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December 14, 2009

Re: Update of the Water Quality Management Plan for National Forest System Lands in California

Gaylon Lee, Division of Water Quality
State Water Resources Control Board
P.O. Box 2231
Sacramento, CA 95812

Mr. Lee:

Please consider these comments on behalf of Klamath Riverkeeper regarding the proposed update of the Water Quality Management Plan for National Forest System Lands in California last updated in 2000. The proposal would "streamline" the governance of U.S. Forest Service (USFS) activities that impact aquatic resources in our state by consolidating USFS waivers into one statewide permit for the agency, thereby transferring authority over these projects from the regional water boards to the state water board.

Klamath Riverkeeper works to restore water quality and fisheries throughout the Klamath watershed, bringing vitality and abundance back to the river and its people. Our watershed contains millions of acres of public land managed by the USFS, and our species and ecosystems suffer considerable impacts from logging, road building/maintenance, cattle grazing and fire management conducted, approved or allowed by the agency. Therefore, we are very concerned about who sets and enforces regulations regarding timber management and other USFS activities.

While the USFS employs many talented and well-intended individuals, history shows that the agency as a whole has resisted calls for transparency and has routinely manipulated the concept of collaboration to meet its goals, which too often prioritize millions of board feet above watershed health.

In the early 1990s, the USFS proposed logging old-growth in the headwaters of the steep creek my family lives near the mouth of, as well as several adjacent tributary watersheds just downstream along the Salmon River in rugged, remote Northern California. The USFS formed a so-called cooperative working group for the EXIT-RAM timber sale, which the public faithfully participated in for months, right up until the meeting when the USFS announced unilaterally that the group had run out of time and dictated what the outcome would be. Community members stood up and walked out en masse that day, ultimately preventing the timber sale from moving ahead.

Over the past three years, I have peripherally participated in a "collaborative" process to create a fuels reduction project near Orleans, California that the USFS, the Karuk Tribe and local residents could live with. Despite the USFS decision to establish the footprint of the project before inviting public input and participation, compromises were made on all sides after years of roundtable discussions, and work began on the ground for that project a few months ago. A few weeks into the project, tribal members and local environmental groups discovered that the agency was cutting trees in areas where it promised it wouldn't. The timber sale went on hold while community concerns are sorted out.

These are just a few examples, but they are part of a long tradition of the USFS telling the public "Thank you for your input," then going on to ignore that input. Thus, I am sorry to report that it is as unrealistic today as it was almost 20 years ago to expect meaningful collaboration or transparency from the USFS on its activities.

Shifting towards a broader, and likely more general, set of waste discharge requirements and a single waiver means shifting away from region-specific recommendations from regional experts on regional board staffs who have accumulated decades of experience regulating pollution resulting from timber harvest, roads and other USFS activities. Such a shift is unlikely to prompt the agency to improve water quality, collaborative efforts or transparency and may even hinder those efforts.

What evidence is there to suggest that state water board staff have the resources or expertise to craft a sufficiently effective waiver for each watershed? And how can we be assured that the such a statewide waiver is based on best available science, not politics? How will beneficial uses be protected from impairment by a statewide waiver, and what makes a statewide waiver superior to the regional protections already placed on those uses?

Further, if the intent is to leave enforcement of this statewide waiver to regional water boards, will those regional boards then be given adequate resources to carry out that task? Where will that money come from? And isn't that split of responsibilities essentially divorcing two things that ought to be carried out by one body so the water quality arm and the leg can move in coordination in each watershed, rather than flailing? Wouldn't such a split, in fact, create more work and inefficiency for both the state and regional boards rather than streamlining and coordinating the waivers as the proposal purports to do?

These are all questions that need to be addressed in a thorough CEQA analysis, not by a hastily assembled and deeply flawed stakeholder process that only seeks input on what should be included in such a statewide waiver, and bypasses the question of whether such a statewide waiver is appropriate. While we support an update of the USFS waivers, we conclude that switching to a single, statewide permit is neither necessary nor appropriate.

Thank you for your time and attention on this important matter. Please contact me if you have questions.



Erica Terence, Klamath Riverkeeper