**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**SAN FRANCISCO BAY REGION**

# Response to Written Comments
# Item No. 5D

Tentative Order to Amend Waste Discharge Requirements for the U.S. Fish & Wildlife Service and California Department of Fish and Game, South Bay Salt Pond Restoration Project

The Regional Water Board received timely written comments from the City of San Jose, dated January 4, 2012. This Response to Comments begins with the comments (in *italics*) quoted where possible or paraphrased for brevity. Regional Water Board staff responses follow the comments.

**City of San Jose Comment:** *The City indicates that it owns tidal property, including one of the former Cargill Salt Ponds (856 acre Pond A18), an area between A16 and A17, as well as the Moseley Tract (54 acres) located north of the Dumbarton Bridge in San Mateo County. In addition, the City is an active participant in the South Bay Salt Pond Restoration Project. For these reasons, San Jose has a very vital interest in this effort and is supportive of the restoration in A16/A17.*

*Specifically, the revised plans for Ponds A16 and A17 should carefully consider the potential impacts of fresh water flows discharged from the Plant through Artesian Slough. Plant flows from the Artesian Slough may overtop a lowered levee, contemplated under Phase II of the effort, along the eastern side of A17 in high tides. This may limit the ability of Pond A17 to accrete salt marsh habitat, because of stratification in Artesian Slough resulting in fresh water effluent being on top of tidal saltwater. While we actively support the South Bay Salt Pond Restoration Project, these efforts must not create any new constraints on the Plant's ability to discharge treated effluent to Artesian Slough.*

*The City believes that improved tidal influence in the ponds and a greater area of freshwater and saltwater mixing benefits the ecosystem of the South Bay and the overall health of the estuary. City staff has met with U.S. Fish & Wildlife Service and salt pond restoration project staff to discuss the concerns and understand that there is general agreement that the A17 area would likely become a mix of brackish and salt marsh due to its location along the creek and slough and that Plant flows have been anticipated and are not projected to be an impediment to the project. City staff will continue to work with the project to understand any potential changes in Artesian Slough.*

**Response:** We appreciate the City's active involvement and support of this important restoration project. The U.S. Fish & Wildlife Service considered the effect of San Jose's freshwater discharge to Artesian Slough in its modeling of future restoration outcomes for ponds A16 and A17. The Service detailed these efforts in a letter dated January 11, 2012, to the Regional Water Board (attached). We recognize the need for the City's participation and an adaptive management approach throughout this transitional period since the increased tidal prism associated with this project will impact the City's planning for Pond A18 restoration and evaluation of its discharge of tertiary-treated wastewater to Artesian Slough. We have not revised the Tentative Order in response to this comment.

Attachment: January 11, 2012, letter from the U.S. Fish and Wildlife Service to the Water Board