

CALIFORNIA COASTAL COMMISSION

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F9b

9-22-0733 (City of Ventura)

May 12, 2023

Correspondence



WISHTOYO
CHUMASH FOUNDATION
FIRST NATIONS ECOLOGICAL CONSERVATION ALLIANCE



Heal the Bay

May 4, 2023

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105-2219

Sent via email to: WORFC@coastal.ca.gov

Re: Support for City of Ventura to construct ocean outfall, Agenda Item F9b, Application No. 9-22-0733

Dear Chair Brownsey and California Coastal Commissioners:

Heal the Bay and the Wishtoyo Foundation respectfully submit this letter to urge the California Coastal Commission to grant the coastal development permit (CDP) for the City of Ventura's Ventura Water Pure Project and Ocean Outfall pipeline, Application No. 9-22-0733. We support the special conditions and recommendation proposed by the California Coastal Commission staff and urge you to approve the CDP.

Heal the Bay is an environmental nonprofit established in 1985 that is dedicated to making the coastal waters and watersheds of the Los Angeles Region safe, healthy, and clean. We use science, education, community action, and advocacy to fulfill our mission. For more than three decades, we have been a strong and trusted advocate for the Santa Monica Bay, but a healthy Bay requires a healthy LA. We protect the coastline, restore our waterways, and enact clean water policy to protect public health.

Founded in 1997, Wishtoyo Foundation is a California 501(c)(3) nonprofit public interest organization with members composed of Chumash Native Americans, First Nations People, and Santa Barbara, Ventura, and Los Angeles County residents. Wishtoyo is place, organization, and movement inspiring people to live in harmony with our Earth again. Wishtoyo serves as a "rainbow bridge" linking Chumash and Indigenous lifeways with the protection of natural and cultural resources, utilizing traditional ecological knowledge to provide environmental and cultural preservation and justice, education, research, and advocacy.

In 2011, Heal the Bay and Wishtoyo sued the City of Ventura for violating NPDES permit requirements in their Ventura Water Reclamation Facility (VWRF) effluent that is discharged into the Santa Clara River estuary. Since that time, Heal the Bay, Wishtoyo, and the City of Ventura have become consent decree partners and worked closely together to develop and plan the Ventura Water Pure Project to dramatically reduce VWRF effluent impacts on the Santa Clara River Estuary (SCRE).



Benefits of the Project

The Ventura Water Pure Project will improve habitat quality and water quality conditions in the SCRE while supplying an affordable and sustainable source of recycled water to the community.

Currently, the discharge from the WWRF of tertiary treated wastewater effluent into the SCRE has a multitude of negative impacts on water and habitat quality of the estuary. Discharge of 6-8 million gallons per day (MGD) of treated freshwater into a naturally brackish system decreases salinity variability, causes loading of nitrate and other nutrients, and heightens the water level equilibrium of the seasonal closed-berm estuary leading to unseasonal berm breach events, discussed in further detail below.

The decrease in salinity variability caused by the WWRF discharge improves habitat quality for freshwater aquatic invasive species like green sunfish, Asian carp, and western mosquitofish (Scientific Review Panel Phase 3 assessment, page 18¹). These invasive species predate and outcompete federally endangered native species like tidewater goby and juvenile southern steelhead smolts that are more adapted to variability in salinity and conditions that are more saline. The decrease of this discharge into the estuary will improve salinity variability, creating a less hospitable environment for aquatic invasive species and better conditions for tidewater goby and smolting juvenile southern steelhead. Juvenile southern steelhead need more saline environments in estuaries in order to complete the smoltification process that allows them to survive and thrive in saltwater, nearshore marine environments.

The WWRF has successfully reduced concentrations of nitrate in their effluent that is discharged to the estuary. However, the continuous discharge of concentrations of nitrate, even below 5 mg/L, loads nitrate into the estuary and can contribute to eutrophic conditions in the estuary. The continuous discharge of effluent with 5 mg/L of nitrate at a rate of 6 MGD, would load up to 113.56 kilograms of nitrate into the estuary per day. This loading of nitrate can contribute to algal blooms that lead to eutrophic and anoxic conditions in the estuary that are lethal to all aquatic life. The reduction of effluent discharge to 1.9 MGD in phase 1a, then to 0 - 0.5 MGD in Phase 1b would result in a substantial reduction in nutrient loading in the SCRE and improve water quality conditions.

The continuous discharge level (CDL) of 6-8 MGD, increases the water level during closed berm conditions in the SCRE. This increased water level equilibrium can cause the shallow flooding of the McGrath State Beach Campground (Id., page 284). The flooded water in this campground experiences limited atmospheric mixing and has exceptionally low dissolved oxygen concentrations. During rain events, this low quality water drains out of the campground and into the estuary, causing dangerous habitat conditions for native species. The raised water level equilibrium can also cause unseasonal berm breaches that can flood and wash out federally

¹ Stillwater Sciences. 2018. City of Ventura Special Studies – Phase 3: assessment of the physical and biological conditions of the Santa Clara River Estuary, Ventura County, California. Final Report. Prepared by Stillwater Sciences, Berkeley California for City of Ventura, California. February.



listed California Least Tern and Western Snowy Plover nests (Id., page 273). Unseasonal berm breaches can also strand juvenile steelhead and tidewater goby on the beach. The reduction in discharge from the VWRF will reduce the watered footprint of the estuary and reduce the frequency of unseasonal berm breaches (Id., page 303). This project will also prevent the McGrath State Beach Campground from being flooded by the current raised water level equilibrium.

The Ventura Water Pure Project will also secure a continued sustainable source of freshwater for the City of Ventura by recycling the community's wastewater. Wastewater that is treated through the VWRF's tertiary treatment system will be transferred to an Advanced Water Purification Facility, and then injected in groundwater wells that are used by the city. This project will make up for most of the City's freshwater deficit and will reduce the city's reliance on diversions from the Ventura River.

The ocean outfall pipeline is necessary for the operation of the advanced water purification facility that will be constructed to purify the VWRF diverted effluent. The outfall is needed to properly dispose of the brine that is created as a byproduct of water purification and as a means to discharge excess effluent during wet weather events that do not breach the SCRE berm. Ventura has done its due diligence to ensure that the ocean outfall will have diffusers so the brine does not have impacts on water quality in the near shore environment.

Support for the Pre-construction Assessment Program (PCAP) and Monitoring, Assessment, and Adaptive Management Plan (MAAMP)

In order to meet permitting requirements of regulatory agencies, Ventura has developed the PCAP and MAAMP for the Ventura Water Pure Project. These adaptive monitoring and management plans ensure that the phased approach to the reduction of discharge to the estuary does not cause significant harm to sensitive habitats, water quality, or native species.

As stated in the Staff Report, "[a]lthough multiple studies and scientific panels determined that a 90 percent diversion of the tertiary-treated water would benefit the ecology of the SCRE, the project incorporates phased reductions in discharges as well as adaptive management to ensure that it not only benefit the SCRE, but not result in significant adverse impacts." The City of Ventura has worked diligently with the Wishtooyo Foundation's Ventura Coast Keeper Program and Heal the Bay, as well as agency representatives, to develop its pre-construction monitoring plans and adaptive management plans. The City is closely following these plans in order to ensure that the Ventura Water Pure Project does not cause significant negative impacts to the Santa Clara River Estuary.



Request for Minor Edits to the Staff Report for Clarification

Page 12 of the staff report states, “In addition to the discharge volumes described above, the studies also recommended phasing the reduction in discharge and analyzing the response of the habitats and species within the SCRE before moving forward with further diversion of discharge.” However, the Scientific Review Panel (SRP) determined that a CDL of 0 - 0.5 MGD would provide benefit to the estuary, and any discharge amount exceeding 0.5 MGD would not provide any additional beneficial use. Given that the current discharge volume is harmful to the estuary, and that the California Water Quality Control Policy for Recycled Water states “It is a waste and unreasonable use of water for water agencies not to use recycled water when recycled water of adequate quality is available and is not being put to beneficial use,” the studies completed and the SRP determination support a CDL of 0 - 0.5 MGD, and do not necessarily recommend phasing the reduction. The Staff Report describes the decision process more accurately on Page 22, that “the City determined that phasing the project would be an appropriately precautionary approach” based on feedback from local agencies. We request clarification be made on Page 12 of the Staff Report to reflect the decision process which led to the proposition of a phased approach.

On Page 17 of the Staff Report, it is indicated that the Project falls within the jurisdiction of the Central Coast Regional Water Quality Control Board. However, the Project is within the jurisdiction of the Los Angeles Regional Water Quality Control Board. We request an adjustment to the language on Page 17 of the Staff Report to reflect the appropriate jurisdiction.

Conclusion

For the reasons provided in this letter, we strongly recommend that the California Coastal Commission grant the coastal development permit to the City of Ventura for the Ventura Water Pure Project. The City of Ventura has conducted extensive studies that have established the net negative effect of high levels of daily discharge from the reclamation facility into the estuary and that this discharge stream should be diverted elsewhere. This project boasts a multitude of ecological benefits for the Santa Clara River Estuary and sets the standard for water sustainability projects in Southern California. Thank you for your time and consideration.

Sincerely,

Tevin Schmitt
Watershed Scientist
Wishoyo Foundation & Ventura Coastkeeper

Annelisa Ehret Moe
Water Quality Scientist
Heal the Bay



Ventura Audubon Society

April 12, 2023

Friday April 14th

Agenda Item Number F9b

California Coastal Commission
North Central Coast District Office
455 Market Street, Suite 300
San Francisco, CA 94105
Via email: EORFC@coastal.ca.gov

Re: Application No. 9-22-0733
City of Ventura
Marina Park Ventura Harbor and Santa Clara River Estuary, Ventura, CA.
Hearing Date: April 14, 2023

Ladies and Gentlemen:

The mission of the Ventura Audubon Society is to conserve wild bird populations by restoring and protecting their habitats and by supporting healthy, diverse ecosystems.

The Ventura Water Treatment Ponds (Wildlife Ponds) provide a final polishing of the effluent from the tertiary treatment plant before discharge to the Santa Clara River Estuary (SCRE). The City is under a consent agreement to reduce and eventually cease the discharge of the effluent to the estuary. For more than 50 years, the ponds have provided habitat for birds and other wildlife. Natural wetlands were once abundant along the coast and throughout California; however, many, if not most, have been lost to development and now, are threatened by climate change. Although the ponds are manmade, they provide critical wetland areas which have largely vanished in CA. Additionally, since the creation of the ponds in the 1970's climate change has become a better understood threat and these ponds provide habitat that supports species threatened by climate change. A total of 293 species of birds have been observed at the ponds (source: eBird data), including species of special concern, rare migrants and a diverse number of ducks, gulls, hawks, sparrows and shorebirds.

These same ponds provide a local beneficial resource for residents and visitors, especially birders and school groups. Significantly reducing or eliminating the flow to the ponds could threaten the value of the ponds both as habitat and as a public resource. Studies of potential impacts focus on special status species; however, many other species benefit from this habitat.

A key component of the mission of the Coastal Commission is to “protect and enhance California’s coast for present and future generations”. We believe wildlife viewing and education, especially at existing habitat, both natural and manmade, is a critical part of this mission.

We ask the Coastal Commission, in approving this application, to include a requirement to establish a study that addresses all species that benefit from the ponds, not just special status species, and include a means to preserve the ponds and adjacent wetlands for present and future generations.

Thank You

Vince Kinsch
President

Horn, Wesley@Coastal

From: Kristen Kessler <kess4652@gmail.com>
Sent: Monday, May 1, 2023 12:22 PM
To: Energy@Coastal
Subject: Public Comment on May 2023 Agenda Item Friday 9b - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

Dear Commissioners,

I am writing to ask that you not approve the city of Ventura's Water Pure Project unless significant modifications are made to preserve the Ventura settling ponds. These ponds are a wonderful place for birds and for people. Anyone can go to the ponds to connect with wildlife and see many types of birds up close. Every time I go to the ponds, I come away with a sense of gratitude that such a place exists. It would be a great loss to birds and to the public if the ponds were significantly reduced. Therefore, I ask that any plan for the project be delayed until significant changes are made to ensure that the settling ponds are protected.

Thank you,
Kristen Kessler
Ventura

Horn, Wesley@Coastal

From: Leslie Purcell <lesliepurcell@gmail.com>
Sent: Friday, April 7, 2023 5:08 PM
To: Energy@Coastal
Subject: Public Comment on April 2023 Agenda Item Friday 8a - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

Re: Item F8a, Application No. 9-22-0733

To the Commission:

A number of issues are raised by this permit application from the City of Ventura.

Coastal access is very significant in the area that would be affected by this complex project. Marina Park would be taken over for a lengthy period of time, and public access would be very limited. This park is widely used for many activities by many people, locals and those coming from inland, families and visitors, fishing and boating folks, swimmers and surfers. It is a popular place for picnics, sports and children playing, and for special gatherings. There are great blue herons annually nesting nearby, as well as a variety of birds that alight and feed at the park. The timeline of construction activities would affect many public activities at the park. The length of time of the park's use for construction, and the return of the park to the public's full use and enjoyment is not clear.

Another issue of concern is the indication that there will be an ocean desalination facility as part of this complex proposed project (Phase 2), referenced in the City's EIR. Ocean desal has many issues associated with it, as the Commission well knows. While not in this current permit application, it appears as part of the overall project, and is thus of concern as to project segmenting.

The main point is that the City should be re-using this treated water for needed groundwater recharge, rather than discharging huge amounts of freshwater through an ocean outfall, as is proposed in this permit application.

Marine mammals are found in the Marina harbor area as well, and would be impacted by construction, including noise.

Leslie Purcell
Sierra Club CA Coastal Subcommittee
4-7-23

Horn, Wesley@Coastal

From: Dylan ... <dylan0000@hotmail.com>
Sent: Tuesday, April 11, 2023 11:08 AM
To: Energy@Coastal
Subject: Public Comment on April 2023 Agenda Item Friday 8a - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

Please do not approve the proposed water diversion project. The project will severely compromise the Santa Clara River Estuary and the settling ponds. These beloved spaces allow the public to learn about and enjoy birds. My wife and I visit the settling ponds regularly, and it is magical and relaxing place. The estuary is also an important stop on the Pacific Flyway. This project would be devastating for birds due to loss of habitat. Unless this project is drastically modified, it should not be approved. Thank you for your time and consideration.

Sincerely,
Dylan Pritchard
Ventura

Sent from [Mail](#) for Windows

Horn, Wesley@Coastal

From: Kristen Kessler <outlook_97BAAF6C9C4FC795@outlook.com>
Sent: Tuesday, April 11, 2023 11:24 AM
To: Energy@Coastal
Subject: Public Comment on April 2023 Agenda Item Friday 8a - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

Dear Commissioners,

I am writing to urge you to not approve the Ventura water diversion project. There is too much at stake for birds. The settling ponds and the Santa Clara River Estuary (SCRE) are vital places for birds for bird habitat. The estuary is also designated as an Important Bird Area (IBA), and a crucial stopover for birds along the Pacific Flyway. I don't know if you have ever been to the settling ponds, but it is truly a wonderful experience. The public can see many species of bird up close. Surely, there are other options to conserve Ventura's water supply. Birds should not have to lose crucial habitat over this. For the sake of birds and the public, please don't approve this project. Thank you for your time and consideration.

Sincerely,
Kristen Kessler
Ventura

Sent from [Mail](#) for Windows

Horn, Wesley@Coastal

From: Frances Lee <flee13726@gmail.com>
Sent: Tuesday, April 11, 2023 2:40 PM
To: Energy@Coastal
Subject: Public Comment on April 2023 Agenda Item Friday 8a - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

My name is Frances Lee, I live in Moorpark and I would like to submit a comment on this item, about the application to divert water from the settling ponds to municipal water use by the residents of Ventura.

We do have to consider the water supply of residents of Ventura, but we also need to think of the birds that use the settling ponds as a vital stop in the Pacific flyway. Because of the impacts of climate change, birds are under a huge assault to find habitat that is suitable to them along their migration routes with food, water and shelter. This area of Ventura has all three elements. I ask you to reconsider this action without first doing an impact study for birds and wildlife in the area. It would be a terrible loss for the birders, including myself that can come to a local area to appreciate these amazing species of birds that pass through.

Thank-you

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Horn, Wesley@Coastal

From: Mark Kretschmer <markkretschmer@yahoo.com>
Sent: Tuesday, April 11, 2023 6:10 PM
To: Energy@Coastal
Subject: Public Comment on April 2023 Agenda Item Friday 8a - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

Can this also include discussion about reopening McGrath State Beach? The McGrath family donated this land to the state park system to be a campground, but over the years the river estuary has repeatedly flooded the campground which lead to its closure in 2019. The campground and the estuary should be able to live in concert as they did for decades. We all agree that the Ventura wastewater is not a natural source but is vital to maintain the estuary. But since it is not natural, it should also have an overflow system to the ocean so that it does not flood and ruin the campground. The estuary, the campground and the wastewater facility can all exist and support each other if only the regulators and the environmentalists can get on the same page and agree. That was a nice campground that was very popular and used for decades introducing lots of kids, like myself, to the estuary. It is a real shame what has happened to close it. Thank you, Mark Kretschmer

Horn, Wesley@Coastal

From: thomas Kunz <tskunz06@yahoo.com>
Sent: Wednesday, April 12, 2023 3:20 PM
To: Energy@Coastal
Subject: Public Comment on April 2023 Agenda Item Friday 8a - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

Dear Coastal Commission,

As a homeowner living 2 blocks from Marina Park in Ventura I oppose the outfall pipe project proposed for the park. I have surfed there since 1983 and visit the park several days each week. The park is heavily used and people swim and surf there year round. This project will adversely affect water quality and disrupt marine life as well as hundreds of birds who inhabit this space. The project should be moved to a less active habitat south of the harbor entrance. Very few homeowners in this area are aware of this project and the Coastal Commission agenda item.

Thank you,

Thomas Kunz 2717 Bayshore Ave.

Ventura Ca.

Horn, Wesley@Coastal

From: Kathleen Shaffer <kathshaffer@me.com>
Sent: Thursday, April 13, 2023 9:20 AM
To: Energy@Coastal
Subject: Public Comment on April 2023 Agenda Item Friday 8a - Application No. 9-22-0733 (City of Ventura, Ventura Co.)

Please find a way to keep the settling ponds with enough water for our local waterfowl and migrating birds. The settling ponds are a local treasure! My husband and I often go there to look at birds and to enjoy the peaceful scenery. I know what our Ventura water department is doing is important, but I also hope they can find a way to keep the settling ponds intact! Thank you so much!

Mary Kathleen Shaffer, 7113 Owl Court Ventura, CA 93003

Sent from my iPhone

Horn, Wesley@Coastal

From: Michelle Garland <michellegarland@att.net>
Sent: Thursday, April 13, 2023 8:01 PM
To: Energy@Coastal
Subject: Public Hearing Written Comment for 4/14/23. Agenda item F8a

Dear Coastal Commission,

Thank you for the opportunity to provide my comments in regards to the application by the City of Ventura to alter the landform of our residential neighborhood's coastline. This major construction project to add pipelines into our neighborhood park and ocean negatively affects the residents. I believe this location is in need of protection from this project and am opposed to having it built in our residential neighborhood.

This project is proposed for a highly used area in our community park and our beaches where surfers surf, kids and adults swim, and people stroll. I have concerns regarding my Pierpont neighborhood that span my lifetime. I grew up in Pierpont, have raised my family in Pierpont, and am a school teacher at Pierpont Elementary. So, I can speak as a lifelong resident, neighbor, and educator for the safety of my beloved community. I took my children to Marina Park throughout their childhood to play on the ship zipline and play on the playground. Students at Pierpont Elementary celebrate with an end of the year party and BBQ. My family, my neighbors, and my students will be kept away from the only park in our neighborhood. I have not had a neighborhood playground at our park to take my 3 year old grandson. And, due to the span of this project, my grandson and countless others will miss out on evening walks for sunset on the swings.

Having construction of a new pipeline project will jeopardize our current quality of life. We, as homeowners, have spent a lot of money to live quietly by the sea. The loud sounds we hear should be the waves slamming the shore, not the pounding, drilling, hammering, tractor driving noises that will spread loudly through our dense neighborhood. We all know lengthy construction is a nuisance and results in air and noise pollution. We know that disrupting the natural landform of our earth can negatively affect the integrity of our coastline. We know pipelines can leak, break, and cause potential health risks. We all know that many residents will suffer the noise, drilling, additional vehicles, and air particle exposure so near to a construction site. My request is that a different location be chosen that will not impact a residential neighborhood.

I appreciate your consideration in my request of denying the application to build in Pierpont. I believe denying the application will be preventing a possible pipeline crisis in my Pierpont neighborhood. Please allow residents in our neighborhood to continue living in peace rather than have a life altering construction zone at their front doors.

All my best,

Michelle Garland

Sent from [Mail](#) for Windows