



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

SEP 11 1997

Mr. Robert Kerstiens, Chairman
Board of Forestry
Resources Building
1416 Ninth Street, Room 1506-14
Sacramento, CA 95814

Dear Chairman Kerstiens:

We appreciate the opportunity to provide comments on a petition submitted by residents of the Humboldt Bay region dated November 5, 1997 to the Board of Forestry (Board). The petition requests the Board to adopt emergency rules which would require measures to maintain and restore aquatic ecosystems in the Elk River and Freshwater Creek Watersheds as well as all other Clean Water Act 303(d) listed waterbodies and watersheds containing habitat for coho salmon.

It appears the petitioners' primary concerns in Freshwater Creek and Elk River are related to increased flooding events over the past few years which they attribute to cumulative effects (e.g., sediment aggradation in the stream, increased peak flows) of forest management activities. In addition, the petitioners have raised concerns related to public safety due to an increased number of logging trucks going to and out of these watersheds. The petitioners raise a number of important issues which merit further discussion and attention by the Board and the California Department of Forestry (CDF), particularly with regard to cumulative watershed effects analysis. We suggest that, given the catastrophic landsliding events that took place on Stafford Creek last year, the Board consider carefully its authorities to address the petitioners' concerns in the short-term.

Section 303(d) of the Clean Water Act requires the states to identify water quality limited waterbodies (i.e., those waters that do not meet or are not expected to meet water quality standards), develop a priority ranking and establish Total Maximum Daily Loads (TMDLs) for these threatened and impaired waterbodies. On the North Coast, the majority of the streams have been listed due to impacts of sediment on the beneficial uses, most notably salmonids. The North Coast Regional Water Quality Control Board (NCRWQCB) has recently proposed listing Elk River and Freshwater Creek on the 1998 Section 303(d) list due to sediment impairment. Both the NCRWQCB and EPA are developing TMDLs for several of the currently listed streams. The TMDL process provides an assessment of significant past, present and future sources, such as sediment, and allocates reductions in these sources on a watershed basis. This process looks at the cumulative impacts of upstate activities on the instream beneficial uses.

The petitioners are most concerned with the cumulative impacts of sediment and state the current Forest Practices Rules (FPRs) and/or the implementation of these rules does not adequately address cumulative impacts from timber harvesting activities. In 1994, The Little

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However Commission found that the Timber Harvest Plan (THP) "process looks at potential damage on a site-by-site basis rather than across entire ecosystems, making it difficult to assess cumulative impacts over time and throughout watersheds." EPA concurs that improved methods for assessing cumulative effects on a watershed basis are necessary. In addition, EPA and the National Oceanic and Atmospheric Administration have found that, although the FPRs meet the management measures required under Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA), additional management measures are necessary in order to attain and maintain water quality standards.

As you know, under Section 208 of the Clean Water Act, EPA approved the state's designation under a *Management Agency Agreement (MAA)* of the Board and CDF as the water quality management agencies for silvicultural activities on private timber lands. In that capacity, the Board and CDF have agreed to ensure that silvicultural activities on private lands protect the quality and beneficial uses of the state's waters. EPA has provided TMDL informational briefings for the Board several times and we have appreciated the Board's interest and thoughtful questions regarding this process. In addition, CDF has provided a one-page memo to field foresters alerting them to the fact that they must consider whether specific THPs are proposed within watersheds that are on the Section 303(d) list. However, it may now be appropriate to review the MAA to determine whether the Board and CDF are adequately addressing water quality concerns in both unimpaired and impaired streams. In particular, we should explore ways to improve CDF's implementation of the FPRs to fully restore and protect instream beneficial uses. In a letter dated June 26, 1996 to Mr. Dean Cronwell, EPA laid out what is needed and potential roles of all agencies including the Board and CDF to implement the TMDL program. A copy is attached for your reference.

We look forward to discussing the issues we have raised with you in more detail; in particular we would like the Board, CDF, the State Water Resources Control Board and Regional Boards to review the MAA in light of the many water quality challenges still prevalent ten years after this Agreement was established. Please feel free to call us or refer your staff to Jane Freeman at (415) 744-2006.

Sincerely yours,



Alexis Strauss
Acting Director
Water Division

Attachment

cc: Walt Petri, SWRCB
Ben Kor, NCRWQCB
Richard Wilson, CDF
William Hogarth, NMFS
Ellen Fred, Petitioner
Robert Martel, Petitioner