



# YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548



Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000

February 17, 2017

**RE: Yurok Tribe Comment Letter – Beneficial Uses and Mercury Objectives**

Aiy-ye-kwee' Ms. Townsend and the State Water Board,

The Yurok Tribe respectfully submits the following comments to the State Water Resources Control Board proposed Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions. Yurok commends the State Water Board on listening to, and working with, California tribes over the past four years in drafting and proposing beneficial use provisions that recognize the health needs of tribal people and our unique reliance on subsistence fishing.

Yurok people have lived off Klamath River resources since the beginning of time. Particularly, Chinook salmon have been—and are still—the primary staple of Yurok diets; many of our ceremonies celebrate and guide our relationship with the River and the fish. The health of the Klamath fishery is the health of the Yurok people, and, unfortunately, the degraded fishery is reflected in our present well being. The overdevelopment of the Klamath basin through mining, agriculture, and out-of-basin diversions have lead to poor water quality and fish diseases that threaten the existence of Klamath fish species. This is not unique to the Klamath, or the Yurok, and many California tribes are experiencing similar threats. It is imperative, therefore, that measures are undertaken that strive to improve water quality to meet the health needs of our tribal and non-tribal people who depend on our state's fisheries.

This comment letter first supports the adoption of the three new proposed beneficial uses—Tribal Traditional and Cultural Use (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing by the general population (SUB)—and the selection of Option 2 in Section 6.4 of the Staff Report. These designations will allow tribes and the state to work together to improve water quality for the resources critical to the tribe, such

as water for ceremonies or ceremonial materials, as well as our fishery consumption-based needs.

Second, Yurok supports the proposed water quality objectives for mercury. Regarding the numerical value of the water quality objectives associated with the T-SUB, Yurok strongly agrees with the statement in Option 2, Section 6.5.3 that water quality objectives should be tailored to “site-specific fish consumption.” Because fish consumption varies culturally and geographically, and because tribes are often disproportionately negatively impacted by degraded water quality, tribes should be empowered to assist in crafting objectives that meet their needs. The proposed fish mercury concentration of 0.04 mg/kg, based on consumption rate of 142 g/day, is likely to be too high for many fishery-based tribes and providing a mechanism to alter that objective is critical. Because the proposed numerical objective is likely too high, Yurok supports a revised fish tissue mercury objective based on at least 175 g/day consumption rate as recommended by the California Indian Environmental Alliance comment letter. Further, Yurok supports the comment submission by the California Indian Environmental Alliance and its signatories on the above topics and all the issues raised by the Alliance.

The Yurok Tribe thanks the State Water Board in proposing the beneficial uses and water quality objectives that appreciate the health needs of California Indians. We hope that the State Water Board is courageous and unyielding in their support of the proposal and that it is adopted as quickly as possible. If the Tribe can help in any way moving this forward, please contact Louisa McCovey at (707) 482-1822 ext.1009.

Thank you,

A handwritten signature in black ink, appearing to read "Th. P. O'Rourke", with a stylized flourish at the end.

Thomas O'Rourke  
Chairman