



February 8, 2007

Ms. Tam Doduc, Chair and Board Members  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

**Re:** SWRCB Meeting, 2/20/07, Agenda Item #4: 2006 Listing of Humboldt Bay for Dioxins

Dear Chair Doduc and Board Members:

On behalf of the California Coastkeeper Alliance (CCKA) and its 12 member Waterkeepers, and the Pacific Coast Federation of Fishermen's Associations, we are writing in strong support of the State Water Quality Control Board's (SWRCB) October 2006 action in listing Humboldt Bay as impaired for dioxin compounds, as part of the 2006 section 303(d) List of Water Quality Limited Segments (Resolution No. 2006-0079). Not only was the SWRCB's action in accordance with the letter and intent of the Clean Water Act, its implementing regulations, and the SWRCB's Listing Guidance, but the action also will provide an important opportunity for addressing serious dioxin pollution in Humboldt Bay.

The Bay is an important spawning and nursery ground for numerous fish and other aquatic species, hosting halibut, perch, green and white sturgeon, Pacific herring, lingcod, Dungeness crab, rock crab, rockfish, salmon, oysters, and clams. The Bay supports large commercial and sport fishing, clamming, oystering and other seafood industries. Seven of California's twelve shellfish reserves set aside for public clamming and oystering, are located within Humboldt Bay. The Bay is also essential habitat for more than 30 mammal species.

Dioxins in Humboldt Bay sediments are accumulated in aquatic organisms and increase in concentration as they move up the food chain. They are known to cause adverse developmental effects in fish, birds and mammals at extremely low levels. In humans, developmental and reproductive effects are of particular concern to children and developing fetuses. Dioxins are also known to cause cancer.

We support your staff's analysis that readily available data show levels of dioxins in Humboldt Bay biota that indicate that the Bay qualifies for listing as an impaired water body. Additionally, we agree with your staff's use of Office of Environmental Health Hazard Assessment (OEHHA) guidelines for determining compliance with narrative water quality objectives found in the Basin Plan. We incorporate by reference and support Humboldt Baykeeper's comments to the SWRCB with regard to the data in the record in support of this listing.

The staff report for this item indicates that questions were raised by some stakeholders regarding the transparency of the 2006 303(d) listing process. In fact, U.S. EPA reviewed the public participation process, and found that “[t]he State’s public participation activities were consistent with federal requirements.”<sup>1</sup> EPA further noted that the SWRCB had received “several thousand comments . . . from the public during the listing process,” and accordingly “commend[ed] the State for its intensive effort to involve the public in the listing process.”<sup>2</sup>

In the above-cited letter and staff report, U.S. EPA accepted not only the public participation process, but also the SWRCB’s decision to list Humboldt Bay as impaired by dioxin compounds.<sup>3</sup> Accordingly, any effort to now re-examine that decision must be conducted in accordance with the delisting procedure outlined in the SWRCB’s “Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List.”<sup>4</sup>

The SWRCB’s decision to place Humboldt Bay on the 2006 303(d) list of impaired water segments was proper and in accordance with the law and the clear evidence in the record of contamination in the Bay. We look forward to working with all interested parties to clean up this pollution and restore the Bay to its former health.

Sincerely,

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<sup>1</sup> Letter to Thomas Howard, SWRCB from Alexis Strauss, U.S. EPA (Nov. 30, 2006).

<sup>2</sup> U.S. EPA, Staff Report, “Review of California’s 2004-2006 Section 303(d) List: Enclosure to Letter from Alexis Strauss, EPA Region 9 to Thomas Howard, State Water Resources Control Board” (Nov. 30, 2006).

<sup>3</sup> Letter to Thomas Howard, SWRCB from Alexis Strauss, U.S. EPA (Nov. 30, 2006) (“EPA is acting today to approve the State’s inclusion all waters and pollutants identified in its three part Section 303(d) list with the exception of Walnut Creek for toxicity.”)

<sup>4</sup> [http://www.swrcb.ca.gov/tmdl/docs/ffed\\_303d\\_listingpolicy093004.pdf](http://www.swrcb.ca.gov/tmdl/docs/ffed_303d_listingpolicy093004.pdf).