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Ms. Tam Doduc, Board Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Board Meeting of April 18th, Item #7: Scott River Watershed TMDL

Dear Chair Doduc and Fellow Board Members:

During the development of the Scott River Sediment and Temperature TMDLs, I was a member of the North Coast Regional Water Quality Control Board's Technical Advisory Group (TAG). I am a professional consultant in watershed planning and management, with a specialty in sediment assessment and control. Sediment data I collected in 1989 as a part of a sediment budget analysis were the primary data set used for the listing of the Scott River as sediment impaired. As a former member of the North Coast RWQCB, I want to assure you that I am not being paid by anyone to make this statement to the State Water Board.

The main problem with developing this TMDL technical report and action plan was the rush to meet the artificial deadline set by the Consent Decree. As a result, and despite sincere efforts by staff and the TAG, the sediment and temperature targets developed in the technical report are not realistic and do not reflect any consensus within the technical community. I explained in my testimony to the Regional Board some of my concerns about the sediment target and the process used to create it. At this point, however, the clock is ticking towards the fateful deadline and no one seems interested in reexamining the numbers to make them actually supportable or attainable.

From the community residents' viewpoint, the Action Plan is what they are most concerned about. Fortunately, the language that has been worked out for the TMDL implementation actions appears to be a workable compromise. The identified actions build upon the past 16 years of concerted effort by many people, groups, and agencies to improve the condition of the Scott River watershed. Their progress is well described in letters to this Board by the County of Siskiyou and the Siskiyou Resource Conservation District. Unfortunately, the sediment and temperature load allocations are very likely not attainable due to the technical flaws in their development. As a result, the Scott River will likely not be able to attain the TMDL targets and become delisted as impaired, and the State will not have the satisfaction of achieving "success" as defined by the TMDL.

Understanding the Role of the Scott River Watershed

The Scott River is a major tributary to the Klamath River but its role is often misunderstood. For example, the Scott River contributes less than 4% of the total annual runoff of the Klamath River (461,000 versus 12,660,000 ac-ft). During the summer months, the Scott does not, even under the best circumstances, provide appreciable flows to the Klamath River. Depending on the flow of the Klamath, the Scott has historically contributed from 3 to 5% of flow in the mainstem Klamath River at its confluence. Any expectations that the Scott River's flows can significantly reduce the Klamath River's temperature at their confluence are not realistic, no matter how much cooler the Scott River can become.

Salmon and steelhead populations in the Scott River system are slowly increasing for the most part. Fall chinook salmon runs, historically estimated at about 10,000 adults, averaged 7,800 between 1994 and 2003, an improvement over 4,500 the previous decade. However, very low numbers were found during the past two years in the entire Klamath River system and it looks like mainstem problems rather than tributary problems may be the cause. Coho salmon, historically estimated at 800 to 2,000, are now found in most of the Scott River's tributaries every year, with a larger population every third year. In 2004-05, at least 569 adult coho carcasses were counted in a limited section of the Scott River system, with 1,577 live spawners counted. Steelhead population, as indicated by juvenile estimates in French Creek since 1992, shows similar positive trends.

As you know, the Scott Valley River system was fully adjudicated by the State Board in 1980. Unique in the State, the Water Code was amended for just the Scott River to declare that surface water and groundwater are interconnected in certain areas of Scott Valley. This progressive adjudication is

Meeting Sediment Targets

I am also a member of the Scott River Watershed Council, a community-based, collaborative group active since 1992, and the French Creek Watershed Advisory Group, a similar sub-watershed effort that began in 1990. The French Creek WAG specifically targeted sediment reduction in this 21,000 acre granitic watershed and followed a Road Management Plan as one of the methods. Sediment levels in the pools of French Creek have returned to "natural background" levels, as indicated through the V* method (levels reduced from 33% to <10%). The group received the 1996 National Watershed Award as a result of its significant accomplishment. Since 1989 baseline measurements, multiple erosion-control efforts on private and public lands have helped decreased fine sediment (<0.85mm) to target levels in spawning gravels in most reaches of the Scott River. This accomplishment also should be highlighted by the water quality agencies, but is unfortunately a buried statistic in the TMDL report.

How the State Board Can Help Implement the Scott River TMDL Action Plan

It's fine to adopt the Scott River TMDL as part of the North Coast Basin Plan as an action of the State Board, but the State Board can really be either a help or a hindrance in accomplishing the

Action Plan. Here are some examples of where the State Board's role as a critical nexus could actually help the Scott River watershed in its implementation of the TMDL:

- Division of Water Rights: Currently, there is a petition for water users in Sugar Creek to dedicate water rights to instream use under Water Code section 1707-1725 for a period of 50 years. We need your staff to process and approve this petition in a timely manner. Lessons learned from this positive experiment should be applied by your staff towards future efforts of our newly-created Scott River Water Trust. We need your help to make the process more responsive to those trying to put water back into the stream. At present, it appears that the water rights process is less cumbersome to take water out.
- Division of Financial Assistance: Your grant programs could be more user-friendly for the grantees while still being accountable and transparent to the State. Contracting and payments of invoices are taking longer and longer to accomplish, and restoration projects are becoming more difficult to develop and complete as a result.
- Basin Plans: It would help to explicitly address the role of voluntary watershed restoration efforts in complementing the Boards' water quality regulatory programs. The Scott River TMDL Action Plan finally does acknowledge the current and future role of such efforts by the RCD and Watershed Council, but the North Coast Basin Plan does not explicitly address the role otherwise.
- Watershed Management Initiative (WMI): Begun in 1997, this effort appears to be stalling out and not being the useful program that was once envisioned. It should be more than just an internal exercise in priority setting; it needs to engage the broader watershed communities and become a real tool to accomplishing mutual water quality goals.

Thank you for this opportunity to comment.

Sincerely,

s/Sari Sommarstrom
Sari Sommarstrom, Ph.D.