COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE: WM-9

October 18, 2012

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

Dear Ms. Townsend:

COMMENT LETTER – STATEWIDE BIOLOGICAL OBJECTIVES POLICY – CEQA SCOPING COMMENTS

Thank you for the opportunity to provide comments on the California Environmental Quality Act (CEQA) scoping document for the proposed Statewide Policy for Biological Objectives in Perennial Wadeable Streams. On behalf of the County of Los Angeles and the Los Angeles County Flood Control District, enclosed are our comments.

We look forward to your consideration of these comments. If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

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COMMENTS OF THE COUNTY OF LOS ANGELES AND THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ON THE PROPOSED STATEWIDE BIOLOGICAL OBJECTIVES POLICY FOR PERENNIAL WADEABLE STREAMS

The County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) appreciate this opportunity to comment on the California Environmental Quality Act (CEQA) scoping document for the proposed Statewide Biological Objectives Policy for Perennial Wadeable Streams (Policy). The County and LACFCD generally support the State Water Resources Control Board's (State Water Board) goal of protecting aquatic life beneficial uses of streams by establishing consistent biological objectives across the State. As active participants on the Biological Objectives Stakeholder Advisory Group (SAG), we also appreciate the extent to which the process has been open to stakeholder input. The comments provided herein are consistent with and build upon the comments we have made previously during SAG meetings. Also, we have reviewed and fully support comments being submitted by the California Stormwater Quality Association.

1. The Policy Should Focus on High Quality Streams

The State Water Board's CEQA scoping meeting informational document identifies three potential alternatives for developing the statewide biological objectives:

1. No Action; or
2. Adopt biological objectives for protecting high quality streams and preventing further degradation or degraded streams, or
3. Adopt biological objectives for all perennial, wadeable streams in the state.

Of these, we believe that the second alternative is most reasonable at this time, because it would prioritize the development of biological objectives as well as subsequent implementation efforts. There are good reasons to address high quality streams apart from modified streams. First, while the scientific community has a good understanding of how biological communities function in pristine streams, much less is understood when it comes to biological communities in modified streams. Also, existing biological condition assessment tools were developed for high quality streams and were not validated for modified streams; therefore, more time is needed to establish the necessary scientific rigor and data to develop biological objectives and associated tools for modified streams.

Further, the protection of high quality streams, which account for about half of the stream miles in the state, should be given the highest priority. With the projected increase in population and land development in the state, the health of high quality streams is at risk in the absence of clear and consistent rules. It is more cost-effective to prevent high quality streams from degradation than restoring them once degradation has occurred.

Therefore, we recommended that the State Water Board prioritize its effort by focusing the current Policy on the protection of high quality streams and address modified streams in a separate policy when the science is sufficiently mature. Should the State Water Board choose to address modified streams in the current Policy, we provide the remaining comments for consideration.

2. Effluent-Dominated Streams Should Not be Considered as "Perennial"

It is the intent of the State Water Board to develop a Policy for perennial, wadeable streams, where "perennial stream" is defined in the CEQA scoping informational document as:

> *"A stream with the year round presence of flowing surface water during a typical water year."* (P. 1, footnote 1)

This definition is ambiguous in that it does not specify whether the year-round flow is due to natural hydrology or caused by effluent discharges. Given the arid and semi-arid hydro-climatic nature of southern California, most natural streams in the region are typically dominated by flash floods during winter wet season and remain dry during most of the summer months. Many urban streams in southern California flow year-round because of discharges from wastewater treatment plants. Effluent-dominated "perennial" streams should be treated differently from naturally perennial streams. First, effluent-dominated streams do not sustain the same biological conditions as in natural streams due to the nature of discharge. Further, effluent discharges are by definition artificial and should not be relied upon to sustain biological communities. For instance, the implementation of the State Water Board's Recycled Water Policy (Resolution No. 2009-0011) may significantly reduce or eliminate effluent discharges into urban streams and affect the ability of those streams to sustain biological communities.

We recommend that the definition of perennial stream be modified as follows:

> *A stream with a year round presence of flowing surface water due to natural hydrology during a typical water year.*

3. The Policy Should Consider Flood Control Functions of Urban Streams

In considering the second alternative described above, State Water Board staff is correctly acknowledging the differing level of biological expectations for high quality streams and modified streams such as flood control channels in urban environments. Again, the County and the LACFCD support this alternative. In considering biological objectives for heavily modified flood control channels, the Policy should take into account their flood control functions and set practical and attainable expectations.

4. The Policy Should Consider Impact of Wildfires and Other Natural Events

In southern California's arid and semi-arid climate, wildfire is a recurring phenomenon and a real threat to biological communities. Studies have shown degradation of water quality and biological health of streams following wildfires[1,2,3]. Recovery to pre-fire conditions often takes several years. Wildfires result in loss of riparian vegetation as well as increase in water and sediment delivery to streams. In mountainous areas, post-fire conditions are often characterized by landslides and mudflows that significantly affect the downstream channel morphology (habitat) and biological community. Such impacts are unrelated to anthropogenic activities and generally uncontrollable.

The Policy should recognize the impact of wildfires on biological communities and incorporate a framework on how compliance with the Policy would be evaluated under those circumstances. The effects of other natural events such as long-term climate changes should also be taken into consideration in developing the Policy.

5. Establish Comprehensive Guidance for Stressor Identification

While determination of biological impairments of a waterbody is relatively easy, it is much more difficult to find the causes of the impairments and to identify effective corrective measures. Biological degradation can result from many factors including wildfires, climate changes, geologic effects, habitat alteration, flow changes, sedimentation, and chemical inputs.

Stressor identification is a critical element of biological assessment as it is instrumental in guiding management decisions. Currently, there is no established causal assessment tool in California. The State Water Board, as part of the current Policy development, should develop a biological stressor identification and analysis tool that can be used to objectively determine the predominant causes and sources of biological impairments.

Further, the State should conduct stressor identification prior to putting a waterbody on the 303(d) list for biological impairments. In other words, a waterbody should be listed for biological impairment only if the stressor identification study determined that anthropogenic sources are the causes of impairment.

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[1] Stein, E. and J. Brown. 2009. Effects of Post-fire Runoff on Surface Water Quality; SCCWRP Technical Report 598.

[2] Bond, M. and C. Bradeley, 2003. Impacts of the 2003 southern California wildfires on threatened or endangered species; Center for Biological Diversity.

[3] Pierson et al., 2003. Impacts of fire on hydrology and erosion in steep mountain big sagebrush communities; USDA, proceedings of first interagency conference on research in watersheds.