

19 December 2005

State Water Quality Control Board  
Division of Water Quality  
1001 I Street  
Sacramento, CA 95812-0100

ATTN: Selicia Potter

RE: Implementation of Federal Clean Water Act Section 316(b) Regulations

Dear Members of the Board:

The Institute for Fisheries Resources (IFR), a non-profit organization, is a public service research and conservation organization to help protect marine and anadromous biological resources that support working fishing men and women and associated fishing communities and economies. Through research, outreach and education IFR's efforts include protection, restoration, and enhancement of the public's marine and anadromous fish species and their habitat.

IFR appreciates the opportunity to comment on the above entitled regulations. It fully supports development of a statewide policy strengthening the Federal Clean Water Act 316(b) regulations on cooling water intake structures. Around the San Francisco Bay there are currently three active water intake structures: Pittsburg, Contra Costa and Potrero, all with a negative affect on the bay ecosystem. The EPA's Clean Water Act calls for the best technology available to protect, fish, shellfish and other forms of aquatic life and prevent their death from impingement and entrainment. IFR believes further protection needs to be taken beyond Federal regulations to insure that these facilities are in fact upholding what is mandated by Federal law.

The San Francisco Bay is the largest estuarine habitat on the West Coast of North and South America supporting two of California's most important commercial fisheries, Dungeness Crab and Chinook Salmon. The estuary is also home to the threatened River Delta Smelt and the Striped Bass. In addition, the San Francisco Bay is home to the nation's only urban commercial herring fishery, which takes place early each winter.

State Water Resources Control Board  
19 December 2005  
Page Two

On a whole these fisheries are as important to the West Coast culturally as they are economically, particularly to the identity of San Francisco, a city that relies on revenue generated from its fishermen derived identity. Our marine and fishery resources need to be sustained.

The Aquatic Biologist, Patrick Tennant from Edison International wrote in his 2 December 2005 Letter to Jerry Secundy that the majority of fish impinged at SONGS, the facility he uses for much of his analysis in his letter, are bait species, particularly sardines and anchovies, alleging that the impingement of these species consequently matters little because they are not the species that sport and recreational fishermen depend on. However, both sardines and anchovies are important food sources for commercial and recreational sport species such as halibut, Chinook and Coho salmon, rockfish and striped bass, among others. Tennant's statement that SONGS does not impact recreational fishing is misleading, and goes on to say that SONGS does impact commercial take of sardines and anchovies, while the impact of SONGS on other species through the disappearance of their food source, is not calculated.

The Pittsburg Power Plant, closely located to the Contra Costa Power Plant, has its cooling water systems intakes located in a nursery area for striped bass. The impacts of the power plant on the striped bass are documented. Mirant Delta LLC has taken steps to remediate some of the impacts of their facilities on Delta Bay fish species, but we feel this just further reiterates the need for stronger statewide regulations to protect California's valuable marine resources, like our state fisheries up and down the coast.

San Francisco Bay Delta aquatic life is also severely impacted by water withdrawals from the Sacramento and San Joaquin Rivers, the two primary providers of water to the bay. The threatened River Delta Smelt and the Coho and Chinook Salmon, as well as Striped Bass young already fight against impingement and entrainment from the pumping out of Delta waters from the estuary. Any impacts that can be made to lessen the impacts made to them will only quicken the much needed restoration of our overall San Francisco Bay ecosystem.

In conclusion, IFR supports an independent state policy that would go beyond the Federal Clean Water Act 316(b) regulations, strengthening protections to our marine life and ecosystems that are so vital to us economically and culturally here on the California West Coast.

Sincerely,

Crescent Calimpong  
Watershed Steward Specialist