

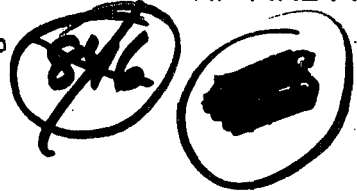
STATE OF CALIFORNIA—THE RESOURCES AGENCY

335

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944248
SACRAMENTO, CA 94244-2480
Website: www.fire.ca.gov
(916) 653-0719



10/25/06 BdMtg Item 10
303(d) List
Deadline: 10/20/06 5pm

844



R50

October 19, 2006

Ms. Tam M. Doduc, Chair
c/o Song Her, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814



Dear Chair Doduc:

Subject: Notice of Opportunity for Public Comment on the proposed 2006 Clean Water Act Section 303(d) List of Water Quality Limited Segments for California.

Thank you for the opportunity to comment on the proposed 2006 Clean Water Act Section 303(d) List of Water Quality Limited Segments for California. We would like to comment specifically on the proposed 303(d) listing of the Noyo River Hydrologic Area (HA) for water temperature. Our comments on the draft proposal included in a letter to the State Water Resources Control Board (SWRCB) dated January 31, 2006 have not been addressed in this proposal, and this 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 proposed 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 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. All of the streams in Washington are least 5 degrees north of the Noyo River in California. By comparison, 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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Chair Doduc
October 19, 2006
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In a notation on our January 31, 2006 comment letter, SWRCB staff designated the content of the above paragraph as comment number 101.1. SWRCB staff responded to this comment as follows: "Data Exists that supports temperature impairment of these water bodies (2006 SWRCB Responses to Comments p. 32)." SWRCB staff has not responded to the issue raised in our comment. The issue is that the water temperature standard used was developed for a different geographic region and therefore inappropriate, and it is not appropriate to compare Noyo River water temperature data to this standard for the purposes of listing Noyo River as impaired for water temperature.

If the 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 SWRCB 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 can not establish that there is a water temperature problem affecting salmonid habitat on either the South Fork or downstream portions affected by the South Fork without analyzing this data.

In a notation on our January 31, 2006 comment letter, SWRCB designated the above paragraph as comment number 101.2. SWRCB staff did not respond to this comment.

Moreover, this data was analyzed and used in the preparation the new JDSF Management Plan and Environmental Impact Report (EIR) now nearing final form. 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 COLD 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 main-stem of the Noyo River, and this standard is being met. In fact, water exiting the JDSF and then entering the main stem 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)."

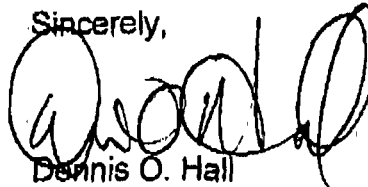
Chair Doduc
October 19, 2006
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For all of the above reasons, the South Fork Noyo River watershed above its confluence with Kass Creek near the JDSF boundary should be excluded from consideration for 303(d) listing for water temperature.

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 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.

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, overlapping loops.

Dennis O. Hall
Staff Chief, Forest Practice

Enclosure

Chair Doduc
October 19, 2006
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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

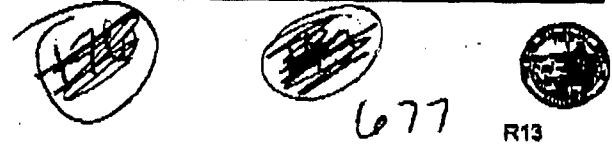
California State Board of Forestry and Fire Protection (BOF). 2005. Draft Environmental Impact Report for the Draft Jackson Demonstration State Forest management plan. Prepared Under Contract by the California Department of Forestry and Fire Protection. Sacramento, California. Found at: http://www.fire.ca.gov/php/rsrc-mgt_jackson_deir_2005.php

STATE OF CALIFORNIA--THE RESOURCES AGENCY

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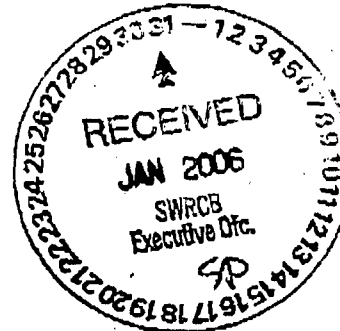
P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: www.fire.ca.gov
(916) 663-0719



January 31, 2006

303 (d) Deadline:
1/31/06

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



120

P.S. 2715

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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Chair Tam M. Doduc
January 31, 2006
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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. (2)

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).

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1416 9th Street
Sacramento, CA 95814
Phone: (916) 653-9422
Fax: (916) 653-8957

**California Department of
Forestry and Fire Protection**

Fax

To: Ms. Tam Doduc	From: Dennis Hall
Fax: (916) 341-5620	Date: October 20, 2006
Phone:	Pages: 7 including cover sheet
Re: Comments on 303(d) List	CC: Selica Potter

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

•Comments: Ms. Doduc,

Please ensure your Board has the opportunity to review and consider our attached comments prior to their decision to revise the 303(d) List of Water Quality Limited Segments. The proposed temperature guideline for the Noyo River is inappropriate for the latitude where it is located. We urge the Board to reconsider this guideline and apply a more appropriate guideline in determining the listing status of the Noyo River. My staff is available for consultation on these matters should the Board wish to discuss this matter in more detail.

Dennis O. Hall

Staff Chief, Forest Practice

California Department of Forestry and Fire Protection