**Water Quality Standards Hearing**

**Coos Bay Transcription**

**February 3rd, 2011**

**Pam Blake** - At this time, I would like to begin the hearing on the rule-making for revised human health water quality standards for toxic pollutants. The hearing will be recorded to maintain a permanent record. Today is February the 3rd, and we are here in Coos Bay, and the time is just about 3:15. I would like to begin taking comments. If anyone has a prepared or written statement or other documents, it would help to summarize them orally, and then introduce the written material into the record. The written comments are given the same weight as oral comments, and comments are taken in the order that I received them back from the table. I'll ask you to please come up to the table to speak. And the first commenter would be - I might have got this a little out of order, but it will be Howard Crombie. And please, when you do come up to give your comments, state your name for the record.

**Howard Crombie** - Good afternoon, Ms. Blake and other DEQ staff, and members of the audience. Thank you for the opportunity to speak to you all today. My name is Howard Crombie. I am the Director of the Department of Natural Resources for the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians. I will be speaking from notes, and I do have some documents to give to you as part of the record.

The Confederated Tribes Department of Natural Resources, like the Oregon DEQ, has authority designated by the US EPA to implement authorities under sections 106 and 319 of the Clean Water Act, section 128 of (sounds like Cercla), section of 105 of the Clean Air Act. I'm here today to speak in support of the proposed rule to update the state water quality standards, so as to make them more protective of beneficial use of fish and shellfish consumption that is so widely enjoyed by Oregonians. The tribal council of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians on May 20th, 2007 unanimously passed resolution 07-057, which I submit for the record. This resolution supports an increase in the state acknowledged fish and shellfish consumption rates to the end that the state water quality standards be updated to reflect an increased fish and shellfish consumption rate.

Following that resolution, on October 16th, 2008, the Chairman of the tribal council of the Confederated Tribes of the Coos, Lower Umpqua an Siuslaw Indians sent a letter to Oregon Environmental Quality Commission Chairman Blosser, and I submit that letter for the record, also. This letter expressed the Confederate Tribe support for a state acknowledged fish consumption rate of one hundred seventy five grams per day. The Department of Natural Resources of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians are currently developing our own water quality standards for the waters of the tribe's reservation. And these standards will reflect the fish and shellfish consumption rate of a hundred and seventy five grams per day.

Salmon are at the heart of what it means to be a member of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, and many other tribes as well. The Confederated Tribes have honored the salmon every year since time immemorial by returning the bones of the first salmon caught to the ocean, so that the spirit of that salmon can pass along the gratitude of the tribes to the other salmon in the ocean. This is the way tribes have shown - this is the tribe's way of showing respect to the salmon, and recognizing the cycle of life.

The culture of the Confederated Tribes has suffered greatly over the past century and a half. To preserve and restore the tribe's culture, the tribes must have the building blocks of the culture to work with. Salmon, other fish and shellfish have always been a staple food of the people, and the tribes need the ability to consume fish and shellfish at traditional levels, without worry of toxins in order for the tribe's culture to be whole.

Fish and shellfish are important to Oregonians as a whole. Generations of Oregonians have grown up fishing the streams, and lakes, and rivers, and reservoirs, and clam in the bays. Private industry, private landowners, and indeed, all taxpayers in Oregon have contributed millions, if not billions of dollars to managing our fisheries and our fish habitat. Salmon are an iconic symbol of the Pacific Northwest.

I personally worked for nine years, managing salmon habitat restoration projects. I nearly gave my life to this effort when a snag broke, and almost landed on my head. Some say that might have been an improvement, but I'm glad it didn't. I still do experience back pain at ten years after this injury from where the tree grazed my side. There are many reasons why I worked restoring salmon habitat, but not the least of which was so that Oregonians could once again make -- eat all the salmon that they want.

The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians understand the importance of balance in the world. This fish consumption rate of a hundred and seventy five grams per day represents a balance between a higher rate, which would certainly be more protective of more Oregonians, and against a lower rate and the current rate. The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians respectfully request the State of Oregon Environmentally Quality Commission to do their part to restore salmon, other fish and shellfish to their rightful place in our economy, our society, and our culture, by approving the proposed water quality standards. Thank you all.

**Pam Blake** - The next individual would be Bob (Dylan?)

**BD** - I'm going to go ahead and pass \_\_\_\_\_.

**Pam Blake** - Okay. The next individual would be Jim (Poston?)

**JP** - Yeah, I'm going to pass, as well,

**Pam Blake** - The next individual would be Dave Messerle. And I'll remind you to please state your name, Dave?

**Dave Messerle** - Yes. Thank you for the opportunity to appear, to the staff, and DEQ. My name, for the record, is Dave Messerle. I'm representing Messerle and Sons. We are fourth generation timberland owners in Coos and Curry - or Coos and the Coquille watersheds. My major concern with the rule proposals is that it will potentially add another layer of regulation to our farm and forestry operations. We've had a very good relationship with the Department of Forestry, and and with the Department of Agriculture over the years. Their staff speaks our language, and we seem to have established good relationships with them. I - that is the gist of my concern with the new proposed rules. I will submit a more expanded copy of my thoughts for the record. And thank you.

**Pam Blake** - Next would be Tom Younker, please. Please state your name for us, Tom.

**Tom Younker** - Tom Younker, with the Coquille Tribe, vice chair. And I would like to say that Howard Crombie expressed the Coquille tribal opinion very eloquently, and I would just say amen to what he said, and we support that. Thank you.

**Pam Blake**: Thank you, Tom. Next we have Kathryn Brigham.

**Kathryn Brigham** - My name's Kathryn Brigham. I'm the board of trustees secretary for the Confederated Tribes of the Umatilla Indian Reservation. And I'm here to let you know that the Umatilla tribe supports the proposed rule of one seventy grams per day. I'm also here to let you know that the Umatilla Tribe's has adopted a much higher grams per day of three eighty nine on our reservation. So we had a pretty serious discussion about whether we wanted to go to one seventy five, but we figure we all have to work together, and that's been the tribal position is in the past, is that we work through collaboration and partnership, and working towards planning for the future, planning for our generations, and so that's why we accepted the one seventy five grams per day for Oregon DEQ. I also would like to let you know that you know, tribes are planning for the future. We have been planning for the future for years. I mean that's what our leaders - our elders have told us that you know, we are responsible for planning for the future. The land will take care of us as long as we take care of them. And I just want to say, too, that you know, yes, this is going to be more rules and more regs, but you know, if your children and children's children have clean air, clean water, clean land, then I think we should do it. I think you know, that's where we're coming from, is that planning for the future generations. None of us are leaving here. If we were, we'd you know, maybe we wouldn't worry about it so much. But we are here to stay. We're not moving anywhere.

Also, I would like to share with you that I - well, first of all, some you of may have or may have not read, but the Affiliated Tribes of Northwest Indians was here in Coos Bay. We were hosted by Coquille, and did a very nice job in hosting the ATI Conference, the Affiliated Tribes of Northwest Indians, which is made up of fifty seven tribes in the Pacific Northwest, Oregon, Washington, Idaho and Montana. These tribes just passed a resolution, and I'm going to submit you that today, and it's supporting the adoption of the one seventy five grams per day fish consumption rate by the State of Oregon to better protect tribal first foods, and the native people who depend upon them. And the result is, you know, just supports it, and that we also encourage our tribal members to participate and attend oral hearings, and provide testimony.

But along with that. also is a - we ask tribal members if they wanted - and it's not just tribal members, it's tribal members, staff, anybody who was at the meeting, if they would be willing to support and sign a letter. And so I have seventy nine letters that individuals have signed, so these are original letters that basically say that they support the one seventy five fish grams per day fish consumption rate, based upon the study that the Columbia River tribes did. These fish were for our ceremonial subsistence, and that's how we came up with the needed change. And plus these fish are important, not only to the people who eat the fish, but to the Pacific Northwest, and to the region.

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So here are these seventy nine letters for the record. And you know, we're just really pleased that we're having this hearing. I want to thank you all, because I think it's, you know, it's a lot of time to have the hearings, but I also think it's important to hear the comments, and see if we can find a solution. I think that's what we're here for, is looking for a solution, is planning for the future, planning for our children's children. I'd like to be able to say my children - I have one great grandson right now, and I'm hoping that you know, when he grows up, he's going to be able to say, you know, we have clean water, we have fish that we can eat, and not have to worry about how much we have to eat. So thank you.

**Pam Blake** - Thank you very much, Kathryn. Next we have Diane Barton.

**Diane Barton** - Barton.

**Pam Blake**: Barton. Thank you, Diane. I'll have you say it correctly before you start, please.

**DB** - I will. Thank you for allowing me this opportunity. My name is Diane Barton. I am a homeowner in Multnomah County. I'm also an owner of a small acreage farm in Yamhill County. Our farm in Yamhill County borders the Yamhill River, the Turner Creek flows through the center of our property. I've been known to fish in Yamhill Creek - Yamhill River, and I've been known, on a hot day, to swim in Turner Creek. And as a farm owner, and we irrigate out of the - we have irrigation rights to the Yamhill River. And as a farm owner and landowner in Multnomah County, I want - my family and I support the - this resolution.

I'm also the water quality coordinator for the Columbia River International Fish Commission. CRITFC, as it's known, was created in 1977 by the Confederated Tribes and bands of the Yakima Nation, the Confederated Tribes of the Warm Springs Reservation, Confederated Tribes of Umatilla, and Nez Perce tribe. CRITFC provides fisheries, technical services to its member tribes, and also assists its member tribes in the development and implementation of salmon restoration strategies. The tribe's and CRITFC's technical experts have identified key areas that have to be addressed in order to conserve and restore habitat and natural production, and productivity of all salmon stocks. One of the key areas in order to do that is water quality of surface waters. We believe the adoption of the proposed fish consumption rate of a hundred and seventy five grams per day is a critical first step in improving water quality, as well as in protecting the health of our fish and our tribal members.

In 1990 CRITFC entered into a cooperative agreement with the EPA to conduct the fish consumption survey of the Umatilla, Nez Perce, Yakima, and Warm Springs tribes. This is the survey that examined the fish consumption rates and patterns of tribal members. The survey was regarded as the fish consumption survey of the Umatilla, Nez Perce, Yakima, and Warm Springs tribes. This is the survey that examined the fish consumption rates and patterns of tribal members. The survey was regarded as the fish consumption survey that was most relevant to Oregon fish consumers by DEQ's human health focus group, This is the report that Andrea was talking about. I have a copy of it here, if anyone wants to look at it. The other surveys that were also looked at for this setting of a hundred and seventy five, it has numbers of what fish consumption rates were for not only the Indians, but also for other peoples living in this area.

This human health focus group was composed of Pacific Northwest scientists, and experts within - expertise in toxicology, risk assessment, public health, bio-statistics, and epidemiology. The survey's an accurate representation of fish consumption habits of tribal people. The survey reports that nine - as a scientist, I have to go back to the numbers. Ninety seven percent of the people interviewed in this survey eat fish. Eighty eight percent of the fish that were consumed by tribal members originated in the Columbia River basin. There was - somebody brought up the comment that the salmon spend a great deal of their lives outside of the basin, but these fish and fish tissue studies have been conducted. Juvenile salmon contain some contaminants. All these fish are affected by the quality of Oregon water for all or part of their life cycles. The fish consumption survey conducted by our organization reveals that ninety five percent of tribal members' health will be protected, using a fish consumption rate of a hundred and seventy five grams per day. So it is a reasonable and protective value to use as the basis for Oregon's human health criteria.

Other surveys that are also reviewed in this report - you can take a look at it - looked at Asian and Pacific Islander habits, Eastern European communities, and they also consume fish at the same levels as Oregon tribes. We urge the DEQ to adopt the proposed fish consumption rate, and revise water quality standards in order to clean up our waterways, and protect the majority of people who eat fish. Thank you.

**Pam Blake** - Thank you, Diane. And then we have Arron McNutt.

**Arron McNutt** - Hello. My name is Arron McNutt. I am a council member of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, but I am here today to speak as a parent. [long pause. crying] Sorry. A hundred and forty is a lot of different chemicals to test. What I am specifically interested in is one of those, and that would be mercury. So to me, more specific, my son has autism, so here's some figures, and you can check this if you'd like. US Department of Education data from 1992 to 2001 indicated an average increase of 644% of all US children. Autism is the fastest [crying] growing developmental disability, ten to seventeen percent annual growth. Current estimates predict the rise in autism will surpass our ability to care for these children. The Autism Research Institute has evaluated various treatments of autism since 1967. Over twenty three thousand parents have responded to their questionnaires to evaluate seventy seven types of biomedical interventions for autism. Mercury detoxification received a far higher effectiveness rating than any drug supplement or special diet. Mercury detoxification was rated helpful by seventy three percent of parents.

Where does mercury come from? That is debatable There are lots of sources here. We're talking about coal-burning power plants, but I'm sure there are other sources. What we're talking about is water quality and fish. So why does the Autism Research Institute correlate mercury toxicity to the disease? It is known that humans excrete heavy metals via their hair. Testing shows that babies with autism have only one eighth - one eighth the amount of mercury in their hair as normal babies do, so perhaps their ability to excrete heavy metals is impaired.

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Autistic baby's teeth have an average of three hundred percent more mercury than normal babies. So we're talking about a percentage of people who are more severely impacted than the national average, So I, as a parent, am here to support this increased level of scanning and regulation, and testing, because it might help the people with autism, And this is becoming an epidemic. It is growing quickly in the State of Oregon. And I would like to thank everybody here that has brought this \_\_\_\_\_. Thank you.

**Pam Blake** - Well, we made our way through the folks that had - okay, would you like to...

**Jody McCaffree**- My name is Jody McCaffree, and I want to just state this, in case I don't get a chance to do written comments. I'm all for cleaning up the water. I think we have a long ways to go to do that. The gentleman on autism - autism is one out of one hundred and fifty kids, and it is an epidemic. And a lot of that is environmental. So we're talking about water today. A lot of the streams that we have in our basin here have not been tested. We don't know what their condition is, so I have some concerns on this ruling. I'm not against the ruling, I'm for it, okay? I'm just thinking, we make a lot of rules sometimes, and then it doesn't get us where we need to go. So we actually do need some baselines done in this area on streams. I don't think people realize that that has not been done. We don't know the condition, and many of 'em, some of 'em, we don't even know if that fish. We do know there's a problem, though, because we have reduced fishing. Constantly, the season's being shut down. Now there's a reason for that, and that has to do with, really, a lot of it's the - water quality is part of that issue. So not only a baseline. I actually - the Coos estuary is already 303-d limited, so it already has a problem, and we don't know the smaller tributaries that come into that.

I had the concern on this ruling is who's going to do the monitoring, because as DEQ, they're limited, because of funding and stuff, so who does monitor this? We can make all these rules, and I'm all for making the rules and cleaning up the water, but who's going to monitor the - so that we do that? Because even though there's rules, that doesn't mean anything gets done. And that's the funding issue. So I'm all for getting - seeing that we get clean water, and our fish populations coming up. So, thanks.

**Pam Blake** - Thank you.

**Pam Blake** - Thank you. And I would encourage anyone else that has made a decision to give some comment go out and \_\_\_\_\_ forms now. Tom, you're going to have to help me with your last name.

**Tom Forgatsch** - Last name's Forgatsch, Tom Forgatsch.

**Pam Blake** - F-o-r...

**TG** - ...g-a-t-s-c-h. I'm currently Director of Coos County Soil and Water Conservation District. And it's been an ongoing battle with this thing about mercury. Sixes up river, for example - and Pam knows about this. There's been mercury in those streams and a lot of the other streams around here for years, (considered to be background?) When you have (ags?) and smolts, salmon and other fish going into that area, that's a very bad time of their life to have mercury around. So you get a lot of problem with that. But forestry people know about it, Pam knows about it, that being there, but they're not doing anything about it, because it's too expensive to go through and clean those streams out. So the problem is that there's mercury there, present, naturally, if you want to call it that way. We have mercury present in our environment. The light bulbs we're using nowadays have mercury in them. One of 'em blows up on you, as it did, and I took it over to DEQ, and it's not our problem, okay? One of those bulbs blows up, that little white cloud coming out of that bulb is mercury, okay? Now it's a lot of in the environment. People who have dental things have mercury in it. People who have rings on have mercury in it. Mercury's a very, very stable element, but it's very toxic at low quantities.

I agree with what's happening here, but the problem is we need to go back and look at where these sources are naturally, if you call it that, and try to remove some of that stuff. You've got a big background of the chemical that's causing the problem, yeah, you want to try to control the background. But if the background's high enough, it doesn't make a damn bit of difference if you try to control it. Chromium for example, and in this case, mercury, the background is high enough to cause problems. Unless you go solve that background problem, you're messin' with it, you're not doing anything really important.

I agree with the rules they have here, but most of the fish you people eat here don't come from these waters; they come from someplace else. Most of them spend most of their time other places, not in these waters. Yes, it's important that the waters we have here are clear of mercury, because that's the ag trade, that's the smolt trade, very, very important. But it's accumulatory, and you can go out - I've done it, my degree's in marine biology - you can go out and take samples of algae out in the Alaska area, or here, it doesn't make any difference. What do you find in the algae? You'll find chromium in some of 'em, not many, but a lot of mercury. So these fish are eating fish that are eating the algae that's there. It's accumulatory, it stores. And this a hundred and fifty pound person is not very real. Most of the United States people are over a hundred and fifty pounds. And mercury and other heavy metals store in the fat tissue. So you have people who have fifty pounds overweight, twenty pounds overweight, they decide they're going to go on a diet, what happens is the heavy metals that are accumulatory inside the fish tissue then starts to come out. And so they start having side effects of that. And one of 'em may be autism; we don't know for sure yet. But you could take a look at a hundred and fifty pound person, that's not your average United States citizen. So I think that's erroneous. You need to look at what's in the fat tissue of these kind of people, And you'll find that if you look at these tissues, you'll find these chemicals there that are not cool; PBCs, all kinds of plastics, all the other things that are being found. So it's not just chromium, it's not just mercury, it's other chemicals also.

**Pam Blake** - Thank you, Tom. Did I have anyone else who wanted to sign up to give comment? Well, I just thank you all for coming. At this point, we'll go ahead and close the hearing. Thank you for providing your comments. And remember, you could provide written comments up till - it was February 23rd. So thank you again for coming.