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## PACIFIC COAST FEDERATION of FISHERMEN'S ASSOCIATIONS



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**RE: PCFFA and IFR Comments Regarding Draft Order No. R1-2016-004, Waste Discharge Requirements and General Water Quality Certification for Humboldt Redwood Company Timber Operations in Upper Elk River Watershed and Proposed Mitigated Negative Declaration**

Dear Matt St. John, Chairman Corbett, and Members of the Board,

On behalf of the Pacific Coast Federation of Fishermen's Associations (PCFFA) and Institute for Fisheries Resources (IFR), we are asking that WDR Order No. R-1-2016-0004 include a moratorium be placed on timber operations in Elk River, inclusive of HRC lands, for a time to allow recovery of the soil, the canopy, timber growth, and assimilative capacity of the impacted reach. In spite of the hard work and efforts of the staff and many others to justify timber operations in HRC's holdings in the severely damaged Elk River watershed, we fail to see how any timber operations can be mitigated by good practices or restoration financing at this late date in the unraveling of the ecosystem functions of Elk River Watershed's already over-cut and fragile hillslopes. We submit that the impacts cannot be adequately mitigated to support a negative declaration. The best information available is in section 5. of the Draft WDR, "The overwhelming evidence pointing to the lack of any assimilative capacity in the impacted reach. (Tetra Tech, 2015; Order No; R-1-2016-0004)" We recommend that you proceed with the Best Management Practices designed to restore the assimilative capacity of the impacted reaches. We support the authority and intent of the Regional Board to prescribe forestry practices that will allow recovery of the beneficial uses.

The staff asserts (pg. 18, 57.) that “halting all timber harvest activity in the UER watershed” would not help promote “HRC’s participation in cleanup and restoration efforts.” Even if HRC declined to help, active measures could still be taken to improve downstream beneficial uses, without causing additional damage to hillslope filtration. We have proposed that Elk River be chosen as one of the Pilot Watersheds for the AB1492 Timber Regulation and Forestry Restoration program. This could be one avenue of funding for needed restoration work, as well as for compiling existing data for cumulative impacts analysis.

Elk River was listed as impaired in 1998, and despite conditions imposed by the previous WDR, conditions worsened until considerable remediation is required before the system can stand more extraction. HRC bought cut-over lands as a long term investment in sustainable forestry, and it will take some time before they can extract timber values without further damaging the capacity of downstream reaches.

The PCFFA has participated in TMDL development and implementation at least since the original litigation, including Agricultural and Forestry Waivers. Our members have a vested economic and cultural interest in TMDL Implementation Plans that will recover, restore and maintain ESA listed fisheries and fishery values. A weak and slow recovery would set a bad precedent for other CWA 303(d) impaired rivers.

When fish populations are decimated by instream conditions, the fisheries are managed conservatively, on the “precautionary principle,” erring to the side of caution. When fishing is closed, fishermen find work in habitat restoration or other occupations. Agencies have failed to keep silvicultural practices from undercutting the very foundation of the forest to support economic and ecosystem values, including quality timber, until it is way beyond feasible to pick away further at that foundation while at the same time cleaning up the sediment pollution deposited on the lower end of the river.

In section 36. of the draft WDR, “The Tetra Tech report recommends a numeric target for limiting increases in peak flows from timber harvesting in Individual Class II and III catchment to less than 10% in ten years.” Allowing any percent increase in peak flows from timber harvest in this fully allocated watershed would be in addition to already elevated peak flow from runoff concentrated by roads and clearcuts. Increasing peak flows would exacerbate the fully allocated capacity of the river and slow the recovery of habitat and fisheries values. An increase in peak flows would also indicate further damage to the ability of the forest soils to recover their ability to absorb and filter water (assimilate).

The previous WDR was not effective in preventing the river system from becoming choked with sediment, the worst impacts occurring during prescriptions set by the Board. The years of least sediment delivery, shown by Salmon Forever monitoring, have been during years of little harvest, when Pacific Lumber under Maxxam entered the bankruptcy stage of their business model. Resumption of harvest resulted in additional sediment delivery.

Elk River acts as a refuge (refugia) for listed coho as part of the Southern Oregon Northern California Coastal (SONCC) Evolutionarily Significant Unit (ESU). Although we have not fished directly on coho since before the ESA listings, the ocean commercial fishery is often

constrained to avoid coho due to mixing of stocks in the ocean. What is the timeline and goal for reaching habitat conditions for listed coho salmon? What are the desired future conditions?

Relative to “Equivalent clearcut area,” the “normalized disturbance calculation” (relative disturbance calculation?) of 0.5 for clear cut equivalent acres indicates that selective cutting may be half as disturbing of normal forest land functions, such as water filtration, but it is being applied over double the area. Instead of comparing levels of destruction, we should be comparing levels of sustainability.

The WDR begins to, but does not adequately, describe the economic benefits of fully functioning forest systems that provide clean water, fisheries habitat, soil nutrients that support a diverse forest and the 26 beneficial uses listed in the Basin Plan. It seems like these values are being sacrificed for short term gain with far reaching cumulative impacts.

Thank you for considering our comments. Supplemental information may follow.

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