

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

SUPPLEMENTAL SHEET FOR REGULAR MEETING OF JULY 9, 2004

Prepared on June 22, 2004

ITEM: 23

Supplemental Sheet – Comments – LITTLE CREEK THP

This supplemental sheet addresses comments received after the close of the comment period. The comments are paraphrased and comment letters are attached.

Kevin Collins, Board President, Lompico Watershed Conservancy submitted comments dated June 4, 2004.

rather than the 120 days previously required. However, the application must include a timber harvest plan that has been accepted for filing by CDF. Consequently, Mr. Collins' concern about waiver documents proceeding THP's will be alleviated. Because this change occurred on short notice to the foresters, exceptions to this new schedule may be made for the September Board meeting.

1. Timing of Draft Waivers: It is an odd procedure for Regional Board staff to prepare monitoring plans and waivers for THPs that have not even been accepted by CDF. Logging plans sometimes change substantially during review. I realize that the Regional Board does not want to unnecessarily delay a logging plan through its regulatory process. However the present situation of preparing waiver documents before THPs are reviewed, or even accepted for filing, appears to me to be unreasonable. It was the decision of the Board to proceed with individual consideration of each THP to avoid the need for an EIR in the first place. That places a higher standard on the procedures for processing these waivers than would be necessary under a watershed wide WDR or other form of waste discharge permit.
2. Wildlife Impacts: The Little Creek THP is of particular interest because it is in the watershed of Scott Creek. This watershed is subject to a current string of logging plan filings. THP 1-02-101 SCR covered 405 acres of terrain. A violation was recorded for over cutting in the WLPZ on this plan. A large NTMP has been returned for correction by CDF but is likely to be filed in the future. It is my understanding that another THP is soon to be filed. This expanding rate of cut is a threat to wildlife and water quality in this watershed. This Creek supports the last semi-viable population of Coho salmon south of San Francisco Bay. To be specific, there is only one year class of salmon in this stream. The NOAA fisheries staff who are conducting an emergency Captive Broodstock Program for this population of endangered salmon were unable to capture even one viable pair of juvenile Coho in the wild from this the creek, last season. That is certainly evidence of missing year classes. This indicates the extreme fragility of this fish population that

STAFF RESPONSE: Regional Board staff is proceeding with a modified time schedule that both shortens the waiver development process and is responsive to this comment. Starting with September Board Meeting, applications are due 80 days prior to the Board Meeting

was listed as endangered by the State in 1996. The federal listing is still ESA "threatened" which is a farce considering that many populations have already been extirpated (driven locally extinct in specific watersheds). The San Lorenzo population disappeared completely around 1986.

STAFF RESPONSE: Staff is aware of the concerns with the fisheries in Scott Creek. All timber harvest plans in this watershed are evaluated for potential risk to this fish habitat.

3. Unstable Areas: Much of the 91 acres of harvest area listed in the Little Creek THP falls within a mapped landslide from the Cooper Clark landslide maps. This is an obvious indication of slope instability. These maps, though of limited accuracy, are noted in every THP. The THP records substantial areas of inner gorge stream topography, which is a sign of rapid down cutting by stream power erosion. This increases up slope instability because the toes of landslide systems often terminate in the streambeds where they are subject to the erosive power of the watercourse.

STAFF RESPONSE: Staff observed localized areas of landslides with toes that terminate in streambeds. This THP incorporates road improvements, erosion control best management practices and monitoring to address erosion from unstable areas along watercourses. In particular, the THP includes a 75 foot no cut zone along Class I streams that will help prevent further disturbances of stream side landslides. Monitoring of the THP is primarily intended to ensure erosion control measures are implemented appropriately and corrective action measures are taken as soon as practical.

4. Stream Classification: Two named watercourses within the plan, Winters Creek and Archibald Creek show peculiar watercourse classifications. These streams are shown to change from Class 3 upstream to Class 2 in

their center sections and then back to Class 3 or dry in the summer. This is important because Class 3 streams have no WLPZ (Watershed Lake Protection Zone) or cutting limitations to speak of and are referred to as ELZs or Equipment Exclusion Zones only. The lower stretches of these streams may be so aggraded (filled) with erosion material that the water flows below the surface. If this is the case, it is a sign of high erosion rates that threaten the fishery and other beneficial uses. There is no explanation whatsoever in the THP to address these anomalies in stream classification.

Archibald Creek in particular has a relatively large watershed area and should be Class 2 down to its confluence with Scott Creek. This would provide dramatically more watercourse protection during the logging operation. Winters Creek shows a stock pond in the stream channel. This and aggradation may be the reason for the dry-up of the creek bed before its confluence with the main stem of Scott Creek.

STAFF RESPONSE: The stream classifications were reviewed during the preharvest inspection. Streams that change from a class II to a Class III are not unusual in the Santa Cruz Mountains. Furthermore, most of the Class III areas downstream of the Class II stream reaches on Winters and Archibald Creeks are out of the harvest area. The site plan included in the approved THP is consistent with the stream classifications observed by Regional Board staff during the preharvest inspection.

5. Water Temperature: The THP document offers water temperature information about Little Creek. It is misleading because the maximum stream temperatures near the Scott Creek confluence are dangerously high in 2000 and show a 10 degree F increase in maximum temperature between 1997 to 2000. The narrative

in the text does not reflect this temperature increase and relies on daily or weekly mean temperature readings that are less useful to assess hazard to Coho. Generally, water temperatures in these small creeks follow air temperatures and fluctuate on a daily cycle. These water temperatures can rise quickly in response to loss of shade. Coho salmon are extremely vulnerable to death at high temperatures. Stream temperatures will rise after logging because of reduced canopy on the Class 1 and 2 streams.

STAFF RESPONSE: Based on the trees marked for harvest observed during the preharvest inspection, the changes to the tree canopy are not expected to significantly change the stream temperature. In addition, no trees will be harvested within 75 feet of the Class I streams. Nevertheless, monitoring of stream temperature will be required. Regional Board staff is aware of the elevated temperature concerns near the mouth of Scott Creek. Resolution of this concern is a watershed-wide concern. Regional Board staff will continue to assess the temperature concern.

6. In Lieu Practices: This THP includes "in-lieu" practices. That is, in lieu of the standard rules. These deviations include skid trails and landings within the WLPZ in several places.

STAFF RESPONSE: The review team inspected the subject skid trails and landings and found them to be appropriate as an "in-lieu" practice.

7. Fish Barriers: The THP indicates migration barriers on Little Creek. These are given little explanation. Santa Cruz Mountain streams are very dynamic because of their highly erodible geology. Many assumed barriers are transitory and may not represent permanent barriers to anadromous fish. Steelhead in particular are surprisingly agile and able to surmount very difficult

passage barriers during the right stream flow conditions. A stream segment that is impassible in one year may be accessible by these fish in later years.

STAFF RESPONSE: Comment noted. The THP document includes a reference to a fish barrier along Little Creek up stream of the THP. This "fish barrier" was not inspected during the preharvest inspection because it is not within the plan area or influenced by this timber harvest. Staff agrees that all fish barriers should be carefully evaluated to determine whether they block fish passage in all circumstances. If a timber harvest plan adjacent or upstream of this "fish barrier" is proposed, this issue will be further investigated.

8. Monitoring Plan: The monitoring plan for this THP does not include any turbidity sampling despite the fact that Little Creek has installed, in stream continuous turbidity and water flow measuring devices that are part of the "Little Creek Study". This THP is on land owned by the State of California as part of the assets of Cal Poly. To my knowledge the study is publicly funded and in progress. Data from the monitoring sites up and down stream on Little Creek could be very informative and will exceed anything available to the Regional Board regarding turbidity measurement in forestland. Pre-THP (background) data is available. The release of data from these monitoring sites would be an entirely reasonable sign of cooperation between a State agency charged with protecting water quality and a State University. I fail to understand why the monitoring plan from the Regional Board does not include data from these measuring devices. If Cal Poly is reluctant to provide this information for reasons of their own, this is a problem for the people of this State. Cal Poly has demonstrated its support of the timber industry more than once and the school trains RPFs (foresters). What

ever the reasons are that the monitoring information from their study is not included in the monitoring plan for their THP, they are unreasonable. Mere pie charts or graphs are not acceptable. The "raw" data is what counts. It is not subject to statistical manipulation. The Regional Board should expect cooperation on this very important matter. Releasing this data to the Regional Board does not compromise the study or its final analysis by the researchers involved. However, it could inform the difficult process the Board has before it of finding a way to legitimately monitor sediment discharge.

STAFF RESPONSE: Because the Little Creek Study is publicly funded, it will eventually become public record once it is published. The Cal Poly researchers have requested that the Regional Board not require submittal of the monitoring data because it could interfere with funding of the Study and adversely influence the objectivity of the study in the eyes of the scientific community. Nevertheless, the Cal Poly researchers have offered to fully cooperate with Regional Board staff to help resolve current monitoring issues.

The Ocean Conservancy (signed by Sarah Newkirk, Kevin Collins and Jodi Frediani) has submitted comments dated June 23, 2004.

9. Past Comments: Our concerns regarding all waivers on the July agenda are substantially identical to the concerns we expressed in prior

comments. Dated January 30, 2004, and April 27, 2004. Consequently, we hereby incorporate our January 30 and April 27 comments by reference.

STAFF RESPONSE: Comment noted.

10. Monitoring: Cal Poly is conducting an extensive research study exploring the impacts of logging on the watershed. Yet despite nagging questions about the resources to answer some of these questions, staff does not appear willing to propose more than a run of the mill monitoring and reporting plan. We urge the Board to require more.

Jodi Frediani, Citizens for Responsible Forest Management May 12, 2004 Ms. Frediani's comments were addressed in the staff report for this item. A copy of her letter was not included in the original agenda but is included here.

STAFF RESPONSE: See response to comment 8.

ATTACHMENTS

- June 4, 2004 Letter by Kevin Collins
- June 23, 2004 letter by the Ocean Conservancy
- May 12 Letter by Jodi Frediani

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