State of California – Natural Resources Agency
DEPARTMENT OF FISH AND GAME
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EDMUND G. BROWN, Jr., Governor
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October 18, 2012

Charles Hoppin, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Subject: Comments on the Notice of California Environmental Quality Act Scoping for the Proposed Statewide Biological Objectives Policy and Program of Implementation for Perennial, Wadeable Streams

Dear Mr. Hoppin:

The Department of Fish and Game (Department) appreciates the opportunity to provide comments on the proposed Statewide Biological Objectives Policy and Program of Implementation for Perennial, Wadeable Streams (Biological Objectives Policy). As described in the Notice for California Environmental Quality Act (CEQA) Public Scoping Meetings, the State Water Resources Control Board (State Water Board) is seeking comments regarding the scope and content of environmental information that should be included in the CEQA environmental analysis for the proposed Biological Objectives Policy.

As a trustee of California's aquatic and terrestrial resources, the Department supports the State Water Board's efforts to establish statewide biological objectives as a means of measuring and regulating attainment of aquatic life beneficial uses in perennial, wadeable streams. The Department recognizes a number of potential benefits associated with the establishment of biological objectives, many of which will also help the Department meet its mission to protect the state's fish and wildlife resources for the use and enjoyment of the public. For example, statewide, consistent, enforceable, and scientifically rigorous bioassessment tools will allow for:

- More direct, accurate, and meaningful evaluations of the biological condition of the State's streams and rivers;
- Improved evaluation of permitted activities and enforcement actions;
- Identification and prioritization of waters for protection or restoration;
- Setting quantifiable performance measures (expectations) and measuring response of the biological community to restoration and other management actions; and
- Enhanced ability to meaningfully implement the Clean Water Act's anti-degradation framework and State Water Board's Policy for Protecting High Quality Waters (Resolution 68-16).

In addition, the Department believes that the development and implementation of biological objectives will provide opportunities for enhanced coordination in our shared missions for protection of public trust resources.

Scientifically Rigorous and Transparent Approach

The State Water Board has put in place a well-conceived process for ensuring that biological objectives are developed through a scientifically rigorous and transparent process. This includes convening a strong technical team, consisting of scientists from the Water Boards, Southern California Coastal Water Research Project, the Department's Aquatic Bioassessment Laboratory, and the U.S. Geological Survey to develop the scientific foundation for biological objectives. In addition, the formation of a Scientific Advisory Group, consisting of renowned experts in their fields, has provided for external peer review/technical guidance concerning the scientific underpinnings of this effort. Finally, the creation and facilitation of the Regulatory Advisory Group and Stakeholder Advisory Group provide additional venues for obtaining meaningful input regarding technical, policy, and implementation aspects of the proposed Biological Objectives Policy over the course of its development.

The Department supports the State Water Board's guiding principles for the development of the proposed Biological Objectives Policy. The current approach of using benthic macroinvertebrate indicators in perennial, wadeable streams is a logical first step in the effort to develop biological objectives. A rich, statewide data set exists for this indicator/waterbody combination, thanks in large part to the efforts of the Surface Water Ambient Monitoring Program's (SWAMP's) Perennial Streams Assessment and Reference Condition Management Program. However, as noted in the guiding principles, the State should ultimately use multiple indicators and have biological objectives for all waterbody types. The process currently in use for benthic macroinvertebrates in perennial, wadeable streams can serve as a template for developing biological objectives for other indicators and waterbody types. Different indicators have differing levels of response to specific stressors, and ultimately, the integration across multiple levels of biological organization will provide a more holistic assessment of ecological condition. Ongoing work with respect to algae and riparian condition, suggests additional indicators for perennial, wadeable streams are potentially close behind. With respect to future expansion to other waterbody types, non-perennial streams represent an important next step, given that they represent the majority of California's stream network (approximately 73% based on classifications in the National Hydrography Dataset), are an important interface between land-use activities and downstream impacts, and often support a wide variety of aquatic life use. Finally, sound quantifiable numeric endpoints, while allowing for a combination of statewide consistency and regional flexibility, will provide for transparent, objective, and applicable assessment of aquatic life beneficial use attainment.

CEQA Scope of Actions/Range of Alternatives

The Department believes the range of alternatives presented in the CEQA scoping notice is sufficiently broad to allow for an adequate environmental review. The Department will be particularly interested in the process of setting numeric impairment

thresholds to ensure they are sufficiently protective of aquatic life. In addition, it will be critical to ensure that the development of the Biological Objectives Policy is well-coordinated with other related policies such as the Wetlands and Riparian Area Protection Policy, Nutrient Policy for Inland Surface Waters, Policy for Toxicity Assessment and Control, and Sediment Quality Objectives Policy, as well as the Division of Water Rights' efforts to develop instream flow objectives.

CEQA Environmental Impacts

Tools that will be made available through the Biological Objectives Policy have the potential to improve the State Water Board's, as well as the Department's and other partners', ability to protect, restore, and enhance the state's perennial, wadeable streams, leading to net conservation benefits. However, the following potential environmental impact warrants further consideration in order to limit potential negative effects associated with implementation of the Biological Objectives Policy.

Bioassessment sampling teams may be a vector for the introduction and/or transfer of non-native, invasive plant and animals species and fish diseases from one sampling site or waterbody to another during stream sampling. Invasive species threaten the diversity and abundance of native species through competition for resources, predation, parasitism, interbreeding with native populations, transmitting diseases, or causing physical or chemical changes to the invaded environment. They can also cause economic damage through clogging of navigable waterways and water delivery systems, weakening flood control structures, damaging crops, introducing diseases to animals that are raised or harvested commercially, and diminishing sportfish populations. The current SWAMP bioassessment standard operating procedures for benthic macroinvertebrates (Ode 2007[1]) do not address invasive species introduction and transfer.

These potential negative impacts may be mitigated using best practices for minimizing the potential introduction and transfer of non-native, invasive species from one sample site or waterbody to another[2]. Preventing introductions is the most effective and cost efficient way to respond to the problem of non-native, invasive species. The Department recommends that all guidance documents and operating procedures for field sampling

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[1] Ode, P. R. 2007. Standard operating procedures for collecting macroinvertebrate samples and associated physical and chemical data for ambient bioassessments in California. California State Water Resources Control Board Surface Water Ambient Monitoring Program (SWAMP) Bioassessment SOP 001. Sacramento, CA. http://swamp.mpsl.mlml.calstate.edu/wp-content/uploads/2009/04/swamp_sop_bioassessment_collection_020107.pdf

[2] Department's "Aquatic Invasive Species Decontamination Protocol" (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=43333), and

U.S. Bureau of Reclamation's "Inspection and Cleaning Manual for Equipment and Vehicles to Prevent the Spread of Invasive Species" (http://www.usbr.gov/mussels/prevention/docs/EquipmentInspectionandCleaningManual2012.pdf)

associated with the Biological Objectives Policy should emphasize the potential for introduction and transfer of non-native, invasive species and direct practitioners to implement current protocols for cleaning and decontaminating personal gear and equipment.

In conclusion, the Department fully supports the State Water Board developing statewide biological objectives. We look forward to continued involvement in this important policy and the opportunity for improved coordination and collaboration between the Department and the State and Regional Water Quality Control Boards. Should you have any questions or require clarification regarding our comments, please contact Glenda Marsh, Environmental Program Manager, at (916) 445-1739 or at gdmarsh@dfg.ca.gov.

Sincerely,

Scott Cantrell

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