



State of California  
North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California 95403

October 14, 2013

**RE: Public Comment regarding the  
“... Water Quality Objectives for Temperature ....”**

Dear NCWQCB Members,

Please accept this letter on behalf of the California Licensed Foresters Association (CLFA) with a sincere concern in regards to the tone, content and implications that are brought forward in the Staff Report titled:

“Supporting the Policy for the Implementation of the Water Quality Objectives for Temperature and Action Plan to Address Temperature Impairment in the Mattole River Watershed, Action Plan to Address Temperature Impairment in the Navarro River Watershed, and Action Plan to Address Temperature Impairment in the Eel River Watershed”

To preface our concerns, as an organization we were very encourage over the progress made in the last two years working with the North Coast Staff (Staff) in shaping the renewal of the NTMP waiver for many good reasons, that was approved by the Board as the current NTMP General Waiver Discharge Requirement (Permit). The cooperative effort between the Staff and CLFA and the progress made by the Staff to gain a better understanding of the timber harvest program process and the effectiveness of the current Forest Practice Rules is graphically illustrated by reading the original draft that the Staff submitted for Public Review and the final NTMP Permit. Overall the final product was applauded by both the NCRWQB and CLFA.

It is very disappointing that the background documentation for this current project has been presented with similar tone, style, and misleading use of information as that of the 2009 NTMP Waiver. It is not possible to dissect every point within this Document that is contentious to forest management practitioners, but to compare the temperature processes of our Northcoast watercourses to “a cool glass of water” that will reach the temperature of its surroundings (page 4) not only oversimplifies the point the author was trying to make, it directs the uneducated public into a very different mindset as to the effectiveness of current forest practice mitigations in relation to watercourse temperatures. Another example of this is the statement on Page 6 with the notion that “Preservation shade is most important in stream reaches with temperatures far below the equilibrium temperature because these are the most susceptible to rapid heating”. The term “preservation shade” is not standard to documents associated with forest practice regulation. It also seems very inappropriate as the following are the most common definitions of the word “preservation”: 1. To maintain in safety from injury, peril, or harm; protect; 2. To keep in perfect or unaltered condition; maintain unchanged; 3. To keep or maintain intact. Is that really the message that the Staff intends to communicate as it leads the reader to meaningful conclusions. As such, “preservation” is beyond the authority of the NCRWQCB. The legislative intent of the California Water Code (CWC) clearly states that “...the people of the state have a primary interest in the **conservation**, control and utilization of the water resources of the state, and that the quality of these waters of the state shall be protected for the use and enjoyment by the people of the state.”

The last set of examples that really typifies the tone and lack of content of this document is that the graphs and figures presented (as well as their supporting text) are based on “simulated temperature dynamics” (Figure 2.1; page 3); “conceptual representation of riparian shade model” (Figure 2.2, page 10); and “Temperature modeling analysis results showing theoretical impacts of microclimate relative to impacts of canopy removal (Source: NCRWQCB 2005)” (Figure 2.3, page 14). On numerous occasions, members of CLFA have brought to light many shortcomings associated with the temperature modeling analysis on which the Basin Plan Amendment relies on. These include unrealistic and incorrect implementation of the Forest Practice Rules, and failure to balance the water equation. Our issue with the background information provided is that it draws

a great deal of support from theoretical or simulated results calculated using data subsets in models developed either outside of California, prior to the recovery of our watersheds from unregulated activities, or scenario's that are not consistent with standard timber harvesting practices that have occurred over the past two decades. Water temperature being the single longest and most collected parameter in our forested watersheds, this document should be reporting on actual water data gathered over the last twenty-five years to give an indication of the response that the North Coast watersheds are having after decades of watercourse canopy retention regulations. Simply put, where is the data that shows how our managed timber watersheds have responded to the Forest Practice Regulations? Watershed temperature data has been provided in countless Timber Harvest Plans that have been submitted since the early 1990s and in reviewing several THPs that provided such data, none show that temperature trends are increasing, in fact most emphatically show that watercourse temperatures have stabilized or are decreasing. Missing from this document is watercourse temperature data analyses that has been completed in privately managed California watersheds that includes; 1) The 13 year review of the Central Coast Regional Water Quality Control Board of regulations of timber harvest operations in the Central Coast Region; and 2) Timber Products Company's studies that very specifically mimicked the allowable harvests under pre-ASP Rules and their effects on water temperature. This study was conducted under the supervision of Board of Forestry member Stu Farber. Failure to include empirical data for the watercourses potentially impacted by this Basin Plan Amendment actually appears to be a failure to demonstrate necessity for this Basin Plan Amendment.

The Staff document does disclose that current FPRs are designed to protect listed cold water species, Staff's current participation in the THP review process indicates that they support the standard rules and mitigations associated with Watercourse and Lake Protection Zones (WLPZs), as additional recommendations for increases in protection within these zones is generally associated with sediment delivery and not with temperature concerns. As written, Staff infuses confusion into this document by stating on page 22, that adaptive management provides certainty to project proponents (timberland owners), where actually the opposite is true and it is the FPRs (that provide defined operating rules and standard restrictions on harvest activities, derived from performance standards and best management practices) that provides the plan proponent with certainty, specifically in regards to the protection of beneficial uses related to water temperature, including timelines as to when a project is expected to be approved. All sense of certainty dwindles as agency representatives stray from the standard rules with "adaptive management measures" that are unsubstantiated and add no additional protection to the watercourse or its beneficial uses related to water temperature.

This document introduces more uncertainty by bringing into the process new terms, specifically the term "Site Potential Effective Shade". The term is never defined nor is it used in the Forest Practice Rules or recognized by the Board of Forestry. The term assumes that historic conditions (old growth forests) are physically possible to achieve if no operations within the WLPZs were to occur (i.e. no harvest zones).

Many segments of the WLPZs in the North Coast Region are no harvest zones by default of the existing rules specifically to protect from increases in water temperature reduce sediment delivery, eliminate multiple entries and to provide for other wildlife habitat characteristics. Other agendas have basically eliminated fire from being used as a management tool on the managed landscape. Fire, both natural and human caused has been documented to have been invaluable to the "historic conditions" and the health of our watersheds and ultimately our WLPZs. Regulators unilaterally recognize the importance of this type of disturbance, yet ignore the fact that it is government regulation and oversight that has nearly removed the tool from the landowners hands when proposing terms, definitions and regulations that try to trend managed forested conditions back to "historic" levels. Frankly put, without disturbance, you can't get there from here.

CLFA strongly supports the use of standard terms as they relate to forest practice regulations and mitigations as well as research that utilize actual settings and conditions that currently exist within managed forests. CLFA believes that the use of many of the models or the data used within the models within this report provide erroneous conclusions to the current condition of watercourse temperature in the North Coast Region.

Lastly, your staff is unable to complete this Basin Plan Amendment if there isn't a Licensed Professional Forester on staff. Please consider SB 617 and the requirements under CEQA which require this Amendment

to discuss the economic ramifications and alternatives of the proposal be considered by this Board. Also, state law requires a Registered Professional Forester on staff or in consultation, or an agency certified by the Board of Forestry as the only agencies allowed to make forest policy in California. This Amendment clearly crosses jurisdictional boundaries and treads on the Board of Forestry.

Please reject this Basin Plan Amendment as proposed until such time that your staff fairly maintains the public's interest in the waters of the State in ways that are consistent with current law, rely on credible science, incorporate empirical data, and use terms clearly understandable to the regulated public.

Thank you for the opportunity for comment. Please feel free to contact me with any questions or clarification that you might have.

The California Licensed Foresters Association, with a membership responsible for the sustained management of millions of acres of California forestland, represents the common interests of California Registered Professional Foresters. The Association provides opportunities for continuing education and public outreach to its membership, which includes professionals affiliated with government agencies, private timber companies, consultants, the public, and the academic community. Governed by an elected Board of Directors, CLFA was established in 1980 after the passage of the landmark California Professional Foresters Law.

Sincerely,



Michael Tadlock  
RPF #2630  
President

