

## Memorandum

To : Mr. Stan Martinson, Chief  
Division of Water Quality  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812-0100

Date : June 4, 2004

From : **ERIC J. LARSON**   
Ecosystem Coordinator  
Department of Fish and Game

Subject: Proposed Negative Declaration for an Exception to the California Ocean Plan For the University of California San Diego/Scripps Institution of Oceanography Discharge into the San Diego Marine Life Refuge Area of Special Biological Significance (ASBS)

The Department of Fish and Game (Department) has reviewed the subject proposed negative declaration which would allow for the continued discharge from University of California San Diego (UCSD) /Scripps Institution of Oceanography (SIO) into the San Diego Marine Life Refuge. It is our understanding that the existing California Ocean Plan prohibits discharges into Areas of Special Biological Significance (ASBS). It is also our understanding that UCSD/SIO must obtain an exception to the California Ocean Plan for this discharge.

The Department generally supports the negative declaration proposed by the State Water Resources Control Board for an exception to the California Ocean Plan for UCSD/SIO to discharge seawater from SIO, Birch Aquarium and the Southwest Fisheries Science Center into the San Diego Marine Life Refuge. However the Department has some concerns regarding the conditions that will be implemented regarding the issue of exotic species. The Department finds that current practices to prevent release of exotic species and pathogens are wholly inadequate. In order to ensure that the discharge does not have significant impact on the marine environment, the Department recommends that the conditions addressing the discharge of exotic species and any associated pathogens be more clearly defined. To this end the Department requests that Condition 19 of Appendix E, entitled *Terms and Conditions for the Scripps Institution of Oceanography California Ocean Plan Exemption* be amended to include the following language:

**UCSD must develop and implement a solution that results in a negligible risk of the release of exotic species including foreign pathogens (parasites, protozoa, bacteria, and viruses). The solution will be implemented as a requirement in the NPDES permit renewal to be issued to UCSD by the San Diego Regional Water Quality Control Board.**

The Department believes that an effective solution to prevent the release of exotic species and potential pathogens from UCSD/SIO can be developed. We

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suggest convening a technical advisory committee to assist in the development of such solutions, including but not limited to staff from the Department of Fish and Game and the San Diego Regional Water Quality Control Board. We look forward to working with the University and State and Regional Board staff in this regard.

We also wish to comment on the finding of "no impact" contained in many of the checklist categories throughout the negative declaration. The consistent findings of no impact appear to conflict with the text of the negative declaration that proposes extensive monitoring for chemicals, water quality and bacteria, and changes in current practices such as the use of copper sulfate at Birch Aquarium. With respect to exotic species and pathogen release, the negative declaration acknowledges that current practices result in unacceptable risk of the introduction of non-indigenous species, and that engineering controls will be required to address the issue. Checklist item 3 (g) (v) indicates "no impact" on "a substantial increase or threat from invasive, non-native plants and wildlife". The Department suggests that the use of the term "no impact" is inappropriate for this category and recommends that this section be revised accordingly.

Thank you for this opportunity to review the subject Negative Declaration. As always Department personnel are available to discuss our comments, concerns and recommendations in greater detail. To discuss these issues please contact Mr. William Paznokas, Staff Environmental Scientist, at telephone (858) 467-4218, or James Moore, Senior Fish Pathologist, telephone (707) 875-2067.

cc: Mr. Larry Oberti ✓  
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