



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 22, 2019

Lisa Wood
SEPA\NEPA Coordinator
WDFW Regulatory Services Section
600 Capital Way North
Olympia, WA 98501-1091

Re: DNS 19-042

Dear Lisa Wood:

Thank you for the opportunity to comment on the determination of nonsignificance for the Cougar Canyon Underburn, proposed by Washington Department of Fish & Wildlife. We have reviewed the documents and have the following comments.

WATER QUALITY

Ecology's WQ Program, Central Region, supports the proposed underburn for Cougar Canyon and Oak Creek. In general, the landscape-scale restorative goals of the underburn should ultimately improve water quality in the upper Yakima River watershed by suppressing invasive weeds in stream buffers, and supporting re-establishing native populations of shrubs and trees. Native shrubs and trees provide these functions in streams:

- Overstory shade to intercept solar gain, and keep streams as cool as possible,
- Reduce stormwater and snowmelt erosion of banks,
- Stabilize stream banks with sub-surface root mass,
- Support normal hydrology and sediment transport forces for maintaining stream geomorphology.

A low-level burn applied to large acreages can also increase temperatures and erosion just after application if vegetation does not return as planned. To support management of this project, Ecology is submitting the following additions, comments, and recommendations.

PLANNING FOR WATER QUALITY-LIMITED STREAMS

Most reaches in all streams within the Little Naches and Tieton River watersheds have been listed for increases in temperature (303d list). As directed by the Clean Water Act, Ecology must



develop a total maximum daily load (TMDL) for all the waters identified on the section 303(d) list of impaired waters. The proposed Cougar Canyon and Oak Creek Underburn Project will be conducted in areas with these TMDL efforts in progress:

- Upper Naches River and Cowiche Creek Temperature TMDL, approved EPA 2010 (Ecology Publication No. 10-10-068)
- Tieton River and Lower Naches River Temperature Study; 2004 & 2015 (for future TMDL) (Ecology Publication No. 18-03-009)

These documents are available online.

POTENTIAL TO DISCHARGE OFF-SITE

In the event that an unpermitted Stormwater discharge does occur off-site, it is a violation of Chapter 90.48 RCW, Water Pollution Control and is subject to enforcement action. Guidance for implementation is presented in these three documents:

- Water Quality Standards for Surface Waters of the State of Washington; Chapter 173-201A WAC (revised February 2017; Publication No. 06-10-091)
- Supplemental based on fish life history and timing; Waters Requiring Supplemental Spawning and Incubation Protection for Salmonid Species (revised November 2006; Publication No. 06-10-038)
- Wenatchee National Forest Water Temperature Total Maximum Daily Load; Technical Report. (Ecology Publication 03-10-063)

The first and second documents provide explanation of statewide criteria applied generally to most streams and lakes, and within seasons for supporting fish lifecycles. Table 602 of WAC 173-201A, Section 602 presents reach-specific criteria for special conditions. The second level provides supplemental temperature criteria for reaches where cold water fish have been documented, and additional seasonal criteria are needed for their survival. The supplemental criteria are applied on a reach-by-reach basis.

INTRA-AGENCY COORDINATION

Many of the borders between jurisdictions in these watersheds are in a checkerboard of ownership, which means that federal and state jurisdictions are interlaced in some basins. Both USFS and Ecology will be monitoring in the same watersheds where the Cougar Canyon and Oak Creek Underburn Project will take place. There may be advantages to collaborating on new data collection and reach studies.

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Ecology will be seeking partnerships with WDFW, WDNR, and USFS for working toward compliance with water quality criteria. Approaches for implementation may be best developed through joint efforts for TMDLs or intra-agency actions. WDFW is encouraged to keep all agencies informed of changes in project areas or scope.

For more information about water quality impacts, regulation, and implementation, please contact these staff members at Ecology:

FOR TMDL's: Jane Creech, 509-406-5824, and Jane.Creech@ecy.wa.gov
Laine Young, 509-731-0911, and Laine.Young@ecy.wa.gov

FOR CONSTRUCTION STORMWATER PERMITS:
Lloyd Stevens Jr., 509-574-3991, and Lloyd.Stevens@ecy.wa.gov

If you have any questions concerning the above Water Quality comments, please contact **Laine Young** at (509) 575-2642 or email at laine.young@ecy.wa.gov.

Sincerely,



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