



FSEEE Forest Service Employees for Environmental Ethics

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BY FACSIMILE (916-341-5463) AND EMAIL (ForestPlan_Comments@waterboards.ca.gov)
November 23, 2009

Gaylon Lee, P.G.
Forest Activities Program Manager
Division of Water Quality
State Water Resources Control Board
1001 I Street
P.O. Box 2231
Sacramento, CA 95812

Re: UPDATE OF THE WATER QUALITY MANAGEMENT PLAN FOR CA NFS LANDS

Dear Mr. Lee:

In your notice requesting comments on this matter, you ask: "In addition to sediment and thermal pollution, what other pollutants generated by NPS on NFS lands are common or likely enough that they should be addressed in a statewide WQMP?" FSEEE suggests that aerial fire retardants are sufficiently common and likely to justify evaluation as a part of your water quality management planning.

Aerial fire retardants are fertilizer-based slurries used to slow the advance of wildland fires. Aerial Application of Fire Retardant Environmental Assessment, October, 2007 (<http://www.fseee.org/lawsuits/retardant-NMFSbio.pdf>), hereinafter "FS EA"). In 2008, fire suppression in California, with over 12 million gallons pumped, accounted for over half of the U.S. Forest Service's national use of aerial fire retardant. http://www.fs.fed.us/fire/retardant/reports/retardant_used.pdf. When fire retardant enters a stream, either by accidental drop or pursuant to permitted exceptions to the 300-foot retardant buffer, stream ammonia concentrations spike to potentially lethal levels for fish. National Marine Fisheries Service Fire Retardant Biological Opinion, 7/25/08, at page 124 (http://www.fs.fed.us/fire/retardant/bios/fire_retardant_bo_7_25_08.pdf), hereinafter "NMFS Bi-Op").

Fire retardant use jeopardizes the continued survival and threatens destruction of designated critical habitat for every listed fish species found on national forest land in California. NMFS Bi-Op at page 139. In addition, retardant use by California state, county, and local jurisdictions also threatens water quality, fish habitat, and resident fisheries. For example, aerial retardant use associated with the 2009 Jesusita Fire killed 20 or more endangered Southern California steelhead. See Capelli Report attached hereto.

In sum, FSEEE recommends that you include aerial fire retardant among the pollutants you are evaluating as you update the Water Quality Management for national forest system lands in California.

Sincerely,

Andy Stahl
Executive Director