



March 15, 2010

Constance Anderson, Environmental Scientist
State Water Quality Control Board,
Division of Water Quality, Ocean Unit
P.O. Box 100
Sacramento, CA 95812-0100

Ms. Anderson,

The City of Laguna Beach has demonstrated a strong commitment to preserving and protecting the Heisler Park Area of Special Biological Significance. The City's commitment is reflected in:

- 1) the six urban water diversion units installed in the Heisler Park area (of 18 citywide) at a total cost of over \$1,200,000 which divert all dry weather flows to the sewer rather than discharging to the ASBS;
- 2) the Heisler Park Preservation and Protection Project which implements state of the art Best Management Practices and Low Impact Development design techniques in the park adjacent to the ASBS at a cost, so far, of over \$2,000,000;
- 3) the special studies Laguna Beach has participated in with the City of Newport Beach to develop a management plan to carry ASBS protection into the future at a cost of over \$500,000;
- 4) Laguna Beach's participation in the Bight '08 monitoring program to develop a comprehensive picture of the current state of the ASBS in comparison with areas less impacted by development at a cost of over \$60,000;
- 5) the hiring of a Marine Protection Officer to patrol the area writing citations to people who violate the municipal codes the City has passed to protect the tidepool environment;
- 6) the tidepool docent program where volunteers engage the public and educate visitors on proper tidepool etiquette;
- 7) lastly, the commitment is reflected in the ongoing participation of City staff in the development of the ASBS Special Protections.

The City of Laguna Beach has demonstrated with data collected in the Heisler Park ASBS that the commitments made have a measurable positive impact on the water quality in the ASBS. The diversion units alone have redirected hundreds of thousands of gallons of dry weather flow away from the ocean and have collected thousands of pounds of garbage, sediment and sludge that would have been discharged into the ASBS. One report quantifying these benefits has been accepted by the Clean Beaches Initiative grant funding program and a second report is slated for release in summer 2010.

Furthermore, beach water quality in Laguna Beach is widely recognized to be exceptional. The Natural Resource Defense Council named Laguna Beach a "beach buddy" in 2007 for having ocean water quality in the top 10% of beaches nationwide. Laguna Beach has also applied for delisting of all beaches in the Heisler Park area from the 303(d) list of impaired water bodies because they have consistently met water quality standards for indicator bacteria.

Laguna Beach has made great strides in protecting the coastal waters within its jurisdiction which is why the City has the following comments regarding the Draft Special Protections for ASBS issued by the State Board:

- 1) The storm drains in the Heisler Park ASBS are regulated by the South Orange County Municipal Storm Water Permit and upcoming bacteria Total Maximum Daily Loads. Each of these regulations prescribes a monitoring program and discharge limitations from these drains. These regulations also address the constituents in Table B of the Ocean Plan with compliance timelines. The Draft ASBS Special Protections propose adding yet another permit, monitoring program and discharge limitations to these drains. Reason dictates that these storm drains are subject to adequate regulations without adding yet another permit.
- 2) Anecdotal evidence from our marine Protection Officer and findings of the public use study Laguna Beach conducted in Heisler Park point to public use and access as a significant contributor to the degradation of tidepool habitats. Heisler Park ASBS likely sees over 2 million visitors per year including tidepoolers, divers, school groups, swimmers as well as poachers. Constant heavy human traffic in tidepool areas, including those persons who practice good etiquette, may take a more significant toll on the habitat than infrequent wet weather storm drain discharges. Further analysis of Bight '08 data may better quantify these impacts by the end of this year. Laguna Beach supports the use of the existing MS4 permit and upcoming TMDL effluent limitations and monitoring programs already in place to generate the data used to regulate storm water discharges into the ASBS.
- 3) Minimum inspection frequencies for private construction sites and industrial facilities beyond the requirements of the South Orange County MS4 permit must be stricken from the Draft ASBS Special Protections. The scope of these inspections is poorly defined and this aspect of the Draft ASBS Special Protections reaches beyond the regulation of discharge. The manner in which the City manages its citywide storm drain system and inspection program cannot reasonably be dictated by the permit for two small storm drains.

- 4) Section VII should be stricken from the Draft ASBS Special Protections since seeps are not monitored, are typically naturally occurring and flow from them cannot be traced to a specific source. Low Impact Development infiltration on blufftop sites will likely increase flow from cliffside seeps creating a conflict in the Draft ASBS Special Protections.

The City of Laguna Beach has an aggressive Capital Improvement Program which includes further implementation of Low Impact Development in Heisler Park and automation of urban water diversion units to better capture and redirect first flush and wet season discharges to the sewer system. This Capital Improvement Program represents more than \$3,500,000 in projects directly addressing drainage into the Heisler Park ASBS. Laguna Beach is focusing resources to proven solutions which have measurable positive impacts on receiving water quality. Making the above recommended changes to the Draft ASBS Special Protections will further the goal of improving habitat and water quality in the Areas of Special Biological Significance without consuming limited resources for dubious ministrations.

Regards,



Will Holoman, Senior Water Quality Analyst

Cc: David Shissler, Director of Water Quality
Richard Boon, Orange County Stormwater Program