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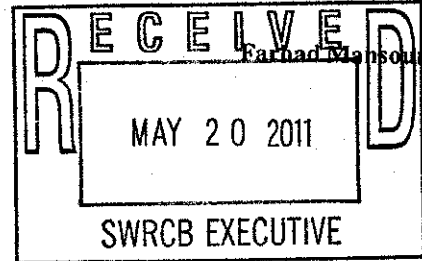
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May 20, 2011

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

By email: commentletters@waterboards.ca.gov

Subject: Comment Letter – ASBS Special Protections

Dear Ms. Townsend:

The County of Marin (County) appreciates this opportunity to provide comments on the Program Draft Environmental Impact Report Exception to the California Ocean Plan for Areas of Special Biological Significance (ASBS) Waste Discharge Prohibition for Storm Water and Nonpoint Source Discharges, with Special Protections (PDEIR) dated January 18, 2011. The enclosed comments build upon and incorporate by reference comments previously submitted on earlier drafts of the "Special Protections" by the County¹.

We are deeply concerned about the mandates in the ASBS Special Protections and General Exception. Meeting these mandates would be extremely and unreasonably costly for the County, especially in light of the economic and fiscal challenges that we are now facing. This is of special concern given the fact that the most recent data for the ASBS waters indicate no peril to them, and exceptional water quality. For example, a recent technical publication, *Summation of Findings: Natural Water Quality Committee 2006-2009*², summarizes findings from a State Water Board-funded 2008-09 statewide monitoring effort that was designed to assess the water quality in ASBS near and far from regulated discharge sites. The statewide survey illustrated generally good chemical water quality in mainland ASBS sites. It also stated that chemical contamination in ASBS receiving waters was supported by infrequent (<5% of ASBS shoreline) chronic toxicity.

In addition the County is concerned about the one-size-fits-all urban oriented approach contained in the Special Protections policy, the misplaced emphasis on end-of-pipe monitoring for Ocean Plan Table B toxic pollutants, and the failure to recognize the considerable efforts already employed by the County under its

¹ The County submitted comments on August 15, 2006 on the first draft of the Special Protections policy titled *Working Draft – Staff Proposal: Special Protections – Areas of Special Biological Significance – Storm Water and Nonpoint Source Discharges – Jun 14, 2006*.

² Southern California Coastal Water Research Project. Technical Report 625 – September 2010.

Accessible online:

http://www.swrcb.ca.gov/water_issues/programs/ocean/docs/asbs/asbsnwqc/625_nwqc_smmry.pdf

Phase II Permit stormwater program, and other programs, to reduce potential pollutants that could be conveyed by stormwater to the Duxbury Reef ASBS

The Duxbury Reef ASBS Reserve and Extension (Duxbury Reef ASBS) is located on the southern tip of the Point Reyes peninsula near the community of Bolinas in Marin County. The ASBS area includes approximately 3.8 miles of shoreline. The majority of the northern portion of the 3089-acre watershed area is owned by the National Park Service (NPS). Half of the total watershed area is identified as "natural zone" and another 25% is graze land managed by NPS.

The southern quarter of the watershed includes the rural residential area known as the Bolinas Mesa. This area is dominated by single family residential homes (this land use comprises 8% of the ASBS watershed area). The State of California and the County own land adjacent to Agate Beach, however, most of the Bolinas Mesa land adjacent to the Duxbury Reef ASBS shoreline is privately owned and commercial uses are minimal. The population of the entire Bolinas Census-designated place was 1,246 at the 2000 census, and it is estimated that fewer than 1000 people live within the Duxbury Reef ASBS. The County is responsible for two discharges to the ASBS, a County-owned culvert and a trail that extends from a County-owned visitor's parking lot to Agate Beach (DUX008 and DUX009).³ The watershed area that drains to these adjacent discharge points is less than 75 acres. None of the natural drainages that flow into the Duxbury Reef ASBS are designated as impaired water bodies on the Clean Water Act Section 303d list.

Through a joint effort of Marin's cities, towns and unincorporated areas, the Marin County Stormwater Pollution Prevention Program has implemented stormwater management plans and actions since 1993. In 2003, all MCSTOPPP agencies, including the County of Marin, obtained coverage under the California State Water Resources Control Board's (State Water Board) National Pollutant Discharge Elimination System (NPDES) Phase II General Municipal Stormwater Permit (Phase II Permit). The countywide MCSTOPPP and the County's local stormwater program address potential discharges to the Duxbury ASBS through compliance with the Phase II Permit and implementation of performance standards and actions described in MCSTOPPP's Stormwater Management Plan.⁴ Our detailed comments (see Attachment A) summarize the extensive existing programs implemented by the County that are designed to reduce pollutants in stormwater.

We feel strongly that the approach to ensuring that ASBS are protected should be based upon sound science and demonstrated cause-and-effect linkages between identified water quality problems and sources within an ASBS. In order to avoid significant expenditures that do little to protect ASBS (e.g., Ocean Plan toxic pollutant monitoring), an assessment of existing and potential anthropogenic influences on each ASBS should be conducted by State Water Board staff and these influences ranked in terms of their threats to the ASBS. Priorities could then be assigned to reducing and minimizing the anthropogenic influences that pose the greatest threats to individual ASBS. The County supports and continues to follow this practical problem solving approach to stormwater management and to ASBS protection.

The County strongly supports the Peninsula communities of Pacific Grove, Carmel-By-The-Sea, County and City of Monterey as well as Pebble Beach Company and other interested

³ Corrections to the State Water Board's List of ASBS Discharges for the Duxbury Reef ASBS are documented in a letter to the State Water Board dated May 20, 2011, a copy of which is included as Appendix B to this comment letter.

⁴ The current MCSTOPPP Stormwater Management Plan is accessible online: <http://mcstoppp.org/action.htm>.


ASBS stakeholders' request that the State Water Board develop and employ an Alternative Approach to the proposed Special Protections policy. As presented in our detailed comments (attached), there are several fundamental and scientifically irreconcilable flaws in the proposed Special Protections approach that mandate an Alternative Approach be developed and implemented.

The County strongly recommends that the State Water Board direct staff to convene an inclusive and transparent stakeholder process, similar to the one that resulted in the successful Recycled Water Policy, to develop an Alternative Approach to the Draft Special Protections, similar to that outlined by the Central Coast ASBS stakeholders. The County would be pleased to participate in such a collaborative stakeholder process, which we believe can lead to a more widely accepted and more effective ASBS protection program.

Our past and on-going efforts to maintain the quality of the environment of our ASBS indicate clearly that our criticisms of shortcomings found in PDEIR and Special Protections must not be taken as any indication of unwillingness on our part to do all that is reasonable and feasible to protect our ASBS. The significant problems we found in the monitoring and natural water quality sections of the PDEIR and Special Protections policy reflect activities that are neither scientifically valid nor reasonable in terms of cost-to benefit analysis. A mandate to carry out these inappropriate monitoring efforts could reduce the level of positive activities we could afford to perform related to maintaining the status of the ASBS ecosystem that we and the State Water Board are committed to protect.

We appreciate the opportunity to provide these comments and look forward to working collaboratively with State Water Board staff and other stakeholders to develop an effective site specific, water quality identification and problem solving ASBS protection program. Please contact Terri Fashing (415-499-6583) if you have any questions.

Sincerely,



Robert Beaumont
Chief Assistant Director Public Works
County of Marin

Enclosures: Attachment A: Detailed ASBS Special Protections Comments
Attachment B: Corrections to Appendix 5

C: Farhad Mansourian, Director of Public Works
Tracy Clay, Principal Civil Engineer
Liz Lewis, Principal Planner
Jennifer Blackman, General Manager of Bolinas Community Public Utility District
Natalie Gates, Chief of Natural Resources
Linda Dahl, Director of Parks and Open Space
Julie Casagrande, Watershed Protection Specialist, San Mateo County

**ATTACHMENT A - COUNTY OF MARIN
DETAILED COMMENTS ON ASBS SPECIAL PROTECTIONS**

1) Site specific assessments of the type and potential magnitude of constituents of concern of that are conveyed by stormwater to ASBS should be conducted by the State Water Resources Control Board to determine the extent of additional controls needed, if any, to prevent an undesirable alteration of natural water quality

All available data show that the County of Marin (County) is a minimal contributor of potential stormwater-conveyed constituents of concern to the Duxbury Reef Area of Special Biological Significance Reserve and Extension (Duxbury Reef ASBS) due to the watershed's rural residential setting. Also, as summarized in 2) below, the County implements programs designed to control potential contributions of constituents of concern to the ASBS via its stormwater and other land use management programs.

It is also the belief of the County that the storm drain system on the Bolinas Mesa has not resulted in an undesirable alteration of natural water quality in the ASBS because of the rural nature of the watershed and existing stormwater and land use management programs. If the State believes that there is an undesirable alteration of natural water quality occurring in the Duxbury Reef ASBS, the State Water Resources Control Board (State Water Board) should fund any additional studies needed to prove that belief. The County should not be required to fund new stormwater and receiving water monitoring or to implement additional BMPs until there is statistically significant data documenting that there is an undesirable alteration of natural water quality occurring in the ASBS traceable predominantly to a County storm drain.

The County and other primarily rural and rural residential Counties should only be required to participate in stakeholder agreed upon ASBS protection and/or monitoring activities in proportion to their relative area and/or population in the watershed contributing stormwater runoff to adjacent ASBS.

2) The County has minimal urban pollutant sources within the Alder Creek Watershed tributary to Duxbury Reef ASBS and implements source identification and control measures to address local rural residential sources

The Duxbury Reef ASBS Reserve and Extension (Duxbury Reef ASBS) is located on the southern tip of the Point Reyes peninsula near the community of Bolinas in Marin County. The ASBS area includes approximately 3.8 miles of shoreline. The majority of the northern portion of the 3089-acre ASBS watershed area is owned by the National Park Service (NPS). Half of the total watershed area is identified as "natural zone" and another 25% is grazeland managed by NPS.

The southern quarter of the watershed includes the rural residential area known as the Bolinas Mesa. This area is dominated by single family residential homes (this land use comprises 8% of the ASBS watershed area). The State of California and the County own land adjacent to Agate Beach, however, most of the Bolinas Mesa land adjacent to the Duxbury Reef ASBS shoreline is privately owned and commercial uses are minimal. The

population of the entire Bolinas Census-designated place was 1,246 at the 2000 census, and it is estimated that fewer than 1000 people live within the Duxbury Reef ASBS. The County is responsible for two discharges to the ASBS, a County-owned culvert and a trail that extends from a County-owned visitor's parking lot to Agate Beach (DUX008 and DUX009).¹ The watershed area that drains to these adjacent discharge points is less than 75 acres. None of the natural drainages that flow into the Duxbury Reef ASBS is designated as an impaired water body on the Clean Water Act Section 303d list.

The natural riparian corridor and associated wetlands of the unnamed tributary trap silt and keep it from flowing through DUX009 into the Duxbury Reef ASBS. It is also the nature of such wetlands to filter out a variety of stormwater pollutants. Stormwater runoff from the small (less than 50 spaces) Agate Beach visitor's parking lot flows overbank into the unnamed tributary at the intersection of Elm Road and Ocean Parkway. From this point the creek flow travels almost 400 feet before entering the County's culvert (DUX009) and Duxbury Reef Discharge point. The County will use Prop 84 ASBS Grant funds to replace the paved lot with porous concrete in order to further reduce the flow of potential pollutants into the discharge point. In addition, Prop 84 ASBS funds will be used to relocate two portable toilets that are currently located on the edge of the riparian corridor of the unnamed tributary. The new portable toilets will be installed within the Agate Beach parking lot with a roof, retaining wall enclosure and a drain to a submerged emergency spill tank.

Through a joint effort of Marin's cities, towns and unincorporated areas, the Marin County Stormwater Pollution Prevention Program has implemented stormwater management plans and actions since 1993. In 2003, all MCSTOPPP agencies, including the County of Marin, obtained coverage under the California State Water Resources Control Board's (State Water Board) National Pollutant Discharge Elimination System (NPDES) Phase II General Municipal Stormwater Permit (Phase II Permit). The countywide MCSTOPPP and the County's local stormwater program address potential discharges to the Duxbury ASBS through compliance with the Phase II Permit and implementation of performance standards and actions described in MCSTOPPP's Stormwater Management Plan.² The performance standards outline BMPs for the following Phase II stormwater program elements: Municipal maintenance, illicit discharge controls, new development and construction controls, industrial and commercial discharges, and public information and participation.

The County Public Works Department follows "Guidelines for Protecting Aquatic Habitat & Salmon Fisheries for County Road Maintenance"³ on the Bolinas Mesa and County-maintained roads (5.7 miles) are swept semi-annually. The Agate Beach parking lot is

¹ Appendix 5 to the PDEIR contains the State Water Board's List of ASBS Drainages for Duxbury Reef. County staff conducted field verification of the drainage discharge points listed for Duxbury Reef ASBS. Results of field verification found that some of the County listed discharge points are located on private property and not within the County's jurisdiction. In addition, some private discharge points were found to have no potential for discharge. These corrections to the list of drainages to the Duxbury reef ASBS (Appendix 5 PDEIR) were documented in a letter to the State Water Board dated May 20, 2011, a copy of which is included as Attachment B.

² The current MCSTOPPP Stormwater Management Plan is accessible online:
<http://mcstoppp.org/action.htm>.

³ FishNet 4C. Accessible online: http://www.fishnet4c.org/projects_roads_manual.html.

swept annually during late summer/ early fall. In addition, the County implements a "no spray" policy in Bolinas with respect to vegetation management.

The County Environmental Health Division manages a Septic Systems Program designed to protect the health of the public and the environment from the improper disposal of sewage from on-site sewage systems and greywater systems.

3) The PDEIR Alternatives Analysis (Section 4.3.1 p. 56) provides no technical basis or rationale for rejecting Alternative A: Allow Permitted Storm Water and Nonpoint Source Discharges with No Additional Conditions

The PDEIR provides no technical basis or rationale for rejecting the sole alternative presented to the Special Protections approach for permitted storm water and nonpoint source discharges (Alternative A: Allow Permitted Storm Water and Nonpoint Source Discharges with No Additional Conditions Beyond those in Existing Permits). In the abbreviated discussion presented, the PDEIR states that "The storm water NPDES permits require the discharger to develop and implement a SWMP or SWPPP with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP)."

However, there is no further analysis or technical information presented to support the following conclusory statement dismissing this Alternative from further consideration: "However, reduction of pollutants to MEP is not adequately protective of natural water quality in ASBS." (PDEIR p. 57 of 331).

The County finds this dismissive rejection of all the activities conducted by stormwater management (MS4) programs throughout the State to be totally unacceptable and contrary to CEQA requirements to conduct a thorough and reasoned analysis of reasonable alternatives to the proposed project (i.e. Special Provisions) subject to CEQA.

As noted above, the County has very few contributing sources within the rural residential watershed upstream of the Duxbury Reef ASBS and has programs in place to address actual and potential sources of contaminants potentially entering drainages to the ASBS. The County requests that the PDEIR extensively modify Alternative A under section 4.3.1 to provide a complete analysis and technical rationale for the conclusory statement that stormwater programs implementation of control measures to achieve reduction of pollutant to MEP is not adequately protective of natural water quality in ASBS.

This analysis should address the discussion in item 5) below regarding the full legal definition of ASBS where alteration of natural water quality is undesirable.

4) The Proposed ASBS Special Protections Approach is Fundamentally Flawed and Needs to be Replaced by a Collaborative Stakeholder Developed Alternative Sound Science Weight of Evidence Based Approach

The County supports the Peninsula communities of Pacific Grove, Carmel-By-The-Sea, County and City of Monterey as well as Pebble Beach Company and other interested ASBS stakeholders' request that the State Water Resources Control Board (State Water Board) develop and employ an Alternate Approach to the proposed Special Protections

approach. There are several fundamental and scientifically irreconcilable flaws in the proposed Special Protections approach that mandate an alternative approach be developed and implemented (see comments from Hopkins Marine Station dated March 11, 2011). These include the fact that a meaningful comparison of 'reference' and discharge sites is impossible. This is due to the heterogeneity of the ASBS and candidate reference sites, the statistical invalidity of simply comparing one reference site with one discharge site (i.e. no statistical power), and the high degree of natural variability in the ecosystem. For the Duxbury Reef ASBS, there is the significant uncontrollable impact from outgoing flows from San Francisco Bay being conveyed to and through the ASBS depending on prevailing winds, tides, and currents.

The County strongly recommends that the State Water Board direct staff to convene an inclusive and transparent stakeholder process, similar to the one that resulted in the successful Recycled Water Policy, to develop an Alternative Approach to the Draft Special Protections, similar to that outlined by the Central Coast ASBS stakeholders (excerpted below). The County would be pleased to actively participate in such a collaborative stakeholder process, which we believe can lead to a more widely accepted and more effective ASBS protection program.

Step 1: State-funded Panel would gather the necessary scientific data to define natural water quality in each ASBS and determine whether or not any of the ASBSs are experiencing degradation of water quality which is harming beneficial uses. Degradation would be evaluated relative to the standard of an undesirable alteration in natural water quality. This would maintain consistency with the Public Resources Code (PRC) section 36700(f) definition of State Water Quality Protection Areas (SWQPAs) as "a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Board through its water quality control planning process." (emphasis added)

Step 2: If it is shown that there is statistically significant water quality degradation occurring within an ASBS such that it is adversely impacting beneficial uses, the location(s) and cause(s) of such degradation would be mapped. A determination would be made as to whether the degradation was occurring due to the discharge of pollution into the ASBS, and, if so, what is the pollutant(s) of concern. If the degradation is not being caused by the discharge of pollutants, no restrictions or requirements would be imposed on the dischargers for purposes of mitigating the degradation.

Step 3: If degradation is determined to be caused by the discharge of pollutants, the location(s) of degradation would be compared to the location(s) of existing discharges (e.g. storm drains and natural conveyances like rivers) to determine possible sources of the pollutants.

Step 4: If the location(s) of degradation that is determined to be caused by the discharge of pollutants is in reasonable proximity to an existing storm drain discharge, then the entity responsible for that discharge would be directed to perform end-of-pipe sampling to determine whether or not the pollutant(s) of the type determined to be causing the degradation are being discharged at that location.

Step 5:

- (a) If this sampling finds that the storm drain discharge does not contain appreciable amounts of the pollutant(s), then the discharge would be deemed not to be causing the degradation.
- (b) If the sampling finds that a discharge is a significant contributor of the pollutant(s) associated with the degradation, then the discharger responsible would be required to mitigate those impacts by implementing new or enhanced Best Management Practices (BMPs) and/or source-control measures pursuant to associated MS4 Stormwater Discharge Permits or waste discharge requirements.. Compliance would be determined based on receiving water quality measured at the offshore edge of the zone-of-initial-dilution, not end of pipe.

5) The Public Resource Code Section 36700(f) and California Ocean Plan definition of Natural Water Quality need to be accurately referenced throughout the PDEIR, Special Protections, and related documents

The Public Resources Code (PRC) section 36750 states that, as of January 1, 2003, all ASBS are now included in the Marine Managed Area category of State Water Quality Protection Areas (SWQPAs). PRC section 36700(f) then defines a SWQPA as "a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Board through its water quality control planning process." (emphasis added)

The Ocean Plan Appendix I Definition of Terms (p. 24) similarly defines an ASBS as "those areas designated by the State Water Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All Areas of Special Biological Significance are also classified as a subset of State Water Quality Protection Areas." (emphasis added)

The PDEIR cites the above PRC definition of the ASBS (p. 41) and cites the above OP Appendix I definition of the ASBS (p. 38). Inclusion of the term "undesirable" relative to the definition of the degree of alteration of natural water quality incorporates the concept that some degree of water quality alteration may be able to occur while still reasonably protecting beneficial uses.

However, the PDEIR, first on p. 22 and continuing thereafter including in the Special Protections (Appendix 1), deletes the term "undesirable" from the PRC statutory definition and the OP regulatory definition. The definition is changed from "alteration of natural water quality is undesirable" to "In order not to compromise beneficial uses, natural water quality must be **maintained** in an ASBS." (emphasis added)

The PDEIR and Special Protections also uses slight variations on the above "natural water quality must be **maintained**" definition including "Discharges composed of stormwater shall not **alter** natural ocean water quality in an ASBS" (Appendix 1 p. B-2) or that "natural water quality conditions in the receiving water are **achieved and maintained**" (Appendix 1 p. B-4). (emphasis added)

The County believes that staff's omission of the word "undesirable" relative to assessing changes in natural water quality is problematic. When evaluating the impact of stormwater discharges on an ASBS, this serves to shift the benchmark from a weight of evidence approach to an absolute, no change (i.e. non-degradation) compliance approach. This alternative and more stringent definition of natural water quality appears to be used at least in part as the basis for proposing in the Special Protections that stormwater discharges (at a minimum from 36-inch and larger diameter pipes) need to comply end-of-pipe with Ocean Plan Table B toxic pollutant Water Quality Objectives (WQO).

This is equivalent to establishing end-of-pipe water quality effluent limits (WQBELs) for intermittent stormwater discharges. This approach is contrary to the Ocean Plan that calculates and establishes Table B WQBELs (intended for continuous wastewater and industrial discharges) the edge of the mixing zone (i.e. after initial dilution).

6) The State Water Board Natural Water Quality Committee found problems with the conceptual Natural Water Quality approach and an absence of measured chemical water quality impacts in ASBS monitoring data

The State Water Board created its own "Natural Water Quality Committee" which released a report in September 2010 titled "*Summation of Findings - Natural Water Quality Committee, 2006-2009.*" The following are several excerpts from that report:

- The Committee felt that even if anthropogenic land-based waste discharges were to be completely eliminated from a section of coastline, there would be no guarantee that natural water quality would be reestablished there. Aerial deposition, pollutants carried by oceanic currents from distant sources, and vessel discharges may influence water quality conditions.
- Based on recent studies at targeted reference sites in southern California, the Committee found that average water quality in the ASBS they evaluated was very similar to reference sites that were selected to approximate what ambient marine water quality would be like in the absence of (or minimally influenced by) waste discharges, i.e. "Natural Water Quality."
- At times concentrations of certain constituents at reference sites were higher than concentrations in the Table B water quality objectives listed in the California Ocean Plan.
- A State Water Board-funded statewide survey conducted in 2008-2009 found generally good chemical water quality in the ASBS sites that were sampled. None of the constituents measured exceeded the instantaneous maximum objectives listed in the California Ocean Plan (the appropriate "benchmark" for intermittent stormwater discharges).
- One concern related to the management and regulation of a specific ASBS is that the conditions of the ambient receiving waters may be influenced as much, or more, by discharges outside of the ASBS. These external ASBS discharges, if large enough, may overwhelm discharges inside the ASBS.

This Committee's work shows that little to no impact on the quality of water in the ASBSs that were monitored was found to be occurring as a result of the current stormwater discharges into them.

Attachment B

DEPARTMENT OF PUBLIC WORKS

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Farhad Mansourian, RCE
Director

May 20, 2011

State Water Resources Control Board
Division of Water Quality

Connie Anderson

P.O. Box 100

Sacramento, CA 95812-0100

By email: CSAnderson@waterboards.ca.gov

Subject: Corrections to Appendix 5: List of ASBS Drainages for Duxbury Reef

Dear Ms. Anderson:

The following information is being provided in response to the updated list of ASBS (Areas of Special Biological Significance) drainages for Duxbury Reef located in Bolinas, CA. This list is referenced as Appendix 5: *Lists of Drainages in All of the ASBS – this is a Working Draft (List) to the Program Draft Environmental Impact Report: Exception to the California Ocean Plan for Areas of Special Biological Significance Water Discharge Prohibition for Stormwater and Nonpoint Source Discharges with Special Protections (PDEIR)*; posted on the State Water Board Website. Discharge points on this list will be subject to the Resolution regulating discharges of stormwater to the ASBS. Therefore, it is important that information on the List be as accurate as possible. To that end, County staff conducted field verification of the discharge points listed for Duxbury Reef ASBS. Results of field verification found that some of the County listed discharge points are located on private property and not within the County's jurisdiction. In addition, some discharge points were found to have no potential discharge.

The County also reviewed the discharge widths for accuracy. The Appendix 5 List includes a column titled "Width". This list includes an incorrect entry of "2.00" in the Width column for Sample ID DUX009. The correct width (diameter) for Sample ID DUX009 is four feet. Sample ID DUX009 describes a county-owned concrete culvert that terminates at Agate Beach within the Duxbury Reef ASBS. Water in an unnamed tributary in Bolinas, CA flows into the 25-foot long, 4-foot wide DUX009 culvert before it flows onto Agate Beach and into the Duxbury Reef ASBS. The Appendix 5 List should be changed to reflect the correct width.

The following information describes and supports the additional corrections that should be made to the current *List of Drainages in All of the ASBS – this is a Working Draft (List)*.

Additional corrections to List -- Discharge Points Not Located on County Property. Six discharge points listing the County as one of the responsible parties are not located within the County's jurisdiction. These discharge points are located on private property or owned by the State or Federal government. Table 1 lists the correct responsible party for each of the six discharge points.

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Table 1. Discharge Points Not Located on County Property

Sample ID	Listed Responsible Parties	Corrected Responsible Parties	Reason for Correction
DUX001	Marin County, Private	Private	The discharge point and associated pvc pipe is not owned or maintained by the County and is located on private property (APN# 191-300-01)
DUX006	Marin County, Private	Private	The earthen gully drainage and discharge point is located on private property (APN#191-300-01)
DUX007	Marin County, Private	Private	The earthen gully drainage discharge point is located on private property (APN#191-300-01)
DUX010	Marin County, Private, State	State	The path discharge point is located on property owned by the State of California (APN# 190-171-14)
DUX024	Marin County	NPS	Pathway to beach located on National Park Service land (APN# 188-170-60 - Point Reyes National Seashore)
DUX032	Marin County	NPS	Pathway to beach located on National Park Service land (APN# 188-120-28 - Point Reyes National Seashore)

Removal from List - Discharge points with no potential for discharge. Discharge points DUX011, DUX012, DUX013, DUX014, and DUX015 are pipes located on private property protruding from the face of a cliff. Original comments by State Water Board staff indicate that the pipes may have been supply lines from homes lost in a previous slide. Further investigation by Marin County staff verified that these pipes are abandoned portions of a previous potable water supply line. Currently no water runs through or discharges from these pipes. It is recommended that DUX011-015 be removed from the List of Drainages to Duxbury Reef ASBS.

We appreciate the opportunity to make the Appendix 5: *Lists of Drainages in All of the ASBS - this is a Working Draft* as accurate as possible. Our hope is to avoid misunderstanding when PDEIR is finalized and associated regulations are implemented. Please contact me if you have any questions regarding this information.

Sincerely,



Robert Beaumont
 Chief Assistant Director Public Works
 County of Marin

Ms. Connie Anderson

May 16, 2011

Page 3

C: Farhad Mansourian, Director of Public Works
Tracy Clay, Principal Civil Engineer
Liz Lewis, Principal Planner
Jennifer Blackman, General Manager of Bolinas Community Public Utility District
Natalie Gates, Chief of Natural Resources
Linda Dahl, Director of Parks and Open Space