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Agency Secretary

**California Regional Water Quality Control Board**  
**North Coast Region**  
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Arnold  
Schwarzenegger  
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To: Selica Potter,  
Acting Clerk to the Board

From: Cat Kuhlman   
Executive Officer

Date: December 1, 2005

Subject: **Comments on SWRCB Staff Recommendation for the 2004-2006 303(d) List Update**

Thank you for the opportunity to review and comment on the State Water Resources Control Board report, "REVISION OF THE CLEAN WATER ACT SECTION 303(d) LIST OF WATER QUALITY LIMITED SEGMENTS" (303(d) Update report), dated September 2005. The 303(d) Update report represents a significant effort to assemble important information required for meaningful continuous planning. State Water Board staff is to be commended for the level of effort required to prepare this 2006 - 303(d) Update report. Comments on factual content and procedural considerations are provided below. First, however, please accept some information about the impaired status of the Laguna de Santa Rosa.

The Laguna de Santa Rosa, tributary to Mark West Creek, thence the Russian River, thence the Pacific Ocean, is impaired due to a variety of human activities, including watershed urbanization, removal of riparian vegetation, hydromodification, loss of flood retention capacity, and discharges of treated wastewater, urban storm water runoff, and various nonpoint sources of pollutants. Though greatly reduced in size and assimilative capacity, the Laguna provides important migratory waterfowl habitat and natural wetland water quality protections. For more than thirty years, considerable effort has led to progress in reducing discharges of untreated effluent, agricultural runoff, and construction site storm water, while protecting and enhancing portions of the historic riparian wetlands. This same time period has been marked by considerable increases in developed, paved, drained areas; sanitary sewer service areas; increased discharges of treated wastewater and increased peak storm water runoff. One of the most widely recognized impacts to the Laguna de Santa Rosa water quality has been the exceedence of the assimilative capacity for biostimulatory substances (nutrients), primarily phosphorus and nitrogen. The level of phosphorus entering the Laguna de Santa Rosa in sediment, agricultural runoff, and effluent discharges is so great that phosphorus is sequestered into the sediment, and

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cycled into the biota with any additions of available nitrogen. The nitrogen levels are additionally seen in concentrations that have direct impacts on water quality, including transient levels of unionized ammonia in exceedence of wildlife criteria. Together, the excess biostimulatory substances (phosphorus and nitrogen) contribute to additional secondary water quality impairments, including nuisance plant growth (*Ludwigia* is a recent example of particular concern) impairing REC1 and REC2 beneficial uses, and low dissolved oxygen levels.

The SWRCB staff recommendation to remove the Laguna de Santa Rosa listings for phosphorus and nitrogen is not supported by the weight of evidence, nor is it consistent with the 303(d) Listing Update Policy adopted by SWRCB September 2004. Regional Water Board staff would not have brought forward this de-listing recommendation to the State Water Board for consideration at this time, and recommend a conservative approach, requiring no SWRCB action to delist.

As to the opportunity for improving report clarity, the naming convention needs to include both the actual basin plan water body affected as well as the common name for that portion affected. Some listing actions are based on evidence of a single point, some for a reach of stream, some for a defined drainage area. A clear description, with a map of an appropriate scale, should be provided for each recommended list change. It would also be informative to provide the same (description and map) for each of the watershed pollutant pairs where the recommendation is no change in status.

Finally, the topics addressed above provide case studies in support of the 303(d) List Update approach prescribed in the September 2004 Listing Policy (as contrasted with the top down approach before you at this time). Allowing the Regions to first solicit, compile, evaluate, notice and bring to hearing the Regional updates, as has been the case for past updates, and as is required under the September 2004 Policy, would have saved considerable effort.

Regional Water Board staff looks forward to working closely with State Water Board staff in correcting the recommendations prior to consideration at State Water Board hearing.

Thank you for your consideration.

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Cc: SWRCB members

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