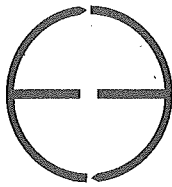


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Public Comment
Statewide Biological Objectives Policy-CEQA Scoping
Deadline: 10/19/12 by 12 noon

October 19, 2012

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Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814

VIA E-MAIL: commentletters@waterboards.ca.gov

RE: **Comment Letter – Statewide Biological Objectives Policy –
CEQA Scoping Comments**

Dear State Water Resources Control Board:

The California Council for Environmental and Economic Balance (CCEEB) is a non-partisan, non-profit coalition of business, labor and public leaders that advances strategies for a strong economy and a healthy environment. On behalf of CCEEB, we want to thank the State Water Resources Control Board (SWRCB) for this opportunity to comment on the Informational Document prepared for the Public Scoping Meetings for the Proposed Statewide Policy for Biological Objectives in Perennial Wadeable Streams (Informational Document).

CCEEB's comments on the Informational Document are provided below.

SWRCB Should Consider a Fourth Potential Alternate for Developing Statewide Biological Objectives

The Informational Document identifies three potential alternatives for consideration for CEQA analysis. Briefly, these alternatives are:

1. No action, but continue the SWAMP bioassessment program in its present condition and do not develop biological objectives.
2. Adopt biological objectives for protecting high quality streams and preventing further degradation of degraded streams. These objectives would apply to perennial, wadeable streams.
3. Adopt biological objectives for all perennial, wadeable streams in the state. This alternative would supply consistent statewide guidance for establishing biological targets for restoration, permits, and other regulatory actions.

CCEEB recommends that a fourth alternative, as described below, be evaluated:

Alternative 4 - No adoption of the Biological Objective Policy but continue studies to address scientific and implementation issues related to the use of biological objectives. It does not appear that scientific tools are ready to support the development and the implementation of the biological objectives. Thus, the state should continue to develop biological assessment tools, evaluate different approaches for establishing biological objectives for different stream conditions,



continue to develop reference conditions, and continue to develop causal assessment tools.

The state should also develop procedures to ensure the objectives have statewide consistency but provide for regional flexibility. As methods and procedures are developed they should be implemented in trial applications to determine their efficacy. Only once these trials have been conducted and satisfactory results obtained, should they be considered for use in an enforceable statewide policy.

The above proposed alternative will prevent the premature development and implementation of a policy that requires use of the policy's components before they have been fully evaluated and vetted. It will help ensure that the program is refined before it becomes enforceable.

Other Future Policy Considerations

Any policy developed that will be utilized for Clean Water Act programs (e.g., CWA 303(d) impaired waters, NPDES discharge permits, etc.) needs to consider how the objectives will be implemented. For example:

- Not all dischargers should be required to conduct biological assessments. For instance, the SWRCB's stormwater construction general permit requires bioassessments only for projects that meet certain criteria. The reasonableness of requiring different types of discharges to conduct biological assessments needs to be considered, given the expense of these studies and the potential for any significant changes to the receiving water body from the discharge.
- Further, the biological degradation of streams in California is a chronic and region wide problem. Thus the biological objectives should not be implemented at site-specific levels but should be implemented on regional/watershed levels. The state should consider designing a program that would enable biological assessments and restorations, if necessary, at regional/watershed levels. This region-wide approach would allow the prioritization of efforts to protect streams so that streams with the most urgent need could be addressed first. It is worth noting that the region/watershed-wide approach appears to be supported by both dischargers and the regulatory community (i.e., regional board staff) as expressed at a recent scientific advisory group meeting on Oct 17-18, 2012.
- Finally, CCEEB recommends the state convene a multi-agency committee (or program). According to the perennial stream assessment (Ode et al. 2011¹), biological degradation in California streams appears to be due to stressors impacting physical habitat conditions (e.g., instream habitat reduction, grain size changes) as well as stressors associated with water quality (e.g., high nutrient concentrations). It appears that placing the burden of conducting assessments on NPDES permittees is

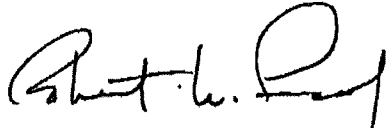
¹ Ode, P.R.¹, T.M. Kincaid², T. Fleming³ and A.C. Rehn 9. 2011. Ecological Condition Assessments of California's Perennial Wadeable Streams: Highlights from the Surface Water Ambient Monitoring Program's Perennial Streams Assessment (PSA) (2000-2007). A collaboration between the State Water Resources Control Board's Non-Point Source Pollution Control Program (NPS Program), Surface Water Ambient Monitoring Program (SWAMP), California Department of Fish and Game Aquatic Bioassessment Laboratory, and the U.S. Environmental Protection Agency.

1. Aquatic Bioassessment Laboratory, Water Pollution Control Laboratory, California Department of Fish and Game, 2005 Nimbus Road, Rancho Cordova, CA 95670
2. Freshwater Ecology Branch, Office of Research and Development, Western Ecology Division, Environmental Protection Agency, Corvallis, OR
3. Monitoring and Assessment Office, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne St., San Francisco, CA 94105

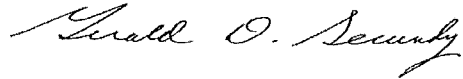
not appropriate, when they are unlikely to be the sole or primary cause of any degradation, and when degraded conditions would be difficult (if not impossible) to remedy without cooperation from additional agencies (e.g., flood control districts and Army Corps).

Thank you again for this opportunity to comment on the Informational Document. Please feel free to call me if you have any questions.

Sincerely,



Robert W. Lucas
Waste and Water Quality Project Manager



Gerald D. Secundy
President

cc: Matthew Rodriguez, Secretary, California Environmental Protection Agency
Gordon Burns, Undersecretary, California Environmental Protection Agency
Jackson Gualco, The Gualco Group, Inc.