



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

777 Sonoma Ave. Rm. 325  
Santa Rosa, California 95403

January 22, 1998

F/SWR3:PJR

North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, California 95403

Dear Board Members:

This letter is to express the National Marine Fisheries Service (NMFS) support for establishing a Total Maximum Daily Load (TMDL) for sediment, based on the proposed Garcia River Watershed Water Quality Attainment Strategy for Sediment (Strategy). NMFS recommends the adoption of the Strategy into the *Water Quality Control Plan for the North Coast Basin (Basin Plan)*.

NMFS supports the Strategy for the following reasons:

1. Adoption of the Strategy is a positive step toward assisting in the restoration of anadromous fisheries in the Garcia River. Controlling sediment input is an obvious step toward improving instream habitat. More importantly, the Strategy addresses controlling the sources of sediment. NMFS also believes it is critical that a "temperature TMDL" is developed soon in recognition of the Garcia River's temperature impairment and the need to meet the "cold" water life history requirements of salmonids in the Garcia River.
2. Adoption of the Strategy is in line with Governor Wilson's Executive Order to establish a "watershed based" approach to addressing the multiple issues affecting the decline of anadromous fish in California. Clearly, the Garcia TMDL and other TMDLs as they are developed statewide will be a critical component of the Watershed Restoration and Protection Council's recommendations. NMFS intends to work with the WPRC, and will clearly be looking for "water quality" issues to be addressed in the scope of a comprehensive State planning effort. NMFS views the Garcia Strategy and adoption of that Strategy into the Basin Plan as a key step toward meeting that objective.
3. Adoption and implementation of the Strategy provides a significant amount of flexibility to landowners to address sediment issues. Flexibility in the Strategy comes from:

007648

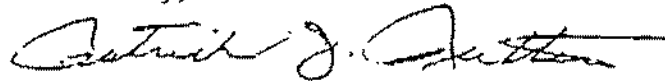
- Landowners are "sharing" responsibility through allocation of sediment sources
- Landowners are provided the freedom to create and "self monitor" their own site specific TMDLs
- Landowners are being provided generous time lines for compliance
- Landowners are being provided an Adaptive Management component to allow for change as new information is developed

NMFS views the Garcia Strategy as providing landowners significant flexibility to comply with the Clean Water Act (CWA), as well as, taking proactive steps to meet certain objectives of the Endangered Species Act (ESA) for listed coho salmon and steelhead. To put the Strategy in perspective, NMFS requirements in a Habitat Conservation Plan to comply with the ESA, the essential fishery elements to achieve properly functioning fishery habitat, and, in particular, the contractual implementation agreement, are significantly more rigorous, and binding than the Strategy. Given the non-regulatory options to develop a TMDL, and inherent flexibility of the Strategy, NMFS believes that adoption of the Strategy into the Basin Plan, and development and implementation of TMDLs by landowners should not be viewed as a burden. In many respects, the Strategy is simply good land stewardship practices seeking to restore declining anadromous fishery resources.

NMFS believes that existing regulatory programs to control sediment inputs to north coast watersheds are inadequate, or are not being effectively implemented or enforced. The numerous CWA 303(d) listed streams, and the proposed listing of additional north coast streams, reflect the need for more specific strategies and compliance standards to recover the "beneficial uses of water." The Regional Board has a significant opportunity to demonstrate leadership within California in amending the Basin Plan to incorporate the Strategy. The Board's action also has the ability to demonstrate its commitment and support for the restoration of anadromous fisheries in the Garcia River.

If you have questions, or are interested in meeting to discuss NMFS position, please contact the Regional Administrator, Dr. William Hogarth at (562) 980-4001, or myself at (707) 575-6059.

Sincerely,



Patrick J. Rutten  
Supervisor, Northern California  
Protected Resources Division

cc: R. Klampf, F. Reichmuth, A. Mangelsdorf, NCRQCB  
D. Smith, J. Freeman, USEPA - Region 9  
J. Lecky, NMFS, SWR

007649