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RE: Comments on the 2014 Triennial Review of the Water Quality Control Plan for the North Coast Region

Ayukii Ms. Mangelsdorf,

The drought in California has highlighted the need to address flow impairments in the North Coast Region. Water quality goals and flow requirements must be integrated to be protective of beneficial uses. While the 2014 Triennial Review has a couple of priority items that focus on the interaction between low flows and water quality impairments, more is needed. There are three additional high priority items that the Karuk Tribe request be added to the 2014 Triennial Review that center around flow requirements and water quality goals. Additional comments in this document focus on supporting specific priority items along with suggested changes for the 2014 Triennial Review.

Develop numeric flow objectives for the Scott River (Add, high priority)

When the Scott River TMDL was adopted in 2005, flow impairment was linked to instream temperature impairment. However, there were no numerical flow recommendations or objectives to address flow impairment and its impact on water quality impairment and beneficial uses. Part of the implementation plan included filling data gaps on groundwater and surface water interactions in the Scott River. The Regional Board contracted with UC Davis to look at these interactions. The Karuk Tribe also contracted with S.S. Papadopolos & Associates, Inc. to model groundwater conditions in the Scott River. With this newer information now available, we recommend that the Regional Water Board add, **“Develop numeric flow objectives for the Scott River” to the high priority list.**

Develop numeric flow objectives for the Shasta River (Add, high priority)

When the Shasta River TMDL was adopted in 2006, the Regional Water Board recommended minimum flows of 45 cfs to address temperature impairment. However, since this flow recommendation was based only off of temperature impairments it is not protective for all

beneficial uses. The Shasta River needs numerical flow objectives that addresses all water quality impairments and protects all beneficial uses in the Shasta River. We request that the Regional Water Board add, **“develop numeric flow objectives for the Shasta River” to the high priority list.**

Develop an approved methodology for determining flow objectives for waterbodies in the North Coast Region (Add, high priority)

We are supportive of the numerical flow objectives being developed for the Navarro River and addressing low flow conditions on the Eel, Mad, and Russian Rivers. We are also encouraged by the Board’s Resolution No. R1-2014-0043 that directs the Regional Water Board staff to conduct a workshop with State Water Board staff from the Division of Water Rights and Division of Water Quality and other agencies on the region’s authorities over water quality and quantity. Karuk Tribal staff will participate in this workshop. We acknowledge that developing numerical flow objectives for the Navarro is breaking new ground for the Regional Water Board. However, it will not be feasible to develop flow objectives from scratch for every watershed in the North Coast Region. Staff, resource, and time requirements to complete such flow objectives would not be feasible, much less allow for timely implementation with regards to water quality goals and flow requirements. Therefore, we request that **an approved methodology for determining flow objectives for waterbodies in the North Coast Region** be added to the high priority list.

Develop Groundwater Protection Policy (#4, high priority)

We support the priority assigned to developing a groundwater protection policy, though we have not reviewed the details of the proposed policy. In some North Coast Region watersheds such as the Scott River Basin, there is a direct linkage between groundwater extraction and impaired surface flows. It is important to have policies that address such impairment. We also support the concept of developing a policy to promote groundwater recharge, given that in most of the North Coast there is not a scarcity of water at an annual timescale (in contrast to other many areas of California), but rather primarily a scarcity during the dry summer season. If managed properly, groundwater recharge offers the potential to increase summer instream flows. We encourage the development of policies that make effective groundwater recharge projects easier to implement.

Designate Outstanding National Resource Water (#7, medium priority)

As noted in the *Triennial Review*, Outstanding National Resource Water (ONRW) is a designation under the Clean Water Act which restricts the degradation of high quality waters. No such areas have yet been designated on the North Coast. The Triennial Review notes that Regional Board staff has briefly evaluated which waterbodies have the greatest potential for ONRW designation and processes to bring such a designation to the Board for adoption. The Triennial Review states that staff preliminarily concluded that the Salmon River would a good candidate and that it could potentially be designated during the renewal of the U.S. Forest Service waiver in 2015. **We support the designation of the Salmon River as an ONRW. We expect this designation to be discussed during government to government consultation in regards to the USFS waiver renewal.** We also encourage staff to consider other high-quality waters within the Klamath Basin for ONRW designation. For example, Middle Klamath tributaries such as Clear Creek and Dillon Creek are unique due to their critical importance for

summer steelhead habitat. Perhaps even all waters within designated wilderness areas could be suitable for ONRW designation.

Update Table 2-1 to include FISH and CUL beneficial uses (#13, low priority)

The Triennial Review proposes as a low priority additional designations of Native American Cultural use (CUL) to specific Hydrologic Areas and Hydrologic Sub-Areas if information is available to support the designation. We briefly reviewed the Table 2.1 in the Basin Plan and noticed that no areas in the Shasta and Scott River Hydrologic Area are designated as CUL. Given that the Shasta and Scott River are vital tributaries to the health of the Klamath and therefore the health of culturally significant species for the Karuk Tribe, we request **that CUL be added for the Shasta and Scott River Hydrologic Area in the Basin Plan's Table 2-1.**

Develop ocean beaches and freshwater streams bacteria TMDL Action Plan (#1c, high priority)

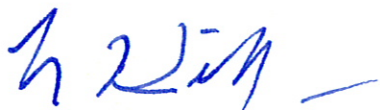
We support the high priority assigned to indicator bacteria in the Triennial Review, given the human health concerns. No Klamath Basin waterbodies have been listed yet as impaired by indicator bacteria, so the bacteria plan proposed for development presumably will not include the Klamath Basin. In the next listing cycle, data will be presented to the Regional Board that shows violations for indicator bacteria for the Scott and Shasta River. Therefore, we request that to the extent possible, **the bacterial plan be developed in such a way that it can be readily adapted to new areas (e.g., Scott and Shasta valleys)** if, as we anticipate, the geographic extent of bacterial impairment listings expand in the future.

Revise biostimulatory substances objective to address biostimulatory conditions (#10, medium priority)

The Triennial Review recommends revising the biostimulatory substances objective in the Basin Plan to recognize the links amongst multiple variables, including nutrients, temperature, flow and others, which in combination produce biostimulatory conditions such as nuisance cyanobacteria blooms. We support this revision, since it reflects current science and is highly relevant to parts of the Klamath Basin, such as those waterbodies where biostimulatory conditions are caused or exacerbated by streamflow depletion or reservoir impoundments.

Thank you in advance for your consideration. Please contact Susan Corum, Water Quality Coordinator, scorum@karuk.us, (530)469-3456, with any questions regarding these comments.

Sincerely,



Leaf Hillman
Director
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Karuk Tribe