



COUNTY OF SISKIYOU

COUNTY ADMINISTRATIVE OFFICE

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March 17, 2009

Matt St. John
North Coast Regional Water Quality Control
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Subject: NCRWQCB staff report for 2008 305b-303d combined report - February 2009

Dear Matt:

I greatly appreciate the workshops you have presented in Siskiyou County to inform our citizens of the actions being considered and proposed concerning the 303(d) listings and TMDL implementation. While these issues are complicated and do not often sit well with many citizens whose livelihoods and security are truly threatened by the increasing regulatory burden placed on them through such actions as are contemplated in your report, it is at least some comfort that your agency is trying to help people understand the process and the reasoning that has gone into your report.

That said, it is nonetheless more than a little vexing that proposals that have routinely exhibited the propensity to significantly affect human activities of many kinds are being made with such limited scientific evidence. This is not to demean your attempt to make a decision from your understanding of the science and law as it applies to your agency and the limited facts and resources with which you had to deal. Rather, it is that the continuing increase in economic and social hardship within our County that are aggravated by such judgments can no longer be justified by "making the best of a bad situation."

Specifically in this vein:

- The decision to list Lake Shastina for methylated mercury (mHg) is based on a sampling made 8 years ago with an embarrassing lack of effort to insure an adequate sample base. In fact, I recall comments by DWR staff to the effect that their poor abilities as fisherman for this particular sampling mandated that they would have to return at a later date to get an adequate sample base, particularly since they got skunked on catfish! It is wrong for the Water Board staff to make this decision on a study that DWR itself says is at the best very weak.
- Virtually the only source of data and research upon which the Klamath River tributary creeks are listed is the Thompson/Seiad/Grider Ecosystem Analysis (TSGEA) done by the Klamath National Forest (KNF) in 1999. There was no inclusion of subsequent data and research that the Klamath National Forest has gathered that indicate that these listings are unwarranted.
- Numerous references were made throughout the TSGEA to effects from a major flood event in January of 1997. Only one winter elapsed between the flood and the publication of the TSGEA. Obviously, a very large component of the data in the TSGEA represented effects of flooding since most of the work was done immediately after the event. Indeed, as mentioned, subsequent work by the KNF has revealed this to be the case.
- Many of the Hydrologic Areas (HAs) proposed for listing are not even assessed in the TSGEA. The Water Board staff merely presumes that the TSGEA data and conclusions can be applied to these HAs.

Finally, water body impairments by toxicants at least render themselves to reasonably objective quantification. This is far from the case with sediment. In the HAs proposed for the 303(d) list,

modeling, extrapolation and "best guesses" that "err on the side of caution" are used to assess to what degree the cold water fishery beneficial use (COLD) is impaired. Ultimately, the only measurement that really matters is whether salmon are there. If the fish were there, there would be no impairment. Water bodies are common throughout the Pacific Northwest that have far higher sediment loading and turbidity during high water events than do the HAs proposed for listing, yet because they support healthy runs of salmon they are not listed. As well, Klamath River tributaries that aren't proposed for sediment impairment also lack salmon. Until such time as these apparent contradictions are resolved with an explanation that points directly and compellingly at sediment as a cause for reduced numbers of salmon in these Klamath tributaries, minor and alleged sediment issues are nothing more than arbitrary opinions when it comes to the COLD beneficial use impairment. Additionally, using modeling and questionable protocols such as Equivalent Roaded Area are not appropriate for a pollutant that is already as overly amorphous and subjective as sediment is when the only impairment is to COLD.

Listing any of the Klamath River tributaries as impaired on the basis of sediment or Lake Shastina for methylated mercury is unjustified at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Ric Costales". The signature is fluid and cursive, with the first name "Ric" being larger and more prominent than the last name "Costales".

Ric Costales, Natural Resource Policy Specialist
County of Siskiyou