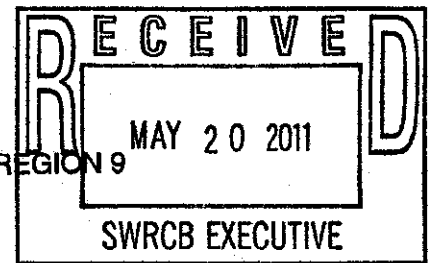




DEPARTMENT OF DEFENSE
REGIONAL ENVIRONMENTAL COORDINATOR, REGION 9
937 N. Harbor Drive, Box 81
San Diego, California 92132-0058



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Ser N40JRR.cs/0012
May 19, 2011

Ms. Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Street
Sacramento, CA 95814

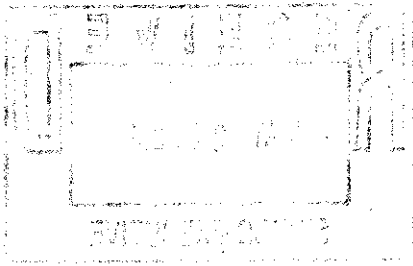
SUBJECT: COMMENT LETTER – ASBS SPECIAL PROTECTIONS

On behalf of the United States Department of Defense (DoD) Regional Environmental Coordinator in California, we appreciate the opportunity to provide comments on the proposed Special Protections and Programmatic Environmental Impact Report (PEIR) for Areas of Special Biological Significance (ASBSs). The DoD is committed to protecting these important water bodies using sound science and cost-effective programs. We previously submitted comments on the Special Protections in March 2010 during the public comment period and are concerned that our comments and the comments of other stakeholders were not fully considered before reissuing the document. This is based on the lack of written responses to comments or any substantive changes to the 2010 version of the Special Protections.

The comments provided in this letter address why it is critical to revise the military exception language in the Special Protections requirements to ensure that DoD can conduct vital military operations in support of its national security mission at San Clemente Island (SCI), San Nicolas Island (SNI), and Begg Rock. This letter also provides comments regarding our concerns that the requirements to maintain Natural Water Quality in the ASBS implemented in the Special Protections are premature, particularly given the high quality of conditions in ASBSs. Lastly, the enclosed comment matrix includes comments and recommendations on specific sections of the Special Protections and PEIR that we would like to have addressed in the final version of the document.

Vital Military Operations and Proposed Revisions to Exception Language

Both SCI and SNI are of critical importance to the DoD. These islands represent the foundations of longstanding installations and ranges that have served our national security interests for over 60 years. Whether these islands are being used to perfect new missile technology, conduct necessary training for our fleet, or partner with a number of foreign allied governments, the islands are an irreplaceable national asset that is absolutely vital to our long-term national security needs. Given rapidly changing technology and threats, our ability to adapt our training and research, development, testing and evaluation activities is imperative. We also



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recognize that the State Board's decision in this matter will be subject to change and evolution over the years with consequences far beyond this initial decision; this underscores the absolute need to build within this regulatory process the recognition of the many variables of the military mission and our nation's security needs. Thus, any restrictions that are placed on the DoD's ability to operate in these ASBSs must contain within it the flexibility to deal with unforeseen changes in the world and warfighting.

The DoD has historically demonstrated its commitment to protecting these unique islands and the natural resources and habitats located thereon. To ensure this long-term protection while maintaining flexibility in our changing world, the Navy completed a substantial and detailed environmental analysis under the National Environmental Policy Act (NEPA). The military activities addressed in the NEPA documents were reviewed by a number of regulatory agencies, including the California Coastal Commission as part of the Federal Consistency Process of the Coastal Zone Management Act. Beyond just the Navy's demonstrated record of compliance with environmental laws and regulations, the overall success of our natural resource management program is best demonstrated by the consistent praise and recognition that these two islands receive as an important part of California's ecosystem, nearly untouched by human development. The resource value of the islands is further supported by their original designation as ASBSs, as well as their consistent recognition throughout the California Marine Life Protection Act (MLPA) process for biological importance.

The Special Protections attempt to describe the expenditure of military ordnance and explosives; and discharges of materials incidental to military operations at SCI, SNI, and Begg Rock. Unfortunately, the Special Protections do not adequately describe expenditures and discharges incidental to activities undertaken by the DoD in conducting its mission. The most comprehensive source of information at SCI is the Navy's Southern California Range Complex Environmental Impact Statement (EIS), prepared in accordance with the NEPA and can be found online at <http://www.socalrangecomplexeis.com/Documents.aspx>. The most comprehensive description of information at SNI and Begg Rock is the Point Mugu Sea Range Final EIS dated March 2002; which can be obtained by contacting Ms. Gina Smith at the NAVAIR Sustainability Office at (805) 989-0141.

Each of these EISs are large, complex documents and extracting the necessary information to accurately describe the expenditures associated with military operations would require multiple written pages and may be cumbersome to include in the Special Protections document. However, we believe it is critical to our country's national security to include language in the Special Protections that will comprehensively capture the expenditure of military ordnance and explosives; and discharge of materials incidental to our vital operations, training,

and testing activities. Therefore, we request the existing language in the Special Protections (page B-7, Section 1.f. & g.) be replaced with the following statements:

f. At the San Clemente Island ASBS, the expenditure of military ordnance and explosives; and discharge of materials incidental to military operations; research, development, testing, and evaluation; and training performed by the U.S. Department of Defense and its allies is allowed. Expenditures and discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.

g. At the San Nicolas Island and Begg Rock ASBS, the expenditure of military ordnance and explosives; and discharge of materials incidental to military operations; research, development, testing, and evaluation; and training performed by the U.S. Department of Defense and its allies is allowed. Expenditures and discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.

Inclusion of this language will allow the DoD to conduct its national security mission and ensure in a very transparent way that all Federal, state, and local agencies, and the public understand the expenditure of military ordnance and explosives and discharge of materials incidental to military activities are allowed under the general exception. The subject EISs provide detailed information and evaluations of military activities at both SCI and SNI and their potential, if any, to impact the environment and are substantially similar to Environmental Impact Reports that are prepared in accordance with the California Environmental Quality Act. The subject EISs were made available to appropriate regulatory agencies and the public for review and comments, including the Regional and State Water Boards. If in the future the military needs to significantly change or add new military activities, in accordance with the NEPA, we would be required to supplement the existing EIS or develop new NEPA documentation that would be subject to agency/public review. This would ensure that expenditures and discharges associated with military activities are always fully vetted by regulatory agencies and interested parties, and will allow concerns regarding the protection of the ASBSs to be fully reviewed prior to commencing the activity.

ASBS Compliance with Natural Water Quality

The DoD is concerned that there is a rush to establish a compliance threshold for Natural Water Quality (NWQ) when the NWQ Committee's Summary of Findings specifically states that "quantifying natural water quality is not concluded". The studies supporting the Summary of Findings identified that in general the waters of ASBSs are of high quality, healthy, and protective of beneficial uses. These studies further showed that water quality at ASBS discharge locations was no different than water quality measured at reference locations far from

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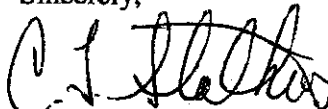
anthropogenic influence. The Summary of Findings also documented key data gaps that preclude setting appropriate compliance thresholds for NWQ including the need to build a more robust database (spatially and temporally), the lack of biological indicators to assess biological health, and limited data on how sources outside of ASBSs may influence water quality within an ASBS and how this would be treated in the regulatory process.

In addition, the DoD is concerned that the proposed NWQ threshold of the 85th percentile value of the reference pool data was made arbitrarily and that the designation of outliers was not conducted with any scientific or statistical validation. This arbitrary choice further reinforces the need for a more robust dataset to identify the appropriate thresholds. We are also concerned that utilizing the 85th percentile as representing NWQ is tantamount to establishing a water quality objective and question whether due process requirements have been adequately followed.

The DoD therefore recommends that the State Board acknowledge the high quality of ASBS waters and use the currently developed thresholds only as guidance or benchmarks during this permit cycle and wait until additional monitoring data are collected and evaluated. This will provide a more robust dataset that can be used for developing more appropriate thresholds and for developing key biological indicators that can eventually be used for a comprehensive assessment of ASBS quality.

The points of contact for this matter are Mr. Brian Gordon at brian.gordon@navy.mil or (619) 532-2273 or Mr. Michael Huber at michael.huber@navy.mil or (619) 532-2303.

Sincerely,



C. L. STATHOS

By direction

Enclosure: 1. Comment Matrix for Special Protections and PEIR of 18 May 2011

DoD Special Protection Comments:

#	Page	Section	Comment
1	3	1	The resolution should state that the Board be resolved to adopt the EIR not a Mitigated Negative Declaration.
2	3	2	The language in the resolution indicates a discharger's NPDES and/or waste discharge requirements (authorizations) need to incorporate all of the Special Protections contained in Attachment B to the resolution. The Special Protections should be modified to immediately authorize allowable point and non-point discharges, but also provide an adequate time period to include the Special Protection requirements into required applicable authorizations. The State Water Board and the Regional Boards should ensure there is a mechanism in place to have the Special Protection requirements included in existing general (e.g. Industrial Storm Water Permit), MS4 and specific permits as soon as possible.
3	B-2	I.A.1.d	<u>Prohibition On New Storm Water Outfalls Is Too Inflexible</u> Not allowing additional outfalls encumbers property owners' rights. This is too inflexible and does not account for potential changes to outfalls that may have little/no effect on or improve the quality of discharges to the ASBS. There could also be a need to install outfalls to prevent flooding that could endanger property and/or human health and safety. If dischargers are prohibited from installing new storm water outfalls they could be liable for any property damage or injuries resulting from flooding. This section should be revised to allow additional outfalls with the stipulation that they must not result in a violation of water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.
4	B-2 & B-7	I.A.1.e.(2) Section I.B.1.e.(2)	<u>Fire fighting And Potable Water Discharges Should Be Allowable Discharges</u> Discharges associated fire fighting training, and the maintenance of fire fighting and potable water systems should be included in the Special Protections as allowable non-storm water discharges. These discharges are essential to protecting property, and human health and safety. This would also be consistent with Item 10 on page 2 of the Special Protections which states:

#	Page	Section	Comment
5	B-3	I.A.2.c	<p><i>"The State Water Board finds that granting the requested exceptions is in the public interest because the various discharges are essential for flood control, erosion prevention, maintenance of natural hydrologic cycle between terrestrial and marine ecosystems, <u>public health and safety</u>, the public recreation and coastal access, commercial and recreational fishing, navigation, and essential military operations (national security)."</i></p> <p>In addition, there is no finding or evidence provided in the Special Protections or PEIR regarding impacts to natural water quality that would justify a prohibition on these discharges. We request that these discharges be included in the Special Protections as allowable non-storm water discharges.</p> <p><u>Prescribed Inspections Are Unnecessary</u></p> <p>The prescribed inspections for construction, industrial, and commercial facilities are already addressed in other permits and programs such as the General Construction Permit Order 2009-0009 DWQ and Industrial Storm Water General Permit Order 97-03-DWQ. These permits/programs have and will continue to provide adequate inspection requirements to ensure activities are not impacting the ASBS. Minus evidence justifying the increased inspections as necessary to protect the ASBS these burdensome requirements should be eliminated from the Special Protections. If Regional Boards determine that additional inspections are necessary for a particular ASBS they can be added to applicable NPDES permits. Request deletion of items 1 through 4.</p>
6	B-3 and B-9	I.A. 3.a. and I.B.3.a.	<p><u>Prohibition Of Non-Authorized Non-Storm Water Discharges Is Unreasonable</u></p> <p>The immediate elimination of non-authorized, non-storm water discharges will be infeasible for some discharges. It is completely unreasonable to immediately prohibit discharges without considering the time required for planning, contracting, environmental permitting, construction and other project related requirements. The Special Protections already require, within one year from the effective date of the Exception, that dischargers submit a written report that describes a strategy for</p>

#	Page	Section	Comment
			<p>compliance with the Special Protections. The Special Protections could be revised to require dischargers to submit a schedule to eliminate non-authorized discharges as part of the strategy.</p> <p>In addition, unless there is scientific evidence demonstrating non-storm water discharges are degrading or could reasonably be expected to degrade ASBS water quality they should not be automatically prohibited. In many cases it will be difficult and expensive to eliminate non-storm water discharges. Prohibiting non-storm water discharges without considering the potential costs, and benefits to water quality could result in costs to US taxpayers that outweigh the benefits, if any, to water quality. For example the sink on NOTS Pier at SCI is used for the rinsing of SCUBA diving gear with potable water. No soaps, cleaning solutions (only potable water) are used in this operation. The cleaning of fish is not conducted at this location. This is a low volume discharge of potable water that will not degrade water quality and should not be automatically prohibited. We therefore request the Special Protections be revised to include a process for dischargers to obtain exceptions for low volume discharges that are not expected to degrade water quality, such as the rinsing of diving gear.</p>
7	B-5 and B-9	I.A.3.d. & e; I.B.3.d.& e.	<p><u>Compliance Schedules Are Unattainable</u> Depending on the type of controls required; four years may not be sufficient time to procure funding, perform environmental (NEPA) reviews, and to implement structural controls to comply with the Special Protections. There is also no explanation how it was determined four years is an appropriate time frame. A provision should be added that allows dischargers to propose a time schedule to implement structural controls to comply with the applicable requirements.</p>
8	B-5 and B-9	I.A.3.e. & I.B.3.e	<p><u>85th Percentile Should Not Be Utilized As Compliance Threshold for Natural Water Quality</u> The DoD is concerned that there is a rush to establish a compliance threshold for Natural Water Quality (NWQ) when the NWQ Committee's Summary of Findings specifically states that "quantifying natural water quality is not concluded". The studies supporting the Summary of Findings identified that in general the waters of</p>

#	Page	Section	Comment
			<p>ASBSs are of high quality, healthy, and protective of beneficial uses. These studies further showed that water quality at ASBS discharge locations were no different than water quality measured at reference locations far from anthropogenic influence. The Summary of Findings also documented key data gaps that preclude setting appropriate compliance thresholds for NWQ including the need to build a more robust database (spatially and temporally), the lack of biological indicators to assess biological health, and limited data on how sources outside of ASBSs may influence water quality within an ASBS and how this would be treated in the regulatory process.</p> <p>In addition, the DoD is concerned that the proposed NWQ threshold of the 85th percentile value of the reference pool data was made arbitrarily and that the designation of outliers was not conducted with any scientific or statistical validation. This arbitrary choice further reinforces the need for a more robust dataset to identify the appropriate thresholds. We are also concerned that utilizing the 85th percentile as representing NWQ is tantamount to establishing a water quality objective and question whether due process requirements have been adequately followed.</p> <p>The DoD therefore recommends that the State Board acknowledge the high quality of ASBS waters and use the currently developed thresholds only as guidance or benchmarks during this permit cycle and wait until additional monitoring data are collected and evaluated. This will provide a more robust dataset that can be used for developing more appropriate thresholds and for developing key biological indicators that can eventually be used for a comprehensive assessment of ASBS quality.</p>
9	B-7	I.B.1.f. & g.	<p><u>Revisions To Exception Language for Military Activities</u></p> <p>It is critical to our country's national security to include language in the Special Protections that will comprehensively capture expenditures and discharges incidental to our vital operations, training, and testing activities. Therefore, we request the existing exception language in the Special Protections be replaced with the following statements:</p>

#	Page	Section	Comment
			<p>f. At the San Clemente Island ASBS, the expenditure of military ordnance and explosives; and discharge of materials incidental to military operations; research, development, testing, and evaluation; and training performed by the U.S. Department of Defense and its allies is allowed. Expenditures and discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.</p> <p>g. At the San Nicolas Island and Begg Rock ASBS, the expenditure of military ordnance and explosives; and discharge of materials incidental to military operations; research, development, testing, and evaluation; and training performed by the U.S. Department of Defense and its allies is allowed. Expenditures and discharges must not result in a violation of the water quality objectives, including the protection of the marine aquatic life beneficial use, anywhere in the ASBS.</p>
10	B-7	I.B.2.a.	<p><u>Pollution Prevention Plan Requirements Are Inappropriate for Military Activities</u> The Pollution Prevention Plan (PPP) requirement is inappropriate for discharges associated with military training and testing activities. PPPs are intended to address industrial activities, not military activities such as underwater demolitions. Request language be included that clearly states the pollution prevention plan requirement is not applicable to military operations, testing, and training activities.</p>
11	B-12	III.A.5.	<p><u>Timeframe To Complete Waterfront Management Plan Should be Extended</u> The PEIR (page 67) section states that staff have modified the Special Protections to allow one year to complete storm water and pollution prevention planning documents. The Waterfront Management Plan is still required in a 6 month timeframe according to Page B-12 of the Special Protections. That should be extended to 1 year in order to give dischargers sufficient time to ascertain needed resources and to be consistent with the PEIR.</p>
12	B-12	IV	<p><u>Monitoring Exemptions For Biological/Cultural Protection And Increment Weather</u> Monitoring exemptions should be allotted during biological/cultural protection initiatives/periods (e.g. snowy plover nesting season) and due to inclement weather that hampers access to monitoring locations (e.g. planes grounded to island). It is not</p>

#	Page	Section	Comment
13	B-13	IV.A.1.	clear if this falls in the scope of "hazardous conditions". <u>Storm Water Sampling Should Only Be Required During Normal Business Hours</u> Samplers will not be available twenty four hours seven days a week, provisions need to be incorporated to include sampling during "normal business hours" as dictated in other NPDES permits issued by the State. This is a particularly important issue at San Clemente and San Nicolas Islands where daily flights are often not available.
14	B-14	IV.B.1.a.	<u>Ocean Water Receiving Water Sampling Should Be Reduced To Two Times Annually</u> The individual monitoring program for ocean receiving water requires sampling three times annually during wet weather. The DoD has found that sampling two times annually is very difficult to achieve, particularly in southern California and especially at island locations. It is not always feasible to transport staff to the islands during storm periods and the ability to sample may also be hindered by ongoing military operations. Sampling two times annually will still provide the necessary data to evaluate ASBS receiving water conditions and is a reasonable starting point for Regional Water Boards to consider. If additional monitoring is found to be necessary Regional Water Boards has the ability to increase the monitoring frequency as an adaptive response.
15	B-14 & B-16	IV.B.1.b. & IV.B.3.b.	<u>Sediment Sampling Should Be Reduced To One Time Every Five Years</u> Sediment sampling is required three times during every five year period. Sediment sampling is very costly and is typically used to establish a baseline condition and then evaluate trends over time. The DoD believes the sediment sampling can be reduced to once during every five years and still achieve the goals stated above while significantly reducing monitoring costs. This will allow discharges to better use limited resources to minimize and prevent pollutant discharges to the ASBS. If additional monitoring is found to be necessary Regional Water Boards has the ability to increase the monitoring frequency as an adaptive response.
16	B-15	IV.B.1.c. & IV.B.2.	<u>PISCO And MARINE Should Be Approved Methodologies</u> Both PISCO biodiversity surveys and the Multi-Agency Intertidal Network (MARINE) core intertidal survey methodologies are requested as approved methodologies for quantitative surveys for intertidal benthic marine life. Whether

#	Page	Section	Comment
17	B-16	IV.B. 3.a.(1) & (2)	<p>these either occur as part of the Regional Integrated Monitoring Program or as individual site programs, these methodologies are scientifically rigorous in their assessment of the quantitative health of the intertidal benthic marine life. Additionally, these methods have been standardized so that datasets can be compared across large spatial scales and between time periods.</p> <p><u>Monitoring Requirements Marinas and Mooring Fields Are Excessive</u> The monitoring requirements for marina and mooring fields should be revised to incentivize the elimination of practices that could result in discharges to the ASBS. Marinas and/or mooring fields that implement programs prohibiting practices such as waterborne maintenance, hull cleaning and other similar activities should have reduced monitoring requirements to reflect a lower risk to the ASBS. The DoD requests that the receiving water monitoring requirements be reduced to two times annually where management practices reduce risk to the ASBS. This is consistent with our recommendation provided above for ocean receiving water monitoring.</p>
18	Appendix 11	Flow Chart	<p><u>Flow Chart Is Confusing</u> The flow chart should be refined to better illustrate what is required of a discharger. What is the difference between the first and second pages of the flow chart other than an "or" box?</p>

DoD PEIR Comments:

#	Page	Section	Comment
1	9	All	In that the SWRCB cites that these are "...statewide Special Protections that establish minimum requirements for the permitting, monitoring, and continued operation of selected point and non-point discharges, as required by the California Ocean Plan" -- we request that the document be modified to reflect the proposed program being administered on a "statewide" basis. The exclusion of areas outside of the identified ASBSs provides the potential for the listed exclusion stakeholders to be impacted by activities outside of their control (leading to financial impacts not identified in this document).
2	14	S.5.2	"Minimum monitoring plan would include...receiving water monitoring of chronic toxicity, indicator bacteria analysis..." based on the Natural Water Quality Committee's review of SIO bacteria analysis, it was determined that bacteria was not a good indicator of anthropogenic impacts.
3	16	S.7 first bullet	...ocean water quality "in" many of the 34 ASBS not...
4	16	S.7 seventh bullet	Does this constitute the State encumbering the property of the listed stakeholders? If implemented, in some cases, this could increase flooding resulting in potential property damage and increased risk to human health and safety.
5	43	3.4.2	In this section the following citation from the final section in the Southern California Coastal Water Research Project report (dated September 2010) should have been considered - <i>Regulatory agencies need to identify strategies to account for shifting baselines (pg 19)</i> . As such, the SWRCB proposed program is recommended to be delayed until such time as a defensible baseline of site specific data has been collected.
6	49 & 263	3.5.2.3 & 6.7	These sections state that the California Ocean Plan (COP) water quality objectives are for the most part <i>less</i> stringent than those applied to drinking water to protect public health. In general this not accurate. For the most part the COP objectives are more stringent than the Safe Drinking Water Act (SDWA) MCLs.
7	57	4.3.1	"New contribution of waste" is defined as any addition of waste beyond what would have occurred as of January 1, 2005. The PEIR should clearly state the basis for using

			<p>this date as a divide between "existing" and "new" discharges. Considering the length of time that has passed since the exception applications have been filed by the discharger there should be consideration for minor facility changes that are not expected to significantly impact natural water quality. In some cases there may be water quality benefits of routing discharges to new outfalls rather than existing older outfalls.</p>
8	13 & 60	S.5.2 & 4.3.2 Alternative C	<p>Discharges associated with fire fighting activities should be exempt from all permit and special protection requirements. Fire fighting training and fire system maintenance activities should be allowable non-storm water discharges. Discharges from potable water system operations and maintenance activities should be listed as allowable discharges. These discharges are essential to protecting property and human health and safety and are consistent with Item 10 on page 2 of the Special Protections and with the Project Objectives listed in the PEIR.</p>
9	60	4.3.2 Alternative C	<p>Dewatering from construction activities in compliance with water quality standards should not be a prohibited discharge into ASBS, especially if the discharge meets water quality objectives. This puts an undue burden on property owners. This also could be problematic for dischargers who will be installing structural BMPs as prescribed by the PEIR and Special Protections.</p>
10	62	4.3.4	<p>The sink on NOTS Pier is used for the rinsing of SCUBA diving gear with potable water. No soaps, cleaning solutions (only potable water) are used in this operation. The cleaning of fish is not conducted at this location. Please allow the rinsing of SCUBA diving gear under the General Exception.</p>
11	67	4.3.8	<p>Definition for natural water quality is ambiguous. Recommend the State provide the definitive method for determining the reference and then provide the allowable range limitation.</p>
12	67	4.3.7	<p>This section states that the staff have modified the Special Protections to allow one year to complete storm water and pollution prevention planning documents. The Waterfront Management Plan is still required in a 6 month timeframe according to Page B12 of the Special Protections. That should be extended to 1 year in order to give dischargers sufficient time to ascertain needed resources and to be consistent with the PEIR.</p>

13	77	5.1.16	Transposed mi ² and m ² .
14	105	5.2.2.9	"There are fewer coves and wave protected areas on San Nicolas Island." Change "fewer" to "few".
15	105	5.2.2.20	Recommend the State purchase a copy of the Geology of San Nicolas Island California, Geological survey Professional Paper 369, authored by J.G. Vedder and Robert M. Norris (dated 1963). It has a substantial amount of offshore geology description that was collected via teams using SCUBA.
16	123	5.4.23	"There are residential and industrial areas, piers..." There is one pier at San Nicolas Island, change "piers" to "pier".
17	163 & 174	5.6.14 & 5.6.15	State Board should have provided an approved approach to biological surveys prior to requesting the survey as part of the application process.
18	163	5.6.14	In that the data provided in the SNI ASBS exception application was considered by the SWRCB not to be representative – the SWRCB should be responsible for providing the exact methodology that will be acceptable for conducting the required studies/surveys. Dischargers opting for individual monitoring programs should not be responsible for "guessing correctly" an acceptable methodology for the collection of data required by the SWRCB.
19	170	Paragraph following Table 5.6.7	This statement "It is possible that eutrophication causes filamentous green algae to be more productive and, therefore more abundant, exceeding grazing rates." is unsubstantiated conjecture. Recommend the statement be deleted.
20	186	5.7.12	Replace "higher threat" with "potential concern".
21	209	5.8.5	This section states a pilot study was performed on potential reference sites. Please provide the locations of the potential reference sites.
22	211	5.8.4	Table number missing in text.
23	215	5.8.4	This section states "San Nicolas Island ASBS had the highest exceedence rate of 35%". That statement is not supported by Figure 5.8.8. It appears ASBS 25 (NW Santa Catalina Island) had the exceedence rate of 35%. This statement should be corrected.
24	242	6.3	SWRCB recognizes the issue of influence from watersheds outside of the control of the identified stakeholders, yet provides no remedy for the situation. ASBS stakeholders should not be held responsible for determining effects of outside sources,

25	242	6.3	<p>this should be the responsibility of the state to determine.</p> <p>Impacts to biological resources during sampling events, pursuant to the Special Protections, need to be addressed in this section. The sampling requirements included in the Special Protections will have significant impacts on biological resources unless, the Special Protections provides exemptions from sampling during seasons when sensitive biological resources are present in the area of the sample sites.</p>
26	243	6.3 Fifth Paragraph	<p>Delete 25 ASBS and replace with 23 ASBS (Catalina has three described ASBS but is listed as a single ASBS).</p>
27	288	7.1.1	<p>Cost estimates do not include the total costs of implementing the Special Protections. Cost estimates should be inclusive of the plans that need to be developed, inspections, dischargers' staff time, funding spent contracting and providing oversight for work efforts. Cost estimates are too low. In addition, there are additional costs associated with logistics for island ASBSs.</p>
28	289	7.1.1 B	<p>Table 3 is referenced. Where in the text or appendices is Table 3?</p>
29	289	7.1.1 B	<p>Is the cost estimates for rocky subtidal and rocky intertidal monitoring \$345,000 for 9 sites or the 60 targeted sites? This needs to be clarified. How many participants were included to determine the cost per site?</p>
30	289	7.1.1 B	<p>San Nicolas Island participated in the Bight '08 intertidal and subtidal monitoring, is there still a data gap at that location?</p>
31	Appendix 7	Page 9 and 22	<p>On page 22 the TUC for San Nicolas Island is 1 for fish and kelp and meeting COP. Page 9 the TUa (which is based on the TUC) states 0 survival for fish. This needs to be clarified. If the TUC is 1 the TUa would be 100% survival.</p>