 and Water Board Resolution No. 89-39 in Section 4.2.4 of this report.



Beneficial Use	Definition	Applicability <sup>14</sup> / Info to support the Beneficial Use
MIGR	Uses that support habitats for migration, acclimatization between fresh and salt water, protection of aquatic organisms that are temporary inhabitants of waters	Designated for ocean, estuarine, and inland surface waters where the migration of steelhead trout, salmon, or other migratory species occurs.
RARE	Uses that support habitats of plant or animal species established under state and/or federal law as rare, threatened, or endangered	Designated where the water body or its riparian area supports habitat for rare, threatened, or endangered species.
SPWN	Uses that support high quality aquatic habitats suitable for reproduction and early development of fish	Designated for waters where conditions supportive of fish or shellfish spawning, such as substrate quality, exist. This use is not dependent on the presence of anadromous species.
WARM	Uses that support warm water ecosystems including aquatic habitats, vegetation, fish, or wildlife, including invertebrates	Designated in inland waters where aquatic life (fish, frogs, crayfish, and insects) is present. This is a presumptive use under CWA section 101(a)(2), thus documentation is not required and WARM is designated for nearly all water bodies. Where data indicate only cold water (not warm) habitat exists, then only COLD is designated.
WILD	Uses that support wildlife habitats including vegetation and prey species, such as waterfowl	Designated in waters where wildlife is present. This is a presumptive use under CWA section 101(a)(2), thus documentation is not required and WILD is designated for all water bodies.
ASBS	Areas designated as having special biological significance by the State Water Board	The State has designated Bird Rock, Point Reyes Headland Reserve & Extension, Double Pt, Duxbury Reef Reserve & Ext., Farallon Islands, and Fitzgerald Marine Reserve as ASBSs.
REC-1	Uses for recreational activities involving body contact with water where ingestion is reasonably possible, including swimming, wading, water skiing, skin diving, surfing, whitewater rafting, fishing	Designated where: <ul style="list-style-type: none"> <li>• Public access to beaches, streams, lakes or reservoirs exists;</li> <li>• Parks are located along water bodies and water access is not clearly prevented;</li> <li>• Water contact recreation, or the potential for water contact recreation, is known to exist.</li> </ul> This is a presumptive use under CWA section 101(a)(2), thus documentation is not required and REC-1 is designated for all water bodies.
REC-2	Uses for recreational activities involving proximity to water, but not normally involving contact with water where ingestion is reasonably possible	Examples of REC-2 uses include picnicking, sun bathing, hiking, beachcombing, camping, boating (not whitewater), and tide pool study. REC-2 is a presumptive use under CWA section 101(a)(2), thus documentation is not required and REC-2 is designated for all water bodies.
NAV	Uses for shipping, travel, other transportation by private, military, or commercial vessels	Designated primarily for coastal and bay waters. The NAV beneficial use is distinct from the CWA term "navigable." For bays and rivers, National Oceanic and Atmospheric Administration nautical charts are used to demonstrate the existence of NAV.

#### **4.7 Beneficial Use Designated in Error to Rodeo Creek**

A previous Basin Plan update designated the marine habitat (MAR) beneficial use on the freshwater creek, Rodeo Creek, located in the Marin Coastal Basin. At the same time, Rodeo Lagoon, a tidal, saltwater embayment, was not designated the MAR beneficial use. This incorrect designation is most probably the result of a typographical or data entry error. Table 2-1 corrects the error by removing MAR from Rodeo Creek and designating the MAR beneficial use on Rodeo Lagoon.

#### **4.8 Removal of Mallard Reservoir**

Mallard Reservoir in Contra Costa County was included on the list of surface waters in the Basin Plan in 1975. This reservoir was designed and constructed to serve solely as the forebay to the Contra Costa Water District's Bollman Water Treatment Plant. Mallard Reservoir is a man-made bermed containment constructed on dry land and was built before 1972. It does not impound natural drainage, but receives water through a pipeline from Suisun Bay. If the pipeline was shut down, the reservoir would have no water inflow. The U.S. Corps of Engineers has communicated to the Water Board that Mallard Reservoir is considered non-jurisdictional under Section 404 of the Clean Water Act. In light of this information, Mallard Reservoir is proposed to be removed from the Basin Plan.

## **5. BASIN PLAN CHAPTER TWO REVISIONS**

Minor edits of Chapter 2 of the Basin Plan are proposed to support the addition of water bodies and designation of beneficial uses. These changes are intended to clarify the definitions and applicability of the beneficial uses. Proposed Chapter 2 edits do not affect or change any State or regional policy, program, or implementation plan. The types of revisions proposed, with rationale, follow:

- Additions to the introduction to Chapter 2 are intended to provide more information about beneficial uses in general, including how beneficial uses are designated.
- Some revisions correct or update terminology or references to policies that have been revised, such as the California Ocean Plan.
- Minor revisions and additions within the beneficial use descriptions are intended to clarify how the beneficial use applies within the San Francisco Bay Region.
- Within Chapter 2 section 2.2 (Existing and Potential Beneficial Uses), revisions are intended to provide more complete information, consistency in terminology, and clarity in format.
- Within Chapter 2 section 2.2.3 (Wetlands), minor typographical errors in table references are corrected.
- Surface water body maps, shown in Figures 2-3 through 2-9b of the Basin Plan, are updated to include labels for the newly proposed surface water bodies. To achieve adequate resolution and clarity for the seven hydrologic units (basins) in the Region, additional maps are presented.
- Correct an error in the title of Table 2-4 (Examples of Beneficial Uses of Wetland Areas). This is a nunc pro tunc change, in that the phrase "Examples of" was inserted in 2007 to the Basin Plan outside of the basin plan amendment process.

## **6. ENVIRONMENTAL ANALYSIS**

This section presents the regulatory analyses required under the CEQA when the Water Board adopts a Basin Plan amendment under the Water Board's certified regulatory program (California Public Resources Code § 15251 [g]).

The California Public Resources Code, Section 21159.4 requires a State agency to perform an environmental analysis of the reasonably foreseeable methods of compliance, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment or a performance standard or treatment requirement. In this case, the proposed Basin Plan amendment does not require the installation of pollution control equipment, or compliance with a performance standard or treatment requirement. No implementation plan is proposed, because no actions are required to comply with the amendment, which is non-regulatory. Thus, the amendment would have no environmental or economic impacts.

The Water Board is the Lead Agency for evaluating the environmental impacts of Basin Plan amendments pursuant to CEQA. In compliance with the State Water Board's CEQA implementation guidelines, the Water Board prepared the required environmental documents, which include an Environmental Checklist Form, a written report (this Staff Report) that discloses any potentially significant environmental impacts of the reasonably foreseeable methods of compliance with the Basin Plan amendment, and an initial draft of the Basin Plan amendment. This Staff Report, including the CEQA checklist and these analyses, constitute a substitute environmental document.

As shown in the Environmental Checklist Form (Attachment B), there are no potentially significant environmental impacts from the implementation of this Basin Plan amendment. Therefore, an analysis of alternatives is not needed to lessen or mitigate impacts. The finding of no environmental impacts is based on the fact that this amendment will not result in any physical change, nor will it affect any other plan, regulation, or policy. The amendment merely names water bodies and designates beneficial uses for existing uses as of November 28, 1975. The proposed revisions do not have any direct effect on the environment, because the water bodies and beneficial uses exist and must be protected, whether or not the beneficial uses are specifically listed in the Basin Plan.

The proposed Basin Plan amendment lists the commonly known names of surface water bodies and their beneficial uses in Table 2-1. In addition, the proposed amendment designates beneficial uses to water bodies currently listed in Table 2-1, but with no beneficial uses. Adding these water bodies and designating beneficial uses will simply provide clarity. There are no potentially significant environmental impacts or economic impacts associated with compliance with this revision because the beneficial uses of the water bodies are protected whether or not they are specifically listed in the Basin Plan.

The proposed amendment also makes non-regulatory revisions to Chapter 2 text to improve clarity regarding beneficial use designation. Because this change is solely a clarification of the

Basin Plan, there are no potentially significant environmental impacts or economic impacts associated with compliance with these revisions.

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