

ORANGE COUNTY COASTKEEPER

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June 6, 2002

Mr. Craig J. Wilson, Chief
Monitoring and TMDL Listing Unit
Division of Water Quality
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

RE: 303d listing -Region 8 Newport Coastal Creeks

Dear Mr. Wilson,

The purpose of this letter is to once again urge the State Water Resource Control Board to take a serious look at your proposals for listing the Newport Coastal creeks on the 303d list.

The creeks you are proposing for listing, Pelican Point Creek, Pelican Point Middle Creek, and Pelican Hill Waterfall have NO nuisance flow, nor do they drain what we typically refer to as urban runoff. They carry storm flows from the State Park on the bluffs. They have NO recreational uses.

Buck Gully, the Creek you are proposing to exclude from the list HAS perennial flows in the amount of 250,000 gallons per day throughout the entire dry season; April 15-Oct. 15. This creek HAS consistent daily recreation uses, which are well documented by approximately 100 photos. It drains a large developed area of residential projects and carries urban runoff from all of them.

We have supplied sampling data to the Regional Board. The staff of the Regional Board supports our recommendation that Buck Gully be listed on the 303d list. There is abundant data that supports our claim that bacterial levels are exceeded on a daily bases, and that children play in the polluted water as it flows across the beach.


I am troubled that your justification for excluding Buck Gully from the listing is due to the fact that it is not identified in the Basin Plan, nor does it have established water quality objectives and recreational use designations. Yet, the creeks you ARE recommending to be listed have not been identified in the Basin Plan, nor do they have water quality objectives or recreational use designations.

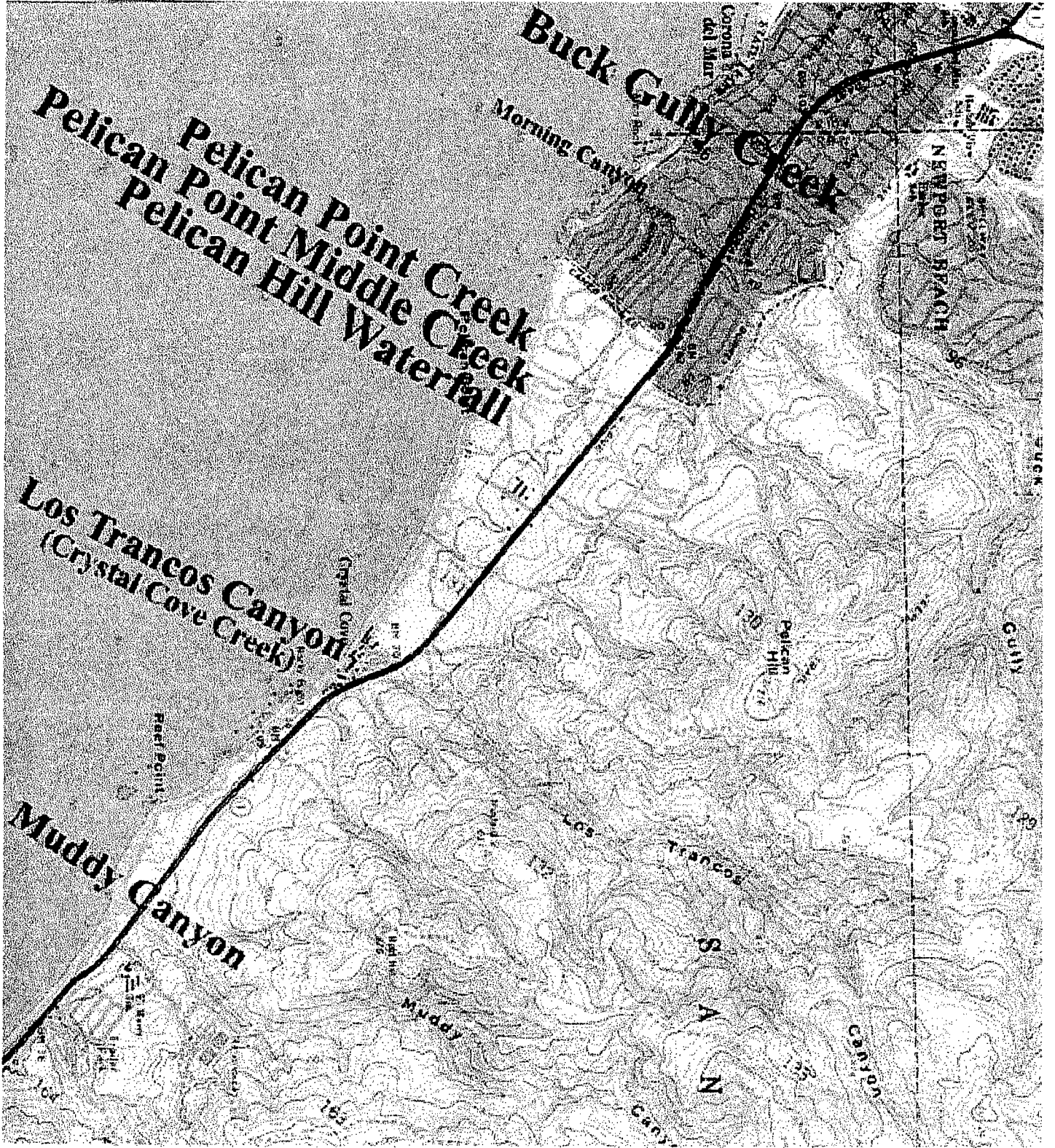
Secondly, you choose to ignore photographs of both children and adults recreating in the Buck Gully flows as it runs across the beach at Little Corona. After looking at photographs of bathing suit clad children sitting and playing in the drainage flow, even one child drinking polluted water from a cupped hand, you state this is not proof of a recreation use.

The inconsistency of your recommendations for listings and exclusion are appalling. Since it is evident these decisions are not being driven by science and submitted data, the only conclusion that can be derived is that they are being driven on the basis of politics, which is unfortunate, as it dilutes the integrity of the entire 303d process.

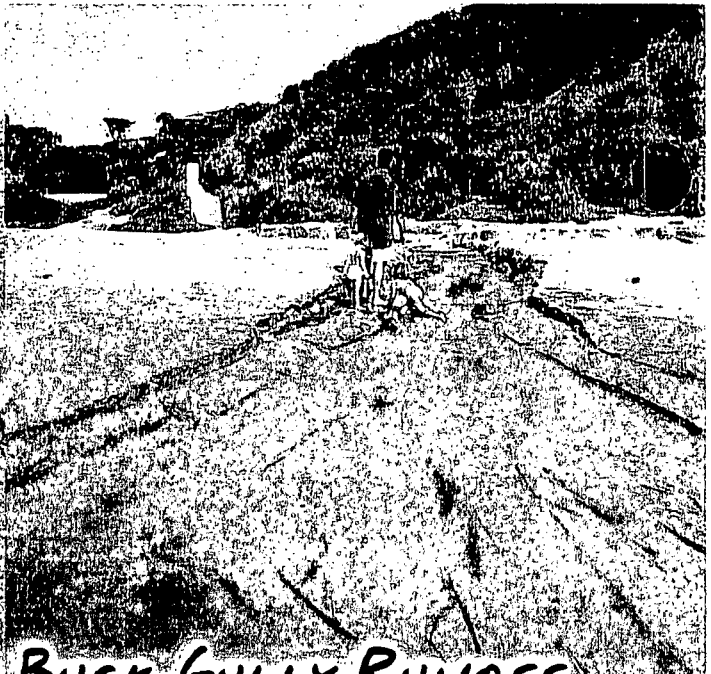
Please consider our request to ADD Buck Gully to the 303d list. We agree with your recommendations for Los Trancos Creek and Muddy Creek, as they do not have flows either. Buck Gully is the waterbody that most qualifies for inclusion on the 303d listing of all the Newport coastal creeks.

Sincerely,


Garry Brown,
Executive Director



CHILDREN RECREATING IN BUCK GULLY RUNOFF
SPRING/SUMMER 2001





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SPRING/SUMMER 2001