

OCT 20 1997 WILLIAM HINES LAW NORTH DIVISION

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UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Southwest Region
 501 West Ocean Boulevard, Suite 4200
 Long Beach, California 90802-4213

OCT 17 1997

F/SWO3:PJR

Mr. Richard Wilson, Director
 California Department of Forestry and Fire Protection
 1416 Ninth Street
 Sacramento, California 95814

Dear Mr. Wilson:

I was recently advised by my staff in Santa Rosa that the Department of Fish and Game (CDFG), and the North Coast Regional Water Quality Control Board (NCRWQCB) filed letters of non-concurrence on Timber Harvest Plan (THP) #1-97-348 MEN, and Nonindustrial Timber Management Plan #1-97NTMP-023 MEN. The NCRWQCB has also filed a letter of nonconcurrency on THP #1-97-380 MEN. Based on our review of both Preharvest Inspection Reports (PHI), and the letters of nonconcurrency, I agree that the approval of these plans may adversely impact coho salmon and steelhead within these watersheds.

Over the last year, in discussions with the California Department of Forestry and Fire Protection (CDF) and industry, we have repeatedly been told that the California Forest Practice Rules (FPR), and the THP review process are fully adequate to protect salmonids. The letters of nonconcurrency do not support this position. The mitigation and higher protective thresholds proposed by CDFG and the NCRWQCB are allowed for in *Article 6, Water Course and Lake Protection, Rules 916.2, 936.2, 956.2*. NMFS concurs with this interpretation and that this level of protection is within the scope of the FPRs.

In all three plans where CDFG and the NCRWQCB did not concur with CDF, the proposed mitigations were justified given the concerns with roads and sediment transport, lack of large wood recruitment, water temperature, and the establishment of adequately sized Water Lake Protection Zone and Equipment Limitation Zones. NMFS supports both CDFG and the NCRWQCB in their assessment that THPs must fully address and consider the cumulative impacts of timber harvest on salmonids. NMFS believes that the scientific literature indicates that the habitat requirements of coho salmon and steelhead in most watersheds is not being met through the application of the FPRs.

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We encourage CDF to develop a watershed analysis process with CDFG and the NCRWQCB that results in THPs being approved based on an analysis of habitat conditions and identification of limiting factors. Mitigation applied to develop proper functioning watersheds would be significantly more meaningful with that level of analysis.

Until a watershed analysis process is developed, recommendations made by the PHI Review Team on a site specific basis should be fully considered. The plans mentioned above need to be reevaluated in terms of the application of the FPRs. We also recommend that on other THPs, where impaired aquatic habitat or water quality conditions for salmonids are identified, that mitigation proposed by CDFG or the NCRWQCB be accepted.

Please contact me at (562) 980-4001 if you would like to discuss this further by phone or to arrange a meeting.

Sincerely,

Rodney R. M. Hoggins
for William T. Hogarth, Ph.D.
Acting Regional Administrator

cc: Walt Pettit, State Water Resources Control Board
Jacqueline Schafer, California Department of Fish and Game