



## SISKIYOU RESOURCE CONSERVATION DISTRICT

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April 10, 2006

Tam Doduc, Board Chair  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812-0100

Re: Comment Letter – Sediment and Temperature TMDL in the Scott River Watershed

Dear Chair Doduc:

Following much active debate over technical and policy issues the Siskiyou RCD finds the sediment and temperature TMDL for the Scott River Watershed that was adopted by the North Coast Regional Water Quality Control Board at its December 2005 Board meeting to be a reasonable compromise. This follows several years of similar debate leading to the California Fish and Game Commission's approval of the coho recovery plan for the Scott and Shasta Valleys. The TMDL's recommended actions to meet sediment and temperature targets build upon, and seek to accelerate, the tremendous progress accomplished by the Siskiyou RCD and other community efforts since the Scott River was listed as impaired.

### **History of Scott River Watershed Conservation Actions (1990-present)**

The Scott Valley community at large and in particular its landowners have a long and successful record extending back nearly two decades of voluntary action to improve watershed conditions relating to water quality and other conservation measures benefiting anadromous fish in our watershed. Most of these efforts have been initiated by and/or with the active participation of the Siskiyou RCD and Scott River Watershed Council. Some of these measures include:

- Of the 94 agricultural water diversions identified as being in the coho-occupied areas of the Scott River system, all but four now have fish screens and the remaining diversions will have fish screens installed in the next three years.

- Of the 27 miles of the Scott River mainstem that is within Scott Valley, fully 98% is no longer accessible to livestock, either due to the construction of riparian fencing or agricultural activities that do not include livestock.
- For the tributaries, riparian fencing efforts are now being concentrated on the coho spawning and rearing areas. The two major coho-bearing tributaries, French and Shackelford-Mill, now have riparian fencing protecting approximately 90% of the coho area. Sugar Creek is 100% fenced. Overall, including the south and east forks of the Scott River, approximately 40% of the tributary areas with livestock present have riparian fencing.
- In the past 13 years the RCD has undertaken 17,150 ft of fish-friendly channel enhancements and installed 320 in-stream structures on private property as an alternative to rip rap. Over 190 acres of riparian tree planting have been completed and numerous water temperature, macro invertebrate, juvenile and spawning adult anadromous surveys have been conducted.
- Since 1994 approximately \$6 million of water quality, fish, riparian improvements, water supply and related planning and monitoring activities have been completed, all with voluntary landowner participation.
- The French Creek Watershed Advisory Group, composed of thirteen organizations representing private landowners, timber companies, the U.S. Forest Service, the Siskiyou RCD, and Siskiyou County, was formed in 1990 to address severe sedimentation problems in French Creek. Using an interdisciplinary approach, watershed "stakeholders" cooperated to identify the major source of sedimentation – unpaved roads – and to solve the problem through a comprehensive road management plan and a follow-up monitoring plan. Through individual and cooperative initiatives, members of the Advisory Group, using more than 80 percent private funding, significantly improved the streams that are critical to coho salmon and steelhead. The Advisory Group was among the recipients of the first national watershed awards made by the U.S. EPA recognizing the safeguarding of fresh water.
- A current major emphasis that has a direct impact on water quality and fish passage is the design and construction of permanent natural rock vortex weirs to provide for diversion of water from streams for agricultural irrigation purposes. These vortex weir structures do not impound water, assure fish passage, and typically require little or no activity by the irrigator within the streambed once installed. The historical gravel push-up dams they are replacing and which have been used for the past 130 years for this purpose

require extensive activity by the irrigator within the streambed every year and are much more difficult to build to assure fish passage.

- Another program currently being implemented is alternative livestock watering systems. These systems use small domestic size wells to supply livestock water as an alternative to utilizing water from the streams as provided in the three water rights adjudications in Scott Valley. This allows water to stay in the streams that would otherwise be diverted in the critical months of October, November and December when chinook and coho are moving into the Scott to spawn and during which time, depending on the onset of winter rains, river and tributary water levels can be quite low.
- The RCD is currently implementing a project with CDFG and the State Water Board to provide for actual instream flow dedications under Water Code 1707-1725 that enhance base flow for juvenile coho salmon and steelhead in the Sugar Creek tributary of the Scott. Another similar project in the east fork of the Scott River has preliminary funding approval.
- A Scott River Water Trust to assist in funding instream flow dedications is being developed to address our unique water rights adjudications and local water values. We expect to have it up and running within the next year.

### **Groundwater Studies**

One of the major objectives defined in the Scott River Watershed TMDL Action Plan was to study the connection between groundwater and surface water. Since the December 2005 NCRWQCB meeting that adopted the Action Plan, the Scott River Watershed Council, with the support of Siskiyou County and the Siskiyou RCD, has moved quickly to implement the first steps in meeting this objective. Beginning in April 2006, the Siskiyou RCD, in cooperation with the Natural Resource Conservation Service, the Scott River Watershed Council and the University of California Cooperative Extension in Davis, on a monthly basis is monitoring static water levels in more than thirty wells volunteered by landowners throughout the valley. This data will help form the basis for further analysis (e.g., hypothesis testing), long-term interpretations, and effective voluntary management.

### **Coho Recovery and Watershed-Wide Approaches to Permitting**

The California Fish and Game Commission and California Department of Fish and Game have recognized local community involvement on conservation issues within Siskiyou County in two very significant ways.

First, in the development of a statewide coho recovery strategy, the Commission and Department provided that a separate recovery strategy be established within the state plan for the Scott and Shasta River watersheds. This recovery strategy,

known as the Shasta and Scott River Pilot Program for Coho Salmon Recovery, was developed locally, has been finalized and adopted by the Commission.

Second, in light of the listing of the coho salmon by the State of California, the Department is developing pilot watershed-wide programmatic incidental take permit (ITP) and streambed alteration agreements (1602) with the Siskiyou and Shasta Valley RCD's. These pilot programs, which have never been attempted in California previously, have as an objective establishing an efficient, cost-effective mechanism to implement necessary permitting programs for individual landowners without requiring individual applications, payment of fees, individual CEQA studies and permit processing. The major portion of the work on behalf of the RCD's is through volunteer efforts.

### **Working Through Existing Efforts and Programs**

The Siskiyou RCD has successfully worked with agencies that trust the community and who are willing to give the voluntary approach a chance. In turn, the community responds to the empowerment provided by this approach by taking ownership in the programs. This is precisely why the Scott River watershed community is a leader in fish screening, permit development and instream dedication efforts.

Accordingly, we greatly appreciate the repeated assurances of the NCRWQCB and its staff that their intent is to work through the many organizations and programs already in place in order to meet the TMDL Action Plan objectives rather than create additional mechanisms to meet these needs. We fully appreciate there are various regulatory measures available to the NCRWQCB and SWRCB to meet the water quality standards required by state and federal legislation if voluntary efforts are not successful.

We also see numerous ways both the Regional and State Boards can assist our efforts in continuing to implement water quality measures. The record clearly demonstrates that the people of the Scott River watershed, acting through community-based collaborative measures and programs, have historically accomplished all such requirements through voluntary action. With the continued support of the NCRWQCB and SWRCB, along with the other federal and state agencies we are working with, we are confident this will continue to be the case.

The process leading up to the adoption by the North Coast Regional Water Control Board in December 2005 of the Sediment and Temperature TMDL in the Scott River Watershed was actively debated and contested within the Scott River Watershed. There were and remain considerable concerns with portions of the analysis and conclusions developed by regional staff in their staff report, particularly as to the feasibility of certain measures recommended for addressing sediment and

temperature impairment issues. As an example, the serious flooding which occurred in Scott Valley in January of this year with its impact on the mainstem of the Scott River, in what is generally characterized as a 15 year event, gives graphic illustration to the challenges attendant to meeting the riparian shade objectives developed by regional staff.

Nonetheless, the Siskiyou RCD believes the Action Plan approved by the Regional Board, in concert with the programmatic watershed-wide coho incidental take permit and streambed alteration agreement programs being developed with the California Department of Fish and Game, the Shasta-Scott Coho Recovery Program and the Scott Valley Strategic Action Plan, provide reasonable and effective vehicles to continue to make progress on the water quality, endangered species and conservation issues facing us. Accordingly, the Siskiyou RCD encourages the Board to adopt the resolution approving the amendment to the North Coast's Basin Plan for the Scott River TMDL.

Sincerely,

William P. Krum  
Board of Directors President

**commentletters - April 18 Board Meeting Agenda Item #7 - Scott River Watershed TMDL**

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**From:** "Krum" <brokenk@sisqtel.net>  
**To:** <commentletters@waterboards.ca.gov>  
**Date:** 4/10/2006 1:08 PM  
**Subject:** April 18 Board Meeting Agenda Item #7 - Scott River Watershed TMDL  
**CC:** "Pimentel, Carolyn" <sisqrcd@sisqtel.net>

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Ms. Song Her  
Clerk to the Board  
State Water Resources Control Board

Dear Ms. Her:

Enclosed are the comments of the Siskiyou RCD relative to Agenda Item #7 on the Board's April 18 Agenda dealing with the Scott River Watershed TMDL.

A signed copy is being mailed to your attention today.

William P. Krum  
President of the Board of Directors  
Siskiyou RCD