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# PACIFIC COAST FEDERATION of FISHERMEN'S ASSOCIATIONS

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28 February 2007

Ms. Tam Doduc  
Board Chair  
State Water Resource Control Board  
1001 I St.  
Sacramento, CA 95814



RE: Bay-Delta Mercury Offset Policy  
Hold Mercury Dischargers to a High Standard

Dear Chairperson Doduc,

The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the West Coast commercial fishing fleet, commends the State Water Resource Control Board (SWRCB) for its discussion of problems of mercury within the San Francisco Bay and the Sacramento/San Joaquin River basin.

As the largest commercial fishermen's organization along the coast, we are vitally concerned with San Francisco Bay and the Sacramento-San Joaquin Delta; this basin is the single most biologically important estuary on the Pacific Coast of North and South America. It is the migratory path between Sierra streams and the sea for 90 percent of the salmon caught off the California coast, and the majority taken offshore in Oregon and Washington as well. It supports the largest herring fishery south of British Columbia and is the largest nursery area for Dungeness crab along the coast. It supports other important species including sturgeon and striped bass that support recreational angling and subsistence fishing. Moreover, it once supported major oyster and shrimp fisheries, which can and should be restored.

PCFFA has had a long history working to assure there are abundant stocks of fish to support our members and supply consumers. We are concerned, too, that our waters not only be fishable, but that fish be edible. It is extremely important, therefore, that the government tackle the problems of mercury within state waters considering that mercury bioaccumulates in affected marine ecosystems. The bioaccumulation of mercury in marine systems can dramatically impact a fisherman's ability to deliver high quality seafood products to consumers. Without high quality

Ms. Tam Dudoc  
28 February 2007  
Page Two

seafood options fishermen are denied their livelihoods.

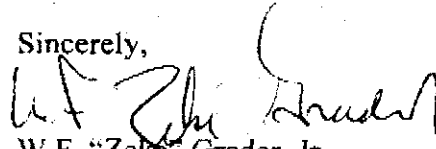
PCFFA strongly encourages the SWRCB to hold dischargers of mercury and other pollutants to strict standards. California's waters are not going to be clean until dischargers are held to high environmental standards to ensure the health of human and marine populations. It is up to the SWRCB to implement and enforce such necessary standards.

The proposed approach to addressing mercury contamination through a Total Maximum Daily Load (TMDL) "offset policy" should be taken with extreme caution. Offset programs should be used only in a few specific circumstances where no other measures would work to reduce the amount of pollutant within the water. Offset programs should not become the norm in TMDL regulations considering they (1) may not address discharge in the permit area, (2) will have uncertain impacts on water quality in the offset area, and (3) will create environmental justice issues about where mercury can still exist. Of particular concern is the fact that this is the state's first significant effort to use an offset program in a TMDL context. The sheer size of the area affected, and the significant toxicity of mercury, strongly suggests that the state should consider a less harmful pollutant and smaller offset area for its pilot offset effort.

PCFFA urges the SWRCB to firmly and fully implement the Clean Water Act and Porter-Cologne for all dischargers of mercury before engaging in the proposed offset program. Dischargers that could be regulated with mandatory controls should not be the subject of an offset. Moreover, all dischargers should be held accountable for their previous and current negative environmental impacts. We also encourage the SWRCB to consider the large number of fishermen, both commercial and recreational, that are negatively effected by the bioaccumulation of mercury within our marine and aquatic ecosystems. Fishermen need to deliver high quality seafood products to consumers, and the SWRCB needs to ensure that high quality ecosystems exist throughout California waters to protect California's fishing heritage and the health of Californians.

Please add us to the distribution list for this effort. We look forward to working with you in the future on the mercury TMDL process for the San Francisco Bay and the Sacramento/San Joaquin River basin.

Sincerely,



W.F. "Zeke" Grader, Jr.  
Executive Director