



WISHTOYO
CHUMASH FOUNDATION



July 10, 2017

Chair Felicia Marcus and Board Members
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814
commentletters@waterboards.ca.gov



VIA ELECTRONIC MAIL: WQAssessment@waterboards.ca.gov;
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Re: Comment Letter - 303(d) List Portion of the 2014 and 2016 California Integrated Report

Dear Chair Marcus and California State Water Resources Control Board (“Board”) Members:

On behalf of Wishtooyo Foundation and our Ventura Coastkeeper Program, please accept the following comments on the 303(d) List portion of the 2014 and 2016 California Integrated Report (“Integrated Report” or “303(d) List”)

In reviewing the 303(d) List, it has come to our attention that almost all of the proposed 303(d) listings (See Attachment A) and accompanying supporting data timely submitted on August 30, 2010 by Wishtooyo Foundation’s Ventura Coastkeeper Program (“VCK”) were not assessed for inclusion in the 303(d) List¹.

We thus respectfully request the Board assess all of VCK’s proposed 303(d) Listings and accompanying data submitted in 2010, and ensure VCK’s proposed listings are included in the 303(d) List. All of VCK’s proposed listings meet the requirements for listing in the State Water Resources Control Board’s Water Quality Control Policy for Developing California’s Clean Water Act Section 303(d) List. Notably, as demonstrated by VCK August 30, 2010 proposed listing submission, VCK’s watershed monitoring data supporting the proposed listings were collected and analyzed in accordance with VCK’s Quality Assurance Project Plan (QAPP) approved by the Los Angeles Regional Water Quality Control Board.

¹ See Attachment B for Los Angeles Regional Board staff worksheet detailing some of the VCK proposed listings and accompanying data improperly not assessed to date for the Draft 2016 303(d)/305(b) List.

Furthermore, we ask the Board to include on the list, the dissolved oxygen (“DO”) data submitted by VCK that supports the Santa Clara River Estuary (“Estuary”) being included on the 303(d) List for DO impairment. Even one event where DO levels drops below Basin Plan thresholds can be catastrophic for native and endangered aquatic life, including the Southern California Steelhead² and Tidewater Goby that use the Estuary as habitat and that need healthy and suitable water quality in the Estuary to survive and recover. It only takes one event of low DO for these species to perish, and the Board and Los Angeles Regional Board was provided over 200 separate data entries indicating that DO fell in the Estuary below Basin Plan thresholds and non-harmful levels for aquatic life. Attached to this letter is are two studies by a Regional Board Scientist (Carter 2005 and 2008) that further details the harms of low DO on aquatic life and native and endangered species, including Southern California Steelhead.

VCK’s mission is to protect, preserve, and restore the ecological integrity and water quality of Ventura County’s inland and coastal waterways. In 2009 and 2010, VCK, in coordination with the Los Angeles Regional Water Quality Control Board and State Water Resources Control Board Clean Water Team, dedicated a tremendous amount of resources to its watershed monitoring program that resulted in VCK’s proposed 303(d) Listings. These resources include VCK running volunteer stream teams, utilizing staff time to collect and analyze water quality data, purchasing and maintaining field equipment, and running a laboratory. It would be a shame, and detrimental to Ventura County’s inland and coastal waterways and their beneficial uses, if the water quality impairments discovered, rigorously documented by VCK, and provided to the state did not result in 2016 303(d) Listings, especially on the account that they were not assessed. It is without second thought that the Los Angeles Regional Board assessing our proposed 303(d) Listings and accompanying data from August 30, 2010, and ensuring these proposed listings are included in the 2016 303(d) List, is critical to the protection of Ventura County’s waters for all the people, wildlife, communities, and the Chumash Native American Peoples that depend upon clean and healthy waters to sustain their health, wellbeing, and life ways.

In addition, we note that based on VCK’s submitted watershed monitoring program data indicates that on 5 out of 7 VCK monitoring events on Nicholas Canyon Creek (San Nicolas Canyon Creek) downstream of PCH, the presence of trash pollution exceeded the numeric target for trash as derived in the Los Angeles River Trash TMDL, that San Nicolas Canyon Creek should be included on the 303(d) List for trash. The Board Staff report is in error that there were only 4 out of 6 monitoring events where this trash exceedance was demonstrated. Of note, the Chumash People use this creek (and

² Juvenile Southern California Steelhead utilize estuaries as over-summering and rearing habitat for extended periods of time. (See attached Hayes, et. al (2008); See attached Bond (2006).) The National Marine Fisheries Service (“NMFS”) has designated the Estuary as critical habitat under the federal Endangered Species Act, and the NMFS Steelhead Recovery Plan (January 2012) prioritizes Santa Clara River Estuary habitat restoration and protection as a critical action for the survival and recovery of the species. For NMFS Steelhead Recovery Plan visit: http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/south_central_southern_california_coast/south_central_southern_california_coast_recovery_publications.html (last visited March 24, 2017).

specifically the sampled segment) for cultural practices and ceremonial use. There is Chumash ceremonial REC-1 water contact uses and non water contact uses here. In addition, the QAQC and minimum number of exceedances was met, which further requires the 303(d) Listing for trash.

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

Sincerely,



Jason Weiner

General Counsel, Water Initiative Director

Wishtoyo Foundation and its Ventura Coastkeeper Program

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