



April 18, 2014

Ms. Katharine Carter
North Coast Waterboard
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403

Via Electronic Mail to Katharine.Carter@waterboards.ca.gov

Re: Response to recent workshop comments regarding the North Coast Regional Water Quality Control Board March 14, 2014 "Public Review Draft Staff Report for the 2012 Integrated Report"

Dear Ms. Carter,

I am writing to follow up on my verbal comments at the meeting on April 8th regarding the Public Review draft of the 2012 Integrated Report.

1. OPPOSE De-Listing Laguna de Santa Rosa for Nitrogen – it ends up in saltwater

At the hearing I mentioned that there could be unintended consequences of ignoring the abundant levels of nitrogen in the Laguna De Santa Rosa and Laguna tributaries. Let's not forget Nitrogen IS the limiting nutrient in saline environments and where is all the nitrogen loaded into Laguna going? All that nitrogen is headed for the Russian River estuary near Jenner and on to the Pacific Ocean where nitrogen is the limiting nutrient. We are most concerned about the Russian River Estuary near Jenner as the RRBO is seeking to maintain a closed estuary during a large part of the year that could allow concentrations to build up over time and harm endangered salmonids. The Waterboard should investigate and make a determination that all the excess nitrogen in the Laguna from urban run-off, dairies and possible septic sources and crop application is not going to impact the sensitive Estuary and ESA listed species prior to de-listing any part of the Russian River watershed for Nitrogen.

2. SUPPORT DO Not De-List for Phosphorus in Mainstem Laguna de Santa Rosa

Evidence has long suggested well before the 2010 listing that the Laguna mainstem is impaired for the nutrient Phosphorus and we strongly support continuing the listing given that Phosphorus is the limiting nutrient in Freshwater ecosystems.

4. OPPOSE De-listing Laguna De Santa Rosa Tributaries and Santa Rosa Creek as impaired for Phosphorus

Looking at the hydrology of the Laguna De Santa Rosa we believe that Phosphorus sources that are causing the impairment are not originating from the mainstem Laguna but from the tributaries that provide the vast majority of flow in the Laguna. We know urban run off is a major source of phosphorus and so are dairies, many of which are located along Laguna tributaries. In reviewing the staff report we do not see any weight of evidence determination that the source of the phosphorus is the mainstem Laguna and not the tributaries. If the phosphorus is not originating from tributaries, then please tell us where it is coming from in your response? Whether or not a future TMDL will address tributary sources

3. Support Impairment Listings for Flow on Shortlist of Streams – Time is of the Essence

We wholeheartedly support the comments of California Coastkeeper Alliance (CCKA) in support of listing specific streams as impaired for Flow:

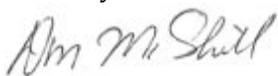
- The Federal Clean Water Act, USEPA Guidance and implementing policies provide a clear mandate to list for flow impairments.
- Evidence has been submitted that is more than sufficient to determine that several streams in the region should be listed for flow impairment.
- The lack of flow listing guidance is irrelevant since the Federal CWA states, that is water quality standards aren't being met the waterbody must be listed.

We would like to repeat our verbal comments that other processes to address flow are years if not decades ahead of us and the ESA Listed salmon and steelhead almost certainly do not have decades to wait for water in currently dry streams. On the Mark West Creek it is believed that wild Mark West Creek ESU Coho Salmon are now extinct due to lack of presence over the last several years. We observed Coho as recently as 2004 so delaying five years or more to develop a listing policy for flow will likely fail to save our native fish. The situation is even more dire in the Scott and Shasta Rivers so we urge you to act now to list these streams as impaired for flow. As we mentioned at the hearing on April 8th, whether or not a TMDL is appropriate to address flow impairment is irrelevant since other avenues are available to address lack of flow if these streams are listed. If the streams are listed funding to address the impairment for the benefit of fish and other water users would be more highly prioritized, the listing would force the issue to be address via CEQA and county General Plans and other regulatory programs that have no effect if the streams are not listed as impaired for flow.

We urge you to act now and list the shortlist streams submitted by CCKA and Earth Law Center as impaired for flow.

Thank you for consideration of our comments.

Sincerely,



Don McEnhill
Executive Director