# Watershed Information Center & Conservancy of Napa County



# AGENDA

## REGULAR BOARD MEETING

**Thursday, September 22, 2005 at 4:00 p.m.**
**2nd Floor Conference Room, Hall of Justice Building,**
**1125 Third Street, Napa CA**



1. **CALL TO ORDER, WELCOMING OF NEW MEMBERS & ROLL CALL** (Chairman/Staff)
   New appointments and reappointments were made by the Board of Supervisors on September 13, 2005. Welcome Marc Pandone and Robert Steinhauer!

2. **APPROVAL OF ACTION MINUTES**
   None at this time

3. **PUBLIC COMMENT**
   In this time period, anyone may comment to the Board regarding any subject over which the Board has jurisdiction, or request consideration to place an item on a future Agenda. No comments will be allowed involving any subject matter that is scheduled for discussion as part of this Agenda. Individuals will be limited to a three-minute presentation. No action will be taken by the Board as a result of any item presented at this time. (Chairman)

4. **ANNOUNCEMENTS** (Board/Staff)

   a. Grant **Funding Fair on November 4, 2005** hosted by Division of Financial Assistance, California Water Boards and State Water Resources Control Board (Staff)

   b. Reminder **WICC Board Member biographies and photographs still needed** for WICC WebCenter and outreach materials (Staff/Board)

   c. New Board Member **orientation of the WICC WebCenter** is available and encouraged (Staff)

   d. Others (Board/Staff)

5. **UPDATES/REPORTS:**

   a. Update on **General Plan Steering Committee activities and General Plan Update** process (Staff)

   b. Update on **Board of Supervisor's consideration to approve WICC's 2005-06 Strategic Plan and expansion of the Board's membership** to include a representative from city and town (Staff)

   c. Update and report on **2005-06 grant opportunities** offered through the Regional Water Boards Division of Financial Assistance, the US Environmental Protection Agency and other agencies and meeting with San Francisco Bay Regional Water Board staff on October 5, 2005 (Staff)

   d. Update and report on **recent WICC presentations** given to U.C. Berkeley Graduate Studio in Landscape Architecture and community interest leaders at the Watershed Forum (Staff)

6. **REPORT AND DISCUSSION ON THE HISTORY AND BACKGROUND OF THE LISTING OF THE NAPA RIVER AS WATER QUALITY IMPAIRED:**

   Report and discussion on the **history and background of the listing of the Napa River** as water quality impaired under the federal Clean Water Act by California Environmental Protection Agency and the State Water Resources Control Board by authority in the California Water Code and the Porter-Cologne Act (Staff/RCD)

7. **PRESENTATION, DISCUSSION AND POSSIBLE DIRECTION THAT THE TECHNICAL ADVISORY COMMITTEE (TAC) REVIEW AND RECOMMEND AN INFORMATIVE MEANS OF HOSTING BENTHIC MACRO-INVERIBRATE (BMI) MONITORING DATA ON THE WICC WEBCENTER:**

   Presentation, discussion and possible **direction that the WICC's TAC review and recommend an informative means of hosting initial BMI monitoring data on the WICC WebCenter** collected by the Friends of Napa River (FONR) BMI Project. A brief background of the project will be provided, as well as a sample of the information/data and what it can tell us about the health and function of the Napa River system (Staff/FONR)

8. **FUTURE AGENDA ITEMS** (Board/Staff)

9. **NEXT MEETING – Regular Board Meeting of October 27, 2005 – 4:00 PM**
   Hall of Justice Building, 2nd floor Conference Room, 1125 Third Street, Napa

10. **ADJOURNMENT** (Chairman)

**If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability. Please contact Jeff Sharp at 707-259-5936, 1195 Third St., Suite 210, Napa CA 94559) to request alternative formats.**

California Environmental Protection Agency
STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY

**Funding Fair: November 4, 2005**

The Water Board's Division of Financial Assistance will host a one-day Funding Fair on November 4, 2005 in Sacramento.

The purpose of the State Water Board Funding Fair is to provide an overview of current and upcoming funding opportunities and tips for completing your application, negotiating a grant agreement, and managing your grant.

Updates will be provided on recent improvements to our grant process. The Water Board has invited partner agencies to share information about a broad range of funding opportunities available to interested stakeholders. Check our website regularly for more details.

Interested parties can sign-up for the **"State Water Board Funding Fair"** electronic mailing list at: http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html.

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

*Division of Financial Assistance*

# *Grant News*

September 2005

***Click on the web links for more information***

## PROPOSITIONS 13, 40 & 50 GRANT TIMELINE

http://www.waterboards.ca.gov/funding/docs/granttimelines.pdf

These propositions provide the State Water Resources Control Board (State Water Board) with authority to issue loans and grants totaling $1.27 billion and covering 34 programs. As of August 31st, the State Water Board has committed $882 million (69%) of the funds, covering 598 projects.

## 2005-06 CONSOLIDATED GRANTS

http://www.waterboards.ca.gov/funding/consolidgrants0506.html

The Division of Financial Assistance (DFA) continues to work with staff from the Regional Water Boards, US EPA, and other partner agencies in developing priorities and guidelines. Total available funding is approximately $153 million.

At the July stakeholder workshops, State Water Board staff received feedback on a variety of topics including grant minimum and maximums, match requirements, selection/review process, and priorities. Stakeholder feedback from the workshops is posted on the DFA web page.

The draft Concept Proposal for the 2005-06 Consolidated Grants process is available on-line so that stakeholders can provide early feedback.

Listed below are the programs funded through the consolidated grant process, the amount of funds available, and the applicable funding source.

| Program | Funding | Prop |
|---|---|---|
| Coastal NPS Pollution Control | $43.1 M | 50 |
| NPS Pollution Control | $19 M | 40 |
| Urban Storm Water | $14.25 M | 40 |
| Integrated Watershed Management | $47.5 M | 40 |
| CALFED Drinking Water Quality | $3.4 M | 50 |
| CALFED Watershed | $6 M | 50 |
| Agricultural Water Quality Grant | $8.9 M | 40 |
| Agricultural Water Quality Grant | $6.3 M | 50 |
| Federal 319(h) NPS Implementation | $4.5 M | |

## FUNDING FAIR –NOVEMBER 4th

http://www.waterboards.ca.gov/lyrisforms/swrcb_subscribe.html

DFA will host a one day Funding Fair in Sacramento. The purpose of the Funding Fair is to provide an overview of current and upcoming funding opportunities, and tips for completing your application, negotiating a grant agreement, and managing your grant. Updates will be provided on recent improvements to our grant process.

DFA has invited partner agencies to share information about a broad range of funding opportunities available. Interested parties can sign-up for the "State Water Board Funding Fair" e-mail list on-line.

## MANAGEMENT (IRWM) GRANTS

http://www.waterboards.ca.gov/funding/irwmgp/index.html

Funding recommendations for the Planning Grants that passed the technical and consensus reviews are due mid September.

The State Water Board received 50 Step 1 Implementation Proposals that are currently being reviewed. Application requests exceeded $1 billion. Total funding available is $148 million.

Public meetings were held on the draft Step 2 Implementation Proposals and public comments have been received.

## CLEAN BEACHES INITIATIVE GRANTS

http://www.waterboards.ca.gov/cwphome/beaches/index.html

The State Water Board sponsored a public Enclosed Beach Symposium and Workshop in August.

The Clean Beaches Task Force (CBTF) conditionally approved six Proposition 40 Phase 2 projects totaling approximately $8.8 million in August. Total funding available is $21 million.

The State Water Board will continue to accept applications for projects at beaches included on the Competitive Location List approved by the Water Board in April.

***"The State Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."***

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

*Division of Financial Assistance*

# *Grant News*

September 2005

***Click on the web links for more information***

## SMALL COMMUNITY GROUNDWATER GRANTS

http://www.waterboards.ca.gov/funding/scg-gw.html

The State Water Board received 48 proposals totaling approximately $48 million. Total available funding is $9.5 million. Staff will screen proposals and work with the Department of Health Services to determine eligibility.

## AGRICULTURAL WATER QUALITY

http://www.waterboards.ca.gov/funding/awqgp/index.html

Staff is continuing to work with grantees to finalize agreements for grants approved in June.

The remaining funds, approximately $15 million, will be distributed through the 2005-06 Consolidated Grants process.

## WATER RECLYCLING FUNDING PROGRAM

http://www.waterboards.ca.gov/recycling/index.html

Water Recycling Funding Program staff is currently reviewing 25 Proposition 50 construction grant applications, totaling approximately $59.5 million, from a ranked list that was adopted by the State Water Board in April 2005. Total available funding is $42 million.

In August, three projects were approved for funding totaling approximately $5.8 million.

Staff is reviewing applications for the Proposition 13 Facilities Planning Grants. Applications are accepted on a continuous basis pending available funding. Funding is limited to a 50% match up to a maximum grant of $75,000 per study.

## STATE REVOLVING FUND (SRF) PROGRAM

The State Water Board is proposing to amend the State Revolving Fund (SRF) Loan Policy at its September meeting. The proposed amendments are intended to integrate the concept of sustainability into the SRF Policy consistent with State Water Board Resolution No. 2005-06.

http://www.waterboards.ca.gov/funding/srf_comment.html

The SRF program is accepting new applications and will resume reviewing existing applications.

http://www.waterboards.ca.gov/funding/docs/consolidgrants0506/srf_acceptapplications.pdf

In September, the State Water Board will consider whether to approve the sale of $300 million in bonds to provide additional funding for the SRF program.

## DAIRY WATER QUALITY GRANTS

http://www.waterboards.ca.gov/funding/dairy.html

The solicitation notice for the Dairy Grant Programs was posted on August 2nd. Application must be submitted using the FAAST system by October 3rd. Individual applications may request between $250,000 and $3 million in grant funds.

Total funding available is $5 million (Proposition 50). Agencies, nonprofits, and private dairy operators are eligible to apply.

## SMALL COMMUNITY WASTEWATER

http://www.waterboards.ca.gov/cwphome/scwg/index.html

Staff is continuing to work with grantees to finalize agreements for grants approved in June.

E-mail your topic suggestions for future newsletters to the Newsletter Editor.

***"The State Board's mission is to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."***

# 2005-06 Consolidated Grants Program Summary Table

*July 2005 Stakeholder Workshops Handout*

| 2005-06 Consolidated Grant Programs | | | |
|---|---|---|---|
| **Grant Program** | **Eligible Applicants** | **Project Eligibility** | **Funding Available** |
| **Coastal Non-Point Source Pollution Control Program**<br><br>*<u>Purpose:</u> Projects that restore and protect the water quality and environment of coastal waters, estuaries, bays and nearshore waters, and groundwater.*<br><br>**(State Water Resources Control Board and Regional Water Quality Control Boards)**<br><br>**Water Code (WC) Section 79543**<br>**(Prop 50, Ch 5)** | a. Municipalities<br>b. Local Public Agencies<br>c. Educational Institutions<br>d. Nonprofit Organizations | Grants may be awarded for any of the following projects:<br>1. Improve water quality at public beaches and make improvements to ensure coastal waters adjacent to public beaches meet bacteriological standards.<br>2. Provide comprehensive capability for monitoring, collecting, and analyzing ambient water quality, including monitoring technology that can be entered into a statewide information base with standardized protocols and sampling, collection, storage, and retrieval procedures.<br>3. Make improvements to existing sewer collection systems and septic systems for restoration and protection of coastal water quality.<br>4. Implement storm water and runoff pollution reduction and prevention programs for restoration and protection of coastal water quality.<br>5. Consistent with State's nonpoint source control program<br><br>** <u>Additional Project Eligibility Requirements</u> **<br>1. All projects must demonstrate capability of contributing to sustained, long-term water quality or environmental restoration or protection benefits for a period of 20 years, address the causes of degradation, rather than the symptoms, and be consistent with water quality and resource protection plans prepared, implemented, or adopted by the Board, the applicable Regional Board, and the California Coastal Commission.<br>2. Where recovery plans for coho salmon, steelhead trout, or other threatened or endangered species exist, projects funded must be consistent with those plans, and to the extent feasible, must seek to implement actions specified in those plans.<br>3. No project shall receive funds from grant program if it receives funds from the Nonpoint Source Pollution Control Subaccount (WC, Section 79110).<br><br>California Water Code, Section 79148.8(f) requires a matching contribution for the portion of the project consisting of capital costs[1] for construction, according to the following formula:<br>• $1,000,000 to $5,000,000, inclusive……..20%<br>• $125,000 to $999,999, inclusive……15%<br>• $1 to $124,999, inclusive……...10% | Approximate Total = $43.1 Million<br><br>Projects in Los Angeles, Orange, San Bernardino, Riverside, San Diego, and Ventura Counties = 60%<br>Projects in remaining counties = 40%<br><br>Grants in consultation with California Coastal Commission: Grant Project Maximum - $5,000,000<br><br>At least $10 million will fund high priority coastal and ocean protection projects that specifically address the priorities of both the State Water Resources Control Board and Ocean Protection Council.<br><br>Funds must be encumbered by June 2008. Funds must be spent by June 2010. (So projects should be completed by March 2010.) |

# 2005-06 Consolidated Grants Program Summary Table

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| 2005-06 Consolidated Grant Programs | | | |
|---|---|---|---|
| **Grant Program** | **Eligible Applicants** | **Project Eligibility** | **Funding Available** |
| **Non-Point Source Pollution Control Program**<br><br>*<u>Purpose:</u> Projects that protect the beneficial uses of water throughout the state through the control of nonpoint source pollution.*<br><br>**(State Water Resources Control Board and Regional Water Quality Control Boards)**<br><br>**Public Resources Code (PRC) Section 30935**<br>**(Prop 40, Ch 4)** | a. Local Public Agencies<br>b. Nonprofit Organizations | Projects that meet at least one of the criterion listed below:<br>1. Projects consistent with local watershed management plans and regional water quality control plans.<br>2. Broad-based non-point source projects.<br>3. Consistent with the California Water Boards' "Integrated Plan for Implementation of the Watershed Management Initiative".<br>4. Implement watershed BMPs and measures<br>5. Consistent with requirements of Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 and has been identified as a needed project by the Board under the 15-year implementation strategy and five-year implementation plan of the board's nonpoint source pollution control program.<br>6. Improves quality of drinking water supplies and addresses contamination by pathogens, organic carbon, or salinity.<br><br>7. Demonstration projects that are intended to prevent, reduce, or treat nonpoint source pollution.<br><br>** <u>Additional Project Eligibility Requirements</u> **<br>1. All projects must demonstrate a capability of sustaining water quality benefits for period of not less than 20 years.<br>2. All projects must have defined water quality or beneficial use goals. | Approximate Total = $19 Million<br><br>Funds must be encumbered by December 31, 2006. Funds must be spent by December 31, 2008. (So projects should be completed by September 2008.) |
| **319(h) Program**<br><br>*<u>Purpose:</u> Projects that control activities that impair beneficial uses and that limit pollutant effects caused by those activities.*<br><br>**(State Water Resources Control Board, Regional Water Quality Control Board, and U.S. Environmental Protection Agency)**<br><br>**Federal Clean Water Act Section 319 (h)** | a. Public Agencies<br>b. Nonprofit Organizations<br>c. Indian Tribes<br>d. State or Federal Agencies may qualify if certain criteria are met | 1. Implementation of management measures or practices that reduce or prevent non-point source pollution to ground and surface waters.<br>2. Total Maximum Daily Loads Implementation<br>3. Projects can include (1) technology transfer; (2) demonstration projects; (3) technical assistance; (4) monitoring; or (5) public education/outreach.<br><br>** All projects implemented with Section 319 funds must be consistent with watershed-based plans that include at least the nine required watershed-based plan elements. Section 319 funded projects are also required to implement activities that reduce pollutant loads consistent with an existing total maximum daily load (TMDL). ** | Approximate Total = $4.5 Million based on annual federal appropriation |

# 2005-06 Consolidated Grants Program Summary Table

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| 2005-06 Consolidated Grant Programs | | | |
|---|---|---|---|
| **Grant Program** | **Eligible Applicants** | **Program/Project Eligibility** | **Funding Available** |
| **Agricultural Water Quality Grant Program**<br><br>*<u>Purpose:</u> Projects to improve agricultural water quality through monitoring, demonstration projects, research, construction of agricultural drainage improvements, and to reduce pollutants in agricultural drainage water through reuse, integrated management, or treatment.*<br><br>**(State Water Resources Control Board, Regional Water Quality Control Boards)**<br><br>**PRC Section 30940**<br>**Prop 40 (Ch 4)**<br>**WC Section 79540.1**<br>**Prop 50 (Ch 5)** | a. Public Agencies<br>b. Nonprofit Organizations | Projects that improve agricultural water quality through monitoring, demonstration projects, research, construction of agricultural drainage improvements, and to reduce pollutants in agricultural drainage water through reuse, integrated management, or treatment.<br><br>OR<br><br>Projects to address nonpoint source pollution may include, but need not be limited to, wildfire management, installation of vegetative systems to filter or retard pollutant loading, incentive programs or large-scale demonstration programs to reduce commercial reliance on polluting substances or to increase acceptance of alternative methods and materials, and engineered features to minimize impacts of nonpoint source pollution.<br><br>The board, in consultation with the Department of Food and Agriculture and the program advisory review board established pursuant to Section 593 of the Food and Agricultural Code, must develop criteria for evaluating projects considered for grants under this section. | Approximate Total = $14 Million<br><br>Funds originally part of the 2004-05 Agricultural Water Quality Grant Program.<br><br>Proposition 40 funds must be encumbered by December 2006. Funds must be spent by December 2008. (So projects should be completed by September 2008.)<br><br>Proposition 50 funds must be encumbered by June 2007. Funds must be spent by June 2009. (So projects should be completed by March 2009.) |

# 2005-06 Consolidated Grants Program Summary Table

*July 2005 Stakeholder Workshops Handout*

| 2005-06 Consolidated Grant Programs | | | |
|---|---|---|---|
| **Grant Program** | **Eligible Applicants** | **Program/Project Eligibility** | **Funding Available** |
| **Integrated Watershed Management Program**[2]<br><br>*<u>Purpose:</u> Projects for development of local watershed management plans and for implementation of watershed protection of watershed protection and water management projects.*<br><br>**(State Water Resources Control Board, Regional Water Quality Control Boards)**<br><br>**PRC Section 30945-30949**<br>**(Prop 40, Ch 4)** | a. Public Agencies<br>b. Nonprofit Organizations | 1. Development of local watershed management plans that meet requirements of Section 79078 of Water Code[3].<br>2. Implementation of watershed protection and water management projects that include one or more of the following elements:<br>a. Stormwater capture and treatment;<br>b. Non-point source pollution reduction, management, and monitoring;<br>c. Groundwater recharge and management projects;<br>d. Water banking, exchange, and reclamation, and improvement of water quality;<br>e. Vegetation management to improve watershed efficiency, aquatic and terrestrial habitat, the creation and enhancement of wetlands, and the acquisition, protection, and restoration of open space;<br>f. Planning and implementation of multipurpose flood control programs that protect property and improve water quality and stormwater capture and percolation, and protect or improve wildlife habitat;<br>g. Watershed management planning and implementation;<br>h. Demonstration projects to develop new water treatment distribution and non-point source pollution control methods;<br>i. Erosion sediment control and stream enhancement projects, and permit coordination programs to facilitate watershed restoration projects that implement board approved management measures for pollution runoff;<br>j. Monitoring, collection, and analysis of water quality and pollutant transport in groundwater and surface water;<br>k. Native fisheries enhancement or improvement projects, and projects to restore other threatened species;<br>l. Water conservation, water use efficiency, and water supply reliability; and<br>m. An enforcement discharge program, by a person subject to Article 4 (commencing with Section 13260) of Chapter 4 of Division 7 of the Water Code and whom the Board has a name and address, that implements best management practices and includes all of the following:<br>(A) A clear description of how a project will achieve and maintain water quality standards.<br>(B) A monitoring component that assesses the effectiveness of adopted practices.<br>(C) Submission of a report of waste discharge to the appropriate | Approximate Total = $47.5 Million<br><br>Funds must be encumbered by December 31, 2006. Funds must be spent by December 31, 2008. (So projects should be completed by September 2008.<br><br>Additional funding requirements:<br>- No more than 50% of funds shall be distributed using accelerated selection and contracting procedure (ASCP).<br>- ASCP only available to projects that meet all of criteria listed in PRC, section 30948(a)-(c) |

# 2005-06 Consolidated Grants Program Summary Table

*July 2005 Stakeholder Workshops Handout*

| 2005-06 Consolidated Grant Programs | | | |
|---|---|---|---|
| **Grant Program** | **Eligible Applicants** | **Program/Project Eligibility** | **Funding Available** |
| **Urban Storm Water Program**<br><br>*<u>Purpose:</u> Projects designed to implement stormwater runoff pollution reduction and prevention programs.*<br><br>**(State Water Resources Control Board and Regional Water Quality Control Boards)**<br><br>**PRC Section 30930**<br>**(Prop 40, Ch 4)** | a. Local Public Agencies | Projects designed to implement stormwater runoff pollution reduction and prevention programs (e.g., diversion of dry weather flows to publicly owned treatment works for treatment, acquisition, and development of constructed wetlands and the implementation of approved BMPs, required by storm water permits issued by California Water Boards). | Approximate Total = $14.25 Million<br><br>Funds must be encumbered by December 31, 2006. Funds must be spent by December 31, 2008. (So projects should be completed by September 2008.) |
| **CALFED Watershed Program**<br><br>*<u>Purpose:</u> Projects that protect watersheds.*<br><br>**(CALFED, State Water Resources Control Board, and Regional Water Quality Control Boards)**<br><br>**WC, Section 79550**<br>**(Prop 50, Ch 7)** | Not defined in statute | Project must be in CALFED solution area, or if outside the solution area contribute directly toward achieving program objectives for the Bay Delta system. Funding will be used to pursue the following program priorities:<br><br>1. Building local community capacity to assess and effectively manage watersheds that affect the Bay Delta system.<br>2. Development or refinement of watershed assessments and plans.<br>3. Design, development, and implementation of specific watershed conservation, maintenance, and restoration actions.<br><br>See specific CALFED Watershed Program Criteria. | Approximate Total = $6 Million<br><br>Funds originally appropriated in 2003-04. State Water Resources Control Board will need to request re-appropriation of funds for 2006-07.<br><br>Portion of Total for Planning Projects = No limit |

# 2005-06 Consolidated Grants Program Summary Table

*July 2005 Stakeholder Workshops Handout*

| 2005-06 Consolidated Grant Programs | | | |
|---|---|---|---|
| **Grant Program** | **Eligible Applicants** | **Program/Project Eligibility** | **Funding Available** |
| **CALFED Drinking Water Quality Program**<br><br>*<u>Purpose:</u> Projects that improve source drinking water quality.*<br><br>**(CALFED, State Water Resources Control Board, and Regional Water Quality Control Boards)**<br><br>**WC, 79540(a)**<br>**(Prop 50, Ch 5)** | Not defined in statute | Projects must be in CALFED solution area, or if outside the solution area contribute directly toward achieving program objectives for the Bay Delta system.<br><br>See specific CALFED Drinking Water Quality Program Criteria. | Approximate Total = $3.4 Million<br><br>Funds originally appropriated in 2003-04. State Water Resources Control Board will need to request re-appropriation of funds for 2006-07. |

[1] Public Resources Code, section 32025, defines "cost," as applied to a project, or a part thereof, financed under this division, or any part of, the costs of construction and acquisition, of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used for a project, the cost of demolition or removal of any buildings or structures on land so acquired, including the cost of acquiring any lands on which buildings or structures may be removed, the cost of all machinery and equipment, financing charges, interest prior to, during, and for a period after completion of the construction, as determined by the authority, provisions for working capital, reserves for principal and interest, and for extensions, enlargements, additions, replacements, renovations, and improvements, the cost of architectural, engineering, financial, an legal services, plans, specification, estimates, administrative expenses, and other expenses necessary or incidental to determining the feasibility of constructing any project, or incident to the construction or acquisition or financing of any project.

[2] Program must be implemented consistent with Novembers 30, 2004 Memorandum of Understanding between the California Environmental Protection Agency and the California Resources Agency. Includes ensuring the State Water Board "use stakeholder advisory processes to assist in setting priorities and allocating funding for watershed project as required by the Act. Where grant programs overlap in mandate and geographic jurisdiction, agencies will work together to solicit stakeholder input, to develop criteria and to establish and conduct project selection processes."

[3] "Local watershed management plan" means a document prepared by a local watershed group that sets forth a strategy to achieve an ecologically stable watershed, and that does all of the following: (1) Defines the geographical boundaries of the watershed; (2) Describes the natural resource conditions within the watershed; (3) Describes measurable characteristics for water quality improvements; (4) Describes methods for achieving and sustaining water quality improvements; (5) Identifies any person, organization, or public agency that is responsible for implementing the methods described in paragraph (4); (6) Provides milestones for implementing the methods described in paragraph (4); (7) Describes a monitoring program designed to measure the effectiveness of the methods described in paragraph (4).

COUNTY of NAPA

BOARD OF SUPERVISORS

PAMELA A. MILLER
Clerk of the Board

1195 Third Street, Suite 310, Napa, CA 94559
Office (707) 253-4386 FAX (707) 253-4176



September 15, 2005

Dyan Whyte
TMDL Section Leader
San Francisco Bay Regional Water Quality Control Board
1515 Clay St., Suite 1400
Oakland CA 94612

**RE: Comments on TMDL Technical Reports for Sediment and Pathogens in Napa River Basin**

Dear Ms. Whyte:

Thank you for taking the time to brief the Board of Supervisors on July 19, 2005 regarding your initial findings and recommendations for pathogen and sediment pollutants in the Napa River Basin, and for outlining the Total Maximum Daily Load (TMDL) allocation process established by the State Water Resources Control Board. The presentation was informative and we appreciate your staff's willingness to discuss the technical reports at length. We look forward to working with you and other Regional Water Quality Control Board (RWQCB) staff throughout the TMDL and Basin Plan amendment process.

In general, the County remains concerned with findings offered in the reports and questions the means used to support them. We do not support your definition of the impairment problem(s), the linkages you've made between the causes and effects, and we question the numeric targets and implementation measures suggested. Our May 20, 2005 letter addressed to your staff from our Conservation, Development and Planning Department expressed our initial concerns. This letter and additional letters from our Public Works and Environmental Management Departments (see attached) further speak to our concerns.

Overall, a more direct and understandable link must be drawn between the problem statement/source analysis and the numeric targets and implementation measures. The TMDL should establish realistic numeric targets and allocations that are easily understandable and economically feasible for those responsible. The implementation measures must be adaptable and yield discernable outcomes above natural background processes for our community to be motivated to meet State water quality objectives in a reasonable time frame. As stated in our earlier letter, if the RWQCB's plan does not outline an economically feasible way to obtain the TMDL allocations and the ultimate de-listing of the basin, there will be little community support.

**Sediment Technical Report**

*Problem Definition*

The sediment report explicitly describes the primary impetus for listing the Napa River as "impaired" for sediment under Section 303(d) of the federal Clean Water Act was "concern regarding substantial decline since the 1940s in abundance and distribution of steelhead and salmon in the Napa River and its tributaries."

Due to the nature of the RWQCB's authority under the state Porter-Cologne Act and the federal Clean Water Act, the TMDL is focused on sediment and includes an approach to address the identified deleterious affects of excess sedimentation on beneficial uses. The impaired beneficial uses identified are "recreation (i.e. fishing), cold freshwater habitat, fish spawning, and preservation of rare and endangered species." While preservation of other native fish species and the California freshwater shrimp are noted as beneficial uses, the explicit focus of the TMDL is on the preservation and restoration of steelhead and fall-run chinook salmon. The core problem or issue, as clearly described in the Limiting Factors Analysis (Stillwater Sciences 2002), might be better framed as a "salmonid problem" due to multiple factors, rather than solely being a "sediment problem."

With a focus on sediment as the "problem," the report fails to adequately link the proposed reduction in anthropogenic-caused sedimentation to a theorized benefit to steelhead and chinook salmon populations on a sub-watershed level. While overall reductions of sediment are likely to benefit steelhead and chinook salmon populations, a sediment reduction strategy aimed at gross reductions on a basin level is unlikely to be a cost effective way for both public and private parties to restore salmonid populations.

If the ultimate purpose of the TMDL is to conserve and/or restore salmonid populations, then it is necessary to link interpretations of physical channel conditions (channel form, sediment texture, etc.) with biologic habitat potential (including habitat quality, spawning success, predation, and growth) at a sub-watershed level. Public and private funding for sedimentation controls, restoration, dam removal or other activities is a scarce commodity and should be fully leveraged to benefit resources with the greatest need. There is concern that a "sediment-first" or "sediment-only" approach might lead to non-optimal solutions for the resource of concern (salmonids) in order to comply with TMDL requirements. For example, upstream expansion of spawning and rearing habitat for steelhead may be a more effective investment in steelhead population recovery than a 60% reduction of anthropogenic sedimentation.

It should be noted that the report spends considerable effort identifying many of the implementation steps beyond sedimentation control and reduction that would be useful as part of a broader strategy. This indicates that the RWQCB is considering a broader context for salmonid recovery; however it is not reflected in the TMDL implementation strategy.

*Cause and Effect*

The report identifies the primary limiting factor for chinook salmon as channel incision due to the "greatly reduced quantity of gravel bars, riffles, side channels, and sloughs" and "greatly reduced frequency of inundation of adjacent flood plains" and thus reduction of "essential spawning and juvenile rearing habitat." The report identifies the "primary factors" limiting steelhead population size as: "habitat access," "physical habitat structure," and "low summer flow and elevated temperature."

Regarding sediment, the report states that excessive fine sediment deposited in-stream is 'clogging' steelhead and chinook salmon spawning gravels and is "predicted to cause high rates of mortality at potential spawning sites," but "spawning habitat quality does not appear to be a primary factor limiting steelhead or salmon run size." Thus, the logical conclusion of the report appears to be that sediment is

not a primary limiting factor for salmonid populations but rather a secondary limiting factor that may further depress (or suppress) run size.

One of the identified significant sources for fine sediment in the mainstem and lower tributaries is in-channel erosion and incision. The report's description of incision and its relation to excess sediment should be clarified. Incision is identified as one of two "adverse impacts of sediment pollution on steelhead and salmon habitat" and then identified as "a significance source of sediment delivery" to the Napa River. This description would lead the reader to conclude that incision is both a cause and an effect of sedimentation. Also, while the report describes a potential effect that fine sediment can have on the depth of redd scour, the provided description does not fully describe the relation of increased fine sediment upstream on incision downstream.

The report does not adequately describe how current channel forms (incised or otherwise) compare to the historical baseline channel forms and document what is the direct evidence or data that links in-stream erosion/incision with clogging of spawning gravels. The method described on for evaluating channel incision is based on (a) interpreting aerial photos, adjacent vegetation, and other surrounding geomorphic conditions to the channel to estimate the timing/onset of incision; and (b) calculating volumes of erosion due to in-stream erosion and channel incision according to average channel geometry. It is not clear how steps (a) and (b) were conducted, how the results for (a) and (b) were integrated, and how these results directly support the overall problem statement that in-stream sources are the primary source for fines that are clogging spawning gravels. Additionally, a discussion of the longitudinal distribution of sediment 'sources' and 'sinks' along the channel network system is needed to better understand the evidence to support the problem statement.

The overall problem statement that channel incision is the primary cause for sedimentation in the mainstem and lower tributaries may be accurate, but the mechanics, distribution, or direct measurement of this relationship is not clearly supported by direct evidence as discussed in the TMDL report. A reach focus and accounting of sediment sources and sinks for the report's inventory of causes and effects of habitat change for salmonids would better focus problem and solutions on a meaningful geographic scale. Further, if a reach by reach analysis were to identify that the habitat loss from incision is a greater limiting factor than any related sedimentation, this may lead to an implementation strategy that prioritizes an investment in reach restoration of lost habitat first. The overall goal should be to identify the causes and effects of salmonid population decline (rather than just sedimentation) and identify the most effective feasible investments to remediate the effects and redress the causes where possible on a localized scale.

*Chinook Salmon*

The sediment report acknowledges the lack of historical research documenting chinook salmon, but goes on to conclude that the Napa River "also supported a native fall-run of chinook salmon," based on findings from other local streams. Further, the report presents no documented prior population status and trends for chinook salmon by which to substantiate the level of "decline" in the population similar to the data cited for steelhead. In addition, the Limiting Factors Analysis notes "the National Marine Fisheries Service believes that these fish populations are not self-sustaining and most likely consist of strays from other basins (NMFS, 1999)." While the hypothesis that the current run is a remnant native run that is in decline due to the effect of historic land use and excessive sedimentation may be correct, given the extensive investment necessary to restore habitat for chinook in the Napa River, it is warranted to evaluate the genetics of returning chinook for comparison to other populations in San Francisco Bay estuary, the Central Coast, the Central Valley and to hatchery chinook prior to TMDL implementation. If further investigation can demonstrate the native character of the fall-run chinook in the Napa River, this would enhance the rationale for the substantial investment of public and private resources for the

restoration of this native genetic stock. However, if the currently returning run is predominantly of hatchery or non-native origin, then there should be a policy consideration of whether restoration efforts should be prioritized toward chinook salmon or whether a relatively higher priority should be placed on restoration of documented native fishery runs (i.e. steelhead) and other native biological resources.

It should be noted that the National Oceanic & Atmospheric Administration Fisheries Service did not include the Napa River within any of its central valley or coastal chinook salmon evolutionary significant unit (ESU) designations (Myers et al. 1998) for the purpose of potential listing of as threatened or endangered. While the lack of listing does not indicate a lack of biological importance, the level of potential threat to Napa River chinook salmon and the importance of preservation of this run for the overall species is a valid consideration for the setting of priorities.

*Sediment Reduction from Public and Private Roads*

Staff in the County's Public Works Department remains concerned about the County's ability to implement the proposed sediment reduction form public and private roadways (see letters dated May 19, 2005 and September 1, 2005). The current draft identifies a need for a 60% reduction in sediment runoff from both private and public roads in the Napa River watershed and recommends adoption of a road maintenance manual for County roadways. Although theses goals and recommendations sound appropriate, the costs of administering a public and private road improvement program to meet the allocation goal is unknown and will likely burden private property owners as well as the County's ability to support future infrastructure improvement programs.

To ensure that added roadway programs do not become unfunded mandates by the State, we recommend that the RWQCB commit to grant programs and implementations measures that are conditional upon costs being paid for in part or entirely through grant funding received. Funding sources need to be specific and real to ensure this does not become an additional burden to maintaining the public road system. The County's Public Works Department is expecting a funding shortfall over the next 25 years for County roadway maintenance at approximately $7.3 million per year above the current funding levels of $5.1 million per year.

**Pathogen Technical Report**

Staff from the County's Department of Environmental Management continues to have a number of significant concerns regarding the proposed implementation actions to reduce pathogens. (See attached letters dated May 20, 2005 and September 1, 2005.) The Department believes the conclusions reached in the report are limited based upon the small number of water quality samples taken for analysis. It is also unknown what the financial impact to individual septic system owners will be given the proposed TMDL allocations. The impact to our Environmental Management Department and the County will be significant to oversee the implementation measures currently suggested.

*Source Identification*

Based upon local experience in this matter, we question the conclusion that septic systems are a significant pathogen source. The County's sewage disposal system code requirements, procedures and practices have many controls in place to ensure the proper installation of appropriate systems so that they should not result in contamination. Very little data supports the assumption that on-site sewage treatment systems (septic systems) are a significant, controllable pathogen source. Less than 200 samples by the

State Board staff were taken over 2 seasons, which averages to about 1 sample per mile of Napa River per season.

Annually, the County issues very few septic system repair permits. It is difficult to support the conclusion that failing systems are a significant pathogen source. The report further infers that failing systems are untreated human waste and as such should abide by the zero discharge allocation. Septic tanks provide significant primary treatment and additional treatment is offered through soils. Effluent from these systems should not be equated to untreated human waste.

Our Environmental Management Department has issued construction permits and/or overseen construction of septic systems for the past 30-40 years. In the last twenty years, the Department has issued about 4,500 permits, accounting for approximately half of the suspected septic systems in the County. The remaining systems are unknown in location and construction. The report states that each source must assess and monitor themselves and take corrective action as necessary. To locate and assess these unknown sources would be a monumental task and is probably unachievable. From the information provided, it would take the County a significant effort to determine the financial implications of the recommended implementation actions. In addition, added costs and responsibility would be placed on private property owners.

Efforts should be focused on achieving the most cost effective results for the potential reductions in pathogen loading. More education and possibly specific examples of problem facilities and accepted methods of improvement are needed to understand the ramifications of the goals and recommendations presented.

*Agency Coordination*

The pathogen TMDL should be coordinated with a statewide attempt to develop septic system standards. Coordination of the State regulations, when completed, with the TMDL implementation plan must occur to avoid regulatory inconsistencies. Other efforts that must be coordinated with the pathogen TMDL are the Sanitary Sewer Management Plans for the POTW's. This is mentioned in the report, but potential for conflict exists since these plans and guidelines are also in the development stage.

**TMDL Implementation, Monitoring and Responsibility**

The TMDL's implementation and monitoring/re-evaluation plan should consider a programmatic approach that accounts for the multitude of community efforts currently underway to address the health and function of the Napa River. There are numerous factors that affect the beneficial uses of the Napa River, of which sediment and pathogens are only two in very complex and interrelated system. A holistic watershed analysis and approach is required to efficiently address multiple limiting factors believed to contribute to the River's impairment. At a minimum, shouldn't the TMDL include re-evaluation of the numeric targets over time, and shouldn't they be automatically voided and/or revised if warranted by external factors (fish population, land use changes, flow volumes, etc.)?

Everyone living, working and visiting in the Napa River Basin will be affected by the proposed TMDLs. Each affected agency, organization and individual will share the responsibility of pollution reduction; although some will apparently bare more responsibility than others. We encourage you to bring other municipalities, districts, and the public into the TMDL review process as soon as possible. We believe that the RWQCB should be very clear about who is expected to shoulder the greatest burden and why this

is justified. The TMDL should also be financially feasible – and not rely on speculative grants or on reallocation of the County's extremely limited discretionary funding from other community priorities.

We look forward to future opportunities to discuss our concerns in more detail as we collectively work towards appropriate and acceptable TMDLs for the basin. Please don't hesitate to contact Patrick Lowe (707) 259-5937 or Jeff Sharp (707) 259-5936 on our staff if you have any questions regarding these comments.

Very truly yours,

Diane Dillon

Diane Dillon
Chair, Napa County Board of Supervisors

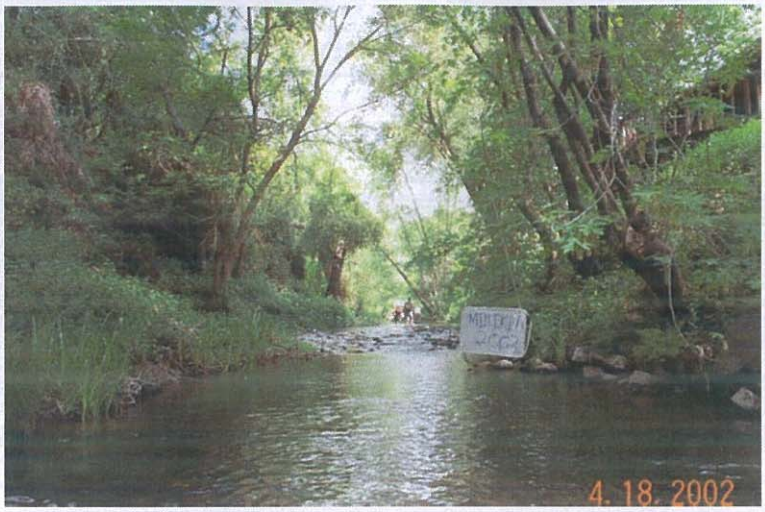
pc: Nancy Watt, County Executive Officer
Jill Pahl, Acting Director of Environmental Management
Bob Peterson, Director of Public Works
Thomas Murnley, Chief of TMDL and Planning Division, S.F. Bay RWQCB
Mike Napolitano, Environmental Scientist, S.F. Bay RWQCB
Peter Krottje, Environmental Scientist, S.F. Bay RWQCB

# Milliken Creek

**Date** 4/18/2002 **ID** MIL12002

**Site Description** Milliken Creek at Silverado Country Club **Elevation (ft)** 62

**Reach Lenth (ft)** 749




## *Chemical Characteristics*

| | |
|---|---|
| Water Temp (C) | 11.8 |
| Specific Conductivity | 120.2 |
| pH | 7.1 |
| Dissolved Oxygen (mg/L) | 10.62 |

## *Physical Characteristics (Average values for 3 riffles)*

| | |
|---|---|
| Riffle Length (ft) | 38 |
| Riffle Width (ft) | 11.5 |
| Riffle Depth (ft) | 0.4 |
| Riffle Velocity | 1.6 |
| Gradient (%) | 2.2 |
| Riffle Substrate (%) | |
| *Fines* | 5 |
| *Gravel* | 23 |
| *Cobble* | 65 |
| *Boulder* | 7 |
| *Bedrock* | 0 |
| Consolidation | Loose |

## *Habitat Characteristics*

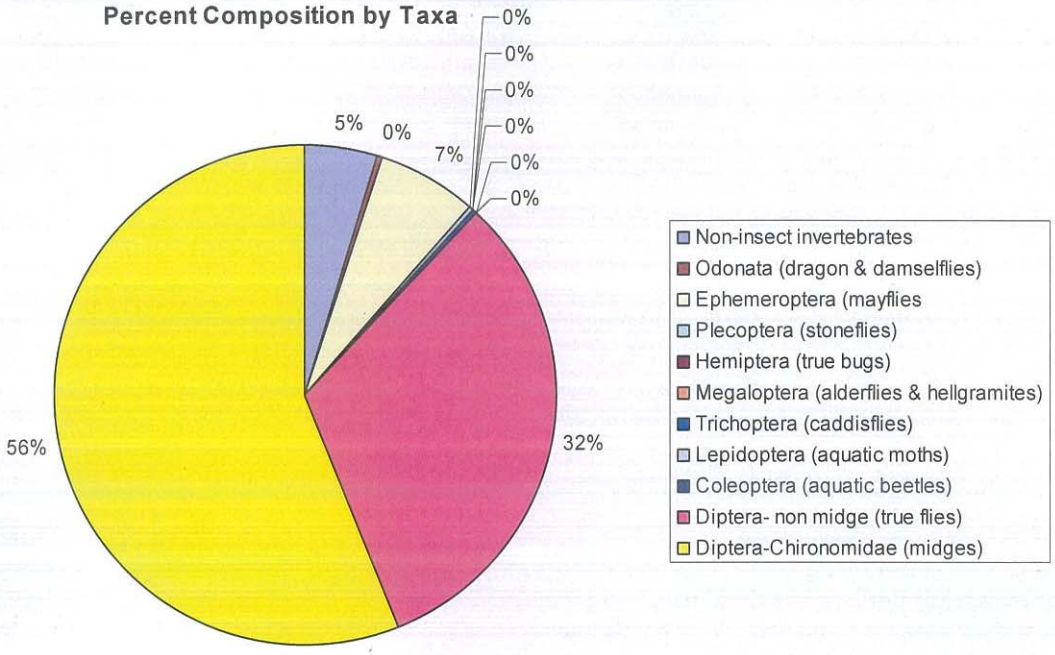
| | | |
|---|---|---|
| Canopy Cover (%) | 58 | |
| Scale 0-20 | | |
| Substrate | 11 | Suboptimal |
| Embeddedness | 16 | Optimal |
| Substrate | 13 | Suboptima |
| Velocity/Depth | 15 | Suboptimal |
| Sediment Deposition | 19 | Optimal |
| Water Flow | 20 | Optimal |
| Channel Alteration | 17 | Optimal |
| Riffle Frequency | 11 | Suboptimal |
| Scale 0-10 | | |
| Bank Stability (Left) | 6 | Suboptimal |
| Bank Stability (Right) | 5 | Marginal |
| Vegetation (Right) | 5 | Marginal |
| Riparian (Right) | 7 | Suboptimal |
| Vegetation (Left) | 7 | Suboptimal |
| Riparian (Left) | 9 | Optimal |
| Total Habitat Score | 152 | Optimal |

# Milliken Creek

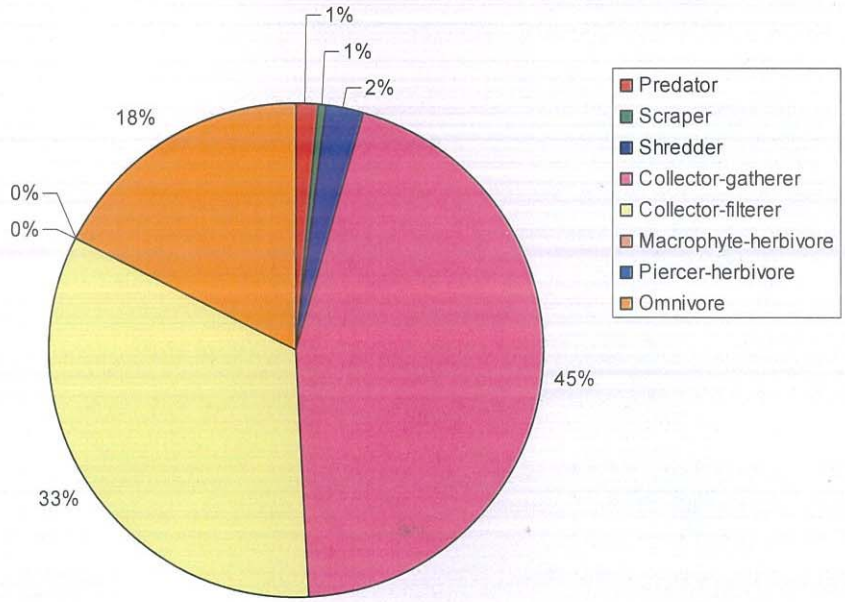
## Benthic Macroinvertebrate Characteristics

| | | | |
|---|---|---|---|
| Abundance | 13,949 | Percent Dominant Taxa | 31.79 |
| Number of Taxa | 42 | Number of Tolerant Taxa | 3 |
| Number of Taxa (CA) | 42 | Percent Tolerant Taxa | 14.69 |
| Number of EPT | 11 | Number of Intolerant Taxa | 6 |
| Hilsenhoff | 6.43 | Percent Intolerant Taxa | 1.23 |

Percent Composition by Taxa




Percent Composition by Functional Feeding Group

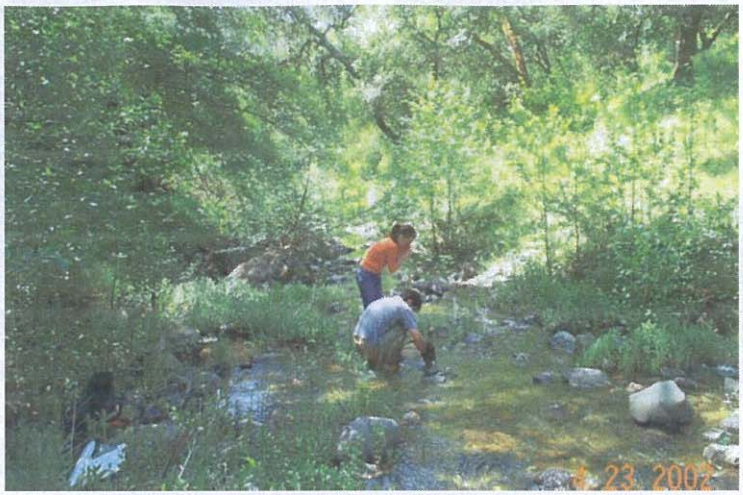


# Moore Creek

**Date** 4/23/2002 **ID** MOR2002

**Site Description** Above Lake Hennessy **Elevation (ft)** 429

**Reach Length (ft)** 226




## *Chemical Characteristics*

| | |
|---|---|
| Water Temp (C) | 12.1 |
| Specific Conductivity | 392.7 |
| pH | 6.5 |
| Dissolved Oxygen (mg/L) | 9.63 |

## *Physical Characteristics (Average values for 3 riffles)*

| | |
|---|---|
| Riffle Length (ft) | 33 |
| Riffle Width (ft) | 6.5 |
| Riffle Depth (ft) | 0.3 |
| Riffle Velocity | 1.4 |
| Gradient (%) | 3 |
| Riffle Substrate (%) | |
| *Fines* | 7 |
| *Gravel* | 27 |
| *Cobble* | 53 |
| *Boulder* | 13 |
| *Bedrock* | 0 |
| Consolidation | Medium |

## *Habitat Characteristics*

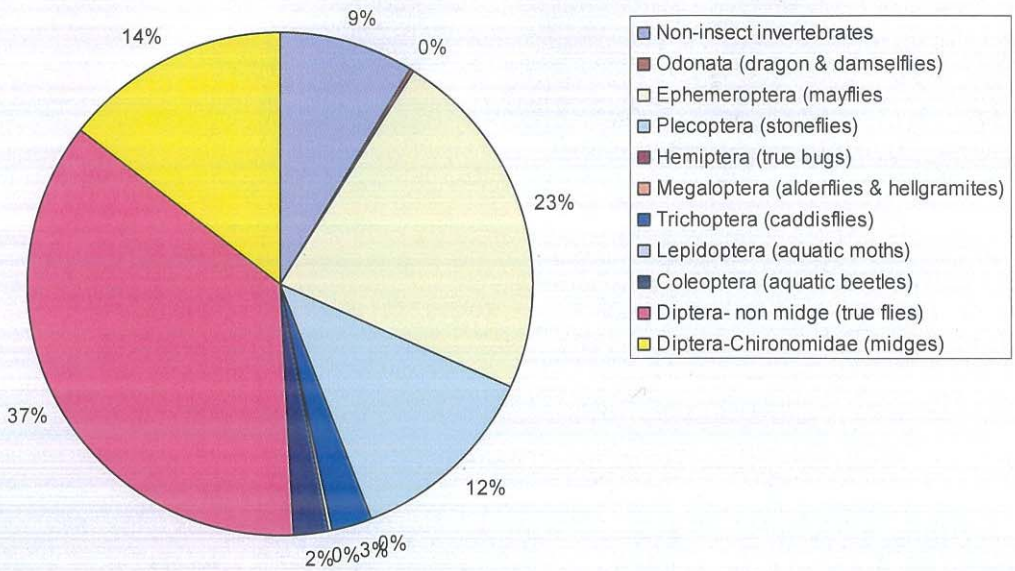
| | | |
|---|---|---|
| Canopy Cover (%) | 48 | |
| Scale 0-20 | | |
| Substrate | 13 | Suboptimal |
| Embeddedness | 12 | Suboptimal |
| Substrate | 12 | Suboptimal |
| Velocity/Depth | 10 | Marginal |
| Sediment Deposition | 17 | Optimal |
| Water Flow | 19 | Optimal |
| Channel Alteration | 18 | Optimal |
| Riffle Frequency | 17 | Optimal |
| Scale 0-10 | | |
| Bank Stability (Left) | 8 | Suboptimal |
| Bank Stability (Right) | 6 | Suboptimal |
| Vegetation (Right) | 8 | Suboptimal |
| Riparian (Right) | 9 | Optimal |
| Vegetation (Left) | 8 | Suboptimal |
| Riparian (Left) | 9 | Optimal |
| Total Habitat Score | 153 | Optimal |

# Moore Creek

## Benthic Macroinvertebrate Characteristics

| | | | |
|---|---|---|---|
| Abundance | 6,992 | Percent Dominant Taxa | 17.07 |
| Number of Taxa | 75 | Number of Tolerant Taxa | 5 |
| Number of Taxa (CA) | 74 | Percent Tolerant Taxa | 1.41 |
| Number of EPT | 30 | Number of Intolerant Taxa | 20 |
| Hilsenhoff | 4.47 | Percent Intolerant Taxa | 16.02 |

### Composition by Taxa




### Percent Composition by Functional Feeding Group