

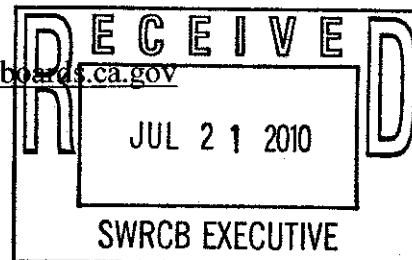
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To: State Water Resources Control Board at commentletters@waterboards.ca.gov

Subject:, "**Comment Letter – Klamath River - TMDLs.**"

Date: July 20, 2010



RE: Klamath Forest Alliance and Klamath Riverkeeper Comments to the State Water Resources Control Board (State Water Board) on the proposed approval of an amendment to the Basin Plan that would establish: (1) site specific water quality objectives for dissolved oxygen in the Klamath River; (2) an action plan for the Klamath River Total Maximum Daily Loads addressing temperature, dissolved oxygen, nutrient, and microcystin impairments in the Klamath River; and (3) an implementation plan for the Klamath and Lost River Basins. (Klamath TMDL)

Dear State Water Resources Control Board (State Water Board),
Attention: Jeanine Townsend, Clerk to the Board

The Klamath Forest Alliance and the Klamath Riverkeeper thank the State Water Board for this opportunity to provide you with our comments for the Klamath TMDL, as described above in the "RE". We acknowledge the good work that the North Coast Regional Water Quality Control Board has put into this document to date. There are various improvements to water quality that is impaired by nutrients, temperature, dissolved oxygen, and *Microcystis* / microcystin in the Klamath River that will likely result from the implementation of the proposed Klamath TMDL which is under review and proposed for adoption. However we have some general and specific comments to improve the Klamath TMDL. These will result in a few minor changes that we would recommend you make in the final Klamath TMDL that is adopted by the State Water Board.

Our comments include:

A) General Comment

1) Compliance Monitoring and Enforcement –

The State Water Board has the responsibility to implement the Klamath TMDL in a reasonable manner to comply with the prescribed water quality standards in the Basin Plan. The proposed Klamath TMDL does provide benchmarks to be achieved by the pollutant dischargers to come into compliance with the water quality standards. Adequate monitoring is necessary to determine the level of compliance by the pollutant dischargers, Although it is most helpful to achieve a willing compliance from the pollutant dischargers, it is also imperative for measures to be prescribed in the Klamath TMDL that articulate how adequate enforcement will occur, if non-compliance by the pollutant

discharger still exists once benchmarks are arrived at. The State Water Board should ensure that compliance monitoring and enforcement is adequately addressed in the Klamath TMDL. The State Water Board should adequately fund the staff that is needed to implement the Klamath TMDL to achieve compliance.

B) Specific Comments

1) Interim Discretionary Compliance to Address Pending Agricultural Waivers Is Not Adequate

The State Water Board is currently in the process of developing a Waiver for the agricultural water users. The discretionary compliance measure for agricultural water users to be applied in the interim period will not likely achieve compliance with Klamath TMDL and Implementation Plan. This is supported by the failure to achieve adequate results from discretionary measures offered by the State Water Board in the Shasta and Scott rivers for their TMDL's and Implementation Plans. The State Water Board should not adopt discretionary measures as an amendment to the Basin Plan for agricultural water users. Instead we ask that the Board develop specific measures for the agricultural water users to take to ensure that there is adequate compliance with the applied water quality standards in the basin Plan and the Klamath TMDL and Implementation Plan.

2) Seasonal Protection of Cold Water Fish Refugia Needs to Be Expanded to Year Round Protection

We recognize the benefits provided by the proposed Klamath TMDL for fish by the seasonal protection of cold water refugia in the Klamath River from mining. Mining in these cold water refugia areas during the rest of the year can significantly alter the size and quality of these important habitats for fish survival. We recommend that you change the seasonal closure for mining in these cold water refugia areas for fish to a year round closure for mining. This is needed in order to provide necessary protection to fish and these cold water areas.

In conclusion, we look forward to the State Water Board including these recommendation in the final Klamath TMDL and Implementation Plan that is adopted. If you have any questions or would like additional information, please don't hesitate to contact us.

Sincerely,



Petey Brucker - River Program Coordinator, Klamath Forest Alliance



Erica Terence, Klamath Riverkeeper