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File No. 408-3

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814



SUBJECT: Comment Letter – Statewide Mercury Policy – CEQA Scoping Comments

The March 2012 summary of CEQA scoping information defining the Water Boards’ proposed actions for a statewide mercury policy and a mercury control program for reservoirs indicates that the present process is designed to identify potential significant harmful impacts to the environment as well as reasonable project alternatives and methods of compliance.

Placer County Water Agency (PCWA) is a public purveyor of water supply and hydroelectric energy and operates the Middle Fork American River Project on behalf of the people of Placer County. PCWA is committed to its environmental stewardship responsibilities and recognizes that methylmercury in the environment poses an important risk to humans and wildlife. Thank you for the opportunity to provide input.

Alternatives Approach

The Water Boards’ March scoping summary identifies two alternatives to Element 1 of the proposed action, Adoption of a Statewide Mercury Policy. Alternative 1 is defined as no action, where each Regional Water Board addresses individual water bodies on an individual basis. The only other alternative offered is vague, broad and programmatic, described as “A policy [which] would present a coordinated and tiered approach to develop control plans for mercury [which] could eventually include specific requirements...”

Without more definition concerning the proposed coordination, tiering and specific requirements under Alternative 2, it is not possible to assess potential efficacy of the proposed action and to meaningfully distinguish its benefit or impacts with respect to Alternative 1. We agree that many elements of the mercury issue must be addressed at the State, and not regional or individual water body level; the State’s program must clearly define the roles of the entities involved. Regardless, the alternatives considered for the State Board’s Statewide Mercury Policy and Mercury Control Program for Reservoirs should address, as feasible, all of the pathways for which mercury becomes bioavailable and not simply focus on the State’s reservoirs. This holistic approach not only is likely to be more successful but it would not solely burden reservoir owners/operators with the responsibility of solving the very complicated mercury problem.

Reservoir Reoperation Action

Any proposed action must be supported scientifically. As a public agency, PCWA has a responsibility to manage the public's resources as effectively and efficiently as possible. It would be irresponsible for PCWA to implement imposed actions to address mercury in the reservoirs we manage that are not clearly and demonstratively effective.

The proposed action of a statewide mercury control program for reservoirs lists modification of water storage and discharge patterns as a potential implementation action to reduce methylmercury production.

The operational framework determining reservoir levels and discharge patterns in PCWA's Middle Fork American River Project has recently been defined via a lengthy and expensive collaboration process involving many environmental, public service, recreational, cultural and community interests, including US Forest Service, US Bureau of Reclamation, US Fish and Wildlife Service, US Bureau of Land Management, California Department of Fish and Game, State Water Resources Control Board, California Department of Parks and Recreation, Native American Tribes, the counties of Placer and El Dorado, recreational interests comprised of whitewater boaters, anglers and trail users, and other stakeholders. After years of discussion and extensive studies, the negotiated operational framework represents a balance in providing public water and power supply while supporting environmental, recreational and cultural values.

Any alteration of water storage and discharge patterns that is proposed for the benefit of one environmental parameter must: (1) be based on demonstrated scientific evidence of effectiveness; (2) consider and be balanced with collateral impacts on other values in the watershed; and (3) demonstrate overriding importance with respect to those other values.

A proposed action that includes reservoir reoperation that results in changes to water storage and discharge patterns must evaluate potential impacts to, at a minimum, the following environmental resources:

- Water supply
- Hydroelectric generation
- Fisheries, amphibian, and riparian resources
- Threatened and endangered species
- Invasive species
- Hydrologic ramping rates and geomorphic pulse flows
- Recreational resources including whitewater and reservoir boating and angling opportunities
- Reservoir aesthetics
- Reservoir and stream water temperature-related effects
- Native American cultural sites

Implementation and Compliance

The scoping summary states that a "...statewide mercury control program for reservoirs is needed because the Water Boards must address impairments in an efficient manner." The American Heritage Dictionary defines "efficient" as "producing effectively with a minimum of waste, expense or

unnecessary effort". Thus, a mercury control program that effectively protects the public and wildlife from mercury with a minimum of expense and wasted effort for the people of California must evaluate the relative cost-effectiveness of the proposed Potential Implementation Actions.


It is here where a statewide policy needs to incorporate flexibility. The cost-effectiveness of different potential implementation actions will depend upon the specific conditions of each impaired water body. Geography, geology, elevation, bathymetry, water chemistry, and history of cultural mercury inputs combine to render each reservoir a unique set of conditions. The goal of addressing mercury impairments in an efficient manner via a uniform statewide program is not feasible unless the program accommodates evaluation of potentially effective implementation actions on a case-by-case basis.

An efficient statewide policy to address mercury impairments requires: (1) site-specific analysis of conditions; and (2) prioritization of feasible implementation actions in order to optimize accomplishment of public health and environmental goals. An effective program would assist in identifying a suite of scientifically-supported actions for each impaired body and define the potential effectiveness of each action and the respective costs and potential collateral impacts. A program that defines site-specific actions that have been balanced with cost, effectiveness, and ancillary effects would be a more useful tool for controlling mercury than would be a one-size-fits-all edict promulgated statewide.

Placer County Water Agency recognizes and supports the need for the Water Boards to move forward with addressing mercury impaired water bodies in the State. PCWA offers input into the Water Boards' scoping process with the common goal of defining approaches that can effectively control mercury with respect to human and wildlife health.

If you have any questions, please contact Ben Ransom, Environmental Scientist, at (530) 308-4554.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Fecko', written over a horizontal line.

Andrew Fecko
Resource Planning Administrator