



**Pacific Coast Federation of Fishermen's Associations (PCFFA)  
and the Institute for Fisheries Resources  
NW Regional Office, PO Box 11170, Eugene OR 97440-3370  
Phone: (541)689-2000 Email: [fishlifr@aol.com](mailto:fishlifr@aol.com)**

29 October 2018

Mr. David Noren, Chair  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Suite A  
Santa Rosa, CA 95403  
Board Email: [info1@waterboards.ca.gov](mailto:info1@waterboards.ca.gov)

**RE: Petition for Smith River Estuary Waste Discharge Requirements and/or Ag Waiver**

Dear Chair Noren and Members of the Regional Board:

The Institute for Fisheries Resources (IFR), Pacific Coast Federation of Fishermen's Associations (PCFFA), and Environmental Law Foundation (ELF) are writing to again urge the North Coast Regional Water Quality Control Board to move forward with a Waste Discharge Requirement (WDR) and/or Agricultural Waiver for the lily bulb farms in the Smith River estuary. By this letter, we request that you withdraw the 13267 Request for Information ("Information Request") and Water Quality Management Plan ("Plan") issued by the Executive Officer on October 2, 2018, and immediately commit to adopting Waste Discharge Requirements or a Waiver of Waste Discharge Requirements. Because the Plan is unlawful as written, we plan to petition the State Water Resources Control Board to review your action on or about Thursday, November 1, 2018 if you do not withdraw the Information Request and Plan before that date.

While we acknowledge that the Information Request and Water Quality Control Plan are the first concrete steps that the Regional Board has taken to address pollution in the Smith River Estuary, the Plan is inadequate and unlawful. The Plan appears to be entirely voluntary and therefore will not protect water quality standards, prevent degradation of high quality water, or comply with state law, including the Nonpoint Source Policy, the federal and state Antidegradation Policies, or the Porter Cologne Water Quality Act ("Porter-Cologne"). (Water

Code §§ 13000-16100.) The Information Request and Plan could be more appropriate if they were part of a formal process to create an Agricultural Waiver and/or WDR that would, among features required by law and policy, include specific timelines and milestones for meeting water quality standards and monitoring requirements, and which would be legally enforceable. A formal (and enforceable) Agricultural Waiver is the appropriate and legal way to deal with direct water quality violations, and has been the pathway proposed by the Board in the past. In fact, the Board had previously committed to developing such a waiver, and that task should have been completed by now. PCFFA/IFR and many other river users have testified and written this Board many times to request that the Board restart the agricultural waiver process, or as an alternative to issue enforceable WDRs.

The Pacific Coast Federation of Fishermen's Associations (PCFFA) is the largest trade association of commercial fishing families on the West Coast. For forty years, PCFFA has led the fishing industry in assuring the rights of individual fishermen and fighting for long-term survival of commercial fishing as a productive livelihood and way of life. As PCFFA's sister organization, the Institute for Fisheries Resources (IFR) is dedicated to the protection and restoration of salmon resources and the human economies that depend on them. PCFFA is active in ports that depend on salmon fisheries from the Smith River, such as Crescent City, Eureka, Trinidad, Gold Beach, Oregon and Brookings, Oregon.

ELF is a California nonprofit organization founded on Earth Day in 1991 that has a longstanding interest in reducing pollution to waters of the state and in aiding the recovery of anadromous fish populations. As such, ELF has a direct interest in the Regional Board's failure to regulate agricultural discharges into the Smith River Estuary and the contents of any proposed information request or planned regulation.

PCFFA/IFR and ELF believe that it is of the utmost importance that the Board address the continued Clean Water Act and federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) violations in the Smith River estuary through either WDRs or an Agricultural Waiver.

### **Background of the Smith River and the Impacts of Lily Bulb Cultivation**

The biological health of the Smith River is critical to our industry and the survival of both ESA/CESA-listed and non-listed salmonid species in that river. The Smith River is California's only watershed with no dams and no major diversions. Rainfall in the Smith River averages 76 inches a year and storms have produced up to six inches of rain in one day during large storms -- yet chemical use and direct discharges of pollutants occur all year long in the estuary despite the

presence of ESA and CESA-listed coho salmon, as well as other vulnerable but non-listed salmonids, during their crucial life stages. In fact, the only major pollution source, and nearly all the major impediments to fisheries recovery in the Smith River, are associated with estuary farming.

PCFFA/IFR has a strong interest in this issue as the Smith River estuary pollution is likely also causing significant impacts to the ocean catch of commercially harvested fall-run and spring-run Chinook salmon from the Smith River, and thus is likely causing adverse economic impacts to nearby commercial fishing ports such as in Crescent City, California, and to the recreational fisheries in the Smith River, which is a major tourist destination. Del Norte County is one of the poorest counties in California and fishing supports a large number of the jobs and considerable economic activity in the County. Fishing jobs are local and value added and help with the local economy and local food security.

It is estimated that the fishing industry in Del Norte County provides 39.2 million pounds of fish and approximately \$17 million in revenue.”<sup>1</sup> Far Northern California’s coastal communities and Indian reservations are some of the most economically depressed areas in the state. These communities rely on fishing for income, food, and recreational enjoyment. However, average annual landings in recent years (89,000 pounds) are 40% lower than the long-term average of 149,000 pounds. These averages reflect a precipitous decline that the local economy can ill afford.

The Smith River Estuary is highly important for the survival of salmon in the Smith River and throughout Northern California and Southern Oregon. The estuary is essential habitat for both feeding and reproduction for both coho and Chinook salmon. The federal *Recovery Plan for Southern Oregon and North California (SONCC) Coho Salmon* (“*Recovery Plan*”) not only states that lily bulb farming in the Lower Smith River is the key limiting factor for the recovery of this ESU, but it specifically notes that recent testing in the lower Smith River has revealed copper concentrations that may have acute toxic effects and impair olfaction and reproduction of coho salmon.<sup>2</sup> Copper is a component in a number of pesticides and fungicides used on lily fields and the current level of chemical contamination is considered a high risk for juvenile salmonids. The *Recovery Plan* relies on the NCRWQCB to take action to regulate these impacts, and states that the Regional Board is currently developing a non-point source pollution control program that should assist in decreasing non-point sources of chemical, sediment, and nutrient pollution

---

<sup>1</sup> Smith River Flood Plain Pesticide Aquatic Ecological Exposure Assessment, p. 3.

<sup>2</sup> North Coast Regional Water Quality Control Board [NCRWQCB] 2011. See also Smith River Plain Dissolved Copper Monitoring Report 2017-2018, National Marine Fisheries Services and California Department of Fish & Wildlife (2018).

from reaching the Smith River and its tributaries.<sup>3</sup> Despite the continued calls by the National Marine Fisheries Service (NMFS) for the Regional Board to take stronger action, however, the Board has not done so, in apparent violation of Porter Cologne and the *Recovery Plan*, as discussed below.

The Smith River is also one of the only watersheds in California that does not have any Clean Water Act 303(d) listings or Total Maximum Daily Loads (TMDLs). By continuing to allow unregulated discharges of pesticides, nutrients and copper into the estuary, and by ignoring water quality violations, the Regional Board is allowing the lily bulb farm discharges to become an increasing pollution problem. This inaction and lack of enforceable water quality planning will likely lead to 303(d) listings and TMDLs in the future if an Ag Waiver and/or WDR process does not occur.

In addition, the Regional board is proposing designation of the Smith River as an Outstanding National Resource Water and to establish Tribal beneficial uses in the North Coast.<sup>4</sup> (See 40 C.F.R. § 131.12(a)(3).) The Smith River estuary is important to Tribal beneficial uses as it provides for traditional subsistence fishing, gathering, and cultural beneficial uses.

Yet water pollution in the Smith River estuary has been shown to be degrading high quality waters without regulation since 1982. Despite evidence of interconnected ground and surface water, the region did not start testing surface water in the estuary until after 2010, and did not start working on developing an Irrigated Lands Program and Ag Waiver for Lily Bulb dischargers until 2011. But in 1982-1985 the Board documented “groundwater well contamination” in the Smith River for the following chemicals:

1,2-Dicholorpropane (1,2-D) - aldicarb - nitrate 1983 - Use of 1,2-D and aldicarb suspended. In 1986-1989 - 1,2-D present in groundwater above threshold - Aldicarb concentrations declining to fall below threshold. Nitrate was present above threshold 2001-2002 - 1,2-D above threshold in 8 of 19 wells. Nitrate was above threshold in 1 well. In 2012-2014 - Nitrate above threshold in 2 of 28 samples from 7 wells.<sup>5</sup>

---

<sup>3</sup> Final Southern Oregon/Northern California Coho Salmon Recovery Plan, NOAA Fisheries, 2014, esp. pp. 13 & 14.

<sup>4</sup>[https://www.waterboards.ca.gov/northcoast/board\\_info/board\\_meetings/09\\_2018/pdf/7/20180816\\_R1-2018\\_0030\\_Resolution\\_Attachment\\_1\\_Planning\\_Program\\_Workplan.pdf](https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/09_2018/pdf/7/20180816_R1-2018_0030_Resolution_Attachment_1_Planning_Program_Workplan.pdf).

<sup>5</sup> Water Quality Monitoring & Agricultural Discharge Permitting on the Smith River Plain Presentation to Del Norte County Board of Supervisors May 26, 2015.

More recent testing detected 17 pesticides in the streams, creeks, and ditches that feed the estuary, 10 instances of contamination of the aquatic food chain, and multiple nutrient water quality violations.<sup>6</sup> Lack of fresh water for dilution and reduced access to non-contaminated habitat due to years of drought conditions in the Smith River cause further stresses to salmon and likely create algal conditions that lead to low concentrations of dissolved oxygen. Due to the impacts of nutrients in the estuary we also request that cattle grazing be analyzed and its exacerbating impacts reduced as part of the agricultural waiver process.

Despite the extreme groundwater pollution and interconnected nature of the ground and surface water, direct discharges to surface water, and wet weather chemical use, the Regional Water Board has yet to even conduct any fish flush water quality monitoring or impose any BMPs to deal with known contaminations, after 35 years of documented water quality violations.

### **Legal Issues with the Water Quality Management Plan**

The Plan issued by the Regional Board's Executive Officer is a voluntary plan with no enforceable limits on discharge. It states only expectations and suggestions for grower behavior, not requirements. There are no performance standards, no effluent limitations, no receiving waters limitations, and no required management practices. There is also no mechanism to ensure that monitoring detects water quality exceedances and can trace those exceedances to their causes. Finally, the Plan lacks crucial elements of public participation and Board approval.

#### *The Regional Board Has No Authority to Adopt a Non-Binding, Voluntary Plan*

Regional Water Quality Control Boards regulate discharges of pollutants into waters of the State under the Porter-Cologne Water Quality Control Act. The Act gives the Regional and State Boards broad authority to regulate water pollution and confirms that "discharges of waste into waters of the State are privileges, not rights."<sup>7</sup>

When a person discharges waste into waters of the State, that person is required to file a Report of Waste Discharge with the Regional Board (Water Code § 13260). We are aware of no such Reports filed with the Regional Board pertaining to pesticide and fertilizer discharges from agricultural activities in the Smith River Estuary. Because the four farms continue to discharge waste into the Estuary, they are in facial violation of Porter-Cologne and are subject to enforcement.

---

<sup>6</sup> Smith River Water Quality Sampling Report (draft), 2013, California North Coast Regional Water Quality Control Board.

<sup>7</sup> Water Code § 13263, subd. (g).

Porter-Cologne gives the Regional Boards and the State Board three tools to control discharges of waste into waters of the State, whether or not a Report of Waste Discharge has been filed by the discharger. These are: (1) a Basin Plan prohibition,<sup>8</sup> (2) Waste Discharge Requirements,<sup>9</sup> and (3) a Waiver of Waste Discharge Requirements.<sup>10</sup> The Nonpoint Source Policy confirms that while a Regional Board has discretion to pick any or several of these options, a Regional Board must regulate “all current and proposed NPS discharges” under “WDRs, waivers of WDRs, or a basin plan prohibition, or some combination of these administrative tools.”<sup>11</sup> A Regional Board may not “indefinitely defer taking action” when it knows of a nonpoint source pollution problem, as the Regional Board apparently does in this instance.<sup>12</sup>

While the procedural details for each of the three regulatory options differ somewhat, all three contain similar features. Most importantly, all three require compliance with the Water Quality Objectives contained in the relevant Basin Plan.<sup>13</sup> And all three empower the Regional Board to enforce against noncompliant dischargers via mechanisms such as Cleanup and Abatement Orders,<sup>14</sup> Notices of Violations, Cease and Desist Orders,<sup>15</sup> and time schedule orders.<sup>16</sup>

The current Plan for the Smith River, as described by the Regional Board, is not a basin plan prohibition, nor is it a Waste Discharge Requirements, nor is it a Waiver of Waste Discharge Requirements. In short, it does not fit within the Board’s regulatory scheme. The Regional Board therefore has no authority to adopt it.

The Plan is largely voluntary and thus contains no enforceable prohibitions on discharges that cause or contribute to exceedances of Water Quality Objectives. The Plan appears to place no obligation on the Smith River Plain dischargers to meet the Water Quality Objectives contained in the Basin Plan. For this reason alone, the Plan is invalid. Without such an obligation, the public has no assurance that water quality in the Smith River Estuary will improve to the point where those Objectives are met, as required by law. Rather, the Plan appears to be entirely optional. While growers are “expected” to select mitigating management practices, there is no

---

<sup>8</sup> See Water Code § 13243.

<sup>9</sup> See Water Code § 13263.

<sup>10</sup> See Water Code § 13269.

<sup>11</sup> Nonpoint Source Policy at 3.

<sup>12</sup> Nonpoint Source Policy at 10.

<sup>13</sup> Water Code §§ 13243, 13263, 13269.

<sup>14</sup> Water Code § 13304, subd. (a).

<sup>15</sup> Water Code §§ 13301-13303.

<sup>16</sup> Water Code §§ 13300, 13301.

actual obligation to select any particular practice, or any practices at all.<sup>17</sup> And while Regional Board staff “may periodically inspect” operations to “document the water quality practices being implemented and their effectiveness,” there is no discussion of the Regional Board’s authority to require effective management practices or to take action against growers whose practices prove ineffective. Nor is there any schedule or plan for monitoring that will be sufficient to detect and address discharges leading to exceedances. There is no discussion, even, of the Regional Board’s power or duty to take action against a grower who fails to participate in the Plan at all.

Because the Plan lacks the basic features of an obligation to meet Water Quality Objectives and lacks an enforceable duty to participate, it clearly falls short of the requirements of the Water Code and for this reason also the Regional Board has no authority to adopt it.

*The Plan Improperly Delegates Authority to the Executive Officer*

The Regional Board also may not adopt this plan for an independent reason: it improperly delegates the authority to adopt it to the Executive Officer. As discussed above, a Regional Board may pick any or all of the three tools (WDRs, waivers, or basin plan prohibitions) to address waste discharges. But all three of those tools require action by the Board itself, after specified public hearings and comment periods.<sup>18</sup> The Plan shortcuts those crucial public process requirements by giving the Executive Officer the exclusive authority to adopt the Plan.<sup>19</sup> The Plan includes an opportunity for Regional Board members to provide feedback on its contents, but it gives final authority to approve the Plan to the Executive Officer. There is no provision for any public hearing or for public written comments.

*The Management Plan Must Comply with the Nonpoint Source Policy But Fails to Do So*

All programs for control of nonpoint source pollution must comply with the Nonpoint Source Policy. This Plan is, or should be, such a program. Any nonpoint source control program must comply with all five of the Policy’s mandatory Key Elements. These elements are:

KEY ELEMENT 1: An NPS control implementation program’s ultimate purpose shall be explicitly stated. Implementation programs must, at a minimum, address

---

<sup>17</sup> Plan at 2.

<sup>18</sup> Basin plan amendments require public hearings and approval by the State Board. (Water Code §§ 13243-13245.) WDRs require a public hearing. (Water Code § 13263, subd. (a).) Waivers require notice and a public hearing. (Water Code § 13269, subd. (a)(1).)

<sup>19</sup> Plan at 1.

NPS pollution in a manner that achieves and maintains water quality objectives and beneficial uses, including any applicable antidegradation requirements.

KEY ELEMENT 2: An NPS control implementation program shall include a description of the MPs and other program elements that are expected to be implemented to ensure attainment of the implementation program's stated purpose(s), the process to be used to select or develop MPs, and the process to be used to ensure and verify proper MP implementation.<sup>20</sup>

KEY ELEMENT 3: Where a RWQCB determines it is necessary to allow time to achieve water quality requirements, the NPS control implementation program shall include a specific time schedule, and corresponding quantifiable milestones designed to measure progress toward reaching the specified requirements.

KEY ELEMENT 4: An NPS control implementation program shall include sufficient feedback mechanisms so that the RWQCB, dischargers, and the public can determine whether the program is achieving its stated purpose(s), or whether additional or different MPs or other actions are required.<sup>21</sup>

KEY ELEMENT 5: Each RWQCB shall make clear, in advance, the potential consequences for failure to achieve an NPS control implementation program's stated purposes.

(Nonpoint Source Policy at pp. 12-14.)

Courts have recently confirmed that a Regional Board must comply with the Nonpoint Source Policy as it is written. In *Monterey Coastkeeper v. State Water Resources Control Board* (Sept. 18, 2018, C080530) -- Cal.App.5th --(2018 WL 5024165 at \*16), the Court of Appeal held that a waiver of WDRs for agricultural discharges in the Central Coast violated the Policy because it improperly substituted Key Element 3's requirement of specific time schedules for a "vague requirement of 'improved' management practices and a 'conscientious' effort." The Court held that this substitution constituted unlawfully "rewriting—or amending" the Policy. (*Ibid.*) The Court went on to conclude that it owed no deference to the State Board's interpretation of the

---

<sup>20</sup> Importantly, "MP implementation never may be a substitute for meeting water quality requirements," (Nonpoint Source Policy at p. 12.)

<sup>21</sup> Further, "all monitoring programs should be reproducible, provide a permanent/documented record and be available to the public." (*Id.* at p. 14.)

Policy that “flies in the face of the clear language and purpose of the interpreted provision.” (*Ibid.*, quotation omitted.)

Even more than the waiver challenged in *Monterey Coastkeeper*, the Plan violates the Nonpoint Source Policy because it does not comply with any of the five Key Elements. Nowhere in the Plan is there a commitment to meeting Water Quality Objectives (as required by Key Element 1), to describe and verify that management practices are effective in addressing pollution (as required by Key Element 2) or an establishment of a specific time schedule with quantifiable milestones (as required by Key Element 3).<sup>22</sup> And while the Plan contemplates a limited monitoring scheme, it does not contain verification measures sufficient to ensure that the Regional Board, the public, and dischargers can ensure that the program is working (as required by Key Element 4).<sup>23</sup> Finally, there is no discussion of the consequences of failure to comply with the Water Quality objectives (as required by Key Element 5).

Taken together, it is clear that the Plan fails even to contemplate compliance with the Nonpoint Source Policy, let alone actually comply. The Regional Board should withdraw the Plan and develop and implement a program to control agricultural pollution in the Smith River Estuary that complies with the Policy.

#### *The Plan Fails to Comply with the State and Federal Antidegradation Policies*

The Plan also does not contemplate, let alone comply with, either the federal or state antidegradation policies. Both policies limit a Regional Board’s authority to allow degradation to high-quality waters without making specified findings and guaranteeing protection of existing beneficial uses.

The California Antidegradation Policy also requires that where water was of a higher quality than the Water Quality Objectives as of 1968, that high quality must be maintained unless the state can meet certain narrow exceptions contained in the Policy.<sup>24</sup>

Degradation of high quality waters is permitted only when “such change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and

---

<sup>22</sup> See Nonpoint Source Policy at 12-13.

<sup>23</sup> *Id.* at 13.

<sup>24</sup> State Water Resources Control Board, (1968) Statement of Policy with Respect to Maintaining High Quality Waters in California, Resolution 68-16 (“Antidegradation Policy”).

anticipated beneficial uses of such water and will not result in water quality less than that prescribed” by state law and policy.<sup>25</sup>

The Antidegradation Policy directs the Regional Board to establish waste discharge requirements for “any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters.” These requirements must include “best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained.”<sup>26</sup>

A recent Court of Appeal decision has confirmed that compliance with the Antidegradation Policy is mandatory (*Asociacion de Gente Unida por el Agua (AGUA) v. State Water Resources Control Board* (2012) 210 Cal.App.4th 1255.). The case held that a general WDR for dairy operations was invalid for failure to comply with the Antidegradation Policy. Among other things, it held that a Regional Board must conduct an analysis to determine whether water at issue is high quality (i.e. whether it was better quality than the water quality objectives as of 1968). If a Regional Board determines that the waters are high quality and thus that the Policy applies, then before allowing any degradation, it must make a finding that any such degradation is consistent with the maximum benefit to the people of the state. And the Regional Board must impose Best Practicable Treatment and Control and find that any degradation does not result in pollution or nuisance and that the highest water quality consistent with the maximum benefit to the people of the state is achieved. These findings must be supported with evidence that bridges “the analytic gap between the raw evidence and ultimate decision or order.” (See *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515)

Here, the Regional Board makes no attempt whatsoever to comply with the Antidegradation Policy. In *AGUA*, the State Board at least acknowledged the existence of the policy and purported to comply with it (although the court found the Board’s efforts lacking). But the Plan ignores its obligations entirely. There is no discussion of whether the waters in the Smith River Estuary are high quality.<sup>27</sup> There is no discussion of whether allowing current and future degradation would be to the maximum benefit of the people of the State. There is no imposition of BPTC on dischargers and no assurance that pollution or nuisance will not occur. And there is no assurance that the resulting water quality will be the highest quality consistent with the maximum benefit to the people of the State. Nor does the Information Request seek the kind of

---

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> The fact that the waters are currently being considered for Outstanding National Resource Waters status would imply that they are.

information necessary to make these findings. The Regional Board must undertake the necessary analysis to comply with the Policy.

The federal Antidegradation Policy also obligates the Regional Board to determine where “the quality of the waters exceeds levels necessary to support the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water” and to protect that quality unless “the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.” (40 C.F.R. § 131.12(a)(2).) Further, “the State shall assure water quality adequate to protect existing uses fully.” (*Ibid.*)

Lastly, the federal Antidegradation policy provides for protection and maintenance of water quality in high-quality waters that constitute an Outstanding National Resource Water (ONRW) by flatly prohibiting the lowering of water quality.<sup>28</sup> The North Coast Water Board is currently proposing to designate the Smith River as Outstanding National Resource Waters. If it moves ahead with this designation, any lowering of water quality in the Estuary would be prohibited.

## **Conclusion**

Farming by only four families (roughly 1,200 acres) has resulted in clearly documented pollution in some of the most important salmon habitat in the Smith River watershed. These estuaries are needed for salmon to feed and grow if they are to survive their ocean and then upstream returning journey.

We are aware that the federal agencies responsible for the management of ESA-listed species are also urging action from the State of California and the Regional Water Board due to impacts to ESA-listed species in this key estuary.

It is time for the North Coast Regional Board to enforce state and federal law and protect the Smith River estuary. If it does not do so, our organizations will pursue our remedies before the State Board, and potentially the courts.

Unlike most water quality issues in California this issue is likely easily solved. These pollution problems come from a clearly defined small number of operations and are point-source in nature. By controlling water quality violations, the Regional Board can help recovery of an

---

<sup>28</sup> [https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/basin\\_plan/smith/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/smith/)

North Coast Regional Water Quality Control Board  
RE: PCFFA/IFR/ELF Petition for Smith River Lily Bulb Farm  
Agricultural Waiver and/or WDR  
29 October 2018

ESA/CESA-listed species (SONC Coho), help keep Smith River Chinook from deteriorating to the point where they may have to be listed as well, and aid the commercial fishing industry and local economy of one of California's poorest counties. This is also one of California's most pristine, most loved and iconic watersheds. We would like to see it be a success story.

Sincerely,

*Glen H. Spain*

Glen H. Spain  
NW Regional Director  
For PCFFA/IFR

Regina Chichizola

*Regina Chichizola*

For PCFFA/IFR  
California North Coast

Nathaniel Kane

*Nathaniel Kane*

Staff Attorney  
Environmental Law Foundation

Please Forward to the following:

Cc: Matthias St. John, Executive Officer, North Coast Regional Water Quality Control Board  
Philip Wyels, Assistant Chief Counsel, State Water Resources Control Board