



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE CALIFORNIA REGIONAL WATER
Southwest Region
777 Sonoma Avenue, Room 325 SEP 23 2002
Santa Rosa, California 95404

QUALITY CONTROL BOARD

SEP 19 2002

In reply please refer to:
151422-SWR-02-SR-8258:ME

Nancy Yoshikawa
CWA Standards and Permits Office
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Dear Ms. Yoshikawa:

Thank you for your letter of June 24, 2002, regarding the presence of Federally listed (or proposed for listing) threatened or endangered species or critical habitat under the jurisdiction of the National Marine Fisheries Service (NOAA Fisheries) that may be affected by the U.S. Environmental Protection Agency's (EPA) proposed re-issuance of the National Pollutant Discharge Elimination System permit for the City and County of San Francisco's Oceanside and Westside facilities. The permit would regulate the discharge of treated wastewater through the Southwest Ocean Outfall beyond the three mile limit of territorial sea into federal waters. The permit would also regulate the discharge of six Combined Sewer Overflow points along the western edge of San Francisco.

Although NOAA Fisheries originally responded to your request on August 7, 2002, several species that may be affected by the action were omitted from our original letter. We have made the appropriate additions, and have included all species under the jurisdiction of NOAA Fisheries that may be affected by the proposed action in this letter.

Endangered Species Act

Available information indicates that the following listed species (Evolutionarily Significant Units) and designated critical habitat may occur in the project areas:

Salmonids

- Sacramento River winter-run chinook salmon** (*Oncorhynchus tshawytscha*)
endangered (January 4, 1994, 59 FR 440)
critical habitat
- Central Valley spring-run chinook salmon** (*Oncorhynchus tshawytscha*)
threatened (September 16, 1999, 64 FR 50394)
- Central California Coast coho** (*Oncorhynchus kisutch*)
threatened (October 31, 1996, 64 FR 56138)
critical habitat (May 5, 1999, FR .



- Central California Coast steelhead** (*Oncorhynchus mykiss*)
threatened (August 18, 1997, 62 FR 43937)
Central Valley steelhead (*Oncorhynchus mykiss*)
threatened (March 19, 1998, 63 FR 13347)

Cetaceans

- Fin Whale** (*Balenoptera physalus*)
endangered (Dec 28, 1973, Public Law 93-205)
Blue Whale (*Balenoptera musculus*)
endangered (Dec 28, 1973, Public Law 93-205)
Humpback Whale (*Megaptera novaengiae*)
endangered (Dec 28, 1973, Public Law 93-205)
Sperm Whale (*Physeter macrocephalus*)
endangered (Dec 28, 1973, Public Law 93-205)

Pinnipeds

- Steller Sea Lion** (*Eumetopias jubatus*)
threatened (November 26, 1990, 50 FR 227)

Sea Turtles

- Leatherback sea turtle** (*Dermochelys coriacea*)
endangered (June 2, 1970)
Loggerhead Sea Turtle (*Caretta caretta*)
threatened (July 28, 1978, 43 FR 82808)
Green Sea Turtle (*Chelonia mydas*)
threatened (July 28, 1978, 43 FR 82808)
Olive Ridley sea turtle (*Lepidochelys olivacea*)
threatened (July 28, 1978, 43 FR 82808)

The U.S. Fish and Wildlife Service (USFWS) may also have listed species or critical habitat under its jurisdiction in the project area. Please contact Mr. Harry Mossman at USFWS, 2800 Cottage Way, W-2605, Sacramento, California 95825, or (916) 414-6600, regarding the presence of listed species or critical habitat under USFWS jurisdiction that might be affected by your project.

Magnuson-Stevens Act - Essential Fish Habitat

The project site is located within an area identified as Essential Fish Habitat (EFH) for various life stages of fish species managed with the following Fishery Management Plans (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (MSA):

- Pacific Groundfish FMP** - (starry flounder, English sole, sand sole, leopard shark, spiny dogfish, brown rockfish, etc.)
Coastal Pelagics FMP - (northern anchovy, Pacific sardine)
Pacific Coast Salmon FMP - (chinook and coho salmon)

Amendments to the MSA in 1996 require Federal agencies to consult with NOAA Fisheries regarding any action or proposed action that may adversely affect EFH for federally-managed

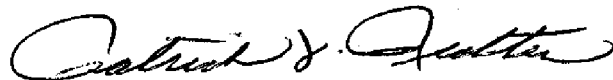
fish species. For more information on EFH, see our website at "<http://swr.nmfs.noaa.gov>". Please send an EFH assessment to NOAA Fisheries if the NPS determines that the proposed action may adversely affect EFH for any species in the FMPs listed above.

Marine Mammal Protection Act

Marine mammals utilize the habitats within the project area for foraging and migration. Harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), harbor porpoise (*Phocoena phocoena*), and gray whales (*Eschrichtius robustus*) utilize habitats in the project area to varying degrees. These species are protected under the Marine Mammal Protection Act (MMPA). If the proposed project has the potential to affect marine mammals, NOAA Fisheries recommends that the EPA contact the Office of Protected Resources, Southwest Regional Office (Cathy Campbell - (562) 980-4060) or Tina Fahy (562) 980-4023), in order to determine if an incidental harassment authorization under section 101(a)(5)(A) or (D) of the MMPA is required.

If you have questions concerning these comments, please contact Maura Eagan at (707) 575-6092.

Sincerely,



Patrick J. Rutton
Northern California Supervisor
Protected Resources Division

cc: James H. Lecky, NOAA Fisheries
Dan Buford, USFWS
Susan Gladstone, SF RWQCB

p4~fNT OiCOhh

fpP

J

eo •ea

~191f5 Of ~

Nancy Yoshikawa

CWA Standards and Permits Office

U.S. Environmental Protection Agency

75 Hawthorne Street

San Francisco, California 94105

Dear Ms. Yoshikawa:

UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration WATER

NATIONAL MARINE FISHERIES 91BIRNIA R

Southwest Region 14~~ 1

777 Sonoma Avenue, Room 325 SEP 2 3 2002

Santa Rosa, California 95404

QUALITY CONTROL BOARD

1 9 2002 In reply please refer to:

SEP

151422-SWR-02-SR-8258:ME

Thank you for your letter of June 24, 2002, regarding the presence of

Federally listed (or

proposed for listing) threatened or endangered species or critical habitat

under the jurisdiction of

the National Marine Fisheries Service (NOAA Fisheries) that may be affected by

the U.S.

Environmental Protection Agency's (EPA) proposed re-issuance of the National

Pollutant

Discharge Elimination System permit for the City and County of San Francisco's

Oceanside and

Westside facilities. The permit would regulate the discharge of treated

wastewater through the

Southwest Ocean Outfall beyond the three mile limit of territorial sea into

federal waters. The

permit would also regulate the discharge of six Combined Sewer Overflow points

along the

western edge of San Francisco.

Although NOAA Fisheries originally responded to your request on August 7,

2002, several

species that may be affected by the action were omitted from our original

letter. We have made

the appropriate additions, and have included all species under the

jurisdiction of NOAA Fisheries

that may be affected by the proposed action in this letter.

Endangered Species Act

Available information indicates that the following listed species

(Evolutionarily Significant

Units) and designated critical habitat may occur in the project areas:

Salmonids

Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*)

endangered (January 4, 1994, 59 FR 440)

critical habitat

Central Valley spring-run chinook salmon (*Oncorhynchus tshawytscha*)

threatened (September 16, 1999, 64 FR 50394)

Central California Coast coho (*Oncorhynchus kisutch*)

threatened (October 31, 1996, 64 FR 56138)

critical habitat (May 5, 1999, FR / -T

fhI At

9•R./

Central California Coast steelhead (*Oncorhynchus mykiss*)

threatened (August 18, 1997, 62 FR 43937)

Central Valley steelhead (*Oncorhynchus mykiss*)

threatened (March 19, 1998, 63 FR 13347)

Cetaceans

Fin Whale (*Balenoptera physalus*)

endangered (Dec 28, 1973, Public Law 93-205)

Blue Whale (*Balenoptera musculus*)

endangered (Dec 28, 1973, Public Law 93-205)

Humpback Whale (*Megaptera novaengiae*)
endangered (Dec 28, 1973, Public Law 93-205)
Sperm Whale (*Physeter macrocephalus*)
endangered (Dec 28, 1973, Public Law 93-205)

Pinnipeds

Steller Sea Lion (*Eumetopias jubatus*)
threatened (November 26, 1990, 50 FR 227)

Sea Turtles

Leatherback sea turtle (*Dermochelys coriacea*)
endangered (June 2, 1970)

Loggerhead Sea Turtle (*Caretta caretta*)
threatened (July 28, 1978, 43 FR 82808)

Green Sea Turtle (*Chelonia mydas*)
threatened (July 28, 1978, 43 FR 82808)

Olive Ridley sea turtle (*Lepidochelys olivacea*)
threatened (July 28, 1978, 43 FR 82808)

The U.S. Fish and Wildlife Service (USFWS) may also have listed species or critical habitat

under its jurisdiction in the project area. Please contact Mr. Harry Mossman at USFWS, 2800

Cottage Way, W-2605, Sacramento, California 95825, or (916) 414-6600, regarding the presence

of listed species or critical habitat under USFWS jurisdiction that might be affected by your project.

Magnuson-Stevens Act - Essential Fish Habitat

The project site is located within an area identified as Essential Fish Habitat (EFH) for various

life stages of fish species managed with the following Fishery Management Plans (FMP) under

the Magnuson-Stevens Fishery Conservation and Management Act (MSA):

Pacific Groundfish FMP - (starry flounder, English sole, sand sole, leopard shark, spiny dogfish, brown rockfish, etc.)

Coastal Pelagics FMP - (northern anchovy, Pacific sardine)

Pacific Coast Salmon FMP - (chinook and coho salmon)

Amendments to the MSA in 1996 require Federal agencies to consult with NOAA Fisheries

regarding any action or proposed action that may adversely affect EFH for federally-managed

fish species. For more information on EFH, see our website at "<http://swr.nmfs.noaa.gov>".

Please send an EFH assessment to NOAA Fisheries if the NPS

determines that the proposed

action may adversely affect EFH for any species in the FMPs listed above.

Marine Mammal Protection Act

Marine mammals utilize the habitats within the project area for foraging and migration. Harbor

seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), northern elephant seals

(*Mirounga angustirostris*), harbor porpoise (*Phocoena phocoena*), and gray whales (*Eschrichtius*

robustus) utilize habitats in the project area to varying degrees.

These species are protected

under the Marine Mammal Protection Act (MMPA). If the proposed project has the potential to

affect marine mammals, NOAA Fisheries recommends that the EPA contact the Office of

Protected Resources, Southwest Regional Office (Cathy Campbell - (562) 980-4060) or Tina

Fairy (562) 980-4023), in order to determine if an incidental harassment authorization under

section 101(a)(5)(A) or (D) of the MMPA is required.

If you have questions concerning these comments, please contact Maura Eagan at (707) 575-6092.

Sincerely,

Patrick J. Rutten

Northern California Supervisor
Protected Resources Division
cc: James H. Lecky, NOAA Fisheries
Dan Buford, USFWS
Susan Gladstone; SF RWQCB.'