



# CITY OF ORANGE

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April 18, 2012

Submitted via email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



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

**Subject:** Comments on the proposed Ocean Plan Amendment of the Water Quality Control Plan for Ocean Waters of California - Designating State Water Quality Protection Areas to protect State Marine Protected Areas

Dear Ms. Townsend:

The City of Orange appreciates the opportunity to comment on the proposed Amendment of the Water Quality Control Plan for Ocean Waters of California (Ocean Plan Amendment) addressing Implementation of State Water Board Resolutions 2010-0057 and 2011-0013 Designating State Water Quality Protection Areas (SWQPAs) to protect State Marine Protected Areas (MPAs), dated February 23, 2012.

The City of Orange is an inland city that discharges to Newport Bay, an enclosed bay, which is currently exempt from the provisions of the Ocean Plan. The proposed amendments are unclear whether Newport Bay or other enclosed bays and estuaries currently exempt from the Ocean Plan may be designated an SWQPA by the proposed amendments since it is listed as a State Marine Conservation Area by California Fish and Game. Designating Newport Bay as a SWQPA would have a significant economic impact on the City and other watershed cities that currently discharge into Newport Bay if they are required to comply with the proposed prohibitions for SWQPAs.

With this in mind, explicit language should be included in the proposed Ocean Plan amendments that enclosed bays and estuaries such as Newport Bay and inland waters are excluded from SWQPA designation by the proposed amendments. A full listing and statewide map identifying current State Marine Protected Areas that may be subject to future SWQPA designation should be provided to ensure adequate notice is given to the public on the areas being considered.



Secondly, since all Marine Protected Areas that may be designated as SWQPAs are known, a full analysis of factors consistent with Water Code Section 13241 should be provided. It is inconsistent with the Water Code to postpone such an analysis to a future time when water bodies are actually designated SWQPAs since the full impact of these actions can be assessed at this time and made known to the public.

We hope these comments will be taken into consideration when deciding whether to proceed or revise the proposed Ocean Plan amendments. The City also supports the comments provided by the County of Orange and the California Stormwater Quality Association. Any questions regarding these comments should be directed to Gene Estrada at 714-744-5547.

Sincerely,



Frank Sun

Deputy Public Works Director/City Engineer

cc: Chris Crompton, County of Orange