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Monday, September 12, 2011

John Laird, Secretary for Natural Resources
Chair, California Ocean Protection Council
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: California Ocean Protection Council Draft Strategic Action Plan (2012-2017)

Dear Mr. Laird:

Heal the Ocean is a citizens' action group in Santa Barbara County, California, with 3,000 members dedicated to eliminating sources of ocean pollution. Our chief successes have been in the area of wastewater management – wastewater treatment plant (WWTP) upgrade, removal of septic systems from improper areas such as beaches and creeks (such as Rincon), and working on strengthening language in storm water management permits (SWMPs) throughout Santa Barbara County.

The above three subjects have to do with major activities in the Land Sea Interaction Focal Area described in the California Ocean Protection Council (COPC) Draft Strategic Action Plan, yet astonishingly, these issues are entirely missing both in language and concept in this Draft Plan.

The subject of dredging (another Heal the Ocean issue), is also omitted from the Draft Plan, and while sediment management is outlined in the plan (Issue 8), the subject of dredging impact on nearshore marine life is absent.

We believe that any ocean protection plan that omits these subjects is overlooking the most obvious sources of ocean degradation and is therefore an ocean protection plan that will work.

In submitting these comments, we recognize that, other than attending one of the first public workshops called by the California Ocean Protection Council, Heal the Ocean has not submitted our views on the Draft Plan, and that therefore they may not be weighted as we might like them to be. We also are aware of the language on Page 11 of the Draft Plan stating that the elements of the Plan will “*advance issues for which the OPC is strategically or best suited to make a significant difference.*”

Perhaps the OPC feels it is not strategically or best suited to address the above. However, Heal the Ocean submits that it is not unreasonable for any ocean protection agency to include these subjects in the Draft Plan purely to list that information be gathered and shared on these subjects. We reiterate that an ocean plan that fails to mention the most obvious impacts to the ocean cannot be very effective.

Specific Comments – in Brief

To include the above impacts in the Draft Plan, we suggest:

Under IV. Five Year Action Plan, Part C. (Land Sea Interaction Focal Area, Issue 8: (Sediment Management)), please add Dredging Effects on Nearshore Life to the introduction to Objective (8.3), and add Action 8.3.2 *Collect scientific literature on the effects of dredging on nearshore life.*

Under IV. Five Year Action Plan, Part C. (Land Sea Interaction Focal Area, Issue 8: please add Issue 9: Stormwater Runoff.

Under IV. Five Year Action Plan, Part D. (Industrial Uses Focal Area), please add Issue 12: Wastewater Deposition.

Specific Comments – further discussion

P. 3. “The Challenge”: Suggest adding “industrial uses of the ocean” on line 4 (after “climate change effects”), since the Draft Plan lists industrial uses as a chief issue affecting the health of California’s ocean.

P. 6. “The Act’s purpose (emphasis yours) was to advance and refine the state’s laws and regulations...”

Under this purpose the laws and regulations for dredging (including the need for monitoring) need review, with a scientific panel weighing the pros and cons of dredging to move and/or save beaches as compared to smothering nearshore reefs and sea animal colonies.

The laws and regulations for stormwater permits need review for effectiveness *vis-à-vis* regulation. How effective are SWMPs if state and local agencies are so strapped they can’t monitor or enforce? This is a matter of simple polling of the agencies responsible for carrying out the mandate of the SWMP.

The laws and regulations for WWTP discharge need review. Even spot checks of a NPDES permit for a large, medium and/or small WWTP could provide a scientific panel with elements and numbers that could possibly lead to a reconsideration of what wastewater discharge adds to the ocean, especially nearshore: Nitrification? Hypoxia? Domoic poisoning? Algal bloom (nutrient loading)? Salt? Bacteria? Chemicals of Emerging Concern (CECs)?

P. 7. Guiding Principles. Under (2) the Draft Plan states that the “ocean ecosystem is inextricably linked to activities on land and all public agencies should consider the impact of activities on land that may adversely affect the health of the coastal and ocean environment.” Stormwater and wastewater discharge, and dredging are activities on land that most definitely may adversely affect the health of the ocean, and so these three subjects cannot be omitted from your Guiding Principles.

P. 14. Graph (“Areas of Overlap”. We note here the introduction of the term “Reduced Ecosystem Resilience.” Dredging reduces ecosystem resilience. So does stormwater runoff. So does wastewater discharge, which adds nitrogen, phosphorus, salt and other substances that cause algal bloom and depleted oxygen, among other problems.

P. 33 D. Industrial Uses Focal Area. In Line 4, for the reasons stated above, add “wastewater disposal” after “desalination.” There is no question that the ocean is being used for the industrial use of disposal.

I.E. “...shipping, fishing, energy production, desalination, wastewater disposal, and aquaculture.”

Conclusion

Heal the Ocean does not feel our request to add these subjects to the COPC Draft Strategic Action Plan is unreasonable, since the Plan is a guide for information gathering as described on P. 19 **(Action 1.2.2: Provide information to decision-makers regarding policy and regulatory changes needed to reduce risk and protect public resources.)**

Information-gathering on the science and regulations for wastewater disposal, stormwater runoff and dredging is not a punitive request, and Heal the Ocean makes this request that these be included in the Draft Strategic Action Plan.

Thank you for the opportunity to comment,

Very truly yours,

A handwritten signature in black ink that reads "Hillary Hauser". The signature is written in a cursive, slightly slanted style.

Hillary Hauser, executive director