



Jesse\_Irwin@fws.gov  
04/25/2006 02:29 PM

To farallon@islandconservation.org, jesseirwin@fws.gov  
cc  
bcc  
Subject Redmond Kernan comment on project

TO Files:

Redmond Kernan of the the National Park Service left a voicemail today saying he is to busy to be included on the mailing list but that he supports eradicating mice from the Farallons.

Jesse Irwin

Jesse  
Irwin/SFBAY/R1/FWS/DOI  
04/27/2006 08:47 AM

To Jesse Irwin/SFBAY/R1/FWS/DOI@FWS  
cc  
bcc  
Subject Fw: Farallon Islands Ecosystem Restoration

----- Forwarded by Jesse Irwin/SFBAY/R1/FWS/DOI on 04/27/2006 08:46 AM -----



"Roger Harris"  
<Roger.Harris@lsa-as  
soc.com>  
04/26/2006 04:35 PM

To: <sfbaynwrc@fws.gov>  
cc:  
Subject: Farallon Islands Ecosystem Restoration

To the USFWS:

I urge the USFWS implement plans to eradicate the non-native *Mus musculus* from the SEFI. I have worked there doing seabird research and believe that the mice have significant negative impact on native species. Please include me on the mailing list for public input on this issue.

ROGER D. HARRIS, Principal

Certified Wildlife Biologist

LSA ASSOCIATES, INC.

157 Park Place, Point Richmond, CA 94801

Tel: 510/236-6810, Cell: 510/710-9120

Fax: 510/236-3480



Carmen  
Leong-Minch/SFBAY/R1/FW  
S/DOI

04/26/2006 03:23 PM

To: Jesse Irwin/SFBAY/R1/FWS/DOI@FWS

cc

bcc

Subject: Fw: Jesse Irwin

History:

This message has been forwarded.

Carmen Minch  
Outdoor Recreation Planner  
Don Edwards SF Bay NWR  
510-792-0222 ext. 38

----- Forwarded by Carmen Leong-Minch/SFBAY/R1/FWS/DOI on 04/26/2006 03:22 PM -----



"mjellis"  
<mjellis@footloosefora  
ys.com>

04/26/2006 01:54 PM

To: <sfbaynwrc@fws.gov>

cc:

Subject: Jesse Irwin

April 26, 2006

Jesse Irwin  
Farallon NWR  
US F and W Service  
POB 524  
Newark, CA 94560

Dear Jesse Irwin:

I support the eradication of the non-native European house mouse from the South Farallon Islands. I have confidence in the biologists working both with the US government and the PRBO that appropriate measures commensurate with the protection of the wildlife will be taken.

You have my full support in this program.

Naturally Yours,

Michael J. Ellis  
Footloose Forays  
1275 4th St. #311  
Santa Rosa, CA 95404-3522  
707.570.2187 voice 2844 fax  
mjellis@footlooseforays.com  
www.footlooseforays.com



# Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

May 26, 2006

Joelle Buffa, Manager  
Gulf of the Farallon National Wildlife Refuge  
P.O. Box 524  
Newark, CA 94560

RE: NON-NATIVE HOUSE MICE ERADICATION

Dear Joelle,

Thank you for including Marin Audubon Society on your mailing list for this project. We appreciate the opportunity to submit scoping comments for the Environmental Assessment on a project to restore the ecosystem of the South Farallon Islands by eradicating introduced house mice. Impacts to the ashly storm petrel are a great concern because of the threatened status of this species.

We recognize the severe adverse impacts caused by introduced predators such as house mice, on islands such as the Farallones, and therefore, fully support eradication of this introduced species. We have several concerns and questions that we request be addressed in the Environmental Assessment:

- What methods would be used to eradicate the mice? Would they be poisoned? If so, how would it be assured other wildlife would not eat the poison also?
- What would happen to the dead mice? would you collect and dispose of them on the island or off? We are concerned that should the mouse carcasses not be collected and removed, they would continue to be an attraction to foraging wildlife which could be adversely affected by eating the carcasses.
- What time of year would the eradication take place? How would the implementation be timed to avoid, if possible, impacts to other species? Would it be expected that the barn owls are conditioned to using the island so that they would return and prey on other species if the mice are not there?

Thank you for addressing our concerns in the EA. We look forward to reviewing the document and moving along with this project.

Sincerely,

  
Barbara Salzman, Co-chair  
Conservation Committee



Phil Peterson, Co-chair  
Conservation Committee

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

4/21/2006

Jesse Irwin  
Farallon National Wildlife Refuge  
U.S. Fish and Wildlife Service  
PO Box 524  
Newark, CA 94560

Dear Mr. Irwin:

The Environmental Protection Agency (EPA) has reviewed the Notice of Intent to prepare an environmental impact statement (EIS) for the **Farallon National Wildlife Refuge Restoration Project, San Francisco County, California**. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

EPA has no formal comments on the Notice of Intent at this time. Please send two copies of the Draft EIS (DEIS) to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please call me at **(415) 972-3860**.

Sincerely,



**Carol Sachs**  
Office Manager  
Environmental Review Office  
Communities and Ecosystems Division

# Ohlone Audubon Society, Inc.

*A Chapter of the National Audubon Society  
Southern Alameda County, California*



May 21, 2006

Ms. Joelle Buffa  
Manager, Farallon National Wildlife Refuge  
San Francisco Bay National Wildlife Refuge  
P.O. Box 524  
Newark, California 94560

Subject: Non-Native House Mice on the South Farallon Islands

Dear Joelle Buffa:

The Ohlone Audubon Society (Society) agrees with the U.S. Fish and Wildlife Service that the non-native house mice should be eradicated from the South Farallon Islands as soon as possible. The ecosystem of the Farallon Islands can be fragile at times depending upon climatic conditions. Therefore, the Islands do not need another damaging factor such as the non-native mice.

The Society urges the Service not to delay in preparing an environmental assessment so that the elimination of the mice will begin before the annual increase in the mice population.

The Society appreciates this opportunity to comment on this important issue regarding the ecosystem on the Farallon National Wildlife Refuge.

Sincerely yours,

*Frank and Janice Delfino*

Frank and Janice Delfino  
Ohlone Audubon Society  
Conservation Section  
18673 Reamer Road  
Castro Valley, California 94546  
Phone: 510-537-2387 .



## CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto CA 94306

Tel 650 493-5540

Fax 650 494-7640

e-mail: marsh@refuge.org

May 12, 2006

### ENDORSERS

Acterra

Baylands Conservation Committee

California Hawking Club, Inc.

California Waterfowl Association

California Wildlife Federation

Committee for Green Foothills

Communities for a Better Environment

Defenders of Wildlife

East Bay Green Alliance

Federation of Fly Fishers

Friends of Charleston Slough

Friends of Redwood City

Golden Gate Audubon Society

Green Belt Alliance

League of Women Voters of

the Eden Area

League of Women Voters of

the Fremont Area

League of Women Voters of

Palo Alto

League of Women Voters of

South San Mateo County

Mission Creek Conservancy

Loma Prieta Chapter, Sierra Club

Madrone Audubon Society

Marin Audubon Society

Mission Creek Conservancy

Mono Lake Committee

Mount Diablo Audubon Society

Napa-Solano Audubon Society

Native Plant Society, Santa

Clara Valley Chapter

Ohlone Audubon Society

Planning and Conservation League

San Francisco Chapter, Sierra Club

Santa Clara Valley Audubon Society

Save San Francisco Bay Association

Sequoia Audubon Society

Sportsmen for Equal Access

Tri-City Ecology Center

Trout Unlimited

United Anglers of California

Urban Creeks Council

### AFFILIATES

Citizens for Alameda's Last Marshlands

Citizens for Open Space in Alvarado

Friends of Foster City

Save our South Bay Wetlands

Save Wetlands in Mayhews

Whistling Winds/Pintail Duck Clubs

Jesse Irwin

Farallon National Wildlife Refuge

U.S. Fish and Wildlife Service

P.O. Box 524

Newark, CA 94560

Re: Farallon Islands house mouse control project

Dear Jesse Irwin,

Thank you for allowing us to comment on the scoping process for the Farallon Island mouse control project.

We wish to thank the biologists working on the islands for their careful research that has allowed us to gain an understanding of the complicated forces at work. Your efforts have exposed the intricate relationship between introduced mice, burrowing owls and ashly storm-petrels.

We would like to be kept informed of the results of the monitoring that is done as the rodenticide is applied, and how the removal of mice affects the number of owls in residence. We are also interested in whether predictions prove to be correct about the dispersal of the owls.

Please let us know how you will report on the progress of the project.

Thank you for considering our comments.

*Florence M. LaRiviere*

Florence M. LaRiviere

Chair

**U.S. Department of  
Homeland Security**

**United States  
Coast Guard**



Commander  
Maintenance & Logistics  
Command Pacific

Ronald V. Dellums Federal Building  
1301 Clay Street, Suite 700N  
Oakland, CA 94612-5203  
Staff Symbol: sts  
Phone: (510) 637-5524  
FAX: (510) 637-5513  
Email: yvan.le@uscg.mil

16475  
May 10, 2006

G. Mendel Stewart  
Project Leader  
San Francisco Bay NWR Complex  
U.S. Fish and Wildlife Service  
P.O. Box 524  
Newark, ca 94560-0524

Dear Mr. Stewart:

Thank you for your March 31st letter informing us about your mice eradication project to protect ashly storm-petrels on the South Farallon Islands. The U.S. Coast Guard (CG) accepts your invitation to be the cooperating agency.

Your letter mentions both a South Farallon Island and the South Farallon Islands. There are several islands and rocks in the South Farallon Islands group, including Southeast Farallon Island on which the CG lighthouse is located. The CG only controls the large Southeast Farallon Island. Please clarify which islands and/or rocks are covered under your project and NEPA document.

The CG understands the important of protecting seabirds on the South Farallon Islands and, therefore, supports the FWS proposal to eradicate of non-native house mice that were introduced to these islands many years ago. Due to the USCG lack of resources at this point, our participation may be limited to just reviewing the EA or EIS before it goes out for public review. The USCG does not expect to participate in setting up the eradication program.

Should you have any questions, please contact Mr. Yvan Le at (510) 637-5524 or Mr. David Sox at (510) 637-5529.

Sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Wallis", written over a horizontal line.

PATRICK WALLIS  
Chief, Shore Team South  
Civil Engineering Division  
By direction of the Commander



Jesse  
Irwin/SFBAY/R1/FWS/DOI  
04/25/2006 09:34 AM

To Joelle Buffa/SFBAY/R1/FWS/DOI@FWS  
cc  
bcc  
Subject Fw: In Defense of Mice

----- Forwarded by Jesse Irwin/SFBAY/R1/FWS/DOI on 04/25/2006 09:34 AM -----



Carmen  
Leong-Minch/SFBAY/R1/FW  
S/DOI  
04/24/2006 02:21 PM

To Jesse Irwin/SFBAY/R1/FWS/DOI@FWS  
cc  
Subject Fw: In Defense of Mice

Carmen Minch  
Outdoor Recreation Planner  
Don Edwards SF Bay NWR  
510-792-0222 ext. 38

----- Forwarded by Carmen Leong-Minch/SFBAY/R1/FWS/DOI on 04/24/2006 02:21 PM -----



"Gilbo, Tor"  
<tgilbo@pgsp.edu>  
04/24/2006 01:39 PM

To: <sfbaynwrc@fws.gov>  
cc:  
Subject: In Defense of Mice

#### IN DEFENSE OF MICE

PETA and other animal rights activists might agree that the extermination or eradication of non-native house mice (*Mus muscula*) be somewhat cruel, arduous and torturous considering that they really are harmless to us and may seem to dominate native insects, plants and nesting seabirds. Shouldn't special credence be given to a race that is more successful than its predecessor and what gives homo sapiens (*sedentis*?) the right to interfere with the just causes of nature. Nature truly dictates, and if so, then the demise of such a race would be deemed Genocide!

Tor Gilbo

tgilbo@pgsp.edu  
937-626-9433

PO Box 60191  
Palo Alto, CA 94306



Carmen  
Leong-Minch/SFBAY/R1/FW  
S/DOI

04/23/2006 10:21 AM

To Jesse Irwin/SFBAY/R1/FWS/DOI@FWS

cc

bcc

Subject Fw: Mice on S. Farallon Island

Carmen Minch  
Outdoor Recreation Planner  
Don Edwards SF Bay NWR  
510-792-0222 ext. 38

----- Forwarded by Carmen Leong-Minch/SFBAY/R1/FWS/DOI on 04/23/2006 10:21 AM -----



"Scott Morrison"  
<smorrison@tnc.org>

04/21/2006 01:30 PM  
Please respond to  
smorrison

To: <sfbaynwrc@fws.gov>

cc:

Subject: Mice on S. Farallon Island

Hi Jesse,

The FWS's April 14, 2006 notification of the public scoping process for the proposed mouse eradication on South Farallon Island was forwarded to me by The Nature Conservancy's state office in San Francisco.

I am the lead ecologist for TNC's Santa Cruz Island project, with a primary responsibility for the ongoing eradication of feral pigs. I have also had some involvement with the rat eradication on Anacapa Island.

I would greatly appreciate being added to the mailing list for updates.

Thank you and good luck with your project!

Scott

Scott Morrison, Ph.D.  
Senior Ecologist  
The Nature Conservancy  
3033 5th Avenue, Suite 105  
San Diego, CA 92103

619 209 5830 ext 405  
619 209 5835 FAX  
smorrison@tnc.org

**Arthur Feinstein  
590 Texas Street  
San Francisco, CA 94107**

Joelle Buffa  
Refuge Manager  
Farallon National Wildlife Refuge  
PO Box 524  
Newark, CA 94560

May 31, 2006

RE: Farallon National Wildlife Refuge Restoration Project

Dear Ms. Buffa:

I am writing in support of the U.S. Fish & Wildlife Service's plan to eradicate introduced house mice from the South Farallon Islands. The Farallon Islands are one of the most important nesting sites for seabirds such as murrelet, murre and petrel species.

Recent research on the South Farallon Islands has again revealed just how devastating an effect introduced species can have on island populations. This research has shown that the presence of introduced house mice is contributing to a severe decline in the population of the rare ashy storm-petrel. The Islands have experienced abnormally high populations of Burrowing owls, normally rare on the island, because house mice provide a constant food source during the fall. When the mouse population naturally declines in the winter the owls switch to feeding heavily on storm-petrels. Research has shown that the ashy storm-petrel faces a very high risk of extinction if threats to its population are not reduced.

The mice on the South Farallons were introduced by seal hunters and egg collectors who made extensive use of the Islands in the 19<sup>th</sup> century. Since the Farallon National Wildlife Refuge was established in 1969, the Farallons' ecosystem has made a remarkable recovery.

Once house mice are eliminated from the Farallons, burrowing owls arriving in the fall will have no extensive food resources that will allow them to prolong their stay and they will leave the island in a few days. As a result, the ashy storm-petrel population will have a better chance at recovery. Eradicating house mice will also likely benefit the islands' plants, invertebrates, and salamanders.

For the above reasons, I fully support the proposed elimination of introduced house mice from the Farallon Islands.

Thank you for your consideration of these comments.

Sincerely yours,



Arthur Feinstein

831-459-3383

May 23, 2006

Jesse Irwin  
Farallon National Wildlife Refuge  
U.S. Fish and Wildlife Service  
P.O. Box 524  
Newark, CA 94560

Sent via U.S. Mail, Facsimile (510) 792-5828, and E-mail [sfbaynwrc@fws.gov](mailto:sfbaynwrc@fws.gov)

**ANIMAL  
PROTECTION  
INSTITUTE**

API Headquarters  
Mailing Address:  
P.O. Box 22505  
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95822

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[info@api4animals.org](mailto:info@api4animals.org)  
[www.api4animals.org](http://www.api4animals.org)

**RE: Environmental Assessment Scoping: Use of Rodenticides**

Dear Mr. Irwin:

On behalf of the Animal Protection Institute (API), a national non-profit animal advocacy organization, I am pleased to offer these scoping comments on the U.S. Fish and Wildlife Service (Service) proposal to eradicate introduced house mice from the Farallon National Wildlife Refuge (Refuge) using a rodenticide. I thank the Service in advance for its consideration of these comments.

Our chief concerns regarding the use of rodenticide poisons are: (1) poisoning is non-selective posing a threat to non-target species, (2) poisoning is inhumane, and (3) poisoning is often ineffective in the long-term.

A recent scientific review article entitled "Humaneness of Rodent Pest Control" published in the journal *Animal Welfare* (Vol 12, No1) reinforces our concerns. Please consider the following excerpts. *[Citations available upon request]*

*Humaneness* – "Thus poisoned humans can experience localized muscle pain, joint pain, and potentially severe abdominal pain caused by intra-peritoneal, mesenteric or ovarian bleeding. Hemorrhages within the lungs, kidneys, spinal cord, orbits of eyes and gonads are also painful. Bleeding into lungs or airways can cause further distress by making breathing difficult, and poisoned humans may also experience dizziness, localized reduced motor strength, the inability to urinate, and sometimes even paraplegia."

"The symptomatic period ranges – depending on the individual, the particular anticoagulant and, to some extent, the dose – from just a few hours (in some difenacoum and brodifacoum studies) to, more commonly, an average of one to three days, with a maximum of four to five days of clinical signs."

*Risk to non-target animals* – "However, the prolonged persistence of most second generation anticoagulants makes the risks [of secondary poisoning] a real one. Dead or dying rodents found outside of the nest are dangerous for a relatively long period unless they are safely removed. For example, in Norway rats, brodifacoum has a half-life in the serum of over 6.5 days and, in the liver, of 130 days. Furthermore, ingested poison can progressively accumulate in the livers of predators and scavengers. Thus some anticoagulants reach dangerous levels even if poisoned rodents are eaten only once every few days... Brodifacoum is particularly dangerous as it has both a very long biological half-life and a very low LD50."

"Accumulated anticoagulants have been found in the stomachs and livers of many wild carnivore species, including polecats, barn owls, and red kits. Furthermore, fatal secondary anticoagulant poisoning has been implicated in deaths of red foxes, owls, buzzards, kites, corvids, and many others. Dogs and cats have also been secondarily poisoned, often fatally. In addition, although the doses that cause damage are still being debated, sub-lethal secondary poisoning has been implicated in the reduced breeding success of some New Zealand owls; and even predators that

**API  
PRIMATE  
SANCTUARY**  
Dilley, TX  
[www.api4primates.org](http://www.api4primates.org)



are not made ill may show increased clotting times for days or even weeks after ingesting a poisoned rodent."

In addition to the above findings, in Southern California last year, two mountain lions were killed as a result of anti-coagulant poisoning. The lions were likely poisoned as a result of eating coyotes who had consumed poisoned rats and mice. Local wildlife officials also noted that more than 75 percent of bobcats tested after death showed exposure to one or more of the four different anti-coagulant poisons. And in March of this year, a necropsy performed on coyote from Central Park, New York revealed that the animal had suffered internal bleeding due to anti-coagulants from rodenticides contributing to his death.

Due to the high reproductive rate of house mice it is presumed that any eradication effort will require a prolonged and/or high volume use of rodenticides to achieve the desired objective thereby exasperating the above concerns.

We ask the Service to explore alternatives to the use of rodenticides including alternative means of deterring burrowing owls from preying on ashly storm petrels, non-lethal burrowing owl population management (if appropriate), and adjustments to the surrounding environment that could increase ashly storm-petrel survivorship and fecundity.

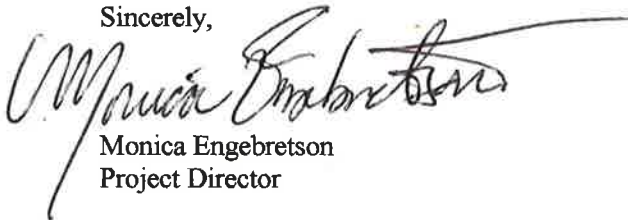
Finally, we ask the Service to demonstrate that this high risk and highly controversial action is indeed necessary for the survival of the ashly storm-petrel. According to Audubon, "counts of [ashly storm-petrels] at sea off of Monterey Bay from the mid-1970's to the mid 1990's do not seem to show any obvious trends<sup>1</sup>." In addition, Ainley (1995) notes that this is a very difficult species to census.<sup>2</sup> These remarks call to question whether or not sufficient population data has been gathered to justify the proposed action.

#### Conclusion

Given their unselective nature, propensity for non-target and secondary poisoning, the extreme and prolonged suffering endured by poisoned humans and animals, and the history of misuse resulting in illegal take of wildlife species or accidental poisoning of non-target wildlife and domestic animals, the use of rodenticides on the Farallon National Wildlife Refuge warrants close examination of the risks and the perceived benefits.

Again, I thank the Service for this opportunity to comment and for its consideration of these comments. I look forward to reviewing the draft Environmental Assessment when it becomes available and request to be informed of its availability for further comment.

Sincerely,



Monica Engebretson  
Project Director

---

<sup>1</sup> <http://audubon2.org/webapp/watchlist/viewSpecies.jsp?id=15>

<sup>2</sup> Ainley, D. 1995. Ashy Storm-Petrel (*Oceanodroma homochroa*). In *The Birds of North America*, No. 185 (A. Poole and F. Gill, eds.). The Academy of Natural Sciences, Philadelphia, PA, and The American Ornithologists' Union, Washington, D. C.



# Audubon CALIFORNIA

Joelle Buffa  
Refuge Manager  
Farallon National Wildlife Refuge  
PO Box 524  
Newark, CA 94560

RE: Farallon National Wildlife Refuge Restoration Project

Dear Ms. Buffa:

On behalf of Audubon California and our 50,000 members, I am writing to comment on the U.S. Fish & Wildlife Service's plan to protect the ashy storm-petrel by eradicating introduced house mice from the South Farallon Islands. Research indicates that the presence of the mice is contributing to a severe decline in the population of the rare ashy storm-petrel. The National Audubon Society, as well as the World Conservation Union (IUCN) have warned that the ashy storm-petrel currently faces a very high risk of extinction if threats to its population are not reduced. In fact, the National Audubon Society has included the ashy storm-petrel in its list of "America's Top Ten Most Endangered Birds."

The ashy storm-petrel can only be found on the islands off California and adjacent waters and 50-70% of population breed on Southeast Farallon Island and the California Channel Islands. Ashy storm-petrels do not travel far from their colonies after breeding, and the breeding season is spread out over most of the year. Due to its restricted range and very small population size, the status of this species requires continued monitoring.

High on the list of threats to this rare bird is hyperpredation on the South Farallon Islands. In the fall, migrating burrowing owls have become artificially supported on the islands by feeding on mice. Come winter and spring the owls switch to preying heavily on storm-petrels as the mouse population is in their seasonal decline.

Mice on the South Farallons were left behind by the seal hunters and egg collectors that stripped the islands of their rich natural resources and wreaked havoc on the sensitive island ecosystem during the 19<sup>th</sup> century. The entire island group has been a National Wildlife Refuge since 1969, and as a result of this protected status and extensive restoration efforts, the Farallons ecosystem has undergone remarkable recovery.

If house mice are eliminated from the Farallons, burrowing owls arriving there in the fall will naturally disperse from the island after a few days, and the ashy storm-petrel

population will have a better chance at recovery with this predation threat removed. Eradicating house mice will also likely benefit the islands' plants, invertebrates, and salamanders. In similar island restoration projects elsewhere, researchers have documented substantial increases in numerous native species after introduced mice were removed.

Though we are convinced that the strategies ultimately determined to undertake this eradication will be conducted under the narrowest of margins and in accordance with all local, state and federal regulations, Audubon California looks forward to being a resource to the U.S. Fish and Wildlife Service for consultation so as to ensure that the strategies and techniques used will specifically target the house mouse and minimize if not eliminate chances for other species to be adversely affected.

Thank you for your consideration of these comments.

Sincerely,

John H. Gurley  
Director, San Francisco Bay Program

DATE: May 31, 2006

TO: Joelle Buffa, Manager, Farallon National Wildlife Refuge

FROM: Constance Anderson, Environmental Scientist, Ocean Standards Unit, Division of Water Quality, State Water Resources Control Board

SUBJECT: PROPOSED SOUTH FARALLON ISLANDS MOUSE ERADICATION PROJECT  
ENVIRONMENTAL ASSESSMENT

The staff of the State Water Resources Control Board (State Water Board) has reviewed the notice for the proposed Farallon National Wildlife Refuge Restoration Project's Mouse Eradication project. We are providing comments relating to the Areas of Special Biological Significance and water resources of the State of California.

### **Background**

Under the authority of the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act (California Water Code), the State Water Board has adopted a water quality control plan for the ocean waters of the State, known as the California Ocean Plan. Title III, Section 303 of the federal Clean Water Act requires California to submit its water quality control plans to the U.S. Environmental Protection Agency (USEPA) for approval. The most recent approval received from USEPA was for the 2005 California Ocean Plan.

The California Ocean Plan contains the beneficial uses, water quality objectives, and a plan of implementation for these standards. The coastal Regional Water Quality Control Boards (Regional Water Boards) are responsible for implementing the California Ocean Plan. The California Ocean Plan is applicable to the ocean waters of the State but not to enclosed bays and estuaries, where other statewide water quality control plans and Regional Water Board Basin Plans are instead the applicable standards.

Another approved water quality control plan that regulates thermal discharges from coastal power plants is the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan).

### **Areas of Special Biological Significance**

The State Water Board, in 1974 and 1975, designated 34 Areas of Special Biological Significance (ASBS). These ASBS are regulated through the California Ocean Plan and the Thermal Plan. The California Ocean Plan, Section III.E.1, requires that: "Waste shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas." Waste is defined as the "total discharge, of whatever origin."

**Assembly Bill (AB) 2800** (Chapter 385, Statutes of 2000), the Marine Managed Areas Improvement Act, was approved by the Governor on September 8, 2000. Public Resources Code (PRC) Section 36602 (d) defines a Marine Managed Area (MMA) as a named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or otherwise manage a variety of resources and their uses. The resources and uses may include, but are not limited to, living marine resources and their habitats, scenic views, water quality, recreational values, and cultural or geological resources.

The purpose of the State MMA system is to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea, in recognition of their intrinsic value and for the benefit of current and future generations. In support of this mission, the Legislature found and declared that there is a need to reexamine and redesign California's array of MMAs, to establish and manage a system using science and clear public policy directives to achieve all of the following objectives: (a) Conserve representative or outstanding examples of marine habitats, biodiversity, ecosystems, and significant natural and cultural features or sites; (b) Support and promote marine research, education, and science-based management; (c) Help ensure sustainable uses of marine resources; and (d) Provide and enhance opportunities for public enjoyment of natural and cultural marine resources.



This law added sections to the PRC that are relevant to ASBS. There are six classifications of MMAs including State Water Quality Protection Areas (SWQPA), as defined in subdivision (f) of Section 36700. Since January 2003, all ASBS have been classified as a subset of SWQPA under State law. This classification relates to the geographic nature and management of the ASBS/SWQPA within the context of the State's MMAs and not the ASBS beneficial use in the California Ocean Plan. The AB 2800 State Interagency Coordinating Committee has already acted, under authority of the PRC, to rename certain ASBS/SWQPA to be consistent with the entire system of Marine Managed and Protected Areas in the State's ocean and estuarine waters, and the State Water Board has adopted those name changes in an amendment to the California Ocean Plan in April 2005.

Senate Bill (SB) 512 (Chapter 854, Statutes of 2004) amended the MMAs portion of the PRC, effective January 1, 2005, to clarify that ASBS are a subset of SWQPA and require special protection as determined by the State Water Board pursuant to the California Ocean Plan and the California Thermal Plan. Specifically, SB 512 amended the PRC section 36700 (f) definition of state water quality protection area to add the following: "Areas of special biological significance" are a subset of state water quality protection areas, and require special protection as determined by the State Water Resources Control Board pursuant to the California Ocean Plan adopted and reviewed pursuant to Article 4 (commencing with Section 13160) of Chapter 3 of Division 7 of the Water Code and pursuant to the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan) adopted by the state board."

### **Regulatory Setting**

As mentioned above, there are two statewide water quality control plans that apply to effluent discharges within the waters in question. These are the California Ocean Plan and the California Thermal Plan. The California Ocean Plan contains the beneficial uses and water quality objectives for chemical, physical (other than temperature), toxicity, biological, and bacterial constituents; the California Ocean Plan also contains a plan of implementation for these standards. The California Thermal Plan is used to regulate thermal discharges (elevated temperature) from power plants. The coastal Regional Water Boards are responsible for implementing the California Ocean Plan and the California Thermal Plan. The Regional Water Boards also implement region specific standards identified in their Basin Plans. The California Ocean Plan is applicable to the ocean waters of the State but not to enclosed bays and estuaries, where other statewide water quality control plans and Regional Water Board Basin Plans are instead the applicable standards.

These plans are implemented when the Regional Water Boards issue National Pollutant Discharge Elimination System (NPDES) permits to waste water discharges and certain storm water discharges that are regulated as point sources (e.g., large urban areas, industrial runoff, and construction runoff.) The State Water Board issues general NPDES permits for certain storm water discharges (industrial, construction, small urban areas, and State highways). In all cases, the Regional Water Boards are responsible for enforcing the standards and the permits. Furthermore, under the California Water Code, certain discharges that are not regulated under the NPDES federal program (e.g., agricultural tailwater discharges) are issued WDRs or conditional waivers by the Regional Water Boards.

### **Southeast Farallon Island ASBS - Water Resources**

As mentioned above, the California Ocean Plan (COP) is the applicable water quality control plan for California's ocean waters and contains the beneficial uses, water quality objectives, and a plan of implementation for these standards. Since 1983, the Ocean Plan has prohibited waste discharges to ASBS (SWRCB 1983). Similar to previous versions of the Ocean Plan, the 2005 Ocean Plan (SWRCB 2005) states: "Waste shall not be discharged to areas designated as being of special biological significance. Discharges shall be located a sufficient distance from such designated areas to assure maintenance of natural water quality conditions in these areas." The concept of "special biological significance" recognizes that certain biological communities, because of their value or fragility, deserve very special protection that consists of preservation and maintenance of natural water quality conditions. This is entirely consistent with the State Water Board's mission to "preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."

## **Proposed South Farallon Islands Mouse Eradication Project Environmental Assessment**

The Southeast Farallon Island ASBS encompasses the ocean waters within one nautical mile from the Southeast Farallons including Maintop Island, Middle Farallon, the North Farallons, and Noonday Rock. The total ocean waters area in the ASBS is 1885 acres (763 ha).

Proposed alternatives for eradication methods should evaluate any potential to affect water resources of the ASBS. An effect on water resources would be considered adverse and would require mitigation if it would 1) violate the COP waste discharge prohibition (i.e. spillage of rodenticide ); 2) create or contribute runoff water containing waste (i.e. rodenticides) or provide sources of polluted runoff.

If you have any question on these comments, please contact Constance S. Anderson, environmental scientist, Ocean Standards Unit, at (916) 341-5280.