



Agenda Date: 12/6/2005  
Agenda Placement: 6K

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Cathy Gruenhagen for Hillary Gitelman - Director  
Conservation, Development & Planning

**REPORT BY:** Jeff Sharp, Planner III , 259-5936

**SUBJECT:** Approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board on scope of documents required under the California Environmental Quality Act (CEQA) to address the Napa River TMDL(s).

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### **RECOMMENDATION**

Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board regarding the scope of environmental documents required under the California Environmental Quality Act to support the Total Maximum Daily Load process and proposed amendments to the Water Quality Control Plan for the San Francisco Bay Basin to address sediment and pathogens in the Napa River.

### **EXECUTIVE SUMMARY**

The Regional Water Quality Control Board (RWQCB) has circulated technical reports for public review which assess and allocate both sediment and pathogen loading (i.e., pollution) in the Napa River basin. Staff of the RWQCB presented a summary of the reports to the Board of Supervisors on July 19, 2005, and explained that the technical reports provide an initial opportunity for the public and interested parties such as Napa County to review the scientific bases and scope of the Total Maximum Daily Loads (TMDLs), or action plans intended to improve water quality.

On September 13, 2005, the Board of Supervisors considered and approved a comment letter regarding TMDL Technical Reports. That letter was mailed to the RWQCB before their revised deadline of September 15, 2005.

On November 7, 2005 the RWQCB held a public meeting pursuant to California Environmental Quality Act (CEQA) to define the project scope in connection proposed amendments to the Water Quality Control Plan for the San Francisco Bay Basin. The purpose of the meeting was to discuss the scope and content of the environmental documents to be prepared pursuant to the RWQCB's regulatory program for basin planning under CEQA.

Staff has prepared a draft comment letter (attached) for the Board's consideration and approval.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Section 303(d) of the 1972 federal Clean Water Act requires that states develop a list [known as the 303(d) list] of water bodies that do not meet water quality standards, establish priority rankings for waters on the list, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality. The State's Water Resources Control Board and regional boards such as the San Francisco Bay Regional Water Quality Control Board (RWQCB) are the agencies taking the lead in these endeavors.

The Napa River is on California's 303(d) list of impaired water bodies for excess nutrients, pathogens, and sedimentation/siltation. As a result, the San Francisco RWQCB is charged with developing TMDLs for each of these pollutants. On July 19, 2005, staff of the RWQCB presented two preliminary TMDL Technical Reports to the Board of Supervisors, summarizing the sediment and pathogen impairments, potential sources, suggested numeric targets and allocations for each source category, and proposed implementation plans.

On August 23, 2005 the Board of Supervisors directed the Watershed Information Center & Conservancy (WICC) Board to review draft materials associated with RWQCB's proposed TMDL allocations and apprise the Board of Supervisors of opportunities in the TMDL process for local input and participation. At their August 25, 2005 meeting, the WICC Board received an update from staff on the Board of Supervisor's direction and discussed opportunities and possible actions to assist the Supervisors and public to better understand and participate in the TMDL process. The WICC Board, representing a breadth of community and stakeholder interests, confirmed that the WICC is an appropriate forum in which to encourage public engagement on this matter. Following their discussion, the WICC Board directed staff to place the TMDL issue as a standing item on their agenda for the near term.

Conservation, Development, and Planning staff, with input and assistance from the Departments of Environmental Management and Public Works, prepared a County comment letter on the sediment and pathogen Technical Reports. On September 13, 2005, the Board of Supervisors considered and approved the comment letter. That letter was mailed to the RWQCB before their deadline of September 15, 2005.

On November 7, 2005 the RWQCB held a public meeting pursuant to California Environmental Quality Act (CEQA) to define the project scope in connection proposed amendments to the Water Quality Control Plan for the San Francisco Bay Basin. The purpose of the meeting was to discuss the scope and content of the environmental documents to be prepared pursuant to the RWQCB's regulatory program for basin planning under CEQA. RWQCB staff is seeking comments from the public and the County in this endeavor.

Staff has prepared a draft comment letter (attached) for the Board's consideration and approval. The end of the RWQCB's CEQA scoping period is December 6, 2005.

**SUPPORTING DOCUMENTS**

A . CEQA Scoping Comment Letter

CEO Recommendation: Approve

Reviewed By: Andrew Carey