



April 26, 2008

Central Valley Regional Water Quality Control Board
Sacramento Main Office
1020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: Comments on Proposed Methylmercury Basin Plan Amendment for the Sacramento-San Joaquin River Delta Estuary

Dear Chairman Schneider, Vice Chair Longley, and Board Members Betancourt, Brizard, Cabaldon, Hart, Mulholland, and Odenweller,

Thank you for this opportunity to submit comments to you regarding the proposed methylmercury Basin Plan Amendment for the San Joaquin River Delta.

1) Methylmercury focus

The California Indian Environmental Alliance's position is that this TMDL should focus on methylated and elemental mercury. Because mercury takes many forms and changes in the ecosystem we recognize the difficulty in addressing only one of its many forms. We note that this TMDL is focused on methylmercury and the Board is considering rather this should instead be reverted back to elementary mercury only as the focus of this TMDL. Mercury is the way that the toxin enters into this watershed and must be regulated and remediated. In addition, we recognize that methylmercury is the ultimate toxin that becomes bioavailable and through fish consumption enters the human body. Therefore, we urge the board to take a multi-pronged approach and consider all forms of mercury to address this environmental toxin.

2) Fish tissue objectives

CIEA, our constituents and many of our colleagues agree that a fish tissue objective based on a human consumption rate of one meal a week is not protective of subsistence fishers in the watershed who consume many times this amount weekly. Our organization has been a part of the Local Stakeholders Advisory Group of the Department of Health Services' Department of Environmental Health Investigations Delta Watershed Fish. This project which has done extensive work evaluating fishing patters in the Delta. California Indian Peoples maintain their physical and spiritual connection the land through fish and fish consumption. Creation stories, cultural cohesion and the continuation of ceremonies require that fish are safely consumed during ceremonies. We therefore urge the Board to reconsider this rate, which disregards the needs of this high risk population.

3) Risk Reduction

We urge the State Board's language on risk reduction be inserted into the document you are considering currently. This language states: that the San Francisco Bay and Central Valley

Regional Boards “investigate ways, consistent with their regulatory authority, to address public health impacts of mercury in San Francisco Bay/Delta fish, including activities that reduce actual and potential exposure of and mitigate health impacts to those people and community most likely to be effected by mercury in San Francisco Bay-Delta caught fish, such as subsistence fisher sand their families.”

4) Offsets

CIEA also feels that offsets are undesirable and should not be implemented. If they are they must prove that they 1) do not impact any one community specifically as this is often disproportion ally weighted in local areas that include disadvantaged communities of color, 2) they must not include pollution trading schemes as they move pollution to other location and discourage optimum pollution reductions, and 3) dischargers must first demonstrate they have done everything possible to meet permit goals before being allowed to comply through and offset.

The California Indian Environmental Alliance’s mission is to protect and restore California Indian Peoples’ cultural traditions, ancestral territories, means of subsistence, and environmental health. Thank you for assisting us in meeting this goal in the Bay Area and for your consideration of these comments.

Sincerely,

Sherri Norris,
Executive Director
California Indian Environmental Alliance
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