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August 15, 2006

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



Subject: ASBS Special Protections Comment Letter

To Whom It May Concern.

Point Reyes National Seashore manages extensive areas in coastal Marin County, including Bird Rock, Point Reyes Headlands Reserve and Extension, Double Point, and the northern half of the Duxbury Reef Reserve and Extension Area of Special Biological Significance. The Seashore has been in consultation with State Water Resources Control Board Staff, has reviewed the Working Draft – Staff Proposal, Special Protections for Areas of Special Biological Significance (ASBS) - Storm Water and Nonpoint Source Discharges, and attended the August 1, 2006, scoping meeting held at the Region 1 offices in Santa Rosa.

Briefly, our comments focus on the following elements, focusing mainly on the monitoring element of the proposal.

The monitoring approach, proposed through this process, creates a burden on resource managers and will severely limit our abilities to actually improve conditions. As proposed, the monitoring element requires extensive and costly monitoring, without any description of how these data will be used, and what remediation could be achieved. The SWRCB should provide flexibility to support identification of probable pollutant constituents, and work with managers to determine an appropriate sampling regime that will begin to direct on-the-ground actions to improve water quality conditions. We reiterate comments provided during the August 1 scoping, to emphasize flexibility in both what is sampled, and the duration of sampling. If specific constituents can be identified based on land use, etc, the conditions of this rule should allow for the State or Regional Boards to use discretion in how many, how much, or how long monitoring is required.

The other major concern which we believe should be both better articulated, as well as supported is monitoring element 12, which states "If funded from permit fees through the

Water Boards' Surface Water Ambient Monitoring Program (SWAMP), certain aspects of the above minimum requirements may be met through a Statewide ASBS monitoring program." All prior monitoring requirements describe definitions of natural waters, reference sites, or other baseline conditions to be used for comparison. It is imperative that such conditions are established and monitored by a single, consolidated SWAMP-type entity, otherwise none of the data collected by potential dischargers will be comparable across the California Coast. Staff noted that they were establishing a Technical Advisory Committee to help define natural water conditions at the August 1 scoping meeting. We would like to emphasize to the Board, that the TAC be supported, but their role be expanded to establish a probabilistic monitoring regime that would provide credible monitoring data across the state. Leaving it to diverse dischargers to identify reference conditions and locations is not in the best interest of the State.

Finally, it is our observation that the regulations for ASBS protections do not provide any incentive or direction as to how resource managers may begin to address the actual discharges. There is an extensive focus on monitoring to prove the discharges are not a problem, while there is little emphasis in identifying solutions that may be available to address the actual discharge.

The National Park Service remains an active participant in this process and will continue to review and work with the State Board and Regional Board on issues surrounding the ASBS management. We expressed in our May 31, 2006, response, a strong interest in identifying solutions to remove some of the discharges identified in the 2003 State report, and look forward to productive means of addressing some of these points and removing them from the list.

Sincerely,

Don L. Neubacher
Superintendent

cc:

Susan Gladstone – Region 2 Regional Water Quality Control Board
Liz Lewis – Marin Department of Public Works, MCSTOPP
Chris Heppe – Redwood National Park