

August 30, 2006

Tam Doduc, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814



Re: Special Protections – Areas of Special Biological Significance (ASBS) Storm Water and Nonpoint Source Discharges Staff Proposal

Dear Chair Doduc and Members of the Board:

On behalf of San Diego Coastkeeper, a non-profit environmental organization 5,000 members strong dedicated to protecting the region's bays, beaches, watersheds and ocean, we are pleased to offer our comments on the State Water Resources Control Board's draft *ASBS Special Protections Staff Proposal*.

Areas of Biological Significance (ASBS) represent 'those areas containing biological communities of such extraordinary value that no risk of change in their environment as the result of man's activities can be entertained'. As such, San Diego Coastkeeper strongly supports the waste discharge prohibition into ASBS set forth in the California Ocean Plan. Recognizing the need to take immediate action toward restoring water quality in ASBS, we believe discharge exceptions should be available only to dischargers who demonstrate the highest possible commitment to protection and restoration of ASBS areas through comprehensive monitoring and pollution abatement programs, and only when these most precious coastal resources will not be negatively impacted by any such exception. The long-term goal of exceptions must always be an elimination of discharges altogether.

Coastkeeper has closely followed efforts of stakeholders and regulatory agencies around the state to protect these beautiful and fragile areas from pollution. In this regard, we have proudly partnered with Scripps Institution of Oceanography (SIO) and the City of San Diego in an attempt to develop model programs to protect our two San Diego ASBS from storm water and non-point source discharges. We want to expressly recognize, as you have, the contributions SIO has made in this area.

Coastkeeper has also continued to collaborate with other environmental groups to collectively support policies aimed at protecting ASBS along the California coast. We strongly support comments submitted by the Natural Resources Defense Council, especially as regard the time schedule of the order and enforcement. Our comments on specific elements of the draft Staff Proposal are below.

1. Proposal Should Reflect ASBS Importance for Both Water Quality and Ecosystem Integrity

While Coastkeeper recognizes that the ASBS designation is a water-quality designation, we also appreciate the underlying goal of preserving the health and integrity of California's most sensitive and richest coastal ecosystems. Therefore, we believe the draft *ASBS Special Protections Staff Proposal* should reflect a greater focus on protection of biological communities and maintenance of ecosystem integrity. While this would likely require revisions to regulations, such as the Ocean Plan, it better achieves the original goals of the ASBS designations. As leaders in ASBS protection efforts, SIO, The City

of San Diego, and Coastkeeper are currently working towards development of management tools to appropriately monitor and assess impacts on ASBS ecosystems.

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2. Monitoring Program Should Meet Goals of Increased Protection

Monitoring requirements should be revised to reflect an appropriate scientific method to achieve the stated regulatory goals. More specificity is needed to clarify how monitoring guidelines were derived. Although we believe baseline 'characterization' monitoring throughout the exception period is appropriate, we ask that additional flexibility be built in to allow certain dischargers to shift focus to other monitoring needs (e.g. BMP effectiveness monitoring for identified pollutants of concern) if and when such characterization has been completed. The SWRCB should develop clear guidelines detailing when an ASBS has been adequately characterized and what other types of monitoring should be allowed to augment the initial characterization.

3. Reference Requirements Should Adequately Characterize ASBS

The reference requirements to determine natural water quality are insufficient as drafted. The draft policy requires sampling from only one reference stream per Region to establish natural water quality. Such a small sample size gives no assurance that the reference points will actually represent natural water quality in any given ASBS. Decisions regarding impacts to natural water quality should take into account the scientific consensus established by the Natural Water Quality Committee.

Thank you for the opportunity to address this important issue. We look forward to participating in these discussions as they move forward. If you have any questions, please do not hesitate to contact me.

Sincerely,



Bruce Reznik
Executive Director