



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

In reply refer to:  
2008/08508:MRM

**JAN 15 2009**

Paavo Ogren  
San Luis Obispo County  
Department of Public Works  
County Government Center, Room 207  
1050 Monterey St.  
San Luis Obispo, California 93408

Dear Mr. Ogren:

NOAA's National Marine Fisheries Service (NMFS) reviewed the draft Environmental Impact Report (EIR) for the Los Osos Wastewater Project (Project) near Los Osos, California. As requested in the draft EIR, NMFS provides the following information to assist San Luis Obispo County (County) in formulating the final EIR. There is a continuing need for County to collaborate with NMFS beyond the comment period because as revealed below the Project is expected to have implications for threatened steelhead (*Oncorhynchus mykiss*) and require Section 7 consultation with NMFS. Accordingly, the information contained herein should be used to develop the final EIR and minimize adverse effects on steelhead.

The Project is of concern because threatened steelhead and critical habitat for this species are present in the action area. The final EIR should therefore clearly identify and describe the Project including interrelated and interdependent actions to the extent that NMFS may develop an understanding of the potential effects (offsite, onsite, direct, indirect, temporary, permanent) of the Project on steelhead and critical habitat. The draft EIR has included some of this information though there is some additional information NMFS will need to fully analyze effects of this Project on steelhead in the context of the Section 7 consultation. NMFS recommends that the following information be included in final EIR:

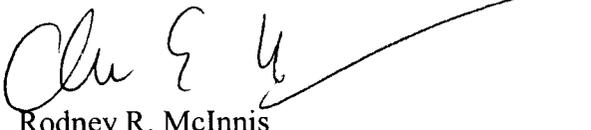
- Conduct and provide results from a survey to assess presence of steelhead in the Project area. Another survey should be conducted no later than 2 weeks prior to implementing Project activities to gain more recent information of steelhead presence at these locations just prior to undertaking the Project.
- Provide greater detail on how culvert removal and bridge installation will be conducted (i.e. design drawings, dewatering plan, time line for implementation, etc.) and the impacts expected (i.e. loss of service to the species, handling and moving steelhead, etc) from these activities. NMFS will need specifics on disturbance area including access points and extent construction vehicles will be used in the creek in order to determine the level of Project impacts to steelhead and critical habitat during section 7 consultation.



- Clarify whether collection pipelines will be trenched or suspended at stream crossings. The level of disturbance and threat to steelhead and critical habitat is significantly different between the two. NMFS would prefer bridge suspension as it reduces the level of disturbance to the stream during installation and eliminates the possibility of the pipeline becoming exposed due to scour and potentially creating a barrier to steelhead or need for further instream disturbance or maintenance.
- Include risk analysis of spills to steelhead and critical habitat over long term operation of plant and collection lines (identify level of risk, likelihood of spill, spill contingency plan, etc.). Spills could result from such events as damaged pipes, big rain events that flood facilities, cause extensive uncontained runoff, or possible inundation of plant facilities with more water than it can process.
- Include a discussion as to how the installation of this facility may influence water use or anthropogenic growth and development of the area surrounding and resulting impacts to steelhead and critical habitat.
- Clarify in the effects to steelhead discussion whether there is any way that the Project will affect the amount and extent of surface flow in steelhead bearing streams. If so, these impacts need to be included in the analysis.
- NMFS understanding of the project is that it is intended that there will be no direct discharge of wastewater or treated effluent to steelhead bearing streams or water bodies that connect with steelhead bearing streams. Please confirm this understanding in the discussion with effects to the species. If there is a possibility of or project component that results in the discharge of wastewater or treated effluent to steelhead bearing streams, a detailed description of the action and its effects should be developed including the water quality characteristics of the discharged water.
- Discuss and identify potential risk or impacts due to runoff from the facility site, leach fields, or spray fields into steelhead bearing waters and critical habitat. How is runoff from these sites contained or treated?
- The EIR should disclose that consultation with NMFS is necessary prior to undertaking the Project, in accordance with Section 7 of the Endangered Species Act. To this degree NMFS should also be included on the list of federal agencies being consulted with.

NMFS appreciates the opportunity to provide information that would assist the County in the development of the final EIR for the subject Project. Matt McGoogan is NMFS' representative for this specific Project. Please call him at (562) 980-4026 if you have any questions concerning this letter or if you require additional information.

Sincerely,

*for*   
Rodney R. McInnis  
Regional Administrator