

For Immediate Release, February 4, 2009

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Groups Sue To Protect North Coast Rivers and Fisheries

State and regional water boards failing to comply with clean water laws

SAN FRANCISCO – A coalition of conservation and fishermen's groups have filed a lawsuit today in state Superior Court challenging the failure by the state and regional water boards to implement clean water laws that protect wild rivers and streams in California's North Coast region.

The coalition -- which includes the Redwood Chapter of Sierra Club, Pacific Coast Federation of Fishermen's Associations, Institute for Fisheries Resources, Friends of the Eel River, Friends of the Navarro Watershed, Environmental Protection Information Center, Northcoast Environmental Center, and Klamath Riverkeeper -- is urging the agencies to adopt clean-up plans required by state law that will meet pollution limits set by the U.S. Environmental Protection Agency.

“Regional and state officials have failed to develop realistic, workable action plans that protect water quality and provide habitat for endangered salmon that need cool, clean water to survive,” said George Torgun of Earthjustice, who is representing the coalition in court. “Without such plans, water quality in North Coast rivers and streams will not meet the standards that the state is obligated to achieve.”

For decades, water quality in North Coast river and streams has been degraded by pollutants such as sediment, nutrients, high temperatures, low dissolved oxygen levels, and turbidity. These pollutants are the result of a diverse number of activities, including dam construction, water diversions, urban development, agriculture, logging, mining, and grazing.

The declining river and stream conditions have greatly impacted the survival of regional salmon species, including chinook salmon, coho salmon, and Northern California steelhead, which are now listed under the federal Endangered Species Act. The collapse of salmon stocks on the west coast has resulted in severe restrictions on commercial and recreational fishermen, including the first ever complete shutdown of the commercial salmon fishing season last year.

“We need abundant populations of salmon for long-term economic stability and for our future generations of fishermen,” said Glen Spain, northwest regional director of the Pacific Coast

Federation of Fishermen's Associations, a commercial fishing industry trade association that is also a co-plaintiff in the suit. "Providing the conditions necessary for salmon to survive could bring back tens of thousands of fishing jobs and a billion dollar industry to our region."

The action plans at issue are part of the Clean Water Act's Total Maximum Daily Load (TMDL) program that the North Coast Regional Water Quality Control Board, along with the State Water Resources Control Board and EPA, are responsible for implementing to address water pollution problems in the region. The program first requires the agencies to identify and maintain a list of rivers and streams that are not meeting applicable water quality standards. The agencies must then assess the various sources of pollution causing the violations, set pollution limits for these sources, and then develop action plans to achieve the standards.

While most of the North Coast's major rivers have not met certain water quality standards for many years, implementation of the TMDL program to address these problems has suffered from a history of inaction. In 1995, a coalition of groups, including many of the same organizations involved in today's action, sued EPA for its failure to address water quality problems under the program. That case resulted in a consent decree requiring EPA to set pollution limits for 17 listed water bodies within the region by 2007.

EPA has completed most of the work required by the consent decree. However with the exception of just three water bodies – the Garcia River, Scott River, and Shasta River – the Regional Board and State Board have failed to prepare action plans that meet pollution limits as required by the state Porter-Cologne Water Quality Control Act.

"The ecological collapse in our rivers is bad not just for fish, but also for the thousands of people and local communities that depend on the health of these rivers," said Georgianna Wood of the Northcoast Environmental Center. "These pollution problems may be complex, but the state and regional boards have the tools they need to act, and we urge them to do so."

In their complaint, the groups recognized that the agency with direct control over the region, the North Coast Regional Water Quality Control Board, has suffered from massive cuts in staffing and funding in recent years for its clean water programs. "While the Regional Board appears to be making some progress, they have lost 60 staff members since 2001, leaving the agency unable to protect our wild rivers," said Daniel Myers, representing Sierra Club's Redwood Chapter. "Unfortunately, neither the Regional Board nor the State Board have taken meaningful measures to acquire the staff and resources that are needed for the TMDL program to succeed."

"The state has dragged its feet and ignored the law for far too long," added Scott Greacen of the Environmental Protection Information Center. "It's time for action to restore the health and grandeur of the North Coast's wild rivers."

Read the complaint filed today here:

http://www.earthjustice.org/library/legal_docs/northcoast-tmdl.pdf