UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

In response please refer to
10014SWR2007PR00293:SCG

JUL 13 2007

Mr. Don Tsai
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013

Attn: Blythe Ponek-Bacharowski

Dear Mr. Tsai:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Los Angeles Regional Water Quality Control Board's (Board) March 9, 2007, request for comment on the proposed Order No. R4-2007-XXXX. This order is in regard to the City of Ventura's (City) National Pollutant Discharge Elimination System permit number CA0053651 regulating discharge of tertiary treated wastewater to the Santa Clara River Estuary pursuant to the Clean Water Act. Currently, the City discharges approximately 8 millions gallons of tertiary-treated wastewater per day directly into the Santa Clara River estuary. The Board's order consists of requiring the City to decrease the discharge by 1 million gallons per day per year, so that in 8 years from September 1, 2007, discharges are completely eliminated. NMFS is concerned about the potential effects of the Board's order on the endangered Southern California Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and critical habitat for this species, and would like to provide the following comments.

NMFS recommends that the Board not take this action because the Santa Clara River Estuary has been designated as critical habitat for endangered steelhead, and the estuary is used by both adult and juvenile steelhead during their life cycle. NMFS believes that the existing wastewater discharge enhances the aquatic habitat in the estuary for steelhead by: (1) providing additional rearing and foraging habitat for juvenile steelhead, (2) providing refuge for steelhead from predators, (3) enhancing migration flows for steelhead, and (4) providing acclimation areas for both juvenile and adult steelhead during the transition to and from salt and freshwater environments (Quinones and Mulligan 2005, Boughton et al. 2006). Because surface water diversions and groundwater pumping within the Santa Clara River watershed have reduced the amount of surface flow that enters the estuary to historically low levels, the releases of tertiary treated wastewater into the Santa Clara River Estuary are one of the main sources of water for the estuary during a significant portion of the year, and the releases enhance the quantity and quality of aquatic habitat for steelhead.

NMFS believes that endangered steelhead in the Santa Clara River estuary will be adversely affected if the Board approves this Order. Adverse effects would include increasing water temperatures and reducing dissolved oxygen within the estuary to levels which are harmful to steelhead, interfering with migration patterns, and reducing the quantity and quality of aquatic habitat within the estuary. If the Board decides to proceed with this proposed Order, NMFS requests that the Board pursue a section 7 consultation with NMFS through the Environmental Protection Agency to ensure that its action is consistent with the Endangered Species Act and does not adversely effect, or result in unauthorized take of, endangered steelhead.

NMFS appreciates the opportunity to provide comments for the Board's proposed action. Please contact Stan Glowacki at 562-980-4061 or via email at Stan.Glowacki@noaa.gov if you have any questions concerning this letter or if you require additional information.

Sincerely,

for Rodney R. McInnis
Regional Administrator

cc: Eric Raffini, EPA

Literature Cited

Quinones, R. M. and T. J. Mulligan. 2005. Habitat use by juvenile salmonids in the Smith River Estuary, California. Transactions of the American Fisheries Society. 134: 1147-1158.

Boughton, D. A., P. B. Adams, E. Anderson, C. Fusaro, E. Keller, E. Kelley, L. Lentsch, J. Nielsen, K. Perry, H. Regan, J. Smith, C. Swift, L. Thompson, and F. Watson. 2006. Steelhead of the south-central/southern California coast: population characterization for recovery planning. NOAA Technical Memorandum, NOAA-TM-NMFS-SWFSC-394.