

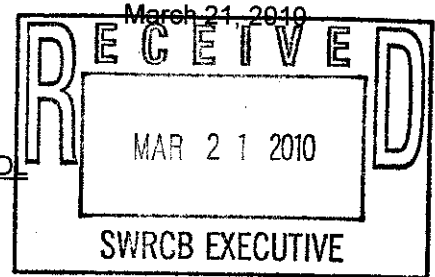


NORTH BAY AGRICULTURE ALLIANCE

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Representing over 50,000 acres of San Pablo Bay shorelands

State Water Resources Control Board
1001 I Street,
Sacramento, CA 95814.



Comment Letter – Sonoma Creek Sediment TMDL

Chairman Hoppin and Board Members:

If you are asked to authorize an expenditure of \$26- to 46-million dollars of taxpayers' money for unproven solutions to unsubstantiated problems, what would you do? You would authorize it if you believed that the purported problems are likely real and the proposed solutions are plausible. But, if not?

The Sonoma Creek Sediment TMDL was triggered by a two-page memo from CDFG in 1998. It expressed a concern about the steelhead population in the Bay, and suggested actions to prevent loss of essential habitat from controllable factors such as animal waste, siltation, and urban runoff. There was no data on the steelhead population decline or the sediment increase to make their suggestion more than a suggestion. Nevertheless, the SF Bay RWQCB in 2004 updated their WQCP to undertake Sonoma Creek Sediment TMDL.

As a member of the Sonoma Creek Sediment TMDL Steering Committee, North Bay Agriculture Alliance strongly suggested first that we follow the State guideline for TMDL, and re-examine the listing. Our hope was that money and time be directed to improving Sonoma Creek in a realistic and cost-effective manner rather than reducing sediment at any cost and hoping that it would lead to an abundant steelhead population. Our suggestion was overruled by your staff as were many other subsequent suggestions.

A sediment source study and a limiting factors analysis were then commissioned by the RWQCB to substantiate the sediment listing, and on their basis the staff prepared a sediment TMDL program. At the public hearing in 2008 before the RWQCB, we again opposed in vain the adoption of the TMDL on the ground of insufficient science behind the TMDL. For example, the alleged decrease in the steelhead population was based on a set of recent counts against anecdotal information on the past population while ignoring the fact that, for nearly a century until about 1960, tens of thousands of fish were planted in Sonoma Creek. As for the sediment load, we had only a set of recent data against "scientific estimates" for the past. The causal relation between the sediment and fish population was even shakier: all studies pointed out that sediment is but a minor factor limiting the fish population.

Staff claims that the scientific basis for the TMDL has undergone external peer reviews with positive results. There were only two reviewers – a rather small number for normal scientific peer review. Although both reviewers accepted the reduction of sediment input to 125% of background, nothing is said about how to determine the background on specific parcels. One reviewer even wrote, "I do not believe that the TMDL plan if implemented ... will achieve a high level of success in meeting those goals (as stated on page 3 of the TMDL report)..." Additionally there has been a recent opinion by the scientists of the USGS, SFEI, and UC-Davis that the sediment level in the San Pablo Bay is now too low for optimum habitat for fish.

Under all these uncertainties, we seriously question if it would be prudent of you to approve the proposed Basin Plan Amendment and impose upon the growers in the Sonoma Creek watershed an onerous burden of complying with a program of dubious merits.

Respectfully submitted,

/S/
Tito Sasaki, President