UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404-4731

August 17, 2020

Tennis Wick
Permit Sonoma Director
County of Sonoma
Permit and Resource Management Department
2550 Ventura Avenue
Santa Rosa, California 95403

Dear Director Wick:

This letter communicates the NOAA's National Marine Fisheries Service's (NMFS) comments regarding the public review draft of Sonoma County's (hereafter "County") Local Coastal Plan (hereafter "Plan"). NMFS is responsible for conserving threatened and endangered marine species under the federal Endangered Species Act (ESA), and ESA-listed Central California Coast (CCC) coho salmon (*Oncorhynchus kisutch*), CCC steelhead (*O. mykiss*), and California Coastal Chinook salmon (*O. tshawytscha*) reside within many rivers and streams throughout coastal Sonoma County. Our comments below are being submitted to assist Sonoma County in minimizing impacts to ESA-listed salmonids and their habitat that may result from coastal land-use and development.

Open Space and Resource Conservation Element: Section 3.2

Policy C-OSRC-5a(1): NMFS commends the County on requiring a biological resource assessment for all proposed development that could have an impact on biological resources. We respectfully request that those assessments be available for timely review by pertinent state and federal resource agency staff, including NMFS, to ensure designated critical habitat for ESA-listed salmonids is protected to the fullest extent practicable.

Policy C-OSRC-5b(7): As noted in your Policy C-OSRC-5b(1), ESHA includes "areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law", which would include federally-listed critical habitat for Chinook salmon, coho salmon, and steelhead. Accordingly, we respectfully request that state and federal resource agency staff be allowed to review any biological assessments used to justify smaller buffer distances surrounding Environmentally Sensitive Habitat Areas (ESHA).

Policy C-OSRC-5c(3): NMFS commends the County for proposing policies that intend to limit stream channel impacts and channelization. NMFS recently completed a programmatic biological opinion in consultation with the U.S. Corps of Engineers (SF District) that encourages the use of bio-engineered bank stabilization when protecting critical infrastructure threatened by streambank erosion. Designing and implementing bio-engineered projects in accordance with the programmatic biological opinion will significantly streamline federal project permitting.

Policy C-OSRC-5c(6): The policy refers to "Anadromous Fish Streams", but qualifies that terms as "Chinook and Coho Salmon Habitat". Steelhead are a federally-listed anadromous species, and as such should be included in the above qualifier.

Policy C-OSRC-5c(8): We request that NMFS be included as an agency "responsible for natural resource protection", and thus be afforded the opportunity, like the California Department of Fish and Wildlife, to review and provide comment on permit applications near streams or waterways.

5.2 Soil Erosion

Section 5.2 includes the following paragraph:

> *"Hillside cultivation and overgrazing are a particular concern in agricultural areas. Measures are needed to reduce erosion. However, erosion protection measures may not always be cost effective for the landowner."*

The last sentence appears to be a non-sequitur, and does not contribute to a section that is attempting to promote and encourage soil conservation and management practices. If soil erosion is such a potential threat that appropriate protection measures are not "cost-effective" to a landowner, then the project in question should be denied a permit until such measures can be implemented.

Water Resources Element

Section 1.1: The Plan states the following concerning water quality degradation:

> *"To achieve this purpose, water resource management should consider the amount of quality water that can be used over the long-term without exceeding the replenishment rates over time or causing long-term declines or degradation in available surface water or groundwater resources."*

The reference to an "amount of quality water that can be used over the long-term without exceeding the replenishment rates over time" is confusing, since water quality concerns a change in water quality parameters and/or pollution content rather than an "amount of quality water that can be used." We recommend the above sentence be rephrased or omitted, and suggest the County request assistance from the North Coast Regional Water Quality Control Board in developing appropriate language for minimizing water quality degradation.

Section 2.3 – Aquifers: The plan states that groundwater *"is an important source of agricultural, industrial, and domestic supply in Sonoma County."* We recommend that environmental uses be added to this sentence, since many streams in Sonoma County rely predominantly on groundwater inflow to maintain suitable flow volume and water quality during summer months.

Furthermore, on the following page (page 5) and in Section 3.2, the Plan downplays the ability of Franciscan geology to supply adequate groundwater accretion to streams and rivers throughout the county. Recent legal testimony presented during a water right hearing on the North Fork Gualala River challenges this viewpoint, instead explaining that bedrock springs in Franciscan geology can

"play a significant role in maintaining the late summer base flows found in many … streams and rivers".[1]

Policy C-WR-1a: The Plan states "… approval for any project proposed within 200 feet of an impaired surface water shall include as conditions of approval design features and mitigation measures to prevent impacts to the quality of such waters". NMFS supports this proposed addition to the Plan, and encourages the County to better define how impaired surface waters will be defined and delineated. We suggest the County coordinate with the Regional Water Quality Control Board and their definitions of impaired water bodies when determining streams and rivers that fall under this policy.

Objective C-WR-2.1: The Plan includes the following objective:

> *"Conserve, enhance, and manage groundwater resources on a sustainable basis that assures sufficient amounts of clean water required for future generations, the uses allowed by the Local Coastal Plan, and the natural environment."*

The Plan and associated policies do not require potential environmental impacts from pumping be analyzed or addressed prior to well development and pumping by an applicant. The direct diversion of surface flows can lower flow levels and stress rearing salmon and steelhead; groundwater pumping can also impact stream hydrology (Barlow and Leake 2012). Throughout coastal Sonoma County, alluvial aquifers are often interconnected to surface flow and, depending on geologic and morphologic constraints, can either augment or diminish that flow. Where the groundwater aquifer supplements streamflow, the influx of cold, clean water can be of critical importance to maintaining adequate water temperature and flow volume, especially during summer dry periods. Pumping from these aquifer-stream complexes can lower groundwater levels and interrupt the hyporheic flow between the aquifer and stream. When this happens, summer streamflow can recede degrading water quantity and quality to the point where juvenile steelhead and salmon may not survive.

The Plan also fails to achieve congruence with an important California Superior Court decision on the Scott River finding that public trust resources, such as ESA-listed salmonids, must be protected from harm caused by extracting groundwater (Environmental Law Foundation, et al. v. State Water Resources Control Bd., et al., Case No. 34-2010-80000583, July 14, 2014). The court also determined that Siskiyou County, as a subdivision of the State, must consider public trust resources when issuing groundwater well drilling permits. The ministerial well permitting process proposed utilized by Sonoma County fails to consider public trust resources when issuing drilling permits.

Figure-C-OSRC-2-Environmentally-Sensitive-Habitat-Map-Series: The map series for ESHAs only recognizes steelhead presence in the Russian River, Salmon Creek, and Estero Americano.

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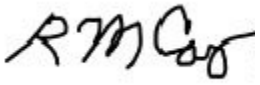
[1] "… Franciscan sandstone being highly fractured. Because the fractured rock is hard and strong, the included fractures can stay open at depth, resulting in a secondary porosity. Where fractures communicate or connect within the sandstone unit, that unit will possess secondary permeability. As such, fractured sandstone aquifers are actually quite common within the Franciscan formation. …. It is my opinion that these long-term, large production bedrock springs play a significant role in maintaining the late summer base flows found in many …. streams and rivers. Even in the absence of observable spring discharges, ground water contained within hillside terrain of the Franciscan formation can drain down gradient and provide base flow recharge to adjacent river systems." Testimony of John T. Philips, a geologist with an extensive professional experience with the Franciscan formation (https://www.waterboards.ca.gov/waterrights /water_issues/programs/hearings/ngwc_groundwater/docs/gualala_exhibits.pdf).

However, identified dependent steelhead populations from Spence et al. (2008) exist also in Kohlmer Creek, Fort Ross Creek, Russian Gulch, Scotty Creek, and tributaries of the Bodega Harbor.

NMFS appreciates the opportunity to comment on the draft Local Coastal Plan, and suggest ways to minimize its potential impact on streamflow and ESA-listed salmonids. We look forward to working with the County in recovering salmon and steelhead populations while ensuring Sonoma County's economy remains strong. If you have any comments or questions regarding this letter, please contact Mr. Rick Rogers at rick.rogers@noaa.gov, or 707-578-8552.

Sincerely,



Bob Coey
North Coast Branch Supervisor
North-Central Coast Office

e-cc: Bryan McFadin, North Coast Regional Water Quality Control Board (Bryan.McFadin@waterboards.ca.gov)
Jessie Maxfield, California Department of Fish and Wildlife (Jessica.Maxfield@wildlife.ca.gov)
David Hines, California Department of Fish and Wildlife (David.Hines@wildlife.ca.gov)
Lisa Hulette, County of Sonoma, Natural Resources Division (Lisa.Hulette@sonoma-county.org)

References

Barlow, P.M., and Leake, S.A. 2012. Streamflow depletion by wells—Understanding and Managing the Effects of Groundwater Pumping on Streamflow: U.S. Geological Survey Circular 1376. 84 pages. Available at: http://pubs.usgs.gov/circ/1376/.

Spence, B.C., E.P. Bjorkstedt, J.C. Garza, J.J. Smith, D.G. Hankin, D. Fuller, W.E. Jones, R. Macedo, T.H. Williams, and E. Mora. 2008. A framework for assessing the viability of threatened and endangered salmon and steelhead in the North-Central California Coast Recovery Domain. NOAA Technical Memorandum NOAA-TM-NMFS-SWFSC-423. U.S. Department of Commerce, NOAA, National Marine Fisheries Service, Southwest Fisheries Science Center, Santa Cruz, California. 194 pages.