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Ms. Constance S. Anderson  
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Areas of Special Biological Significance  
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State Water Resources Control Board  
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Dear Ms. Anderson:

Pursuant to the release of the Notice of Preparation/Initial Study on 9 February 2010, we have examined the contents of these documents and, in this letter, provide statements that address several of our concerns regarding the scope or content of the program EIR for the California Ocean Plan. We appreciate being given the opportunity to comment on these (remarkably complex!) issues, and hope that our analyses and concerns are useful to the State Water Board in their on-going efforts on storm-water-related issues in the Areas of Special Biological Significance. I note that more extensive and detailed comments are being prepared by the local municipalities and other organizations that are affected by the storm water/ASBS regulations. We are a member of the Monterey Regional ASBS Dischargers Monitoring Program and are working with our partners on these complex issues. The comments in this letter mirror those found in letters from other members of this group, but focus more specifically on those issues that would seem to be most relevant to the concerns of our marine laboratory and the municipality in which we occur, the City of Pacific Grove.

**Biological Impacts of Storm Water Discharge.** Based on the available data and the analyses done by governmental agencies and academic institutions like ours, I do not think there is any basis for concluding that Areas of Special Biological Significance are being negatively impacted by discharges of storm water.

**Cost-Benefit Considerations.** In view of the lack of evidence that discharges of storm water into ASBS are impacting water quality and marine life, it seems inappropriate to create an expensive unfunded mandate to address what may be a non-issue. City budgets are already strained to the maximum and the likelihood of new tax revenues seems remote. Thus, any requirement to construct expensive facilities for storm water movement/treatment will need to be paired with cuts to other programs (library services, infrastructure maintenance, etc.).

**Aesthetics.** The construction of treatment facilities for storm water in a way that will not negatively impact aesthetics is certainly challenging, because any such facilities will likely have to be built near

the coastline, in the currently very limited open space available in the view shed. It is difficult to envision where and how such facilities could be constructed without having a negative effect on aesthetics. There could be significant issues raised during review by the Californian Coastal Commission, could there not?

**Cultural Resources.** These will be impacted by having to install facilities along the coastline where many Indian and Chinese archeological resources are known to exist.

**Water Quality Standards.** “Natural ocean water quality” is a difficult concept to define rigorously and efforts to comply with this standard set extreme challenges for dischargers into ASBS. The statements that dischargers should achieve either the Table B standards or effect a “90 percent reduction in pollutant loading for the Table B parameters during storm events, for the applicant’s total discharges” may not be technically feasible. The cost-benefit issue again arises when the likely expenses of trying to achieve these goals are considered.

**Sources of Pollutants.** There is strong evidence to show that the great majority of the pollutants entering the Monterey Bay come from sites outside of the ASBS, notably from agricultural run-off that enters the Bay through the Salinas River. Because currents will distribute these riverine inputs into ASBS, it is illogical to focus water quality efforts strictly on inputs from areas bordering the ASBS.

I hope that these comments are helpful to you in your further efforts to protect water quality in Areas of Special Biological Significance.

Sincerely,



George N. Somero  
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Hopkins Marine Station of Stanford University