

**LAW OFFICES OF SHARON E. DUGGAN**

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December 14, 2007

Regional Water Quality Control Board  
5550 Skylane Blvd.  
Santa Rosa, CA 95403

RE: Work Plan to Control Sediment in Sediment-Impaired Watersheds in Support of  
Regional Board Resolution No R1-2007-0095

Dear Members of the Board:

This office represents the Environmental Protection Information Center, which has a long history of efforts to remedy the damaging effects of industrial timber harvesting and other activities on North Coast waterbodies. EPIC appreciates the Board's efforts to move forward with an effective strategy to deal with the impaired conditions of many of our North Coast rivers and streams, and support the Board's proposed work plan.

EPIC is very concerned, however, that the proposed Work Plan embodies an ambitious financial commitment, in terms of staff resources, which may be unrealistic. The most recent reports indicate that the State of California is facing a 14.2 billion dollar budget deficit in the coming year. Assuming this is a relatively accurate estimate, EPIC does not understand how the Regional Board will be able to obtain the necessary funding to implement the Work Plan. EPIC believes the tasks outlined in the Work Plan are imperative, and are compliant with the Board's obligation under the Water Code. If the funding is not available, will this mean the Work Plan, or parts of it, are not implemented. That would not only continue to allow degradation of these impaired waterbodies, but would, in our opinion, constitute a breach of the State's obligation to protect and restore these waterbodies.

We believe that some contingencies must be adopted to accommodate the inability to fund the Work Plan, as well as to possibly make the Work Plan less expensive and less staff intensive. For example, standards should be set now which limit the use of roads in impaired waterbodies. Industrial activities, such as logging and gravel mining, should be restricted so as to not introduce any sediment into the water body. One method that could be used is to require NPDES permits for any discrete conveyances of pollution to the waterbodies, including from ditches and culverts. It also may be necessary to adopt empirical standards to adequately achieve this limit on any given water body. Other alternatives include requiring larger and wider stream buffer zones than are currently required under regulatory provisions such as the Forest Practice

Act or a County's grading ordinance. In those waterbodies where the impairment is significant and continuing as a consequence of industrial use, such as in Freshwater Creek or Elk River, the Board should continue a development moratorium to prevent any industrial use until the efforts outlined in the Work Plan are fully funded and achievable.

We support the comments of the Sierra Club and Coast Action Group in relation to the proposed resolution.

We thank you for your consideration of our comments.

Very truly yours,

/s/ Sharon E. Duggan

Sharon E. Duggan

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cc: EPIC