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California Department of Forestry and Fire Protection

FROM THE DESK OF:

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Re:			

- Urgent For Review
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● Comments:

Per our phone conversation
 Sherry

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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R13

January 31, 2006

Ms. Tam M. Doduc, Chair
c/o Selica Potter, Acting Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814
FAX: (916) 341-5620
Email: commentletters@waterboards.ca.gov

Dear Chair Doduc:

Subject: Request for Comment on the Draft Revision of the Clean Water Act Section 303(d)
List of Water Quality Limited Segments.

Thank you for the opportunity to comment on the Draft Revision of the Clean Water Act Section 303(d) List of Water Quality Limited Segments. We would like to comment specifically on the proposed 303(d) listing of the Noyo River Hydrologic Area (HA) for water temperature. This draft proposal would affect the Jackson Demonstration State Forest (JDSF), which includes most to the South Fork Noyo River watershed upstream of its confluence with Kass Creek.

The draft 303(d) water temperature guideline is 14.8°C based on a 7-day mean for the protection of coho salmon, and cites "An Analysis of the Effects of Temperature on Salmonids of the Pacific Northwest with Implications for Selecting Temperature Criteria (Sullivan et. al., 2000)" (emphasis added).

The California Department of Forestry and Fire Protection (CDF) urges the State Water Resource Control Board (SWRCB) not to adopt this listing as currently proposed for the following reason. The proposed temperature guideline for the Noyo River watershed, which is located at 39.5° North latitude, is based on Sullivan et al., 2000 which was specifically written for conditions in the Pacific Northwest, primarily Washington State, which is North of 45.5° North latitude. Five degrees south of the Noyo River at 34.5° North latitude lies the Santa Ynez River near Santa Barbara. It is no more appropriate to apply a temperature guideline developed for conditions in Washington State to conditions in northern California, than it would be to apply a temperature guideline developed for conditions in northern California to conditions in southern California.

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If SWRCB decides to adopt this listing as currently proposed, CDF strongly urges the SWRCB to exclude the South Fork of the Noyo River above its confluence with Kass Creek near the boundary of the JDSF. The South Fork of the Noyo River watershed above its confluence with Kass Creek is primarily comprised of the state forest lands managed under a JDSF Management Plan. There is ample water temperature data for the South Fork above its confluence with Kass Creek, none of which was cited in the Fact Sheet as being used in the proposed 303(d) listing. Basically the South Fork Noyo was excluded from the analysis on which the proposed listing was based; it should therefore be excluded from the proposed listing. The proposed listing did not and could not establish that there is a water temperature problem affecting salmonid habitat on the either in the South Fork or downstream portions affected by the South Fork without analyzing this data.

Moreover, this data was analyzed and used in the preparation the new JDSF Management Plan and Environmental Impact Report (EIR) now in public review. The JDSF Management Plan and EIR fully address water temperature and salmonid habitat protection in the South Fork Noyo. The maximum weekly average temperature (MWAT) is defined as the highest average of mean daily temperatures over any 7-day period. In the JDSF Management Plan an MWAT value of 16.8°C was chosen as a threshold of significance. The National Marine Fisheries Services (NMFS) originally established 16.8° C as an MWAT threshold for coho (BOF 2005).

The Fact Sheet quotes the North Coast Basin Plan water quality objectives for temperature: "The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Quality Control Board that such alteration in temperature does not adversely affect beneficial uses. At no time or place shall the temperature of any CQLD water be increased by more than 5°F (2.8°C) above natural receiving water temperature." The receiving water from the South Fork is the mainstem of the Noyo River, and this standard is being met. In fact, water exiting the JDSF and then entering the mainstem seven miles downstream of the JDSF boundary "appears to have a moderate cooling effect on water temperatures in the lower Noyo River depending upon the relative flow of the two streams (BOF 2005)."

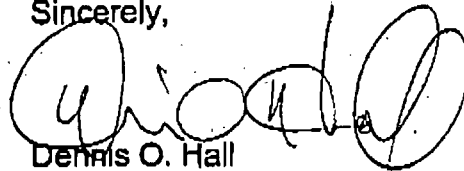
For all of the above reasons, the South Fork Noyo River watershed above its confluence with Kass Creek near the JDSF boundary should be excluded from consideration for 303(d) listing for water temperature.

In conclusion, the 303(d) listing of the Noyo River watershed for water temperature should not be approved as proposed. Indeed, it may not be necessary at all if local climatic conditions are properly considered. In any, case the South Fork of Noyo River watershed above Kass Creek near the JDSF boundary should not be included in the listing without (at a minimum) considering the available water temperature data from the South Fork Noyo River watershed.

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Thank you again for the opportunity to comment on this matter. Please contact Clay Brandow of my staff at (916) 653-0719 or clay.brandow@fire.ca.gov if you have any questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis O. Hall". The signature is stylized with large loops and a cursive-like flow.

Dennis O. Hall
Staff Chief, Forest Practice

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References Cited

Sullivan, K., D.J. Martin, R.D. Cardwell, J.E. Toll, and S. Duke. 2000. An analysis of the effects of temperature on salmonids of the Pacific Northwest with implications for selecting temperature criteria. Sustainable Ecosystems Institute, Portland, Oregon. 186 p. Found at:
http://www.krisweb.com/biblio/gen_sei_sullivanetal_2000_tempfinal.pdf

California State Board of Forestry and Fire Protection (BOF). 2005. Draft Environmental Impact Report for the Draft Jackson Demonstration State Forest management plan. Prepared Under Contract by the California Department of Forestry and Fire Protection. Sacramento, California. Found at:
http://www.fire.ca.gov/php/rsrc-mgt_jackson_deir_2005.php