



Quartz Valley Indian Reservation
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To: Allyda Manglesdorf
North Coast Regional Water Quality Control Board

From: Crystal Robinson, Environmental Director

Date: January 8, 2015

Re: Review and comments on *Triennial review of the water quality control plan for the North Coast Region for 2014 through 2017*

COMMENTS

We have reviewed the North Coast Regional Water Quality Control Board (Regional Board) draft staff report *Triennial Review of the Water Quality Control Plan for the North Coast Region for 2014 through 2017 (Triennial Review)* and the appendices that were circulated for public comment in November 2014. We agree with most of the proposed priorities put forth in the *Triennial Review*, although we offer the following comments on specific issues. Our comments are organized according to the titles and proposed priority rankings listed in Appendix A of the *Triennial Review*.

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. The absence of bacterial impairment listings in the Klamath Basin is likely more due to lack of data collection rather than to a lack of impairment and therefore we expect that as more bacteria data are collected, impairments will be detected in areas such as the Scott and Shasta valleys and that those areas will eventually be listed as impaired. 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.

Develop numeric flow objectives to address low flow conditions in the Eel, Mad and Russian rivers (#3 high priority) and Navarro River (#5 high priority)

The project ranked #3 is proposed to focus on the Eel River and also to evaluate the Mad and Russian rivers. The *Triennial Review* states that the priority was placed on these rivers because it complements another high-priority task (the possible exemption from seasonal discharge prohibition on point source waste discharge). The Navarro River is also included as a separate task (rank #5), for unexplained reasons. What is the rationale for prioritizing the Navarro River, rather than another river? We strongly support the development of numeric flow objectives to protect instream beneficial uses, but we are disappointed that no Klamath Basin waterbodies are included in the initial list of priority waterbodies. The Scott and Shasta Rivers have extensively documented impairment of beneficial uses resulting in large part from depleted instream flows.

Why are the Scott and Shasta River not included in the initial list of priority rivers? The Scott and its tributaries are the cultural lifeblood of the Quartz Valley Tribe and the resources of the Quartz Valley Indian Reservation.

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. 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 as well as availability of water for human demands. However, in watersheds where human water demands exceed available water supplies in summer, increased groundwater recharge may just facilitate increased groundwater extraction and may not increase instream flows. Therefore, enforceable numeric objectives for instream flow and effective regulation of surface and groundwater withdrawals would be critically important elements of an effective strategy to protect instream beneficial uses.

We would also like to emphasize the need for this policy in the Scott basin, monitoring indicates a shallow groundwater table also documented as interconnected to surface flow in the Scott Adjudication. This unique feature has the potential to have severe impacts to groundwater pollution. The Quartz Valley Reservation has documented indicator bacteria, *E.coli*, in both the surface and groundwater and the Microbiology Lab we run has documented the same throughout the Scott basin. It is also important to understand the coordination necessary with the State Water Boards Water Rights division and the Department of Water Resources both of which are implementing the Adjudications in the Scott basin which specifically allocates groundwater to agricultural uses. We have a high level of support for this policy and request to be involved with staff in the development. Coho salmon are highly dependent on groundwater seepage during the summer months of baseflow and the quality of the groundwater they are seeking for refuge is critical to their survival.

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 have 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 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, or perhaps all waters within designated wilderness areas, could be suitable for ONRW designation.

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. 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.

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 Scott River Hydrologic Area are designated as CUL. Given the location of the Quartz Valley Indian Reservation, we request that CUL be added for the Scott River Hydrologic Area in the Basin Plan's Table 2-1.

Revise ammonia objective to incorporate USEPA's most recent ammonia criteria (#15 low priority)

The *Triennial Review* states that it is only a low priority to include the U.S. EPA's recently updated ammonia criteria in the Basin Plan, because permitting staff currently implement U.S. EPA's ammonia criteria through the Basin Plan's existing toxicity objective and chemical constituents objectives. Perhaps we underestimate the complications involved in the Basin Plan amendment process, but since the Water Quality Objectives Update Amendment is already in-progress (project rank #2), it seems like it should be a relatively simple matter to include the new ammonia criteria as part of that update?

Update freshwater bacteria objectives

The U.S. EPA published new Recreational Water Quality Criteria for pathogens in 2012. In response, the State Board has reinitiated its bacteria objective project, with a public hearing tentatively scheduled for fall 2015, likely to be included as an update to the statewide Water Quality Control Plan for Inland Surface Waters (Inland Surface Waters Plan). Because of the pending update of the Inland Surface Waters Plan, the *Triennial Review* recommends that it is not necessary to update the Basin Plan because the Inland Surface Waters Plan is independently enforceable. Again, perhaps we underestimate the difficulty of the Basin Plan amendment process, but since the Water Quality Objectives Update Amendment is already in-progress (project rank #2), it seems like it should be a relatively simple matter to include the new bacteria objectives as part of that update? The current Basin Plan includes objectives for fecal coliform; however, as noted in the *Triennial Review*, since 1986 (28 years ago) the U.S. EPA has recommended the use of *Escherichia coli* (*E. coli*) and *enterococci* rather than fecal coliform for the protection of primary contact recreation.

Editorial changes to Chapter 5 (Plans and Policies) of the Basin Plan

[Note of minor importance: it seems odd that the State Board web link proposed by the *Triennial Review* for Chapter 5 is http://www.waterboards.ca.gov/waterboards_map.shtml, which is a map showing the nine regional boards. The proposed text in Chapter 5 accompanying the link is: "The Regional Water Board is required to implement the provisions of several statewide plans and policies. These can be found on the State Water Resources Control Board website at:", therefore it seems like it would be more appropriate to the link to the main State Board page <http://www.waterboards.ca.gov/> or to the State Board's programs and policies page http://www.waterboards.ca.gov/plans_policies/ rather than the map?]

We thank you for this opportunity to comment and for the continued hard work and dedication of the Regional Water Board and staff. If there are any questions or comments please feel free to contact me at 530-468-5907 ext 318.

Sincerely,



Crystal Robinson
Quartz Valley Tribe
Environmental Director