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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: R. Patrick Lowe Jr., Deputy Planning Director , 259-5937

SUBJECT: Watershed Information Center & Conservancy Board recommendation that the Chair sign a comment letter addressed to the San Francisco Regional Water Quality Control Board regarding the scoping and development of a Stream & Wetland Protection Policy

RECOMMENDATION

Director of Conservation, Development and Planning, at the request of the Watershed Information Center & Conservancy (WICC) Board, recommends approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding the scoping of a newly proposed Stream and Wetland Protection Policy and possible Amendments to the San Francisco Bay Water Quality Control Plan (Basin Plan).

EXECUTIVE SUMMARY

As an advisory committee to the Board of Supervisors, the Watershed Information Center & Conservancy (WICC) Board of Napa County is charged with reviewing draft materials associated with the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Basin Planning process(es) and proposed Total Maximum Daily Load (TMDL) allocations for the Napa River basin and advising the Board of Supervisors of opportunities in the TMDL/Planning process for local input and participation.

The RWQCB has conducted scoping workshops and circulated draft policy documents proposing a new Stream and Wetland Systems Protection Policy, as well as amendments to the Water Quality Control Plan for the San Francisco Bay Basin, including Total Maximum Daily Loads (TMDLs) and Implementation Measures to protect and regulate stream and wetland systems and functions in the Napa River watershed. The proposed Policy is intended to explicitly acknowledge the connection between stream and wetland systems and water quality, expand consideration of cumulative watershed effects, improve wetland and riparian mitigation, provide consistent and predictable permitting, and advance best management practices and science.

This is the third policy recently undertaken by the RWQCB, immediately following the RWQCB's approval of a Sediment TMDL in on January 23, 2007 and a Pathogen TMDL on November 13, 2006. A fourth policy addressing nutrient levels in the Napa River basin is also under development, but not yet circulated for public

review.

The Director of Conservation, Development and Planning, at the request of the Watershed Information Center & Conservancy (WICC) Board, recommends approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding the scoping of a newly proposed Stream and Wetland Protection Policy and possible Amendments to the San Francisco Bay Water Quality Control Plan (Basin Plan). Written comments on the the RWQCB's scoping and draft documents in support of the Stream and Wetland Protection Policy are due by close of business on March 9th.

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

The San Francisco Bay Regional Water Quality Control Board, in conjunction with the North Coast Regional Water Quality Control Board, proposes to develop amendments to the Water Quality Control Plans (Basin Plans) for the North Coast and San Francisco Bay Regions that will protect stream and wetlands systems, including measures to protect riparian areas and floodplains.

The goals of the proposed Stream and Wetlands System Protection Policy are:

- | To achieve water quality standards and protect beneficial uses of waters of the state
- | To protect drinking water through natural water quality enhancement and protection of groundwater recharge zones
- | To restore habitat and protect aquatic species and wildlife
- | To enhance flood protection through natural functions of stream and wetlands systems
- | To restore the associated recreational opportunities, green spaces and neighborhood amenities that water resources provide
- | To protect property values and community welfare by protecting natural environments
- | To encourage local watershed planning and support local oversight of water resources
- | To improve Regional Water Board permitting and program efficiency

The Policy will attempt to achieve these goals by recognizing that it is necessary to protect and restore the physical characteristics of stream and wetlands systems-stream channels, wetlands, riparian areas, and floodplains-including their connectivity and natural hydrologic regimes, to achieve water quality standards and protect beneficial uses. The Policy intends to clarify that stream and wetlands system protection and restoration are viable forms of pollution prevention in all land use settings, and that the strategies of pollutant source control and stream and wetlands system protection need to be integrated to complete the entire watershed water quality management strategy. Further, it is intended that the Policy will be based on sound scientific principles and will develop reasonable methods to protect water quality, and will ultimately serve as a model for other Regional Water Boards

and for the state in the protection of water quality.

The Policy proposes to promote regulatory efficiency by linking to existing relevant permit conditions and provisions in 401 water quality certifications, timber harvesting plans (THPs), waste discharge requirements (WDRs), WDR waivers, and urban runoff National Pollutant Discharge Elimination System (NPDES) permits. It is also promoting general efficiency by linking to Regional Water Boards' monitoring programs (e.g., Surface Water Ambient Monitoring Program) and grants program. It is further suggested that the Policy will provide incentives for local jurisdictions to develop watershed management plans that can be used by project applicants to offset impacts to stream and wetland functions when on-site avoidance of impacts is impossible. Thereby creating a vehicle to work with local jurisdictions to develop effective implementation strategies consistent with local stakeholder interests.

As the Policy's development proceeds, all reasonable alternatives to achieve the Policy's goals are to be evaluated and discussed in an accompanying staff report and implementation plan. In addition, there will be a synthesis of the relevant science and technical data linking physical characteristics to water quality, the staff report will include an economic analysis of the public and private benefits and costs of stream and wetlands system protection.

Potential elements of the Stream and Wetlands System Protection Policy may include:

1. Developing statewide definitions for function-based beneficial uses of waters of the state.
2. Defining functional relationships between streams, wetlands, riparian areas, and floodplains and describing scientifically the importance of each in protecting water quality.
3. Compiling case study information linking the physical characteristics of stream and wetland systems with measurable water quality effects.
4. Offering prescriptive solutions to protect water quality based on the preceding analysis. Such solutions may include specific measures as justified, but will otherwise describe the methodology that should be used to avoid, minimize, and mitigate impacts on a watershed or project-specific basis.
5. Developing an implementation plan to enhance local jurisdictional development, adoption and implementation of watershed management plans in accordance with the goals of the Stream and Wetlands System Protection Policy.

RWQCB staff has conducted a limited number of workshops on the proposed Policy and are currently soliciting public comment on the scope and draft staff documents prepared to support the effort. As directed by the Board of Supervisors, the WICC Board has been following the Policy's development and has recently discussed the matter during its February 22, 2007 meeting. Although the WICC Board is very supportive the Policy's goals, the WICC Board, as well as a number of community members in the audience, expressed concern that the RWQCB lacks the staff resources to effectively implement the proposed policy, as well as the recently approved Sediment and Pathogen TMDLs now awaiting approval by the State Water Resources Control Board.

Based upon the WICC Board's discussion and comments received from community members present during the WICC's deliberation, County staff has prepared the attached comment letter expressing these concerns for signature by the Chair.

SUPPORTING DOCUMENTS

A . Letter to Water Quality Control Board

CEO Recommendation: Approve

Reviewed By: Andrew Carey