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Matt St. John
North Coast Regional Water Quality Control Board
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403
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RE: Comments on the North Coast 2008 Integrated Report for the 303(d) List of Impaired Waters

Dear Mr. St. John,

Thank you for the opportunity to comment on the 2008 303(d) North Coast polluted waters list. Klamath Riverkeeper seeks to restore water quality and fisheries throughout the Klamath Watershed (including its minor and major tributaries), thereby bringing vitality and abundance back to the river and its people.

We work closely with the Klamath River tribes, fishermen, and recreational groups, in all aspects of our programs. We apply a variation of our four-pronged approach to all of our campaigns and projects:

- * Expert-informed policy advocacy within existing regulatory processes
- * A legal strategy
- * Grassroots outreach, education and action
- * Scientific needs analysis & water quality monitoring

We have an active membership of people from all over the Klamath, and all over the Western US. From recreating to subsistence fishing and other cultural uses, public rights to clean water and healthy, protected beneficial uses are severely impacted and abridged by water quality problems in the Klamath, including cyanobacteria microcystin hepatotoxins, microcystis aeruginosa, nutrients, sediment, temperature, dissolved oxygen, e. coli and mercury.

We are submitting the following comments on the proposed changes to the 303(d) list, as well as several suggested listings for 2010.

CURRENT LISTINGS:

[Decision ID 13974: List Mainstem Klamath River from Iron Gate to Scott River for cyanobacteria hepatotoxic microcystins AND Decision ID 13971: List Mainstem Klamath River from Scott River to Trinity River for cyanobacteria hepatotoxic microcystins](#)

We **support** the decision to list the mainstem Klamath River from Iron Gate to Scott River as well as the Klamath River from Scott River to Trinity River for cyanobacteria hepatotoxic microcystins. As the North Coast Regional Water Quality Control Board staff note, the data also supports this listing, since mussel samples from Iron Gate dam to Weitchpec have contained bioaccumulations of the hepatotoxin. As the Karuk Tribe highlights in its comments, "The effect of microcystin on other...species is still undetermined and needs to be studied."

We also propose again that these river reaches should be listed for the microcystis aeruginosa that creates the toxigenic microcystin cells, as our original request to the water board and EPA on these listings indicated.

Microcystin pollution above and below the dams impair beneficial uses including cultural uses (such as ceremonial bathing, subsistence fishing and mussel harvest) swimming, boating, intertubing and other recreational uses. Coldwater fisheries are an important beneficial use for not only tribes and local residents, but for sport and commercial fishermen as well.

Additionally, local citizens have expressed concern that the blue-green algae and its toxins may pose a significant public health threat when fire fighting crews carry large buckets of river water long distances overhead by helicopter to drop on wildfires in the watershed in the late summer (the same time of year that the microcystis blooms are most prolific and dangerous). Local citizens routinely observe an aerially dispersed trail of water following the buckets used in this firefighting tactic, and wondered whether they may be at high risk of ingesting the hepatotoxin this way. We would encourage the water board to further investigate this threat to humans and other wildlife.

Decision ID 9540: Delist Wooley Creek for temperature

We find the decision to delist Wooley Creek for temperature impairment premature at a minimum, and ultimately unwarranted and even inappropriate. Therefore, we **do not support** the decision to delist Wooley Creek for temperature pollution. The decision to delist Wooley Creek, first proposed in 2007 by the Siskiyou Resource Conservation District, is problematic primarily because it ignores data showing that Wooley Creek is in fact temperature impaired, at least in part by human activities. Impaired water temperatures in Wooley Creek in turn impair beneficial uses including coldwater fish migration and spawning, as well as cultural uses.

Refer to comments by the Karuk Tribe, Quartz Valley Indian Reservation and the Salmon River Restoration Council for specific information showing that more than one quarter of the calculations they ran based on just over a year of US Forest Service data exceed EPA criteria.

While much of the watershed is protected by wilderness designations, firefighting and grazing are allowed in the wilderness.

US Forest Service data used to support the delisting dates back to the early 1990s and extends through 2007, but excludes decades of previous fire suppression that have altered the natural fire regime in the watershed and triggered ecosystem imbalances leading to elevated stream temperatures. Fire suppression not only constitutes a human activity, but one that clearly has impacted more than 15 % of a watershed that once benefited from traditional tribal

management practices including fuels reduction and more regular underburning. At least 100 years of fire suppression have caused reduced base flows due to dense conifer populations (and consequently fewer hardwoods) in the watershed. Fire suppression has also changed soil retention and erosion patterns, as well as canopy growth. Cumulative impacts of fire suppression should be considered prior to any final decision to delist Wooley Creek.

Additionally, water temperature data collected since the 2008 fires that severely burned big parts of the Wooley Creek watershed are outside the data set analyzed by the water board in its 2008 Integrated Report and proposed 303(d) listings, and should be included before delisting occurs.

Besides fire suppression, two grazing allotments in the headwaters areas of the Wooley Creek watershed also represent significant human activities covering some 11 % of the watershed that contribute to higher stream temperatures and degraded water quality further downstream. The impacts of these cattle herds need to be monitored and included in any analysis that leads to delisting.

Further, road construction and decommissioning on the lowest portions of the watershed have led to unmonitored runoff and sediment pollution in the stream channel, contributing to elevated temperatures. Impacts from this runoff must also be factored into any final decision to delist Wooley Creek. We echo the concerns voiced in SRRC's comments regarding "a model that requires landslide/mass-wasting volumes of 200% over background conditions, and surface erosion volumes of 400% over background conditions, before the impacts become a cause for concern."

Another highly objectionable aspect of the decision to delist is the problematic and scientifically unsupported precedent it would set. Delisting Wooley Creek for temperature impairment is based on a little-publicized decision earlier this year to split Wooley Creek off into a separate hydrologic unit from the Salmon River the tributary stream feeds into. While there may be precedent for subdividing hydrologic units into smaller units no bigger than Wooley Creek, this type of fragmentation leads to poor management practices that will fail to produce healthy ecosystems that support beneficial uses such as coldwater fisheries and cultural uses.

If Wooley Creek is delisted based on selective and inaccurate data, how will the water board handle tributaries elsewhere in the Klamath where groups or individuals push to subdivide and delist in a similar fashion? What criteria will be used?

We would encourage the water board to reconsider and reverse the decision to isolate Wooley Creek as an independent hydrologic unit, since the spring and fall Chinook, steelhead and trout habitat in the Salmon River Watershed (including Wooley Creek) needs to be managed and restored as a whole basin, not separate pieces.

Moreover, keeping Wooley Creek listed would retain monitoring and restoration resources that may become more difficult to access or prioritize for the watershed after delisting.

Decision ID 9638: List Lake Shastina for Mercury

We **support** the recommendation to list Lake Shastina for Mercury. Mercury contamination is a very important public health issue. Lake Shastina is used as a drinking water supply, for water contact recreation, and for recreational fishing. All of these beneficial uses are severely impacted by the presence of mercury in the system.

Decision ID 13197: List Klamath River from Beaver Creek to the Scott River for Sediment AND Decision ID 13198: List Klamath River from O'Neil Creek to Elk Creek for Sediment

We **support** the recommendation to list the Klamath River for sediment in the proposed reaches.

However, the Klamath River and associated tributaries should **also** be listed for sediment from the Scott River to O'Neil Creek and from Elk Creek to the Trinity River for sediment. Roads, logging, mining and other land use practices have heavily impacted these as yet unlisted tributaries to the mainstem Klamath River.

Road failures and catastrophic fires have caused documentable sediment pollution in most of these streams. In particular, the fish-bearing streams Rock Creek and Dillon Creek have each burned severely and should be analyzed for sediment deposition and transport from fire suppression, road construction and failure, and subsequent or imminent salvage logging.

FUTURE LISTINGS:

We **support** the Quartz Valley Indian Reservation's recommendations that the Scott River mainstem be listed for nutrients and that the Scott River mainstem as well as Shackelford Creek and Sniktaw Creek be listed for e. coli. Refer to the tables and figures in QVIR comments for data to support these listings. E. coli is poses a significant public health threat for people and impacts beneficial uses ranging from cultural to recreational and drinking water uses.

Additionally, we **support** the QVIR recommendation that Dwinell dam be considered for nutrient, temperature, dissolved oxygen, pH and toxic algae pollution listings on the basis that sufficient data collected by the water board already exists to meet EPA criteria.

Dwinell dam and the water quality problems it propogates impair a whole suite of beneficial uses, the most imperiled of which is coldwater fisheries—a use integrally linked to cultural uses. Data indicates that all year classes of endangered coho salmon are on the verge of extinction. Dwinell dam poses a migration and habitat barrier, as well as water pollution problems that threaten fisheries and fishermen alike, putting the dam outside of basin plan standards. Swimming in Dwinnell is also potentially unsafe.

Thank you for your attention to these important water quality issues.

Erica Terence, Riverkeeper
Klamath Riverkeeper