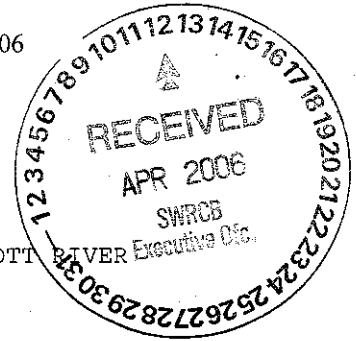


4/18/06 Item 7
Scott River
Deadline: April 12, 2006



From: Tim McKay <nec@northcoast.com>
To: <commentletters@waterboards.ca.gov>
Date: Wed, Apr 12, 2006 4:55 PM
Subject: COMMENTS--04/18/06 BOARD MEETING (WATER QUALITY-SCOTT RIVER TMDL)

California State Water Resources Control Board
Tam M. Doduc, Chair
POB 100
Sacramento CA 95812-0100

Via email to commentletters@waterboards.ca.gov

RE: COMMENTS--04/18/06 BOARD MEETING (WATER QUALITY-SCOTT RIVER TMDL)

Dear Water Board Members:

Below are our comments to the North Coast Regional Water Quality Control Board [NCRWQCB] regarding the Scott River TMDL. Our concerns regarding the NCRWQCB's action at its December 7 meeting in Yreka have to do with the apparent lack of action required to implement the adopted TMDL. We are also concerned that the NCRWQCB did not engage the downstream Klamath River community fully enough in the process of developing the TMDL and "action plan."

As is widely understood, the Lower Klamath and Coastal communities have been and continue to be seriously impacted by water pollution issues tributary to the Klamath River. Attached as a PDF file titled "KMZFisheries_ALL" that shows the decline in salmon landings due to weak stocks in the Klamath River. The first wave of fisheries cuts came in 1980!

This season fisheries will be cut again and affect communities along 700 miles of the West Coast to protect weak Klamath salmon stocks. The map and charts associated with the attached jpg file "KlamathMap4/06" summarizes the ongoing fisheries crisis associated with the river.

A OpEd piece in a recent Redding Record Searchlight from Marcia Armstrong a Siskiyou County Supervisor [below] I think reflects the ongoing denial of many in Siskiyou County. Armstrong represents the Scott River area. Our experience is that folks there will deny any personal responsibility for the downstream problem. The fishing community has taken responsibility for its share of the Klamath River problem. Others need to do the same, including Scott River residents.

It is our understanding that State water law requires that TMDL Action/Implementation plans included in its respective basin plan contain a description of the nature of specific actions needed to achieve the water quality objectives, a time schedule, and a plan for monitoring compliance (State Water Code Section 13242).

The Scott River TMDL Action/Implementation plan adopted

December 7 appears to rely heavily on voluntary actions or ill-defined actions that are not clearly defined. We are told that this is contrary to the California Water Code.

Additionally, we are informed that voluntary actions may be submitted as planning documents to be approved by the NCRWQCB, but that voluntary planning documents must also include compete descriptions of actions to be taken that are equal to or better than enforceable criteria detailed in an Action/Implementation Plan capable of meeting Water Quality Standards.

We support the idea that such voluntary actions should be held open as options for attaining targets and meeting Water Quality Standards this would be similar to the Garcia River sediment TMDL.

The public trust would be better served requiring a Scott River TMDL patterned after the Garcia River TMDL. We urge the State Board to exercise its affirmative duty to protect the public trust by requiring an enforceable TMDL for the Scott River.

Thank you for your serious consideration of our concerns,

Tim McKay, executive director
for the Northcoast Environmental Center

Attachments and enclosures:

26 August 2005

Catherine Kuhlman, Executive Director
David Leland, Senior Water Quality Engineer
North Coast Regional Water Quality Control Board (NCRWQCB)
5550 Skylane Blvd., Suite A.
Santa Rosa, CA 95403 Via: Certified Mail return receipt requested.

Gentlepersons,

This letter is in response to a notice received August 22, 2005 regarding a hearing to be held in Tulelake on September 20 at 5:00 p.m. While we appreciate that people in the area of Tule Lake must be involved in solutions with regard to pollution in the Lost River, just as people in the area of the Scott and Shasta River need to be involved in solutions for water quality issues in their watersheds, the NCRWQCB must remember that it is the people of the Mid-Klamath, Lower Klamath, Crescent City, Eureka and beyond that live with the results of that pollution.

The impaired beneficial uses of the water cost people jobs or subsistence in the fishing community, as well as that part of it that is tributary to the American Indian communities of the Karuk, Yurok, and Hoopa peoples.

As a result of this fact, we the undersigned must ask that the NCRWQCB take action to insure that the downstream communities

that suffer the results of water quality impairment have a significant opportunity for public involvement. These people deserve hearings in their communities. They deserve to have the causes and effects of the loss of their "beneficial uses" explained to them by you.

As a result of the above, we must call for a reasonable public process that is accessible to the affected, for developing a program to abate the water quality nuisance that impairs the lives of the downstream people resulting from activities in the Lost River, Shasta, Scott watersheds, or in the Upper Klamath River basin. That would include hearings and workshops in the Eureka, Crescent City and Hoopa areas that give people an awareness of those activities by the upstream people that impair the water quality benefits to the downstream people.

We request that you inform us of what process you will offer to rectify the relative exclusion of downstream people from the TMDL formulation process.

The Northcoast Environmental Center is a non-profit, environmental education organization whose members include, residents of the Klamath~Trinity River watershed, Humboldt, Del Norte, Siskiyou and Trinity Counties, and whose occupations include fishing, environmental consultation, forestry and others. Members whose livelihoods and aspirations include environmental restoration and remediation for the benefit of future generations.

The NEC has some 4,500 members, most of whom reside in the Klamath~Siskiyou Region.

Sincerely yours,

*

Tim McKay, executive director, for:

Chris Peters, CEO, Seventh Generation Fund; Zeke Grader, executive director, Pacific Coast Federation of Fishermens' Associations; Diane Beck, conservation chair, Sierra Club North Group Redwood Chapter; David Rose, executive director, South Fork Trinity River Land Conservancy; Susan Bower, Citizens for Better Forestry; Tamara Jenkinson, Burnt Ranch; Steve Hall, Friends of the Navarro Watershed; Dan Doble, Six Rivers Chapter, Trout Unlimited; Felix E. Smith, Carmichael; Brian Barr, World Wildlife Fund, Klamath~Siskiyou office; Scott Greacen, EPIC; Paul Mason, California/Nevada Sierra Club Office; Byron Leydecker, Chair, Friends of the Trinity River, Thomas J. Weseloh, North Coast Manager, California Trout.

TM/me

CC:

Senators Dianne Feinstein and Barbara Boxer
Congressman Mike Thompson
Senator Wes Chesbro
Assemblymember Patty Berg

the Humboldt County Board of Supervisors
the Del Norte County Board of Supervisors

Guest Opinion; Klamath dams' removal would have severe impacts

Redding Record-Searchlight - 4/9/06

By Marcia H. Armstrong, a Siskiyou County supervisor

It has been 20 years since Congress passed the Klamath Act for the purpose of recovering anadromous fish (salmon) in the Klamath River system.

Much of that time, parties have engaged in a tug of war over flows. Fingers have been pointed upstream at the negative of natural resource use on fish habitat, resulting in a cessation of timber harvest on local national forests and a suit that has halted suction-dredge mining. Although some support has been provided to the heroic voluntary habitat restoration efforts of farmers and ranchers in the Scott and Shasta River valleys of the mid-Klamath (where the fish spawn and rear), the bulk of funding has been expended elsewhere.

With 700 miles of coastal fisheries about to be restricted because of a second year of low chinook returns to the Klamath, obviously what we have been doing is not working. Yet all we hear is the same old cry for flows, finger pointing and the demand to shut down more activities upon which the inland economy depends.

Research being done in the Klamath by Scott Foott of the California-Nevada Fish Health Center indicated that in 2005, half of chinook juveniles sampled were infected with the parasite *Ceratomyxa* Shasta and 91 percent infected with the parasite *Parvacapsula*. Thirty-eight percent of the fish sampled were dually infected. The infection is generally lethal. The infection rate has been increasing over the sampling period since 1995. These are the same infections that caused the fish die-off of adult salmon near the mouth of the Klamath in 2002. The parasites have not been found in the mid-Klamath tributaries.

Foott has observed that increased Klamath River flows in May did not appear to affect the rate of infection in juvenile fish. It was actually the increase of water temperature to 18 degrees centigrade, accompanied by a reduction in flows, that finally seemed to cause a decrease in infection in juveniles during the month of June. In regard to the adult die-off in 2002, the National Research Council in its final 2003 report stated, "... no obvious explanation of the fish kill based on unique flow or temperature conditions is possible" and "It is unclear what the effect of specific amounts of additional flow drawn from controllable upstream sources (Trinity and Iron Gate Reservoir) would have been." High temperatures may have stressed them, making them more susceptible to disease, but they did not die of low flows. The adult fish died of disease.

The hue and cry has been raised to tear down the dams on the Klamath.

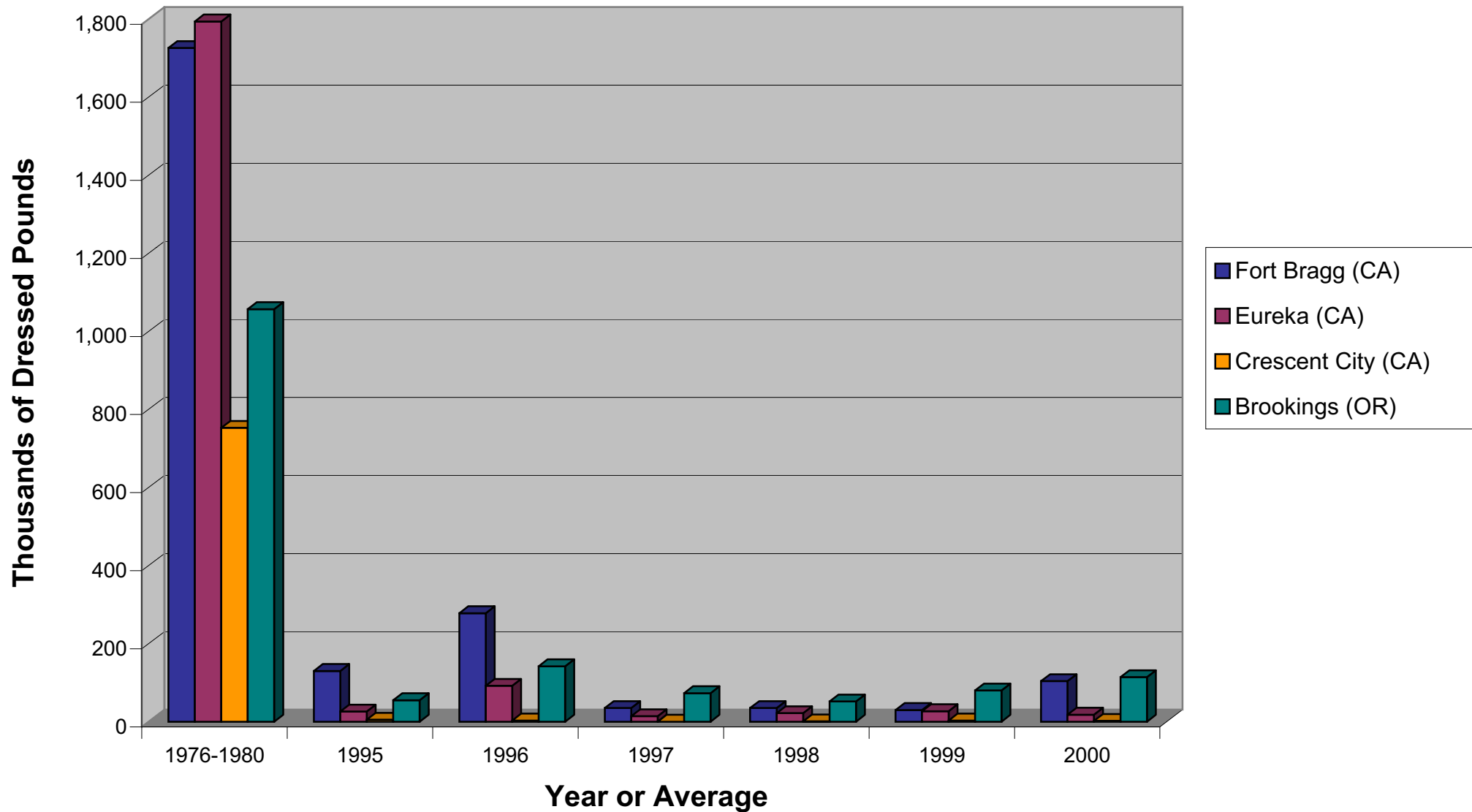
Siskiyou County thinks that it would be rash to rush into removal of the Klamath River dams. There are more than 1,600 property owners around Copco Lake behind the lower complex of dams. In addition to providing low-cost renewable energy from hydropower, these facilities provide roughly \$750,000 a year in tax revenue. The impact of dam removal to the county and local residents would be substantial.

There are no compelling data or studies to demonstrate that dam removal is the best answer to assist in the recovery of fish. Information from PacifiCorp indicates that water quality would actually be decreased by dam removal. The county is particularly concerned about the effect that sediment migration might have on salmon runs.

Alternatives to dam removal have not received the attention they deserve, such as fish ladders, trucking and other means of bypassing the dams. The county feels alternatives to dam removal should be tested on a pilot basis.

The definition of insanity is doing the same thing over and over, expecting different results. Siskiyou County's economy now stands at 11 percent unemployment -- 18.8 percent on the Klamath River corridor. Our median household income at the 2000 census was only \$29,530. Let's take some new approaches to solving this problem before all of our economies collapse. #

Pounds of Salmon Landed By The Commerical Troll Ocean Fishery Four Major Klamath Management Zone (KMZ) Port Areas

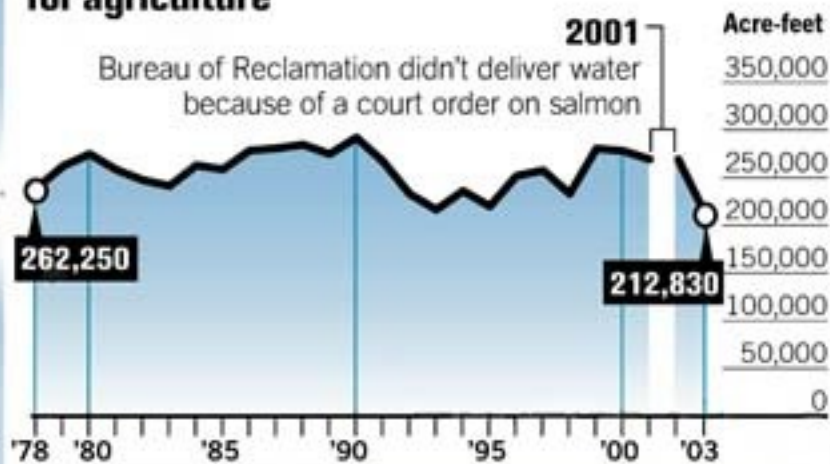


The port areas listed include landings in the following ports: Brookings also includes Port Orford and Gold Beach; Crescent City includes only Crescent City; Eureka also includes Shelter Cove, Noyo Harbor, Mendocino and Pt. Arena. Brookings and Fort Bragg are at the far northern and southern ends, respectively, of the Klamath Management Zone, closed in 1992 to most commercial fishing to prevent harm to weak Klamath stocks, and thus would have received some landings from just north or south of the KMZ

Data from the Pacific Fishery Management Council (PFMC), *Review of 2000 Ocean Salmon Fisheries (2/01)*.
The coho fishery was closed completely in 1992 after years of increasing restrictions, so years after 1992 reflect only chinook landings.

Klamath River Basin

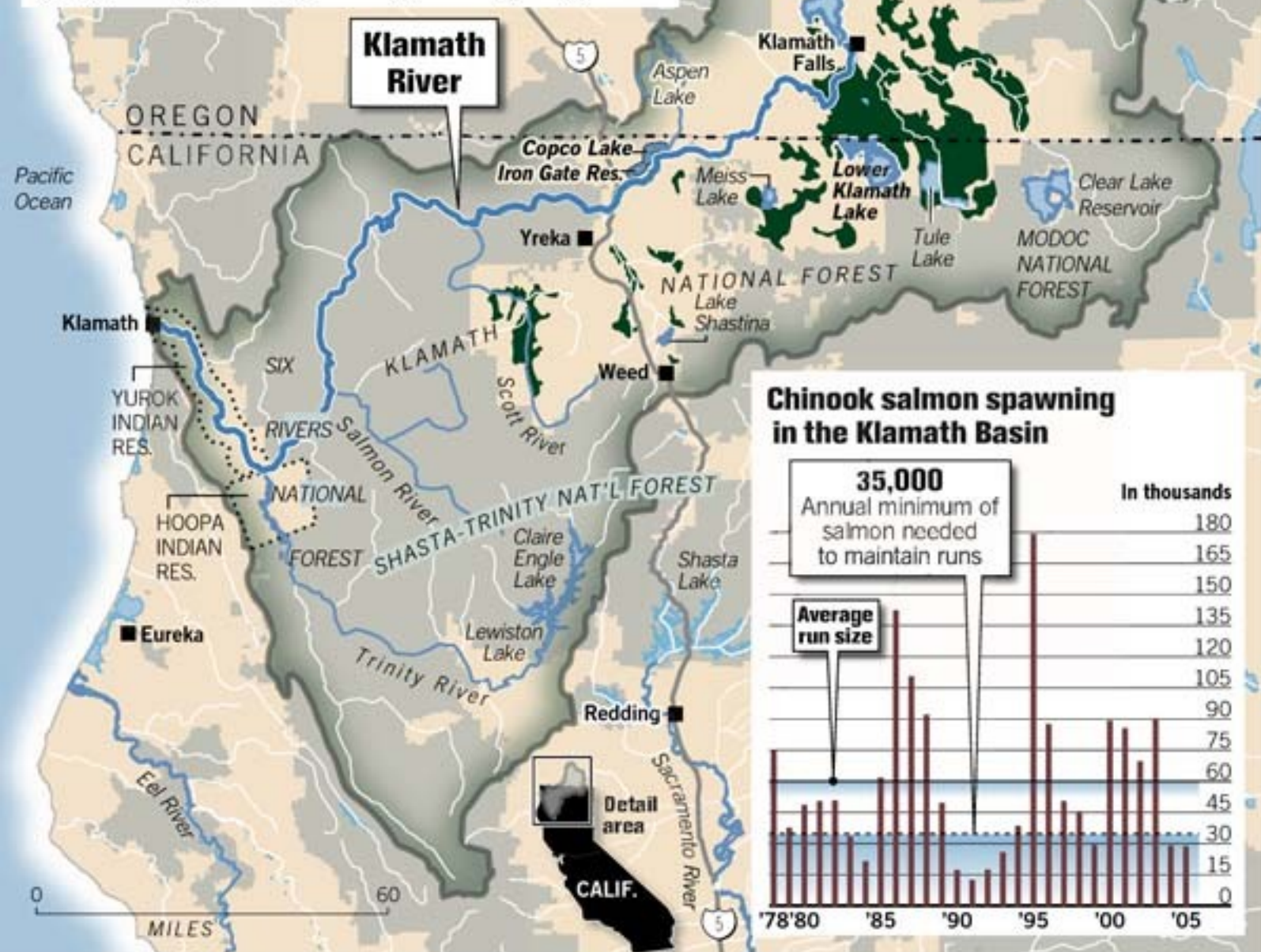
Water diversion from the Klamath River for agriculture



Agricultural areas

Klamath Basin

Klamath River



Chinook salmon spawning in the Klamath Basin

35,000

Annual minimum of salmon needed to maintain runs

In thousands

Average run size

