

July 27, 2007

Chairwoman Tam Doduc and Board Members
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

6/26/07 Scoping Mtg
CA Ocean Plan Amend.
Deadline: 7/27/07 Noon

Re: Comments on the Amendments to the California Ocean Plan Scoping Document

Dear Chairwoman Doduc and Board Members:

On behalf of Defenders of Wildlife (³Defenders²) and our over 125,000 members and activists in California, we are submitting the following comments on the June 2007 Scoping Document Amendment of The Water Quality Control Plan - Ocean Waters of California (³Scoping Document²). Defenders, along with California CoastKeeper Alliance and Heal the Bay submitted more extensive comments in a letter dated July 19, 2007. We appreciate the opportunity to comment on this critical document.

In addition to the more comprehensive comments submitted on July 19, 2007, Defenders wanted to focus on the need for the Scoping Document to incorporate the critical issue of sea otter and nearshore ecosystem health as it relates to water quality issues. Over the last two years, Water Board staff, primarily Dominic Gregorio and Shakoora Azimi-Gaylon, have been involved in discussions, meetings and workshops with sea otter researchers from the California Department of Fish and Game's Marine Wildlife Veterinary Care & Research Center, U.C. Davis, U.S. Geological Survey-Biological Resources Division, Monterey Bay Aquarium, and other individuals and groups. What has been clearly identified through these discussions, meetings and workshops, is that sea otter health has direct linkages to the land-sea connection and sea otters are dying of diseases that could be attributed to poor water quality from storm water discharges, other non-point sources, and point sources, to name a few of the key land-based sources.

The Scoping Document has identified proposed amendments, separated into thirteen issues, which will update the 2005 Ocean Plan. However, the issues identified as being of the highest priority and the summaries, analysis, proposed alternatives and preliminary recommendations for each issue have failed to include what is known about sea otter and nearshore ecosystem health as it relates to impaired water quality. In addition, the four issues (Regional Ambient Water Quality Monitoring, Standard Monitoring and Reporting Requirements, Storm Water Discharges, and Nonpoint Source) that have direct applicability to sea otter health and nearshore ecosystem health don't include mention of any of the current work involved with sea otter health, nearshore ecosystem health, and water quality as they all relate to each other.

In preparing these brief comments, Defenders consulted with one of the researchers we work with, Dr. Woutrina Miller, Adjunct Assistant Professor, U.C. Davis School of Veterinary Medicine, Pathology, Microbiology, and Immunology Department. Dr. Miller noted that it is quite surprising that the 2005 Ocean Plan makes no mention of sea otters or marine mammals. Dr. Miller points out that, ³ sea otters might be considered in the special studies section as compared to core or regional



monitoring since southern sea otters are only found along the central coast, while marine mammals in general are found throughout the California coast, and if the document discusses benthic communities, why not consider mammalian communities since they are also considered beneficial uses and are affected by water quality.²

While sea otters are key sentinel species, other marine mammals are impacted by poor water quality. In Appendix III, Proposed Standard Monitoring Procedures (³Appendix III²), Dr. Miller continues that, ³as for where marine mammals fit into the proposed amendments, it could be in areas like on page 4 of Appendix III where a primary question is 'is the condition of the receiving water protective of contact recreation and shellfish harvesting beneficial uses?'; on page 9 where Appendix III addresses benthic community health and could consider adding marine mammal health; and on page 10 where it discusses bioaccumulation of pollutants in marine life.²

In communication with Dr. Miller, she pointed out that page 5 of the Scoping Document summarizes that viral standards need to be developed for public health reasons and due to differences from the bacterial standard indicators, but that the technology is not yet suitable for routine monitoring. Fecal protozoa are not mentioned in the amendments, yet *Toxoplasma gondii*, one of the organisms affecting sea otter health, is in a similar situation to the viruses mentioned; and methods are currently available for *Cryptosporidium* and *Giardia* detection as model organisms.

And, lastly any discussion of water monitoring approaches should consider that programs, such as the California State Mussel Watch Program, that could provide critical information for sea otter health and nearshore ecosystem health, are severely under funded and need to be part of any water quality monitoring approach. In addition, there is currently no program that covers monitoring for biological pathogens.

In conclusion, we understand that the State Water Board has already identified the thirteen high priority issues, however both the issues identified and the subsequent revision of the 2005 Ocean Plan in the next triennial review needs to reflect a great deal of information on sea otter health, nearshore ecosystem health and water quality that has been recently published by sea otter researchers from the California Department of Fish and Game's Marine Wildlife Veterinary Care & Research Center, U.C. Davis, U.S. Geological Survey-Biological Resources Division, Monterey Bay Aquarium, and other individuals and groups. The exclusion of sea otter health and its relationship to nearshore ecosystem health and water quality issues in California in the Ocean Plan, Scoping Document and Appendix III leave serious gaps in our current understanding of sea otters as sentinel species for the health of nearshore waters.

Should you have any questions about our comments, please feel free to contact me at (831) 726-9010 and/or jcurland@defenders.org

Sincerely,

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