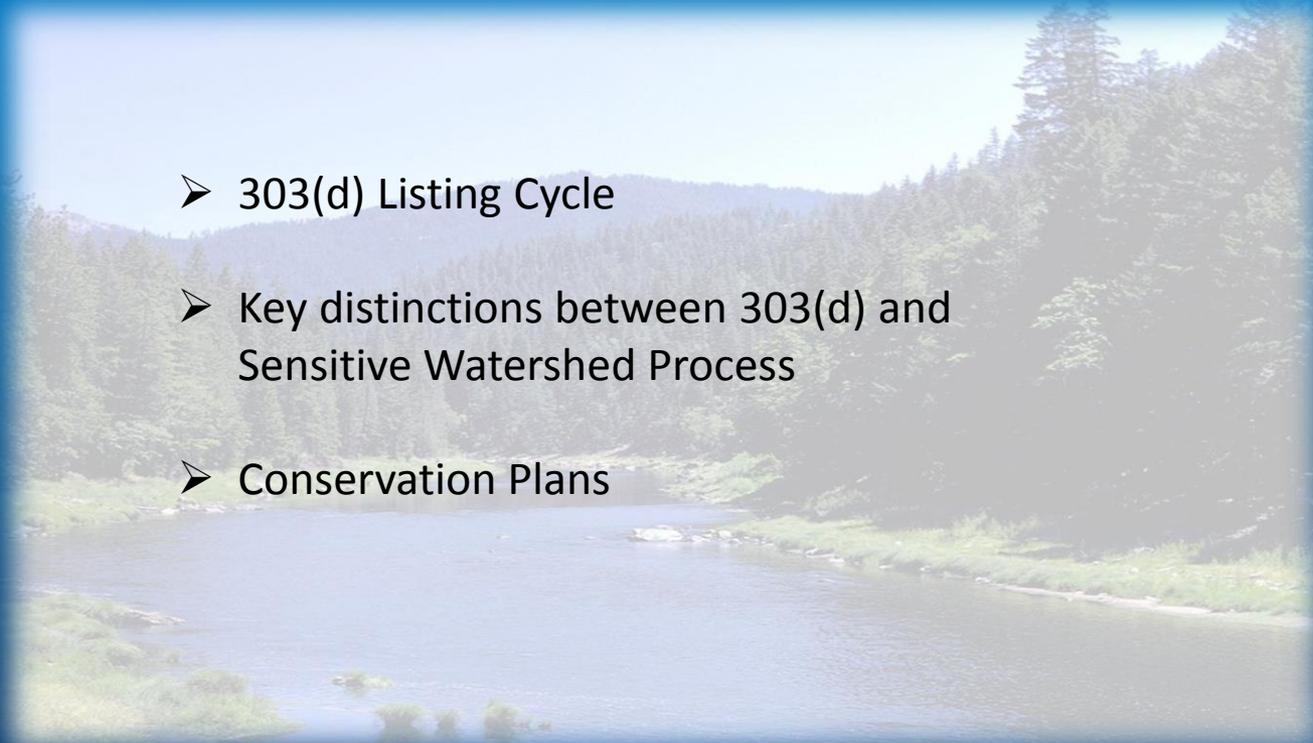


Clean Water Act Section 303(d) Assessment, Sensitive Watershed Nomination and, Conservation Plans

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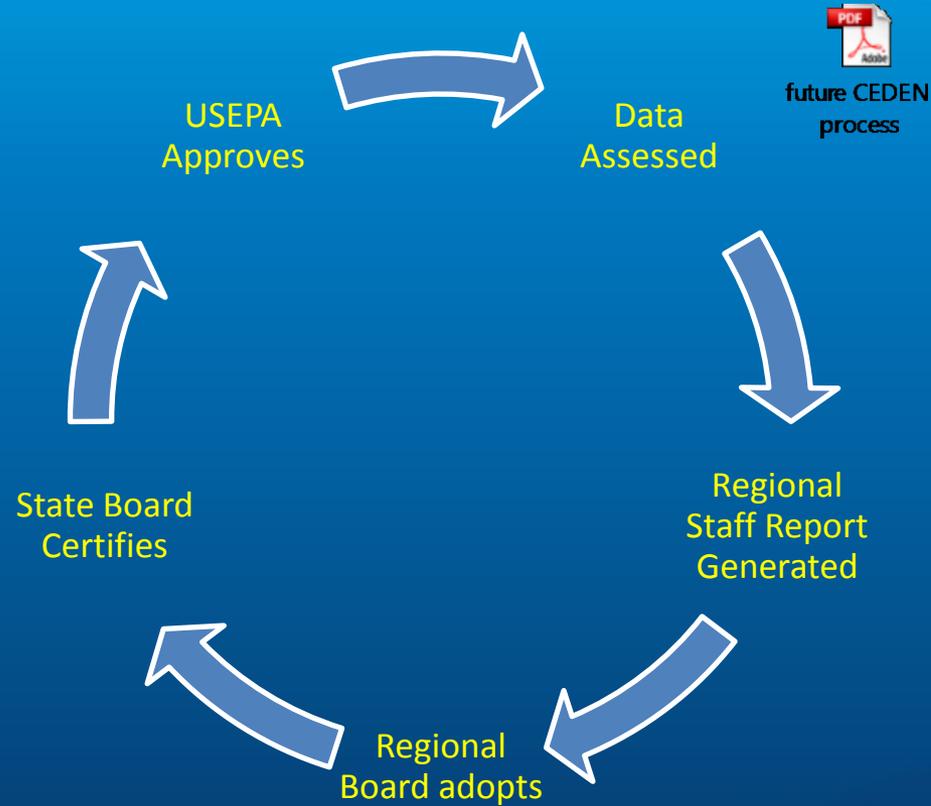
Sep 30, 2014

Nicholas Kunz (State Water Resources Control Board)

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- 303(d) Listing Cycle
 - Key distinctions between 303(d) and Sensitive Watershed Process
 - Conservation Plans

303(d) listing cycle

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Sep 30, 2014



Each state must submit an updated list to the USEPA every two years. The listing cycle has been modified in California. The North Coast, Lahontan, and Colorado River Board's are submitting 303d list updates for 2012, three regions will submit their updated list in 2014 and 2016.

Key Distinctions Between 303(d) and the Sensitive Watershed Nomination Process

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Sep 30, 2014

- ❖ The listing of impaired waters is mandated Federal law with implementation requirements mandated by State Law.
- ❖ The Total Maximum Daily Load (TMDL) program was created to develop implementation plans to improve impaired waters. (S.B. 469 TMDL GUIDANCE)

The purpose of TMDL implementation plans is to attain the water quality standards forth in Water Quality Control Plans (Basin Plans).

- ❖ CWA Section 319(h) was added in 1987 to fund non-point source implementation plans to improve listed waters.

Key Distinctions Between 303(d) and the Sensitive Watershed Nomination Process

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Sep 30, 2014

- ❖ The Sensitive Watershed Nomination is not required and is based on substantial evidence.

The only watershed to meet the nomination criteria to date is the Elk River watershed (One of three nominated by the NCRWQCB)

- ❖ Offsite mitigation measures that can be applied within or outside of the sensitive watershed area to offset adverse on-site impacts of timber operations.
- ❖ If possible, performance standard(s) for timber operations that will avoid or mitigate new or continuing significant cumulative effects;

Clean Water Act Section 303(d) Assessment, Sensitive Watershed Nomination and **Conservation Plans**

Board of Forestry: Forest Practice Committee

Sep 30, 2014

- ❖ Conservation Plans may contain performance standards as prescribed by the Board for a Sensitive Watershed.
- ❖ Performance standards may necessitate in-stream monitoring.
- ❖ In-stream monitoring data (if accompanied by the proper QA/QC) may be assessed for 303 delisting purposes.
- ❖ Habitat Conservation Plans often have 'triggers' for monitoring and therefore maybe more cost efficient in generating the type of data needed for 303d purposes.

Conservation may satisfy Sensitive Watershed mitigation but actual water quality data needs to be sufficient to affect the 303d status of an impaired waterbody

References

*Board of Forestry: Forest Practice Committee
Sep 30, 2014*

[Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options \(2005\)](#)

[S.B. 469 TMDL Guidance: A Process for Addressing Impaired Waters in California \(2005\)](#)

[Water Quality Control Policy for Developing California's Clean Water Act Section 303\(d\) List \(2004\)](#)

[Sensitive Watershed Nomination for Elk River Planning Watersheds Humboldt County California \(2003\)](#)

Memorandum of Understanding Between the State Water Resources Control Board, Designated Regional Water Quality Control Boards, and the California Department of Forestry and Fire Protection (2003)



MOU WQ CDF