

CALIFORNIA STATE LANDS COMMISSION
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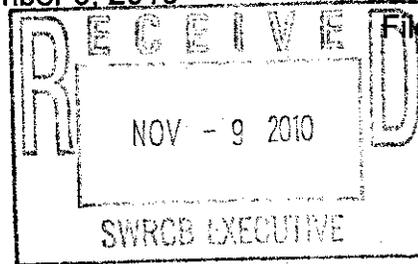


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November 9, 2010

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



File Ref: W9777.234

Re: **Comment Letter – Draft Aquatic Animal Invasive Species Control Permit**

Dear Ms. Townsend:

The Marine Invasive Species Program (MISP) staff of the California State Lands Commission (Commission) appreciates the opportunity to provide comments on the Draft Statewide General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Pesticide Discharges to Waters of the United States from Aquatic Animal Invasive Species Control Applications (Aquatic Animal Invasive Species Control Permit).

Based on the MISP's experience in the management and regulation of aquatic invasive species discharges from vessel vectors, Staff offers the following comments on the Aquatic Animal Invasive Species Control Permit.

- The proposed permit language does not specifically state whether or not this permit applies to vessels subject to coverage under the National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP) for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels. This omission might allow for the broad interpretation that the Aquatic Animal Invasive Species Control Permit applies to vessels engaged in the treatment and removal of animal invasive species in ballast water and vessel fouling.
- To reduce confusion the permit should explicitly state that the permit does not apply to vessels that are covered under the VGP.

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- Commission staff recommends that the following language be added to Section II. Permit Coverage and Application Requirements, Subpart A. General Permit Coverage:
 - “The General Permit does not apply to vessels covered by the National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP) for Discharges Incidental to the Normal Operation of Commercial and Large Recreational Vessels.”

Thank you for your consideration of these comments. If you have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurya", with a horizontal line extending to the right.

Maurya Falkner
Marine Invasive Species Program Manager

cc: Gary Gregory, Chief, Marine Facilities Division