



**United States Department of the Interior
California Department of Parks and Recreation**

Redwood National and State Parks
1111 Second Street
Crescent City, California 95531



10/25/06 BdMtg Item 10
303(d) List
Deadline: 10/20/06 5pm

N3617

October 19, 2006

Tam M. Doduc
Board Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Subject: Comment Letter – 2006 Federal CWA Section 303(d) List

Dear Ms. Doduc:

Thank you for the opportunity to comment on the 2006 Federal Clean Water Act (CWA) Section 303(d) List. We encourage the State Water Resources Control Board (SWRCB) to list the Lower Klamath HA, excluding waterbodies within Tribal boundaries, as water quality limited due to sedimentation/siltation. Redwood National and State Parks (RNSP) encompasses 35 miles of coastline including the mouth of the Klamath River. The Klamath River plays a significant role in the condition of the coastal marine resources within the jurisdiction of RNSP, as well as in region-wide fisheries and ecological issues.

Evidence submitted by the North Coast Regional Water Quality Control Board (NCRWQCB) to the SWRCB supports a 303(d) listing for sedimentation/siltation in the Lower Klamath HA, including certain tributary watersheds. The SWRCB cited the following reason for not listing the Lower Klamath HA as impaired due to sedimentation/siltation: "The decision to not list is based on the staff findings that the sampling locations for this data were on tribal lands and the State lacks Clean Water Act jurisdiction to list waters on tribal lands."

We understand that the State lacks CWA jurisdiction to list waters on tribal lands. However, we believe the State is obligated to use the best available data and information, even if it is gathered from tribal land, as a basis to list hydrologically connected tributary watersheds beyond tribal boundaries. In previous 303(d) lists, the SWRCB listed complete hydrologic areas or subareas in accordance with watershed boundaries rather than specific stream reaches. This approach is consistent with CWA responsibilities because sedimentation delivered from tributary watersheds contributes cumulatively to the degradation of mainstem conditions.

The SWRCB has designated the RNSP coastline as an Area of Special Biological Significance (ASBS), also known as State Water Quality Protection Area. The National Park Service has cooperated with several other agencies and organizations to support studies to characterize the rich and unique biological community and physical conditions in the marine environment along the RNSP coastline. These studies highlight the importance of the volume and quality of freshwater discharge from the Klamath River on coastal marine resources. The restoration and protection of the Klamath River and other coastal watersheds is critical to the health of the ASBS. Properly listing water-quality limited waterbodies is a necessary step in the recovery process.

We encourage the SWRCB to list the Lower Klamath HA beyond tribal boundaries for sedimentation/siltation, then develop TMDLs and implement the measures necessary to protect beneficial uses in the Klamath River and adjacent coastline.

If you have any questions or need any other information you may contact Chris Hepe at 707-465-7704.

Sincerely,

/s/ Terrence D. Hofstra

Terrence D. Hofstra, Chief

Division of Resource Management and Science

Cc: Craig Wilson, State Water Resources Control Board
Bruce Gwynn, North Coast Regional Water Quality Control Board
David Smith, US Environmental Protection Agency