

CP Member	Date Received	#	Comment	Response to Comment
Mary Ann Viney	09/09/20	1	<p>a. ASSESSMENT OF RECEIVING WATER CONDITIONS: Under Provision B.2. a.(1) Priority Water Quality Conditions, “The Copermittees must consider the following, at a minimum, to identify water quality priorities based on impacts of MS4 discharges on receiving water beneficial uses: (1) Receiving waters listed as impaired on the CWA Section 303(d) List of Water Quality Limited Segments (303(d) List)”: The following data appear to have not been included, and may be useful in terms of further evaluating the Agua Hedionda Lagoon and watershed impairment issues from a holistic and historical perspective:</p> <ul style="list-style-type: none"> o The Agua Hedionda lagoon is presently on the State of California Clean Water Act 303(d) list, as an impaired waterbody due to sediment toxicity that appears to be focused in the inner basin of the lagoon. o As far as I can tell the 303(d) listing for the Agua Hedionda Lagoon was not added to the WQIP May 2018 Update: “The Agua Hedionda Lagoon improved its conditions between the 2002 and the 2010 303(d) listings and is no longer impaired for indicator bacteria or sediment - there are currently no listings for impairment in Agua Hedionda Lagoon.” o In the 2002 State of California Final Clean Water Act Section 303(d) List of Water Quality Limited Segments, the Agua Hedionda Lagoon was also impaired for Bacteria Indicators in 2002: https://www.waterboards.ca.gov/water_issues/programs/tmdl/docs/2002reg9303dlist.pdf 	<p>Although the 2002 State of California Final Clean Water Act Section 303(d) List of Water Quality Limited Segments did list Agua Hedionda Lagoon as impaired for bacterial indicators, subsequent data collected by Copermittees in the Carlsbad Watershed under the Lagoon Investigative Order (Order R9-2006-0076) demonstrated that water quality in the Lagoon had improved and met thresholds for delisting. These data and evaluation were submitted to the State Water Resources Control Board, and the Lagoon was delisted for Indicator Bacteria on the 2010 303(d) List. The Technical Memorandum submitted was included as an appendix to Attachment 1 to the FY17-18 Carlsbad WQIP Annual Report.</p> <p>The 2014 303(d) list was not officially approved when the 2018 Update was performed, and therefore the 2010 303(d) list remained the most recently approved list. The 2014 303d listings are being included as part of the 2021 WQIP Update. The toxicity listing for Agua Hedionda Lagoon has been added to Table 6 in the WQIP. At this time, toxicity in Agua Hedionda Lagoon is not being elevated to a PWQC. More information is needed, and the RAs are currently finalizing a Stressor ID Workplan to gather more data regarding the potential cause for impairment.</p>
Mary Ann Viney	09/09/20	2	<p>Potential Data Gaps - For IDENTIFICATION OF PRIORITY WATER QUALITY CONDITIONS: According to Permit Provision B.2.c.(e): “An assessment of the adequacy of and data gaps in the monitoring data to characterize the conditions causing or contributing to the priority water quality condition, including a consideration of spatial and temporal variation”:</p> <ul style="list-style-type: none"> o According to the comment letter from that Regional Water Board to the Responsible Agencies the “The WQIP Copermittees do not monitor the lagoon or creek tributaries in the area that discharge directly to the lagoon.” o Although the State DEH bacteria data are important for indicating elevated bacteria levels in the Agua Hedionda lagoon and creek, those data are limited in that DEH use a different protocol and standard for testing the lagoon than what are required currently for REC-1 lagoon beneficial use by the Water Board. The DPH data were compared to the outdated protocol and standard to determine indications of bacteria impairment in the Agua Hedionda lagoon, according to the panel consultation information packet. o It appears according to the panel discussion on Thursday that, other than the DEH Study data listed in the MLOE for evaluation in the ‘Proposed Prioritization Table for Agua Hedionda Lagoon and Creek – REC-1 Beneficial Use’, no other bacteria data was used in that MLOE PWQC determination for the creek and lagoon. The Agua Hedionda Lagoon appears, as noted earlier, to have been on the 303(d) list from 2002 to 2010 as impaired for bacteria, and the creek since 2010. Have there been any regular bacteria testing done for the lagoon to check for lagoon backsliding? o Bight 2013 microbiology data says it has found the HF183 human fecal marker in southern California coastal drainages tested to be ubiquitous: “Approximately 50 samples from each of 22 southern California coastal drainages were collected under summer dry weather conditions. An additional 50 samples were targeted from each of 23 drainages during wet weather, although a drought during this period prevented us from achieving the targeted number of samples at all wet weather sites. Samples were analyzed for the HF183 human fecal marker, which was found to be ubiquitous across the region; it was present at all but two sites in dry weather and at all sites during wet weather. There was considerable difference in the extent of human fecal contamination among sites.” 	<p>As part of the more recent evaluation of conditions related to recreation and shellfish harvesting in the Lagoon, the RAs performed an evaluation of data gaps with findings that are consistent with the commenter’s perspective. As part of the phased approaches to address bacteria concerns, monitoring will be performed to fill in key data gaps to provide a more comprehensive understanding of Lagoon conditions relating to fecal indicator bacteria.</p> <p>This is correct, except that the data were collected by the California Department of Public Health. This agency oversees ensuring commercial shellfish harvesting operations are conducted safely. This agency should not be confused with the Department of Environmental Health (DEH), which is the local public health department within the County of San Diego.</p> <p>For the recent evaluations, assessments were made using available data. As noted above, additional data will be collected to be consistent with the statewide Bacteria Provisions – adopted by the State Water Resources Control Board. These data will allow for a more accurate comparison to water quality objectives and assessment of beneficial uses.</p> <p>The most recent data collected by the RAs within the Lagoon, as prescribed by Regional Water Quality Control Board (RB) Investigative Order No. R9-2006-0076, indicated that conditions have improved and that the Lagoon is no longer impaired for indicator bacteria (see most recent 303(3) listings). The RAs implement monitoring programs in accordance with watershed priorities to comply with the Regional MS4 Permit (Order R9-2013-0001, as amended), see Provision D. The RAs have not been, and are not currently, required to perform monitoring in Agua Hedionda Lagoon. See response to comments #1 and #2 related to the impairment listing.</p> <p>Monitoring as part of the Bight 2013 Microbiology Study did not include any data collected in the Agua Hedionda Hydrologic Area.</p>

Carlsbad Watershed 2021 WQIP Update – Consultation Panel Information Packet
 Consultation Panel Member Written Comments Received and Responses to Comments
 October 19, 2020

CP Member	Date Received	#	Comment	Response to Comment
			<ul style="list-style-type: none"> From the Basin Plan: Agua Hedionda Lagoon is included in Table 4 – 7 of Receiving Waters Impacted by Pollution from Storm Water and Urban Runoff (Order No. 90-42): SDHSR State DHS Report on Shellfish bacteria Contamination in Agua Hedionda Lagoon is referenced. 	<p>Comment noted. The table in the Basin Plan is dated and is based on the first term MS4 Permit for the San Diego Region (Order No. 90-42), issued in 1990. Water quality information collected in the 1990s resulted in Agua Hedionda Lagoon being placed on the 303(d) list as an impaired water body segment for “coliform” in 1996. With the implementation of MS4 programs over the last three decades, improvements have been realized and bacteria data collected in 2007-2008 illustrated that the Lagoon was no longer impaired for bacteria, resulting in its removal from the 303(d) list in 2010. This assessment is supported by recent data collected by the California Department of Public Health, as presented at the Consultation Panel meeting on September 3, 2020.</p>
			<p>The Proposed Prioritization Table for Agua Hedionda Lagoon and Creek – REC-1 Beneficial Use is for a PWQC. However, the comment letter from the Regional Water Board to the Responsible Agencies states “PWQCs are not required to have numeric goals and schedules”.</p>	<p>The MS4 Permit requires numeric goals and schedules be established for the HPWQC(s). The available information reviewed and assessed do not warrant elevating bacteria to HPWQC at this time. The current HPWQC for the Agua Hedionda Hydrologic Area will remain to allow RAs to complete the strategies and projects identified for the HPWQCs. When a HPWQC is identified, significant resources are required and long-term RA commitments are established.</p> <p>While the current data assessment does not elevate bacteria to a HPWQC, the RAs recognize the public and RB staff’s concerns that have been provided. To address these concerns, the RAs have identified specific objectives, monitoring, and implementation to address bacteria.</p>
Mary Ann Viney	09/09/20	3	<p>I would recommend a monitoring program that regularly collects and analyzes numeric bacteria data overtime, using the current REC-1 protocols and water quality objectives to be put in place now. This action also aligns with public requests that have been made for bacteria monitoring for the past several years.</p> <p>The Water Board (RB) considers the bacteria exceedances to be a “high priority water quality condition” for SHELLFISH and REC-1 beneficial uses, as stated in its comment letter to the Responsible Agencies. I agree with the Water Board and would also recommend including the Agua Hedionda Creek as a HPWQC because it also has REC-1 beneficial uses and is impaired for bacteria and has been for quite some time. There are sufficient data for a more proactive, public health-protective approach to be considered for REC-1 beneficial uses in the lagoon and creek as highest priority water quality condition, rather than a Phase I implementation.</p> <p>Elevated bacteria levels can get delivered from multiple storm drains discharging into the creek and lagoon. The beaches also have storm drain discharges, but they are monitored. Why do we continue to do this in the first place, (using the Agua Hedionda lagoon, creek and its tributaries as conduits for pollution that eventually ends up in the lagoon and ocean) as much as we do, now that we have options such as Green Infrastructure (GI) and in context that the ocean, lagoon and creek all have REC-1 beneficial uses? (The Regional Board now mandates bioswales for new development, which is a great step in the right direction.) Note that for beaches located just the other side of Highway 101 from the lagoon, bacteria monitoring is already done on a regular basis.</p> <p>In fact, it’s state law (AB411) that the beaches lining the Pacific Ocean must be monitored for bacteria, and the public informed of potential health risks.</p> <p>While the state law does not specifically cover lagoons, it seems to me it’s not too much to ask for lagoon REC-1 users to get the same protections as beachgoers.</p>	<p>The RAs will implement a special study focused on the Inner Basin of the Lagoon to determine whether recreational beneficial uses continue to be protected. Water quality standards will be evaluated through the collection and assessment of samples consistent with the latest State Water Resources Control Board policies (see Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Bacteria Provisions and a Water Quality Standards Variance Policy, February 4, 2019).</p> <p>The available information reviewed and assessed do not warrant elevating bacteria to HPWQC at this time. The current HPWQC for the Agua Hedionda Hydrologic Area will remain to allow RAs to complete the strategies and projects identified for the HPWQCs. When a HPWQC is identified significant resources are identified and long-term RA commitments are established. While the current data assessment does not elevate bacteria to a HPWQC, the RAs recognize the public and RB staff’s concerns that have been provided. To address these concerns, the RAs have identified specific objectives, monitoring, and implementation to address bacteria.</p> <p>The RAs are implementing many structural and non-structural approaches to mitigate pollutants including bacteria within the Agua Hedionda HA. These strategies are provided in Section 3.3 of the WQIP and are reported in WQIP Annual Reports.</p> <p>The RAs in the Agua Hedionda HA are responsible for complying with provisions in their Regional MS4 Permit. This permit is designed to improve water quality in the Region by eliminating anthropogenic-based urban runoff during dry weather and by implementing measures to protect receiving water quality. The RAs are not responsible for monitoring receiving waters to protect public health (e.g., under AB411). This duty is the responsibility of and is performed by the San Diego County Department of Environmental Health.</p>
Mary Ann Viney	09/09/20	4	<p>It seems it took quite some time for a response to the new DEH bacteria data that came in regarding the AH lagoon and creek, and in the context of the Adaptive Planning and Management Process, and it seems appropriate to have a time limit for an initial response.</p>	<p>See response to comment #14. The RAs have responded diligently and in conformance with RB requirements since they became aware of the RB concerns in Agua Hedionda Lagoon. RAs analyzed CDPH data in 2018 and a Technical Memorandum summarizing the data evaluation for both REC-1 and SHELL beneficial uses and key findings was submitted as Attachment 1 of the FY 2017-2018 WQIP Annual Report. The PWQC/HPWQC prioritization process was conducted for both SHELL and REC-1 based on findings from data evaluation and reported in the FY2017-2018 WQIP Annual Report. The Regional Board responded with a comment letter on November 1, 2019 requesting RAs to evaluate the data again and submit an updated WQIP by January 31, 2021. The RAs are updating the WQIP to meet the required submittal of January 30, 2021 and have engaged with Regional Board staff, consultation panel, and public as part of the process.</p>

Carlsbad Watershed 2021 WQIP Update – Consultation Panel Information Packet
 Consultation Panel Member Written Comments Received and Responses to Comments
 October 19, 2020

CP Member	Date Received	#	Comment	Response to Comment
Mary Ann Viney	09/09/20	5	<p>Another rising issue is HABs. According to the Red Tide Bulletin: Spring 2020, “we now know that we were seeing the highest cell numbers of <i>L. polyedra</i> ever recorded at Scripps Pier with 9 million cells per Liter on April 27th (the previous maximum was just under 1 million cells/L). SIO scientists also measured the highest chlorophyll concentrations (1,083 micrograms per Liter!) since the Scripps Pier Chlorophyll Program began in 1983.”¹ Agua Hedionda lagoon seemed to have been hit relatively heavily compared to past red tides, according to the local community.</p> <ul style="list-style-type: none"> ○ Taking all of the above into a holistic and comprehensive context, engagement with the community is needed. The information about potential elevated bacteria levels at the Agua Hedionda lagoon where the public has REC-1 beneficial uses was not communicated to the public at large even though the situation was known. The community deserves true access to, and future security of REC-1 resources and beneficial uses. Community information appears to be scarce, originates from multiple sources and indicates potential vulnerabilities of REC-1 access. Harms to the beneficial uses must be given a voice in the community, as humans can’t expect to be happy in an unhealthy environment. ○ Citizen water quality science is present in Carlsbad, and given the community history of caring for and protecting the Agua Hedionda lagoon, it seems a citizen’s water council, that would allow the community to receive information and respond, could help. 	<p>HAB comment is noted, thank you.</p> <p>The RAs appreciate the community’s involvement in water quality issues as we share a common goal of protecting beneficial uses. The RAs currently engage the public through the Consultation Panel process when the WQIP for the Carlsbad Watershed is updated. In addition, the City of Carlsbad and other RAs in the watershed participate in multiple community outreach events each year to educate and communicate water quality issues with the public. With respect to the “potential elevated bacteria levels at the Agua Hedionda lagoon”, the RAs have evaluated available data against recreational water quality objectives, and it appears that the recreational beneficial uses are supported in the Lagoon. This was the case based on data evaluations in 2010, and water quality continues to meet water quality objectives based on the more recent evaluations performed as part of the current effort. The RAs are committed to performing additional monitoring to confirm that the water quality continues to support recreational beneficial uses, but at this time, the data that has been evaluated does not indicate that there are impacts to recreational beneficial uses or public health concerns.</p>
Paige DeCino	09/09/20	6	<p>Preserve Calavera oversees the North San Diego County Watershed Monitoring Program (NSDCWMP) which carries out bi-monthly citizen science testing of ambient water parameters for the receiving waters of the Batiquitos, Agua Hedionda and Buena Vista lagoons. Both Mary Anne and I are leaders of that program. We have Erick Burre of the CA Waterboard and Chad Loften of the SD RB as technical advisors. Our data for Agua Hedionda Creek from July 2019-July 2020 shows <i>E. coli</i> exceedances (from SD Basic Plan) for 5 pf our 6 sample dates at our site immediately upstream to the mouth of the lagoon (AHL010, near College and El Camino Real). These levels are of concern. We also have the San Diego Coastkeeper data for Agua Hedionda Creek for 2018 when testing first began in this watershed by Mary Anne’s team. At the same site (AHL010) the <i>E. coli</i> measurements ranged from 388-3130 MPN/100 mL.</p> <p>This data was not included in the Information packet because we never received notification back in the spring for the call for data. This is concerning as the city was aware of our efforts. I am hoping that Tables 6 and 7 can be amended to reflect this additional information and a reconsideration of how best to proceed with monitoring of bacteria in the lagoon and receiving waters.</p>	<p>The March 2020 data request was distributed to a broad list of interested parties through the Carlsbad Watershed contact list and the County of San Diego’s regional storm water distribution list. In addition, RB staff sent the request out via its Lyris listing. The notification was sent on March 5, 2020 to the Preserve Calavera email on file in the Carlsbad Watershed contact list. We apologize that the appropriate people at Preserve Calavera did not receive a notification. The Carlsbad Watershed contact list has now been updated with email addresses provided such that Preserve Calavera should receive future correspondence.</p> <p>Data from Preserve Calavera was received by the RAs in September 2020. The RAs will review the data in conjunction with the monitoring assessments performed during the annual report process. The data will be incorporated into the Fiscal Year 2019-2020 WQIP Annual Report submitted to the Regional Board in January 2021.</p>
Paige DeCino	09/09/20	7	<p>Monitoring schedules and responsible agencies need to be spelled out within the updated WQIP so the public can know when to expect current data. Data should be available on line in a timely manner. This is particularly important because of the REC 1 use and the potential exposure to pathogens by the public. In light of historic bacterial levels in the lagoon and our data, regular monitoring should be mandated. As an aside, the City of Carlsbad needs to inform lagoon users of the elevated bacterial levels even if they don’t meet the standard of HPWQC.</p>	<p>Monitoring schedules are included in the WQIP and data is reported annually in the WQIP Annual Reports, submitted by January 31st each year. At the time these reports are submitted to the RB, they are available on the Regional Clearinghouse (www.projectcleanwater.org). In addition, all data is uploaded to CEDEN and is publicly available.</p> <p>With respect to bacteria exceedances in the Lagoon and recreational use, it is the responsibility of the San Diego County Department of Environmental Health to monitor recreational waters and inform the public under AB411. Understanding that Agua Hedionda Lagoon does not meet the criteria for monitoring under AB411, the RAs will forward your concerns to DEH to ensure that they are aware. While the RAs may perform monitoring in the Lagoon, the monitoring is done to inform their management programs where challenges are seen.</p>
Paige DeCino	09/09/20	8	<p>Per the 2018 WQIP the monitoring data should be posted on CEDEN and linked to CEDEN on the cleanwaterproject.org website. I could find no link. Again, the public needs to have easy, timely access to the monitoring data.</p>	<p>Monitoring data is publicly available through CEDEN and is included in WQIP Annual Reports posted on the Project Clean Water website. A link to CEDEN has now been added to the Carlsbad Watershed webpage on the Project Clean Water website. http://www.projectcleanwater.org/watersheds/carlsbad-wma/#annual</p>
San Diego Water Board staff	08/07/20	9	<p>The Phase I plan of the proposed strategy to protect SHELL and REC-1 beneficial uses in Agua Hedionda Lagoon appears to assign the SHELL beneficial use only to the Outer Basin and the REC-1 beneficial use only to the Inner Basin. The San Diego Basin Plan identifies beneficial uses of REC-1 and SHELL for the entire Agua Hedionda Lagoon, which includes the Inner, Middle, and Outer basins. The San Diego Water Board expects the Copermittees to include the three phased strategy to protect SHELL and REC-1 at the entire Agua Hedionda Lagoon.</p>	<p>Modifications were made to the proposed strategy to clarify that the beneficial uses apply to the entire Lagoon.</p>

¹ <https://sccoos.org/california-hab-bulletin/red-tide/>

Carlsbad Watershed 2021 WQIP Update – Consultation Panel Information Packet
 Consultation Panel Member Written Comments Received and Responses to Comments
 October 19, 2020

CP Member	Date Received	#	Comment	Response to Comment
San Diego Water Board staff	08/07/20	10	The proposed additions to Table 30 of the Carlsbad WMA WQIP identifies SHELL will be added as a Priority Water Quality Condition (PWQC) to Agua Hedionda Lagoon and REC-1 will be added as a PWQC to Agua Hedionda Creek. The San Diego Water Board recommends REC-1 be added as a PWQC to the entire Agua Hedionda Lagoon.	At the request of RB staff, the prioritization process was revisited, and results now include REC-1 as a priority water quality condition (PWQC) for Agua Hedionda Lagoon during dry and wet weather conditions, in addition to SHELL during wet weather conditions.
San Diego Water Board staff	08/07/20	11	The objective in Phase I of the strategy to protect SHELL appears to limit the bacteria impairment assessments to only the Outer basin of the Agua Hedionda Lagoon. The Copermittees identify coordination with the California Department of Public Health (CDPH) will occur for Phase I. However, it has been identified CDPH monitoring only occurs in the Outer basin and not in the Inner or Middle basins. The Shellfish Harvesting (SHELL) beneficial use includes protecting the water quality such that waters in the entire lagoon support habitats suitable for the collection of filter-feeding shellfish for human consumption, commercial, or sport purposes. The San Diego Water Board is concerned that water quality for bacteria impairment is not being monitored in the Inner and Middle basin for the protection of the SHELL beneficial use. Members of the public fish and may also collect shellfish in the outer and middle lagoon. The San Diego Water Board recommends additional Phase I monitoring and assessments be conducted in the Inner and Middle basins.	Understanding that the SHELL beneficial use is applicable to the entire Lagoon, RB staff's position appears to have changed since the RAs have provided additional information. See Comment #19 below. The RAs will work with RB staff to develop the Monitoring Framework that will focus on the Outer Basin of the Lagoon as it pertains to the SHELL beneficial uses.
San Diego Water Board staff	08/07/20	12	In Phase I of the strategy, the objective to protect REC-1 appears to limit the water quality objective assessments to only the Inner basin of the Agua Hedionda Lagoon. The Phase I monitoring and assessment approach identifies a special study and states periodic verification monitoring will occur in the Inner basin. The San Diego Water Board recommends this monitoring and assessment approach to be expanded to the Middle and Outer basin. In Phase I of the strategy to protect REC-1, the monitoring and assessment approach identifies that the Copermittees will perform periodic sample collection and data assessment once per Permit term. The San Diego Water Board is not in agreement with the proposed monitoring frequency and will provide a recommendation on the monitoring frequency to the Copermittees in the next Consultation Panel meeting.	The RAs assessed all available data related to REC-1 uses in the Lagoon. This included sites in the Inner, Middle, and Outer Basins of the Lagoon, with all samples collected for fecal coliform by CDPH. Understanding that the REC-1 beneficial use is applicable to the entire Lagoon, RB staff's position appears to have changed since the RAs have provided additional information. See Comment #19 below. The RAs will work with RB staff to develop the Monitoring Framework that will focus on the Inner Basin of the Lagoon as it pertains to the REC-1 beneficial uses. The Monitoring Framework will include defined frequencies for monitoring.
San Diego Water Board staff	08/07/20	13	The conditions evaluated per the WQIP prioritization process (Tables 1-6) do not include an assessment for the conditions of SHELL beneficial uses at the Inner and Middle basins or for REC-1 beneficial uses at the Middle and Outer basins. The San Diego Water Board recommends that the additional conditions be assessed in the WQIP prioritization process. If the Copermittees do not plan to assess the conditions at the Inner and Middle basins for SHELL beneficial use and at the Middle and Outer basins for REC-1 beneficial use, the San Diego Water Board requests supporting documentation be provided for why the assessments will not be included in the Proposed Plan.	Based on available information (i.e., fecal coliform data received from CDPH) and comments received pertaining to the applicability of the beneficial uses to all Basins, assessments were performed for the entire Lagoon rather than being broken up into the individual basins.
San Diego Water Board staff	08/07/20	14	On October 3, 2017, the San Diego Water Board directed the Copermittees to update the HPWQCs by January 31, 2018 based on the data collected that connected wet weather bacteria loading to the shellfish and contact recreation areas of the Agua Hedionda Lagoon. At the request of the Copermittees, the San Diego Water Board granted an extension that allowed the Copermittees additional time to assess the data gathered by the CDPH and reassess the HPWQCs of the WMA.	That is correct. RAs analyzed CDPH data in 2018. A Technical Memorandum summarizing the data evaluation for both REC-1 and SHELL beneficial uses and key findings was submitted as Attachment 1 of the FY 2017-2018 WQIP Annual Report. The PWQC/HPWQC prioritization process was conducted based on findings from data evaluation and reported in the FY2017-2018 WQIP Annual Report. The re-evaluation of water quality conditions (Section 2.1.2) and the adaptive management process (Section 4.2.1) sections of the FY 2017-2018 WQIP Annual Report stated the following: <i>“Based on the evaluation performed, recreational beneficial uses are supported and should not be included as a PWQC for the Agua Hedionda Lagoon. In order to ensure that water quality related to the shellfish harvesting beneficial use is tracked, Carlsbad RAs propose adding a new PWQC for SHELL in the outer basin of the Agua Hedionda Lagoon during wet weather”.</i>
			The Copermittees were required to fully assess the data and associated impacts to the recreation contact areas of the Agua Hedionda Lagoon by January 31, 2019.	There were no recommended changes to HPWQCs based on the data evaluation results. Completed in 2018. The results were presented in the <i>Carlsbad WMA Monitoring and Assessment Agua Hedionda Lagoon Technical Memorandum</i> submitted as Attachment 1 of the FY 2017-2018 WQIP Annual Report and submitted to the Regional Board on January 30, 2019.

Carlsbad Watershed 2021 WQIP Update – Consultation Panel Information Packet
 Consultation Panel Member Written Comments Received and Responses to Comments
 October 19, 2020

CP Member	Date Received	#	Comment	Response to Comment
			Review of the 2018-2019 WQIP Annual Report showed Copermittees only proposed a PWQC for SHELL and did not propose any PWQCs for REC-1 or an update to the WQIP.	As presented in the FY 2017-2018 WQIP Annual Report, findings from the data evaluation and prioritization process did not support elevating indicator bacteria in Agua Hedionda Lagoon for REC-1 beneficial uses to a PWQC. See data previously presented in <i>Carlsbad WMA Monitoring and Assessment Agua Hedionda Lagoon Technical Memorandum</i> submitted as Attachment 1 of the FY 2017-2018 WQIP Annual Report. The PWQC elevation was presented as a recommended change in the adaptive management section of the FY 2017-2018 WQIP Annual Report.
			The Copermittees have had since October 2017 to analyze the data presented in the October 3, 2017 email and update the PWQCs for SHELL and REC-1.	That is correct. RAs analyzed CDPH data in 2018 and a Technical Memorandum summarizing the data evaluation for both REC-1 and SHELL beneficial uses and key findings was submitted as Attachment 1 of the FY 2017-2018 WQIP Annual Report. The PWQC/HPWQC prioritization process was conducted for both SHELL and REC-1 based on findings from data evaluation and reported in the FY2017-2018 WQIP Annual Report.
			The 2018-2019 WQIP Annual Report comment letter, sent to the Copermittees on November 1, 2019, required the Copermittees to update the WQIP and include a HPWQC selection process for SHELL and REC-1 at Agua Hedionda Lagoon.	The RAs are updating the WQIP to meet the required submittal of January 30, 2021 and have engaged with Regional Board staff, consultation panel, and public as part of the process. The update includes the analysis of data received through a request for public data which yielded a 10-year dataset from CDPH. The RAs have revisited the prioritization process as part of this update. Data analysis yielded similar results as the previous 2018 effort. However, based on public input and Regional Board comments, the RAs are recommending elevating <i>Enterococcus</i> for REC-1 in the Lagoon under dry and wet weather conditions to a PWQC. For the SHELL beneficial use, the RAs are recommending elevation to a PWQC for fecal indicator bacteria during wet weather conditions in the Lagoon.
			During the July 29, 2020 meeting, the Copermittees informed the San Diego Water Board staff that monitoring for the REC-1 strategy would not begin until after the WQIP Update is accepted.	Implementation of WQIP/JRMP programs is dependent on RWQCB acceptance of proposed plans and fiscal year budgets.
			The WQIP Update is due January 31, 2021.	The RAs are updating the WQIP to meet the required submittal of January 30, 2021.
San Diego Water Board staff	09/09/20	15	The objective in Phase I of the strategy to protect SHELL beneficial uses in Agua Hedionda Lagoon identifies the objective is to maintain current water quality conditions in the lagoon with respect to SHELL beneficial uses. In 2016-2017, the CDPH downgraded the classification of the commercial shellfish growing area, located in the Outer basin of the lagoon, from Restricted to Conditionally Restricted. The CDPH website (https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/EMB/Shellfish/Commercial-Shellfish-Growing-Areas.aspx) lists there are only five commercial shellfish growing areas in California, in which all except for the Agua Hedionda Lagoon area have a Conditionally Approved classification. The San Diego Water Board believes the low classification of Conditionally Restricted is not a water quality condition that should be maintained. Instead the San Diego Water Board would expect that the water quality conditions in the lagoon be improved to help the classification status change to a higher standard.	<p>According to CDPH, the reclassification of the status of the Lagoon from restricted to conditionally restricted was based on data collected during rain events. Reports provided by CPDH discuss potential sources contributing to the elevated levels of fecal coliform including the location of Publicly Owned Treatment Works and their discharge locations; avian sources within the growing area; runoff from the surrounding watershed, and circulation issues within the Outer Basin. (CDPH. Triennial Sanitary Survey Update Report: 2014-2016, Shellfish Growing Area Classification for Agua Hedionda Lagoon, California. June 2017.) The RAs are not responsible to manage many of these sources that are potentially contributing to elevated fecal coliform concentrations during rainfall, and therefore have limited influence over whether the classification could be changed.</p> <p>Of note: Parts of the Shellfish Harvesting Area in Morro Bay are in the conditionally restricted classification, similar to Agua Hedionda Lagoon. (CDPH, 2019-2020 Annual Sanitary Survey Update Report: Shellfish Growing Area Classification for Morro Bay, California. Technical Report No. 20-18. July 2020.)</p> <p>Additionally, requirements implemented through the National Shellfish Sanitation Program (NSSP) require that any wastewater treatment plant outfalls that have a “zone of influence” overlapping with the growing area must become part of a conditional management plan. Because the “conditional” part of the classification is based on both rainfall (and associated declines in water quality) AND the location of the zone of influence of the wastewater treatment plants (i.e., Oceanside, Encina Wastewater Authority), it is unlikely that CDPH could reclassify the conditions from conditionally restricted to restricted. (Feb 28, 2020. email correspondence, Matt Scanlon, CDPH, to Tim Murphy, City of Carlsbad.)</p> <p>However, while the majority of the fecal coliform data are meeting NSSP standards, the RAs are taking measures to protect water quality, explore potential data gaps, and trigger additional actions if deemed necessary and applicable. The RAs will work with the RB staff to develop a Monitoring Framework that will better address the questions of beneficial uses within the Outer Basin and begin to examine potential sources that may influence water quality (e.g., MS4 outfalls in the Outer Basin).</p>

Carlsbad Watershed 2021 WQIP Update – Consultation Panel Information Packet
 Consultation Panel Member Written Comments Received and Responses to Comments
 October 19, 2020

CP Member	Date Received	#	Comment	Response to Comment
San Diego Water Board staff	09/09/20	16	The monitoring question in Phase I of the strategy to protect SHELL beneficial uses in Agua Hedionda Lagoon needs to be refined to specify how conditions will be assessed through monitoring by the Carlsbad WMA Copermittees. The monitoring approach identifies there will be an annual assessment of CDPH data to evaluate conditions. The San Diego Water Board is concerned with the Carlsbad WMA Copermittees plan to rely solely on fecal coliform data from CDPH. The number of samples collected via the CDPH monitoring program is not consistent with the number of samples required to evaluate the SHELL water quality objective in the Basin Plan. The San Diego Water Board recommends the Carlsbad WMA Copermittees monitor for fecal coliform and add total coliform as part of the shellfish monitoring program in the Agua Hedionda Lagoon. The San Diego Water Board is not supportive of the Carlsbad WMA Copermittees starting with Phase I, see comment four [renumbered here as #17].	The RAs will work with the RB staff to develop a Monitoring Framework that will better address the questions of conditions within the Outer Basin and may begin to examine potential sources that may influence water quality.
San Diego Water Board staff	09/09/20	17	The monitoring approach in Phase I of the strategy to protect SHELL beneficial uses in Agua Hedionda Lagoon identifies there will be an annual assessment of CDPH data to evaluate conditions to ensure water quality is not declining. As stated in previous communications with the Copermittees, the downgrade classification of the shellfish harvesting area alone is an important change that should be considered. The San Diego Water Board believes Phase II has already been triggered through the downgrade classification of the shellfish harvesting area. The San Diego Water Board would expect the Carlsbad WMA Copermittees to begin Phase II of the SHELL beneficial use strategy, which aims to determine the sources of bacteria that are potentially impacting the SHELL beneficial uses, sooner rather than later.	The RAs are seeking to develop a balanced, pragmatic monitoring approach that is focused on key questions related to potential impacts from the MS4 and protection of beneficial uses. However, the RAs do not agree that Phase II of their proposed approach has been triggered, as conditions are most often well below NSSP benchmarks and have not shown to be declining. The RAs will work with the RB staff to develop a Monitoring Framework that will better address the questions of conditions within the Outer Basin and/or begin to examine potential sources that may influence water quality (e.g., avian sources, human sources, circulation issues, MS4 outfalls) in the Outer Basin.
San Diego Water Board staff	09/09/20	18	For the REC-1 beneficial use, the objective of the monitoring should be evaluating conditions (or beneficial use support status) in, at a minimum, the Inner basin of the lagoon. The San Diego Water Board will work with the Carlsbad WMA Copermittees to establish the monitoring framework as part of the special study and verification monitoring in Phase I of the REC-1 beneficial use strategy. The San Diego Water Board would expect the Carlsbad WMA Copermittees to begin the monitoring program as soon as possible.	The Responsible Agencies intend to work with the RB staff to develop a framework for monitoring related to REC-1 beneficial use in the Inner Lagoon. The timing of monitoring within the Lagoon is contingent on several factors, including but not limited to the development and approval of a monitoring framework, a monitoring plan, release of a request for proposals and selection of a consultant to perform the monitoring, and allocations of resources (i.e., budgets). Therefore, it is anticipated that monitoring can commence in July 2021 at the earliest.
San Diego Water Board staff	09/09/20	19	Since most REC-1 activities are occurring in the Inner basin of the lagoon, at a minimum the San Diego Water Board would expect monitoring to begin at the Inner basin. Since the commercial shellfish growing area is located in the Outer basin of the lagoon, at a minimum the San Diego Water Board would expect to begin monitoring to evaluate SHELL beneficial use conditions at the Outer basin.	The Responsible Agencies agree with this approach, as it allows focus on the areas where REC-1 and SHELL beneficial uses are prevalent within the Lagoon. This approach is consistent with the RB's Key Beneficial Uses and Key Areas concepts.
San Diego Water Board staff	09/09/20	20	The table provided on page 7, proposed addition to WQIP Table 30, identifies the pollutant stressor for Agua Hedionda Creek of Indicator Bacteria will be revised to Fecal Coliform. Currently, Agua Hedionda Creek is listed for Indicator Bacteria (Total coliform, Fecal coliform, Enterococcus and <i>E.coli</i>) on the Clean Water Act Section 303(d) List. The San Diego Water Board requests an explanation on why the pollutant stressor is being revised to Fecal Coliform only in the Agua Hedionda Creek. Because the new Bacteria Provisions for inland surface waters require <i>E.coli</i> for waters where the salinity is equal to or less than one part per thousand 95 percent or more of the time during the calendar year, the San Diego Water Board expects the Carlsbad WMA Copermittees to start making the transition to start collecting <i>E.coli</i> at the Agua Hedionda Creek. The San Diego Water Board would expect both Fecal coliform and <i>E.coli</i> data to be evaluated for the PWQC at the Agua Hedionda Creek.	The change was made to reflect the available data that was evaluated. The table has been updated (reverted) to "indicator bacteria" as requested. Monitoring for FIB in freshwater within the Agua Hedionda HA will focus on <i>E.coli</i> as the indicator as required by the Statewide Bacteria Provisions.
Steve Gruber	09/09/20	21	No written comments at this time	Noted.
Robin Hansen (non-CP Member)	09/03/20	22	As elected officials, you (especially City of Carlsbad mayor and council members) are guardians of OUR PUBLIC HEALTH AND SAFETY - PLEASE do not choose to "wait and see" regarding the water quality testing in Agua Hedionda Lagoon. - Shouldn't the lessons of waiting be learned from our response (lack thereof) to the current Pandemic??? Are you waiting for a rash of serious illnesses resulting from exposure to contaminants in the water to claim a life? Are you waiting for the conditions become harmful enough to not be able to remediate? Act now to ensure the (long overdue) testing and monitoring be mandated and performed.	The Responsible Agencies are working with RB staff to develop and implement a monitoring plan to demonstrate that REC-1 beneficial uses continue to be attained. If the data illustrates that REC-1 uses are impaired, as defined by the State Water Resources Control Board's 303(d) Listing Policy, Phase II of the proposed approach will be triggered. With respect to bacteria exceedances in the Lagoon and recreational use, it is the responsibility of the San Diego County Department of Environmental Health to monitor recreational waters and inform the public under AB411. Understanding that Agua Hedionda Lagoon does not meet the criteria for monitoring under AB411, the RAs will forward your concerns to DEH to ensure that they are aware. While the RAs may perform monitoring in the Lagoon, the monitoring is done to determine if MS4 discharges are impacting receiving waters and to inform their management programs where challenges are seen.

Carlsbad Watershed 2021 WQIP Update – Consultation Panel Information Packet
 Consultation Panel Member Written Comments Received and Responses to Comments
 October 19, 2020

CP Member	Date Received	#	Comment	Response to Comment
Jan Bandich (non-CP Member)	09/03/20	23	<p>As a resident of Bristol Cove for 7 years who walks the east and west trails along the inner lagoon and paddle boards on the water almost daily, I observe a lot. In terms of Beneficial Uses, the Recreational component of the Agua Hedionda Lagoon, I see much to celebrate and other areas of concern.</p> <p>It often seems that no one takes any responsibility for the health and safety of the inner Lagoon, the city says it is owned by the desalination plant, whose only responsibility seems to be to dredge the Lagoon every 2 years (which is now going on 3 years and is crucial for keeping the oxygen level high enough for fish and water fowl to survive and contributed to the extreme Red Tide and much higher number of dead fish this year - I have photos) (Maybe Fish and Wildlife should be involved in this process since they have responsibility for the far East end of the Lagoon). The City does accept responsibility for collecting daily or seasonal permit fees for passive and active craft on the Lagoon, which goes into the General Fund, not to support water quality testing and safety on the Lagoon. We only see the Police patrol boats out once or twice a year, so no one is enforcing rules and water safety. I am happy to hear that some water testing is going on, as required by the State Water Board.</p> <p>While it is a joy to watch people on the beach, in the water, on the water on passive craft and in active craft, and fishing (and many depend on that fish for dinner) having a wonderful time (quite an escape from COVID strictures) and to have such a unique water play area in our community, I can't help but be concerned about the health and safety aspects that might affect that growing population of people, children, and pets enjoying recreation on the Agua Hedionda Lagoon.</p> <p>I appreciate the fact that storm drains were being targeted in a small way, I understand that, counting feeder creeks, there are more than 36 storm drains feeding into the Lagoon. Walking along the NW shore of the Lagoon Trail, I also observe many contour, nature-made drains that pour directly into the Lagoon all the street and hill surface toxins and pollutants from pesticides, construction debris, vehicular traffic, and trash, not only when it rains, but when residents water their plants or the wind blows. Along Park and Cove, I observe ongoing drainage into the street which pours into the drains into the Lagoon. We know there is additional pesticides coming from the Strawberry Fields on the South Shore, and from the feeder creeks which go through former agricultural areas that are now being developed. Also, I understand that the main focus is on the water quality, but that the major build up of toxins and pollutants are in the very deep silt that has built up over the years, especially at the east end of the inner lagoon where children and pets are wading in the water. It has only been dredged once many years ago and there are no plans to stir that all up again.</p> <p>There are only 2 points of water testing in the inner Lagoon which is the main recreational area where there are huge numbers of people on weekends and holidays, and quite a few in the course of each week day, and there are several storm drains that seem to flow freely into the Lagoon. It seems to me that this should be the main focus for testing, and esp. for more than one bacteria, which is the only one required.</p> <p>I agree with Mary Anne Viney's point that people going to the beaches in Carlsbad are provided water conditions and warnings, especially after rains or storm drain failures, to avoid the water for 1-3 days, the Agua Hedionda Lagoon is just the other side of the freeway from the beach, but no warnings are every posted, nor is there anyone enforcing them. I support Diane Nygaard's idea of making the public aware and providing warnings and to expand the amount of water quality testing to insure public health and safety by making this a high priority is a legitimate concern. No one wants to frighten people, but providing monitoring and solutions and keeping people informed is part of the public trust.</p> <p>This is a precious and unique resource to the people of Carlsbad and they should be able to trust that the water is not hazardous to their health. I hope this will be a Priority as you collect Public Comments and construct your Next Steps and Recommendations.</p>	<p>With respect to bacteria exceedances in the Lagoon and recreational use, it is the responsibility of the San Diego County Department of Environmental Health to monitor recreational waters and inform the public under AB411. Understanding that Agua Hedionda Lagoon does not meet the criteria for monitoring under AB411, the RAs will forward your concerns to DEH to ensure that they are aware. While the RAs may perform monitoring in the Lagoon, the monitoring is done to determine if MS4 discharges are impacting receiving waters and to inform their management programs where challenges are seen.</p>