



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

San Luis National Wildlife Refuge Complex  
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FRESNO, CALIF.

14 November 2006

California Regional Water Quality Control Board  
Central Valley Region  
Attention: Matt Scroggins  
1685 E. Street  
Fresno, CA 93706

Dear Sir or Madam:

In reviewing the Atwater City and California Sportfishing Protection Alliance (CSPA) comments to the California Regional Water Quality Control Board Public Notice for the Tentative NPDES Permit and Wastewater Discharge Requirements for the City of Atwater Wastewater Treatment Facility we had the following concerns:

- 1) **CSPA-Comment 17:** *Language should be added to the permit that wetlands intentionally attract wildlife and contact recreation within the Merced National Wildlife Refuge is an expected use. This information and a copy of the TWDRs should be passed along to the Merced National Wildlife Refuge and the U.S. Fish and Wildlife Service.*

**Response:** *The requested additions were not made, as they are not applicable to this situation. Finding 33 indicates that the Atwater Drain supports wetland ecosystems and wildlife in the Merced National Wildlife Refuge. The Arena Plains Unit of the Merced National Wildlife Refuge is not open to the public.*

*All public material and correspondence concerning the TWDRs has been and will continue to be sent to the U.S. Fish and Wildlife Service.*

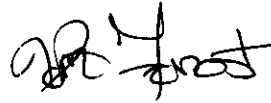
**FWS Response:** The Arena Plains Unit is currently closed to the public. However, this status can change at any time with the continued development of public use opportunities. Additionally, Refuge staff, management partners, and independent researchers regularly come in contact with Atwater Drain water as part of the Refuge's wildlife conservation activities. Treated water for the City passing through the Refuge's portion of the Atwater Drain must be released at a quality that is safe for the public.

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- 2) The water that the Atwater Drain delivers is intentionally used to support the Refuge's wetlands. Comments provided by both the City and CSPA discuss water quality standards and treatment concerning metals, salts, nitrites, and other toxic discharges from the wastewater treatment facility. Although the proposed permit will require a tertiary level of water treatment, the Refuge is concerned with the potential effects on wetland ecosystems that the increased quantities of pollutants -- resulting from the planned discharge increases from 6 mgd to 12 mgd -- may cause.
- 3) The Drain terminates on the Refuge -- and with it, all the unused tailwater. This tailwater is discharged across the property into seasonal or permanent wetland sloughs. Due to the increased quantity, it may overflow established wetlands designed to utilize the current quantity of water. This overflow may negatively impact vernal pool habitat and a suite of associated sensitive and protected species (vernal pools and associated species are adapted to late winter flood-ups followed by a drying for most of the year).
- 4) Increases in the amount of water discharged (from 6mgd to 12mgd) will overwhelm the existing Drain's holding capacity causing it to overflow its banks. Vulnerable vernal pool habitats will be threatened with unseasonable flood-ups and changes to soil and water chemistry. Any increases in water discharged must be accompanied with improvements to the existing Atwater Drain infrastructure.

We appreciate the opportunity to clarify the Refuge's concerns regarding the NPDES Permit and Waste Discharge Requirements. If you have further questions, feel free to contact me or the Merced National Wildlife Refuge assistant refuge manager, Richard Albers (209/826-3508).

Sincerely,



Kim Forrest  
Wildlife Refuge Manager

