

# FRIENDS OF ELK RIVER

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North Coast Regional Water Quality Board  
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Dear Board and Staff Members:

Thanks to all who presented the Elk River TMDL Action Plan at the Water Board's February 5 workshop in Eureka. It was a helpful step in our ongoing effort to piece together this multi-layered and contradictory plan. But serious questions remain.

After reviewing the documents, the literature, and the history, we continue to be baffled by a conspicuous omission—nowhere do we find a recovery option that does not include uninterrupted logging. Instead of suspending this activity *known* to add sediment, the Action Plan makes incremental adjustments to policies that have permitted the condition of the river to deteriorate. Its new prescriptions and controls are another version of a failed strategy that has been tried for nearly two decades.

Accordingly, we respectfully submit an alternate proposal. **The Elk River Recovery Plan: People and Fish Option** offers the public and board members a choice we have not yet been given. Just as HRC, the discharger of sediment, has tailored their own compliance strategy, we have tailored a strategy on behalf of the recipients of their discharge.

Like the TMDL Action Plan, The Elk River Recovery Plan: People & Fish Option *identifies a **process** for assessing and implementing necessary and feasible remediation and restoration actions, and describes a **program** of implementation to be considered and incorporated into regulatory and non-regulatory actions of the Regional Water Board and other stewardship partners in the watershed. [italics are quoted from the Plan]*

**1. Begin Elk River's recovery by first reducing harvest-related activities to zero sediment delivery.** This is the **process** recommended by both the Elk River Technical Study and your revised Waste Discharge Requirements. But instead of making timber harvest a prior condition, The Elk River Recovery Plan follows our most ancient rule of healing: First Do No Harm.

**2. Expand the proposed moratorium on timber harvest to include all of Upper Elk River.** In this regard, please reference our November 18, 2016 and January 18, 2017 comments approving the WDR's recommendation of no winter logging and a moratorium in the five "sensitive" watersheds of the Upper South Fork. As stated there, this should not include "exceptions" to be traded as mitigation for more logging. The moratorium should include the remainder of the upper watershed.

**3. First recovery, then the phased re-introduction of logging.** The priorities of the TMDL Action Plan should be reversed, following your own Margin of Safety recommendations: *the loading capacity for additional sediment is defined as zero until the capacity of the impacted reaches can be expanded.* It should also be emphasized that the resumption of logging is not the only goal of expanded capacity.

**4. Regulatory action—adjustment of the zero load allocation, for example—should occur only after the assessment of successful non-regulatory action.** As per the Action Plan: Once the loading capacity has been expanded, the Regional Water Quality Board can reevaluate the load allocation, as appropriate. But the Margin of Safety should be maintained or increased as assimilative capacity increases, rather than increasing logging till capacity is—oops—exceeded again.

**5. As monitoring shows effective sediment remediation, logging resumes incrementally.** The People and Fish Option follows the TMDL Action Plan in calling for the regulatory process to be guided by a **program** of recovery and restoration. The Stewardship Program will add its findings to staff evaluations at five-year intervals, beginning in 2021, with benchmarks established toward a goal of returning water quality and historic uses to pre-Maxxam conditions.

**6. Elk River Watershed Steward Groups take an active advisory role in health and safety projects, monitoring, and sediment remediation / restoration.** The three Stewardship Groups are an integral part of the assessment and adaptive management that will allow logging to resume when the river's assimilative capacity has been restored. But here again, the People and Fish Option differs from the underlying assumption of the Action Plan. Its primary objective is not expanded logging opportunity, but watershed health.

**7. The Stewardship Program includes a Community Group.** In addition to the science and engineering, this undertaking needs to include fishermen and advocacy groups (Baykeepers, for example) as well as the wider community. A community organizing component expands opportunities for grant funding and public support and addresses social elements of recovery (such as the valley's historic grievances, laid-off workers, and suburban development).

**8. Restoration and watershed health lead the regulatory process.** The funding and organization of the recovery portion of the TMDL Action Plan are already lagging behind the regulatory apparatus, which after decades of delay is now racing in high gear toward permitting the failed policies of the past to continue. The Elk River Recovery Plan: People and Fish Option, bolstered by reform initiatives like AB 1492, will allow recovery and stewardship to guide the regulatory process.

Sincerely,

Jerry Martien