ADDED GPV Comments 7/11/14

July 10, 2014

To: Ryan Sundberg
Humboldt County 5th District Supervisor
1106 Second Street
Eureka, CA 95501

From: 5th District Watershed and Fisheries Professionals

Dear Mr. Sundberg:

This letter addresses the Conservation and Open Space section of the General Plan Update (GPU), specifically Section 10.3, Biological Resources and the definitions of streamside management areas (SMAs) in sub-section BR-S5. The overall goal stated in this section of the GPU is to maintain and restore the biological and fisheries resources in Humboldt County watersheds with an "emphasis on the protection and restoration of endangered and threatened species". Based on our collective professions and work experience, we feel that the standards currently being considered by the Board of Supervisors (BOS) fall well short of meeting this stated goal and are insufficient to maintain, let alone restore listed salmonid species such as coho salmon and steelhead.

We share many of the concerns that representatives from the California Department of Fish and Wildlife (CDFW) have repeatedly presented to the BOS, including the CDFW letter dated May 15, 2014. This letter emphasized three concerns regarding SMA definitions in BR-S5: 1) unclear and incompatible reference to the Forest Practice Rules, 2) intermittent streams receiving narrower setback widths than perennial streams, and 3) starting the setback buffer at the "stream transition line".

Forest Practice Rules

The Forest Practice Rules (FPRs) apply to timber harvesting and related activities (habitat modification) that occur on a sporadic basis and are typically followed by reforestation efforts that restore the buffer. Applying these protections to mitigate or offset permanent development (habitat conversion) adjacent to stream channels is inappropriate. We recommend that references to the FPRs are removed from the Biological Resources section of the GPU.

Intermittent versus Perennial Streams

The weaker setbacks for intermittent, yet fish-bearing, streams are of grave concern. We fail to see any biological rationale behind the weaker standards proposed in the current draft of the GPU. First of all, coho salmon and steelhead regularly use streams for spawning and rearing that seasonally go dry. These smaller streams often comprise a significant portion of a larger watershed's total spawning and rearing habitat. Over-wintering juvenile coho salmon use side channels, alcoves, ox bows and other areas of the channel and floodplain which are often dry during the

summer months; yet these seasonally wet areas are absolutely vital to the survival of these listed fish.

Second, stressors such as changing climate, cycles of drought, increased residential and agricultural development, and illegal water diversions for marijuana cultivation are currently rendering historically perennial streams to now go dry during the summer months. If the goal of the Biological Resources section is to protect and restore listed fish species, BR-S5 should be providing more protection for these over-taxed streams, not weakening SMA standards for intermittent streams.

Third, the SMA definitions should be clearly written and easy for landowners and regulators to employ; however the delineation of a stream reach as either perennial or intermittent may be problematic. For example, who makes the determination? When is this determination made? Some streams may have perennial summer flow after wetter winters, but may go intermittent after drier winters.

Finally, as currently written, BR-S5 fails to recognize (or acknowledge) the connectivity of intermittent stream reaches to downstream perennial channels. Impacts caused by development within the SMAs of intermittent streams can also affect the water quality and instream habitat throughout the watershed as increased sediment or thermal loading move downstream.

We recommend that BR-S5 is re-written so that intermittent streams that seasonally support fish receive the same SMA protections as perennial fish-bearing streams. We recommend that the GPU provide at least 150 foot SMA setbacks on <u>all</u> fish-bearing stream channels. Informational sources for defining current and historic fish distribution are available from CDFW, NOAA Fisheries and the CalFish website. Non-fish-bearing streams should receive a setback distance of at least 75 feet, as currently defined in the Biological Resources section of the GPU.

<u>Starting Location of SMA Buffers</u>

CFDW's May 15, 2014 letter described in detail the problematic nature of starting SMA setback buffers at the "stream transition line". As currently written, the standard places a majority of the protection emphasis within the wetted channel and potentially allows development to abut and encroach into the riparian vegetation. Development in these streamside areas has numerous direct and indirect impacts to flood attenuation, water quality, aquatic habitat and listed fish species. We concur with CDFW's recommendation to eliminate the use of the stream transition line and to start the SMA setback buffer at the top of bank or outer edge of the riparian vegetation, whichever is greater.

The BOS also received comments from NOAA Fisheries in June of 2012 that noted the GPU's definition of riparian buffers failed to protect the ecological functions of floodplain habitats and that the County should include floodplains as a sensitive habitat area. Given the most-recent GPU language, the County has still failed to address this issue raised by the federal entity charged with the recovery of listed coho salmon and steelhead.

In closing, we encourage the BOS to develop SMA definitions that are science-based and consistent with state and federal regulations. The maintenance and recovery of Humboldt County's salmonid populations should be a priority goal of the GPU due to their economic and cultural importance to our tribal, commercial and sport fisheries.

5th District Watershed and Fisheries Professionals:

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