



United States Department of the Interior

NATIONAL PARK SERVICE

Point Reyes National Seashore
Point Reyes, California 94956

IN REPLY REFER TO:

L54

March 12, 2010

Constance Anderson, Environmental Scientist
State Water Resources Control Board, Division of Water Quality, Ocean Unit
P.O. Box 100
Sacramento, CA 95812-0100

Dear Ms. Anderson:

We are writing in response to the February 4, 2010 Notice of Preparation (NOP) to prepare a Statewide Program Environmental Impact Report for a General Exception to the California Ocean Plan Waste Discharge Prohibition for Selected Discharges into Areas of Special Biological Significance (ASBS). Point Reyes National Seashore includes four Areas of Special Biological Significance, two of which were identified as containing discharge points during a survey of ASBS outfalls in 2003. Seashore staff have worked with State and Regional Water Board staff and other local agencies in assessing discharges within the ASBS areas.

Based on our understanding of the issues we are submitting the following comments for consideration in the program EIR.

1. Methodology for assessment of Hydrology and Water Quality:
 - a. Methods used to identify and select sources should be evaluated for their ability to assess watershed-scale sources of discharge, rather than specific discharge locations;
 - b. Baseline information needs to be established for each identified discharge location for water quality monitoring;
 - i. Prior to implementation, the State should conduct individual review with each managed authority to identify actual discharge points. The 2003 assessment did not involve regulated agency managers and the actual discharge areas and measurements are still very much in question. Potential loading should be used as a metric for determining where to sample.
 - c. It is unclear if the Core Discharge Monitoring Program is specifically targeted to NPDES permitted point source discharge locations;
 - d. Methods used to identify sources should also be evaluated for scientific robustness, sensitivity/specificity, and appropriateness for human and ecosystem health management;
 - e. Monitoring methods should be evaluated for cost-effectiveness. Monitoring protocols proposed in the past have placed significant financial burdens on land managers with little potential for improved water quality results.
 - i. The parameters required for monitoring should be established based upon existing land uses and expected impacts. The current required monitoring parameters are extensive and highly expensive, are not reflective of potential pollutants, and do not lead to improved water quality. The EIR should analyze the financial burden of anticipated monitoring costs on the ability to make improvements to water quality.

2. Alternatives for management should include a performance-based approach, similar to that of the Tomales Bay Pathogen TMDL and associated Grazing Waiver Program (Resolution R2-2008-0054). The Pathogen TMDL established that numeric targets and load allocations are not directly enforceable. Allocations are essentially performance goals that should be used to identify appropriate source control actions. Grazing lands in the Tomales Bay Watershed are identified in the pathogen TMDL as one category of nonpoint pollution sources. To meet the conditions of the Grazing Waiver Program, the required implementation measures for grazing operations include evaluation of operating practices; development of comprehensive site-specific pathogen control measures; an implementation schedule for such management measures, and submittal of progress reports documenting actions undertaken. This approach targets source areas identified as delivering nonpoint pollution and the development of management practices for reducing delivery to storm water runoff. The EIR should evaluate a performance-based model for implementation of the program.
3. A clear definition of “natural ocean water quality” for each ASBS is necessary if it is to be used for enforcement purposes. In many of these areas, the ASBS areas are under the influence of much larger oceanographic patterns. Coastal Marin is highly influenced by the outflow of the San Francisco Bay, while the coastal bluffs are naturally erosive and unstable. In addition, sediment delivery from mass wasting events from coastal bluffs and terrestrial canyons adjacent to the San Andreas Fault are a natural phenomenon. The EIR should evaluate how areas of natural wildlife concentration are incorporated into natural water quality, how oceanographic influences on ASBS associated with pollutant loading and deliver affect “natural water quality”, and how effects of sea level rise and climate change may affect localized bluff erosion rates and sediment delivery to these ASBS areas.

Point Reyes National Seashore manages coastal resources to allow for natural shoreline and coastal processes to occur. In particular bluff erosion along the peninsula continues to deliver high levels of sediment to ocean waters including ASBSs during storm events. The recent report, *The Impacts of Sea-Level Rise on the California Coast*, states “sea-level rise will likely accelerate shoreline recession due to erosion.”¹ This process will further advance bluff erosion and sediment delivery to ASBSs. The EIR should incorporate these predicted rates of sea level rise in the planning process, and anticipate natural sediment loading associated with increased bluff erosion associated with sea level rise.

Point Reyes National Seashore has invested significantly since 1998 in water quality monitoring and implementation of Best Management Practices for agriculturally managed watersheds within the Seashore. We have worked closely with the Regional Water Quality Control Board, Marin County, and local organizations to assess and manage water quality impacts from developed lands. In 2007, the Tomales Bay Watershed Council, a stakeholder-based watershed organization completed the Tomales Bay Integrated Coastal Watershed Management Plan which included assessments of the four coastal Marin County ASBS areas. As part of this process, the Seashore, in collaboration with the County of Marin and Bolinas Community Public Utilities District submitted a proposal to assess and address water quality impacts within the Duxbury Reef and Point Reyes Headlands ASBS areas. This project was approved but has yet to be funded due to the ongoing state bond crisis. We continue to work on implementing water quality BMPS within these ASBS areas. In 2009, the ranch operator within the Duxbury ASBS area and PRNS staff funded and implemented a set of combined management practices to reduce cattle access to the intermittent drainage to the ASBS. The Seashore is working with that ranch operator to develop a Ranch Unit Plan that includes a water quality component. Planned management practices awaiting funding include new fencelines along Jack Creek to exclude cattle from Jack Creek and cross fencing on Bolinas Mesa to allow for exclusion of cattle the bluff areas during the winter months.

¹ Herberger, M., H. Cooley, P. Herrera, P.H. Gleick, and E. Moore. 2009. *The Impacts of Sea-Level Rise on the California Coast*. Prepared by the Pacific Institute for the California Climate Change Center.

We look forward to working with the Board on developing an effective, equitable and practical system for exception to the California Ocean Plan Waste Discharge Prohibition for Selected Discharges. Please contact our park hydrologist, Brannon Ketcham (Brannon_Ketcham@nps.gov, 415-464-5192) with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Don L. Neubacher", with a long horizontal flourish extending to the right.

Don L. Neubacher
Superintendent