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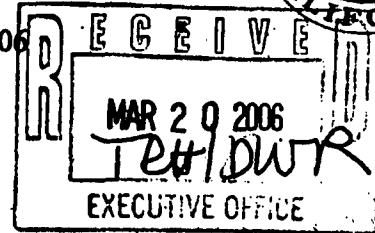
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# BOARD OF SUPERVISORS

BILL POWERS, DISTRICT 1  
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WILLIAM N. DENNISON, DISTRICT 3  
ROSE COMSTOCK, DISTRICT 4  
OLE OLSEN, DISTRICT 5



March 14, 2006



Celeste Cantu, Executive Director  
State Water Resources Control Board  
Executive Office  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

**Subject: Plumas County Comments on Proposed Clean Water Act 303(d) North Fork Feather River Listing for Water Temperature Impairment**

Dear Ms. Cantu:

The Plumas County Board of Supervisors recently became aware of the proposed Clean Water Act Section 303(d) listing of the North Fork Feather River for temperature impairment. Although the deadline for submitting comments has passed, we submit the following statements.

1. Since there are no water bodies in Plumas County on the 303(d) list, the County lacks a true understanding of the effects of a temperature impairment listing. With the large number of meetings that we have attended with your staff on North Fork Feather River hydropower re-licensing projects, we feel that a discussion with the County would have been appropriate to inform us of the proposed listing, deadlines, and potential effects. This did not occur.
2. The County is aware of three letters that have been submitted to the State Water Resources Control Board regarding the Section 303(d) listing. These letters are from Pacific Gas and Electric (PG&E), the Association of California Water Agencies (ACWA), and the California Regional Water Quality Control Board (12/1/05). The Regional Board does not support the 303(d) temperature listing based on the available information and the information referenced in the two-page listing summary. The ACWA letter references the Regional Board letter and expresses concern about what ACWA deems to be insufficient lines of evidence to support a proposed listing for temperature impairment on the North Fork Feather River. PG&E concurs that the proposed listing of the Feather River, North Fork (below Lake Almanor) for failing to meet water temperature criteria is inappropriate.

We understand that State Water Resources Control Board (SWRCB) staff is to meet with Mr. James Pedri of the Regional Board to discuss the Regional Board's reasoning for not supporting the listing. We would appreciate an invitation to this future meeting.

3. In addition to the concerns expressed in the three letters cited above, the County offers the following comments:

- The Middle Fork of the Feather River is an unregulated river with elevation changes and characteristics similar to the North Fork Feather River. The Middle Fork exhibits temperatures in excess of the 21°C (70°F) guideline used in the listing. Since we do not know the “without dams” water temperatures in the North Fork Feather River, based on Middle Fork water temperatures, we have doubts that the “natural” North Fork Feather River water temperatures remained below the 21°C (70°F) temperature guideline. In fact, in her scoping comments to the SWRCB on the North Fork Feather River Project Relicensing EIR, Ms. Lorena Gorbet of the Maidu Cultural and Development Group stated that “The river was traditionally cold in the winter but warmer in the summer with the fish that needed the cooler water moving upstream in the shaded pools in the streams of the watershed.”
- The Feather River Coordinated Resources Management (CRM) Group has collected water temperature information that clearly shows that the water leaving the valley floors in the East Branch often exceeds the 21°C (70°F) guideline and contributes to the higher water temperatures experienced in the North Fork downstream of Lake Almanor.
- A 303(d) listing of the North Fork Feather River for temperature impairment would eliminate the Board’s flexibility in decision-making on controllable water quality factors. The Basin Plan defines “Controllable water quality factors” as “those actions, conditions, or circumstances resulting from human activities that may influence the quality of the waters of the State, that are subject to the authority of the State Water Board or the Regional Water Board, and that may be reasonable controlled.” Such language affords the SWRCB latitude in decision-making on the Clean Water Act Section 401 Water Quality Certification for the Upper North Fork Feather River Project to require reasonable and practical solutions to meeting water temperature needs. A listing for water temperature impairment offers no such latitude.
- The two-page proposed 303(d) listing references the water bodies specified in Table III-4 of the Basin Plan. The maximum allowed water temperature from May 16 to October 15 for the water bodies listed in the Plan is 70°F (21°C). In a February 23, 2006 discussion with Ms. Betty Yee of the Regional Board, the County was informed that the water temperatures listed in Table III-4 were only for the water bodies listed and were not to be assumed to apply to any other water body in the basin. The North Fork Feather River is not listed in the table. This suggests then that the only support for the 21°C temperature standard is the Sullivan et al reference provided in the proposed listing. The County agrees with PG&E that the Sullivan reference is not appropriate for the North Fork Feather River for the many reasons cited by PG&E.

In closing, the County cannot support a 303(d) listing of the North Fork Feather River for temperature impairment. It is not justified. The County plans to track the listing process and would like to present additional testimony as the process allows.

If you have any questions, please contact Supervisor Bill Dennison or Public Works Director, Tom Hunter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Meacher". The signature is fluid and cursive, with the first name being the most prominent.

Robert A. Meacher, Chair  
Plumas County Board of Supervisors

Cc: Senator Cox  
Assemblyman Keene



Dan Skopec  
Acting Secretary

# State Water Resources Control Board

## Executive Office

Tam M. Doduc, Board Chair  
1001 I Street • Sacramento, California 95814 • (916) 341-5615  
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Arnold Schwarzenegger  
Governor

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April 25, 2006

Mr. Robert A. Meacher, Chair  
Plumas County Board of Supervisors  
520 Main Street, Room 309  
Quincy, CA 95971

Dear Mr. Meacher:

### PLUMAS COUNTY COMMENTS ON THE PROPOSED CLEAN WATER ACT (CWA) SECTION 303(D) LISTING FOR THE NORTH FORK FEATHER RIVER FOR WATER TEMPERATURE

Thank you for submitting comments to the State Water Resources Control Board (State Water Board) on the proposed CWA section 303(d) listing for water temperature impairment for the North Fork Feather River. I have asked staff to include these comments in the record for the update of the section 303(d) list. Although the deadline for the formal comment period was January 31, 2006, your comments will be reviewed and included with all the other comments received. Staff is currently in the process of reviewing and responding to comments received on the draft 2006 303(d) list.

We will notify you of our responses to your specific comments once we have completed our review. Responses to all the comments received on the draft 2006 303(d) list will be released publicly on the State Water Board's Web site in the next three to four months. You will receive notification of any meetings regarding the listing process, and we will include you, Bill Dennison, and Tom Hunter on our public notification email list.

If I can be of further assistance, please telephone me at 916-341-5615. This subject is currently under the direction of Darrin Polhemus, Chief of the Division of Water Quality, and he can be reached at 916-341-5458.

Sincerely,

Celeste Cantú  
Executive Director

Robert A. Meacher, Chair  
Plumas County Board of Supervisors  
520 Main Street, Room 309  
Quincy, CA 95971

**PLUMAS COUNTY COMMENTS ON THE PROPOSED CLEAN WATER ACT  
(CWA) SECTION 303(D) LISTING FOR THE NORTH FORK FEATHER RIVER FOR  
WATER TEMPERATURE**

Dear Mr. Meacher,

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Sincerely

Celeste Cantu  
Executive Director  
State Water Resources Control Board