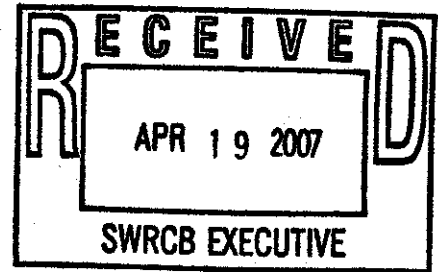


## Friends of the Navarro Watershed

PO Box 178 Philo, CA 95466 707 895-3877

19 April 2007

State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



Re: Comment Letter - Wetland and Riparian Area Protection Policy

Attn: Song Her, Clerk of the Board

Dear Board Members:

We have been working extensively within the TMDL program to restore the riparian areas of the North Coast rivers for sediment and temperature impairment. Your Informational Document at page 3 refers to the historic loss of 85 to 98% loss of California's riparian habitat. As essentially all the North Coast Rivers are impaired for sediment this policy statement is critical.

The first Action Plan approved was set up under the TMDL program for the Garcia River. Even with modest streamside protections, this river has shown good success in restoring riparian habitat. However the North Coast Regional Water Quality Control Board, acknowledging the lack of adequate staffing for implementation, has announced their intention to abandon specific action plans and rely upon their own broad policy statement and the subject Stream and Wetland System Protection Policy as "more effective than drafting and adopting individual implementation plans." For temperature impairment the Regional Board would rely entirely upon the subject Streamside Protection Policy. (Please see letter of Executive Officer Kuhlman, August 30, 2006 attached.)

The Regional Board is not alone in this position; the EPA has made it clear that they will not develop action plans for TMDL impaired rivers. (See Parrish email January 9<sup>th</sup>, 2007 attached.) Also the Mendocino County Board of Supervisors has recently rejected a grading ordinance that would establish well-defined riparian protection deferring to the regulatory agencies that they believe should be addressing this issue.

If the North Coast Regional Board is relying on this policy to meet the requirements of the technical TMDLs Action Plans for sediment control, the policy must be drafted adequately to do that. The policy statement must be scientifically based and respond effectively to the problems described in the Information Document. It must be clear and set a standard that can be adopted by agencies and local government. If the proposed policy fails to do that and proposes a weak standard it will be worse than having no policy statement at all. It would be used as an excuse for inaction, avoidance and litigation. Options 1, 2 and 3 suggest a willingness to do an inadequate and incomplete project. This is unacceptable. Option #4 is the only viable alternative for this project.

We can support the adoption by the Regional Board of a strong science based generic policy for the restoration work of TMDL sediment impaired rivers, We would also consider an alternative policy for the protection of unimpaired riparian habitat that local governmental entities would be willing to adopt. This could provide incentive to correct problems of the impaired rivers such that they could be de-listed.

The Regional Boards has expressed reliance on this policy to address temperature TMDLs as well. We believe the Scott and Shasta River TMDL action plans showed that is not possible. Thirty years of letting the riparian forest grow was shown not able to address what is an instream flow problem common to all coastal rivers. We can support a good policy focused on sediment control.

Last week the US Supreme Court upheld the Clean Air Act. The Clean Water Act is also still the law of the land and enforceable against agencies responsible for compliance with its provisions. Notwithstanding the Regional Boards desire to avoid doing action plans for individual rivers, we believe it is

their legal obligation to do so. Adoption of an inadequate policy statement for riparian restoration and protection clearly will not satisfy that responsibility.

Very truly yours,

Daniel Myers and Steve Hall for  
Friends of the Navarro River Watershed

Attachment

CC: Catherine Kuhlman  
North Coast Regional Water Quality Control Board  
Joseph Brecher  
Alan Levine  
Redwood Chapter of the Sierra Club Water Committee



Linda S. Adams  
Agency Secretary

**California Regional Water Quality Control Board**  
**North Coast Region**  
**William R. Massey, Chairman**

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www.waterboards.ca.gov/northcoast  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold  
Schwarzenegger  
Governor

August 30, 2006

Mr. Daniel Myers and Mr. Steve Hall  
Friends of the Navarro Watershed  
Post Office Box 178  
Philo, California 95466

Re: Implementation plans for sediment and temperature TMDLs and the Navarro River TMDL.  
File: Basin Planning; TMDL Implementation Policy - Sediment

Dear Messrs. Myers and Hall:

Thank you for your letter of February 7, 2006, and your concern for the completion of the implementation plans for the Navarro River sediment and temperature total maximum daily loads (TMDLs).

We are actively working to improve sediment impaired water bodies throughout the North Coast Region. We are currently executing the *Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters in the North Coast Region* (Sediment TMDL Implementation Policy). As you know, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted the Sediment TMDL Implementation Policy in November 2004, and directed staff to develop a Workplan. The Workplan will describe in detail how the Regional Water Board and staff will use available permitting and enforcement tools to more effectively control sediment waste discharges. The Workplan will also provide specific sediment reduction actions for the Navarro River watershed. We were unable to complete the Workplan by the December 2005 completion date due to staff reductions and the redirection of staff to other sediment and temperature concerns in the Scott River, Shasta River, and Klamath River watersheds. However, we are again actively working on developing the Workplan and implementing the Sediment TMDL Implementation Policy.

We remain committed to the Sediment TMDL Implementation Policy and continue to feel that it is the most effective way to reduce sediment waste discharges in the North Coast Region, and more effective than drafting and adopting individual implementation plans for each impaired water body as a Basin Plan amendment. I share your frustration with the amount of time this process is taking. We are actively soliciting additional staff resources for TMDL implementation efforts.

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**California Environmental Protection Agency**

Recycled Paper

Over the last few months, we have completed the *Desired Salmonid Freshwater Habitat Conditions for Sediment-Related Indices* (Desired Conditions Report) and drafted a staff workplan that describes the steps staff will take to complete the tasks required by the Sediment TMDL Implementation Policy. The Desired Conditions Report is available online at [www.waterboards.ca.gov/northcoast/programs/basinplan/110504/060728\\_Desired\\_Conditions\\_Report.pdf](http://www.waterboards.ca.gov/northcoast/programs/basinplan/110504/060728_Desired_Conditions_Report.pdf). Mrs. Rebecca Fitzgerald of my staff will be presenting a status update on our execution of the Sediment TMDL Implementation Policy to the Regional Water Board on September 20, 2006, in Santa Rosa. You should be receiving an agenda for the Board Meeting.

We are also working to address the many temperature impaired water bodies in the North Coast Region, including the Navarro River and its tributaries. Specifically, we are in the process of drafting the Stream and Wetlands System Protection Policy. It is our intention that this Policy address the riparian factors that contribute to high water temperatures throughout the Region. For more information on this effort, please contact Mr. Bruce Ho at 707-576-2460 or [bho@waterboards.ca.gov](mailto:bho@waterboards.ca.gov).

Thank you again for the investment of your time and energy to improve water quality. If you have any questions, please contact me or Mrs. Fitzgerald of my staff at 707-576-2220.

Sincerely,

Catherine E. Kuhlman  
Executive Officer

cc: North Coast Regional Water Quality Control Board Members  
Mr. David Smith; U.S. EPA, WTR-2; 75 Hawthorne Street; San Francisco, CA; 94105  
Mr. Alan Levine; 126 Steiner Court; Santa Rosa, CA; 95404  
Mr. Joseph Brecher; 455 Capital Mall, Suite 210; Sacramento, CA; 95814  
Mr. Paul Mason; PO Box 397; Garberville, CA; 95442  
Redwood Coast Watershed Alliance; PO Box 106; Elk, CA; 95432