



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

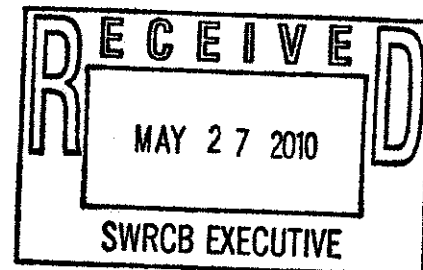
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Sent via U.S. Mail & E-Mail

commentletters@waterboards.ca.gov

May 28, 2010

Jeannie Townsend
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Re: *Comment Letter – 2010 Integrated Report / Section 303(d) List*

Dear Members of the Board:

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home, and the rural community. Farm Bureau is California’s largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 81,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California’s resources.

Farm Bureau appreciates the opportunity to comment on the Proposed 2010 Integrated Report: Clean Water Act Section 303(d) List of Water Quality Limited Segments and Clean Water Act Section 305(b) Assessment of Surface Water Quality (“Integrated Report”).

The 2010 Integrated Report provides the recommendations of the staff of the State Water Resources Control Board (“State Board”) for changes to the 2006 Clean Water Act (“CWA”) Section 303(d) list of impaired water bodies. Due to errors in the original listing, Farm Bureau respectfully requests the State Board to *not* approve the “Do Not Delist” Recommendations as currently proposed. Specifically, Farm Bureau requests the State Board to *delist* Pescadero Creek for sedimentation/siltation impairments rather than support the current recommendation of “do not delist.”

Flawed Original Listing

The Listing Policy calls for the delisting of waters if the decision is found to be faulty and it is demonstrated that the listing would not have occurred in the absence of such faulty data. The original listing was based solely on a two page letter from the Department of Fish and Game briefly stating general concerns for Coho salmon and steelhead in streams south of San Francisco Bay. The letter provided no evidence documenting any sedimentation issues in Pescadero Creek or that the habitat within Pescadero Creek was in any way compromised by sediment.

Estimation of sediment loading in a stream typically requires utilizing automated event samplers to collect a limited number of total suspended solids samples for laboratory analysis. However, no such samples were collected or evidence gathered in order to warrant listing Pescadero Creek as impaired for sediments.

Additional lines of evidence further disprove the need to list Pescadero Creek for sedimentation/siltation. Lines of evidence state:

Most of the samples indicate optimal or suboptimal fish habitat and the benthic bioassessments indicate most of the samples have good or excellent ratings. (California Regional Water Quality Control Boards, Region 2, Fact Sheets Supporting "Do Not Delist" Recommendations (Nov. 2006), p. 140.)

Assessments of physical habitat quality, biotic conditions, pool habitat quality, and water quality in the Pescadero-Butano watershed revealed the following overall fisheries habitat conditions currently present in the watershed: (1) Accessible salmonid habitat is fairly abundant throughout the watershed, (2) salmonid habitat quality is higher in the mid and upper Pescadero Creek watershed and lower in the Butano Creek watershed as well as the low gradient reaches of Pescadero Creek, (3) pool habitat is fairly abundant but of limited depth and suboptimal cover, (4) water quality throughout both watersheds is generally adequate for salmonids and other aquatic organisms. (California Regional Water Quality Control Boards, Region 2, Fact Sheets Supporting "Do Not Delist" Recommendations (Nov. 2006), p. 142.)

In addition, the September 2005 Fact Sheets Supporting "Do Not List" Recommendations determined that Pescadero Creek should not be listed for turbidity. (California Regional Water Quality Control Boards, Region 2, Fact Sheets Supporting "Do Not List" Recommendations (Sept. 2005), p. 105.) Turbidity is a measurement of the decrease in transparency of stream water as light is scattered by suspended particulate matter. (Ziegler, Issues Related To Use Of Turbidity Measurements As A Surrogate For Suspended Sediment, 2002.) Turbidity measurements may correlate closely with

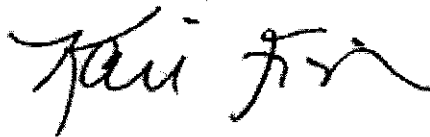
sediment concentrations in streams. Thus, due to correlations between turbidity and sediment, and the fact that the same data was used to obtain opposite listing results for turbidity and sediment (not to list for turbidity and not to delist for sediment),¹ the State Board should not adopt the 2010 Integrated Report and Section 303(d) list until further studies may be completed.

Current Conditions

Since the time of listing of Pescadero Creek for sedimentation impairment, the Department of Fish and Game has reintroduced Coho salmon to the creek. Prior to reintroduction, the Department of Fish and Game conducted stream studies. After finding good habitat conditions, low turbidity, low sediment, and high water quality, the fish were reintroduced and have successfully spawned. Given the current quality of Pescadero Creek, which has prompted state and federal agencies to determine its ability to support fish species, the sediment listing for Pescadero Creek is unwarranted and unnecessary.

Based on the correct data and information that was readily available at the original time of listing and is currently available now, the weight of evidence indicates that there is insufficient justification for maintaining the sedimentation listing. As such, the Pescadero Creek sediment listing should be removed from the 2010 Integrated Report and Section 303(d) list.

Very truly yours,



KARI E. FISHER
Associate Counsel

KEF:pkh

¹ The "Narrative Description Data" used to conclude that Pescadero Creek did not warrant listing for turbidity was the *exact same data* used to conclude that Pescadero Creek should not be delisted for sediment. (See (California Regional Water Quality Control Boards, Region 2, Fact Sheets Supporting "Do Not List" Recommendations (Sept. 2005), pp. 106-107; California Regional Water Quality Control Boards, Region 2, Fact Sheets Supporting "Do Not Delist" Recommendations (Nov. 2006), p. 143.)