# O35. Letter from Jason Weiner, Wishtoyo Foundation & Ventura Coastkeeper, dated February 13, 2017

#### Comment No. 035-1:

Please accept and confirm receipt of Wishtoyo Foundation's Comments on the Newhall Ranch Draft AEA. This is email 1 of 2.

## Response No. 035-1:

CDFW confirms receipt of Wishtoyo's supplemental email comments.

#### Comment No. 035-2:

Please note that Wishtoyo's full comments, with all attachments included that were too large to email, were mailed today via the US Postal Service.

# Response No. 035-2:

CDFW acknowledges that attachments were sent by mail. No further response is required because the comment does not raise an issue regarding the adequacy of the Draft AEA.

#### Comment No. 035-3:

If you could confirm receipt of the two attachments in this email it would be much appreciated.

## Response No. 035-3:

CDFW acknowledges receipt of the two attachments, but notes that the attachments often are not connected to any Wishtoyo comment, therefore, making it extremely difficult for CDFW to meaningfully respond. However, in those cases where a direct connection to a specific attachment can be made, the content of the attachment was addressed in the response to the comment that references the attachment.

## Comment No. 035-4:

Please accept and confirm receipt of Wishtoyo Foundation's Comments on the Newhall Ranch Draft AEA. This is email 2 of 2, and contains only attachments for Wishtoyo's cultural resources comments.

# Response No. 035-4:

CDFW confirms receipt of Wishtoyo's comments; however, the attachments provided by Wishtoyo are comprised of an array of documents that often are not connected to any particular Wishtoyo comment, therefore, making it extremely difficult for CDFW to meaningfully respond with regard to the attachments. However, in those cases where a direct connection to a specific attachment can be made, the content of the attachment was addressed in the response the comment that references the attachment.

#### Comment No. 035-5:

Please note that Wishtoyo's full comments, with all attachments included that were too large to email, were mailed today via the US Postal Service.

# Response No. 035-5:

CDFW acknowledges that attachments were sent by mail. No further response is required because the comment does not raise an issue regarding the adequacy of the Draft AEA.

#### Comment No. 035-6:

If you could confirm receipt of the two attachments in this email it would be much appreciated.

## Response No. 035-6:

CDFW acknowledges receipt of two attachments, but notes that the attachments often are not connected to any Wishtoyo comment, therefore, making it extremely difficult for CDFW to meaningfully respond. However, in those cases where a direct connection to a specific attachment can be made, the content of the attachment was addressed in the response the comment that references the attachment.

#### Comment No. 035-7:

Please accept and confirm receipt of Wishtoyo Foundation's Comments on the Newhall Ranch Draft AEA. This is email 1 of 2.

# Response No. 035-7:

CDFW confirms receipt of Wishtoyo's supplemental email comments.

#### Comment No. 035-8:

Please note that Wishtoyo's full comments, with all attachments included that were too large to email, were mailed today via the US Postal Service.

# Response No. 035-8:

CDFW acknowledges that attachments were sent by mail. No further response is required because the comment does not raise an issue regarding the adequacy of the Draft AEA.

#### Comment No. 035-9:

If you could confirm receipt of the two attachments in this email it would be much appreciated.

# Response No. 035-9:

CDFW acknowledges receipt of the two attachments, but notes that the attachments often are not connected to any Wishtoyo comment, therefore, making it extremely difficult for CDFW to meaningfully respond. However, in those cases where a direct connection to a specific attachment can be made, the content of the attachment was addressed in the response the comment that references the attachment.

#### Comment No. 035-10:

Thank you for confirming. Upon receipt, if there is a way to confirm receipt of the CD we mailed, plus the attachments in the CD, it would be more than great.

# Response No. 035-10:

CDFW received the CD; however, the above comment does not raise any environmental issues with regard to the adequacy of the Draft AEA. Thus, no further response is required.

#### Comment No. 035-11:

Please accept and confirm receipt of Wishtoyo Foundation's Comments on the Newhall Ranch Draft AEA. This is email 1 of 2.

# Response No. 035-11:

CDFW confirms receipt of Wishtoyo's supplemental email comments.

## Comment No. 035-12:

Please note that Wishtoyo's full comments, with all attachments included that were too large to email, were mailed today via the US Postal Service.

# Response No. 035-12:

CDFW acknowledges that attachments were sent by mail. No further response is required because the comment does not raise an issue regarding the adequacy of the Draft AEA.

#### Comment No. 035-13:

If you could confirm receipt of the two attachments in this email it would be much appreciated.

# Response No. 035-13:

CDFW acknowledges receipt of two attachments to Wishtoyo's supplemental email, but notes that the attachments often are not connected to any Wishtoyo comment, therefore, making it extremely difficult for CDFW to meaningfully respond. However, in those cases where a direct connection to a specific attachment can be made, the content of the attachment was addressed in the response the comment that references the attachment.

#### Comment No. 035-14:

Thank you for providing Wishtoyo Foundation ("Wishtoyo") with the opportunity to submit comments on the Newhall Ranch Draft AEA. Wishtoyo is a Chumash Native American non-profit organization that protects Chumash cultural, and the natural resources all Peoples depend upon. These comments are specifically in regards to the native, endangered, fully protected, and rapidly disappearing Unarmored Threespine Stickleback important to the Chumash Peoples, Wishtoyo's members, and the general public concerned with loss of the planet's and region's native wildlife.

## Response No. 035-14:

The comment describes the Wishtoyo Foundation as a "Chumash Native American non-profit organization that protects Chumash cultural [sic], and the natural resources all Peoples depend upon." The comment states that comments to follow will be "in regard to the native, endangered, and fully protected, and rapidly disappearing Unarmored Threespine Stickleback," which, according to the comment, is "important to the Chumash Peoples, Wishtoyo's members, and the general public concerned with the loss of the planet's and the region's native wildlife." 1

As explained in the Draft AEA, Section 3, Unarmored Threespine Stickleback, the previously certified 2010 Final EIR identified potentially significant impacts to the unarmored threespine stickleback, a fully-protected fish species under Fish and Game Code section 5515, and included biota Mitigation Measures BIO-44 and BIO-46 to allow for USFWS to divert the stream, and to collect and relocate fish, during construction of bridges and bank stabilization in or near the Santa Clara River. CDFW adopted those two mitigation measures as part of its approval of the project in December 2010.

The California Supreme Court held that the construction-related collection and relocation mitigation measures (BIO-44 and BIO-46) violated the Fish and Game Code section 5515 prohibition against authorizing the take or possession of unarmored threespine stickleback. No other aspects of the biological analysis or evaluation of unarmored threespine stickleback were overturned by the Supreme Court. As a result of the Supreme Court decision, the project applicant has modified bridge design and construction methods that do not require stream diversion or the collection and relocation of fish under Mitigation Measures BIO-44 and BIO-46.

<sup>&</sup>lt;sup>1</sup> The comment does not identify which Chumash band(s) or People(s) the Wishtoyo represents, nor explain in what manner the Chumash, or any of its bands, places special significance on the UTS.

Because the comment does not raise any issues within the Draft AEA or relate to a change in the project bridge design or construction method from what was previously considered in the 2010 Final EIR, no response is required. Nevertheless, the following response is included for information purposes.

CDFW also does not concur with the comment's statement that the unarmored threespine stickleback is "rapidly disappearing." While recent drought years may have stressed known populations, CDFW is unaware of any study or data that would support a conclusion that the species is rapidly disappearing. Since 1988, focused fish surveys have been conducted by state and federal wildlife agencies, various independent biologists, and several consulting firms to document the presence or absence of special-status fish species, including unarmored threespine stickleback, within the project area and upstream of the project area within the Santa Clara River (2010 Final EIR, Section 4.5, Biological Resources, pp. 4.5-680-681.) Those surveys indicate that unarmored threespine stickleback presence is "quite variable (ranging from rare or absent in certain reaches of the River to locally abundant in any given year) in the project reach in sections of the Santa Clara River[.]" (2010 Final EIR, Section 4.5, Biological Resources, p. 4.5-681; and see pp. 4.5-59-60 [description of completed unarmored threespine stickleback surveys], p. 4.5-240 [observations during surveys].)

Because the comment does not raise issues as to the adequacy of the Draft AEA, no further response is required.

# Comment No. 035-15:

As you know, the Unarmored Threespine Stickleback ("UTS"), a fully protected species under California law, is rapidly disappearing along with the degradation of its habitat that must be protected and restored. Its habitat exists in two locations in the Upper Santa Clara River mainstem (Newhall Ranch project area in a stretch of the Santa Clara River upstream of the Dry Gap to about and around the Old Road Bridge; and a stretch of the Santa Clara River near Soledad Canyon around the Stickleback Movie Ranch), a stretch of Bouquet Creek, a stretch of Soledad Canyon Creek, and a stretch of San Francisquito Creek. The California Department of Fish and Wildlife website as updated in June of 2015 (see attached) provides that the occurrence of Unarmored Threespine Stickleback as of June 2015 in these habitats is as follows: Upper Santa Clara River (extremely limited), Bouquet Creek (extremely limited), Soledad Canyon Creek (possibly extirpated), San Francisquito Creek (recently translocated to this location after extirpation in 2005 at this location).

## Response No. 035-15:

The comment reiterates the protected status of the unarmored threespine stickleback under California law, and states that the species is "rapidly disappearing along with the degradation of its habitat that must be protected and restored [sic]." The comment states that unarmored threespine stickleback habitat exists at "two locations" in the Upper Santa Clara River main stem – the "Newhall Ranch project area in a stretch of the Santa Clara River upstream of the Dry Gap to about and around the Old Road Bridge; and a stretch of the Santa Clara River near Soledad Canyon around the Stickleback Movie Ranch)." The comment identifies three other locations where Wishtoyo believes unarmored threespine stickleback are present: "a stretch of Bouquet Creek, a stretch of Soledad Canyon Creek, and a stretch of San Francisquito Creek. The comment states that, according to CDFW's website, as updated in June 2015, the occurrence of unarmored threespine stickleback in these habitats is as follows: "Upper Santa Clara River (extremely limited), Bouquet Creek (extremely limited), Soledad Canyon Creek (possibly extirpated), San Francisquito Creek (recently translocated to this location after extirpation in 2005 at this location)."

As discussed in **Response to Comment No. 035-14**, because this comment does not raise any issues as to the adequacy of the Draft AEA or relate to a change in the project bridge design or construction method from what was previously considered in the 2010 Final EIR, no response is required. Nevertheless, the following response is included for information purposes.

In regard to the "rapidly disappearing" status of unarmored threespine stickleback, the comment repeats the issues and questions set forth previously in Comment O35-14. Accordingly, please refer to **Response to** 

**Comment No. 035-14**, above. Furthermore, the comment does not present new information with regard to unarmored threespine stickleback.

In addition, CDFW's website information does not present new or different data from what was previously reported in the 2010 Final EIR. As reported by CDFW (website and 2010 Final EIR), unarmored threespine stickleback is a state and federal listed endangered species and a fully protected species under the Fish and Game Code. As previously reported, unarmored threespine stickleback have a very limited distribution, with the southern California population represented in only three drainages in the Santa Clara River watershed: Upper Santa Clara River (extremely limited), Bouquet Creek (extremely limited), and Soledad Canyon (possibly extirpated) (CDFW's website, https://www.wildlife.ca.gov/Drought / Projects/Stickleback and 2010 Final EIR, Section 4.5, Biological Resources, p. 4.5-606 [unarmored threespine stickleback legal status], pp. 4.5-679-681 [life history].) Their naturally limited distribution, declining populations within the species complete historic range that included the Los Angeles, Santa Ana and San Gabriel Rivers (USFWS 2009), as well as known threats to the species, led to the federal listing of unarmored threespine stickleback as an endangered species in October 1970 (35 Federal Register 16047), the state listing in California in June 1971 (Richmond et al. 2014), and the revised recovery plan in 1985 (2010 Final EIR, Section 4.5, Biological Resources, p. 4.5-680.) A long-term standardized unarmored threespine stickleback population assessment within the Upper Santa Clara River, focused on population trends, has never been performed; thus, it is not possible to ascertain whether that population is declining, increasing, or remaining essentially stable. Generally speaking, however, the numbers of unarmored threespine stickleback observed during any single survey effort have been variable, most likely due to the average one-year unarmored threespine stickleback life span and natural annual population variability, stochastic weather patterns (random, high weather variation) and dynamic habitat conditions in the Santa Clara River. The commenter is directed to the 2009 5-Year Review Report on Unarmored Threespine Stickleback for a more complete description of the species range:

"Currently, the UTS are restricted to the upper Santa Clara River and its tributaries in Los Angeles County, San Antonio Creek on Vandenberg Air Force Base (VAFB) in Santa Barbara County, and the Shay Creek vicinity in San Bernardino County (Moyle 2002). A small, transplanted population of the UTS may exist outside the native range in upper San Felipe Creek, a tributary to the Salton Sea, San Diego County (Moyle 2002). The UTS were transplanted to San Felipe Creek from Soledad Canyon in 1972, 1973, and again in 1981(Swift et al. 1993, Service in litt. 2008a); however, the current status of this population or whether it still exists is unknown at this time (Service in litt. 2008a)."

Because the comment does not raise issues as to the adequacy of the Draft AEA, no further response is required.

## Comment No. 035-16:

Just recently it was found by the U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, and Los Angeles County that the population of Unarmored Threespine Stickleback in the Bouquet Canyon reach has been lost, as this population has been hybridized with another Stickleback species. (See attachments provided on CD and County of Los Angeles Department of Public Works Notice of Intent to Adopt a Mitigated Negative Declaration for Bouquet Canyon Creek Restoration Project also provided on the CD attached to this letter.) In addition, the habitat of one of the few remaining locations where Unarmored Threespine Stickleback exists – an upstream reach of the Santa Clara River around Stickleback Movie Ranch located at 9777 Soledad Canyon Rd, Santa Clarita, CA 91390, was just devastated by the July 24, 2016 Santa Clara River "Sand Fire" that burnt over 52 square mile of the Upper Santa Clara River watershed. (See attachments on CD.) During this fire, the Stickleback Movie Ranch and the banks of the Santa Clara River that contain Unarmored Threespine Stickleback were burnt to the ground. It is unknown whether this population has been wiped out by the ash and toxins from the Sand Fire and firefighting effort that have been flushed into the Santa Clara River during rain events in late 2016 and early 2017.

## Response No. 035-16:

The comment states that USFWS, CDFW, and the County of Los Angeles have recently determined that the unarmored threespine stickleback population in the Bouquet Canyon reach "has been lost" due to hybridizing with another stickleback species. The comment then describes the Sand Fire that occurred on July 24, 2016, and states that the fire destroyed the unarmored threespine stickleback habitat near the Stickleback Movie Ranch. According to the comment, it is unknown whether the unarmored threespine stickleback population at this location "has been wiped out by the ash and toxins from the San Fire and firefighting effort that have been flushed into the Santa Clara River during the rain events in late 2016 and early 2017."

The 2016 Sand Fire and its potential impacts on the unarmored threespine stickleback habitat and population near the Stickleback Ranch is not related to the project under review and, therefore, is beyond the scope of the Draft AEA. Unarmored threespine stickleback in Bouquet Canyon Creek is also not related to the project under review and, therefore, is beyond the scope of the Draft AEA. CDFW will consider the comment for the context it provides regarding unarmored threespine stickleback populations within the Santa Clara River as a whole. However, the referenced fire does not pertain to any aspect of the project's modifications evaluated in the Draft AEA.

In addition, because this comment does not raise any issues within the scope of the Draft AEA or relate to a change in the bridge design and construction methods from what was previously considered in the 2010 Final EIR, no further substantive response is required. For further responsive information, please refer to **Topical Response 1: Scope of the Additional Environmental Analysis**.

#### Comment No. 035-17:

All of the aforementioned facts are important and relevant to the Newhall Ranch Draft AEA because, for the first time, the Newhall Ranch Draft AEA indicates that surveys for Unarmored Threespine Stickleback conducted between 2014 – 2015<sup>1</sup> on in the Upper Santa Clara River in the Newhall Ranch Project site from the upstream edge of the Dry Gap to the Old Road found that:

"During the 2014 and 2015 surveys, no unarmored threespine stickleback or other species native to the Santa Clara River were observed in the project area. During the habitat surveys, CDFW observed unarmored threespine stickleback between the Old Road Bridge and the Valencia WRP discharge, upstream of the project area in August 2015."

<sup>1</sup> The Newhall Ranch Draft AEA indicates these surveys were conducted on: 1.) August 2015 (CDFW surveyed for unarmored threespine stickleback habitat at a reconnaissance level in the Santa Clara River, from the Old Road downstream to just below the Valencia WRP discharge. This survey was upstream of the project area); and 2.) "August 19, September 4, and September 5, 2014 and other aquatic surveys were conducted on multiple dates from June 27 to September 1, 2015 (ICF International 2016a)"

#### Response No. 035-17:

The comment states that "the aforementioned facts are important and relevant to the Newhall Ranch Draft AEA because, for the first time, the Newhall Ranch Draft AEA indicates that surveys for Unarmored Threespine Stickleback conducted between 2014-2015 on the Upper Santa Clara River in the Newhall Ranch Project site from the upstream edge of the Dry Gap to The Old Road found that . . . no unarmored threespine stickleback or other species native to the Santa Clara River were observed in the project area." The comment acknowledges that, according to the Draft AEA, surveys "observed unarmored threespine stickleback between the Old Road Bridge and the Valencia WRP discharge, upstream of the project area in August 2015."

This comment does not raise significant new information. While CDFW recognizes that the 2014 and 2015 reconnaissance fish surveys detected no unarmored threespine stickleback in the project reach of the Santa

Clara River, these surveys are not inconsistent with the analysis in the 2010 Final EIR. Prior surveys also showed that, during certain years, unarmored threespine stickleback were not detected in one or more sections of the Santa Clara River within the project area, only to be found in those same areas during surveys conducted in subsequent years. As indicated above, and as discussed in the 2010 Final EIR, unarmored threespine stickleback presence is variable and appears to fluctuate according to changes in environmental conditions (e.g., storm events) (see discussion of unarmored threespine stickleback population assessment in **Response to Comment 09-98**). CDFW assumes presence of unarmored threespine stickleback in the project area.

In addition, the 2014 and 2015 unarmored threespine stickleback surveys represent only two data points and thus are insufficient to support any determination that the species no longer inhabits the project reach of the Santa Clara River. A long-term standardized unarmored threespine stickleback population assessment within the Upper Santa Clara River, focused on population trends, has never been performed. For this reason, the Draft AEA - like the 2010 Final EIR before it - assumes unarmored threespine stickleback presence throughout the project reach of the Santa Clara River; and, as a result, the 2010 Final EIR incorporated, and CDFW adopted, a mitigation strategy that avoids or substantially lessens impacts to unarmored threespine stickleback. (See 2010 Final EIR, Section 4.5, Biological Resources, pp. 4.5-693through 4.5-702.) To assume otherwise (i.e., to assume unarmored threespine stickleback no longer exist within the project reach of the river) would mean that the project would not be capable of affecting the species, even if bridge construction and other work were performed within the wetted channel of the Santa Clara River where unarmored threespine stickleback have been documented in the past. In such case, there would be no need to study the project's impacts on unarmored threespine stickleback. In order to be conservative, CDFW did not make that assumption and, in fact, assumed the opposite. The entire Draft AEA analysis of potential bridge and bank stabilization impacts conservatively presumes, for purposes of the analysis, that unarmored threespine stickleback are in the river at locations near proposed construction sites. Said differently, the Draft AEA presumes unarmored threespine stickleback are present within the wetted channel of the Santa Clara River for the entire reach of the river within the project site where RMDP construction will occur in areas proximate to, but outside of, the wetted channel. The Draft AEA adopts a comprehensive "no water contact" approach to constructing the bridges and bank stabilization, combined with an array of additional protective mitigation measures, to specify that the construction of bridges and bank stabilization within the project is performed consistent with Fish and Game Code section 5515. The Draft AEA concludes that impacts to unarmored threespine stickleback will be less than significant.

#### Comment No. 035-18:

This new information, not available during EIR Certification in 2010, is consistent with the following information Wishtoyo Foundation heard in 2014-2016 from the U.S. Fish and Wildlife Service officials whom were informed of these 2014 – 2015 survey results: That Unarmored Threespine Stickleback are present upstream of the confluence of the Valencia Wastewater Treatment Plant's ("Valencia WTP") discharge to around the Old Road, but it appears likely that Unarmored Threespine Stickleback are no longer present in the Newhall Ranch project area from the Dry Gap to the confluence of the Valencia WTP effluent discharge. Based on the scientific literature regarding Unarmored Threespine Stickleback habitat requirements, Valencia WTP monitoring data of its effluent discharge and the Santa Clara River upstream and downstream of its discharge, and Wishtoyo Foundation monitoring data of the Santa Clara River upstream and downstream of the Valencia WTP effluent discharge, it is apparent that the Valencia WTP effluent discharge is impairing Unarmored Threespine Stickleback habitat and causing adverse survival and reproductive impacts to the Unarmored Threespine Stickleback from the confluence of the Valencia WTP effluent discharge to the Dry Gap due to:

- 1.) the severe increases in temperature (the Valencia WTP is much hotter than the Santa Clara River and levels that are tolerable for UTS survival and reproduction); and
- 2.) increases in the velocity of the River's flow (the millions of gallons per day of Valencia WTP effluent discharge causes the River to move too fast for UTS survival, presence, and reproduction, and eliminates the slow moving water the species needs to be present, survive, and reproduce).

(See data, studies, reports, and information in Attached in CD and discussed below to support all of these assertions.)

## Response No. 035-18:

The comment states that the 2014-2015 unarmored threespine stickleback survey results represents "new information...not available during EIR certification in 2010." The comment also contends that these data are consistent with statements Wishtovo claims to have received USFWS to the effect that "Unarmored Threespine Stickleback are present upstream of the confluence of the Valencia Wastewater Treatment Plant's ('Valencia WTP') discharge to around the Old Road, but it appears likely that the Unarmored Stickleback are no longer present in the Newhall Ranch project area from the Dry Gap to the confluence of the Valencia WTP effluent discharge." The comment claims that these data, when assessed in conjunction with the scientific literature regarding the habitat needs of the unarmored threespine stickleback, demonstrate that the Valencia WTP effluent discharge is impairing unarmored threespine stickleback habitat and causing adverse impacts on unarmored threespine stickleback survival and reproduction. The comment identifies two causes for this impact: (i) increases in the river's water temperature due to discharges from the Valencia WTP into the wetted channel of the river; and (2) increases in flow velocity due to discharges from the Valencia WTP into the river. According to the comment, the WTP effluent raises the river's water temperature to levels that unarmored threespine stickleback cannot tolerate and "causes the River to move too fast for unarmored threespine stickleback survival, presence, and reproduction, and eliminates the slow moving water the species needs to be present, survive, and reproduce." The comment states that the data, studies, reports, and information on which it is relies are included on the CD attached to the comment letter.

First, CDFW recognizes that unarmored threespine stickleback presence is variable and the population fluctuates, and therefore, CDFW assumes presence of unarmored threespine stickleback in the project area. CDFW works closely with USFWS on matters concerning the unarmored threespine stickleback. CDFW provided a copy of the Draft AEA to USFWS. At no time during its various communications with CDFW did USFWS indicate that, in its opinion, unarmored threespine stickleback "are no longer present in the Newhall Ranch project area from the Dry Gap to the confluence of the Valencia WTP effluent discharge." Please refer to **Response to Comment No. 035-15** above for information related to the latest available 5-Year Review Report on unarmored threespine stickleback by USFWS. In any case, as noted above, the Draft AEA assumes unarmored threespine stickleback are present within the wetted channel of the Santa Clara River for the entire reach of the river within the project site where RMDP construction will occur in areas proximate to, but outside of, the wetted channel.

Second, the Valencia WTP (also known as the Valencia WRP) is an existing, fully-operative and permitted facility operated by the Santa Clarita Valley Sanitation District (formerly, Sanitation District Nos. 26 and 32). The Valencia WRP's impacts on the unarmored threespine stickleback, if any, are beyond the scope of the Draft AEA, which limits its evaluation to (i) the project's GHG emissions, and (ii) the project's modified bridge design and construction approach which avoids contact with the wetted channel of the Santa Clara River. Nothing in the comment shows any connection between the project's modified bridge design and construction methods for the bridges and bank stabilization features and the effluent from the upstream Valencia WRP.2 The comment raises an issue that is not related to the change in bridge design or construction methods analyzed in the Draft AEA. Said differently, the discharges from the Valencia WRP (including flow velocity and water temperatures) are not generated by any aspect of the proposed project's modifications evaluated in the Draft AEA. Specifically, the Valencia WRP discharges are not generated by the project's modified design and construction approach with bridges and bank stabilization, which approach is required by, and in response to, the corrective action required by the Supreme Court's decision with regard to unarmored threespine stickleback. In addition, the discharges are not generated by the project's GHG analysis, nor the new mitigation measures reducing the project's GHG impacts to net zero in response to the Supreme Court's decision. Thus, the issues concerning the WRP discharges are issues that were raised or could have been raised in response to the 2010 Final EIR and no further response is required. Nonetheless, for further responsive information, please refer to Topical Response 1: Scope of the Additional

<sup>2</sup> Nor does the comment draw any connection between the project's GHG emissions and the Valencia WRP effluent, and there is no connection.

**Environmental Analysis.** Therefore, the comment is beyond the scope of the AEA and need not be addressed. In any instance, the revised bridge design would likely reduce concerns related to this issue because the project's modified construction approach contemplates construction of the bridges and bank stabilization outside the wetted channel of the Santa Clara River (i.e., outside the receiving water of the WRP discharges), and incorporates numerous other protective measures to require no impact to unarmored threespine stickleback.

Third, the Valencia WRP, an existing facility, operates pursuant to: (i) the 1980 Upper Santa Clara River Basin Facilities Plan, the associated certified EIR, and the 1987 Addendum, and (ii) the 2015 Santa Clarita Valley Joint Sewerage System Facilities Plan and EIR. The time to challenge these previously certified environmental documents has long since passed.

Fourth, the Valencia WRP and its effluent are subject to Waste Discharge Requirements (WDRs) and a National Pollutant Discharge Elimination System (NPDES) permit (Order R4-2015-0071; NPDES No. CA0054216; "NPDES permit"), effective May 3, 2015. The Los Angeles Regional Water Quality Control Board (LARWCB) adopted the NPDES permit pursuant to the California Water Code (commencing with section 13260) and section 402 of the federal Clean Water Act. The Valencia WRP WDRs identify several designated beneficial uses for the Santa Clara River that protect aquatic species, such as unarmored threespine stickleback. The designated beneficial uses for the Santa Clara River in the vicinity of the Valencia WRP that are protective of unarmored threespine stickleback are as follows: rare, threatened, or endangered species (RARE); warm freshwater habitat (WARM), wildlife habitat (WILD), and wetland habitat (WET). The discharge permit reflects a consideration of the protection of those beneficial uses that are applicable to aquatic species in the river, such as the unarmored threespine stickleback, with specific prohibition on any discharge that causes impairment of any of these designated beneficial uses. Thus, the time to challenge the NPDES permit itself has long passed.

Fifth, in the 2010 Final EIR, CDFW assessed the project's cumulative impacts on the Santa Clara River and the wildlife species that rely on it. This analysis took into account the current and ongoing effluent discharges from the Valencia WRP, treating them as a component of existing conditions. The 2010 Final EIR determined that the project's cumulative impacts on the hydrology of the river would be less than significant. Likewise, the 2010 Final EIR determined that the project's cumulative impacts on unarmored threespine stickleback habitat would be less than significant. Neither Wishtoyo nor any other party challenged these determinations during the EIR review process or during the subsequent litigation. Thus, the issue cannot be raised now, as it does not relate to the limited set of issues covered in the current Draft AEA. Therefore, the comment is beyond the scope of the AEA and need not be addressed. For further responsive information regarding the scope of the Draft AEA, please refer to **Topical Response 1: Scope of the Additional Environmental Analysis**.

## Comment No. 035-19:

Considering the information about the rapidly disappearing limited habitat for the Unarmored Threespine Stickleback and its fragile and declining populations that have come to light after CDFW certification of the project EIR in 2010 (see above and the documents in the attached CD); the new information in the Newhall Ranch Draft AEA discovered in 2014 and 2015 regarding the lack of presence of the Unarmored Threespine Stickleback downstream of the Valencia WTP; the fact that the Proposed Newhall Ranch Wastewater Treatment Plant ("Proposed Newhall POTW2") part of this project will constantly discharge millions of gallons of effluent during the wet season that will increase the velocity of the Santa Clara River thereby further degrading Unarmored Threespine Stickleback habitat; and the fact that the Newhall Ranch Wastewater Treatment Plant will discharge millions of gallons of effluent baking in the hot Santa Clarita Valley at levels that are much hotter than the Santa Clara River's natural temperature (and hotter than suitable for the Unarmored Threespine Stickleback) thereby further degrading Unarmored Threespine Stickleback habitat, it is essential that CDFW:

- <sup>2</sup> The EIR identifies this as the "Newhall Ranch WRP" or Newhall Ranch Water Reclamation Plant. The Newhall Ranch WRP is the "Proposed Newhall POTW" or Proposed Newhall Publically Owned Treatment Works.
- 1.) prepare a revised or supplemental EIR that fully examines and analyzes the impacts of the Proposed Newhall POTW on the Unarmored Threespine Stickleback and its habitat from the water temperature and flow velocity increases in the Santa Clara River caused by the Proposed Newhall POTW; and
- 2.) approves a revised or supplemental EIR that contains velocity and temperature protections from the Proposed Newhall POTW consistent with California's Fully Protected Species statute that protects and allows for the restoration of Unarmored Threespine Stickleback from the discharge point of the Proposed Newhall POTW downstream to the Dry Gap.

# Response No. 035-19:

The comment states that, in light of (i) the information about the "rapidly disappearing limited habitat for the Unarmored Threespine Stickleback and its fragile and declining populations that have come to light after prior CDFW certification of the project EIR;" (ii) the "new information in the Newhall Ranch Draft AEA discovered in 2014 and 2015" regarding the absence of stickleback downstream of the Valencia WRP; (iii) the fact that "the Proposed Newhall Ranch Wastewater Treatment Plant . . . part of this project will constantly discharge millions of gallons of effluent during the wet season that will increase the velocity of the Santa Clara River thereby further degrading Unarmored Threespine Stickleback habitat"; and (iv) "the fact that the Newhall Ranch Wastewater Treatment Plant will discharge millions of gallons of effluent baking in the hot Santa Clarita Valley at levels that are much hotter than the Santa Clara River's natural temperature (and hotter than suitable for the unarmored threespine stickleback) thereby further degrading Unarmored Threespine Stickleback habitat," CDFW must:

- 1. "prepare a revised or supplemental EIR that fully examines and analyzes the impacts of the Proposed Newhall POTW on the Unarmored Threespine Stickleback and its habitat from the water temperature and flow velocity increases in the Santa Clara River caused by the Proposed Newhall POTW;" and
- 2. "approve a revised or supplemental EIR that contains velocity and temperature protections from the Proposed Newhall POTW consistent with California's Fully Protected Species statute that protects and allows for the restoration of Unarmored Threespine Stickleback from the discharge point of the Proposed Newhall POTW downstream to the Dry Gap."

CDFW does not concur with the above comments for the following reasons:

First, the Newhall Ranch Wastewater Reclamation Plant – sometimes known as the Newhall Ranch publicly-owned treatment works (POTW) or the Newhall Ranch WRP – was approved by the County of Los Angeles as part of the Newhall Ranch Specific Plan pursuant to a project-level EIR certified by the County in 2003. Thus, no further review of the Newhall Ranch WRP is required; and any challenge to the Newhall Ranch WRP or its underlying certified EIR is time-barred.

Second, because the County already approved the Newhall Ranch WRP, it is not part of the proposed project now under consideration and review by CDFW in the Draft AEA.

Third, the Newhall Ranch WRP and its effluent – like the Valencia WRP – are subject to WDRs and a NPDES permit (Order R4-2013-0180; NPDES No. CA0064556; "NPDES permit"), effective February 1, 2014. The Los Angeles Regional Water adopted the NPDES permit pursuant to the California Water Code (commencing with section 13260) and section 402 of the federal Clean Water Act. The Newhall Ranch WRP WDRs identify several designated beneficial uses for the Santa Clara River that protect aquatic species, such as unarmored threespine stickleback. The designated beneficial uses for the Santa Clara River in the vicinity of the Newhall Ranch WRP protective of unarmored threespine stickleback are as follows: rare, threatened, or endangered species (RARE); warm freshwater habitat (WARM), wildlife habitat (WILD), and wetland habitat

(WET). The discharge permit reflects a consideration of the protection of those beneficial uses that are applicable to aquatic species in the river, such as the unarmored threespine stickleback, with specific prohibition on any discharge that causes impairment of any of these designated beneficial uses. Discharge limitations go so far as to require protection of the natural hydrologic conditions necessary to support the physical, chemical, and biological characteristics present in wetlands to prevent significant adverse effects on: (a) natural temperature, pH, dissolved oxygen, and other natural physical and chemical conditions; (b) movement of aquatic fauna; (c) survival and reproduction of aquatic flora and fauna; and (d) water levels. The time to challenge the Newhall Ranch WRP NPDES permit is long-passed.

Fourth, the Newhall Ranch WRP will discharge treated effluent to the Santa Clara River only during the wet season when discharges will be diluted by existing flow in the Santa Clara River. No discharge to the Santa Clara River will occur during the dry season. As described previously, the effects of the Newhall Ranch WRP were analyzed in the project-level EIR for the Newhall Ranch Specific Plan, which was certified by the County in 2003. Further, the 2010 EIR analyzed potential effects of discharge by operation of the Newall WRP and concluded that no significant impacts to unarmored threespine stickleback would occur.

Fifth, the Newhall Ranch WRP and the effect of its future effluent on unarmored threespine stickleback are beyond the scope of the Draft AEA, which is limited to (i) the proposed project's GHG emissions, and (ii) impacts associated with the proposed "no water contact" approach to constructing bridges and installing bank stabilization. Neither of these two issues affects, or is implicated by, the Newhall Ranch WRP.

Sixth, the 2010 Final EIR, when it evaluated the proposed project's cumulative impacts on the hydrology and biology of the Santa Clara River, took into account the future effluent discharges from the Newhall Ranch WRP. The 2010 Final EIR determined that the proposed project's contribution to such impacts, including those on unarmored threespine stickleback, would be less than cumulatively considerable. Neither Wishtoyo nor any other party challenged that determination during the 2010 EIR review process. Nor did any party challenge that determination during the subsequent litigation. Thus, the claim is barred from further consideration.

For these reasons, CDFW declines Wishtoyo's request for a "revised or supplemental EIR" that addresses the Newhall Ranch WRP's water temperature and flow velocity impacts on the unarmored threespine stickleback. CDFW also declines Wishtoyo's request to impose "velocity and temperature protections" on the Newhall Ranch WRP.

#### Comment No. 035-20:

Based on the increases in velocity from the Valencia WTP, it appears that a prohibition of any discharge from the Proposed Newhall POTW is consistent with California's Fully Protected Species statute. However if science conclusively demonstrates some small discharge can occur from the Proposed Newhall POTW that will not impact the velocity of river flows downstream of the Proposed Newhall POTW so as to impact the Unarmored Threespine Stickleback's ability to survive, utilize, and be present downstream of the Proposed Newhall POTW's discharge, the effluent discharge from the Proposed Newhall POTW must be cooled prior to discharge to a level equivalent to the naturally occurring temperatures of the River and that are suitable for Unarmored Threespine Stickleback.

# Response No. 035-20:

The comment states that, "[b]ased on the increases in velocity from the Valencia WTP, it appears that a prohibition of any discharge from the Proposed Newhall POTW is consistent with California's Fully Protected statute." The comment then contends that even if "some small discharge can occur" from the Newhall Ranch WRP without affecting the velocity of the river flows or the unarmored threespine stickleback, the effluent from the WRP must nevertheless "be cooled prior to discharge to a level equivalent to the naturally occurring temperatures of the River and that are suitable for unarmored threespine stickleback.

As pointed out in **Response to Comment Nos. 035-18** and **035-19**, above, the Newhall Ranch WRP, including its effluent, is regulated under an existing and valid NPDES permit issued by the Los Angeles Regional Board.

In addition, CDFW notes that the comment provides no evidence that the amount of effluent discharged from the Valencia WRP into the Santa Clara River is beyond its facility permitted flow of 21.6 mgd. The Newhall Ranch WRP, when it becomes operational, will discharge on average approximately 0.6 mgd during the wet season and will not release any discharge to the Santa Clara River during the dry season. The discharge amount to the Santa Clara River represents less than 1 percent of the river's average wet season flow (2010 Final EIR Section 4.4, p. 4.4-114). Also, because the Newhall Ranch WRP will only discharge to the river when reclaimed water demand is low, which will be during wet conditions when flows are elevated above natural base flow conditions, any effects to the reproductive development, behavior, and success of unarmored threespine stickleback will be avoided. Unarmored threespine stickleback do not typically spawn under wet season conditions (i.e., elevated base flows and colder water temperatures). During dry, low flow years, the demand for reclaimed water is high, precluding the need to discharge water to the Santa Clara River during these conditions.

The comment does not provide evidence of any connection between the Draft AEA's GHG analysis or the modified bridge design and construction methods to avoid impacts to unarmored threespine stickleback, and the Valencia WRP's discharges, flow rates, or discharge temperatures. As discussed in **Response to Comment No. 035-14**, because the comment does not raise issues regarding the adequacy of the Draft AEA, no further response is required.

#### **Comment No. 035-21:**

Below are comments that in addition to the studies, documents, and data on the CD attached to this letter, provide more information as to the temperature and flow velocity impacts from the Proposed Newhall POTW that must be studied and prevented.

#### Response No. 035-21:

The comment alerts CDFW that what follows is more information as to the temperature and flow velocity impacts from the proposed Newhall Ranch WRP.

As the comment is an introduction to further comments to follow, and because it raises no substantive issue with regard to the adequacy of the Draft AEA, no further response is required.

#### Comment No. 035-22:

Additional Comments Providing More Information as to the Temperature and Flow Velocity Impacts to UTS from the Proposed Newhall POTW that must be Studied and Prevented

1.) UTS Temperature Impacts (see all studies, information and data in the attached CD)

The USFWS 5 Year Review provides that high rates of mortality are likely to occur in situations where water temperature is increasing rapidly or when temperatures exceed the critical thermal maximum, and that Feldmeth and Baskin (1976) and Baskin (1975) found that UTS have a moderate tolerance (critical thermal maximum of 30.5 degrees Celsius (86.9 degrees Fahrenheit)) when acclimated at 8 degrees Celsius (46.4 degrees Fahrenheit) and a critical thermal maximum of 34.6 degrees Celsius (94.3 degrees Fahrenheit) when acclimated at 22.7 degrees Celsius (72.8 degrees Fahrenheit).

#### Response No. 035-22:

The comment introduces additional comments regarding the potential for the Newhall Ranch WRP to adversely affect unarmored threespine stickleback due to effluent-related increases in the temperature and velocity of the Santa Clara River. Specifically, the comment provides data from USFWS 5-Year Review of the unarmored threespine stickleback indicating that "high rates of mortality are likely to occur in situations

where water temperature is increasingly rapidly or when temperatures exceed the critical thermal maximum." The comment then states that "Feldmeth and Baskin (1976) and Baskin (1975) found that unarmored threespine stickleback have a moderate tolerance (critical thermal maximum of 30.5 degrees Celsius (86.9 degrees Fahrenheit)) when acclimated at 8 degrees Celsius (46.4 degrees Fahrenheit) and a critical thermal maximum of 34.6 degrees Celsius (94.3 degrees Fahrenheit) when acclimated at 22.7 degrees Celsius (72.8 degrees Fahrenheit)."

As discussed in **Response to Comment No. 035-14**, because this comment does not raise any issues as to the adequacy of the Draft AEA or relate to a change in the project bridge design or construction method from what was previously considered in the 2010 Final EIR, no further response is required. Moreover, to the extent that this comment relates to Wishtoyo's concerns expressed in **Comment Nos. 035-18**, **035-19**, and **035-20** regarding effluent released from the Newhall Ranch WRP, **Responses to Comment Nos. 035-18**, **035-19**, and **035-20** above, the Newhall Ranch WRP including its effluent is regulated under an existing and valid NPDES permit issued by the Los Angeles Regional Board and would be operated differently than the Valencia WRP (see **Response to Comment No. 0-35-20**). Moreover, the issues concerning the Newhall Ranch WRP discharges are issues that were raised or could have been raised in response to the 2010 Final EIR; and, for further responsive information, please refer to **Topical Response 1: Scope of the Additional Environmental Analysis**. Nonetheless, the following response is included for information purposes:

CDFW is aware of and has assessed the USFWS 5-Year Review for unarmored threespine stickleback, the Feldmeth and Baskin (1976) study, and the Baskin (1975) study. CDFW agrees that the comment accurately reproduces the critical thermal maximums described in Feldmeth and Baskin (1976) and in Baskin (1975). As these benchmarks show, the critical thermal maximum shifts according to the "acclimation" temperature used in the study. When the acclimation temperature is low (e.g., 46.4 degrees Fahrenheit³), the critical thermal maximum is 86.9 degrees; but when that acclimation temperature is higher (e.g., 72.8 degrees), the critical thermal maximum also goes up (e.g., to 94.3 degrees).

It is important to note, however, that the table on page five of the Wishtoyo comment letter includes point temperature data from above and below the Valencia WRP. It is unknown if these were collected at a single time during the day, as collection times were not provided. A natural fluctuation in river temperature would be expected throughout the day, with maximum temperatures typically occurring in the afternoon. Furthermore, these data were also collected above and below the Valencia WRP, representing temperatures at those locations only, and may not represent water temperatures downstream at the proposed Newhall Ranch WRP, especially since the discharge rate and timing of discharge are vastly different than that of the Valencia WTP. See **Response to Comment No. 09-98** for discussion of the Newhall Ranch WRP discharge.

It should also be noted that the critical thermal maximums were determined in laboratory conditions. Baskin (1975) conducted a study on the upper Santa Clara River that was partially focused on thermal and oxygen tolerances of unarmored threespine stickleback in the laboratory. The study authors found that water temperatures in study pools ranged between 64.7 and 84.9 degrees and were well within the tolerance limits determined in the laboratory of 86 degree maximum. Feldmeth and Baskin conducted a similar study and developed Critical Thermal Maxima's (CTM) between 86.9 degrees when acclimated to 46.4 degrees and a CTM of 94.3 degrees when acclimated to 72.8 degrees. Critical Thermal Maximum (CTM) studies like Baskin (1975) and Feldmeth and Baskin (1976) are important in evaluating and understanding what effects upper and lower thermal tolerances can have on fish and what those thermal endpoints are. However, these studies do have limitations and do not account for the reactive behavior fish will take when they encounter adverse conditions. Fish in the wild will seek refuge, when available, from adverse conditions when they occur. Animals used in these studies do not have the advantage to escape these adverse conditions. One disadvantage of CTM procedures is that they cannot account for exposure time and potentially un-realistic rates of temperature increase (Shultz and Bertrand 2011).

Irrespective of the applicability of these Critical Thermal Maxima to the Newhall Ranch WRP discharge, when CTMs are applied to the water temperatures measured by Wishtoyo at the Valencia WRP, as summarized in

<sup>&</sup>lt;sup>3</sup> All temperatures from this point forward will be presented in Fahrenheit.

the table on page 5 of the Wishtoyo letter, it can be demonstrated that the water temperature of the Santa Clara River downstream of the Valencia WRP effluent discharge is below the critical thermal maximum for unarmored threespine stickleback at both the 46.4 degree acclimation benchmark and the 72.8 degree acclimation benchmark.

This can be shown using Wishtoyo's data (which has not been verified). The table on page 5 of the comment letter indicates that Wishtoyo's temperature measurements of the Santa Clara River, upstream of the Valencia WRP discharge, range between 61.5 degrees and 72.3 degrees, which means unarmored threespine stickleback would be "acclimated" at temperatures slightly below the 72.8-degree acclimation baseline discussed in Feldmeth and Baskin (1976) and Baskin (1975). This baseline generates a critical thermal maximum for unarmored threespine stickleback of 94.3 degrees. As shown in Wishtoyo's table, Wishtoyo's water temperature measurements of the River downstream of the WRP discharge range from 74.3 to 84 degrees, well below the critical thermal maximum.

Even if one were to assume the much lower acclimation temperature baseline of 46.4 degrees – i.e., an inriver water temperature more than 14 degrees below the lowest in-river temperature actually recorded by Wishtoyo (61.5 degrees) – the post-Valencia WRP discharge water temperature in the Santa Clara River, as recorded by Wishtoyo, would still be below the critical thermal maximum described in Feldmeth and Baskin (1976) and Baskin (1975). Specifically, with an assumed acclimation temperature of 46.4 degrees, the critical thermal maximum, according to Feldmeth and Baskin, is 86.9 degrees Fahrenheit. However, the highest in-river temperature recorded by Wishtoyo downstream of the Valencia WRP was 84 degrees Fahrenheit, nearly 3 degrees below the critical thermal maximum. Thus, the analysis of Wishtoyo's water temperature readings shows that Wishtoyo's data do not support their conclusion that effluent from the Valencia WRP is causing the water temperature in the Santa Clara River to reach critical thermal maximums for unarmored threespine stickleback.

#### Comment No. 035-23:

In addition Baskin 2000 (see attached CD) and Page 3 of October 19, 2016 letter from CDFW's Tim E. Hovey to Betty Courtney provides:

Aquatic vegetation is required by unarmored threespine stickleback to build nests. Nest building and breeding begins as soon as the water warms in April and continues through July. Once the eggs are laid, the embryos hatch in 6 to 8 days at 18 - 20 degrees Celsius (64.4 – 68 degrees Fahrenheit). CDFW evaluation of the species life history determined instream flows, habitat, water quality and velocity are important factors to the subsistence of unarmored threespine stickleback.

# Response No. 035-23:

The comment reproduces an excerpt from a letter, dated October 19, 2016, from Tim E. Hovey (of CDFW) to Betty Courtney (also of CDFW), which describes the habitat conditions that unarmored threespine stickleback require to build nests and hatch eggs. The letter excerpt indicates that environmental conditions such as instream flows, habitat, water quality, and velocity should be evaluated as they are "important factors to the subsistence of unarmored threespine stickleback."

CDFW has reviewed and considered Mr. Hovey's letter. The excerpt set forth in the comment accurately reproduces a portion of that letter. As neither the comment nor the excerpt raises issues as to the adequacy of the Draft AEA, no further response is required.

## Comment No. 035-24:

Wishtoyo Foundation and its Ventura Coastkeeper Program's Watershed Monitoring Program Temperature Field Results<sup>3</sup> investigating the impacts of the Valencia WTP effluent discharge on Santa Clara River water temperature are as follows:

<sup>3</sup> Wishtoyo Foundation and its Ventura Coastkeeper Program monitor in accordance with a Quality Assurance Quality Control Plan approved by the State Water Resources Control Board (see attached CD), and calibrated its thermometers used to collect this data with a NIST Traceable Calibrated Thermometer calibrated to the following 5 calibration points 0, 15, 25, 30, 40 Degrees Celsius.

Date	Location	Degrees C	Degrees F	Location	Degrees C	Degrees F	Change Degrees C	Change Degrees F
3/20/14	RU1	17.9	64.2	RD1	23.5	74.3	5.6	10.1
5/27/14	RU1	21.5	70.7	RD1	26.8	80.2	5.3	9.5
6/2/14	RU1	21.9	71.4	RD1	26.5	79.7	4.6	8.3
6/23/14	RU1	21.0	69.8	RD1	27.5	81.5	6.5	11.7
8/22/14	RU1	22.4	72.3	RD1	28.9	84.0	6.5	11.7
11/22/14	RU1	16.4	61.5	RD1	25.5	77.9	9.1	16.4
5/26/15	RU1	19.0	66.3	RD1	25.6	78.1	6.6	11.8

RU1 is located 300 feet Upstream of the Confluence of the Santa Clara River with the Valencia WTP Effluent Discharge

RD1 is located 300 feet Downstream of the Confluence of the Santa Clara River with the Valencia WTP Effluent Discharge

The monitoring data collected by Wishtoyo Foundation, the monitoring data collected by the Valencia WTP from 2010 – 2014 (see attached CD), the monitoring data collected by the Valencia WTP from 2014 to the present available from the Los Angeles Regional Water Quality Control Board and Los Angeles County (the Valencia WTP owner and operator), the scientific literature in the attached CD, the findings in the Newhall Ranch Draft AEA, the analysis of the Proposed Newhall POTW in the 2010 EIR, indicate that:

- a.) By drastically increasing the temperature the Santa Clara River downstream of the confluence of the Valencia WTP discharge and the Santa Clara River, the Valencia WTP discharge is creating a temperature barrier to UTS migration thereby precluding the UTS from repopulating the Santa Clara River downstream of the Valencia WTP and proposed Newhall POTW. The Proposed Newhall POTW will have the same effects downstream of its confluence with the Santa Clara River to the Dry Gap.
- b.) By drastically increasing the temperature the Santa Clara River downstream of the confluence of the Valencia WTP discharge and the Santa Clara River, the Valencia WTP discharge is altering the temperature in the Santa Clara River in a manner that results in the Santa Clara River approaching the critical thermal maximum temperature for UTS that may result in mortality or other adverse effects to the UTS. The Proposed Newhall POTW will have the same effects downstream of its confluence with the Santa Clara River to the Dry Gap.
- c.) By drastically increasing the of temperature the Santa Clara River downstream of the confluence of the Valencia WTP discharge and the Santa Clara River, the Valencia WTP discharge is altering the temperature in the Santa Clara River in a manner that results in changes in the normal embryo hatch rate that may be detrimental to the species' reproductive efforts and abilities. The Proposed Newhall POTW will have the same effects downstream of its confluence with the Santa Clara River to the Dry Gap.

#### Response No. 035-24:

The comment provides a table reflecting the seven sets of water temperature readings taken by Wishtoyo between March 20, 2014 and May 26, 2015. The water temperature readings were taken at one location upstream of the Valencia WRP discharge point (RU1) and at one location downstream of the WRP discharge point (RD1). According to the comment, these water temperature data, along with: (i) data maintained by the Los Angeles RWQCB and the County of Los Angeles, (ii) the technical literature provided in Wishtoyo's CD, and (iii) the 2010 Final EIR's analysis of the Newhall Ranch WRP indicate that the Valencia WRP is "drastically increasing the temperature" of the Santa Clara River downstream of the WRP effluent discharge point, thereby creating a "temperature barrier to UTS migration" and "precluding the UTS from repopulating the Santa Clara River downstream of the Valencia WTP and the proposed Newhall POTW."

The comment states that the Newhall Ranch WRP "will have the same effects downstream of its confluence with the Santa Clara River to the Dry Gap." The comment also indicates that the Valencia WRP discharges are "altering the temperature in the Santa Clara River in a manner that results in the Santa Clara River approaching the critical maximum temperature for UTS," which may lead to mortality and other adverse effects on the species. The comment claims that the proposed Newhall Ranch WRP will have the same impacts. Finally, the comment contends that the Valencia WRP effluent discharges increase the water temperature "in a manner that results in changes in the normal embryo hatch rate" for unarmored threespine stickleback, which "may be detrimental to the species' reproductive efforts and abilities. The comment claims the Newhall Ranch WRP will have the same impact on unarmored threespine stickleback "downstream of its confluence with the Santa Clara River to the Dry Gap."

As discussed in **Response to Comment No. 035-14**, this comment raises issues beyond the scope of the Draft AEA, which scope is limited to GHG emissions and modified bridge design and construction methods to protect unarmored threespine stickleback. Said differently, the comment raises issues unrelated to the project's GHG emissions and/or the proposed "no water contact" methodology to bridge and bank stabilization construction. Instead, the comment focuses on the Valencia WRP, the Newhall Ranch WRP, and the potential for plant discharges to alter the temperature of the Santa Clara River, thereby affecting unarmored threespine stickleback. As such, no further response is required. Nevertheless, the following response is included for informational purposes:

As stated above in **Response to Comment No. 035-18**, the Valencia WRP is an existing, operating plant with its own NPDES permit issued by the LARWQCB. It is not a part of the proposed project currently under review.

To the extent that the comment claims the as-yet-unbuilt Newhall Ranch WRP will have similar adverse effects on water temperature and unarmored threespine stickleback viability, CDFW provides the same response it provided above with respect to the Valencia WRP. Impacts from the Newhall Ranch WRP are beyond the scope of the AEA. The Newhall Ranch WRP is not part of the proposed project. The Newhall Ranch WRP was approved by the County in 2003 pursuant to a project-specific EIR, which the County certified in 2003. Neither the Newhall Ranch WRP nor its EIR may be challenged at this point in time. Like the Valencia WRP, the Newhall Ranch WRP is also regulated by its own NPDES permit issued by the LARWQCB. That permit has been in place since February 2014; and it, too, is no longer subject to challenge. The discharge rate and timing of discharge at the proposed Newhall Ranch WRP are vastly different than that of the Valencia WRP. See **Response to Comment No. 09-98** for discussion of the Newhall Ranch WRP discharge.

With respect to the comment's substantive claims, the evidence does not support Wishtoyo's position that the Valencia WRP's effluent discharge is (i) creating a "temperature barrier" to unarmored threespine stickleback migration, (ii) causing the Santa Clara River to approach a critical thermal maximum for unarmored threespine stickleback, and/or (iii) altering the temperature of the Santa Clara River in a manner that adversely affects unarmored threespine stickleback embryo hatch rates or other aspects of the species' breeding behavior.

Wishtoyo's water temperature data do not provide a sufficient technical basis for any of these three claims. In fact, none of the data presented in Wishtoyo's table provides a reliable basis for determining whether the Valencia WRP is causing substantial changes in the water temperature of the river.

First, Wishtoyo's water temperature table data do not show that in-river water temperatures downstream of the Valencia WRP discharge point are creating a "temperature barrier" or causing the Santa Clara River to approach the critical maximum temperature for unarmored threespine stickleback.

Second, the sample size – 7 sets of temperature readings over the span of 14 months – is very small, given that the Permittee – the Santa Clarita Valley Sanitation District – is required under its NPDES permit to take and report temperature readings on a weekly basis.

Third, water temperature readings, to be biologically relevant, must be provided in context as to the time of day, as ambient air temperatures influence the water temperature readings; Wishtoyo's comment letter does not discuss the time of day when measurements were collected.

Fourth, as shown in **Response to Comment No. 035-22**, above, Wishtoyo's data do not establish that the Santa Clara River, downstream of the Valencia WRP discharge points, is reaching the critical thermal maximum for unarmored threespine stickleback. To the contrary, they show that the river's water temperature downstream of the discharge point is below the lowest critical thermal maximum of 86.9 degrees (Feldmeth and Baskin [1976] and Baskin [1975]). Furthermore, the Valencia WRP has a discharge limit of 86 degrees, except as a result of external ambient temperatures. To CDFW's knowledge, the Valencia WRP has been and still is in compliance with this discharge limitation.

For these reasons, Wishtoyo's data are insufficient to support its claim that the Valencia WRP is altering the temperature of the Santa Clara River in a manner that precludes unarmored threespine stickleback from completing key stages of its life history. For these same reasons, and because the Newhall Ranch WRP will operate differently than the Valencia WRP, Wishtoyo's data are insufficient to support its claim that the Newhall Ranch WRP, when constructed and made operational, will alter the temperature of the Santa Clara River in a manner that will preclude unarmored threespine stickleback from completing key stages of its life history or prevent unarmored threespine stickleback from dispersing downstream.

# **Comment No. 035-25:**

# 2.) UTS Velocity Impacts

The USFWS Recovery Plan provides that UTS builds its nests only in microhabitat with slow or negligible water flow and within pools containing well established vegetation and a gentle current. (see attached CD).

Baskin 2000 (see attached CD) provides:

Two features of the stickleback's habitat appear to be essential for the survival of the young. First a slow flow of clear water is necessary for the proper development of the eggs. Any form of pollution or even small amounts of turbidity may interfere with normal development. Second, once the fry emerge, aquatic vegetation must be present along the shoreline to supply cover and abundant microscopic food organisms.

Page 3 of October 19, 2016 letter from CDFW's Tim E. Hovey to Betty Courtney provides:

"[Unarmored threespine stickleback] require specific habitat conditions to support a healthy and reproductive population. Unarmored threespine stickleback prefer shallow, quiet water with weedy pools, water behind obstructions, and backwaters surrounded by emergent vegetation at stream edges over bottoms of gravel, sand and mud. The water quality [turbidity] should be sufficiently clear for aquatic vegetation to grow. Aquatic vegetation is required by unarmored threespine stickleback to build nests. Nest building and breeding begins as soon as the water warms in April and continues through July..... CDFW evaluation of the species life history determined instream flows, habitat, water quality and velocity are important factors to the subsistence of unarmored threespine stickleback.

Pages 3-6 to 3-7 of the Newhall Ranch Draft AEA provides:

Unarmored threespine stickleback prefers slow-moving and standing water, usually shaded by dense and abundant vegetation. In more open reaches, algal mats or instream structures such as boulders or large woody debris provide refuge for the species. Similar to other threespine stickleback species, male unarmored threespine sticklebacks build a nest in slow-moving water, by gluing together bits of vegetation, such as grass and sticks, using a kidney-secreted protein, and will vigorously defend the established nest territory. Unarmored threespine stickleback may breed throughout the year, with less breeding occurring from October to January (USFWS 2009). Typically, unarmored threespine

stickleback breed in spring to early summer and they are not likely to have eggs in August and September (Tim Hovey, pers. comm., 2016). Unarmored threespine stickleback are not distributed uniformly throughout the rivers in which they occur and breeding habitat is patchily distributed (USFWS 2009). The amount of suitable breeding habitat may be a limiting factor in the population of the unarmored threespine stickleback (USFWS 2009).

#### And that:

A study in a laboratory setting indicated that threespine stickleback can withstand flow velocities of less than or equal to 60 centimeters per second (cm/s), which equates to 2 feet per second (fps), provided a coarse substrate is present (Whoriskey and Wooton 1987.).

# Response No. 035-25:

The comment provides information from the USFWS's Recovery Plan for Unarmored Threespine Stickleback and other technical documents, including the Draft AEA, which indicates that unarmored threespine stickleback, for nesting and other life history stages, require a habitat with clear, slow moving water (i.e., less than 2 fps), often within pools or behind obstructions, that is shaded by abundant vegetation. These same technical documents indicate that unarmored threespine stickleback are not distributed uniformly throughout the river and that breeding habitat is "patchily distributed."

CDFW is aware of the information provided in the comment and used this information in its Draft AEA and prior 2010 Final EIR. Because the comment does not raise any issue as to the adequacy of the Draft AEA, no further response is required.

## Comment No. 035-26:

As demonstrated in the photos taken, flow measurements recorded, and velocity measurements recorded by Wishtoyo Foundation and its Ventura Coastkeeper Program's Watershed Monitoring Program, all of which are provided in Appendix A to this letter<sup>4</sup>, and as demonstrated by the monitoring data recorded by the Valencia WTP<sup>5</sup>, the discharge of up to 21.6 million gallons per day of effluent from the Valencia WTP drastically increases the velocity of the Santa Clara River downstream of the confluence of the Valencia WTP effluent discharge and the Santa Clara River, thereby degrading unarmored threespine stickleback habitat by eliminating slow gentle moving water, standing water, and pools all the way to the Dry Gap.

- <sup>4</sup> Wishtoyo Foundation and its Ventura Coastkeeper Program monitor in accordance with a Quality Assurance Quality Control Plan approved by the State Water Resources Control Board (see attached CD), use the Ventura Coastkeeper River Flow Measurement Method to record and determine flow and velocity (see VCK Flow Method in attached CD).
- <sup>5</sup> See attached CD for 2010 2014 flow data for the discharge and for the Santa Clara River upstream and downstream of the confluence of the Valencia WTP and the Santa Clara River; The Los Angeles Regional Water Quality Control Board and Los Angeles County have this information readily available for 2014 to the present.)

Specifically, as can be demonstrated simply by looking at the photos in Appendix A, but also by examining the velocity and flow measurements in Appendix A, the high velocity flows in the Santa Clara River created by the Valencia WTP discharge, and the Proposed Newhall POTW discharge of millions of gallons per day of effluent during the wet season that will contribute to and increase the velocity of flows, will:

- 1.) substantially reduce and or eliminate slow flow of water necessary for UTS breeding and nest building downstream of the Proposed Newhall POTW discharge, thereby degrading UTS breeding and nesting habitat;
- 2.) substantially reduce and or eliminate slow flow of clear water necessary for the proper development of UTS eggs downstream of the Proposed Newhall POTW discharge;

- 3.) substantially reduce and or eliminate slow-moving and standing water the UTS desire to reside and reproduce in within the Santa Clara River downstream of the Proposed Newhall POTW discharge; and
- 4.) create River migration barriers downstream of the Proposed Newhall POTW discharge precluding the UTS from repopulating and accessing their habitat and maintaining their gene pools.

# Response No. 035-26:

The comment states that photos taken by Wishtoyo (and attached to the comment letter), along with velocity flow measurements made by Wishtoyo and its Ventura Coast Keeper's Watershed Monitoring Program, show that discharges from the Valencia WRP "drastically increase[d] the velocity of the Santa Clara River" downstream, "thereby degrading UTS habitat by eliminating slow gentle moving water, standing water, and pools all the way to the Dry Gap."

As an initial matter, as stated above, the comment raises issues beyond the scope of the Draft AEA and addresses WRP discharges that are regulated by existing NPDES. In short, the comment relates to ongoing activities of an existing, fully permitted water treatment facility that is not part of the proposed project. Consequently, no further response is required.

Nevertheless, CDFW notes that the photographs attached to the comment letter do not support the claims made in the comment. For example, the photographs are limited to only three of the seven recording events; and from the photographs, it appears that these three flow velocity measurements were taken only in the center of the channel. It is unknown if velocity measurements were taken along the edges or margins of the stream flow.

As to future flows from the Newhall Ranch WRP, it should be noted that the Santa Clara River is "flashy," with highly-variable flows in response to winter storm events. The amount of water within the river during these periods, and the velocity of the flows, can increase rapidly and overwhelm existing unarmored threespine stickleback habitat, forcing the species to move to provisional areas of protection, known as "refugia." When the flood flows recede, the unarmored threespine stickleback habitat that existed prior to the storm may be gone; however, new habitat areas may have formed. In other words, the morphology of the river – and thus the location of unarmored threespine stickleback habitat – can change substantially in response to natural weather events that have nothing to do with WRP discharges. In fact, the future Newhall Ranch WRP winter season discharges are marginal when compared to the overall volume of water in the river during the wet season and/or during storm events. The Newhall Ranch WRP discharge rate and timing of discharge are vastly different than that of the Valencia WTP. See **Response to Comment No. 09-98** for discussion of the Newhall Ranch WRP discharge.

For these reasons, the data provided by Wishtoyo do not indicate that the Newhall Ranch WRP will increase the flows of the Santa Clara River in such a manner or to such an extent as to substantially affect unarmored threespine stickleback habitat.

#### Comment No. 035-27:

Impacts to UTS From Bridge Construction

In addition, Wishtoyo has these three concerns about the movement of the bridge columns as provided in the Newhall Ranch Draft AEA that will result in harm, death, and other forms of take to the UTS:

# Response No. 035-27:

The comment indicates that Wishtoyo has "three concerns about the movement of the bridge columns" as provided in the Draft AEA that "will result in harm, death, and other forms of take to the UTS."

First, the comment itself does not identify the specific concerns mentioned, making it impossible for CDFW to respond to this comment with any specificity. Second, CDFW notes that the bridge columns have not been

moved. The bridges themselves will be constructed in the same location identified previously in the 2010 Final EIR. However, the number and position of some of the bridge piers has changed to allow for wider spans, thus enabling all bridge construction to take place outside the wetted channel of the Santa Clara River. This revision to the construction method results in the number of bridge piers being reduced by 20 versus the 2010 Final EIR bridges.

#### Comment No. 035-28:

A.) The Newhall Ranch Draft AEA underestimates the width of the portion of the Santa Clara River at the bridge locations that contains flows. Rivers also run just below the surface, and thus, the bridge columns/piers must be placed outside of the portions of the Santa Clara River with flows just below the surface. If this does not occur, upon excavation for and insertion of the bridge columns/piers, surface flows could be drawn to these locations when the river gradient shifts to the location of pier/column installation. This could potentially harm, kill or attract UTS, and then also result in UTS stranding in pools by the piers/columns that are disconnected from the River's surface flows. In the areas of proposed bridge construction, the EIR must determine how far away from the River's surface flows the Santa Clara River flows just under the surface, and the EIR must redesign the bridge construction accordingly - outside of the portions of the Santa Clara River with flows just beneath the surface - to address the impacts in this subparagraph.

## Response No. 035-28:

The comment states that the Draft AEA "underestimates the width at the bridge locations that contains flows." In response, please refer to **Response to Comment No. 035-30**, below. As explained, the Draft AEA does not assume a fixed or "given" location and width of the Santa Clara River's wetted channel. The AEA describes the wetted channel as variable and prone to fluctuation in response to seasonal changes in precipitation. Flow data were used to estimate the maximum historical width of the wetted channel (sometimes referred to as the inundation zone) at the two permanent bridge locations during the dry season (i.e., when bridge construction is proposed to occur). This analysis was performed to demonstrate the feasibility of installing the bridge piers pursuant to the "no water contact" construction approach. It was not, however, intended to determine the precise location of the bridge piers. That determination will take place at the time of construction when the exact width and alignment of the wetted channel is known. Importantly, CDFW has conditioned the project so that under no circumstances may bridge construction activity, including pier installation, take place in the wetted channel or result in contact with the wetted channel.

The comment also states that rivers "run just below the surface, and thus, the bridge columns/piers must be placed outside of the portions of the Santa Clara River with flows just below the surface." According to the comment, if this is not done, "upon excavation for and insertion of bridge columns/piers, surface flows could be drawn to these locations when the river gradient shifts to the location of pier/column location," resulting in harm to unarmored threespine stickleback. The comment contends that unarmored threespine stickleback could become attracted to and stranded within pools near the piers that are disconnected from the river's surface flows. The comment states that the AEA must determine "how far away from the River's surface flows the Santa Clara River flows just under the surface," and must "redesign the bridge construction accordingly..."

CDFW is aware that the Santa Clara River, like most rivers, rests upon groundwater aquifers, which have their own flow gradients, and that there are certain points in the bed of the river – known as hyporheic zones – where groundwater from these large aquifers may enter and mix with surface water or surface water can be lost to groundwater. The hyporheic zone is defined as a subsurface volume of sediment and porous space adjacent to a stream through which stream water readily exchanges.

The pile supports and bridge columns would be installed outside of the wetted channel using a Cast-in-Drilled Hole (CIDH) method (see Draft AEA, p. 3-16 for more details). Under the CIDH method, the bridge pile holes would be fitted with a steel casing that isolates the bore hole from the immediately adjacent groundwater table, and would prevent the ground water table from seeping laterally into the bore hole. This would also prevent any surface water from seeping into the bore hole if it were in a hyporheic zone where

groundwater and surface water interact. The casing will remain in place while the rebar and concrete for the bridge pier are inserted. No dewatering of the groundwater will occur and no drawn-down of adjacent surface water would occur. The steel casing provides a stable bore hole, precluding any surface depression at the pile location during construction. For this reason, no pools of water will develop at the bridge pier locations during installation. Nor will the pier holes hydraulically pull unarmored threespine stickleback into areas where they could become stranded. Simply put, no evidence supports such a theory.

#### Comment No. 035-29:

B.) Clearing riparian vegetation close to the wetted boundary will harm UTS and UTS refuge habitat. The EIR must provide sufficient riparian buffers between the flowing Santa Clara River and the places where excavation will occur for bridge pier/column construction and insertion. The EIR must demonstrate that this buffer is sufficient to protect the UTS from harm, habitat degradation, or any type of temporary or permanent take.

# Response No. 035-29:

The comments indicate that "[c]learing riparian vegetation close to the wetted channel will harm UTS and UTS refuge habitat," and requests that CDFW require "sufficient riparian buffers between the flowing Santa Clara River and the places where excavation will occur for bridge/column construction and insertion." The comment states that the AEA "must demonstrate that this buffer is sufficient to protect the UTS from harm, habitat degradation, or any type of temporary or permanent take."

The comment does not explain how the clearing of riparian vegetation outside the wetted channel will harm unarmored threespine stickleback or unarmored threespine stickleback refuge habitat. Nor does the comment provide any evidence that such harm would occur. To gain access to the bridge construction area, the applicant or its agent will have to clear vegetation within the entirety of the bridge construction work zone defined in the 2010 Final EIR. However, vegetative clearing will not take place in the wetted channel. Vegetation that could impede the completion of the overhead bridge decks would be trimmed or removed as necessary to provide a safe work zone. Further, as described in the Draft AEA, the bridge construction areas will be separated from the wetted channel by k-rail barriers, thus ensuring that no equipment, debris, or personnel make contact with the surface water where unarmored threespine stickleback may be located.

#### Comment No. 035-30:

C.) The EIR assumes a given location and width of the portion of the Santa Clara River that contains surface flows. However, it appears this assumption underestimates the potential width of the River after and during a wet year with above average precipitation, and does not account for either a braided river or a river that changes course after a wet year with above average precipitation. Thus, the EIR provides an insufficient guarantee to ensure the bridge columns / piers are placed outside of UTS habitat and far enough away from the flowing portion of the Santa Clara River.

Thank you for considering our comments. Please feel free to contact Wishtoyo with any questions.

#### Response No. 035-30:

The comment contends that the Draft AEA "assumes a given location and width of the portion of the Santa Clara River that contains surface flows." The comment claims that "this assumption underestimates the potential width of the River after and during a wet year with above average precipitation, and does not account for either a braided river or a river that changes course after a wet year with above average precipitation." According to the comment, the Draft AEA "provides an insufficient guarantee to ensure the bridge columns/piers are placed outside the UTS habitat and far enough away from the flowing portions of the Santa Clara River."

CDFW does not concur that the Draft AEA assumes a fixed or "given" location and width of the Santa Clara River's wetted channel. The AEA describes the wetted channel as variable and prone to fluctuation in response to seasonal changes in precipitation. As explained in the Draft AEA, flow data were used to

estimate the maximum historical width of the wetted channel (sometimes referred to as the inundation zone) at the two permanent bridge locations during the summer dry season (i.e., when bridge construction is proposed to occur). See **Response to Comment No. 09-145**, which also discusses issues related to this comment. This analysis was performed to demonstrate the feasibility of installing the bridge piers pursuant to the "no water contact" construction approach. It was not, however, intended to determine the precise location of the bridge piers. That determination will take place at the time of construction when the exact width and alignment of the wetted channel is known. Importantly, CDFW has conditioned the project so that under no circumstances may bridge construction activity, including pier installation, take place in the wetted channel or result in contact with the wetted channel. Thus, regardless of the actual width and/or alignment of the wetted channel, the project applicant must avoid it or defer construction until such time that the bridge work can be conducted in compliance with this fundamental avoidance condition. CDFW specifies that the project construction will not intrude upon, encroach into, or otherwise damage unarmored threespine stickleback habitat.

#### **Comment No. 035-31:**

APPENDIX A

5/27/14 Santa Clara River Flow Approximately 300 Feet Upstream of Confluence of Valencia WTP effluent discharge and Santa Clara River



A-

5/27/14 Santa Clara River Flow Approximately 300 Feet Downstream of Confluence of Valencia WTP effluent discharge and Santa Clara River



Santa Clara River Flow Approximately 300 Feet Upstream of Confluence of Valencia WTP effluent discharge and Santa Clara River on 6/2/14



A-2

6/2/14 Santa Clara River Flow Approximately 300 Feet Downstream of Confluence of Valencia WTP effluent discharge and Santa Clara River



A-4

6/23/14 Santa Clara River Flow Approximately 300 Feet Downstream of Confluence of Valencia WTP effluent discharge and Santa Clara River



A-5

Santa Clara River Flow Just Upstream of Confluence of Valencia WTP effluent discharge and Santa Clara River on 6/23/14



Santa Clara River Flow Approximately 300 Feet Upstream of Confluence of Valencia WTP effluent discharge and Santa Clara River on 6/23/14



6/23/14 Valencia WTP Effluent Discharge before Confluence with the Santa

Λ-6



6/23/14 Santa Clara River Flow Approximately 300 Feet Downstream of Confluence of Valencia WTP effluent discharge and Santa Clara River



A-9



A-10

# Response No. 035-31:

These comments consist of various dated photographs which, according to Wishtoyo, depict individuals taking flow velocity readings at various locations in the Santa Clara River. CDFW has reviewed the photographs and matched them to those portions of the comment letter that refer to them. The photographs themselves do not raise any issue as to the adequacy of the Draft AEA. Therefore, no further response is required.

## Comment No. 035-32:

#### Flow and Velocity Data Collected by Wishtoyo Foundation and its Ventura Coastkeeper Program's Watershed Monitoring Program

Date	Location	Velocty Range in Cross Section (ft/sec) *	Flow (CFS)	Location	Velocty Range in Cross Section (ft/sec)*	Flow (CFS)	Change Flow (CFS)
3/20/14	RU1	.65 - 1.6	1.21	RD1	n.a.	n.a.	n.a.
5/27/14	RU1	.34 - 1.8	1.22	RD1	.5-2.95	23.43	22.2
6/2/14	RU1	1.35-1.45	0.91	RD1	.4-2.76	20.31	19.4
6/23/14	RU1	n.a.	n.a.	RD1	1.09-2.5	20.92	n.a.
8/22/14	RU1	.234	0.16	RD1	1-3.5	15.45	15.3
11/22/14	RU1	.37-1.01	0.63	RD1	.7-1.42	13.22	12.6
5/26/15	RU1	n.a	n.a.	RD1	.63-2.85	23.03	n.a.

n.a. indicates no measurement available

RU1 is located 300 feet Upstream of confluence of Santa Clara River with the Valencia WTP Effluent Discharge

RD1 is located 300 feet Downstream of confluence of Santa Clara River with the Valencia WTP Effluent Discharge

A-12

# Response No. 035-32:

This comment provides a table titled, "Flow and Velocity Data Collected by Wishtoyo Foundation and its Ventura Coastkeeper Program's Watershed Monitoring Program." The table provides flow and velocity data for the Santa Clara River, gathered on seven different days from one location upstream of the Valencia WRP and one location downstream of the Valencia WRP. The data table itself does not raise issues as to the adequacy of the Draft AEA and thus requires no substantive response. CDFW, however, has reviewed the data in the table as it relates to comments made elsewhere in Wishtoyo's letter.

As to the data themselves, the key factor is velocity. And the velocity ranges Wishtoyo recorded at the upstream location (RU1) are not substantially different from those recorded at the downstream locations (RD1). More importantly, the velocity ranges recorded at RD1 (i.e., downstream of the WRP) are largely within the 2 feet per second (fps) threshold necessary to support unarmored threespine stickleback. For example:

- The RD1 velocities for May 27, 2014 ranged from 0.5 fps to 2.95 fps,
- ▲ The RD1 velocities for June 2, 2014 ranged from 0.4 fps to 2.76 fps,
- The RD1 velocities for June 23, 2014 ranged from 1.09 fps to 2.5 fps,
- The RD1 velocities for August 22, 2014 ranged from 1 to 3.5 fps,
- ▲ The RD1 velocities for November 22, 2014 ranged from 0.7 to 1.42 fps, and
- ▲ The RD1 velocities for May 26, 2015 ranged from 0.63 to 2.85.

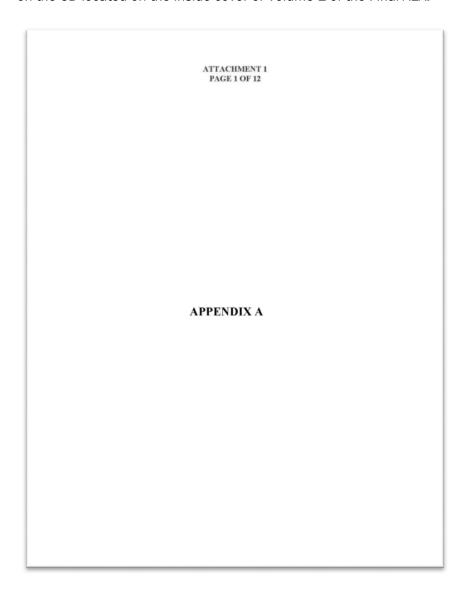
Thus, Wishtoyo's data indicate that downstream of the Valencia WRP discharge point, the river's velocity was low enough in parts of the RD1 cross-section to support unarmored threespine stickleback; and even the velocities at the upper end of the recorded ranges were not substantially higher than 2 fps. Given that

<sup>\*</sup> Velocitity Range measurements are the lowest and highest avergage velocities measured at points within a cross section, and at the point in the cross section where the measurement was taken, the velocity is the average velocity from the top to bottom of the water column

unarmored threespine stickleback typically reside in the slow-moving water at the river's edges and not in the middle of the wetted channel where velocities tend to be highest, the ranges that Wishtoyo recorded at RD1 suggest that the WRP's discharges are not causing river velocities to increase in a manner or to an extent that would harm unarmored threespine stickleback or eliminate large areas of unarmored threespine stickleback habitat.

#### Comment No. 035-33:

Provided below is the first page of Attachment 1 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

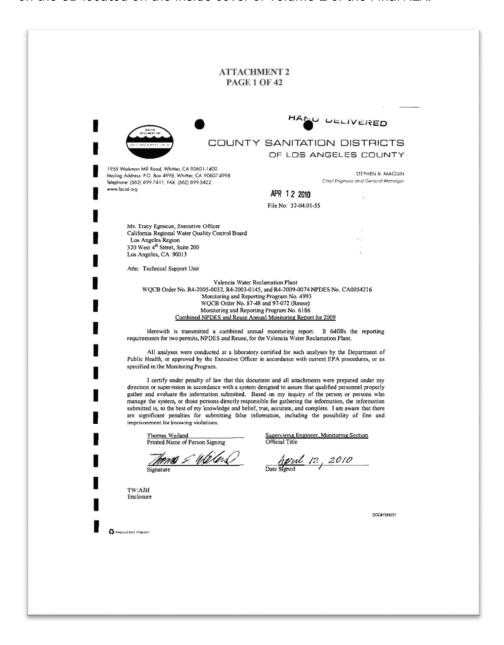


# Response No. 035-33:

The commenter cited these photographs to support statements regarding water flow velocities and measurements. Please see **Response to Comment No. 035-24**, above, for relevant information that responds to this issue.

## Comment No. 035-34:

Provided below is the first page of Attachment 2 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



#### Response No. 035-34:

## Comment No. 035-35:

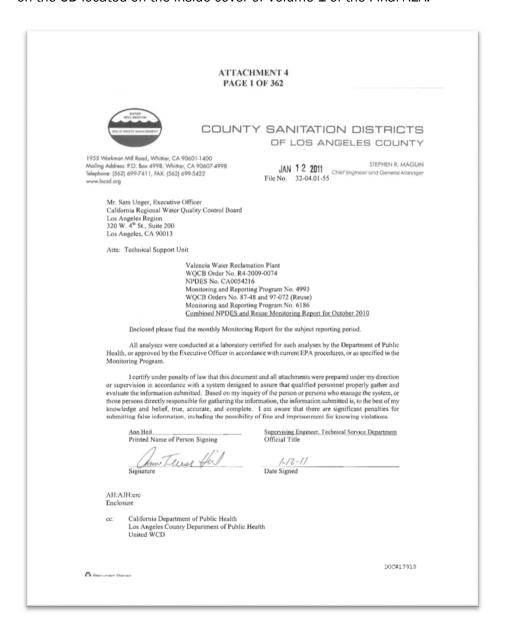
Provided below is the first page of Attachment 3 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-35:

## Comment No. 035-36:

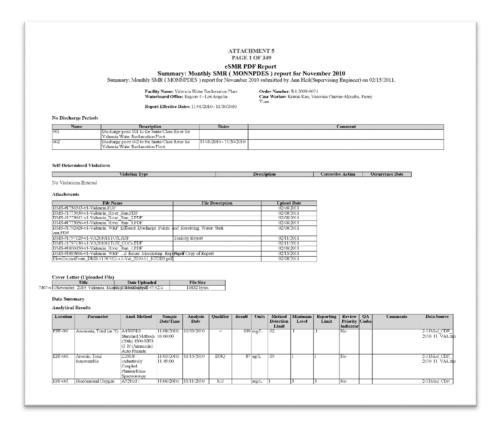
Provided below is the first page of Attachment 4 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



#### Response No. 035-36:

## Comment No. 035-37:

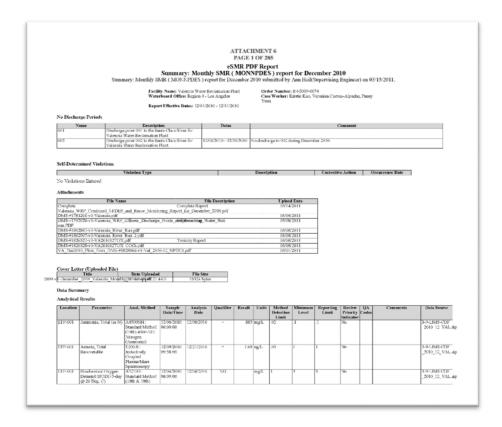
Provided below is the first page of Attachment 5 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-37:

## Comment No. 035-38:

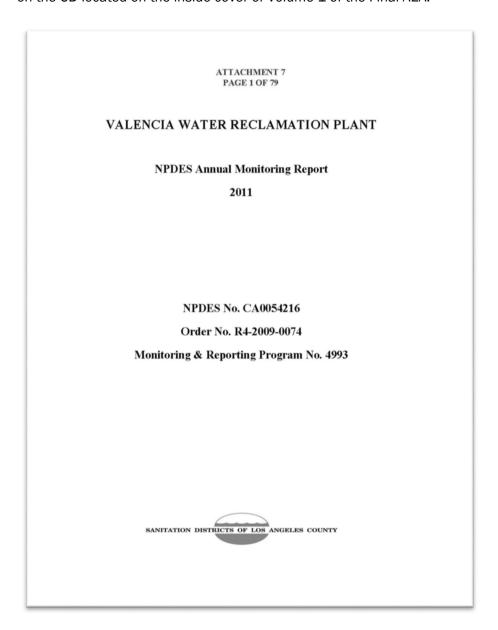
Provided below is the first page of Attachment 6 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-38:

## Comment No. 035-39:

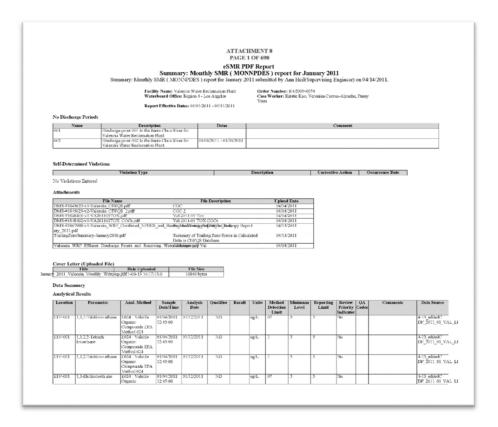
Provided below is the first page of Attachment 7 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-39:

## Comment No. 035-40:

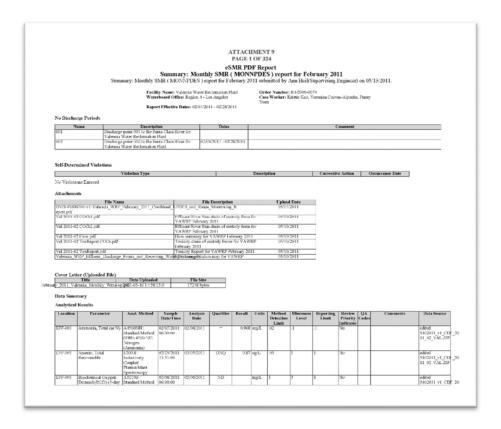
Provided below is the first page of Attachment 8 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-40:

## Comment No. 035-41:

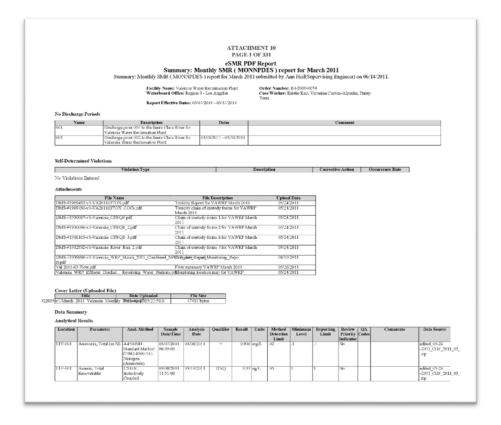
Provided below is the first page of Attachment 9 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-41:

## Comment No. 035-42:

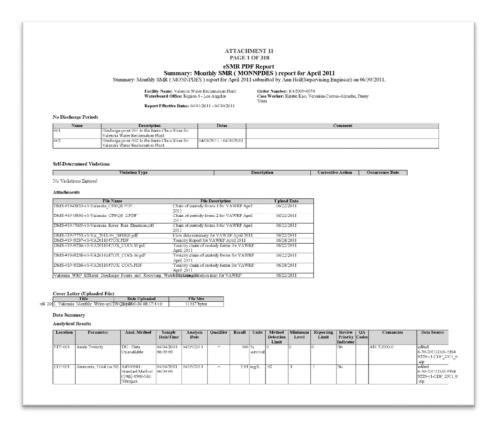
Provided below is the first page of Attachment 10 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-42:

### Comment No. 035-43:

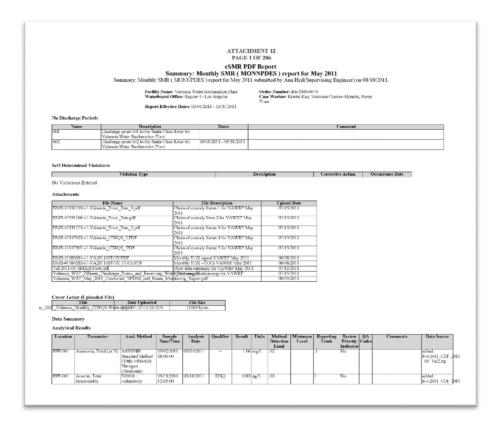
Provided below is the first page of Attachment 11 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-43:

### Comment No. 035-44:

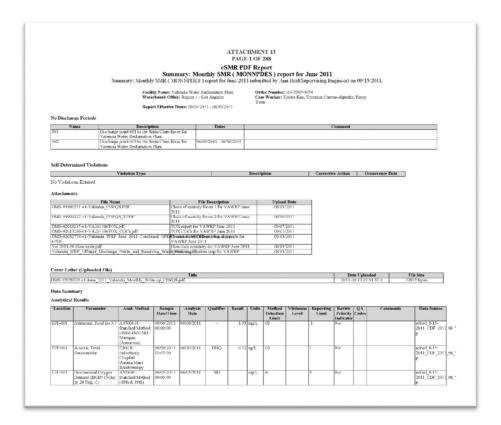
Provided below is the first page of Attachment 12 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-44:

### Comment No. 035-45:

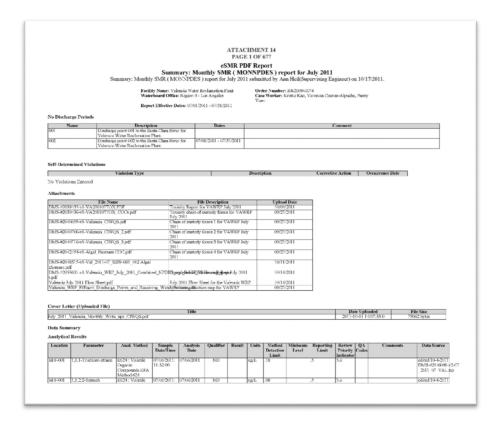
Provided below is the first page of Attachment 13 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-45:

### Comment No. 035-46:

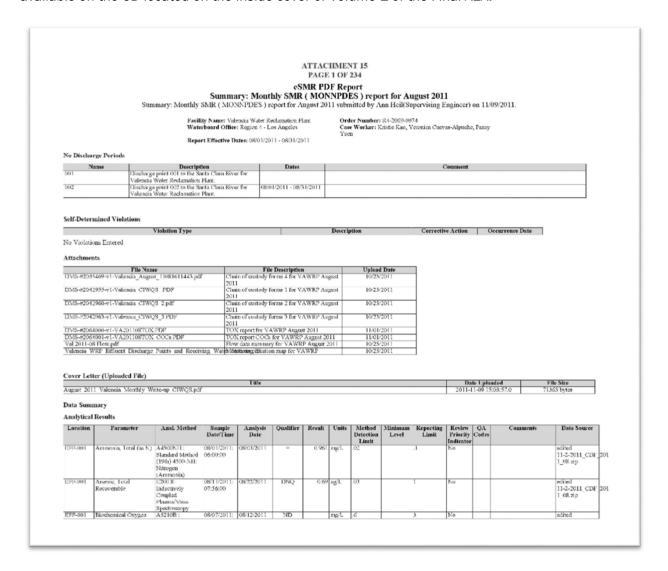
Provided below is the first page of Attachment 14 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-46:

### Comment No. 035-47:

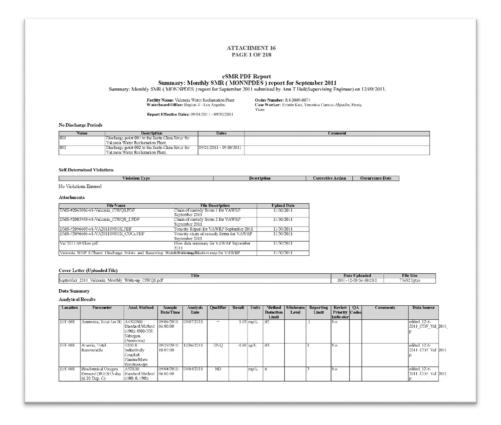
Provided below is the first page of Attachment 15 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



### Response No. 035-47:

### Comment No. 035-48:

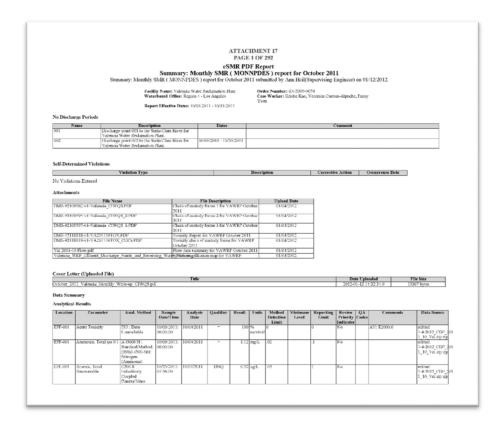
Provided below is the first page of Attachment 16 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-48:

### Comment No. 035-49:

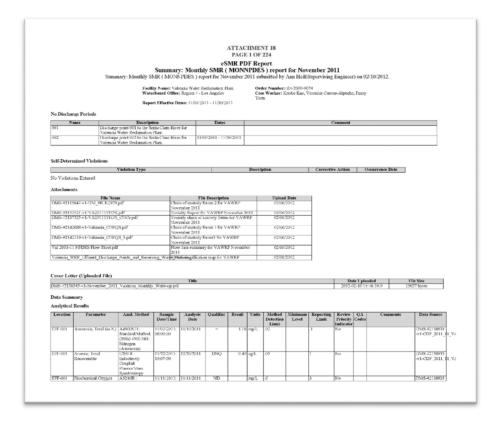
Provided below is the first page of Attachment 17 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-49:

### Comment No. 035-50:

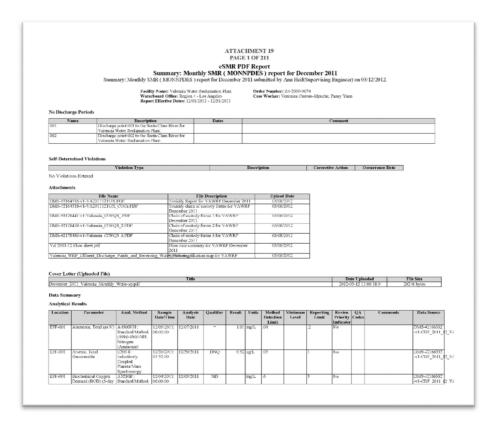
Provided below is the first page of Attachment 18 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-50:

### Comment No. 035-51:

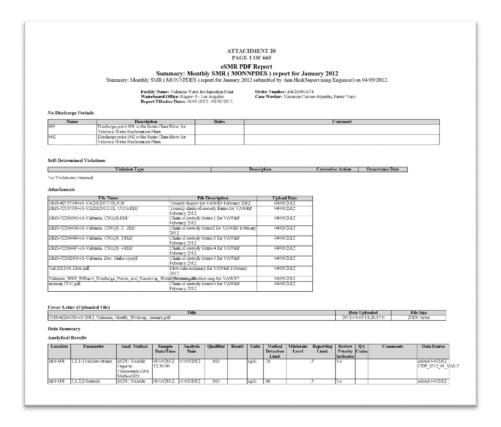
Provided below is the first page of Attachment 19 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-51:

### Comment No. 035-52:

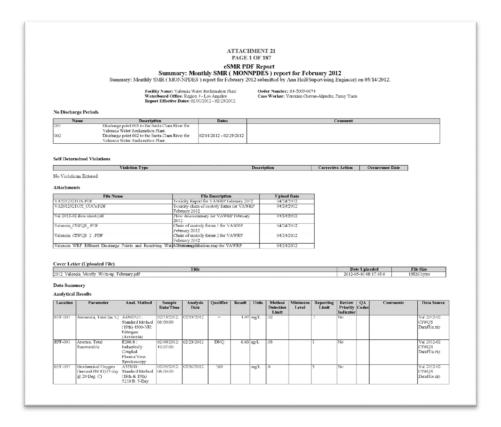
Provided below is the first page of Attachment 20 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-52:

### Comment No. 035-53:

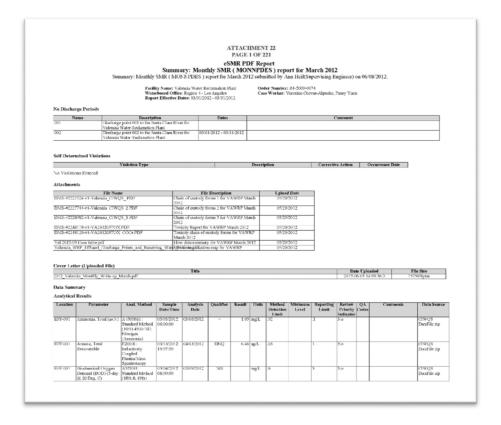
Provided below is the first page of Attachment 21 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-53:

### Comment No. 035-54:

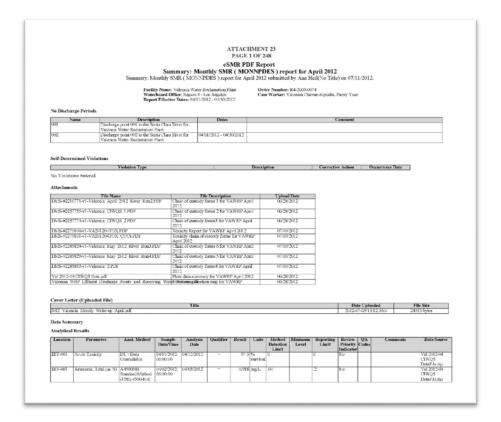
Provided below is the first page of Attachment 22 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-54:

### Comment No. 035-55:

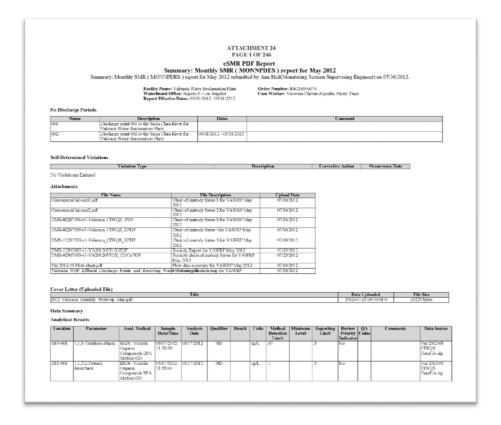
Provided below is the first page of Attachment 23 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-55:

### Comment No. 035-56:

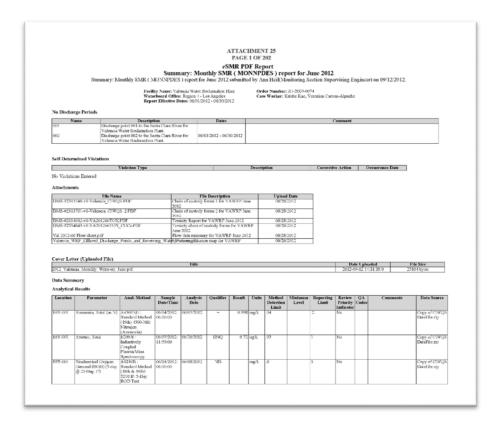
Provided below is the first page of Attachment 24 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-56:

### Comment No. 035-57:

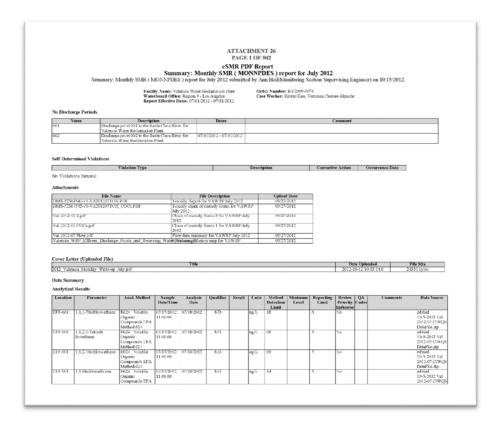
Provided below is the first page of Attachment 25 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-57:

### Comment No. 035-58:

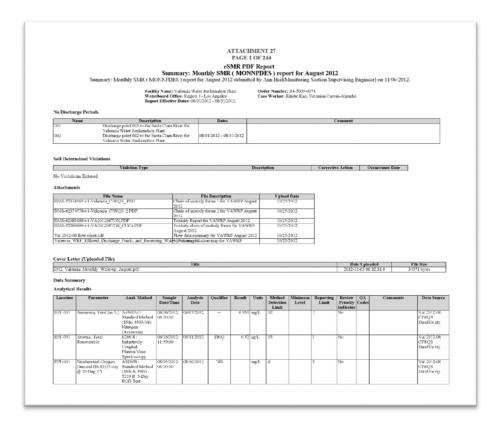
Provided below is the first page of Attachment 26 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-58:

### Comment No. 035-59:

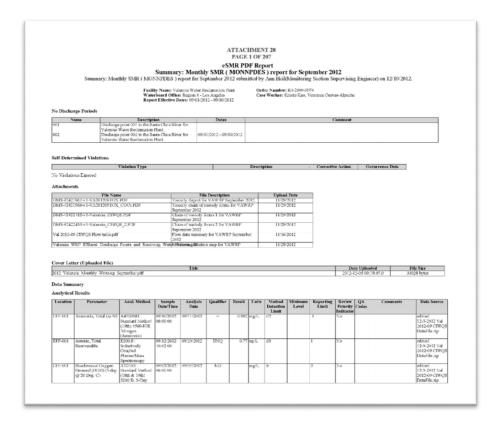
Provided below is the first page of Attachment 27 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-59:

### Comment No. 035-60:

Provided below is the first page of Attachment 28 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-60:

# **Comment No. 035-61:**

Provided below is the first page of Attachment 29 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

ATTACHMENT 29 PAGE 1 OF 330

Valencia Water Reclamation Plant Monthly Monitoring Report October 2012

Order No. R4-2009-0074 NPDES No. CA0054216 Monitoring and Reporting Program No. 4993

#### Introduction

The waste discharge, and monitoring and reporting requirements for the Valencia Water Reclamation Plant (WRP) are contained in the following documents:

- Order No. R4-2009-0074, NPDES No. CA0054216, (Waste Discharge Requirements) adopted June 4, 2009 by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), effective July 24, 2009.
- Monitoring and Reporting Program (MRP) No. 4993, ordered June 4, 2009 by the Regional Board, effective July 24, 2009.

### Compliance

There were no violations of NPDES waste discharge requirements in October 2012.

### Remarks

Certified Laboratory

All analyses were conducted at a laboratory certified for such analyses by the Department of Public Health (formerly known as the Department of Health Services) or approved by the Executive Officer and in accordance with current USEPA guidance procedures or as specified in the MRP.

Use of Significant Figures

For the purpose of determining compliance with limits, values are evaluated based on the significant digits indicated in the Order and in accordance with appropriate use of significant figures (i.e., per Standard Methods for the Examination of Water and Wastewater, 20th edition, 1998, section 1050B).

Effluent Monitoring

This report includes the fourth quarter effluent monitoring results. No sampling occurred at discharge point EFF-002 during the reporting period because there was no discharge.

Effluent Chloride Concentrations

Per Section IV.A.2.a, of Order No. R4-2009-0074, the effluent chloride interim limit is equal to the sum of the State Water Project treated water supply chloride concentration plus 134 mg/L, expressed as a 12-month rolling average, not to exceed a daily maximum of 230 mg/L. During October 2012, the State Water Project treated water supply chloride concentration was  $61 \text{ mg/L}_{\odot}$  and the resulting chloride interim limitation was  $195 \text{ mg/L}_{\odot}$ .

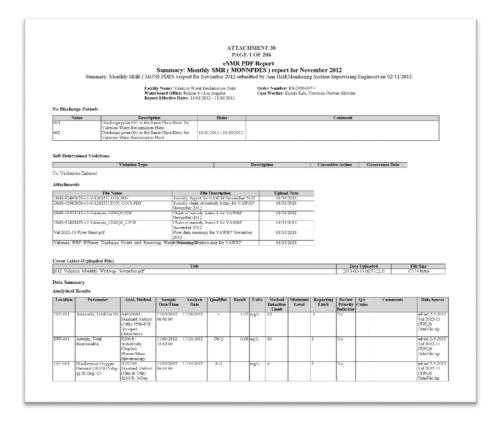
Receiving Water Station Monitoring

This report includes the fourth quarter receiving water monitoring results

### Response No. 035-61:

### Comment No. 035-62:

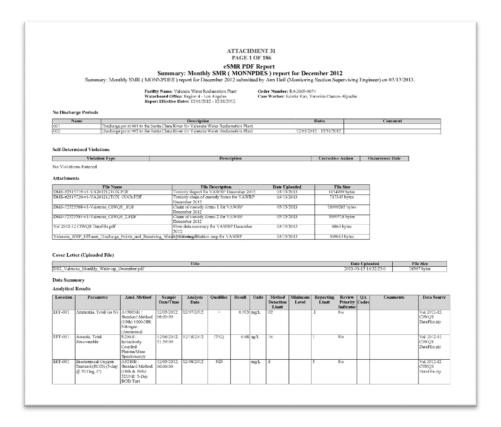
Provided below is the first page of Attachment 30 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-62:

### Comment No. 035-63:

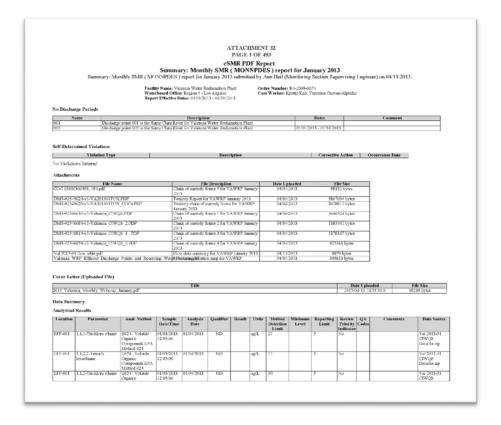
Provided below is the first page of Attachment 31 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-63:

### Comment No. 035-64:

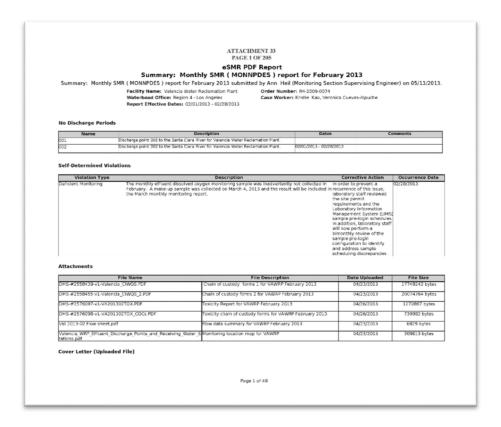
Provided below is the first page of Attachment 32 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-64:

### Comment No. 035-65:

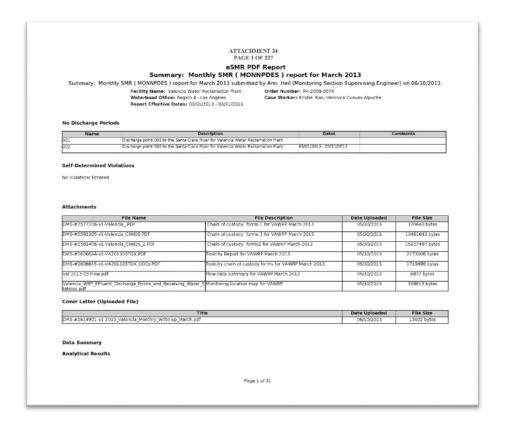
Provided below is the first page of Attachment 33 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



### Response No. 035-65:

### Comment No. 035-66:

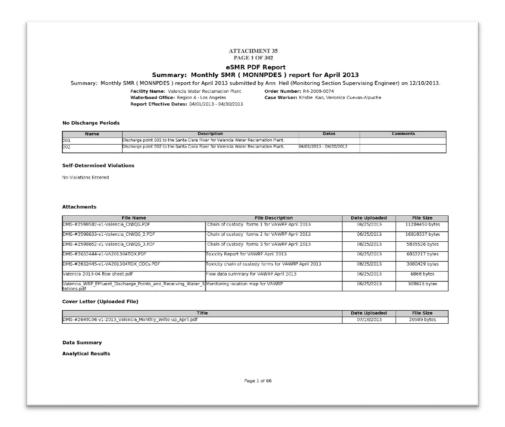
Provided below is the first page of Attachment 34 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



### Response No. 035-66:

### Comment No. 035-67:

Provided below is the first page of Attachment 35 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



### Response No. 035-67:

### Comment No. 035-68:

Provided below is the first page of Attachment 36 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 36 PAGE 1 OF 223

### eSMR PDF Report

### Summary: Monthly SMR ( MONNPDES ) report for May 2013

Summary: Monthly SMR (MONNPDES) report for May 2013 submitted by Ann Heil (Monitoring Section Supervising Engineer) on 08/14/2013.

Facility Name: Valencia Water Reclamation Plant Waterboad Office: Region 4 - Los Angeles Report Effective Dates: 05/01/2013 - 05/31/2013 Order Number: R4-2009-0074

Case Worker: Kristie Kao, Veronica Cuevas-Alpuche

#### No Discharge Periods

Name	Description	Dates	Comments
001	Discharge point 001 to the Santa Clara River for Valencia Water Reclamation Plant.		
002	Discharge point 002 to the Santa Clara River for Valencia Water Reclamation Plant.	05/01/2013 - 05/31/2013	

### **Self-Determined Violations**

No Violations Entered

#### **Attachments**

File Name	File Description	Date Uploaded	File Size
DMS-#2678083-v1-VA201305TOX.PDF	Toxicity Report for VAWRP May 2013	08/08/2013	2038906 bytes
DMS-#2678085-v1-VA201305TOX_COCs.PDF	Toxicity chain of custody forms for VAWRP May 2013	08/08/2013	1045967 bytes
DMS-#2679544-v1-Valencia.PDF	Chain of custody forms 1 for VAWRP May 2013	08/08/2013	119025 bytes
DMS-#2681056-v1-Valencia_CIWQS.PDF	Chain of custody forms 2 for VAWRP May 2013	08/08/2013	13850161 bytes
DMS-#2681105-v1-Valencia_CIWQS_2.PDF	Chain of custody forms 3 for VAWRP May 2013	08/08/2013	17099183 bytes
	Flow data summary for VAWRP May 2013	08/08/2013	6867 bytes
Valencia_WRP_Effluent_Discharge_Points_and_Receiving_Water_S tations.pdf	Monitoring location map for VAWRP	08/08/2013	309613 bytes

### Cover Letter (Uploaded File)

Title	Date Uploaded	File Size
DMS-#2698359-v1-2013_Valencia_Monthly_Write-up_May.pdf	08/14/2013	14373 bytes

### Data Summary

**Analytical Results** 

Page 1 of 57

# Response No. 035-68:

### Comment No. 035-69:

Provided below is the first page of Attachment 37 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 37 PAGE 1 OF 229

### eSMR PDF Report

# Summary: Monthly SMR ( MONNPDES ) report for June 2013

Summary: Monthly SMR ( MONNPDES ) report for June 2013 submitted by Ann Heil (Monitoring Section Supervising Engineer) on 09/05/2013.

Facility Name: Valencia Water Reclamation Plant
Waterboad Office: Region 4 - Los Angeles
Report Effective Dates: 06/01/2013 - 06/30/2013

Order Number: R4-2009-0074 Case Worker: Kristie Kao, Veronica Cuevas-Alpuche

### No Discharge Periods

Name	Description	Dates	Comments
001	Discharge point 001 to the Santa Clara River for Valencia Water Reclamation Plant.		
002	Discharge point 002 to the Santa Clara River for Valencia Water Reclamation Plant.	06/01/2013 - 06/30/2013	

### **Self-Determined Violations**

No Violations Entered

#### **Attachments**

File Name	File Description	Date Uploaded	File Size
Algal biomass.pdf	Algal biomass data VAWRP June 2013	09/04/2013	8478 bytes
DMS-#2706559-v1-Valencia_CIWQS.PDF	Chain of custody forms 1 for VAWRP June 2013	08/26/2013	14096820 bytes
DMS-#2706584-v1-Valencia_CIWQS_2.PDF	Chain of custody forms 2 for VAWRP June 2013	08/26/2013	18603052 bytes
DMS-#2706592-v1-Valencia_CIWQS_3.PDF	Chain of custody forms 3 for VAWRP June 2013	08/26/2013	5010749 bytes
DMS-#2708380-v1-VA201306TOX.PDF	Toxicity Report for VAWRP June 2013	08/26/2013	2166361 bytes
DMS-#2708381-v1-VA201306TOX_COCs.PDF	Toxicity chain of custody forms for VAWRP June 2013	08/26/2013	995647 bytes
	Flow data summary for VAWRP June 2013	08/26/2013	6891 bytes
Valencia_WRP_Effluent_Discharge_Points_and_Receiving_Water_S tations.pdf	Monitoring location map for VAWRP	08/26/2013	309613 bytes

### Cover Letter (Uploaded File)

Title	Date Uploaded	File Size
DMS-#2715517-v1-2013_Valencia_Monthly_Write-up_June.pdf	09/05/2013	17477 bytes

### **Data Summary**

Analytical Results

Page 1 of 56

# Response No. 035-69:

### Comment No. 035-70:

Provided below is the first page of Attachment 38 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 38 PAGE 1 OF 537

### eSMR PDF Report

# Summary: Monthly SMR ( MONNPDES ) report for July 2013

Summary: Monthly SMR ( MONNPDES ) report for July 2013 submitted by Ann Heil (Monitoring Section Supervising Engineer) on 10/10/2013.

Facility Name: Valencia Water Reclamation Plant Waterboad Office: Region 4 - Los Angeles Report Effective Dates: 07/01/2013 - 07/31/2013 Order Number: R4-2009-0074 Case Worker: Kristie Kao, Veronica Cuevas-Alpuche

### No Discharge Periods

Name	Description	Dates	Comments
001	Discharge point 001 to the Santa Clara River for Valencia Water Reclamation Plant.		
002	Discharge point 002 to the Santa Clara River for Valencia Water Reclamation Plant.	07/01/2013 - 07/31/2013	

#### **Self-Determined Violations**

No Violations Entered

#### Attachments

File Name	File Description	Date Uploaded	File Size
DMS-#2683069-v1-Valencia_July_2013_River_Run_1.PDF	Chain of custody forms RR1 for VAWRP July 2013	09/25/2013	32979235 bytes
DMS-#2683124-v1-Valencia_July_2013_River_Run_2.PDF	Chain of custody forms RR 2 for VAWRP July 2013	09/25/2013	13982871 bytes
DMS-#2692166-v1-Valencia_July_2013_River_Run_3.PDF	Chain of custody forms RR3 for VAWRP July 2013	09/25/2013	22709531 bytes
DMS-#2692169-v1-Valencia_July_2013_River_Run_4.PDF	Chain of custody forms RR4 for VAWRP July 2013	09/25/2013	13883839 bytes
DMS-#2708161-v1-Valencia.PDF	Chain of custody forms 1 for VAWRP July 2013	09/25/2013	938514 bytes
DMS-#2729916-v2-VA201307TOX.PDF	Toxicity Report for VAWRP July 2013	09/26/2013	5754746 bytes
DMS-#2729917-v1-VA201307TOX_COCs.PDF	Toxicity chain of custody forms for VAWRP July 2013	09/25/2013	2797763 bytes
Val 2013-07 Flow data.pdf	Flow data summary for VAWRP July 2013	09/25/2013	6874 bytes
Val 2013-07 comm lab COC.pdf	Chain of custody forms 2 for VAWRP July 2013	09/25/2013	1513419 bytes
Valencia_WRP_Effluent_Discharge_Points_and_Receiving_Water_ tations.pdf	S Monitoring location map for VAWRP	09/25/2013	297966 bytes

### Cover Letter (Uploaded File)

Title	Date Uploaded	File Size
DMS-#2739292-v1-2013_Valencia_Monthly_Write-up_July.pdf	10/10/2013	18325 bytes

### Data Summary

Page 1 of 130

# Response No. 035-70:

### Comment No. 035-71:

Provided below is the first page of Attachment 39 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

# PAGE 1 OF 213

### eSMR PDF Report

# Summary: Monthly SMR ( MONNPDES ) report for August 2013

Summary: Monthly SMR ( MONNPDES ) report for August 2013 submitted by Ann Heil (Monitoring Section Supervising Engineer) on 11/13/2013.

Facility Name: Valencia Water Reclamation Plant Waterboad Office: Region 4 - Los Angeles Report Effective Dates: 08/01/2013 - 08/31/2013 Order Number: R4-2009-0074

Case Worker: Kristie Kao, Veronica Cuevas-Alpuche

### No Discharge Periods

Name	Description	Dates	Comments
001	Discharge point 001 to the Santa Clara River for Valencia Water Reclamation Plant.		
002	Discharge point 002 to the Santa Clara River for Valencia Water Reclamation Plant.	08/01/2013 - 08/31/2013	

#### **Self-Determined Violations**

No Violations Entered

#### **Attachments**

File Name	File Description	Date Uploaded	File Size
DMS-#2761422-v1-Valencia_CIWQS.PDF	Chain of custody forms 1 for VAWRP August 2013	11/05/2013	14040060 bytes
DMS-#2761452-v1-Valencia_CIWQS_2.PDF	Chain of custody forms 2 for VAWRP August 2013	11/05/2013	16435728 bytes
DMS-#2763481-v1-VA201308TOX.PDF	Toxicity Report for VAWRP August 2013	11/05/2013	277775 bytes
DMS-#2763482-v1-VA201308TOX_COCs.PDF	Toxicity chain of custody forms for VAWRP August 2013	11/05/2013	326756 bytes
Val 2013-08 Flow data.pdf	Flow data summary for VAWRP August 2013	10/18/2013	6879 bytes
Valencia_WRP_Effluent_Discharge_Points_and_Receiving_Water_S tations.pdf	Monitoring location map for VAWRP	10/18/2013	297966 bytes

### Cover Letter (Uploaded File)

Title	Date Uploaded	File Size
DMS-#2783288-v1-2013_Valencia_Monthly_Write-up_August.pdf	11/08/2013	16951 bytes

### **Data Summary**

Analytical Results

Page 1 of 51

# Response No. 035-71:

### Comment No. 035-72:

Provided below is the first page of Attachment 40 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 40 PAGE 1 OF 243

### eSMR PDF Report

### Summary: Monthly SMR ( MONNPDES ) report for September 2013

Summary: Monthly SMR ( MONNPDES ) report for September 2013 submitted by Ann Heil (Monitoring Section Supervising Engineer) on Facility Name: Valencia Water Reclamation Plant Order Number: R4-2009-0074

Facility Name: Valencia Water Reclamation Plant
Waterboad Office: Region 4 - Los Angeles
Report Effective Dates: 09/01/2013 - 09/30/2013

Case Worker: Kristie Kao, Veronica Cuevas-Alpuche

### No Discharge Periods

Name	Description	Dates	Comments
001	Discharge point 001 to the Santa Clara River for Valencia Water Reclamation Plant.		
002	Discharge point 002 to the Santa Clara River for Valencia Water Reclamation Plant.	09/01/2013 - 09/30/2013	

#### Self-Determined Violations

No Violations Entered

#### **Attachments**

File Name	File Description	Date Uploaded	File Size
DMS-#2789586-v1-Valencia_CIWQS.PDF	Chain of custody forms 1 for VAWRP September 2013	12/03/2013	3336756 bytes
DMS-#2789593-v1-Valencia_CIWQS_2.PDF	Chain of custody forms 2 for VAWRP September 2013	12/03/2013	2089583 bytes
DMS-#2796895-v1-VA201309TOX.PDF	Toxicity Report for VAWRP September 2013	12/03/2013	374251 bytes
DMS-#2796896-v1-VA201309TOX_COCs.PDF	Toxicity chain of custody forms for VAWRP September 2013	12/03/2013	945274 bytes
Val 2013-09 Flow data.pdf	Flow data summary for VAWRP September 2013	12/03/2013	6869 bytes
Valencia_WRP_Effluent_Discharge_Points_and_Receiving_Water_: tations.pdf	Monitoring location map for VAWRP	12/03/2013	309613 bytes

### Cover Letter (Uploaded File)

Title	Date Uploaded	File Size
DMS-#2812089-v1-2013_Valencia_Monthly_Write-up_September.pdf	12/11/2013	17948 bytes

### **Data Summary**

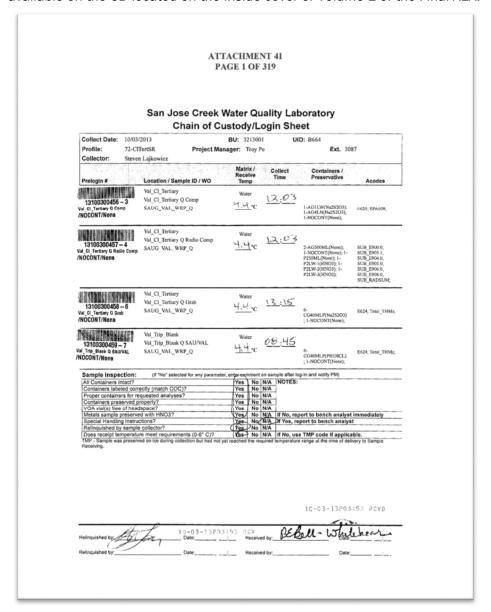
Analytical Results

Page 1 of 57

# Response No. 035-72:

### Comment No. 035-73:

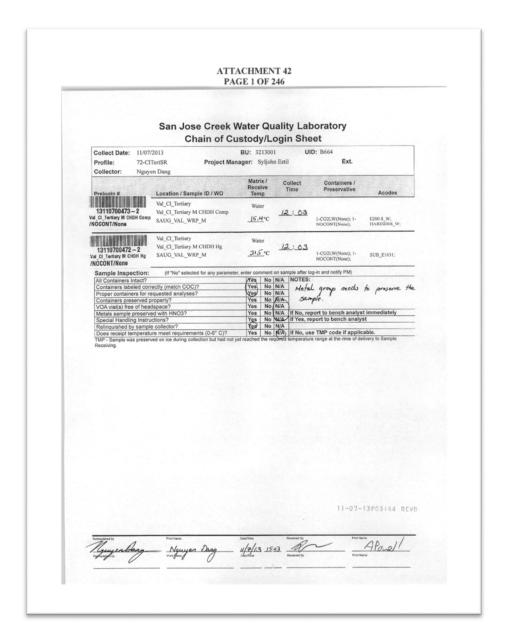
Provided below is the first page of Attachment 41 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-73:

### Comment No. 035-74:

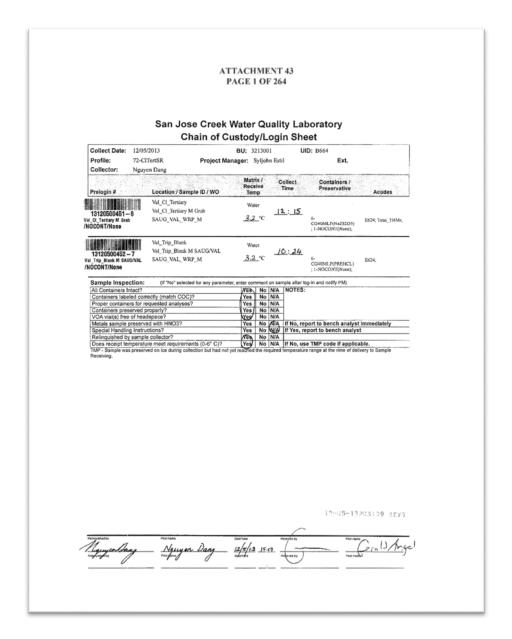
Provided below is the first page of Attachment 42 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-74:

# Comment No. 035-75:

Provided below is the first page of Attachment 43 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-75:

# Comment No. 035-76:

Provided below is the first page of Attachment 44 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 44 PAGE 1 OF 3

Valencia Water Reclamation Plant Monthly Monitoring Report January 2014

Order No. R4-2009-0074, R4-2009-0074-A01 NPDES No. CA0054216 Monitoring and Reporting Program No. 4993

#### Introduction

The waste discharge and monitoring and reporting requirements for the Valencia Water Reclamation Plant (WRP) are contained in the following documents:

- Order No. R4-2009-0074, NPDES No. CA0054216, (Waste Discharge Requirements) adopted June 4, 2009 by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), effective July 24, 2009.
- Monitoring and Reporting Program (MRP) No. 4993, ordered June 4, 2009 by the Regional Board, effective July 24, 2009.
- Amended Order No. R4-2009-0074-A01, NPDES No. CA0054216, (Waste Discharge Requirements)
  adopted December 5, 2013 by the Regional Board. This amended Order contains the Interconnection
  Agreement with the Newhall Land and Farming Company.

#### Compliance

There were no violations of the waste discharge requirements during January 2014.

#### Remarks

Certified Laboratory

All analyses were conducted at a laboratory certified for such analyses by the California Department of Public Health (formerly known as the Department of Health Services) or approved by the Executive Officer and in accordance with current USEPA guidance procedures or as specified in the MRP.

Use of Significant Figures

For the purpose of determining compliance with limits, values are evaluated based on the significant digits indicated in the Order and in accordance with appropriate use of significant figures (i.e., per Standard Methods for the Examination of Water and Wastewater, 22<sup>nd</sup> edition, 2012, section 1050B).

Additional Soluble Receiving Water Data

The NPDES permit for the Valencia WRP requires receiving water monitoring for antimony, arsenic, beryllium, cadmium, chromium III, chromium VI, total chromium, copper, iron, lead, mercury, nickel, selenium, silver, thallium, and zinc. The NPDES permit additionally requires that all monitoring for these metals be conducted using methods approved under 40 CFR Part 136, which specifies that the total concentration of the metals must be quantified. However, water quality standards for metals are set as dissolved (soluble) concentrations, so a more accurate assessment of water quality is made by directly comparing soluble metals concentrations to water quality standards. In order to better characterize the receiving water, beginning in July 2010 receiving water metals concentrations.

### Response No. 035-76:

### Comment No. 035-77:

Provided below is the first page of Attachment 45 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

ATTACHMENT 45 PAGE 1 OF 50 TOXICITY MONITORING REPORT **VALENCIA JANUARY 2014** NPDES NO. CA0054216 SANITATION DISTRICTS OF LOS ANGELES COUNTY 1965 WORKMAN MILL ROAD WHITTIER, CALIFORNIA 90601 List of Enclosures:

Definitions & Acronyms List (1)
Definitions & Acronyms List (1)
Valencia WRP Effluent Chronic Bloassay Accelerated Report #8 (2)
Valencia WRP Effluent Chronic Bloassay Accelerated Report #8 (2)
Valencia WRP Effluent (4)
Receiving Water Station RSW-002 (Station RD) K-0020 (1)
Receiving Water Station RSW-0010 (Station RSW-0020 (1)
Water Quality Output and Data Summary - Station RSW-0020 (1)
Receiving Water Station RSW-0011 (Station RC) Chronic Bloassay Report (2)
Statistical Output and Data Summary - Station RSW-0010 (1)
Water Quality Output - Station RSW-0010 (Station RSW-0030 (1)
Water Quality Output - Station RSW-0010 (Station RSW-0030 (2)
Receiving Water Station RSW-0030 (Station RSP - Online Bloassay Report (2)
Statistical Output and Data Summary - Station RSW-0030 (1)
Water Quality Output and Data Summary - Valencia WRP Effluent (1)
Water Quality Output and Data Summary - Valencia WRP Effluent (1)
Receiving Water Station RSW-0030 (Station RSW-0020 (1)
Receiving Water Station RSW-0010 (Station RSW-0020 (1)
Water Quality Output and Data Summary - Station RSW-0020 (1)
Receiving Water Station RSW-0010 (Station RSW-0020 (1)
Receiving Water Station RSW-0010 (Station RSW-0010 (1)
Receiving Water Station RSW-0010 (Station RSW-0030 (1)
Water Quality Output and Data Summary - Station RSW-0030 (1)
Water Quality Output and Data Summary - Station RSW-0030 (1)

### Response No. 035-77:

### Comment No. 035-78:

Provided below is the first page of Attachment 46 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

### ATTACHMENT 46 PAGE 1 OF 150

### eSMR PDF Report

### Summary: Monthly SMR (MONNPDES) report for January 2014

Summary: Monthly SMR ( MONNPDES ) report for January 2014 submitted by Ann Heil (Monitoring Section Supervising Engineer) on 04/14/2014.

Facility Name: Valencia WRP Order Number: R4-2009-0074
Waterboad Office: Region 4 - Los Angeles Case Worker: Kristie Kao, Veronica Cuevas-Alpuche

Report Effective Dates: 01/01/2014 - 01/31/2014

### No Discharge Periods

Name	Description	Dates	Comments
001	Discharge point 001 to the Santa Clara River for Valencia Water Reclamation Plant.		
002	Discharge point 002 to the Santa Clara River for Valencia Water Reclamation Plant.	01/01/2014 - 01/31/2014	

### **Self-Determined Violations**

No Violations Entered

#### **Attachments**

File Name	File Description	Date Uploaded	File Size
DMS-#2925986-v1-VA201401TOX.PDF	Toxicity Report for VAWRP January 2014	04/08/2014	713255 bytes
DMS-#2925994-v1-VA201401TOX_COCs.PDF	Toxicity chain of custody forms for VAWRP January 2014	04/08/2014	1083055 bytes
MS-#2938846-v1-Valencia_CIWQS.PDF	Chain of custody forms 1 for VAWRP January 2014	04/08/2014	1189649 bytes
MS-#2938866-v1-Valencia_CIWQS_2.PDF	Chain of custody forms 2 for VAWRP January 2014	04/08/2014	4602653 bytes
MS-#2938896-v1-Valencia_CIWQS_3PDF	Chain of custody forms 3 for VAWRP January 2014	04/08/2014	2046836 bytes
al 2014-01 Commercial Lab COCs.pdf	Chain of custody forms 4 for VAWRP January 2014	04/08/2014	2725874 bytes
al 2014-01 flow data.pdf	Flow data summary for VAWRP January 2014	04/08/2014	6886 bytes
/alencia_WRP_Effluent_Discharge_Points_and_Receiving_Water_S ations.pdf	Monitoring location map for VAWRP	04/08/2014	309613 bytes

### Cover Letter (Uploaded File)

Title	Date Uploaded	File Size
DMS-#2943688-v2-2014_Valencia_Monthly_Write-up_January.pdf	04/14/2014	19122 bytes

### **Data Summary**

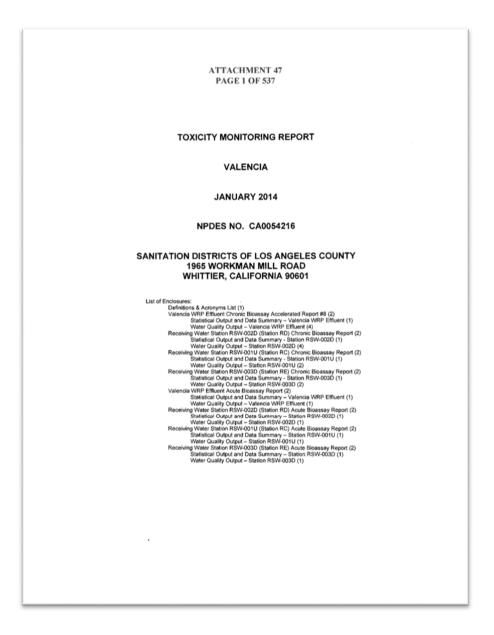
**Analytical Results** 

Page 1 of 150

# Response No. 035-78:

#### Comment No. 035-79:

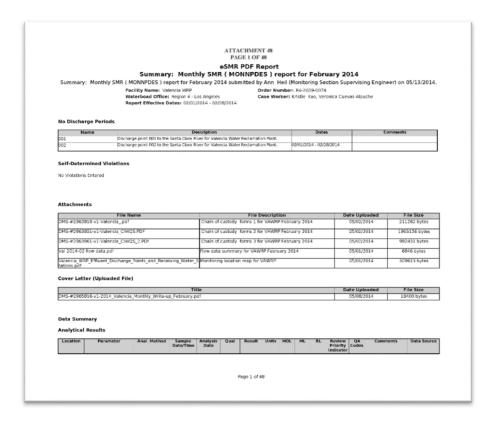
Provided below is the first page of Attachment 47 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-79:

#### Comment No. 035-80:

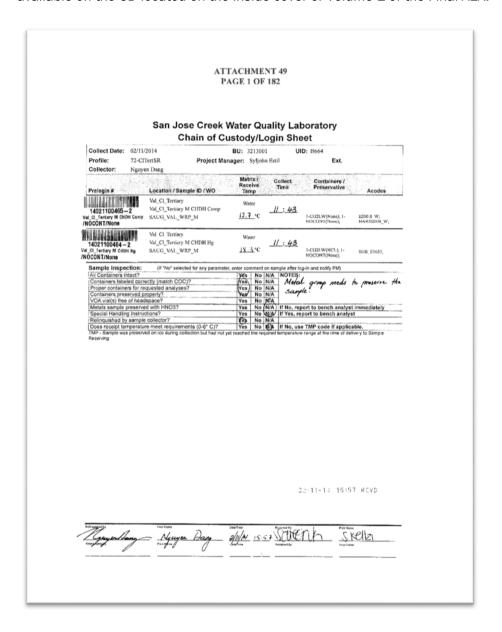
Provided below is the first page of Attachment 48 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-80:

#### Comment No. 035-81:

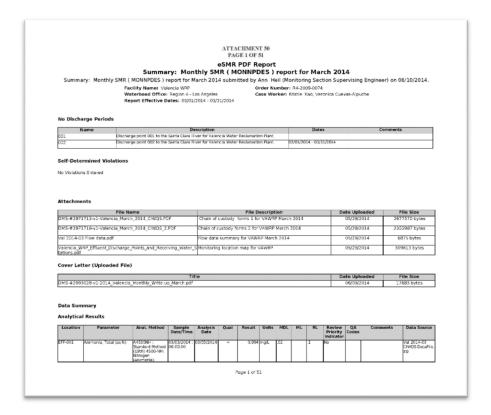
Provided below is the first page of Attachment 49 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-81:

#### Comment No. 035-82:

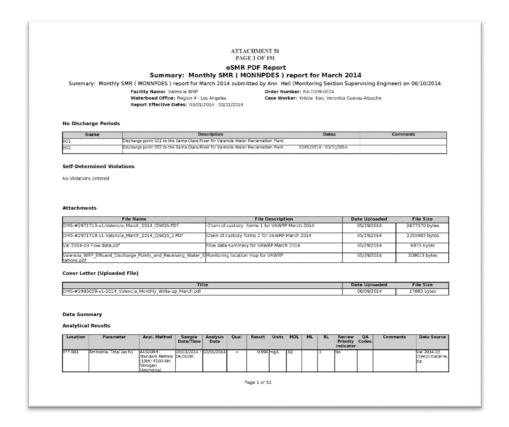
Provided below is the first page of Attachment 50 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-82:

#### Comment No. 035-83:

Provided below is the first page of Attachment 51 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-83:

#### Comment No. 035-84:

Provided below is the first page of Attachment 52 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### **ATTACHMENT 52 PAGE 1 OF 557**



COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

# NOTICE OF INTENT TO ADOPT A MITIGATED



**BOUQUET CANYON CREEK RESTORATION PROJECT** 

Public Works proposes to implement the Bouquet Canyon Creek Restoration project. project site is located within an unincorporated area of northern Los Angeles County and within the southern part of the Santa Clara portion of the United States Forest Service Santa Clara/Mojave Rivers Ranger District of the Angeles National Forest.

The proposed project involves five predefined reaches of Bouquet Canyon Creek where restoration activities would occur (from downstream to upstream, labeled as Sites 1 through 5), and a sixth site in the abandoned Zuni Campground where a fish preserve would be constructed. The primary purpose of this project is to restore in-stream and riparian habitat by reestablishing creek flows along sections of the Bouquet Canyon Creek that currently are dry

Public Works has prepared an environmental document referred to as a Mitigated Negative Public Works has prepared an environmental document referred to as a Mitigated Negative Declaration (MND) and Initial Study to assess the impact of the proposed project to the environment and the community. Significant environmental impacts can be addressed through mitigation. The draft MND and Initial Study are being circulated for a 30-day public review. The review period will begin August 5, 2016, and will end September 4, 2016. The document is available for review at the following URL: <a href="https://dpw.lacounty.gov/go/bocrproject">http://dpw.lacounty.gov/go/bocrproject</a>. A copy of the document is available for review at the following locations:

18601 Soledad Canyon Road Santa Clarita, CA 91351

Canyon Country Jo Anne Darcy Library County of Los Angeles Department of Public Works 18601 Soledad Canyon Road Programs Development Division, 11th Floor 900 South Fremont Avenue Alhambra, CA 91803-1331

Interested parties may submit their comments to

County of Los Angeles Department of Public Works Programs Development Division, 11th Floor Attention Mr. Ed Dingman P.O. Box 1460 Alhambra, CA 91802-1460

The final MND will incorporate responses to written comments received during the public review period. The final document will be considered by the County Board of Supervisors for approval. Questions regarding this notice should be directed to Mr. Ed Dingman, Programs Development Division, Environmental Planning and Assessments Section, at (626) 458-3933 or edingman@dpw.lacounty.gov.

Si necesita asistencia con la traducción al español, por favor comuníquese con el representante del departamento de Obras Públicas del Condado de Los Ángeles, Sr. Art Correa al (626) 458-3948.



requiring reasonable accessfully accommodations may request written materials in attends for yearcommodations, sign language irreceives or other reasonable accommodation by constituting with Disabilities Act Coordinator at (1/20) 455-401, from 7.30 a.m. to 5 p.m., Monday through Thui Persons who are dear or hard of hearing may make contact by first dialing the Cadfornia Relay should should be made at least 1 week in advance to ensure availability. When making a reasonable sase reference PO.

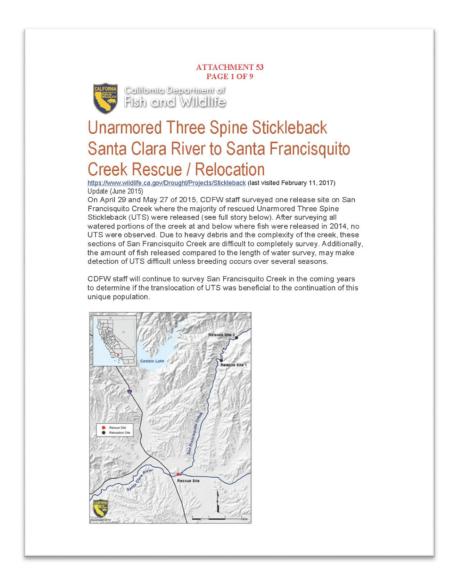
PREPARED BY THE
COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
FOLLOW US ON TWITTER @LAPUBICWORKS, @LACOGOMOdal
WEBSITE: gbw.llacourfy.gov
August 2016

# Response No. 035-84:

The commenter cited this publication to support statements regarding the status of the unarmored threespine stickleback population in Bouquet Canyon. Please see Response to Comment No. 035-14, above, for relevant information that responds to this issue."

#### Comment No. 035-85:

Provided below is the first page of Attachment 53 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-85:

The commenter cited this publication to support statements regarding the status of unarmored threespine stickleback populations in the Upper Santa Clara River, Bouquet Creek, Soledad Canyon Creek, and San Francisquito Creek. Please see **Response to Comment No. 035-13**, above, for relevant information that responds to this issue.

#### Comment No. 035-86:

Provided below is the first page of Attachment 54 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 54 PAGE 1 OF 2

# Drought and wildfires threaten the endangered mountain yellow-legged frog



A mountain yellow-legged frogs inside one of the tanks that hold the captive "insurance colony" of mountain yellow-legged frogs at the LA Zoo. (Katic Falkenberg / Los Angeles Times)

#### Louis Sahagun

#### August 20, 2016

A half-century ago, hundreds of streams cascading down the San Gabriel, San Bernardino and San Jacinto mountains were packed with fist-sized mountain yellow-legged frogs competing for mating rights.

Today, fewer than 400 of the federally endangered frogs are holed up in five hard-toreach streams, all of them reduced to ribbons of shrinking ponds after five years of drought.

Now, as the third major wildfire in a month strips slopes overlooking the frogs' ancestral habitats of vegetation, there is mounting concern that winter storms could inundate their last outposts with mud, debris and ash.

"I've never seen things this dry here before," Adam Backlin, a U.S. Geological Survey biologist, said on Wednesday as he surveyed the health of a small population of about 20 frogs in the upper reaches of the San Gabriel Mountains' Big Rock Creek. "The last thing these frogs need is drought and wildfire."

Wildfire is a natural ecological phenomenon, biologists say. Decades ago, when yellowlegged frogs and other rare aquatic species were widespread, they survived over time by recolonizing from neighboring populations.

Not anymore. Existing populations are descendants of a species pushed to the edge of extinction by urbanization, disease and the appetites of voracious nonnative predators including crayfish, bullfrogs and trout.

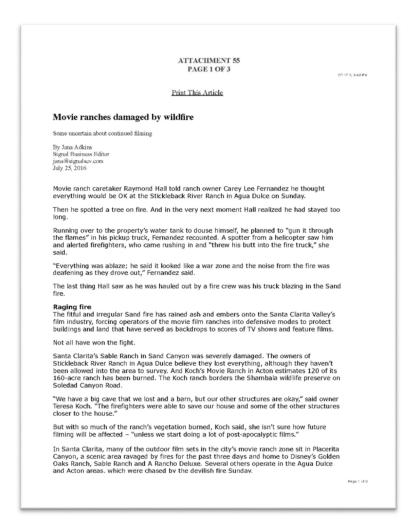
Small, isolated mountain yellow-legged frog populations were lost in the aftermath of the Old fire in 2003, the Station fire in 2009 and the Mountain fire in 2013, Backlin said. Three weeks ago, biologists watched with mounting alarm as the Sand fire ravaged 40,000 acres of northwestern San Gabriel Mountain watershed including portions of

#### Response No. 035-86:

The commenter cited this publication to support statements regarding the 2016 Sand Fire in the Upper Santa Clara River watershed. Please see **Response to Comment No. 035-13**, above, for relevant information that responds to this issue.

# **Comment No. 035-87:**

Provided below is the first page of Attachment 55 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

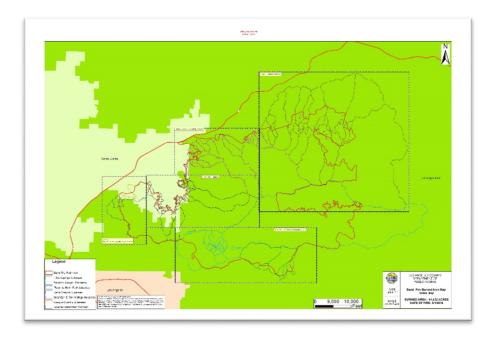


## Response No. 035-87:

The commenter cited this publication to support statements regarding the 2016 Sand Fire in the Upper Santa Clara River watershed. Please see **Response to Comment No. 035-13**, above, for relevant information that responds to this issue.

# Comment No. 035-88:

Provided below is the first page of Attachment 56 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

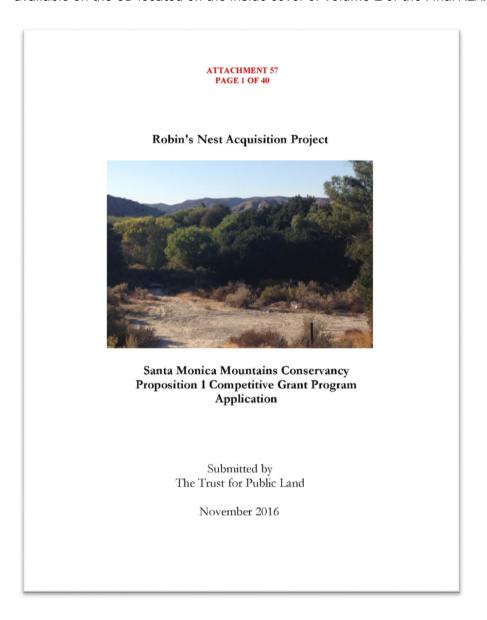


# Response No. 035-88:

The commenter cited this publication to support statements regarding the 2016 Sand Fire in the Upper Santa Clara River watershed. Please see **Response to Comment No. 035-13**, above, for relevant information that responds to this issue.

# Comment No. 035-89:

Provided below is the first page of Attachment 57 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-89:

The commenter included this document among the attachments to its comment letter, but did not cite to the document or indicate which comment the document supported.

#### Comment No. 035-90:

Provided below is the first page of Attachment 58 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



#### Response No. 035-90:

The commenter included this document among the attachments to its comment letter, but did not cite to the document or indicate which comment the document supported.

#### Comment No. 035-91:

Provided below is the first page of Attachment 59 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

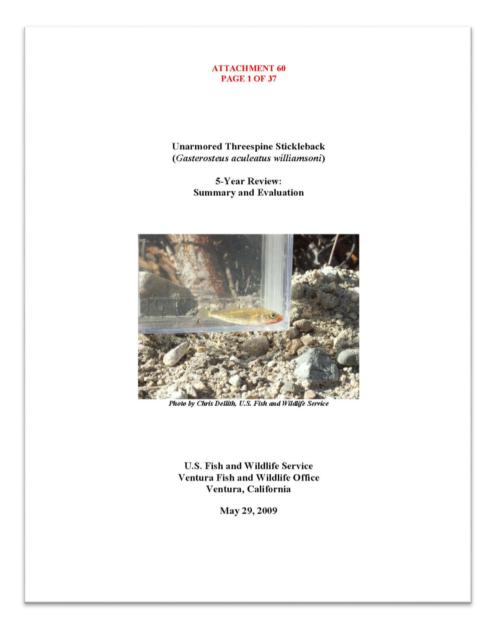


## Response No. 035-91:

The commenter cited this publication to support statements regarding the nesting behavior of unarmored threespine stickleback. Please see **Response to Comment Nos. 035-22, 035-23,** and **035-25**, above, for relevant information that responds to this issue.

# Comment No. 035-92:

Provided below is the first page of Attachment 60 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-92:

#### Comment No. 035-93:

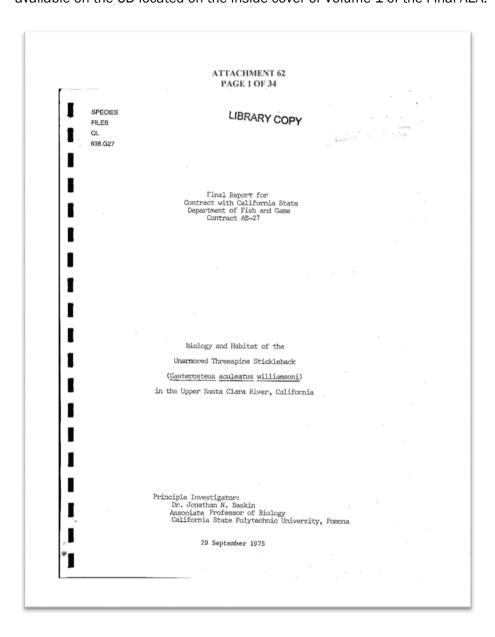
Provided below is the first page of Attachment 61 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-93:

#### Comment No. 035-94:

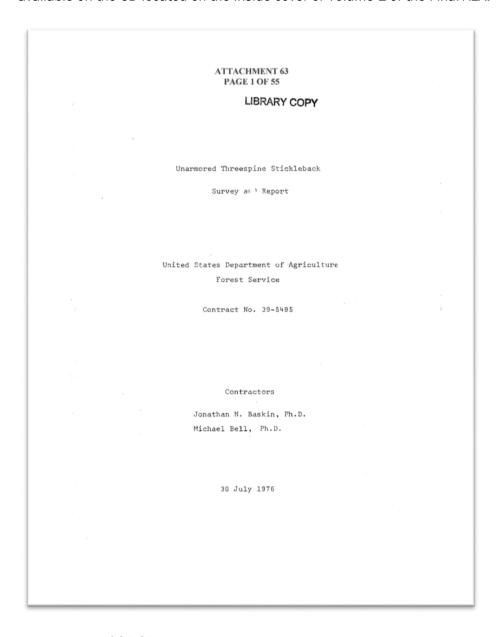
Provided below is the first page of Attachment 62 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-94:

#### Comment No. 035-95:

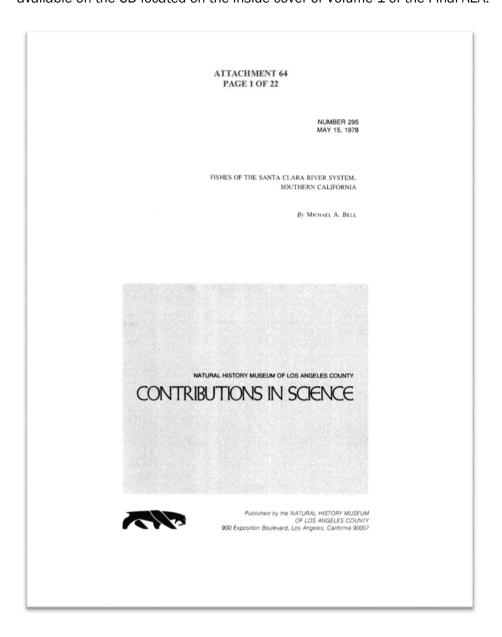
Provided below is the first page of Attachment 63 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-95:

#### Comment No. 035-96:

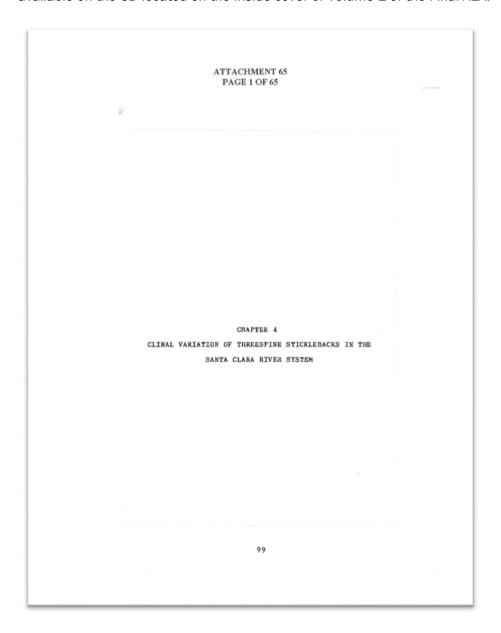
Provided below is the first page of Attachment 64 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-96:

#### Comment No. 035-97:

Provided below is the first page of Attachment 65 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-97:

#### Comment No. 035-98:

Provided below is the first page of Attachment 66 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



#### Response No. 035-98:

# Comment No. 035-99:

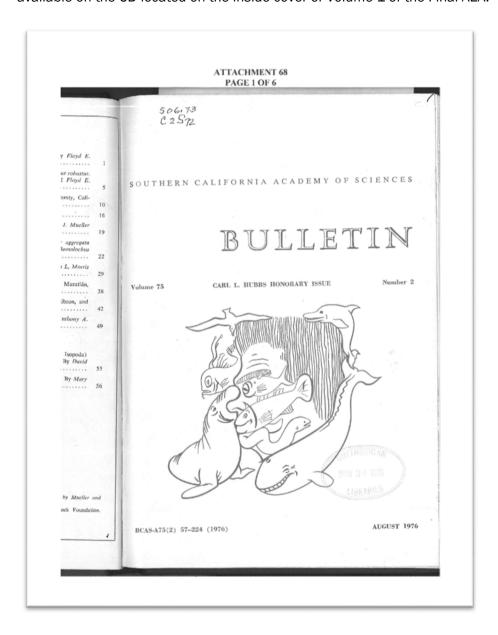
Provided below is the first page of Attachment 67 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

ATTACHMENT 67 PAGE 1 OF 584	
The Evolutionary Biology of the Threespine Stickleback	

# Response No. 035-99:

#### Comment No. 035-100:

Provided below is the first page of Attachment 68 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-100:

# Comment No. 035-101:

Provided below is the first page of Attachment 69 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-101:

#### Comment No. 035-102:

Provided below is the first page of Attachment 70 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 70 PAGE 1 OF 3

Federal Register / Vol. 61, No. 132 / Tuesday, July 9, 1996 / Proposed Rules

Federal Register / Vi

1995, and prevented the Service from making a final decision on these proposals by the August 1995 administrative deadine. The moratorium was lifted on April 26, 1996, when the appropriation for the Department of the Interior for the remainder of fiscal year 1996 was enacted into law, in a Federal Register document published on May 16, 1996 (GI FR 24722), the Service outlined in detail the history of the moratorium and indicated the priorities it would follow in eliminating the listing program backlog resulting from the moratorium. Preparation of final rules for these proposed species is considered a Tire 2 priority—processing final decisions on proposed listings. For more information on the moratorium and the priority for backlogged listing actions, refer to the May 15, 1996, Federal Register notice. The Service hereby announces another reopening of the comment period will allow the Service to accept information on scientific studies conducted since the comment period until July 26, 1998. Reopening of the comment period until glow the Service to accept information on scientific studies conducted since the comment period last closed on May 3,

scientific studies conducted since the comment period last closed on May 5, 1995. Any other comments from the interested public will also be solicited concerning these proposals.

The primary author of this notice is Robert S. Butler, Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216 (904/232– 2580 or fax 904/232–2104).

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1361– 1407: 16 U.S.C. 1531–1544: 16 U.S.C. 4201– 4245: Pub. L. 99–625, 100 Stat. 3500, unless

otherwise noted). Dated: July 1, 1996. Noreen K. Clough.

Regional Director, Southeast Region, Fish and Wildlife Service.

[FR Doc. 96–17222 Filed 7–8–96; 8:45 am] BILLING CODE 4310-65-P

**Endangered and Threatened Wildlife** and Plants: 90-day Finding on a Petition to List the Santa Ana Speckled Dace, Santa Ana Sucker, and the Shay Creek Threespine Stickleback as Endangered

AGENCY: Fish and Wildlife Service,

ACTION: Notice of 90-day petition

SUMMARY: The U. S. Fish and Wildlife Service (Service) announces a 90-day

finding on a petition to list three fish as endangered, pursuant to the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial scientific or commercial information indicating the petitioned action may be warranted for two of the three species because it does not substantiate that the Santa Ana speckled dace and Shay Creek threespine stickleback are described subspecies or distinct vertebrate population segments as described in the Service's vertebrate population policy. Furthermore, the Service presently regards the Shay Creek threespine stickleback as a population of the unarmored threespine stickleback (Gasterosteus aculeatus williamsonh, a species that it salready listed as (Gasterosteus acureatus willtamsonn, a species that is already listed as endangered. Regarding the third fish species, the Service finds that substantial information exists to support a decision that listing may be warranted for the Santa Ana sucker.

DATES: The finding announced in this notice was made on June 28, 1996. Comments and materials may be submitted until further notice.

ADDRESSES: Data, information, ADDRESSES: Data, Information, comments, or questions concerning the finding should be submitted to the Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

J. Barrett (see ADDRESSES above), telephone (619) 431–9440.

#### SUPPLEMENTARY INFORMATION:

Background
Section 4(b)(3)(A) of the Endangered
Species Act (Act) of 1973, as amended
(16 U.S.C. 1531 et sep.) requires that the
Service make a finding on whether a
petition to list, delist, or reclassify a
species presents substantial scientific or
commercial information indicating that
the neitlined action may be warranted. the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register. This finding is based on information contained in the petition, supporting information submitted with the petition, and otherwise available to the Service at the time the finding is made. If the Service determines that the petitioned action may be warranted, the Service will commence a review of the status of the involved species. Status reviews will be commenced in accordance with priorities established by the Service pursuant to the May 16, 1996, Final Listing Priority Guidance (61 Fed Reg

24722). On September 6, 1994, the Service On September 6, 1994, the Service received a petition dated September 2, 1994, to list the Santa Arna speckled dace (Rhinichthys oscalus ssp.), Santa Ann sucker (Catostomus santannae), and the Shay Creek threespire stickleback (Gasterosteus aculeatus ssp.) as endangered species. The petition was submitted by the Sitera Club Legal Defense Fund, Inc., on behalf of seven groups. The seven groups are the California-Nevada Chapter of the American Fisherles Society, The Nature Galifornia-Nevada Chapter of the American Fisheres Society, The Nature School, The California Sportfishing Protection Alliance, Friends of the River, Izaak Walton League of America, California Trout, and Trout Unlimited. The letter clearly identified itself as a petition and contained the names, signatures, and addresses of the petitioners. Accompanying the petitioners Accompanying the process of the petitioners of the petitioners of the petitioners and addresses of the petitioners. Accompanying the petitioners are dependently in the petition per solution relating to taxonomy, ecology, and past and present distribution of all three species. The petition, supporting documentation, and other information available in the Service files has been reviewed to determine if substantial

reviewed to determine if substantial information is available to indicate that reviewed to determine if substantial information is available to indicate that the requested actions may be warranted. On the basis of the best scientific and commercial information available, the Service finds the petitioned action may be warranted for the Santa Ana sucker because of the threats to low population numbers, and is not warranted for the Santa Ana speckled dace based on taxonomic uncertainty. While the Santa Ana speckled dace based on taxonomic uncertainty. While the petitioners falled to present substantial information indicating that the Shay Creek threespine stickleback should be listed as a subspecies or distinct vertebrate population segment, the Shay Creek threespine stickleback is presently regarded as a population of the unarmored threespine stickleback and already receives the protections of the Act. A status review will be commenced in accordance with the Final Listing Priority Guidance for the Santa Ana Sucker

#### Santa Ana Sucker

The Santa Ana sucker (Catostomus The Santa Ana sucker (Catostomus santanane) is a member of the sucker family (Catostomidae). The Santa Ana sucker was originally described as Pantosteus santa-arae by Snyder (1908, as in Moyle 1976). The genus Pantosteus was reduced to a subgenus of Catostomus and the hyphen omitted from the specific rame in a subsequent revision of the nomenclature (Smith 1966). The American Fisheries Society

#### Response No. 035-102:

#### Comment No. 035-103:

Provided below is the first page of Attachment 71 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

ATTACHMENT 71 PAGE 1 OF 96

San Marino Environmental Associates

Habitat Conservation Plan for the Federally Endangered Unarmored Threespine Stickleback and Other Species of Special Concern at The Newhall Land and Farming Company's Crossings of the Santa Clara River, Los Angeles and Ventura Counties, California

> Prepared by: Thomas R. Haglund, Ph.D. Jonathan N. Baskin, Ph.D. San Marino Environmental Associates

On behalf of: Newhall Land and Farming Company 23823 Valencia Boulevard Valencia, California 91355—2103

Submitted to:
Field Supervisor
United States Department of the Interior
Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, California 93003
505-544-1766

Revised February 2004

560 South Greenwood Avenue San Marino, California 91108-1270 (626) 792-2382 Fax (626) 792-8233

## Response No. 035-103:

#### Comment No. 035-104:

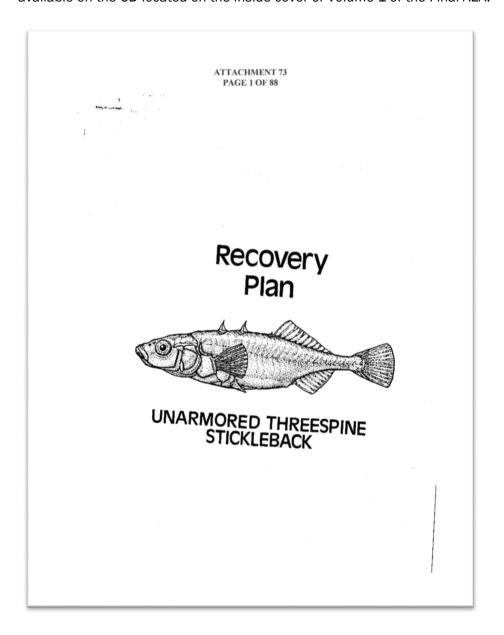
Provided below is the first page of Attachment 72 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

# ATTACHMENT 72 PAGE 1 OF 3 DEPARTMENT OF THE INTERIOR Fish and Widdlife Service SO CFR Part 17 Endangered and Threatened Widdlife and Plants: Proposed Telegration of Critical Habitat for the Endangered Statistics of the Lord and by Internediate Vipes. Through Calabratic County, California. It was leaded as the unarmored threespine Statistics of the Endangered Statistics of the Endangere Federal Register / Vol. 45. No. 223 / Monday, November 17, 1980 / Proposed Rules Critical Habitat Critical Habitat Critical Habitat The Act defines "Critical Habitat" to include (a) areas within the geographical area occupied by the species at the lime that the species is listed, which are essential to the conservation of special measurements of the species and which may require special measurement considerations or protections and (b) specific areas outside the geographic area of listing, special measurements of the special measurements of the special measurements of the special measurements of the species. As specified in the rules for listing Endangered and Threatened species and designating Critical Habitat (to be conflided at 50 CFR Part 424, see 45 FR 15970), the Director shall consider in determining what areas are critical

#### Response No. 035-104:

#### Comment No. 035-105:

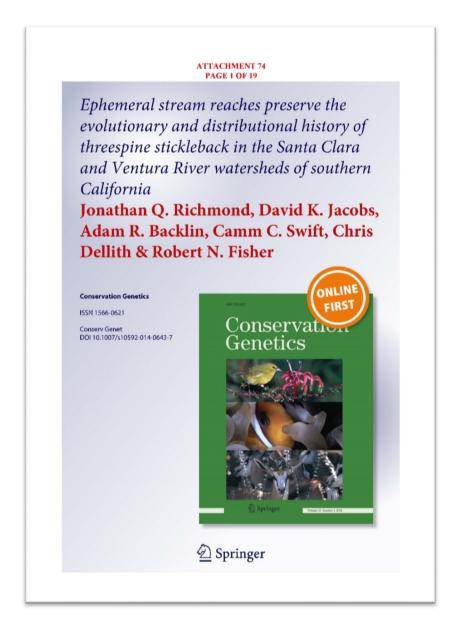
Provided below is the first page of Attachment 73 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-105:

#### Comment No. 035-106:

Provided below is the first page of Attachment 74 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-106:

#### Comment No. 035-107:

Provided below is the first page of Attachment 75 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

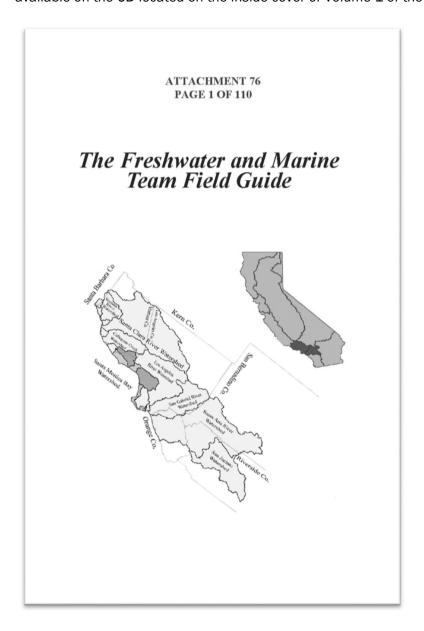


# Response No. 035-107:

The commenter cited this publication to support statements regarding Wishtoyo's Ventura Coastkeeper Program and its monitoring of water temperature and velocity in the Santa Clara River. Please see **Responses to Comments Nos. 035-24** and **035-26**, above, for relevant information that responds to this issue.

#### Comment No. 035-108:

Provided below is the first page of Attachment 76 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

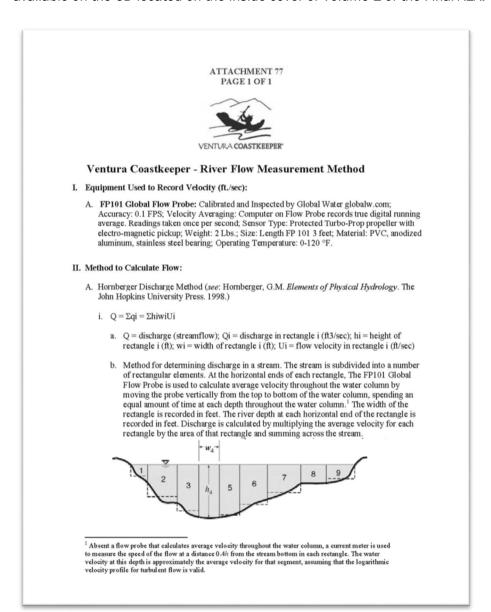


# Response No. 035-108:

The commenter cited this publication to support statements regarding Wishtoyo's Ventura Coastkeeper Program and its monitoring of water temperature and velocity in the Santa Clara River. Please see **Responses to Comments Nos. 035-24** and **035-26**, above, for relevant information that responds to this issue.

#### Comment No. 035-109:

Provided below is the first page of Attachment 77 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

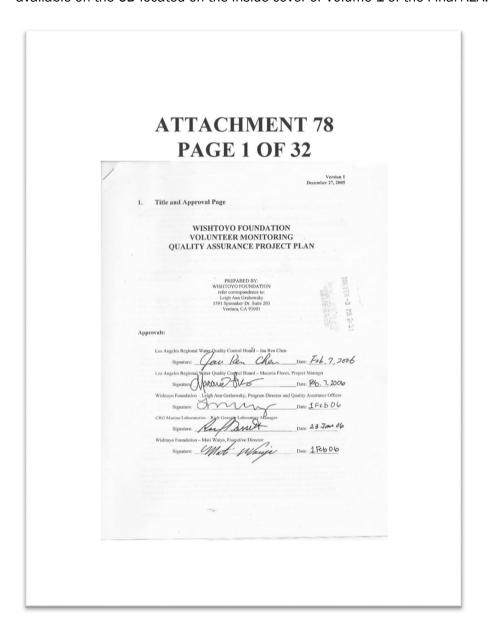


#### Response No. 035-109:

The commenter cited this publication to support statements regarding Wishtoyo's Ventura Coastkeeper Program and its monitoring of water velocity in the Santa Clara River. Please see **Responses to Comments 035-24** and **035-26**, above, for relevant information that responds to this issue.

#### Comment No. 035-110:

Provided below is the first page of Attachment 78 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



## Response No. 035-110:

The commenter cited this publication to support statements regarding Wishtoyo's Ventura Coastkeeper Program and its monitoring of water temperature and velocity in the Santa Clara River. Please see **Responses to Comments Nos. 035-24** and **035-26**, above, for relevant information that responds to this issue.

#### Comment No. 035-111:

Provided below is the first page of Attachment 79 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 79 PAGE 1 OF 1

#### Wishtoyo / VCK Temperature QAQC

#### Calibration

- Hold NIST Thermometer by rubber attachment before placing in clamp attached to bucket. NIST Thermometer is attached to clamp so that human heat from ones hand does not distort the temperature reading
- 2.) Place Thermistor Thermometers / field thermometers at same height in water column as NIST Thermometer. Try to position both in the middle of the water column in the bucket. Take readings of Thermistor Thermometers / field thermometers at same depth as NIST Thermometer.
- 3.) Hold field thermometers by rubber cords to avoid heat transfer from humans
- 4.) Stir bucket with field thermometers to avoid temperature stratification, do not take temperature while stirring. Let settle 1 minute after stabilization of temperature before taking reading
- 5.) 5 calibration points in Degrees Celsius = 0, 15, 25, 30, 40 (Degrees Fahrenheit 32, 59, 77, 86, 104). Check Calibration every 3 - 4 months with this five-point calibration.

#### In the Field

6.) In the field, measure temperature in middle of water column if possible; do not rest thermometer on riverbed; upper portion of water column reading ok if current is swift. For reading, wait until thermometer has stabilized and wait one minute until taking the reading - record time; wait one more minute and take reading and time again; and wait one more minute and take reading and time again. Try to take a picture that digitally imprints the time and long lat on each photo. Record all data in field sheet, including instrument number (YSI 85 #1, or YSI Pro #52)

## Response No. 035-111:

The commenter cited this publication to support statements regarding Wishtoyo's Ventura Coastkeeper Program and its monitoring of water temperature in the Santa Clara River. Please see **Responses to Comments Nos. 035-22** and **035-26**, above, for relevant information that responds to this issue.

#### Comment No. 035-112:

Provided below is the first page of Attachment 80 to Letter No. 035. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.



# Response No. 035-112:

The commenter cited this publication to support statements regarding Wishtoyo's Ventura Coastkeeper Program and its monitoring of water temperature in the Santa Clara River. Please see **Responses to Comments Nos. 035-24** and **035-26**, above, for relevant information that responds to this issue.

#### Comment No. 035-113:

Provided below is the first page of Attachment 81 to Letter No. O35. A full copy of the attachment is available on the CD located on the inside cover of Volume 1 of the Final AEA.

#### ATTACHMENT 81 PAGE 1 OF 142

#### CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

#### LOS ANGELES REGION

320 West 4th Street, Suite 200, Los Angeles, CA 90013 (213)576-6600 • Fax (213)576-6660 http://www.waterboards.ca.gov/losangeles/

#### ORDER NO. R4-2009-0074 NPDES NO. CA0054216

WASTE DISCHARGE REQUIREMENTS FOR THE SANTA CLARITA VALLEY SANITATION DISTRICT OF LOS ANGELES COUNTY, VALENCIA WATER RECLAMATION PLANT DISCHARGE TO SANTA CLARA RIVER

The following Discharger is subject to waste discharge requirements as set forth in this Order:

Table 1. Discharger Information

Discharger	Santa Clarita Valley Sanitation District of Los Angeles County		
Name of Facility	Valencia Water Reclamation Plant		
	28185 The Old Road		
Facility Address	Santa Clarita, CA 91355		
	Los Angeles County		
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Quality Control Board (Regional Water Board) have classified this discharge as a major discharge.			

The discharge by the Santa Clarita Valley Sanitation District of Los Angeles County from the discharge points identified below is subject to waste discharge requirements as set forth in this Order:

Table 2. Discharge Location

Discharge Point	Effluent Description	Discharge Point Latitude	Discharge Point Longitude	Receiving Water
001	Tertiary treated effluent	34 º, 25', 49.6" N	118º, 35',33.37' W	Santa Clara River
002	Tertiary treated effluent	34 °, 25', 48.27" N	118°, 35',31.95" W	Santa Clara River

February 25, 2009 Revised: 04/07/09, 4/20/09, 5/14/09, and 6/4/09

## Response No. 035-113: