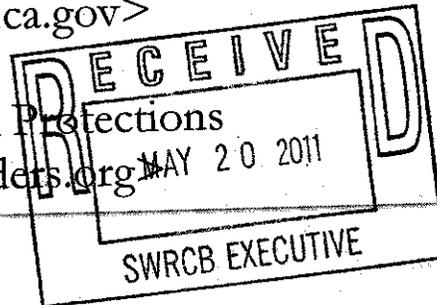


commentletters - Comment Letter - ASBS Special Protections

Public Hearing (5/18/11)
ASBS Special Protections
Deadline: 5/20/11 by 12 noon

From: Jim Curland <JCurland@defenders.org>
To: "commentletters@waterboards.ca.gov"
<commentletters@waterboards.ca.gov>
Date: 5/20/2011 11:49 AM
Subject: Comment Letter - ASBS Special Protections
CC: Jim Curland <JCurland@defenders.org>



Marine Program Office

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May 20, 2011

Charlie Hoppin, Chair and Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812-0100
c/o Jeanine Townsend, Clerk to the Board

Via electronic mail: commentletters@waterboards.ca.gov

Re: Comment Letter - ASBS Special Protections

Dear Chair Hoppin and Board Members:

On behalf of nearly 150,000 members and activists in California and over one million nationwide, Defenders of Wildlife appreciates the opportunity to comment on this important matter. In addition, we would like to incorporate by reference the comments submitted today, *Comment Letter - ASBS Special Protections*, by the California CoastKeeper Alliance and Natural Resources Defense Council.

We work on a variety of terrestrial and marine species and habitat conservation issues. The primary focus of Defenders mission is to focus our programs on what scientists consider two of the most serious environmental threats to the planet: the accelerating rate of extinction of species and the associated loss of biological diversity, and habitat alteration and destruction. Our programs encourage protection of entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health.

The sea otter is one such species that is a key indicator for ocean health. In recent years a high mortality rate has been documented in the California, or southern, sea otter. Last year saw the highest mortality on

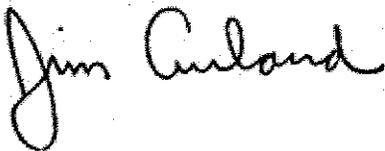
record with 305 dead sea otters recovered, greater than 10% of the population. Researchers have shown that infectious diseases and parasites consistently account for 40-50% of southern sea otter deaths. The Monterey Bay Area and Morro Bay are two particular hot spots for sea otter disease. Many of these diseases appear to be newly introduced and are related to human activities and pollution that originate on land. This is a wake-up call to pay critical attention to marine ecosystem health. Defenders produced a poster that has been used for educational outreach depicting the land-sea connection and how agricultural and urban runoff, coupled with industrial and municipal discharge contribute to rising pollution levels in our coastal waters. And, as the health of the California sea otter population and the nearshore marine environment it inhabits is a concern, this strongly correlates with having stringent protections for California's Areas of Special Biological Significance (ASBS).

The Ocean Plan defines "ASBSs" as "those areas designated by the State Water Resources Control Board as requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable." Protecting these areas is so critical to the people of California that "preservation and enhancement" of ASBSs is a beneficial use explicitly listed in the Ocean Plan, as well as in all of the coastal regional basin plans. Protection of this beneficial use and prevention of alteration of natural water quality is accomplished in the only conceivable way, given the definition of "ASBS" - through an outright prohibition on discharge of waste. This provision of the Ocean Plan is abundantly clear: "Waste shall not be discharged to areas designated as being of special biological significance." This prohibition has existed in its current form for over twenty years and should be strictly adhered to.

Defenders strongly urges protection of ASBS water quality, and we discourage the Board from taking any action that would diminish this protection. These exceptional places are currently under threat by illegal discharges of pollution. As a result, some of the areas have become so polluted that they cannot even be safely used for wading, let alone as habitats for sensitive species, like the federally "threatened" southern sea otter. We've all heard that the oceans are in a state of crisis, which is supported by reports out of the Pew and U.S. Ocean Commissions, and that coastal pollution and polluted urban runoff are some of the problems that are contributing to this crisis. ASBSs are the jewels of the California coast, and they are especially vulnerable to harm from these pollution sources. Defenders supports bold actions to stem the flow of land-based pollution into them. We must not respond to the crisis in ocean health by weakening the protection of these valuable areas. The Board must meet the challenge directly. Defenders urges you to maintain and strengthen existing protections for ASBSs.

If you have any questions, please let us know.

Sincerely,



Jim Curland
Marine Program Associate