

From: patricia mc pherson <patriciamcpherson1@verizon.net>
To: Cindy Lin/R9/USEPA/US@EPA
Cc: Hanscom Marcia <wetlandact@earthlink.net>

Date: Friday, January 25, 2013 02:53PM
Subject: Fwd: TMDL standards - Malibu

Dear Ms. Lin,

Grassroots Coalition supports the Wetlands Defense Fund and CLEAN letter regarding the TMDL adoption of standards that would reflect the new information cited below and acknowledge prior TMDL standards were based on erroneous and/or insufficient information.

Thank you for your attention to these highly important issues that we may do a better job at protecting our natural resources.

Patricia McPherson, Grassroots Coalition

Begin forwarded message:

From: Marcia Hanscom <wetlandact@earthlink.net>
Subject: TMDL standards - Malibu
Date: January 25, 2013 2:08:14 PM PST
To: lin.cindy@epa.gov
Reply-To: Marcia Hanscom <wetlandact@earthlink.net>

Dear Ms. Lin:

We urge the EPA to adopt NEW TMDL standards that are reflective of the new, current science that informs us that a great deal of the information the prior TMDL standards were based on was erroneous.

1. New DNA analysis by Berkeley Lawrence Labs concludes that much of the bacteria at Malibu Lagoon and immediately offshore at Surfrider Beach is NOT coming from human sources, nor from pinnepeds, nor from birds - but rather from other NATURAL SOURCES. As you likely know, bacteria is a one of the fundamental components of our various ecosystems. Bacteria, especially regenerative bacteria in a coastal marsh is NATURAL and, in fact, crucial for the continuance of life in that ecosystem.

Your own EPA published report from the last TMDL adopted standards stated specifically that if the bacteria was found to come from natural sources, then the standards ought to be changed to reflect those realities. For more information about the Berkeley Lawrence Labs DNA analysis, please contact the City of Malibu and the US Geological Survey - both of which have access to the tests and results.

2. During the course of litigation over the project at Malibu Lagoon during the past two years, it was made known that the state of Malibu Lagoon was a natural state. i.e., the Ruppia - Submerged Aquatic Vegetation present in the lagoon is NATURAL and, in fact, increasingly rare. Some of the assumptions that the TMDL standards were based on presumed, incorrectly, that a higher salinity and circulation was desirable, when - in fact - the historical nature and geographical and geological features of the lagoon - tell a different story. The species themselves, like the endangered Tidewater Goby, also informs that this species has evolved to like STILL, CALM water - not highly circulated water - and this still water fosters the growth of SAV, which is serves as refugia for the Tidewater Goby and a store-house of food that the Goby requires. (see attached declarations by biologists Robert van de Hoek and Wayne Ferren.)

3. Dr. Randall Orton from the Las Virgenes Municipal Water District has provided interesting information about the Modelo formation that is well-known to geologists in the region. The minerals that come from this formation could be supporting the higher TMDLs of phosphorous, and his research requires greater scrutiny and consideration.

4. Finally, the historical nature of Malibu Lagoon and its environment must be taken into consideration when establishing the TMDL standards for this water body. Please review and incorporate the information within the public documents submitted by Dr. Travis Longcore, which speak to these issues.


All of these important sources of information and scientific findings must be included in setting any TMDL standards in the future.


Thank you!


Submitted by:
Marcia Hanscom
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Managing Director
CLEAN ~ Coastal Law Enforcement Action Network
enforcing laws protecting the California coast


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Attachments:

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W++Ferren+Dec+(Final) [1].pdf	van de Hoek 2nd Dec.pdf		