



Timber Products Company

THE TREMENDOUS RESOURCE

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March 20, 2009

North Coast Regional Water Quality Control Board
Attn: Matt St. John
5550 Skylane Blvd, Suite A
Santa Rosa, CA. 95403

RE: Comments on the Public Review Draft 2008 Integrated Report

Dear Matt and Members of the Board,

Timber Products Company (TPC) submits the following comments for consideration by the North Coast Regional Water Quality Control Board (Board) in regard to the Public Review Draft 2008 Integrated Report (Report). Our comments are focused on the proposal to place a portion of the mainstem Klamath River from the confluence of Beaver Creek to the confluence of the Salmon River, and the watersheds of Beaver Creek, Collins Creek, Cove Gulch, Doggett Creek, Dona Creek, Everill Creek, Horse Creek, Howard's Gulch, Kinsman Creek, Kohl Creek, Lime Gulch, Sambo Creek, and Smith Gulch on the Section 303(d) List in the Water Quality Limited Segments category for sediment impairment (otherwise known as Decision ID 13197 on the Board's website:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/2008_integrated_report.shtml). TPC manages thousands of acres of timberland tributary to the Klamath River from the mouth of Beaver Creek to the mouth of the Scott River.

Mainstem Klamath River from the confluence of Beaver Creek to the mouth of the Salmon River

Our review of the draft Report (Decision ID 13197) indicates no information in the record supporting a placement of the mainstem of the Klamath River from the confluence of Beaver Creek to the mouth of the Salmon River on the 303(d) List in the Water Quality Limited Segments category for sediment impairment. As part of Decision ID 13197, this portion of the Klamath River is mentioned under the "Weight of Evidence" subsection (A) but there is no Line of Evidence referenced to support the assertion that sediment conditions do not attain sediment objectives and/or evaluation guidelines. No measurements or modeling is indicated in the Report as a basis for the proposed listing. In addition, the description of the mainstem of the Klamath River in Decision ID 13197 overlaps the description of the mainstem of the Klamath River in Decision ID 13198 (confluence of O'Neal Creek to confluence of Elk Creek). This creates confusion to reviewers of the draft Report.

Collins Creek, Doggett Creek, Dona Creek, Everill Creek, Kinsman Creek, Lime Gulch, and Smith Gulch Watersheds

Decision ID 13197 proposes to place these watersheds on the 303(d) List in the Water Quality Limited Segments category for sediment impairment based a single LOE (#25717) which relies of the results of a Cumulative Watershed Effects Analysis conducted by the Klamath National Forest (KNF). This proposal is not supportable for the following reasons.

First, LOE #25717 states that the KNF's Horse Creek Ecosystem Analysis from 2002 disclosed surface erosion volumes from 462% to 1,061% over background. The LOE in the "Evaluation Guideline" section then states that the U.S. Forest Service Universal Soil Loss Equation Model indicates "the inference point where the risk of initiating or contributing to existing adverse cumulative watershed impacts (including impacts from excess sediment discharges) becomes a *cause for concern*" (emphasis added). Therefore, the numeric standard (462% to 1,061% over background) only indicates there is risk of initiating or contributing to adverse cumulative watershed impacts becoming a cause for concern. TPC does not believe that the risk for a cause of concern equates to listing a watershed as impaired for sediment.

Second, the KNF's Cumulative Watershed Effects Analysis (cited in the LOE) is largely an exercise utilizing remotely sensed data and does not rely heavily on site-specific field data. The authors of KNF's modeled cumulative effects analysis caution use of such analyses without some validation of the results. LOE #25717 does not indicate any such validation was conducted by Board Staff within the Collins Creek, Doggett Creek, Dona Creek, Everill Creek, Kinsman Creek, Lime Gulch, and Smith Gulch watersheds.

Finally, LOE 25717 states that modeling was conducted in 9 subwatersheds of Horse Creek. However, the Collins Creek, Doggett Creek, Dona Creek, Everill Creek, Kinsman Creek, Lime Gulch, and Smith Gulch watersheds are not located within the Horse Creek watershed so the proposal to list these watersheds does not appear to be supported in the Report since the modeling was conducted in the Horse Creek watershed.

Beaver Creek Watershed

Decision ID 13197 proposes to place this watershed on the 303(d) List in the Water Quality Limited Segments category for sediment impairment. This proposal from Board Staff is based on six Lines of Evidence (LOE).

LOE 25688 states that three of the 8 watersheds within Beaver Creek have modeled landslide volumes that are 200% or more over undisturbed conditions and exceed the evaluation guideline. The modeled volumes come from the Beaver Creek Environmental Analysis (BCEA). The BCEA uses remote sensed assessment techniques and models to predict potential cumulative watershed effects. Because the BCEA is based on remote sensed data and several model assumptions, *the authors caution use of the BCEA without some validation* of the results including, but not limited to: (1) Model derived results should be validated, (2) Detailed field evaluations may be warranted, especially in sensitive areas, (3) Linkage between predicted potential cumulative watershed effects and actual impacts to beneficial uses needs to be reviewed. LOE 25688 does not indicate any such validations, field evaluations, or reviews of linkages to beneficial uses were conducted by Board Staff within the Beaver Creek watershed as part of the Report.

LOEs 25689, 25690, and 25691 all rely on stream measurements taken prior to the 1997 New Years Day floods. A scientific study recently reported on actual stream channel conditions in the Beaver Creek and Grouse Creek watersheds (Cover et al. 2008). Actual in stream channel values for V^* (coarse sediment) and riffle fine sediment were relatively low in the Beaver Creek reach, 10.2% and 9.7% respectively. More contemporary data should be utilized by Staff prior to proposing to list the Beaver Creek watershed as impaired for sediment, especially since a major storm event occurred in the interim.

LOE 25700 uses non-numerical observations of KNF fisheries personnel (qualified by the term “appeared”) immediately after the New Years Day Floods of 1997. Once again, more contemporary data should be utilized by Staff prior to proposing to list the Beaver Creek watershed as impaired for sediment since conditions have likely changed in the interim. Subsection (D) of Decision ID 13197 states: “Pursuant to Section 3.11 of the Listing Policy, no additional data and information are available indicating that standards are met.” The quandary inherent to the way the 303(d) listing process is being conducted in the Report is that there are only approximately 45 days between release of the Report (February 2, 2009) and the close of the public comment period (March 20, 2009). This is not nearly enough time to collect, analyze, and summarize (present) data indicating that water quality standards are being met.

LOE 25709 relies upon a 1996 NOAA Fisheries coarse, imprecise standard of road density and valley bottom roads. Contemporary views of roads in forested environments are more cognizant of the complexity inherent to road erosion and its ability to reach watercourses. Factors such as road surface (paved, rocked, native, etc.), road shape (inslope, outslope, crown, etc.), and crossing design have become more important to consider than arbitrary values of road density. To put it another way, a low density of poorly designed roads can have much more impact than a high density of well-designed roads along valley bottoms. More contemporary standards should be utilized by Staff prior to proposing to list the Beaver Creek watershed for sediment from roads.

Summary

TPC appreciates the opportunity to provide comment on the draft Report. TPC does not believe there is support for placing the portions of the Middle Klamath River discussed above onto the 303(d) List in the Water Quality Limited Segments category for sediment impairment. Placement on this List subjects timber operations on private lands, already subjected to stringent environmental regulations (including mitigation measures for sediment generation), to further regulation for a period at least until the year 2021 when a TMDL, if necessary, is scheduled for completion for the area discussed above. TMDLs identify sources of pollutants, which may or may not be related to timber harvesting, and also the validity of the initial listing as evidenced by the proposal to remove some waterbodies from the 303(d) list after TMDL efforts were initiated. If there is to be a period of time as long as 12 years between listing and TMDL development, the listing itself needs to be solid, given the regulatory ramifications, and therefore based on clear information in the record, clear conclusions, validations of modeling efforts, field evaluations, and contemporary standards. The proposed placement of the portion of the mainstem Klamath River from the confluence of Beaver Creek to the confluence of the Salmon River, and the watersheds of Beaver Creek, Collins Creek, Doggett Creek, Dona Creek, Everill Creek, Kinsman Creek, Lime Gulch,

and Smith Gulch on the Section 303(d) List in the Water Quality Limited Segments category for sediment impairment does not meet this standard.

If you have any questions, please feel free to contact me at the above phone number.

Literature Cited

Cover, M.R., C.L. May, W.E. Dietrich, and V.H. Resh. 2008. Quantitative linkages among sediment supply, streambed fine sediment, and benthic macroinvertebrates in northern California streams. *Journal of the North American Benthological Society*, 27(1):135-149.

Sincerely,

Chris Quirnbach
Forester
RPF #2623