



## Quartz Valley Indian Reservation

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May 13, 2009

Catherine Kuhlman  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403

### **RE: Scott River TMDL Implementation Progress**

Ms. Kuhlman,

The Scott TMDL has been in the implementation phase for two and a half years now. Challenges the Tribe currently sees as obstacles to implementing the TMDL are as follows.

#### **A. Riparian Restoration**

Excerpt from the Scott River Action Plan:

*“The Regional Water Board encourages parties responsible for vegetation that provides shade to a water body in the Scott River watershed to preserve and restore such vegetation. This may include planting riparian trees, minimizing the removal of vegetation that provides shade to a water body, and minimizing activities that might suppress the growth of new or existing vegetation (e.g., allowing cattle to eat and trample riparian vegetation).”*

Grazing and Riparian Management Plans or Best Management Practices for Agriculture in the Scott Basin need to be developed and implemented prior to riparian restoration. Attachment #1 photos are from Shackleford Creek during the spring of 2008. Cows are permitted in the creek, on the other side of the fence, frequently throughout the year. This leads to destruction of riparian vegetation, bank destabilization, increases in temperature, nutrients and bacteria. Please, do not accept that just because trees and fences were put there that it still exists today or that the landowner is aware of how to manage the new riparian area.

**It is simply not a sustainable use of restoration funding, to implement projects restoring the riparian corridor, without the development and education of agricultural best management practices.**

There is also not currently a Restoration Plan in place, identifying priority locations and needs to attain water quality objectives of the TMDL. However, we have recently ‘heard’ that funding obtained through the SWRCB 319h Program will address this deficiency. We hope this is true and hope to be able to review and provide comments on such an important document.

Excerpt from the Scott River Action Plan:

*“The Regional Water Board shall rely on existing authorities and regulatory tools, such as the 401 Water Quality Certification program, to ensure that flood control and bank stabilization activities in the Scott River watershed are conducted in a manner that minimizes the removal or suppression of vegetation that provides shade to a water body, prevents or minimizes sediment delivery, and minimizes changes in channel morphology that could increase water temperatures.”*

Attachment #2 are photos taken in Quartz Valley of Shackleford Creek in January 2009. As you can see there is very little riparian vegetation in the photo, the channel is extremely wide and there are extensive ‘CAT’ trails all over the banks. It does not look like a RWB approved activity took place here. We are concerned that the level of cooperation needed between California Department of Fish and Game and the RWB to address these issues is currently lacking.

## **B. Groundwater Study**

Excerpt from the Scott River Action Plan:

*“The Regional Water Board requests the County, in cooperation with other appropriate stakeholders, to study the connection between groundwater and surface water, the impacts of groundwater use on surface flow and beneficial uses, and the impacts of groundwater levels on the health of riparian vegetation in the Scott River watershed. The study should: (1) consider groundwater located both within and outside of the interconnected groundwater area delineated in the Scott River Adjudication, (2) the amount of water transpired by trees and other vegetation, and (3), if deleterious impacts to beneficial uses are found, identify potential solutions including mitigation measures and changes to management plans.”*

Implementation of the Groundwater Study Plan is dependant upon grant funding and landowner access to begin. The Siskiyou RCD is waiting for permission to proceed with implementation (in this case applying for funding) until Siskiyou County feels that there is community “buy-in” to implementing such a study.

The results of such a study extend beyond the TMDL for the Quartz Valley Tribe. Groundwater and surface water sampling in Quartz Valley both show *E.coli* concentrations in exceedance of both State and Federal standards. Although we do not sample groundwater outside of Quartz Valley, the Scott River surface water is also in exceedance of both State and Federal standards. Locations of surface and groundwater interconnection could be explored and identified through implementing the groundwater study. Well owners near the river in danger of

fecal coliform contamination through ground and surface water interaction should be made aware.

The final Scott TMDL Implementation Workplan (February 28<sup>th</sup>, 2007) states,

*“If the County is unable to prepare or implement the study and/or the County’s study proposal does not include all the listed components, recommend to the Regional Water Board that it request the State Water Board to conduct the study”.*

Based on this Workplan statement and the lack of funding and community “buy-in” being pursued to implement the study; we feel that the County is unable at this time to implement the study. Along with the identified imminent health threat of *E.coli* contamination, we recommend the RWB request that the SWB conduct the study.

### **C. Landowner Involvement**

According to the *Conditional Waiver for Discharges Related to Specific Land Management in the Scott* signed by the NCRWB Executive Officer on August 9, 2006, landowners not participating with the collaborative programs do not have a waiver covering their discharge. There is currently no way to evaluate who is or isn’t working toward meeting the goals of the TMDL. Therefore, we would like to support the RWB staff decision to distribute ‘Letters of Intent’, asking landowners to state if they intend to comply with the Scott TMDL programs.

### **Conclusion**

We hope our concerns are adequately portrayed herein and that your Board will consider the following comments as needed measures to attaining water quality objectives through TMDL implementation.

Sincerely,

Crystal Bowman  
Environmental Director  
Quartz Valley Indian Reservation

Cc: Harold Bennett, QVIR Tribal Chairman  
Bryan McFadin, North Coast Regional Water Quality Control Board  
Gail Louis, U.S. Environmental Protection Agency  
Susan Corum, Karuk Tribe Water Quality Coordinator  
Ken Fetcho, Yurok Environmental Program Assistant Director