



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Ecosystem Conservation Division/Water Branch
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Sacramento, CA 95811
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



September 7, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

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

Dear Ms. Townsend:

The Department of Fish and Game (Department) strongly supports the State Water Resources Control Board's (State Water Board) efforts to establish statewide biological objectives as a means of measuring and regulating attainment of aquatic life health in California's perennial, wadeable streams.

The Department sees several benefits to establishing biological objectives, all of which will help support the Department's mission to protect the state's fish and wildlife resources for the use and enjoyment of the public. First, having statewide, consistent, enforceable, and scientifically rigorous tools will allow for more accurate and meaningful evaluations of the ecological condition of California's streams and rivers. Both the Clean Water Act and Porter-Cologne define water quality in terms of biological, chemical and physical characteristics of water and this new policy will help fulfill these statutory biological integrity mandates. Furthermore, the State Water Board's new emphasis on direct measures of biological condition provides a new opportunity for collaboration between the Department and Water Boards on shared resource protection goals. Finally, the Department anticipates that this information will have utility in several of its programs, including prioritization of watersheds for conservation, better performance measures for evaluation of projects subject to Departmental review, and improved evaluation of permitted activities and enforcement actions.

The Department recognizes that this policy involves considerable complexity given the variation in natural gradients (e.g., precipitation, geology, temperature), anthropogenic influence (e.g., urban and agricultural development), stream condition, and range of stakeholder interests across the state. The Department is highly supportive of the Water Board's new focus on direct measures of ecosystem condition and especially its emphasis on identification and protection of the state's highest quality streams. As a trustee of California's aquatic and terrestrial resources, the Department will be particularly interested in the process of setting numeric impairment thresholds to ensure that they are sufficiently protective of aquatic life. In addition, the Department is likely to be a regulated entity under this policy due to our responsibilities to operate and manage fish hatcheries and managed wetlands throughout the state. We concur that it will be critical to ensure that the development of the biological objectives policy is well-

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coordinated with other ongoing policy development efforts, including the Wetlands and Riparian Area Protection Policy, Nutrient Policy for Inland Surface Waters, and Policy for Toxicity Assessment and Control, and the Division of Water Rights efforts to develop instream flow objectives.

The Department is committed to playing an active role in these efforts. To date, the Department's involvement has included:

- Establishing the Aquatic Bioassessment Laboratory (part of the Office of Spill Prevention and Response's [OSPR's] Water Pollution Control Laboratory) to promote and support the use of biological endpoints by the Water Boards and other partners;
- Application of bioassessment techniques in water quality investigations and enforcement actions for nearly 20 years (e.g., by OSPR's Inland Response program and regional water quality biologists);
- Playing a central role in the development of bioassessment sampling protocols, scoring tools, data management procedures and other key aspects of the infrastructure necessary to successfully implement biological objectives; and
- Providing Aquatic Bioassessment Laboratory scientist, Dr. Peter Ode, to co-lead the technical development team for this policy.

The Department looks forward to continued involvement in the development of this important policy. If you have any questions, please feel free to contact Glenda Marsh at (916) 445-1739 or at gdmarch@dfg.ca.gov.

Sincerely,



Scott Cantrell
Chief, Water Branch

Enclosure

ec: DFG
Peter Ode
Glenda Marsh
Dave Crane
Adam Ballard