



August 25, 2006

Song Her, Clerk to the Board
Executive Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Comments on Proposed ASBS Special Protections

The City of Trinidad has reviewed the Staff Proposal for Special Protections for Areas of Special Biological Significance and the comment letters that have been posted on your webpage, and we appreciate the extended opportunity for comment. Unfortunately, the City did not have the resources to send any personnel to one of the scoping meetings. The coastline of the rural City of Trinidad, with a population of only 311 residents (2000 census) and an area of approximately 0.5 mi², is almost completely contained within the Trinidad Kelp Beds ASBS. The City of Trinidad, and the surrounding community of Westhaven are committed to protecting water quality to the utmost extent feasible.

The City would like to start by concurring with and reiterating several of the comments that have already been received. Of particular importance to Trinidad are the comments suggesting adaptive monitoring rather than the sweeping minimum requirements proposed. For the Trinidad ASBS, rural residential development and timber management activities (sediment) are the only water quality concerns; there is no agriculture or industry in this area. The monitoring requirements are cost prohibitive for a small municipality such as Trinidad, which operates on an annual budget of \$300,000. As mentioned in several other comment letters, the monitoring requirements will utilize funds that would be otherwise spent on controlling pollution sources and directly improving water quality. Another concern in terms of monitoring is the capabilities and certification of testing labs. With such strict standards as proposed, many labs will not be able to comply. This is a serious concern in rural areas where there are only one or two labs serving large areas. If local labs are not able to comply with the standards, those of us in northern California will have to ship or drive samples to the Bay Area or even southern California. This is not only cost prohibitive, but logistically prohibitive for some tests due to short holding times.

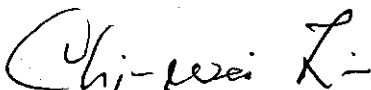
The proposed protections and restrictions seem unreasonable. Several letters mentioned the "zero molecule" standard used for defining waste. Not only is this unnecessary to protect

aquatic habitats, because they can clearly thrive with some level of "waste," but it will also open up municipalities and other regulators to frivolous lawsuits. Trinidad could never comply with a zero molecule standard, so the City could be sued under these regulations, diverting even more resources from the real goal of protecting water quality and environmental health. How will legacy impacts be separated from current problems? Trinidad used to have a much greater population than it does today. The City was a hub for gold exploration for a time and served as a commercial whaling port. Timber harvest has declined markedly over the last couple of decades, and commercial and sport fishing have also been severely curtailed. This is to say that conditions, in terms of potential pollution sources, have vastly declined since the ASBS was designated in 1976 and previous to that. Further, the Trinidad Kelp Beds are subject to significant influence from pollution sources outside the area, namely Mad River and Little River. Sediment plumes from these sources can be seen drifting into the ASBS during winter storms. Since these rivers do not directly discharge into the ASBS, they are not regulated as discharges, but likely have at least as much influence on the water quality in Trinidad Bay as the minimal discharges from within City limits. The Special Protections should focus on the biggest potential threats to each ASBS, whether inside or outside of the actual boundaries rather than stipulating invariable statewide standards.

The City of Trinidad has concerns about how these Special Protections will be interpreted and applied. For example, one page 3 (NPDES) Permitted Storm Water Sources, the term 'statistically significant increase' need to be defined (e.g. $\alpha = 0.05$).

Trinidad feels that the Special Protections need to be better thought through to reflect the extremely diverse circumstances found up and down the State, and allow the Regional Boards to design better protections in conjunction with local regulators to allow for the most efficient use of resources. A bigger picture approach needs to be taken. Establishing links between the goals and the protections, would allow a better assessment of their usefulness. The Special Protections are supposed to be designed to address the "higher threat discharges" of which rural land uses are not listed, but are applied just the same. The Special Protections need to reflect the fact that there is no such thing as "natural water quality" that is not influenced by anthropogenic activities to some degree.

Sincerely,
City of Trinidad



Chi-Wei Lin

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Water Commissioner, Councilmember and Mayor Pro Tem
City of Trinidad

Cc: Trinidad City Planner, Trinidad City Engineer