



Water Department
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May 17, 2005

Mr. Howard Kolb
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RE: Draft General Conditional Waiver of Waste Discharge Requirements - Timber Harvest
Activities in the Central Coast Region - Resolution NO. R3-2005-0066.

Dear Mr. Kolb,

City of Santa Cruz Water Department (City) staff have reviewed the California Regional Water Quality Control Board (CRWQCB) Central Coast Region staff reports of January 20, 2005 and April 7, 2005, including associated attachments. Additionally, for context of the proposed Timber Waivers, City staff reviewed other RWQCB documents including the: Basin Plan, San Lorenzo River Basin Plan Amendment for Sediment (May 2003), Triennial Report (2001), and Watershed Management Initiative (Jan 2002).

As you are aware, the City operates a municipal water-supply system. Our water-supply watersheds include substantial areas of lands managed for timber production, particularly within the San Lorenzo River watershed. The City has been involved with the review of timber operations within our water-supply watersheds for many years. Additionally, the City owns and manages approximately 4,000 acres of watershed property, much of it forested, and managed for timber production in the past. The City is also in the process of completing a Habitat Conservation Plan which includes aquatic species. Therefore the City will share an increased regulatory burden if these species are not equally protected throughout their range.

We would first like to acknowledge CRWQCB staff and the Board for the substantial amount of work that has gone into the Draft Waiver. Some of the concerns we had with the staff report from January have been addressed and clarified in the April staff report, particularly regarding cumulative impacts and ranking criteria for impaired watersheds.

Listed below are our comments on the Draft Conditional Waiver for Timber Harvest Activities in the Central Coast Region (Draft Waiver).

Comments on Monitoring:

We support the monitoring of both Class I and II streams with perennial flow. Class II streams are of particular concern given the levels of cutting allowed by the current Forest Practice Rules (FPR's).

The Initial Study and MRP state that monitoring data will be reviewed, and some percentage ground truthed by CRWQCB staff per the Draft Waiver. Field review by CRQCB staff should be scheduled for the rainy period, during rainstorms for turbidity monitoring, since the comparative sampling under the Draft Waiver would be completed under similar conditions. Sampling should be correlated with stream flow and rainfall observations, if parallel on-site flow measurements are not possible. This would likely require an increase in the RWQCB staffing levels, since most past compliance monitoring has typically taken place while staff is out on other pre-harvest inspections, which are often during the dry season.

There are possibilities for CRWQCB staff to share some of these duties with CDF inspectors who also make inspections during the winter period. Additionally, the Hillslope Monitoring Group (HMG) may be able to expand some of their field work to include water quality monitoring. With the HMG analysis of WLPZ roads, stream crossings, etc. they will be at locations which will be subject to monitoring by the Draft Waivers. There is also the possibility of establishing a Water Quality Monitoring group to conduct monitoring on selected THP's in place of, or in addition to, the water quality compliance monitoring proposed in the MRP. Some sort of collaborative monitoring group may be able to provide more meaningful data than that proposed by the Draft Waiver. Monitoring should be conducted for THP's ranked in Tier II and III. A subset of the THP's reviewed should also include pre-project monitoring (see Jack Lewis abstract and presentation, December 2003 Conference on Water Quality Monitoring).

As noted in the Initial Study for the Draft Waiver, the Water Board, California Department of Forestry (CDF) and Board of Forestry (BOF) all have direct authority, responsibility, staffing resources, and expertise to require that timber harvest activities are implemented, enforced, and evaluated. The 1988 Management Agency Agreement between the agencies and Boards seems to provide the framework for a group monitoring effort. This would also be consistent with the RWQCB Watershed Management Initiative (Jan 2002, goal #6), to implement monitoring of select timber harvest operations to minimize water quality impacts and to refine local timber harvest practices. Additionally, the Basin Plan (Chapter 6 section II) discusses quality control and data management requirements including professional labs and approved QA/QC programs. An inter-jurisdictional program may better achieve these goals, as this information will almost certainly be utilized as part of the overall monitoring strategy for the Basin Plan and amendments (TMDL's).

While we believe that monitoring is important, it is also important to recognize the goals and limitations of monitoring for THP's. THP areas have typically been altered by original clear-cut era logging, and subsequent harvests under more recent entries. In essence, most watercourses have already been degraded. Maintaining existing conditions may be a fair starting point, but will

not improve the conditions which have contributed to water bodies being listed as impaired, and associated aquatic species listings.

Comments on the Initial Study:

Staffing:

The level of review and anticipated staffing levels are based on the current level of proposed THP's, which are noted as numbering between 15-25 annually for the Central Coast Region. This low volume is a relatively new development, and potentially subject to change. If this document was being prepared in the mid to late 1990's there would be approximately 50 THP's to review annually for Santa Cruz County alone. Staffing levels should be flexible to accommodate swings in THP levels, and should be funded by the THP process, similar to water rights applications and Department of Fish and Game "1600" permits. It appears that the proposed RWQCB staffing level of .6 person years may be inadequate to accommodate THP review, and storm monitoring.

County Timber Harvesting Ordinances:

The Initial Study states that Santa Cruz County has stringent requirements in addition to the FPR's. It should be clarified that these stringent requirements (including no-cut buffers of 30'-50' for Class II and Class I streams) only apply to harvests of less than 3 acres in size. Special County Rules have been adopted into the FPR's, however, many proposed rules have also been turned down by the BOF. These included proposed rules to protect stream corridors with no-cut zones, consistent with other land use regulation (noted above). The City supported the proposed rules for the increased stream protections, which were subsequently denied by the BOF.

Section IV. Biological Resources:

This section discusses the protection measures of the FPR's, and that the FPR's, including a prohibition on even-aged silviculture (clear cutting), ensures "that biological habitat is not reduced across the watershed." The existing FPR's allow the reduction of total canopy within the Watershed and Lake Protection Zone (WLPZ) of Class II watercourses to 50% of pre-harvest condition, and requires only that 25% of the over story be composed of conifers (14CCR 916.5). For recruitment of LWD, only two conifer trees per acre, at least 16" dbh and 50' tall, within 50' of the watercourse is required (14CCR 916.3).

This regulation, with 10-14 year reentry periods, will maintain these watercourses in a perpetual state of adolescence and disturbance, which will reduce the stream side zones ability to filter and store sediment, reduce the stability of the stream beds and banks, reduce the recruitment of LWD, and affect temperature. These are all important to protect beneficial uses of cold freshwater habitat, estuarine habitat, threatened or endangered species, and municipal water supplies.

The FPR's had similar "protections" (50% canopy removal, no LWD specifications) for Class I streams until 1996 for Coho streams, and even later for other Threatened and Impaired watersheds. Fortunately, the FPR's were (at least temporarily) changed to better protect Class I's. Unfortunately, they haven't been changed adequately to protect Class II's. There is a wealth of

literature which supports greater protection for Class II streams for beneficial uses (Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat (SRP), June 1999; NMFS Salmonid Guidelines for Forestry Practices in California, 2000; Evaluating the Biological Significance of Intermittent Streams; Reid and Ziemer, 1994; Northwest Forest Plan, (FEMAT), 1993; Sierra Nevada Ecosystem Project (SNEP), 1996). The RWQCB should require additional protections to Class II streams as a Best Management Practice (BMP) under the Draft Waiver. This would increase protections for numerous beneficial uses throughout a significant portion of the watersheds. The Basin Plan identifies the goal of preservation or enhancement of aquatic habitat, and vegetation for Cold Fresh Water Habitat, and the requirement to support the habitat necessary for the survival and successful maintenance for Rare Threatened or Endangered Species.

The Watershed Management Initiative (January 2002) for the Region, specifies a goal of coordinating with the National Marine Fisheries Service and the California Department of Fish and Game to ensure restoration and protection of fish and wildlife habitat. The Central Coast RWQCB has proposed developing a Riparian Corridor Protection Policy for a number of years. The protection of Class II streams is essential for the protection of beneficial uses. No cut/ disturbance buffers should be included as a condition of the waivers, as a BMP, at least until the coordination and policy development noted above is completed.

Section VI. Geology and Soils:

As with the biology section, the Initial Study states that compliance with the FPR's and the prohibition of even aged silviculture will insure that geologic stability is not reduced across the watershed.

Roads are the primary cause of human-induced geologic and soil failures which impact the beneficial uses of water within the Central Coast Region. The impacts of roads on the beneficial uses of water are well known (Forest Roads: A Synthesis of Scientific Information, Gucinski et al, 2001; FEMAT, 1993; SNEP, 1996; SRP 1999). Between 1987 and 1995, approximately 120 miles of timber harvest roads were constructed under the FPR's within Santa Cruz County alone. It is suspect that this would ensure geologic stability across the watershed. This is in addition to an extensive network of pre-existing "legacy" roads totaling hundreds of additional miles. Selective silviculture often requires substantial road networks, and legacy roads are often in close proximity to watercourses, and have been built in locations and to lesser standards of construction than currently allowed. Regardless, they are still widely used for THP's within the Region. The nature of the smaller, non-industrial land ownership of the region has actually hindered the type of remediation which is being undertaken on larger tracts of land elsewhere, namely road removal and restoration. Landowners often wish to keep as much road as they now have, and are typically reticent to relinquish control of access to their property to adjacent property owners. These conditions essentially insure geologic and soil instability across the watershed as opposed to ensuring stability. The level of geologic and soil instability is well documented in THP's, and agency reviews as "mitigation sites", and mapped locations of instability. Many of these have directly impacted beneficial uses of water. Given these conditions, CDMG review of THP's, while beneficial, can at best reduce geologic and soil impacts to water quality, not prevent it as implied in the Initial Study.

Chapter 5 of the Basin Plan was revised to include a portion of the developing Riparian Corridor Protection Policy. It recommends that filter strips of a minimum width of 30' be required between significant land disturbance activities and watercourses. Roads are areas of significant land disturbance. No cut/entry buffers should be required as conditions for any waiver where road related impacts are effecting watercourses.

Section VIII. Hydrology and Water Quality:

As with the previous sections, the FPR's and lack of even-aged silviculture have not eliminated impacts to hydrology and water quality within the Central Coast Region. The Basin Plan Amendment for sediment impairment of the San Lorenzo River (May 2003) lists THP roads and active/ recent THP parcels as sources contributing to impairment. To conclude that these are less than significant impacts for the proposed waiver is somewhat baffling. A 27% reduction in sediment loading for the San Lorenzo River has been targeted to achieve a level where the river is no longer sediment impaired. This includes reductions from THP sources. Given the continued impacts defined in the previous sections, and the FPR's inability to prevent all impacts, the proposed waivers should include the requirement for no-cut/disturbance buffers adjacent to watercourses.

The Basin Plan (Chapter 5, V.H.10 (2)) recommends pursuing monetary incentives for cost sharing grants and/or tax breaks for water quality protection. This should be further explored for protecting and enhancing the critical zones adjacent to watercourses.

In summary, the City supports the monitoring strategy proposed in the Draft Waiver, but believes that a more meaningful monitoring program could be implemented by utilizing the expertise, staffing, and responsibility, of a number of involved agencies. Additionally, we are concerned with the basis for the findings of "less than significant" in the Initial Study, regarding protections to watercourses based upon the existing FPR's, and the type of silviculture. Additional protections for no-cut buffers adjacent to watercourses are well supported in the literature, and would better protect beneficial uses.

Thank you for the opportunity to comment on the Draft General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities in the Central Coast Region.

Sincerely,

 **Chris Berry**

Signature Not
Verified

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Berry
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Chris Berry-
Water Resources Manager

cc: read file