Ventura County Watershed Protection District

Final Environmental Impact Report

Fresno Canyon Flood Mitigation Project
Ventura County Watershed Protection District

Submitted by:

IMPACT SCIENCES, INC.
803 Camarillo Springs Road, Suite C
Camarillo, California 93012
(805) 437-1900 FAX (805) 437-1901

April 2014

Fresno Canyon Flood Mitigation Project

Final
Environmental Impact Report

SCH No. 2013031072

Prepared for:

Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009-1610

Prepared by:

Impact Sciences, Inc.
803 Camarillo Springs Road, Suite C
Camarillo, California 93012

April 2014

TABLE OF CONTENTS

LIST OF TABLES

1.0 SUMMARY

CEQA REQUIREMENTS

In accordance with the California Environmental Quality Act (CEQA), specifically *State CEQA Guidelines* Sections 15088, 15089, and 15132, the Ventura County Watershed Protection District has prepared the Final Environmental Impact Report (EIR) for the proposed Fresno Canyon Flood Mitigation Project. A Final EIR is defined by Section 15362(b) of the *State CEQA Guidelines* as "containing the information contained in the Draft EIR; comments, either in verbatim or in summary received in the review process; a list of persons commenting; and the responses of the Lead Agency to the comments received."

Section 3.0 of this document contains all comments received on the Draft EIR during the document's 45-day public review period of December 17, 2013 to January 30, 2014. Responses to comments received by all interested parties have been prepared and are included in this document. **Section 2.0, Corrections and Additions**, includes changes either in the response to comments received on the document, or as initiated by the Lead Agency (Ventura County Watershed Protection District) on the Draft EIR.

This document, along with the Draft EIR (incorporated by reference), make up the Final EIR as defined in *State CEQA Guidelines*, Section 15132, which states that:

> *The Final EIR shall consist of:*
>
> *(a) The Draft EIR or a revision of the Draft.*
>
> *(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.*
>
> *(c) A list of persons, organizations, and public agencies comment on the Draft EIR.*
>
> *(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*
>
> *(e) Any other information added by the Lead Agency.*

USES OF THE FINAL EIR

The Final EIR allows the public and the decision makers an opportunity to review revisions to the Draft EIR, the response to comments, and other components of the EIR, such as the Mitigation Monitoring and Reporting Program, prior to approval of the project. The Final EIR serves as the environmental document to support approval of the proposed project, either in whole or in part.

After completing the Final EIR, and before approving the project, the Lead Agency must make the following three certifications as required by Section 15090 of the *State CEQA Guidelines*:

- *That the Final EIR has been completed in compliance with CEQA;*
- *That the Final EIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final EIR prior to approving the project; and*
- *That the Final EIR reflects the Lead Agency's independent judgment and analysis.*

REVISIONS TO THE DRAFT EIR

Text changes are intended to clarify or correct information in the Draft EIR in response to comments received on the document, or as initiated by Lead Agency (Ventura County Watershed Protection staff). Text changes are included in this Final EIR in **Section 2.0 Corrections and Additions**.

PROJECT LOCATION AND SETTING

The Fresno Canyon Flood Mitigation Project is located in the community of Casitas Springs, approximately 1 mile south of Oak View and 5 miles north of the City of San Buenaventura, in the unincorporated area of Ventura County, California. A portion of the project extends into an area of the Ventura River that is located within the incorporated boundary of the City of Ventura. The project site is located approximately 0.75 mile northwest of the State Route (SR) 33/Casitas Vista Road intersection.

Fresno Canyon is a tributary to the Ventura River, with a drainage area of almost 1,100 acres with a 100-year peak clear flow of 1,453 cubic feet per second (cfs). The upper half of this watershed is on steep, highly erodible slopes heavily grown with trees and brush. The bulking factor used for the 100-year flow is 1.57 bringing the bulked 100-year peak flow to 2,281 cfs. The existing lower Fresno Canyon flood control channel, a 750-foot concrete channel, was built in the late 1960s to convey Fresno Canyon runoff from the natural channel to the Ventura River and was designed for a clear flow of 700 cfs, which was considered to be the 50-year event at the time.

PROJECT OBJECTIVES

The existing Fresno Canyon flood control channel in Casitas Springs is inadequate for the proper transport of water and debris associated with flood events. Storm water and debris flows from Fresno Canyon flooded the community of Casitas Springs in Ventura County, California, three times between 1995 and 2005, damaging dozens of homes and requiring the closure of SR-33 for up to two days during

each flood event. An average of more than 24,500 vehicles travel on SR-33 in the Casitas Springs area every day. Residential areas on both sides of Fresno Canyon are subject to flooding at an estimated frequency of once every 10 years. In addition, the existing flood control channel clogs and overflows frequently, and water from the Ventura River frequently flows up the channel, creating a "backwater effect" that floods property adjacent to the channel.

The purpose of the Fresno Canyon Flood Mitigation Project is to provide flood control protection for the residents and properties located in Casitas Springs from a 100-year flood. The primary objectives of the project are:

- Flood protection – improve storm flow conveyance from Fresno Canyon to provide capacity for 100-year fully bulked flood flows to protect residents and properties in Casitas Springs;
- Minimize impacts to SR-33, both emergency closings due to flooding and potential temporary impacts during project construction, since SR-33 is a major arterial between the Ojai Valley and Highway 101 in Ventura;
- Minimize effects on water quality of the Ventura River and minimize potential adverse impacts to special-status species, specially Endangered steelhead (*Oncorhynchus mykiss*).

PROJECT CHARACTERISTICS

Ventura County Watershed Protection District (VCWPD) proposes to construct a storm drain diversion facility to transport floodwaters, sediment, and debris from Fresno Canyon to the Ventura River to reduce the risk of flooding in the community of Casitas Springs. The facility will be designed to convey the fully bulked flows resulting from the 100-year flood event by constructing a 12-foot-diameter reinforced concrete (RC) conveyance pipe installed via horizontal boring beneath SR-33 and via open trench method for the remaining approximately 395 linear feet.

At the upstream end, the project design includes a 265-foot floodwall above the northwest bank of the existing natural canyon. To protect the floodwall from potential scour damage, ungrouted rock riprap would be placed on the adjacent portion of the northwest bank. The inlet consists of a 50-foot-long rock riprap trapezoidal channel with 2:1 horizontal to vertical (2H:1V) side slopes (50-foot top width, 11-foot bottom width) and approximately 100 linear feet of RC transition structure adjacent to the existing detention basin. The existing detention basin would no longer be required with the proposed diversion system, and the basin would be filled to the original surrounding ground contours. The new 12-foot-diameter RC pipe is designed to carry bulked flow.

Where the proposed diversion and existing channel diverge, a notch in the north RC channel wall would allow emergency overflows to leave the diversion channel and enter the existing channel. Concreted rock

riprap would be placed in the existing channel for a length of 40 feet to protect against erosion and would essentially function as an emergency spillway. This modified existing channel section would be trapezoidal with 2H:1V side slopes, top width of 51 feet, and bottom width of 15 feet.

The transition structure connects to approximately 580 linear feet of 12-foot diameter RC pipe which would be jacked under SR-33 using a horizontal boring method (avoiding the need to detour traffic on SR-33 during construction). The jacking would be continued for about 145 linear feet west of SR-33, where the pipe would be day-lighted and then installed by open trench method for the remainder of the distance (i.e., approximately 395 feet) to the outlet apron comprised of 1-ton ungrouted rock riprap to be constructed on the left bank of the Ventura River. The existing retaining wall located along the base of slope at the terminus of Edison Drive would be removed and a new retaining wall (of varying height) would be constructed along the pipe conveyance alignment.

A 120-foot-long by 6-inch-wide RC retaining wall (height varies) would be installed along the western edge of the Ojai Valley Trail beginning about 70 feet north of and ending about 35 feet south of the conveyance pipe. The retaining wall is required to support the trail, a portion of which would need to be elevated to clear the proposed 12-foot-diameter pipe. The wall would include an underground RC footing for proper anchoring.

Immediately west of the Ojai Valley Trail, the pipe would connect to a 40-foot-long trapezoidal outlet apron on the east bank of the Ventura River. The apron would comprise 1-ton ungrouted rock riprap and would be 30 feet wide at the invert, 50 feet wide at the top, and 4 feet deep. A 4-foot-wide ungrouted rock cutoff wall that would extend 5 feet deeper underground would further stabilize the downstream edge of the outlet apron, increasing the total depth of rock at this edge to 9 feet. The ground immediately west of the outlet apron would be bladed or graded for approximately 70 feet to facilitate flows from the facility into the Ventura River.

The outlet apron would tie into adjacent higher ground by continuing the ungrouted 1-ton rock riprap and leading edge rock cutoff wall to the immediate north for a distance of 70 feet. To the south, a 4-foot thickness of ungrouted 1-ton rock would curve over a distance of about 40 feet to match the existing east bank of the Ventura River. The rock bank protection toe would be buried 9 feet below the bottom. A 3-foot-wide by 5-foot-deep ungrouted 1-ton rock cutoff wall would further stabilize the downstream end of the bank protection, increasing the overall depth of rock to 9 feet at that location.

A pair of existing 42-inch corrugated metal pipe culverts conveying flow from private property east of the Ojai Valley Trail would be replaced with a single 48-inch RC pipe terminating at the proposed outlet.

To prevent the backwater effect from the Ventura River in the existing flood-control channel, a flapgate would be constructed at the outlet of the existing flood-control channel that would prevent river water from traveling up the channel.

The existing 36-inch Parkview Drain located southeast of SR-33 would be connected to the new Fresno Canyon conveyance structure.

The proposed project would require relocation of the existing 21-inch sewer line operated by the Ojai Valley Sanitation District (OVSD). As part of the project, a new sewer line would be constructed 1 to 2 feet north of the existing line to allow for OVSD access and maintenance. The old line would be abandoned in place. A new sewer manhole would be added at the end of Edison Drive and another manhole would be added along the sewer line just west of the Ojai Valley Trail and south of the new outlet.

ALTERNATIVES TO THE PROJECT

CEQA requires that an environmental impact report (EIR) describe a range of reasonable alternatives to a proposed project that could feasibly avoid or lessen any significant environmental impacts, while attaining the basic objectives of the project. Comparative analysis of the impacts of these alternatives is required. In response to the significant impacts associated with the proposed project, the Ventura County Watershed Protection District developed and considered several alternatives to the project. These alternatives include:

- **Alternative 1** – No Project Alternative

  Under the No Project Alternative, the proposed project would not be constructed, and no development would occur within the project site.

- **Alternative 2** – Extended Box Culvert and Open Channel Alternative

  This alternative would convey flow in a 625-foot-long closed box culvert, taking a direct route through a hillside and under SR-33 to a point west of Edison Drive. From there an open concrete lined channel would convey flow to the Ventura River following a route similar to the proposed project. The existing Fresno Canyon channel would be preserved and used for local drainage and as a secondary path for flood flows.

- **Alternative 3** –Debris Basin Alternative

  Alternative 3 would replace the proposed flood control facility with a debris basin located approximately 600 feet upstream of the entrance to the existing concrete channel at SR-33. A small dam and spillway would be designed to create the basin. The height of the dam would be less than 25 feet (measured from the toe to the spillway crest) in order to keep it below "state-size" jurisdiction.

Because of this height and other topographical limitations, the basin would have a storage capacity of 17 acre-feet or 27,400 cubic yards, which would not meet the design storage capacity of 35,255 cubic yards required for the 100-year flood event unburned sediment yield. Since this basin volume would be only 78 percent of the needed capacity, the outlet structure for the basin would be a 13-foot tall, 30-foot by 10-foot concrete box riser designed to allow passage of approximately 22 percent of the sediment to the downstream reaches. The pressure pipe outlet at the base of the riser structure would need to accommodate the passage of the bypassed sediment.

The *State CEQA Guidelines* require that an environmentally superior alternative be identified from the alternatives considered in an EIR. Of the alternatives analyzed, the no project alternative would result in fewer impacts than the proposed project and is considered the environmentally superior alternative. If the environmentally superior alternative is the no project alternative, Section 15126.6(e)(2) of the *State CEQA Guidelines* requires that the EIR also identify an environmentally superior alternative among the other alternatives. Of the two alternative projects, Alternative 3, Debris Basin Alternative, would lessen project impacts related to scenic resources, noise and vibration, utilities, and recreation, but would increase project impacts related to flood control facilities and hydrology and flooding. Thus, Alternative 3 would be considered an environmentally superior alternative. However, as discussed above, neither alternative would meet the objectives of the proposed project.

AREAS OF KNOWN CONTROVERSY

The *State CEQA Guidelines* require a Draft EIR to identify areas of controversy known to the lead agency, including issues raised by other agencies and the public. Comments were received from public agencies and interested parties in response to the circulated Notice of Preparation (NOP). In compliance with *State CEQA Guidelines*, the Ventura County Watershed Protection District held a scoping meeting on April 9, 2013 to solicit comments and to inform the public of the proposed EIR. Comments received in response to the published NOP (provided in Appendix 1.0 of the Draft EIR) identified environmental topics that local and regional agencies and City residents recommended for analysis in the Draft EIR. These topics include:

- Aesthetics
- Air Quality
- Greenhouse Gases
- Geology/Seismic Hazards
- Utilities
- Hydrology and Flooding
- Flood Control Facilities
- Recreation
- Noise
- Transportation and Circulation
- Cultural Resources
- Biological Resources
- Surface Water Quality

ISSUES TO BE RESOLVED

The *State CEQA Guidelines* require an EIR to present issues to be resolved by the lead agency. These issues include the choice between alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the Ventura County Watershed Protection District, as the Lead Agency for the project include the following:

- Whether the recommended mitigation measures should be adopted or modified;
- Whether additional mitigation measures need to be applied to the project; and
- Whether the project or an alternative should be approved.

SUMMARY OF PROJECT IMPACTS

A summary of the environmental impacts associated with implementation of the proposed project, mitigation measures included to avoid or lessen the severity of potentially significant impacts, and residual impacts, is provided in **Table 1.0-1, Summary of Project Impacts, Mitigation Measures, and Residual Impacts**, below.

Table 1.0-1
Summary of Project Impacts, Mitigation Measures, and Residual Impacts

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Scenic Resources		
Impact 4.1-1: A project has the potential to create a significant impact to scenic resources if: It is located within an area that has a scenic resource that is visible from a public viewing location; and, It would physically alter the scenic resource either individually or cumulatively when combined with recently approved, current, and reasonably foreseeable future projects; or It would substantially obstruct, degrade, or obscure the scenic vista, either individually or cumulatively when combined with recently approved, current, and reasonably foreseeable future projects.	No mitigation is required.	Less than Significant
Impact 4.1-2: A project has the potential to create a significant impact to scenic resources if it is inconsistent with any of the applicable policies of the Ventura County General Plan Goals, Policies, and Programs	No mitigation is required	Less than Significant
Air Quality		
Impact 4.2-1: The project would not conflict with or obstruct implementation of the applicable air quality plan	No mitigation is required	Less than significant
Impact 4.2-2: The project would violate any air quality standard or contribute substantially to an existing or projected air quality violation.	**4.2-1:** All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County Air Pollution Control District (VCAPCD) Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), and Rules 55 (Fugitive Dust) and 55.1 (Paved Roads and Public Unpaved Roads), as well as Rule 10 (Permits Required). The following specific dust control measures, unless more strict measures are implemented for VCAPCD rule compliance, shall be implemented: • The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.2-1: (Continued) • Pre-grading/excavation activities shall include watering the areas to be graded or excavated before grading or excavation operations commences. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities. • All trucks shall be required to cover their loads as required by *California Vehicles Code* Section 23114. • All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization material, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. • Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants to prevent excessive fugitive dust. • Signs limiting traffic to 15 miles per hour or less shall be posted on-site. • During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use discretion in conjunction with the VCAPCD in determining when winds are excessive. • A properly functioning and well-maintained track-out control device(s) shall be installed to prevent track-out of soil onto paved public roads. • Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day if visible soil material is carried over to adjacent streets and roads. • Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.2-2: During construction contractors shall comply with the following measures, as feasible, to reduce NO_x and ROC from heavy equipment as recommended by the VCAPCD in its *Ventura County Air Quality Assessment Guidelines*: • Minimize equipment idling time. • Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. • Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible. • All off-road diesel engines not registered under California Air Resources Board's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower or more, shall meet, at a minimum, the Tier 3 California Emission Standards for Off-road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, Section 2423(b)(1). If a Tier 3 or Tier 3-equivalent engine is not available for a particular item of equipment, Tier 2 compliant engines shall be allowed on a case-by-case basis, as determined by VCWPD.	
Impact 4.2-3: The project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	No mitigation is required	Less than Significant
Impact 4.2-4: The project would not expose sensitive receptors to substantial pollutant concentrations.	No mitigation is required	Less than significant
Biological Resources		
Impact 4.3-1: Will the project have a direct or indirect physical impact to a plant or animal species by the project, directly or indirectly: (a) reducing a species' population, (b) reducing a species' habitat, (c) increasing habitat fragmentation, or (d) restricting reproductive capacity	**4.3-1:** During the appropriate blooming period of the plant species most likely to occur on site, a focused rare plant survey will be conducted in suitable habitat by a qualified biologist. In the event any special-status rare plants are found, CDFW will be notified regarding the desired disposition of the individual plants. This may include translocation to more suitable habitat or seed collection for the purposes of replanting elsewhere in suitable habitat.	Less than Significant
Impact 4.3-2: Will the project have a direct or indirect physical impact to a plant or animal species by the project, directly or indirectly: (a) reducing a species' population, (b) reducing a species' habitat, (c) increasing habitat fragmentation, or (d) restricting reproductive capacity	**4.3-2:** To reduce the adverse effects to the Southern California steelhead DPS during their migration and spawning season, VCWPD shall perform all outlet construction activities outside the migration period. Typically, construction activities would take place between June 15 and October 15. However, because the river may also provide habitat to support federally listed species under USFWS jurisdiction, the work window has been modified to between August 31 and October 31. Work upstream of the proposed outlet would occur throughout the year, depending on nesting bird survey results.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-2: (continued) VCWPD shall implement the following measures to avoid and/or minimize the potential for take of steelhead: • Exclusion fences composed of silt fence material shall be installed at the margins of the work area to prevent workers or construction materials from encroaching into adjacent habitat and to prevent materials from entering the waters of Ventura River. The fence shall be monitored periodically for integrity and effectiveness. The fencing shall be maintained for the duration of construction and removed upon project completion. • A NMFS-approved biologist shall monitor construction activities that involve work within the Ventura River, dewatering activities, and installation of the outlet structure for the purpose of identifying and reconciling any condition that could adversely affect listed salmonids or their habitat. • Preconstruction surveys shall include the collection and relocation of fish, if necessary, by an NMFS-approved fisheries biologist from the construction site prior to and during dewatering. The NMFS-approved fisheries biologist shall be familiar with the life history and identification of steelhead. • All captured fish shall be held in well-oxygenated water with temperatures equivalent to ambient in stream temperatures. Once recovered, they shall be placed in suitable habitat (in stream cover and pools deeper than 1 foot) downstream of the action area. • If any steelhead individuals are found dead or injured, the biologist shall immediately contact the NMFS Long Beach Field Office to review the activities that resulted in the take and determine whether additional protective measures are required.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-2: (continued) VCWPD shall implement the following measures to protect steelhead critical habitat including prevention of erosion, sedimentation, potential spills, and pollution, and salvage of native vegetation: • Disturbance to existing grades and vegetation shall be limited to the actual site of the project and necessary access routes. Placement of all roads, staging areas, and other facilities shall be carried out so as to avoid and limit disturbance to stream bank or stream channel habitat to the extent possible. • Erosion-control and sediment-detention devices (e.g., well-anchored sandbag cofferdams, straw bales, silt fences) shall be incorporated into the project design and implemented at the time of construction. These devices shall be in place during construction activities, and after if necessary, to minimize fine sediment and sediment/water slurry input to flowing water and to detain sediment-laden water on-site. These devices shall be placed at all locations where the likelihood of sediment input exists. Supply of erosion control materials shall be available to cover small sites that may become bare and to respond to sediment emergencies. • VCWPD shall inspect the performance of sediment-control devices at least once each day during construction to ensure that the devices are functioning properly. If a control measure is not functioning properly, the control measure shall be repaired immediately or replaced. Additional controls shall be installed as necessary. • Sediment shall be removed from sediment controls once the sediment has reached one-third of the exposed height of the control. Sediment collected in these devices shall be disposed of at approved disposal sites away from the collection site. • All disturbed soils at each site shall undergo erosion-control treatment during construction and after construction is terminated. Treatment may include temporary seeding and sterile straw mulch or other effective measures. Any disturbed soils on a gradient of over 30 percent shall have erosion-control blankets or similar effective measures put in place. • Any stockpiles of soil used for fill material during construction shall be covered with a tarp or erosion-control blanket, and silt fences shall be installed appropriately to contain soils from moving into area waterways. If the local weather forecast indicates a greater than a 50-percent chance of rain, the project site shall be "rain-proofed" with erosion-control measures so that no sediment or turbidity enters the stream.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-2: (continued) • All debris, sediment, rubbish, vegetation, or other material removed from the channel banks, channel bottom, or sediment basins shall be disposed of at an approved disposal site. All petroleum product chemicals, silt, fine soils, and any substance or material deleterious to listed species shall not be allowed to pass into, or be placed where it can pass into, the stream channel. There shall be no sidecasting of material into any waterway. • VCWPD shall exercise every reasonable precaution to protect the Ventura River from pollution with fuels, oils, bitumens, calcium chloride, and other harmful materials. • Construction byproducts and pollutants such as petroleum products, chemicals, fresh cement, or deleterious materials shall not be allowed to discharge into the Ventura River and shall be collected and transported to an authorized disposal area. • A plan for the emergency cleanup of any spills of fuel or other material shall be prepared and kept available on-site during construction activities. • Equipment shall be refueled and serviced at designated construction staging areas. All construction material and fill shall be stored and contained in a designated area that is located away from channel areas to prevent transport of materials into adjacent streams. A silt fence shall be installed to collect any discharge, and adequate materials for spill cleanup shall be maintained on-site. • Construction vehicles and equipment shall be maintained to prevent contamination of soil or water (from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease). • Good housekeeping practices, use of safer alternative products, such as biodegradable hydraulic fluids, shall be used when feasible. • An employee-training program shall be implemented. Employees shall be trained to prevent or reduce the discharge of pollutants from construction activities to waters and of the appropriate measures to take if a spill occurs. • In the event of a spill, work shall be stopped immediately, spill control shall be implemented, and NMFS shall be notified. Work will resume once cleanup is complete, the source of the spill has been resolved, and NMFS has provided authorization to proceed.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-2: (continued) • Disturbance to existing grades and vegetation shall be limited to the actual site of the project and necessary access routes. When possible, existing and proposed ingress or egress points shall be used and the contours of the action area shall be returned to pre-construction condition or better. • VCWPD shall, to the maximum extent practicable, reduce the amount of disturbance on-site to the absolute minimum necessary to accomplish the proposed action. • Whenever practicable, existing vegetation shall be salvaged from the footprint of the action area and stored for replanting after earthmoving activities have been completed. • Because a relatively small amount of riparian scrub vegetation (i.e., 0.30 acre) shall be permanently lost at the outlet location during project construction, VCWPD shall restore the temporary impact area at a 1:1 ratio through planting willows and other riparian species. For permanent impacts, mitigation shall be implemented at a 3:1 ratio followed by a five-year monitoring period to reach an 80 percent success criterion. Mitigation for permanent impacts may include exotic plant removal and riparian species revegetation, depending on the selected location. • VCWPD shall take measures to prevent the introduction of invasive weeds at the construction site. The measure shall include cleaning all equipment before bringing it on-site and using only certified weed-free erosion-control and revegetation materials.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-3: All measures in the BO to minimize and mitigate impacts to California red-legged frog, southwestern willow flycatcher, and least Bell's vireo shall be implemented. The following measures were taken from the 2009 Biological Assessment, accepted by USFWS, and implemented as conditions within the BO: **California Red-legged Frog** 1. Work in the Ventura River will be limited to the period outside of the California red-legged frog breeding and bird nesting seasons. The construction window would be August 31 through October 31. 2. A qualified biologist will conduct pre-construction surveys at least two days prior to start of construction activities in areas where ground disturbance would occur to determine whether California red-legged frogs are present. If California red-legged frogs are found during any preconstruction surveys, the biologist will contact the Service to determine whether moving them is appropriate. If the Service gives approval for relocation, the Service-approved biologist will be allowed sufficient time to move the California red-legged frogs from the work site before activities begin. 3. A Service-approved biologist will monitor construction activities that involve retaining wall construction and installation of rock slope protection along the Ventura River channel bank. If California red-legged frogs are found that are likely to be killed or injured by work activities, the Service-approved biologist will be allowed sufficient time to move them from the site before work activities resume. The Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to suitable habitat that will not be affected by activities associated with the proposed project. Only California red-legged frogs that are at risk of injury or death by project activities will be moved. 4. Only Service-approved biologists will participate in activities associated with capture, handling, and monitoring of California red-legged frogs. VCWPD will request and receive Service approval of any other biologist whom the agency wishes to conduct activities with California red-legged frogs. 5. If more than two California red-legged frogs are found dead or injured as a result of project activities within a 12-month period, VCWPD will contact the Service immediately so the Service can review the project activities to determine whether additional protective measures are needed.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-3: (continued) 6. Exclusion fences composed of silt fence material will be installed at the margins of the work area to prevent workers from encroaching into adjacent habitat and to prevent California red-legged frogs from entering the construction area. A fine mesh (less than 0.40 inch) will be used to avoid entrapment of amphibians in the silt fence. The silt fence will be monitored periodically during construction to evaluate its effectiveness. All fencing in this area will be maintained for the duration of construction and removed on project completion. 7. To avoid attracting predators, food-related trash will be kept in closed containers and removed regularly from the project area. 8. To avoid transferring disease or pathogens, the Service-approved biologist will follow the Declining Amphibian Populations Task Force Fieldwork Code of Practice. 9 Prior to construction, a qualified biologist will conduct training sessions to familiarize all construction personnel with the following: identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Act, measures implemented to protect the species for this project, and a review of the project boundaries. This training will also be provided within 30 days of the arrival of any new worker. 10. If an injured California red-legged frog is found, the Service-approved biologist will determine the extent of the injury. If the injury is minor and the frog is likely to survive without treatment, the biologist will document the injury and release the frog in an appropriate location previously designated by the Service; however, if the injured frog requires professional treatment to survive, the biologist will transport the frog to the location where a qualified professional can provide the needed treatment. The location of a qualified professional to assist the frog will have been documented prior to the start of construction. The treated frog will be released at an appropriate location as soon as its recovery allows. Within three working days, the injured frog incident will be reported to the Service and reported information will include date of injury, extent of injury, and action(s) taken. If a frog dies while being treated or a dead frog is located in the project area, the Service will be contacted within three working days. At that time, the Service will provide instructions regarding the deposition of the frog.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-3: (continued) 11. VCWPD will provide the Service with a report on the results of biological surveys and sighting records and also document the following: the number of California red-legged frogs relocated from the project area or killed or injured during the proposed project; the dates and times of capture, mortality, or injury; specific locations of capture, mortality, or injury; approximate size and age of individuals; and a description of relocation sites. 12. All areas subject to temporary disturbance will be restored on-site with native riparian species to pre-project conditions upon completion of construction. 13. VCWPD will take measures to prevent the introduction of invasive weeds at the construction site. This will include cleaning all equipment before bringing it on-site and using only certified, weed-free erosion control and revegetation materials. 14. Standard Best Management Practices and erosion control measures will be implemented during construction to minimize possible discharge of sediment into aquatic habitats. These measures will include, but will not be not limited to, installing and maintaining silt fences immediately down gradient of disturbed areas. **Least Bell's Vireo and Southwestern Willow Flycatcher** 15. To reduce adverse effects to the least Bell's vireo and southwestern willow flycatcher, VCWPD will perform all construction activities in the Ventura River bed and bank outside of their nesting season (all construction activities east of State Route SR-33 may occur year round as SR-33 presents a noise barrier from the river). Typically, construction activities would take place outside of the least Bell's vireo's nesting season, which extends from mid-March through late September, and the southwestern willow flycatcher's nesting season, which extends from mid-May through late August; however, because the Ventura River may also provide habitat to support federally listed anadromous fish species under the National Marine Fisheries Service's jurisdiction (in-water work window is June 15 through November 1), as well as the federally listed California red-legged frog under Service jurisdiction, the work window for construction activities near the Ventura River bed and bank has been modified to August 31 to October 31 as long as the following two measures are also implemented.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-3: (continued) a. A qualified biologist will conduct preconstruction surveys of all ground disturbance areas within riparian habitats to determine if least Bell's vireos and/or southwestern willow flycatchers are present prior to the start of construction. These surveys will be completed within two weeks prior to start of construction activities in the riparian zone. If least Bell's vireos and/or southwestern willow flycatchers are found nesting in the riparian zone during any preconstruction surveys, the qualified biologist will have stop work authority and stop construction activities in that area. Work activities would resume when the chicks have fledged and left the nest. b. A 250-foot buffer would be maintained around the riparian zone during the month of September if any least Bell's vireos are present. After September, no buffer would be applied because least Bell's vireo would have migrated out of the area by then. Any southwestern willow flycatchers would have left the area in late August. **Measures to Avoid and Minimize Effects to Habitat for each Species** 16. Disturbance to existing grades and vegetation will be limited to the actual site of the project and necessary access routes. Placement of all roads, staging areas, and other facilities will avoid and limit disturbance to stream bank or stream channel habitat as much as possible. When possible, existing ingress or egress points will be used and the contours of the project area will be returned to pre-construction condition or better. 17. VCWPD will, to the maximum extent practicable, reduce the amount of disturbance at a site to the absolute minimum necessary to accomplish the project. Whenever practicable, existing vegetation would be salvaged from the footprint of the project area and stored for replanting after earthmoving activities are completed. 18. VCWPD will restore the riparian habitat permanently lost at the outlet location during project construction project area through planting willows and other riparian species within the Ventura River's riparian zone in areas adjacent to the project area. Native willow species would be used for revegetation efforts. These revegetation efforts will be implemented at up to 3:1 ratio followed by a five-year monitoring period to reach an 80 percent native species cover success criterion.	

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-4: To avoid impacts to nesting birds during construction, a qualified biologist (approved by the Ventura County Planning Department) shall be retained to conduct nesting bird surveys within suitable nesting habitat prior to initiation of construction activities. Specifically, if activities associated with construction or grading are planned during the bird nesting/breeding season, generally January through March for early nesting birds (e.g., Coopers hawks or hummingbirds) and from mid-March through September for most bird species, the applicant shall have a qualified biologist conduct surveys for active nests. Pre-construction nesting bird surveys shall be conducted weekly, within 30 days prior to initiation of ground-disturbing activities to determine the presence/absence of active nests. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days before the start of clearance/construction work. Surveys shall include examination of trees, shrubs, and the ground, within grasslands, for nesting birds, as several bird species known to the area are shrub or ground nesters. If ground-disturbing activities are delayed, additional pre-construction surveys shall be conducted so that no more than three days will have elapsed between the survey and ground-disturbing activities. If active nests are located during pre-construction surveys, clearing and construction activities within 300 feet of the nest (500 feet for raptors) shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits to avoid an active nest shall be established in the field with high visibility flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the California Department of Fish and Wildlife within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.	Less than Significant
	4.3-5: No earlier than 30 days prior to the commencement of construction activities, a preconstruction survey shall be conducted by a qualified biologist to determine if active roosts of special-status bats are present on or within 300 feet of the Project disturbance boundaries. Should an active maternity roost be identified (the breeding season of native bat species in California generally extends from April 1 through August 31), the roost shall not be disturbed and construction within 300 feet shall be postponed or halted, at the discretion of the biological monitor, until the roost is vacated and juveniles have dispersed, as determined by the biologist.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
	4.3-6 During all phases of site preparation, grubbing, grading, and excavation a qualified biological monitor will be on-site. The monitor will observe all activities in the event any special-status reptiles are unearthed or otherwise observed; including, but not limited to, silvery legless lizard, western pond turtle, and two-striped garter snake. Should any wildlife be observed in harm's way, the biologist will relocate them to similar suitable habitat outside of the project limits. Any necessary translocations shall be reported to the District and CDFW. The report shall include date, species, habitat condition, number of individuals, size/age, general area where relocated, and other comments as appropriate. The District acknowledges that this mitigation would not offset project-related impacts to habitat loss.	Less than Significant
Impact 4.3-2: Could the proposed project have a substantial effect on any Sensitive Plant Communities by: a. Construction, grading, clearing, or other activities that would temporarily or permanently remove sensitive plant communities. Temporary impacts to sensitive plant communities would be considered significant unless the sensitive plant community is restored once the temporary impact is complete. b. Indirect impacts resulting from project operation at levels that would degrade the health of a sensitive plant community.	**4.3-7:** Areas of Oak-Walnut Woodland, and Venturan Sage Scrub that are temporarily impacted by project development shall be replaced in kind and in-situ at a 1:1 ratio. The replacement vegetation communities shall have similar dominant trees and understory shrubs and herbs (excluding exotic species) as the affected vegetation communities. A habitat replacement plan shall be developed to replace, at a 3:1 ratio, areas of Riparian Scrub, and at 2:1 for Oak-Walnut Woodland, and Venturan Sage Scrub permanently impacted by project development. The plan shall specify, at a minimum, the following: • the location of mitigation sites • the quantity and species of plants to be planted • procedures for creating additional vegetation communities • methods for the removal of non-native plants • a schedule and action plan to maintain and monitor the enhancement/restoration area • a list of criteria by which to measure success of the mitigation sites (e.g., percent cover of native species, survivorship/establishment of plantings, wildlife use) • measures to exclude unauthorized entry into the creation/enhancement areas; and • contingency measures in the event that mitigation efforts are not successful. The goal will be to create and enhance these habitat types on-site in currently disturbed areas. Through consultation with CDFW, it may also be appropriate to remove invasive species as part of the mitigation, which may alter the final mitigation ratio if approved by CDFW.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact

Table 4.3-4
Summary of Sensitive Community Impacts and Mitigation Ratios

Habitat Type	Temporary Impacts (acres)	Mitigation Ratio 1:1(acres)	Permanent Impacts (acres)	Mitigation Ratio 2:1 (acres)	Mitigation Ratio 3:1 (acres)	Mitigation Ratio 5:1 (acres)	Total Mitigation (acres)
Riparian scrub	0.07	0.07	0.30	0.00	0.90*	0.00	0.97
Oak-Walnut woodland	0.16	0.16	0.20	0.00	0.00	1.00**	1.16
Venturan sage scrub	0.05	0.05	0.03	0.06***	0.00	0.00	0.11
Totals	0.28	0.28	0.53	0.06	0.90	1.00	2.24

* *Mitigation will include 0.63 acre giant reed removal adjacent to work area in Ventura River and plant 20 sycamore trees (expect 10 to survive) for permanent impacts to Riparian Scrub. The balance of 0.27 acre will be through application of mitigation credits from the District's Matilija Mitigation site for a total of 0.90 acre of mitigation.*

** *Mitigation for permanent impacts to Oak-Walnut Woodlands will be accomplished at 5:1 through payment to the Ventura River Preserve Oak Savanna Restoration Project. 1.0 acre will be purchased to mitigate for 0.20 acre of Oak-Walnut Woodland habitat permanently impacted by the project.*

*** *Mitigation for permanent impacts to Venturan Sage Scrub will be accomplished at 2:1 through application of mitigation credits from the District's Matilija Mitigation site. 0.6 acre of Venturan Sage Scrub credits will mitigate for the 0.3 acre of project-related permanent impacts to this habitat.*

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Impact 4.3-3: The proposed project would have a substantial effect on any waters and wetlands by: a. removal of vegetation; b. grading; c. obstruction or diversion of water flow; d. change in velocity, siltation, volume of flow, or runoff rate; e. placement of fill; f. placement of structures; g. construction of a road crossing; h. placement of culverts or other underground piping; and/or i. any disturbance of the substratum.	**4.3-8:** Prior to project implementation VCWPD shall obtain a Section 401 Water Quality Certification, a Nationwide Permit from USACE and a Streambed Alteration Agreement (SAA) from CDFW. Some or all of those permits are anticipated to require specific mitigations for both temporary and permanent impacts. Implementation of **Mitigation Measure 4.3-7** is anticipated to be consistent with the 401, Nationwide, and SAA mitigation requirements with respect to vegetation. However, should any agency require conflicting mitigations in their conditions of approval, the more stringent measure shall apply.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Impact 4.3-4: Would the proposed project (a) remove habitat within a wildlife movement corridor; (b) isolate habitat; (c) construct or create barriers that impede fish and/or wildlife movement, migration or long-term connectivity; or (d) intimidate fish or wildlife via the introduction of noise, light, development or increased human presence. The following types of impacts to habitat connectivity are considered potentially significant: a. A habitat connectivity feature (e.g., a linkage, corridor, chokepoint, or stepping stone) would be severed, substantially interfered with, or potentially blocked. b. Wildlife access to foraging habitat, breeding habitat, water sources, or other areas necessary for their reproduction would be prevented or substantially interfered with. c. Wildlife would be forced to use routes that endanger their survival. For example, constraining a corridor for mule deer or mountain lion to an area that is not well-vegetated or that runs along a road instead of through a stream corridor or along a ridgeline. d. Lighting, noise, domestic animals, or other indirect impacts that could hinder or discourage fish and/or wildlife movement within habitat connectivity feature (e.g., a linkage, corridor, chokepoint, or stepping stone) would be introduced.	No mitigation required.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Impact 4.3-4: (continued) e. The width of linkage, corridor, or chokepoint would be reduced to less than the sufficient width for movement of the target species (the species relying upon the connectivity feature). The adequacy of the width shall be based on the biological information for the target species; the quality of the habitat within and adjacent to the linkage, corridor, or chokepoint; topography; and adjacent land uses. f. For wildlife relying on visual cues for movement, visual continuity (i.e., lines-of-sight) across highly constrained wildlife corridors, such as highway crossing structures or stepping stones, would not be maintained.		
The project would require removal of 5 coast live oak trees and one sycamore tree and encroach within the protected zone of one oak measured at 9.5 inches in circumference or larger (measured 4.5 feet above ground).	**4.3-9:** All removals and encroachments to native protected trees shall be mitigated for in conformance with the County of Ventura Protected Tree Ordinance.	Less than Significant
Cultural Resources		
Impact 4.4-1: Archaeological Resources are considered important if a resource • Contains information needed to answer important scientific research question and that there is a demonstrable public interest in that information • Has a special and particular quality such as oldest of its type or best available example of its type • Is directly associated with a scientifically recognized important prehistoric or historic event or person • Identified California "VEN" site: "Ven" means Ventura; A222 indicates the recorded archaeological investigation site number	**4.4-1:** In the event that archeological resources are unearthed during project construction on the proposed residential portion of the proposed project, all earth-disturbing work within the vicinity of the find shall be temporarily suspended until a qualified archeologist has evaluated the nature and significance of the find. **4.4-2:** If human remains are encountered during excavations associated with the proposed project a public or private construction (earthmoving) activity, State Health and Safety Code 7050.5 states that no further disturbance shall occur until the Ventura County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Ventura County Coroner must be notified within 24 hours. If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis. Upon clearance by the coroner and the NAHC for Native American remains, construction (earthmoving) activities may resume.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Impact 4.4-2: The project may affect currently undiscovered fossil resources during construction.	**4.4-3:** In the event that paleontological resources are unearthed during project construction, all earth-disturbing work within the vicinity of the find shall be temporarily suspended until a qualified paleontologist has evaluated the nature and significance of the find.	Less than Significant
Flood Control Facilities		
Impact 4.5-1: Any project that will, either directly or indirectly, impact flood control facilities and watercourses by obstructing, impairing, diverting, impeding, or altering the characteristics of the flow of water, resulting in exposing adjacent property and the community to increased risk for flood hazards, shall be considered to have a potentially significant impact.	No mitigation is required.	Impacts would be Beneficial
Geology and Soils		
Impact 4.6-1: Ground Shaking: Is the proposed structure designed to be built in accordance with all applicable requirements of the Ventura County Building Code?	No mitigation is required.	Less than Significant
Impact 4.6-2: Liquefaction: A proposed project will expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving liquefaction if it is located within a Seismic Hazards Zone.	No mitigation is required.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Impact 4.6-3: Landslide/Mudflow: The threshold for landslide/mudflow hazard is determined by the Public Works Agency Certified Engineering Geologist based on the location of the site or project within, or outside of mapped landslides, potential earthquake induced landslide zones, and geomorphology of hillside terrain.	**4.6-1:** Project plans and specifications, and other pertinent documents, shall be prepared in accordance with the recommendations provided in the project geotechnical report prepared by Geocon West, Inc., with particular regard to subsidence mitigation as follows: **4.6-1.1** The in-situ soils and bedrock can be excavated with moderate effort using conventional excavation equipment. The upper portions of the bedrock are moderately weathered and highly fractured. Medium to heavy-duty excavation equipment may be required if thick zones of well-cemented bedrock or clasts over 4-feet in size are encountered. Caving and sloughing should be anticipated in unshored vertical excavations, especially where loose, granular, or uncemented soils are encountered. **4.6-1.2** It is the responsibility of the contractor to ensure that all excavations and trenches are properly shored in accordance with applicable OSHA rules and regulations to maintain safety and stability of adjacent existing improvements. **4.6-1.3** All on-site excavations must be conducted in such a manner that potential surcharges from existing structures, construction equipment, and vehicle loads are resisted. The surcharge area may be defined by a 1:1 projection down and away from the bottom of an existing foundation or vehicle load. Penetrations below this 1:1 projection will require special excavation measures such as sloping and shoring. Temporary sloping and shoring recommendations Geocon West, Inc., report, January 17, 2013.	Less than Significant

<table>
<tr><th>Significance Threshold and Project Impacts</th><th>Mitigation Measures</th><th>Residual Impact</th></tr>
<tr><td>Impact 4.6-4: Expansive Soils: The determination of a significant soils expansion effect shall be based upon an inquiry of whether a proposed project will expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving soil expansion if it is located within a soils expansive hazard zone or where soils with an expansion index greater than 20 are present.</td><td>4.6-2 Project plans and specifications, and other pertinent documents, shall be prepared in accordance with the recommendations provided in the project geotechnical report prepared by Geocon West Inc., 2013 with particular regard to expansive soil mitigation as follows:
4.6-2.1 To aid in earthwork quantity estimates, estimates were made of the amount of volume shrinkage and bulking expected from on-site, in-situ volumes to compacted soil volumes. Average in-situ soil density and moisture content and maximum dry density were based on American Society for Testing and Materials (ASTM) D1557 test procedure. The following table presents the shrinkage and bulking factors to be anticipated when excavating and compacting the earth materials per the recommendations of the Geocon West Inc., 2013 report.
<table>
<tr><th>Material</th><th>Shrinkage (-)/ Bulking (+) Factors</th></tr>
<tr><td>Artificial Fill (Af)</td><td>-5% to -10%</td></tr>
<tr><td>Colluvium (Qcol)</td><td>-4% to +6%</td></tr>
<tr><td>Holocene Age Terrace Deposits (Qht)</td><td>+5% to +10%</td></tr>
<tr><td>Pleistocene Age Terrace Deposits (Qht)</td><td>-5% to -10%</td></tr>
<tr><td>Rincon Shale (Tr)</td><td>-10% to +10%</td></tr>
</table>
4.6-2.2 It should be understood that volume shrinkage factors presented above are estimates only and are based on a limited number of soil samples. Actual volume changes can vary from our estimates due to variations in soil density, moisture content, and the degree of compaction achieved during grading. Removal of oversize materials and deleterious materials may result in a higher shrinkage factor based on loss of material.</td><td>Less than Significant</td></tr>
<tr><td colspan="3">Greenhouse Gases</td></tr>
<tr><td>Impact 4.7-1: Is the project's incremental increase in GHG emissions below or mitigated to less than the significance screening level (3,000 $MTCO_2e$ for all land use projects)? If yes, there is a presumption of less than significant impacts with respect to climate change.</td><td>No mitigation is required</td><td>Less than significant</td></tr>
</table>

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Hydraulic Hazards		
Impact 4.8-1: Potential erosion/siltation hazards and flooding hazards are common throughout Ventura County and are addressed by the Ventura County Public Works Agency-Watershed Protection District's Standards and Specifications Design Manual. Erosion/siltation hazards and the effects of flooding hazards are required to be considered within the existing framework of grading and building code ordinances, which apply to all sites and projects.	No mitigation is required	Less than significant
Noise		
Impact 4.9-1: Any project that produces noise in excess of the standards for noise in the Ventura County General Plan Goals, Policies, and Programs (Section 2.16), has the potential to cause a significant noise impact. Noise-generating uses that either individually or when combined with other recently approved, pending, and probable future projects, exceeds the noise thresholds of General Plan Noise Policy 2.16.2-1(4) are considered to have a potentially significant impact.	No mitigation is required.	Less than Significant
Transportation and Circulation		
Impact 4.10-2: The determination of the significance of traffic impacts to a road segment or intersection LOS is based on Policies 4.2.2-4 and 4.2.2-5 of the *Ventura County General Plan Goals, Policies and Programs* and Policy 4.1.2-4 of the *Ojai Valley Area Plan*. **Impact 4.10-3:** Ventura County's Initial Study Assessment Guidelines state that the addition of one peak hour trip to SR-33 in the southbound direction in the AM commute period (6:30 AM to 9:00 AM) and northbound direction in the PM commute period (3:30 PM to 6:30 PM) would be considered a significant impact.	Implementation of design features would require no mitigation measures.	Less than Significant

Significance Threshold and Project Impacts	Mitigation Measures	Residual Impact
Utilities		
Impact 4.11-1: Any project that would individually or cumulatively (1) cause a disruption or re-routing of an existing utility facility or (2) increase demand on a utility that results in expansion of an existing utility facility which has the potential for secondary environmental impacts has the potential for significant impacts.	No mitigation is required	Less than significant
Surface Water Quality		
Impact 4.12-1: Any project that meets one of the criteria listed below would result in a significant impact to surface water quality. • Individually or cumulatively degrade the quality of surface water and cause it to exceed water quality objectives contained in Chapter 3 of the three Basin Plans. • Directly or indirectly cause stormwater quality to exceed water quality objectives or standards in the applicable MS4 Permit or any other NPDES Permits.	No mitigation is required.	Less than significant
Recreation		
Impact 4.13-1: A project would result in a significant impact if it would cause an increase in the demand for recreation when measured against the following standards: • Local Parks/Facilities - 5 acres of developable land (less than 15 percent slope) per 1,000 population. • Regional Parks/Facilities - 5 acres of developable land per 1,000 population. • Regional Trails/Corridors - 2.5 miles per 1,000 population.	No mitigation is required.	Less than significant

2.0 CORRECTIONS AND ADDITIONS

This section of the Final EIR presents pages from the Draft EIR that have been revised as a result of comments received during the public review process. Text that has been added to the Draft EIR is presented in underline format, while text that has been removed is presented in ~~strike-out~~ format.

Draft EIR pages that contain revisions are indicated below. Unless otherwise noted, only those pages with revisions are reproduced in this Final EIR.

4.3-3 through 4.3-4

4.3-6

4.3-8

4.3-15

4.3-17

4.3-42 through 4.3-46

4.3-49

4.3-52 through 4.3-53

4.3-55 through 4.3-56

4.3-58 through 4.3-59

New Figure 4.3-4, Existing and Proposed Fencing

4.3-60 through 4.3-61

Revised Figure 4.10-1, Roadways in the Project Area

4.13-1

vegetation, habitat characteristics, topography, elevation, soils, surrounding land uses, and habitat preferences and geographic ranges of special-status plant and animals species known to occur in the project region.

4.3.3 ENVIRONMENTAL SETTING

Project Location

The project area is approximately 5 miles inland from the Pacific Ocean in the community of Casitas Springs in Ventura County, California, immediately north (upstream) of Foster Park. It is located south of the Ojai Valley and surrounded by three mountain ranges. To the north the Nordhoff Ridge extends to approximately 5,000 feet above mean sea level (amsl). This ridge continues to the Topa Topa Bluff east of the Ojai Valley which stands 6,000 feet amsl. Sulphur Mountain bounds the Ojai Valley on the south at just under 3,000 feet amsl. Elevation at the site is approximately 280 feet amsl. Foster Park is adjacent and south of the site and Lake Casitas is approximately 1.3 miles to the northwest.

The project area encompasses a small section of the Ventura River bank and extends approximately 1,400 feet east of the Ventura River on to adjacent uplands. The uplands include some riparian areas, woodland, scrub, residential areas, and a crossing of SR-33.

The climate in the project area is Mediterranean and characterized by hot, dry summers and mild winters. As is typical for much of coastal Southern California, most precipitation falls in the form of rain between the months of October and April with intervening dry summers. The average temperatures in the summer months are in the upper 80 degrees Fahrenheit (°F) with lows in the mid-50s °F. Average temperatures in the winter months are in the high 60s °F with lows in the mid-30s °F. Rainfall averages 18.4 inches per year with between 2 and 5 inches per month falling between November and March.

Existing Conditions

The site includes a small portion of the eastern bank of the Ventura River and extends inland eastward for approximately 1,400 feet. The upland areas include oak woodlands, coastal scrub, residential development, and a crossing of SR-33.

Vegetation

The community descriptions below follow the classification system for California (Sawyer et al., 2009) as much as possible while recognizing that past human disturbance and ornamental landscaping have produced alliances that do not fit this system in all aspects. Terms equivalent to older classification systems and common names are provided in parentheses).

~~Vegetation assemblages observed on the Fresno Canyon project site area is described below. Vegetation classifications generally follow Sawyer and Keeler-Wolf.~~[4]

Table 4.3-1, below, provides a list of all plant species recorded during the October 2012 survey.

Table 4.3-1
Vascular Plant Species Recorded on the Project Site

Latin Name	**Common Name**
Gymnosperms	**Conifers**
Pinaceae	**Pine Family**
Pinus muricata	Bishop pine
Dicots	**Flowering Plants**
Adoxaceae	**Muskroot Family**
Sambucus nigra L. ssp. *caerulea* (Raf.) Bolli	blue elderberry
Anacardiaceae	**Sumac Family**
Rhus integrifolia (Nutt.) Brewer & S. Watson	lemonadeberry
Schinus molle L.*	Peruvian pepper tree
Apiaceae	**Carrot Family**
Foeniculum vulgare Mill.*	fennel
Apocynaceae	**Dogbane Family**
Vinca major L. *	periwinkle
Araliaceae	**Ginseng Family**
*Hedera helix**	English ivy
Asteraceae	**Sunflower Family**
Ambrosia psilostachya DC.	western ragweed
Artemisia californica Less.	California sagebrush
Baccharis pilularis DC.	coyote brush
Baccharis salicifolia (Ruiz Lopez & Pavon) Pers.	mule fat
Helminthotheca echioides (L.) Holub*	bristly ox-tongue
Lessingia filaginifolia (Hook. & Arn.) M.A. Lane	California-aster
Silybum marianum (L.) Gaertn.*	milk thistle
Xanthium sp.*	cocklebur
Betulaceae	**Birch Family**
Alnus rhombifolia Nutt.	white alder
Brassicaceae	**Mustard Family**
Brassica nigra (L.) W.D.J. Koch*	black mustard
Cactaceae	**Cactus Family**
Opuntia ficus-indica (L.) Miller*	Indian fig cactus
Cucurbitaceae	**Cucumber Family**
Marah fabacea (Naudin) Greene	California man-root
Fabaceae	**Legume Family**

4 Sawyer and Keeler-Wolf. *A Manual of California Vegetation. 2nd ed. California Native Plant Society. Sacramento, California.* 2009.

An illustration exhibiting the distribution of vegetation communities on the project site is provided in **Figure 4.3-1**.

Six plant communities were also identified during the site evaluation. The following discussion describes each vegetation association observed.

Salix lasiolepis Shrubland Alliance (=Riparian Scrub)

This Alliance is dominated by arroyo willow (*Salix lasiolepis*), with mulefat (*Baccharis salicifolia*) common in the understory. Relative cover by arroyo willow is more than 50 percent. This community occurs at the eastern end of the project area in lower Fresno Canyon, but is most common in the Ventura River, where Fremont cottonwood (*Populus fremontii*) is also present but not dominant. Much of this community in the river is infested with giant reed (*Arundo donax*), a non-native perennial weed.

~~*Riparian Scrub*~~

~~Riparian scrub is dominated by arroyo willow (*Salix lasiolepis*), with mule fat (*Baccharis salicifolia*) common in the understory. This community occurs at the eastern end of the action area in lower Fresno Canyon, but is most common in the Ventura River, where Fremont cottonwood (*Populus fremontii*) is also present but not dominant. Much of this community in the river is infested with giant reed (*Arundo donax*), a non-native perennial weed.~~

Quercus agrifolia Woodland Alliance (= Oak-Walnut Woodland)

Coast live oak (*Quercus agrifolia*) and California black walnut (*Juglans californica*) co-occur in large stands in the survey area, occurring on hills as well as along roads and easements. As an evergreen species, the oaks typically comprise more than 50 percent of relative cover of the canopy year-round, therefore meeting the membership rules for this Alliance as described by Sawyer et al. (2009).

~~*Oak-Walnut Woodland*~~

~~Coast live oak (*Quercus agrifolia*) and California black walnut (*Juglans californica*) co-occur in large stands in the survey area, occurring on hills as well as along roads and easements.~~

Avena (barbata, fatua) Semi-Natural Herbaceous Stands (=Wild Oats Grassland, Annual Grassland)

This non-native community occurs in open fields and as understory in the oak-walnut woodland and ornamentals/naturalized exotics communities. *Avena* species comprise at least 50 percent of the plant cover. Other species include brome (*Bromus* spp.), and a large stand of fennel (*Foeniculum vulgare*) at the eastern end of the project area.

~~*Annual Grassland*~~

~~Annual grassland occurs in open fields and as understory in the oak-walnut woodland and ornamentals/naturalized exotics communities. Dominant species are not native to California. These species include wild oat (*Avena* sp.), brome (*Bromus* spp.), and a large stand of fennel (*Foeniculum vulgare*) at the eastern end of the project area.~~

Artemisia californica Shrubland Alliance (=Venturan Sage Scrub)

The *Artemisia californica* (California sagebrush) Shrubland Alliance occurs on a hill in the southwest part of the survey area. Common species include California sagebrush (*Artemisia californica*), buckwheat (*Eriogonum fasciculatum*), coyote brush (*Baccharis pilularis*), purple sage (*Salvia leucophylla*), and toyon (H*eteromeles arbutifolia*). California sagebrush comprises more than 60 percent relative cover in this community.

~~*Venturan Sage Scrub (= Artemisia californica shrubland alliance)*~~

~~Venturan sage scrub occurs on a hill in the southwest part of the survey area. Common species include California sagebrush (*Artemisia californica*), buckwheat (*Eriogonum fasciculatum*), coyote brush (*Baccharis pilularis*), purple sage (*Salvia leucophylla*), and toyon (*Heteromeles arbutifolia*).~~

Ceanothus Shrubland Alliance

A small stand of California lilac (*Ceanothus* spp.) occurs along the recreational trail adjacent to the Ventura River. These species were not observed anywhere else in the project area and may have been planted, but comprise more than 50 percent of the shrub canopy and therefore meet the membership rules for *Ceanothus* Shrubland alliances described by Sawyer et al. (2009).

~~*Ceanothus Alliance*~~

~~A small stand of California lilac (*Ceanothus* spp.) occurs along the recreational trail adjacent to the Ventura River. These species were not observed anywhere else in the project area and may have been planted.~~

Ornamentals and Naturalized Exotics

As a landscape that is human-created, this vegetation does not form a distinct Alliance as defined by Sawyer et al. (2009). Perennial, woody non-native trees and groundcover occur in scattered stands along roads and trails, and on a terraced retaining wall at the southern end of Edison Road. Most of these species also occur in landscaping within developed areas, but appear to be surviving without irrigation or management, other than pruning. Species include Peruvian pepper (*Schinus molle*), periwinkle (*Vinca major),* Himilayan blackberry (*Rubus armeniacus*), and blue gum (Eucalyptus sp.). ~~***Ornamentals and Naturalized Exotics***~~

~~***Perennial, woody non-native trees and groundcover occur in scattered stands along roads and trails, and on a terraced retaining wall at the southern end of Edison Road. Most of these species also occur in landscaping within developed areas, but appear to be surviving without irrigation or management, other than pruning. Species include Peruvian pepper (Schinus molle), periwinkle (Vinca major), Himalayan blackberry (Rubus armeniacus), and blue gum (Eucalyptus sp.).***~~

Individual Trees

Individual trees, all native except for blue gum (*Eucalyptus* sp.), occur throughout the survey area, not forming a clearly defined vegetation community. Native species include coast live oak (*Quercus agrifolia*), California black walnut (*Juglans californica*), sycamore (*Platanus racemosa*), elderberry (*Sambucus nigra*), and willow (*Salix lasiolepis*).

~~***Individual Trees***~~

~~Individual trees, all native except for blue gum (*Eucalyptus* sp.), occur throughout the survey area, not forming a definite vegetation community. Native species include coast live oak, California black walnut, sycamore (*Platanus racemosa*), elderberry (*Sambucus nigra*), and arroyo willow.~~

Wildlife

Weather during the surveys was warm and sunny so wildlife activity was relatively high. The following lists the wildlife directly observed or otherwise detected on-site during the surveys. As this was a single point in time survey, several additional common wildlife species are also expected to occur both seasonally and as residents on-site.

The diversity of species recorded is indicative of the mosaic of habitat types present in combination with the level of human activity in portions of the property.

Amphibians and Reptiles

The only amphibian detected during the survey was Pacific chorus frog (*Pseudacris [Hyla] regilla*). It is expected that western toad (*Anaxyrus [Bufo] boreas*) and possibly California frog (*Pseudacris cadaverina*) also occur in the habitats associated with the Ventura River and the tributary drainages within the project area.

Reptiles observed include western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*) and gopher snake (*Pituophis catenifer*). Each of these species was observed within the upland scrub and/or annual grassland habitats. Several other common snake species are also expected to be present in the area.

AMPHIBIANS & REPTILES				
Coast Range newt *Taricha torosa*	--	SSC	Moist habitats under woody debris, in crevices and animal burrows. Aquatic breeders in ponds and slow moving pools in streams.	Low Potential. This species not known from the project vicinity and suitable upland and breeding habitats are very limited on and adjacent to project site.
California red-legged frog *Rana draytonii*	FT	SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby, or emergent riparian vegetation.	Moderate to High Potential. Suitable habitat occurs in the area of the project and this species has been documented in the Ventura River, but suitable perennial or near perennial pools not present within the work or buffer zones identified for this project.
Western pond turtle *Emys marmorata*	--	SSC	Streams, rivers, ponds, freshwater marshes, and lakes with growth of aquatic vegetation.	~~Low to~~ Moderate Potential. Suitable upland wintering habitat occurs in the area of the project, but suitable perennial or near perennial pools not present within the work or buffer zones identified for this project.
Silvery legless lizard *Anniella pulchra pulchra*	--	SSC	Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential.	~~Low~~ Moderate Potential. Very limited suitable habitat present in the project area where moist soils occur outside of the banks of the river.
Coast horned lizard *Phrynosoma blainvillii*	--	SSC	Relatively open grasslands, scrublands, and woodlands with fine, loose soil.	Low Potential. Species known from the area, but habitats within the work and buffer zones not typical for this species.
Coastal whiptail *Aspidoscelis tigris stejnegeri*	--	sa	Open areas in semiarid grasslands, scrublands, and woodlands.	Low Potential. Species known from the area, but habitats within the work and buffer zones not typical for this species.
Two-striped garter snake *Thamnophis hammondii*	--	SSC	Perennial and seasonal streams and man-made lakes and stock ponds; requires dense riparian vegetation.	Moderate Potential. Species known from the watershed and some wintering habitat present on-site. However, species more commonly occurs in ponded areas; none occurs on the project site.
BIRDS				
Tri-colored blackbird *Agelaius tricolor*	--	SSC	Colonial nesters near open water	Moderate Potential. Small amount of suitable habitat occurs within the project buffer zone.
Burrowing owl *Athene cunicularia*	--	SSC	Open, dry grasslands, deserts and scrublands with low-growing vegetation	Low Potential. Within the project work and buffer zones very little suitable habitat is present.
Western snowy plover *Charadrius alexandrines nivosus*	FT	SSC	Sandy beaches, salt pond levees and shores of large alkali lakes	Not Expected. No suitable habitat on or adjacent to site.

The County of Ventura maintains a separate list of plant and animal species determined to be "locally important."

The Ventura County General Plan defines a Locally Important Species as a plant or animal species that is not an endangered, threatened, or rare species, but is considered by qualified biologists to be a quality example or unique species within the County and region. The following criteria further define what local qualified biologists have determined to be *Locally Important Species*:

Locally Important Plants

- Taxa that are declining throughout the extent of their range AND have five (5) or fewer element occurrences in Ventura County.

Locally Important Animals

Taxa for which habitat in Ventura County is crucial for their existence either globally or in Ventura County. This includes:

- Taxa for which the population(s) in Ventura County represents 10 percent or more of the known extant global distribution; or
- Taxa for which there are five or fewer element occurrences, or less than 1,000 individuals, or less than 2,000 acres of habitat that sustains populations in Ventura County; or,
- Native taxa that are generally declining throughout their range or are in danger of extirpation in Ventura County.

It is important to note that these lists of species have not been formally evaluated through an environmental review process and are not protected by law unless already determined to be sensitive through Federal or State designation, therefore, they are not considered sensitive under CEQA. However, they are included in this section. The list of Locally Important Plants and Locally Important Animals as designated by Ventura County, can be found at http://www.ventura.org/rma/conservation/locally-important-species.html. None of these species are anticipated to occur on site due to known distributional ranges of the species, and/or lack of suitable habitat types and conditions present within the proposed disturbance areas.

For the purposes of this impact analysis, a special-status animal species is any taxon that satisfies one or more of the criteria listed by CDFW as categories for inclusion on the Special Animals list:

- Officially listed or proposed for listing under the state and/or federal Endangered Species Acts
- State or federal candidate for possible listing
- Taxa which meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the California Environmental Quality Act Guidelines
- Taxa considered by the CDFW to be a Species of Special Concern (SSC)
- Taxa that are biologically rare, very restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring
- Populations in California that may be on the periphery of a taxon's range, but are threatened with extirpation in California
- Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands, vernal pools, etc.)
- Taxa designated as special status, sensitive, or declining species by other state or federal agencies, or non-governmental organization (NGO)[16]
- Ventura County maintains a list of "Locally Important Species." Because this list has not been vetted through any official process or impact analysis, they do not necessarily meet the definition of 'Special Status" unless already considered as such by Federal or State agencies, or professional organizations recognized by Federal or State agencies (i.e. CNPS). However, these locally important species (not otherwise included under definitions above) are discussed in the assessment of impacts to sensitive plant and wildlife species.

Those special-status species that are known to be present or that may potentially be present on the project site are listed below, as well as a discussion of potential impacts (construction and operational) that may arise as a result of project implementation.

Plants

No special-status plant species were observed during site surveys and none are considered to have a high potential for occurrence within the proposed disturbance area of the project, due to a lack of suitable habitat or other site specific factors (e.g. disturbance level, land use, etc.). ~~Therefore, impacts to special-~~

16 State, federal and NGO lists compiled in the CDFW Special Animals list include the American Bird Conservancy Green List, the American Fisheries Society categories of risk for marine, estuarine & diadromous fish stocks; the Audubon Watch List; the list of Bureau of Land Management Sensitive Species; the list of California Department of Forestry and Fire Protection Sensitive species; the CDFW list of Fully Protected species; the list of USDA Forest Service Sensitive species; the list of Fish and Wildlife Service Birds of Conservation Concern; the Marine Mammal Commission list of Marine Mammal Species of Special Concern; the United States Bird Conservation Watch List; the Western Bat Working Group High, Medium and Low Priority species categories; and the Xerces Society Red list of pollinators.

~~status plant species are considered less than significant.~~However, focused rare plant surveys were not conducted during the expected blooming period so a full determination of their presence or absence is not known. Therefore, impacts to rare plant species are considered potentially significant without mitigation. Implementation of rare plant surveys as outlined in Mitigation Measure 4.3-1 would reduce impacts to special-status plant species to a less than significant level.

Animals

Southern California steelhead DPS (Federally Listed Endangered Species, California Species of Special Concern). Steelhead trout have been divided into Distinct Population Segments (DPSs). In general, adult steelhead return to rivers and creeks in the region from January to April. Spawning takes place in the rivers from January to May with most spawning activity occurring between January and March.

The Normandeau study[17] revealed the presence of rainbow trout both up and downstream of the Fresno Canyon outfall. The study also identified numerous spawning beds (redds) in these areas. Though there is no accurate way to determine visually if a rainbow trout is a resident or an anadromous steelhead, the sizes of fish observed indicate the majority of fish observed were likely resident freshwater trout. However, there were also indications that some of them may have been the anadromous steelhead. As such, Southern California steelhead DPS are assumed to be present in the river within the project area and the portion of the Ventura River occurring within the project area is included within the defined Critical Habitat for this species.

Because of the proximity of the project to the Ventura River and its associated riparian zone, the proposed project would have the potential to adversely affect individuals of the Southern California steelhead DPS during project construction. The main stem of the Ventura River between the San Antonio Creek confluence and Foster Park is historically known for being productive rearing habitat for juvenile *O. mykiss*, which has been recently confirmed by ongoing steelhead distribution and abundance studies.[18]

Without appropriate avoidance and planning, the proposed project could potentially result in the take of steelhead individuals through direct injury or mortality of juvenile fish or indirectly affect individuals by temporarily degrading habitat quality during project construction. Fish may be killed or trapped by materials that accidentally fall into the water. Accidental spills of hazardous materials during project construction could injure or kill members of these species. Additionally, a potential threat may be the recruitment of fine sediments into the main stem of the Ventura River.

---

17 Normandeau Associates, Inc. Assessment of Pre-Project Aquatic Habitat in the Ventura River at the Fresno Canyon Confluence. October 25, 2012.

18 Normandeau Associates, Inc. Assessment of Pre-Project Aquatic Habitat in the Ventura River at the Fresno Canyon Confluence. October 25, 2012.

Other potential impacts include "capture" of the Ventura River low flow channel along the rip-rap bank protection and alteration of the large pool adjacent to the proposed outlet.

The proposed project includes the installation of a flapgate at the western end of the existing flood-control channel to protect against backflow from the Ventura River. The flapgate would prevent fish from gaining access to the existing concrete channel and the replaced local drainage outlet connecting the Ventura River to Fresno Canyon east of SR-33. Therefore, take at this location would not be expected to result from project operation during high floods.

Upon completion of review of the FEMA Biological Assessment, NMFS is expected to require specific mitigation measures to reduce potentially significant impacts to this species. Though these specific measures have not yet been outlined, **Mitigation Measure 4.3-~~1~~ 2** discusses the avoidance measures required to prevent and/or reduce the potential of incidental take of this species. Specific conditions and or measures identified within the NMFS final determination shall also be followed. In the event of conflicting requirements, the NMFS conditions shall take precedence. Implementation of all of these measures are expected to reduce impacts to Southern California steelhead DPS and its Critical Habitat to a less than significant level.

California red-legged frog (federally listed Threatened Species, California Species of Special Concern). This is the largest native frog in the western United States. California red-legged frogs can be found in a range of habitats within a watershed (e.g., stock ponds, creeks).[19] The project area does not occur within the final approved Critical Habitat for this species, but there are patches of habitat within and immediately adjacent to the Ventura River and within the project zone that are suitable for this species. As such, the BO prepared by the US Fish and Wildlife Service for this project includes California red-legged frog in its evaluation.

Southwestern willow flycatcher (federally listed Endangered Species, state-listed Endangered Species). This small flycatcher is closely associated with riparian woodlands. There are some suitable riparian woodlands along the Ventura River in and near the project area. However, no willow flycatchers have been recorded in this area in the CNDDB. Therefore, they are considered to have a moderate potential for occurrence. The BO prepared by the US Fish and Wildlife Service for this project includes southwestern willow flycatcher in its evaluation. The BO authorized the project to proceed with several conditions.

Least Bell's vireo (federally listed Endangered Species, state-listed Endangered Species). This small vociferous bird is most commonly associated with riparian scrub habitat where it builds well-camouflaged nests. Where it does occur, it is often relatively abundant, but suitable habitat for this species in Southern California has declined significantly in the past several decades. Suitable habitat for

19 US Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (Rana aurora draytonii). Region 1 US Fish and Wildlife Service, Portland, Oregon.

this species is present on-site and the species has been documented as occurring in the region. As such, there is a high potential for least Bell's vireo to occur within the project area. The BO prepared by the US Fish and Wildlife Service for this project includes least Bell's vireo in its evaluation. The BO authorized the project to proceed with several conditions.

Because suitable habitat for California red-legged frog, southwestern willow flycatcher, and least Bell's vireo is present within the project area, and because focused presence/absence surveys for these species have not been conducted on-site, project impacts to each of these three listed species would be considered potentially significant without mitigation. The BO prepared by the USFWS for this project evaluated the potential impacts to California red-legged frog, southwestern willow flycatcher, and least Bell's vireo. Within the BO, USFWS has authorized the project to proceed with conditions. **Mitigation Measure 4.3-~~2~~ 3** outlines the conditions included in the BO. Implementation of these measures would reduce potential significant impacts to California red-legged frog, southwestern willow flycatcher, and least Bell's vireo to a less than significant level.

Nuttall's woodpecker (CDFW Special Animal). This smaller, though vociferous woodpecker is most commonly associated with oak woodlands in California. Although associated with oaks, they do not eat acorns, but rather insects and sometimes fruit. They nest in tree cavities and two Nuttall's woodpeckers were observed during the surveys on-site. This species is expected to nest and reside within the project area.

Cooper's hawk (CDFW Watch List). Cooper's hawks most commonly hunt other bird species while in flight. They typically nest in or near riparian areas in trees with dense canopy. Suitable nesting and foraging habitat is present on-site for this species to persist and is, therefore, is considered to have a high potential for occurrence in most portions of the project area.

Nuttall's woodpecker and Cooper's hawk may utilize either or both of the riparian woodland or oak woodland habitats occurring within the project zone. CDFW is primarily concerned with tracking and protecting nesting locations of these species. Both of these species are also protected while actively nesting by the Migratory Bird Treaty Act and Fish and Game Code.[20] As such, if the project were to be initiated during the nesting season, impacts to Nuttall's woodpecker and Cooper's hawk, as well as any other actively nesting migratory bird, would be considered potentially significant without mitigation. **Mitigation Measure 4.3-~~3~~ 4** would ensure compliance with federal and state laws protecting active bird nests and would eliminate this potential impact.

[20] (See 16 USC §§703-712; see also California Fish and Game Code §§3503, 3513.)

Hoary bat (CDFW Special Animal). Though one of the most widespread bat species in the world, and common in California, this species has been added to the CDFW Special Animal list as they wish to collect data on the species to determine their current population status. Like the red bat described above, they are a solitary species and are closely associated with trees; usually broadleaf deciduous species. They usually feed on their preferred insects along open edges of woodlands. There is suitable habitat on-site within the wooded areas. Therefore, they are considered to have a high potential for occurrence.

Pallid Bat (California Species of Special Concern). This species of bat is relatively common in the region. It is known to forage in and around arid to semi-arid grasslands, woodlands, and forests with open areas. It typically roosts in rocky areas with suitable crevices. Both foraging and roosting habitats occur on and adjacent to the subject site. Though typical roosting habitat does not occur within the project boundaries, it does occur within the area. Further, suitable foraging habitat is present on-site. As such, pallid bad is considered to have a moderate potential for occurrence.

Both hoary bat and pallid bat may roost within trees on-site and may be impacted by the proposed project. If present, the loss of individuals or occupied roosts of species from the subject property could contribute to the reduction in numbers of a local population and would be considered a potentially significant impact. Implementation of **Mitigation Measure 4.3-4~~-4~~ 5** would reduce impacts to special-status bats and their roosts to below a level of significance.

Silvery legless lizard, western pond turtle, and two-striped garter snake (California Species of Special Concern). Each of these species have some potential to occur within the project area during certain times of the year. Legless lizards typically occur in shallow, moist soils, often within shrub roots or under leaf litter, pond turtles and two-striped garter snakes are highly aquatic species, requiring perennial or near perennial sources of water. However, during the winter, both of these species may travel from the water sources to estivate, and in the case of turtles, to lay eggs. Conditions within the project site are not ideal for any of these species, however, because there is still a reasonable chance for their occurrence on site, at least part of the year, project impacts to these species would be considered potentially significant with-out mitigation. **Mitigation Measure 4.3-6** would reduce these potential impacts to a less than significant level.

Potential Maintenance Impacts on Wildlife

Some public agencies require the use of anticoagulant rodenticides to control rodents within their projects. The District only utilizes anticoagulant rodenticides on flood control facilities defined as critical, such as levees and dams. Since this project does not include a levee or dam, the use of anticoagulant rodenticides would not be warranted. The District will follow appropriate rodent control actions as identified in its Integrated Pest Management (IPM) Program (December 2006). Therefore, impacts to wildlife resulting from project site maintenance would be less than significant.

Mitigation Measures

4.3-1: During the appropriate blooming period of the plant species most likely to occur on site, a focused rare plant survey will be conducted in suitable habitat by a qualified biologist. In the event any special-status rare plants are found, CDFW will be notified regarding the desired disposition of the individual plants. This may include translocation to more suitable habitat or seed collection for the purposes of replanting elsewhere in suitable habitat.

4.3-2: To reduce the adverse effects to the Southern California steelhead DPS during their migration and spawning season, VCWPD shall perform all outlet construction activities outside the migration period. Typically, construction activities would take place between June 15 and October 15. However, because the river may also provide habitat to support federally listed species under USFWS jurisdiction, the work window has been modified to between August 31 and October 31. Work upstream of the proposed outlet would occur throughout the year, depending on nesting bird survey results.

VCWPD shall implement the following measures to avoid and/or minimize the potential for take of steelhead:

- Exclusion fences composed of silt fence material shall be installed at the margins of the work area to prevent workers or construction materials from encroaching into adjacent habitat and to prevent materials from entering the waters of Ventura River. The fence shall be monitored periodically for integrity and effectiveness. The fencing shall be maintained for the duration of construction and removed upon project completion.

complete, the source of the spill has been resolved, and NMFS has provided authorization to proceed.

- Disturbance to existing grades and vegetation shall be limited to the actual site of the project and necessary access routes. When possible, existing and proposed ingress or egress points shall be used and the contours of the action area shall be returned to pre-construction condition or better.

- VCWPD shall, to the maximum extent practicable, reduce the amount of disturbance on-site to the absolute minimum necessary to accomplish the proposed action.

- Whenever practicable, existing vegetation shall be salvaged from the footprint of the action area and stored for replanting after earthmoving activities have been completed.

- Because a relatively small amount of riparian scrub vegetation (i.e., 0.30 acre) shall be permanently lost at the outlet location during project construction, VCWPD shall restore the temporary impact area at a 1:1 ratio through planting willows and other riparian species. For permanent impacts, mitigation shall be implemented at a 3:1 ratio followed by a five-year monitoring period to reach an 80 percent success criterion. Mitigation for permanent impacts may include exotic plant removal and riparian species revegetation, depending on the selected location.

VCWPD shall take measures to prevent the introduction of invasive weeds at the construction site. The measure shall include cleaning all equipment before bringing it on-site and using only certified weed-free erosion-control and revegetation materials.

4.3-~~2~~3: All measures in the BO to minimize and mitigate impacts to California red-legged frog, southwestern willow flycatcher, and least Bell's vireo shall be implemented. The following measures were taken from the 2009 Biological Assessment, accepted by USFWS, and implemented as conditions within the BO:

California Red-legged Frog

1. Work in the Ventura River will be limited to the period outside of the California red-legged frog breeding and bird nesting seasons. The construction window would be August 31 through October 31.

2. A qualified biologist will conduct pre-construction surveys at least two days prior to start of construction activities in areas where ground disturbance would occur to determine whether California red-legged frogs are present. If California red-legged frogs are found during any preconstruction surveys, the biologist will contact the Service to determine whether moving them is appropriate. If the Service gives approval for relocation, the Service-approved biologist will be allowed sufficient time to move the California red-legged frogs from the work site before activities begin.

construction activities in the riparian zone. If least Bell's vireos and/or southwestern willow flycatchers are found nesting in the riparian zone during any preconstruction surveys, the qualified biologist will have stop work authority and stop construction activities in that area. Work activities would resume when the chicks have fledged and left the nest.

b. A 250-foot buffer would be maintained around the riparian zone during the month of September if any least Bell's vireos are present. After September, no buffer would be applied because least Bell's vireo would have migrated out of the area by then. Any southwestern willow flycatchers would have left the area in late August.

Measures to Avoid and Minimize Effects to Habitat for each Species

16. Disturbance to existing grades and vegetation will be limited to the actual site of the project and necessary access routes. Placement of all roads, staging areas, and other facilities will avoid and limit disturbance to stream bank or stream channel habitat as much as possible. When possible, existing ingress or egress points will be used and the contours of the project area will be returned to pre-construction condition or better.

17. VCWPD will, to the maximum extent practicable, reduce the amount of disturbance at a site to the absolute minimum necessary to accomplish the project. Whenever practicable, existing vegetation would be salvaged from the footprint of the project area and stored for replanting after earthmoving activities are completed.

18. VCWPD will restore the riparian habitat permanently lost at the outlet location during project construction project area through planting willows and other riparian species within the Ventura River's riparian zone in areas adjacent to the project area. Native willow species would be used for revegetation efforts. These revegetation efforts will be implemented at up to 3:1 ratio followed by a five-year monitoring period to reach an 80 percent native species cover success criterion.

4.3-~~3~~4: To avoid impacts to nesting birds during construction, a qualified biologist (approved by the Ventura County Planning Department) shall be retained to conduct nesting bird surveys within suitable nesting habitat prior to initiation of construction activities. Specifically, if activities associated with construction or grading are planned during the bird nesting/breeding season, generally January through March for early nesting birds (e.g., Coopers hawks or hummingbirds) and from mid-March through September for most bird species, the applicant shall have a qualified biologist conduct surveys for active nests. Pre-construction nesting bird surveys shall be conducted weekly, within 30 days prior to initiation of ground-disturbing activities to determine the presence/absence of active nests. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days before the start of clearance/construction work.

Surveys shall include examination of trees, shrubs, and the ground, within grasslands, for nesting birds, as several bird species known to the area are shrub or ground nesters. If ground-disturbing activities are delayed, additional pre-construction surveys shall be conducted so that no more than three days will have elapsed between the survey and ground-disturbing activities.

If active nests are located during pre-construction surveys, clearing and construction activities within 300 feet of the nest (500 feet for raptors) shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits to avoid an active nest shall be established in the field with high visibility flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the California Department of Fish and Wildlife within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

4.3-45: No earlier than 30 days prior to the commencement of construction activities, a preconstruction survey shall be conducted by a qualified biologist to determine if active roosts of special-status bats are present on or within 300 feet of the Project disturbance boundaries. Should an active maternity roost be identified (the breeding season of native bat species in California generally extends from April 1 through August 31), the roost shall not be disturbed and construction within 300 feet shall be postponed or halted, at the discretion of the biological monitor, until the roost is vacated and juveniles have dispersed, as determined by the biologist.

4.3-6: During all phases of site preparation, grubbing, grading and excavation a qualified biological monitor will be on site. The monitor will observe all activities in the event any special-status reptiles are unearthed or otherwise observed; including, but not limited to, silvery legless lizard, western pond turtle, and two-striped garter snake. Should any wildlife be observed in harms way, the biologist will relocate them to similar suitable habitat outside of the project limits. Any necessary translocations shall be reported to the District and CDFW. The report shall include date, species, habitat condition, number of individuals, size/age, general area where relocated, and other comments as appropriate. The District acknowledges that this mitigation would not offset project-related impacts to habitat loss.

Residual Impact

Implementation of the preceding measures would reduce project impacts to special-status plants and wildlife to a less than significant level.

Temporary impacts = 0.07 acre *Permanent impacts = 0.30 acre*

Oak-Walnut Woodland

Coast live oak (*Quercus agrifolia*) and California black walnut (*Juglans californica*) co-occur in large stands in the survey area, occurring on hills as well as along roads and easements. Native woodlands are considered sensitive by CDFW.

Temporary impacts = 0.16 acre *Permanent impacts = 0.20 acre*

Venturan Sage Scrub (= *Artemisia californica* shrubland alliance) (G3/S3.1)

Venturan sage scrub occurs on a hill in the southwest part of the survey area. Common species include California sagebrush (*Artemisia californica*), buckwheat (*Eriogonum fasciculatum*), coyote brush (*Baccharis pilularis*), purple sage (*Salvia leucophylla*), and toyon (*Heteromeles arbutifolia*). Sage scrub habitats are considered sensitive by CDFW as they have a rarity code of G3.

Temporary impacts = 0.05 acre *Permanent impacts = 0.03*

Though the project impacts to some of these habitats would not necessarily be considered substantial with respect to CEQA thresholds, the Ventura County thresholds of significance state temporary or permanent loss of sensitive vegetation communities would be considered significant without mitigation. Implementation of **Mitigation Measure 4.3-~~5~~ ~~6~~ 7**would include restoration of the disturbed areas, which would reduce the impacts to sensitive plant communities to a less than significant level.

Mitigation Measures

4.3-~~5~~7: Areas of Oak-Walnut Woodland, and Venturan Sage Scrub that are temporarily impacted by project development shall be replaced in kind and in-situ at a 1:1 ratio. This ratio would be considered appropriate as the existing conditions of these habitats on site are disturbed and support numerous non-native and invasive plant species.

The replacement vegetation communities shall have similar dominant trees and native understory shrubs and herbs ~~(excluding exotic species)~~ as the affected vegetation communities. The mitigation plan will include removal of invasive and exotic species to the degree feasible.

A habitat replacement plan shall be developed to replace, at a 3:1 ratio, areas of Riparian Scrub, and at ~~2~~5:1 for Oak-Walnut Woodland, and at 2:1 for Venturan Sage Scrub permanently impacted by project development. The plan shall specify, at a minimum, the following:

- the location of mitigation sites

- the quantity and species of plants to be planted
- procedures for creating additional vegetation communities
- methods for the removal of non-native plants
- a schedule and action plan to maintain and monitor the enhancement/restoration area
- a list of criteria by which to measure success of the mitigation sites (e.g., percent cover of native species, survivorship/establishment of plantings, wildlife use)
- measures to exclude unauthorized entry into the creation/enhancement areas; and
- contingency measures in the event that mitigation efforts are not successful.

The goal will be to create and enhance these habitat types on-site in currently disturbed areas. Through consultation with CDFW, it may also be appropriate to remove invasive species as part of the mitigation, which may alter the final mitigation ratio if approved by CDFW.

Table 4.3-4
Summary of Sensitive Community Impacts and Mitigation Ratios

Habitat Type	Temporary Impacts (acres)	Mitigation Ratio 1:1(acres)	Permanent Impacts (acres)	Mitigation Ratio 2:1 (acres)	Mitigation Ratio 3:1 (acres)	Mitigation Ratio 5:1	Total Mitigation (~~on-site~~ acres)
Riparian scrub	0.07	0.07	0.30	0.00	0.90*	0.00	0.97
Oak-Walnut woodland	0.16	0.16	0.20	0.~~40~~00	~~0~~01.00	1.00**	~~0.56~~1.16
Venturan sage scrub	0.05	0.05	0.03	0.06***	~~0.00~~	0.00	0.11
Totals	0.28	0.28	0.53	0.~~46~~06	0.90	1.00	~~1~~2.~~64~~24

* *Mitigation will include 0.63 acre giant reed removal adjacent to work area in Ventura River and plant 20 sycamore trees (expect 10 to survive) for permanent impacts to Riparian Scrub. The balance of 0.27 acre will be through ~~purchase~~application of mitigation credits ~~through the~~from the District's Matilija Mitigation ~~Bank~~site for a total of 0.90 acre of mitigation.*

** *Mitigation for permanent impacts to Oak-Walnut Woodlands will be accomplished at 5:1 through payment to the Ventura River Preserve Oak Savanna Restoration Project. 1.0 acre will be purchased to mitigate for 0.20 acre of Oak-Walnut Woodland habitat permanently impacted by the project.*

*** *Mitigation for permanent impacts to Venturan Sage Scrub will be accomplished at 2:1 through ~~purchase~~application of mitigation credits ~~through the~~from the District's Matilija Mitigation ~~Bank~~site. 0.6 acre of Venturan Sage Scrub credits will mitigate for the ~~0.2~~0.3 acre of pre~~o~~ject-related ~~permant~~permanent impacts to this habitat.*

Residual Impacts

Implementation of the preceding measures to mitigate for temporary impacts to 0.28 acre and permanent impacts to 0.53 acre of sensitive plant communities would reduce project impacts to a less than significant level.

the Ventura County Thresholds of Significance. As such, they are considered potentially significant without mitigation. Implementation of **Mitigation Measure ~~4.3-6~~4.3-8** would reduce these impacts to a less than significant level. Because these features are not considered 'significant wetlands' and because this project is for the purpose of flood control, the Ventura County requirement of a 100-foot buffer is not applicable.

Mitigation Measures

4.3-~~6~~8: Prior to project implementation VCWPD shall obtain a Section 401 Water Quality Certification, a Nationwide Permit from USACE and a Streambed Alteration Agreement (SAA) from CDFW. Some or all of those permits are anticipated to require specific mitigations for both temporary and permanent impacts. Implementation of **Mitigation Measure 4.3-~~5~~ 7** is anticipated to be consistent with the 401, Nationwide, and SAA mitigation requirements with respect to vegetation. However, should any agencies require conflicting mitigations in their conditions of approval, the more stringent measure shall apply.

Residual Impact

Implementation of the federal and state regulatory agency conditions of approval, in combination with **Mitigation Measure ~~4.3-6~~7~~4.3-8~~**, would reduce impacts to federal "Waters" to a less than significant level.

Habitat Connectivity

Threshold 4.3-4 **Would the proposed project (a) remove habitat within a wildlife movement corridor; (b) isolate habitat; (c) construct or create barriers that impede fish and/or wildlife movement, migration or long term connectivity; or (d) intimidate fish or wildlife via the introduction of noise, light, development or increased human presence.**

The following types of impacts to habitat connectivity are considered potentially significant:

a. A habitat connectivity feature (e.g., a linkage, corridor, chokepoint or stepping stone) would be severed, substantially interfered with, or potentially blocked.

b. Wildlife access to foraging habitat, breeding habitat, water sources, or other areas necessary for their reproduction would be prevented or substantially interfered with.

c. Wildlife would be forced to use routes that endanger their survival. For example, constraining a corridor for mule deer or mountain lion to an area that is not well-vegetated or that runs along a road instead of through a stream corridor or along a ridgeline.

d. Lighting, noise, domestic animals, or other indirect impacts that could hinder or discourage fish and/or wildlife movement within habitat connectivity feature (e.g., a linkage, corridor, chokepoint or stepping stone) would be introduced.

e. The width of linkage, corridor or chokepoint would be reduced to less than the sufficient width for movement of the target species (the species relying upon the connectivity feature). The adequacy of the width shall be based on the biological information for the target species; the quality of the habitat within and adjacent to the linkage, corridor, or chokepoint; topography; and adjacent land uses.

f. For wildlife relying on visual cues for movement, visual continuity (i.e., lines-of-sight) across highly constrained wildlife corridors, such as highway crossing structures or stepping stones, would not be maintained.

Analysis

Since most of the project occurs within a developed area, local and regional movement of terrestrial and avian wildlife would not be expected to be substantially impeded. Fencing exists throughout the project area that already fragments the habitat and local wildlife movement. **Figure 4.3-4** illustrates the locations of existing and proposed fencing. The proposed fencing is required for safety and would not significantly further impede wildlife movement in the area. As such, impacts to wildlife movement would be considered less than significant.

SOURCE: Impact Sciences, Inc., April 2014

FIGURE **4.3-4**

Existing and Proposed Fencing

Mitigation Measures

No mitigation would be required as impacts would be less than significant.

Residual Impact

No significant residual impacts

Protected Trees

Threshold 4.3-5 **Would the project require removal or encroachment within the protected zone of any oaks or sycamores 9.5 inches in circumference or larger (measured 4.5 feet above ground), trees of any species with a historical designation, trees of any species 90 inches in circumference or larger, and most 9.5-inch native trees in the Scenic Resources Protection Zone?**

Analysis

Local plans, policies, and ordinances germane to the proposed project include the Ventura County Protected Tree Ordinance.

The project would require removal of five coast live oak trees and one sycamore tree and encroach within the protected zone of one additional oak tree that meet the 9.5-inch dbh requirement of a protected tree.

Mitigation Measures

4.3-~~7~~9: All removals and encroachments to native protected trees shall be mitigated for in conformance with the County of Ventura Protected Tree Ordinance.

Residual Impact

Implementation of **Mitigation Measure 4.3-~~7~~ 9** would include all the measures necessary to minimize and reduce potential impacts to protected trees.

4.3.6 CUMULATIVE IMPACTS

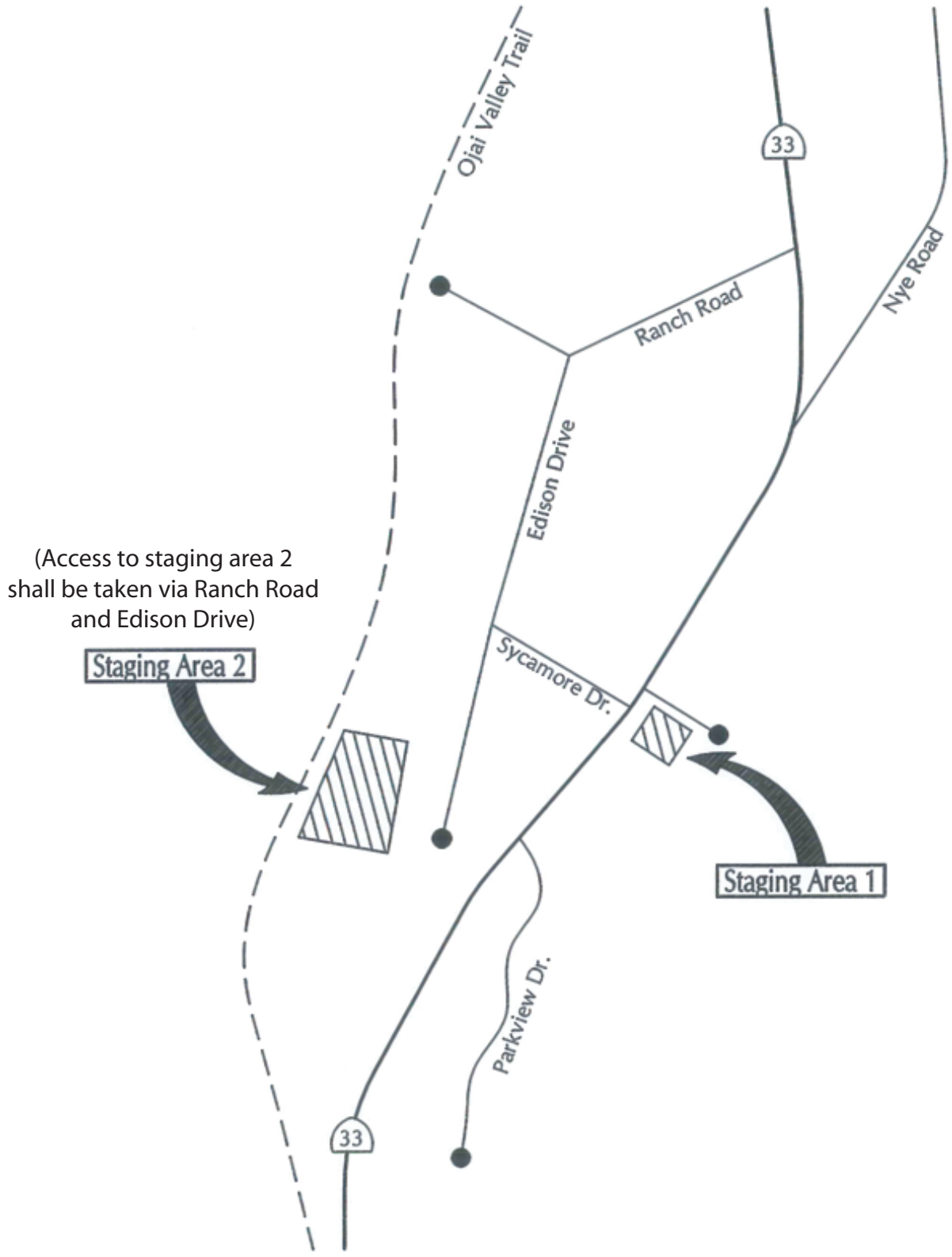
Analysis

Future projects along the Ventura River would also be expected to result in potentially significant direct and indirect impacts to special-status species, removal, or encroachment into sensitive habitats, wetlands

and Waters, and alteration of migratory pathways. Without mitigation, these impacts combined with the proposed project would be cumulatively considerable.

Mitigation Measures

Implementation of **Mitigation Measure 4.3-1** through **Mitigation Measure 4.3-~~7~~ 9** would reduce all of the proposed project impacts to a less than significant level, thus ensuring the project's contribution to cumulative biological impacts is less than cumulatively considerable.



NOT TO SCALE

SOURCE: Associated Transportation Engineers, Inc., 2013

FIGURE **4.10-1**

Roadways in the Project Area

4.13 RECREATION

4.13.1 INTRODUCTION

This section evaluates the potential for the proposed project to cause significant impacts to recreation based on thresholds of significance provided in the *Ventura County Initial Study Assessment Guidelines*.

4.13.2 ENVIRONMENTAL SETTING

A segment of the Ojai Valley Trail traverses the western portion of the project site. The Ojai Valley Trail extends about 9.5 miles north of Ventura from Foster Park ~~in Oak View~~ just south of Casitas Springs to the southwestern outskirts of Ojai. The trail is accessible to the public from 7:00 AM to sunset. Trail users include bicyclists, walkers, joggers, and equestrians. The trailhead for the Ojai Valley Trail is located in Foster Park.

Foster Park is the nearest park to the project site located approximately 0.25 mile to the south and is located at 438 Casitas Vista Road. The park contains a full size parking lot, restrooms, water, picnic tables, BBQ, fire rings, playground and horseshoe pits.

4.13.3 REGULATORY FRAMEWORK

Local Regulations

Ventura County General Plan Goals and Policies applicable to the project include:

4.10.1 Goals

1. Acquire, develop, and operate a system of recreation facilities to meet the recreation needs of County residents.

2. Pursue an equitable, independent, and reliable method of financing the planning, acquisition, *development*, operation, and maintenance of recreation facilities.

3. Promote a coordinated effort by all government entities to assure the provision of a complete range of recreational opportunities for all ages and interests in all areas of Ventura County.

4. Promote the multi-use of existing physical resources through coordination with other public and quasi-public agencies (i.e., utility easements, flood control easements, school district facilities, etc.).

3.0 COMMENT LETTERS AND RESPONSES

INTRODUCTION

According to the *California Environmental Quality Act (CEQA) Guidelines*, Section 15132), the Final EIR shall consist of the following items: (1) the Draft EIR or a revision of the Draft, (2) comments and recommendations received on the Draft EIR, (3) a list of persons, organizations and public agencies commenting on the Draft EIR, (4) the responses of the Lead Agency to significant environmental points raised in the review and consultation process, and (5) any other information added by the lead agency. Item 1 is provided as Section 2.0 Corrections and Additions to the Draft EIR of this document.

The Draft EIR was submitted to the State Clearinghouse Office of Planning and Research and circulated for public review on December 17, 2013. The 45-day comment period concluded on January 30, 2014. Comment letters received after this date were also accepted and are included in this Final EIR.

A total of seven comment letters were received. A list of commenters is shown on the following pages. The comment letters have been numbered and organized into the following categories:

- Federal Agencies
- State Agencies
- Local Agencies

The original bracketed comment letters are provided followed by a numbered response to each bracketed comment. Individual comments within each letter are numbered and the response is given a matching number. Where responses result in a change to the Draft EIR, it is noted, and the resulting change is identified in **Section 2.0 Corrections and Additions**.

LIST OF PUBLIC AGENCIES AND PRIVATE PARTIES COMMENTING ON THE DRAFT EIR

Federal Agencies

Letter No. A-1 US Department of Homeland Security, FEMA Region IX, January 3, 2014

State Agencies

Letter No. B-1 State of California, Native American Heritage Commission, January 2, 2014

Letter No. B-2 Governor's Office of Planning and Research, January 31, 2014

Letter No. B-3 State of California Department of Transportation, January 9, 2014

Letter No. B-4 California Department of Fish and Wildlife, February 14, 2014

Local Agencies

Letter No. C-1 County of Ventura Public Works Agency, Transportation Department, January 6, 2014

Letter No. C-2 Ventura County Air Pollution Control District, January 22, 2014

Letter No. A-1

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

January 3, 2014

Elizabeth Martinez, Environmental Planner
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, California 93009-1610

Dear Ms. Martinez:

This is in response to your request for comments on the Notice of Availability of Draft Environmental Impact Report for the Fresno Canyon Flood Mitigation Project, Ventura County Watershed Protection District. 1

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Ventura (Community Number 060413), Maps revised January 20, 2010. Please note that the County of Ventura, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65. 2

A summary of these NFIP floodplain management building requirements are as follows: 3

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. 4

www.fema.gov

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. 5

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm. 6

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Ventura County floodplain manager can be reached by calling Jeff Pratt, Director, Department of Public Works, at (805) 654-2073. 7

If you have any questions or concerns, please do not hesitate to call Frank Mansell of the Mitigation staff at (510) 627-7191. 8

Sincerely,

Gregor **Blackburn**, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Jeff Pratt, Director, Department of Public Works, Ventura County
Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern District
Frank Mansell, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

www.fema.gov

Letter No. A-1. US Department of Homeland Security, FEMA Region IX, January 3, 2014

Response 1

This comment is an introduction to comments that follow. No further response is required.

Response 2

The comment restates information contained in the Draft EIR as noted on Figure 4.8-1, FEMA Flood Insurance Rate Map and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 3

The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. It should be noted however, that the proposed project does not propose to construct any habitable structures in the floodplain. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 4

The comment requests that a hydrologic and hydraulic analysis must be performed prior to the start of development and demonstrate that there is no rise in base flood levels. The Final Fresno Canyon Flood Mitigation Pre-Design Study Final Report, Hawks & Associates, 2007, determined that there would be no rise in base flood levels. The project itself is a flood control project that will serve to decrease the potential for flooding impacts in the project area.

Response 5

The comment provides direction concerning coastal high hazard areas (any of the "V" Flood Zones as delineated on the FIRM). The proposed project is not located in a coastal high hazard zone. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

Response 6

The comment provides direction as to the procedures that should occur if completion of development changes existing Special Flood Hazard Areas. The comment provides factual background information only and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the

proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 7

The comment states that many communities have adopted floodplain management building requirements that are more restrictive than the minimum federal standards and that the local floodplain manager should be contacted. The District acknowledges this recommendation and notes that project implementation will meet flood proofing and flood protection requirements as set out in the County of Ventura's Floodplain Management Ordinance 3841 and amendments thereto, as stated on page 4.8-8 of the Draft EIR.

Response 8

The comment provides contact information only. No further response is required given that the comment does not address or question the content of the Draft EIR.

Letter No. B-1

SATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net
e-mail: ds_nahc@pacbell.net

January 2, 2014

Ms. Elizabeth Martinez, Planner
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 993009

RE: SCH#2013031072 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"Fresno Canyon Flood Mitigation Project;"** located in the Casita Springs area; Ventura County, California

Dear Ms. Martinez:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document. 1

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required: 2

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10. 3

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface 4

evidence of archeological resources does not preclude their subsurface existence. 4

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies" and Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities. 5

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). 6

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans. 7

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. 8

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

Native American Contacts
Ventura County California
January 2, 2014

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes9@msn.com
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com
Chumash
Tataviam
Ferrnandeño

Patrick Tumamait
992 El Camino Corto
Ojai , CA 93023
(805) 640-0481
(805) 216-1253 Cell
Chumash

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez , CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax
Chumash

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax
Chumash

Fernandeno Tataviam Band of Mission Indians
Larry Ortega, Chairperson
1019 - 2nd Street, Suite #1
San Fernando CA 91340
(818) 837-0794 Office
(818) 837-0796 Fax
Fernandeno
Tataviam

Owl Clan
Qun-tan Shup
48825 Sapaque Road
Bradley , CA 93426
mupaka@gmail.com
(805) 472-9536 phone/fax
(805) 835-2382 - CELL
Chumash

Barbareno/Ventureno Band of Mission Indians
Julie Lynn Tumamait-Stennslie, Chair
365 North Poli Ave
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214
Chumash

Stephen William Miller
189 Cartagena
Camarillo , CA 93010
(805) 484-2439
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013031072; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Fresno Canyon Flood Mitigation Project; located in the Casita Springs area; Ventura County, California

Native American Contacts
Ventura County California
January 2, 2014

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365 Chumash
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Santa Ynez Band of Mission Indians
Tribal Admin/Counsel Sam Cohen
P.O. Box 517 Chumash
Santa Ynez , CA 93460
info@santaynezchumash.org
(805) 688-7997
(805) 686-9578 Fax

Randy Guzman - Folkes
4676 Walnut Avenue Chumash
Simi Valley , CA 93063 Fernandeño
ndnRandy@yahoo.com Tataviam
(805) 905-1675 - cell Shoshone Paiute
(805) 520-5915-FAX Yaqui

Carol A. Pulido
165 Mountainview Street Chumash
Oak View , CA 93022
805-649-2743 (Home)

Coastal Band of the Chumash Nation
Michael Cordero, Chairperson
P.O. Box 4464 Chumash
Santa Barbara CA 93140
CbcnTRIBALCHAIR@gmail.com

Melissa M. Parra-Hernandez
119 North Balsam Street Chumash
Oxnard , CA 93030
envyy36@yahoo.com
805-983-7964
(805) 248-8463 cell

Charles S. Parra
P.O. Box 6612 Chumash
Oxnard , CA 93031
(805) 340-3134 (Cell)
(805) 488-0481 (Home)

Frank Arredondo
PO Box 161 Chumash
Santa Barbara CA 93102
ksen_sku_mu@yahoo.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013031072; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Fresno Canyon Flood Mitigation Project; located in the Casita Springs area; Ventura County, California

Native American Contacts
Ventura County California
January 2, 2014

Santa Ynez Tribal Elders Council
Freddie Romero, Cultural Preservation Conslnt
P.O. Box 365 Chumash
Santa Ynez , CA 93460
805-688-7997, Ext 37
freddyromero1959@yahoo.com

Coastal Band of the Chumash Nation
Crystal Baker
P.O. Box 723 Chumash
Atascadero , CA 93423
805-466-8406

Barbareno/Ventureno Band of Mission Indians
Kathleen Pappo
2762 Vista Mesa Drive Chumash
Rancho Pales Verdes CA 90275
310-831-5295

Barbareno/Ventureno Band of Mission Indians
Raudel Joe Banuelos, Jr.
331 Mira Flores Court Chumash
Camarillo , CA 93012
805-987-5314

Coastal Band of the Chumash Nation
Janet Darlene Garcia
P.O. Box 4464 Chumash
Santa Barbara CA 93140
805-689-9528

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

his list s only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013031072; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Fresno Canyon Flood Mitigation Project; located in the Casita Springs area; Ventura County, California

Letter No. B-1. Native American Heritage Commission, January 2, 2014

Response 1

This comment is an introduction to comments that follow. No further response is required.

Response 2

The comment provides background information concerning of the definition of significant when addressing cultural resources. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 3

The comment requested that a record search be conducted for all areas within the Area of Potential Effect (APE) to determine if they had been previously surveyed for cultural places. The Cultural Resources Technical Report prepared for the project in 2009 conducted a record search to determine if cultural resources in the project areas had been previously recorded. The record search concluded that nine previous cultural resource surveys have been conducted within a 0.5-mile radius of the proposed project area, one of which partially covered the project APE. Please see Appendix D of the Draft EIR for a complete discussion on the record search conducted for the project. The Cultural Resources Technical Report concluded that additional archaeological inventory or survey was not required.

Response 4

The comment noted that a list of appropriate Native American contacts for consultation concerning the project site has been provided to determine if the proposed activity might impinge on any cultural resources. Pages 4.4-6 and 4.4-7 of the Draft EIR contain the following documentation of the Native American consultation conducted for the project:

On August 9, 2007, FEMA contacted the California Native American Heritage Commission (NAHC) to request a review of its Sacred Lands File for the existence of known traditional cultural properties in the vicinity of the APE and to request a list of the individuals and groups whom the NAHC believed should be contacted regarding information or concerns related to the project areas. The NAHC responded on August 13, 2007, with negative results of its search of the Sacred Lands File and a list of eight potentially interested individuals and groups.

On September 7, 2007, FEMA transmitted an informational letter to the potentially interested parties identified by the NAHC. Two responses were received. On September 12, 2007, Ms. Julie Lynn Tumamait responded to the letter and expressed concern that the project was already underway. She was notified

that the current activity taking place in the vicinity was unrelated to the proposed project. On October 3, 2007, Qun-tan Shup of the Owl Clan left a message regarding the proposed project. His message was returned, and he was notified that the project was temporarily on hold.

Consultation was reinitiated with a second letter request to the NAHC on January 16, 2009. The NAHC responded on January 16, 2009, again with negative results of its search and a list of 15 potentially interested individuals and groups. On February 18, 2009, FEMA transmitted a second informational letter to the potentially interested parties identified by the NAHC.

To date, two responses to the most recent informational letter have been received. On February 18, 2009, Patrick Tumamait responded and stated that he had no further information to provide regarding archaeology in the area and thanked FEMA for the opportunity to comment. On March 19, 2009, Mr. Freddie Romero of the Santa Ynez Band of Chumash Indians commented that the project area was outside the groups' area of concern, and therefore, the group would not issue any comments. However, he was concerned that other Native American groups in the area had been contacted and had commented. Ms. Kick informed Mr. Romero that other groups in the area had been contacted by FEMA and that one comment had been received to date. This information satisfied his concerns. See Appendix D of the Draft EIR for copies of Native American correspondence.

Response 5

The comment provides factual background information defining "environmental justice" to "fair treatment of People" and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 6

The comment suggests that local agencies provide in their mitigation plans for the identification and evaluation of accidentally discovered archaeological resources. Draft EIR Section 4.4 Cultural Resources contains two mitigation measures that address the commenter's concerns as follows:

4.4-1: In the event that archeological resources are unearthed during project construction, all earth-disturbing work within the vicinity of the find shall be temporarily suspended until a qualified archeologist has evaluated the nature and significance of the find.

4.4-2: If human remains are encountered during excavations associated with the proposed project, State Health and Safety Code 7050.5 states that no further disturbance shall occur

until the Ventura County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Ventura County Coroner must be notified within 24 hours.

If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis.

Upon clearance by the coroner and the NAHC for Native American remains, construction (earthmoving) activities may resume.

Response 7

The comment provides further direction concerning the discovery of unanticipated sacred or cultural sites. Please see **Response B-1-6**, above.

Response 8

The comment states that lead agencies should provide for the discovery of Native American human remains. Please see **Response B-1-6**, above.

Letter No. B-2

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

January 31, 2014

Elizabeth Martinez
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura, CA 93009-1600

Subject: Fresno Canyon Flood Mitigation Project
SCH#: 2013031072

Dear Elizabeth Martinez:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 30, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED
FEB 03 2014
WATERSHED PROTECTION DIST.

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2013031072
Project Title Fresno Canyon Flood Mitigation Project
Lead Agency Ventura County Watershed Protection District

Type EIR Draft EIR

Description The Ventura County Watershed Protection District is proposing to reduce the risk of flooding in the community of Casitas Springs through the construction of a new bypass storm drain facility to transport floodwaters, sediment, and debris from Fresno County to the Ventura River. The project is anticipated to start construction in 2015 and will take about eight months to complete.

Lead Agency Contact

Name Elizabeth Martinez
Agency Ventura County Watershed Protection District
Phone 805 658 4374 **Fax**
email
Address 800 S. Victoria Avenue
City Ventura **State** CA **Zip** 93009-1600

Project Location

County Ventura
City
Region
Lat / Long
Cross Streets SR 33 / Sycamore Drive
Parcel No. multiple
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 33
Airports
Railways
Waterways Ventura River
Schools
Land Use Flood Control facilities

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Landuse; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 7; Air Resources Board; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; State Lands Commission

Date Received 12/17/2013 **Start of Review** 12/17/2013 **End of Review** 01/30/2014

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-9140
FAX: (213) 897-1337

CIRQR
01/30/14
E

Flex your power!
Be energy efficient!

January 9, 2014

RECEIVED
JAN 09 2014
STATE CLEARING HOUSE

Ms. Elizabeth Martinez
Ventura County Watershed Protection District
County of Ventura
800 S. Victoria Avenue
Ventura, CA, 93009

IGR/CEQA No. 131243JP-DEIR
Fresno Canyon Flood Mitigation Project
State Route 33/Sycamore Drive near Casitas Springs
Vic. Ven33, PM 6.431
SCH# 2013031072

Dear Ms. Martinez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project proposes a development review to construct a new bypass storm drain facility to transport floodwaters, sediment and debris from Fresno Canyon to the Ventura River.

Caltrans offers the following comments:

The proposed project is on the State Route 33 Corridor, please be reminded that any work to be performed within the State Right-of-way will need an Encroachment Permit from Caltrans. Any modifications to State facilities will need to meet all mandatory design standard and specifications.

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from the Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods. In addition, a truck/traffic construction management plan is needed for this project.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects need to be designed to discharge clean run-off water. Additionally storm water run-off is not permitted to discharge onto State highway facilities.

If you have any questions, please feel free to contact Jonathan Palacio, the project coordinator, at (213) 897-3747 and refer to IGR/CEQA No. 131243JP-DEIR.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

CEQA
01130/14
E

SATE OF CALIFORNIA — Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net
e-mail: ds_nahc@pacbell.net

RECEIVED
JAN 08 2014
STATE CLEARING HOUSE

January 2, 2014

Ms. Elizabeth Martinez, Planner
Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 993009

RE: SCH#2013031072 CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the **"Fresno Canyon Flood Mitigation Project;"** located in the Casita Springs area; Ventura County, California

Dear Ms. Martinez:

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR).

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface

evidence of archeological resources does not preclude their subsurface existence.

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies" and Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

Letter No. B-2. State of California, Governor's Office of Planning and Research, dated January 31, 2014

Response 1

This letter acknowledges that Ventura County Watershed Protection District has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Ventura County Watershed Protection District appreciates your comment letter, it will be made available to the decision makers prior to a final decision on the proposed project. The comment does not raise any specific issue regarding the analysis presented in the Draft EIR and, therefore, no further response is required.

Letter No. B-3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN, JR., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-9140
FAX: (213) 897-1337

Flex your power!
Be energy efficient!

January 9, 2014

Ms. Elizabeth Martinez
Ventura County Watershed Protection District
County of Ventura
800 S. Victoria Avenue
Ventura, CA, 93009

IGR/CEQA No. 131243JP-DEIR
Fresno Canyon Flood Mitigation Project
State Route 33/Sycamore Drive near Casitas Springs
Vic. Ven33, PM 6.431

Dear Ms. Martinez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project proposes a development review to construct a new bypass storm drain facility to transport floodwaters, sediment and debris from Fresno Canyon to the Ventura River. 1

Caltrans offers the following comments:

The proposed project is on the State Route 33 Corridor, please be reminded that any work to be performed within the State Right-of-way will need an Encroachment Permit from Caltrans. Any modifications to State facilities will need to meet all mandatory design standard and specifications. 2

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from the Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods. In addition, a truck/traffic construction management plan is needed for this project. 3

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects need to be designed to discharge clean run-off water. Additionally storm water run-off is not permitted to discharge onto State highway facilities. 4

If you have any questions, please feel free to contact Jonathan Palacio, the project coordinator, at (213) 897-3747 and refer to IGR/CEQA No. 131243JP-DEIR. 5

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

Letter No. B-3. State of California, Department of Transportation, dated January 9, 2014

Response 1

This comment is an introduction to comments that follow. No further response is required.

Response 2

The District is aware of the need to obtain an Encroachment Permit from Caltrans for project work to be performed within State Right-of-Way. An Encroachment Permit will be required for the proposed pipe jacking under SR-33 and for the proposed driveway on SR-33 for the new maintenance access road west of SR-33. The District will submit an Encroachment Permit application to Caltrans once final design plans for the project are complete.

Response 3

The District is aware of the requirement to obtain a transportation permit from Caltrans for over-sized transport vehicles on state highways and will apply for the permit prior to construction. The comment also recommend that large size truck trips be limited to off-peak commute periods and noted that a truck/traffic construction management plan is needed. The District will prepare and implement a traffic construction management plan for the project. Section 4.10, Transportation and Circulation, page 4.10-18 and 4.10-20 of the Draft EIR includes several project design features addressing truck trips during peak hours and construction traffic:

- The access route for construction trucks and employees arriving to the site shall be properly signed during periods of construction activity.
- Construction hauling will be limited from the north to occur only during non-peak hours outside the 6:30 AM to 9:00 AM southbound commute period and hauling from the south will only occur outside the 3:30 PM to 6:30 PM northbound commute period. The Ventura County Watershed Protection District would hire local contractors with employees that live south of the project site or that have employees which already travel south from Ojai to work which would mitigate the potential impact to SR-33. Since this is a temporary impact, employees that live in Ojai already travel southbound on SR-33 to work and would not be considered new trips added to the impacted section.

Response 4

The Ventura County Watershed Protection District as a standard practice requires a construction schedule and a Storm Water Pollution Prevention Plan from the contractor prior to construction start. A District inspector is also assigned to full-time construction monitoring duty for the entirety of the project. Storm water run-off from the project site will be appropriately managed and will not be allowed to discharge onto state highway facilities.

Letter No. B-4

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

February 14, 2014

Ms. Elizabeth Martinez
Ventura County Watershed Protection District
800 S. Victoria Avenue
Ventura CA. 93009
Email: elizabeth.martinez@ventura.org

Subject: Fresno Canyon Flood Mitigation Project Draft Environmental Impact Report Ventura County, California (SCH 2013031072)

Dear Ms. Martinez,

The California Department of Fish and Wildlife (Department) appreciates this opportunity to provide comments on the above-referenced Draft Environmental Impact Report (DEIR). The DEIR was prepared for the lead agency, Ventura County Watershed Protection District (District).

1

The following comments have been prepared pursuant to the Department's authority as trustee agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 regarding those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 et seq.); and Fish and Game Code Section 1600 et seq.

Project Description

The Fresno Canyon Flood Mitigation Project proposes to address flooding and debris flow in the unincorporated community of Casitas Springs, about 5 miles north of the City of San Buenaventura. Fresno Canyon is a tributary to the Ventura River; the upper watershed is steep, highly erodible terrain and the lower canyon currently consists of an undersized 750-foot concrete channel, built in the 1960s. The District proposes to construct a storm drain diversion facility to transport floodwaters, sediment, and debris from Fresno Canyon to the Ventura River to reduce the risk of flooding in the community of Casitas Springs. The facility will be designed to convey the fully bulked flows resulting from the 100-year flood event.

2

The primary objectives of the proposed project are- a) to improve storm flow conveyance from Fresno Canyon to provide capacity for 100-year fully bulked flood flows to protect residents and properties in Casitas Springs; b) minimized impacts from construction and flooding on the existing State Route 33; and c) minimize effects on water quality of the Ventura River and minimize potential adverse impacts to special status species, particularly the federally-endangered southern California steelhead (*Oncorhynchus mykiss*).

The project would consist of the following key components: a) an inlet structure and spillway at the upstream end of lower Fresno Canyon; b) about 242 feet of flood wall and rock riprap revetment along the north bank of the existing natural canyon; c) a rock riprap trapezoidal channel would convey bulked flows to 975 feet of below-ground conveyance pipe; d) an outlet facility with ungrouted revetments and cut off walls would release flows onto an existing alluvial

terrace on the Ventura River just west of the existing Ojai Valley Trail; and e) an area about 70-feet-long and 40-feet-wide supporting riverine alluvial habitats would be graded and bladed to create a new flow path. An existing detention basin east of Highway 33 constructed after the 2005 flooding events would no longer be needed and the basin would be filled to its original contours.

The DEIR identifies impacts to three sensitive plant communities- riparian scrub, Venturan sage scrub and oak-walnut woodland; permanent impacts to all three types total 0.53 acres and temporary impacts total 0.28 acres. The acreage of other habitat types that could be impacted including annual grassland, mixed ornamentals with native walnut and Ceanothus alliance are not tallied in the DEIR Section 4.3. 2

The project incorporates a variety of avoidance and minimization measures addressing biological resources of concern, including- a) measures recommended by the National Marine Fisheries Service (NMFS) for southern California steelhead; and b) measures included in a United States Fish and Wildlife Service Biological Opinion (BO) addressing federally-listed species including least Bell's vireo (*Vireo bellii pusillus*), southwest willow flycatcher (*Empidonax traillii*) and California red-legged frog (*Rana draytonii*). Least Bell's vireo and southwest willow flycatcher are also state-listed as endangered and could potentially occur within or near the project area. The DEIR proposes various biological mitigation measures to minimize ground disturbance, limit work near nesting birds, and pre-construction surveys for special-status bat species including avoidance of maternity roosts between April 1 and August 31.

Comments and Recommendations 3

The following are the Department's specific concerns regarding impacts to biological resources and recommendations for additional avoidance and mitigation measures.

Ventura County Locally Important Species

The DEIR generally does not address locally rare plant and animal species identified in Ventura County and currently listed as Locally Important Species. These lists have been developed in consultation with local experts and represent local and regionally rare species that are not represented on state-wide or national lists. Species on these lists are considered to generally meet the definition of threatened, endangered, or rare, as defined in the California Environmental Quality Act (CEQA) Section 15380. The lists are updated annually through a documented process of consulting with local experts. The current lists can be found at this link: http://www.ventura.org/rma/planning/conservation/locally-important-species.html 4

Special Status Plant Species

The DEIR impact assessment relies upon a field assessment for special status sensitive plants species conducted on October 11, 2012, which is generally considered to be outside the primary blooming period for most special status plant species. Table 4.3-2 provides a summary of special status plants with potential to occur in the project area or vicinity. The majority of species are shown as having a low probability of occurrence based upon general habitat predictors. Field assessments during the blooming period were not conducted for species identified as having a moderate probability to occur in or near the project area. The DEIR concludes that impacts to special status plant species are considered less than significant 5

because no special status plant species were observed and none are considered to have a high potential for occurrence within the proposed disturbance area. 5

The Department previously requested that plant and vegetation assessments follow our approved protocols (see the Department's written correspondence dated April 26, 2013 on the Initial Study for this project). The single fall visit in October 2012 may have failed to detect special status plants in or near the project area. 6

Special Status Natural Communities

The Department requested the special status plant communities be identified using our approved protocols (see the Department's written correspondence dated April 26, 2013 on the Initial Study for this project). The Department was specifically tasked by the California legislature with establishing vegetation mapping standards and we wish to encourage the District to incorporate these standards when evaluating projects (see Fish and Game Code § 1940). The DEIR indicates that vegetation was generally classified using Sawyer and Keeler-Wolf, 2009, a primary reference currently utilized to conduct protocol assessments. However, our review suggests that floristic, alliance-based classifications were not used for most of the reported habitats. For example, riparian scrub, Venturan sage scrub, oak-walnut woodland, and annual grassland are not considered alliance-based classifications. The Department is seeking consistency and more thorough documentation for vegetation assessments in order to better characterize vegetation resources, more fully evaluate impacts at the local and regional level, and to aid in developing appropriate mitigation and restoration strategies. . 7

The DEIR Mitigation Measure 4.3-5 proposes to mitigate temporary impacts to oak-walnut woodland and Venturan sage scrub at a 1:1 ratio and permanent impacts at a 2:1 ratio; permanent impacts to riparian scrub are proposed to be mitigated at a 3:1 ratio. The mitigation strategy described is to undertake planting or exotic species control on-site, in currently disturbed areas. It is not clear where these disturbed areas are located. We recommend that the District acquire unprotected habitats of comparable or better quality to serve as mitigation for permanent project impacts, and to protect habitats at locations with good access for wildlife to utilize and benefit from the mitigation. The Department appreciates the District's efforts to minimize impacts to native trees protected by county ordinance. We also recommend that the replacement ratio for temporary impacts to coast live oak-California black walnut be increased to at least 3:1 and the ratio for permanent impacts be increased to 5:1. These replacement ratios should be increased because it can take many decades to replace the habitat values and functions lost when established woodlands and mature trees are removed. 8

The Department requests the opportunity to review and comment on the proposed habitat replacement plan, which would be required under the proposed Mitigation Measure 4.3-5. We recommend this mitigation measure be modified to require the use of reference site data to develop appropriate targets, plant palettes and success criteria for habitat compensation and replacement. The monitoring period for any replacement woodlands should be extended to at least a 10 year period and include survival without irrigation for at least 5 years. 9

Special Status Wildlife Species

A field assessment for non-federally listed special status wildlife species was conducted on September 21, 2012. Table 4.3-3 summarizes the potential for special status wildlife species to 10

occur in the project area. The majority of species are reported as having a low potential to occur. The Department is concerned that certain special status wildlife species could in fact occur in the project area. Silvery legless lizards (*Anniella pulchra pulchra*) could occur in riparian woodlands, adjoining areas with ornamental landscaping, and including the coast live oak-California black walnut association identified in the project area. Both Pacific pond turtle (*Actinemys marmorata*) and two-striped garter snake (*Thamnophis hammondii*) could occur outside perennial water areas along the Ventura River as they hibernate and nest outside areas that typically flood in winter and could be encountered in the project area during construction. 10

The Department recommends a qualified, Department-approved biological monitor be present during all grubbing and grading activities to relocate special status species and other wildlife species of low mobility that would be killed or injured during grubbing, grading and construction. Wildlife should be relocated to adjacent appropriate habitat out of harm's way. The DEIR should acknowledge that capture and relocation of on-site common and special status wildlife species does not constitute effective mitigation for the purposes of offsetting project-related impacts stemming from habitat loss. The Department also requests that the biological monitor provide the Department and the District with a written summary for all relocations; information should include the date, species, habitat condition, number of individuals, size/age, general area where relocated to, and other comments as appropriate. 11

Habitat Fragmentation

The proposed project will generally increase habitat fragmentation in habitat areas on or near the Ventura River. For example, the flood conveyance feature will cross the coast live oak-California black walnut woodland adjacent to the Ventura River bicycle path and separate it into two smaller habitat fragments. Access for wildlife to utilize these woodlands will be reduced by the hardscape features and a gated maintenance roadway. The Department was unable to determine if the maintenance roadway itself is proposed to be fenced; fencing would further reduce wildlife access to adjoining habitats. Woodlands adjacent to the river represent a key habitat component and also provide refugia and escape habitat during flooding events. The DEIR does not address the indirect effects of the proposed project on the habitat functions of the woodland area. To address habitat fragmentation, the Department recommends that these indirect effects be addressed by providing compensatory habitat as described under our comments above for special status plant communities. 12

Use of Rodenticides

Secondary poisoning from anticoagulant rodenticides is a serious threat to wildlife utilizing habitats long the Ventura River. Department staff has met with District representatives to discuss the District's baiting programs. The Department was unable to locate any information in the DEIR regarding whether or not anticoagulant rodenticides or other forms of pesticide control for rodents is proposed for this project. The Department requests that the proposed project be designed to ensure that rodent control and/or rodenticide use are not required or necessary to maintain the proposed facility. 13

Thank you for this opportunity to provide comments. Questions regarding this letter and further coordination on these issues should be directed to Ms. Mary Meyer, Senior Environmental Scientist (Specialist) at (805) 640-8019.

14

Sincerely,

Edmund J. Pert
Regional Manager
South Coast Region

ec: Ms. Betty Courtney, CDFW, Santa Clarita
Mr. Ali Aghili, CDFW, Los Alamitos
Ms. Mary Meyer, CDFW, Ojai
Ms. Natasha Lohmus, CDFW, Carpinteria
Mr. Scott Morgan, State Clearing House, Sacramento

Letter No. B-4. California Department of Fish and Wildlife, February 14, 2014

Response 1

This comment is an introduction to comments that follow. No further response is required.

Response 2

The comment restates information regarding the project description and provides factual background information, and does not raise an environmental issue within the meaning of CEQA. No further response is required.

Response 3

The comment is an introduction to comments that follow. No further response is required.

Response 4

The comment indicated the Draft EIR does not address locally rare plant and animal species identified in Ventura County and that are currently listed as Locally Important Species. The comment further states that these lists represent local and regionally rare species that are not represented on statewide or national lists and that species on these lists are considered to generally meet the definition of Threatened, Endangered, or Rare as defined in CEQA. The EIR included an evaluation of all special-status species recorded in a 9-quad range around the subject project site. The District believes that since the Locally Important Species list has not been vetted through impact analysis, that the species included are not equivalent to those that meet the definition of Threatened, Endangered, or Rare as defined in CEQA. Notwithstanding, a discussion regarding the Ventura County Locally Important Species has been added to the Biological Resources section regarding potential project impacts to those species. The revisions to **Section 4.3, Biological Resources**, pages 4.3-17 and 4.3-42 of the Draft EIR, have been made. Please see Final EIR **Section 2.0, Corrections and Revisions**, for the actual text revision.

Response 5

The comment provides factual information summarized from the Biological Resources section of the Draft EIR. No further response is required.

Response 6

The comment states that the California Department of Fish and Wildlife (Department) previously requested that plant and vegetation assessments follow their approved protocols and that a single fall visit in October 2012 may have failed to detect special-status plants in or near the project area. The assessment provided in the Biological Resources section of the Draft EIR based the conclusions of likelihood of special-status plant occurrences on the existing habitat conditions within the project limits. In response to the Department's comment, the District will have a qualified botanist conduct a protocol

survey within the best habitat areas in the project limits, during the peak blooming period of the sensitive plant species with the greatest likelihood of occurrence. Text on pages 4.3-42 and 4.3-33 and Mitigation Measure 4.3-1 on page 4.3-46 have been added to the Final EIR to address this comment. Please see Final EIR, **Section 2.0, Corrections and Revisions**, for the actual text revision.

Response 7

The comment requests that the special-status plant communities be identified using the Department approved protocols and nomenclature. **Section 4.3, Biological Resources**, pages 4.3-3, 4.3-6, and 4.3-8 of the Draft EIR, have been revised to include floristic, alliance-based classifications for the reported habitats. Please see the Final EIR**, Section 2.0, Corrections and Revisions**, for the actual text revision.

Response 8

The Department recommends the mitigation ratios be increased for impacts to sensitive habitats. The District agrees to increase the mitigation ratio for permanent impacts to oak-walnut woodlands from 2:1 to 5:1 (i.e., 0.20 acre @ 5:1 = 1 acre mitigation). However, because the nature of the oak-walnut woodland within the temporary impact area is highly disturbed, the District believes a 1:1 mitigation ratio is justified for temporary impacts to poor quality woodland, using in-situ replacement with higher quality woodland. **Section 4.3, Biological Resources**, pages 4.3-55 through 4.3-56 of the Draft EIR, have been revised, including adding further detail regarding the methods of mitigation. **Table 4.3-4** on page 4.3-56 has been edited to include each of the habitat impacts. Please see the Final EIR, **Section 2.0, Corrections and Revisions**, for the actual text revision.

Response 9

The Department requests the opportunity to review and comment on the proposed habitat replacement plan required under Mitigation Measure 4.3-5. The District will submit a copy of the proposed mitigation plan to the Department as an attachment to the required Streambed Alteration Agreement notification for the project. The District welcomes comments and input from the Department on the proposed mitigation plan during the permit acquisition process.

Response 10

The comment states the Department is of the opinion that silvery legless lizard, pond turtle, and two-striped garter snakes have a greater potential for occurrence than stated in **Section 4.3, Biological Resources,** of the Draft EIR. The occurrence potential outlined in the Draft EIR is based on the existing conditions on-site and states pond turtle and two-striped garter snake have a moderate potential for occurrence. **Section 4.3, Biological Resources**, pages 4.3-15 and 4.3-46 of the Draft EIR, have been revised to include discussion regarding their potential occurrence as being greater in some areas of the project site. Please see the Final EIR, **Section 2.0, Corrections and Revisions**, for the actual text revision.

Response 11

The comment is a recommendation to include a mitigation measure that requires a Department-approved biological monitor to be present during all grubbing and grading activities to relocate special-status species and other species of low mobility that would be killed or injured during grubbing, grading, and construction. A new mitigation measure (Mitigation Measure 4.3-6) has been added to the Biological Resources section that includes this requirement. The requested revision to **Section 4.3, Biological Resources**, page 4.3-53 of the Draft EIR, has been made. Please see the Final EIR, **Section 2.0, Corrections and Revisions**, for the actual text revision.

The Department further recommends the Draft EIR acknowledge that capture and relocation of on-site common and special-status wildlife species does not constituted effective mitigation for the purposes of offsetting project-related impacts stemming from habitat loss. This statement has been added to the Biological Resources Section. However, the District is of the opinion the habitat on-site that will be permanently impacted is not well suited for the referenced species as the majority of it is already developed or highly disturbed.

The requested revision to **Section 4.3, Biological Resources**, page 4.3-53 of the Draft EIR, has been made. Please see the Final EIR, **Section 2.0 Corrections and Revisions**, for the actual text revision.

The Department also requests that the biological monitor provide the Department and the District with a written summary for all relocations. The new mitigation measure requiring a monitoring biologist has been revised to include this language. The requested revision to **Section 4.3, Biological Resources**, page 4.3-53 of the Draft EIR, has been made. Please see the Final EIR, **Section 2.0, Corrections and Revisions**, for the actual text revision.

Response 12

The project area is in a residential neighborhood. There is existing fencing throughout the area including barbed wire and chain link fence that already significantly fragments the habitat and local wildlife movement. As such, nearly all local and regional wildlife movement is shifted out to the Ventura River channel. The proposed project would change very little with respect to habitat fragmentation and the small amount of new chain link fencing to be included along the new maintenance access road west of SR-33 is required for safety purposes. The appended graphic illustrates the existing and proposed fencing. **Section 4.3, Biological Resources**, page 4.3-59 of the Draft EIR, has been revised to include a new exhibit illustrating existing and proposed fencing, and to include an expanded discussion regarding habitat fragmentation. The District does not believe that additional compensatory habitat is required as the Department suggests, since any potential indirect effects on habitat from the new fencing would be minimal. Please see the Final EIR, **Section 2.0, Comments and Revisions**, for the actual text revision.

Response 13

The comment indicates the Department is concerned with the District's use of anticoagulant rodenticides and their threat to wildlife. The District only utilizes anticoagulant rodenticides on flood control facilities defined as critical, such as levees and dams. Since this project does not include a levee or dam, the use of anticoagulant rodenticides would not be warranted. The District will follow appropriate rodent control actions as identified in its Integrated Pest Management (IPM) Program (December 2006). Clarifying language has been added to **Section 4.3, Biological Resources**, page 4.3-46. Please see the Final EIR, **Section 2.0, Corrections and Revisions**, for the actual text revision.

Response 14

This comment is a conclusion to the letter and provides contact information for the Department. No further response is required.

Letter No. C-1

PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division
MEMORANDUM

DATE: January 6, 2014

TO: Watershed Protection District
Attention: Elizabeth Martinez

FROM: Transportation Department Ben

SUBJECT: **REVIEW OF DOCUMENT 13-500** DEIR
Project: **Fresno Canyon Flood Mitigation Project (No. FC088182)**
Lead Agency: **Ventura County Watershed Protection District**
Improve and increase capacity of Fresno Canyon to handle 100-year storm including bulk flows.
New channel alignment near intersection of Park View Drive and State Route 33 in Casitas Springs (VCWPD).

Pursuant to your request, the Public Works Agency – Transportation Department has reviewed the Draft Environmental Impact Report (DEIR) for the Fresno Canyon Flood Mitigation Project (No. FC088182). 1

This project involves increasing the capacity of Fresno Canyon by realigning the channel to transport floodwater, sediments, and debris from Fresno Canyon to the Ventura River in a 100-year storm event, including bulk flow. The new, realigned channel will cross State Route 33 approximately 400 feet south of the existing crossing and will be located north of Park View Drive and south of the southerly end of Edison Drive. The realigned channel will cross the Ojai Valley Trail. The eight-month project will include utility relocations (a 20-inch high pressure gas main, a 6-inch gas line, a 10-inch gas line, and a 21-inch trunk sewer mainline), grading, levee, and retaining wall construction, fence and gate construction, installation of upstream and/or downstream grouted and/or ungrouted riprap, installation of two access roads, and implementation of 25 Best Management Practices (BMPs). 2

The project is located in Casitas Springs. The project will impact State Route 33, which is utilized by approximately 24,500 vehicles per day, and the Ojai Valley Trail with an unknown number of pedestrians, bicyclists, and equestrian users.

We offer the following comments:

1. The Transportation Department does not recommend the use of Parkview Drive or Sycamore Drive during construction. Access to Staging Area #2 as shown on Figure 4.10-1 should be via Ranch Road and Edison Drive. 3

2. Please verify that all references to the peak hours are correct. All southbound construction-related trips from the Ojai area to the project site shall be restricted to prior to 6:30 a.m. or after 9 a.m. All northbound construction-related trips from the project site to the Ojai area (or from the Ventura area to the project site) shall be restricted to prior to 3:30 p.m. or after 6:30 p.m. 4

3. The cumulative impacts of the development of this project, when considered with the cumulative impact of all other approved (or anticipated) development projects in the County, will be potentially significant. To address the cumulative adverse impacts of traffic on the County Regional Road Network, the appropriate Traffic Impact Mitigation Fee (TIMF) should be paid to the County. Based on the information provided in the DEIR for the Fresno Canyon Flood Mitigation Project, the fee due to the County would be:

   35 ADT* x 8/12** x $47.93***/ADT = $1,118.37

   Notes
   * Estimated trip generation in Table 4.10-3 on Page 4.10-17.
   ** The project duration is 8 months and normalized over one year.
   *** TIMF for Ventura Traffic District #10. (The trip generation is below the threshold for the City of Ventura, therefore a TIMF will not be collected by the County for the City of Ventura.)

   The above-estimated fee may be subject to adjustment at the time of deposit, due to provisions in the TIMF Ordinance allowing the fee to be adjusted for inflation based on the Engineering News Record Construction Cost Index. The above is an estimate based only on information provided in the DEIR.

5

4. Item "c" on Page 7 of the Traffic and Circulation Study by ATE dated November 19, 2013, is not a threshold in the latest version of the Initial Study Assessment Guidelines for project-specific traffic impacts.

6

5. The proposed restrictions on contractors and employees of contractors as stated in the DEIR on Page 4.10-20 and the Traffic Study by ATE dated November 19, 2013, are unenforceable and not recommended by the Transportation Department as mitigation measures for potential traffic impacts during construction.

7

6. Our review of this project is limited to the impacts this project may have on the County's Regional Road Network.

8

T:\Transport1\Planning\Land Development\Non_County\VCWPD FC081182 (13-500)-1.doc

Letter No. C-1. County of Ventura Public Works Agency, dated January 6, 2014

Response 1

This comment is an introduction to comments that follow. No further response is required.

Response 2

The comment states project description information and does not raise an environmental issue within the meaning of CEQA. The District would like to point out that some of the description information cited is outdated; please refer to Section 3.5, Description of Project Characteristics, pages 3.0-5 through 3.0-8 of the Draft EIR for a more accurate description of the project. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 3

The Transportation Department states that they recommend that access to Staging Area #2 should be via Ranch Road and Edison Drive as opposed to Parkview Drive or Sycamore Drive during construction. Figure 4.10-1 has been revised to include a note indicating access for Staging Area 2. This change can be found in **Section 2.0**, **Corrections and Additions,** of this Final EIR.

Response 4

The Transportation Department requests verification that all references to peak hours are correct. All references to the peak hours in the Traffic and Circulation section of the Draft EIR and the Traffic and Circulation Study by ATE dated November 19, 2013 have been verified and are correct. As stated on page 4.10-17 of the Draft EIR, the project specifications will limit hauling from the north to occur only during non-peak hours outside the 6:30 AM to 9:00 AM southbound commute period and hauling from the south will only occur outside the 3:30 PM to 6:30 PM northbound commute period.

Response 5

The Transportation Department comments addressed the potential cumulative impacts of the project. The District will pay the appropriate Traffic Impact Mitigation Fees estimated to be $1,118.37 to the County of Ventura.

Response 6

The Transportation Department stated that Item "c" on Page 7 of the Traffic and Circulation Study prepared by ATE is not a threshold in the latest version of the Initial Study Assessment Guidelines for project-specific impacts. Item "c" on page 7 of the Traffic and Circulation Study states "If the project will add 10 or more ADT of 1% or more of the total projected ADT, whichever is greater, to a roadway that is currently operating at less than acceptable LOS as defined in Table 2." The District acknowledges that

Item "c" shall no longer apply as a project-specific traffic impact threshold. No revisions to the Draft EIR are required.

Response 7

The Transportation Department states that the proposed restrictions on contractors and employees of contractors as stated in Section 4.10 Transportation and Circulation page 4.10-20 and the Traffic Study by ATE dated November 19, 2013 are unenforceable and are not recommended as mitigation measures for traffic impacts during construction. The proposed restrictions on contractors and employees of contractors are not listed as mitigation measures but are included as project design features.

Letter No. C-2

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Elizabeth Martinez, Ventura County Watershed Protection District

DATE: January 22, 2014

FROM: Alicia Stratton

SUBJECT: Request for Review of a Draft Environmental Impact Report for the Fresno Canyon Flood Mitigation Project

Air Pollution Control District staff has reviewed the subject Draft Environmental Impact Report (DEIR), which is a proposal to construct a new bypass storm drain facility to transport floodwaters, sediment, and debris from Fresno Canyon to the Ventura River. Fresno Canyon is a tributary to the Ventura River with a drainage area of 1,100 acres. The purpose of the project is to reduce the risk of flooding in Casitas Springs and potential flooding closures of State Route 33. The project is anticipated to take eight months to complete. The project location is one mile south of Oak View and five miles north of the City of Ventura in the unincorporated Casitas Springs area of Ventura County. 1

Section 4.2 of the DEIR addresses air quality issues. We concur with the findings of this discussion that significant air quality impacts are likely to occur from the project. Table 4.2-5 of the DEIR, *Estimated Construction Emissions*, indicates that 7.59 pounds per day of ROC and 88.25 pounds per day of NOx would be generated by project construction. Because these emissions are temporary, they are not counted toward the APCD's thresholds of significance for air quality (five pounds per day for ROC and NOx in the Ojai Valley Planning Area as described in the Ventura County Air Quality Assessment Guidelines). Operational (long-term) emissions from the project would be less than the five pounds per day threshold, and therefore no air quality mitigation is needed for the long-term operation of the project. 2

Short-term construction and site-preparation operations will be conducted in compliance with all applicable APCD Rules and Regulations. Specific dust control measures to achieve this compliance are described in Section 4.2-1, *Mitigation Measures* and Section 4.2-2, *NOx and ROC Reduction Measures*. Implementation of these measures will minimize fugitive dust, particulate matter and creation of ozone precursor emissions that will result from project construction. 3

If you have any questions, please call me at (805) 645-1426.

Letter No. C-2. Ventura County Air Pollution Control District, dated January 22, 2014

Response 1

The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project. However, because the comment does not raise an environmental issue, no further response is required.

Response 2

The comment restates information concerning air quality impacts contained in the Draft EIR. The Air Pollution Control District staff concurs with the findings in the Air Quality Section of the Draft EIR. Because the comment does not raise an environmental issue, no further response is required.

Response 3

The comment restates information concerning air quality contained in the Draft EIR. The commenter confirms that the mitigation measures listed in Section 4.2, Air Quality, of the Draft EIR will minimize fugitive dust and other short-term construction air quality impacts. Because the comment does not raise an environmental issue, no further response is required.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NAME: Fresno Canyon Flood Mitigation Project

APPROVAL DATE: May 13, 2014

ENVIRONMENTAL IMPACT REPORT NO.: SCH# 2013031072

Pursuant to Section 21081.6 of the Public Resources Code and the *California Environmental Quality Act* (CEQA) *Guidelines* Section 15097, public agencies are required to adopt a monitoring or reporting program to assure that the mitigation measures and revisions identified in the Environmental Impact Report (EIR) are implemented. As stated in Section 21081.6 of the Public Resources Code:

> *the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision maker coincidental to certification of the EIR. The Mitigation Monitoring and Reporting Program (MMRP) must be adopted when making the findings (at the time of approval of the project).

As defined in the *State CEQA Guidelines*, Section 15097, "reporting" is suited to projects that have readily measurable or quantitative measures or which already involve regular review. "Monitoring" is suited to projects with complex mitigation measures, such as wetland restoration or archaeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance. Both reporting and monitoring would be applicable to the proposed project.

The EIR prepared for the Fresno Canyon Flood Mitigation Project (SCH No. 2013031072) provided an analysis of the environmental effects resulting from construction and operation of the project. A thorough scientific and engineering evaluation of each alternative was undertaken in compliance with CEQA, including the identification of measures designed to avoid or substantially reduce the potential adverse effects of each alternative.

MITIGATION MATRIX

To sufficiently track and document the status of mitigation measures, a mitigation matrix has been prepared and includes the following components:

- Mitigation measure (text)
- Type
- Monitor
- Schedule

The following environmental mitigation measures were incorporated into the approval for this project in order to mitigate potentially significant environmental impacts. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented, and fulfills the Ventura County Watershed Protection District's monitoring requirements with respect to Public Resources Code Section 21081.6. The mitigation measures are numbered consistently with the project's Environmental Impact Report.

Exhibit B
Mitigation Monitoring and Reporting Program

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
Air Quality					
Construction reactive organic compounds (ROC), oxides of nitrogen (NOx), and fugitive dust emissions	**4.2-1:** All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County Air Pollution Control District (VCAPCD) Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), and Rules 55 (Fugitive Dust) and 55.1 (Paved Roads and Public Unpaved Roads), as well as Rule 10 (Permits Required). The following specific dust control measures, unless more strict measures are implemented for VCAPCD rule compliance, shall be implemented: • The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust. • Pre-grading/excavation activities shall include watering the areas to be graded or excavated before grading or excavation operations commences. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities. • Fugitive dust produced during grading excavation and construction activities shall be controlled by the following activities: • All trucks shall be required to cover their loads as required by *California Vehicles Code* Section 23114. • All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally safe soil stabilization material, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.	Conduct construction monitoring	District Water and Environmental Resources and Design and Construction Divisions (WERD and DCD)	During grading and construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.2-1 (continued): • Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants to prevent excessive fugitive dust. • Signs limiting traffic to 15 miles per hour or less shall be posted on-site. • During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use discretion in conjunction with the VCAPCD in determining when winds are excessive. • A properly functioning and well-maintained track-out control device(s) shall be installed to prevent track-out of soil onto paved public roads. • Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day if visible soil material is carried over to adjacent streets and roads. • Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.2-2: During construction contractors shall comply with the following measures, as feasible, to reduce NO_x and ROC from heavy equipment as recommended by the VCAPCD in its *Ventura County Air Quality Assessment Guidelines*: • Minimize equipment idling time. • Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. • Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible. • All off-road diesel engines not registered under California Air Resources Board's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower or more, shall meet, at a minimum, the Tier 3 California Emission Standards for Off-road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, Section 2423(b)(1). If a Tier 3 or Tier 3-equivalent engine is not available for a particular item of equipment, Tier 2 compliant engines shall be allowed on a case-by-case basis, as determined by VCWPD.	Conduct construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During construction activities	
Biological Resources					
The project would have a direct or indirect physical impact to a plant or animal species by directly or indirectly: (a) reducing a species' population, (b) reducing a species' habitat, (c) increasing habitat fragmentation, or (d) restricting reproductive capacity	**4.3-1:** During the appropriate blooming period of the plant species most likely to occur on site, a focused rare plant survey will be conducted in suitable habitat by a qualified biologist. In the event any special-status rare plants are found, CDFW will be notified regarding the desired disposition of the individual plants. This may include translocation to more suitable habitat or seed collection for the purposes of replanting elsewhere in suitable habitat.	Conduct focused surveys	District Water and Environmental Resources and Design and Construction Divisions	Prior to construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
The project would have a direct or indirect physical impact to a plant or animal species by directly or indirectly: (a) reducing a species' population, (b) reducing a species' habitat, (c) increasing habitat fragmentation, or (d) restricting reproductive capacity	**4.3-2:** To reduce the adverse effects to the Southern California steelhead DPS during their migration and spawning season, VCWPD shall perform all outlet construction activities outside the migration period. Typically, construction activities would take place between June 15 and October 15. However, because the river may also provide habitat to support federally listed species under USFWS jurisdiction, the work window has been modified to between August 31 and October 31. Work upstream of the proposed outlet would occur throughout the year, depending on nesting bird survey results.	Conduct construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
Southern California Steelhead DPS	**4.3-2: (continued)** VCWPD shall implement the following measures to avoid and/or minimize the potential for take of steelhead: • Exclusion fences composed of silt fence material shall be installed at the margins of the work area to prevent workers or construction materials from encroaching into adjacent habitat and to prevent materials from entering the waters of Ventura River. The fence shall be monitored periodically for integrity and effectiveness. The fencing shall be maintained for the duration of construction and removed upon project completion. • A NMFS-approved biologist shall monitor construction activities that involve work within the Ventura River, dewatering activities, and installation of the outlet structure for the purpose of identifying and reconciling any condition that could adversely affect listed salmonids or their habitat. • Preconstruction surveys shall include the collection and relocation of fish, if necessary, by an NMFS-approved fisheries biologist from the construction site prior to and during dewatering. The NMFS-approved fisheries biologist shall be familiar with the life history and identification of steelhead. • All captured fish shall be held in well-oxygenated water with temperatures equivalent to ambient in stream temperatures. Once recovered, they shall be placed in suitable habitat (in stream cover and pools deeper than 1 foot) downstream of the action area. • If any steelhead individuals are found dead or injured, the biologist shall immediately contact the NMFS Long Beach Field Office to review the activities that resulted in the take and determine whether additional protective measures are required.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
Southern California Steelhead DPS Critical Habitat	**4.3-2: (continued)** VCWPD shall implement the following measures to protect steelhead critical habitat: including prevention of erosion, sedimentation, potential spills, pollution, and protection and salvage of native vegetation: • Disturbance to existing grades and vegetation shall be limited to the actual site of the project and necessary access routes. Placement of all roads, staging areas, and other facilities shall be carried out so as to avoid and limit disturbance to stream bank or stream channel habitat to the extent possible. • Erosion-control and sediment-detention devices (e.g., well-anchored sandbag cofferdams, straw bales, silt fences) shall be incorporated into the project design and implemented at the time of construction. These devices shall be in place during construction activities, and after if necessary, to minimize fine sediment and sediment/water slurry input to flowing water and to detain sediment-laden water on-site. These devices shall be placed at all locations where the likelihood of sediment input exists. Supply of erosion control materials shall be available to cover small sites that may become bare and to respond to sediment emergencies. • VCWPD shall inspect the performance of sediment-control devices at least once each day during construction to ensure that the devices are functioning properly. If a control measure is not functioning properly, the control measure shall be repaired immediately or replaced. Additional controls shall be installed as necessary. • Sediment shall be removed from sediment controls once the sediment has reached one-third of the exposed height of the control. Sediment collected in these devices shall be disposed of at approved disposal sites away from the collection site. • All disturbed soils at each site shall undergo erosion-control treatment during construction and after construction is terminated. Treatment may include temporary seeding and sterile straw mulch or other effective measures. Any disturbed soils on a gradient of over 30 percent shall have erosion-control blankets or similar effective measures put in place.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.3-2: (continued) • Any stockpiles of soil used for fill material during construction shall be covered with a tarp or erosion-control blanket, and silt fences shall be installed appropriately to contain soils from moving into area waterways. If the local weather forecast indicates a greater than a 50-percent chance of rain, the project site shall be "rain-proofed" with erosion-control measures so that no sediment or turbidity enters the stream. • All debris, sediment, rubbish, vegetation, or other material removed from the channel banks, channel bottom, or sediment basins shall be disposed of at an approved disposal site. All petroleum product chemicals, silt, fine soils, and any substance or material deleterious to listed species shall not be allowed to pass into, or be placed where it can pass into, the stream channel. There shall be no sidecasting of material into any waterway. • VCWPD shall exercise every reasonable precaution to protect the Ventura River from pollution with fuels, oils, bitumens, calcium chloride, and other harmful materials. • Construction byproducts and pollutants such as petroleum products, chemicals, fresh cement, or deleterious materials shall not be allowed to discharge into the Ventura River and shall be collected and transported to an authorized disposal area. • A plan for the emergency cleanup of any spills of fuel or other material shall be prepared and kept available on-site during construction activities. • Equipment shall be refueled and serviced at designated construction staging areas. All construction material and fill shall be stored and contained in a designated area that is located away from channel areas to prevent transport of materials into adjacent streams. A silt fence shall be installed to collect any discharge, and adequate materials for spill cleanup shall be maintained on-site. • Construction vehicles and equipment shall be maintained to prevent contamination of soil or water (from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease).				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.3-2: (continued) • Good housekeeping practices, use of safer alternative products, such as biodegradable hydraulic fluids, shall be used when feasible. • An employee-training program shall be implemented. Employees shall be trained to prevent or reduce the discharge of pollutants from construction activities to waters and of the appropriate measures to take if a spill occurs. • In the event of a spill, work shall be stopped immediately, spill control shall be implemented, and NMFS shall be notified. Work will resume once cleanup is complete, the source of the spill has been resolved, and NMFS has provided authorization to proceed. • Disturbance to existing grades and vegetation shall be limited to the actual site of the project and necessary access routes. When possible, existing and proposed ingress or egress points shall be used and the contours of the action area shall be returned to pre-construction condition or better. • VCWPD shall, to the maximum extent practicable, reduce the amount of disturbance on-site to the absolute minimum necessary to accomplish the proposed action. • Whenever practicable, existing vegetation shall be salvaged from the footprint of the action area and stored for replanting after earthmoving activities have been completed. • Because a relatively small amount of riparian scrub vegetation (i.e., 0.30 acre) shall be permanently lost at the outlet location during project construction, VCWPD shall restore the temporary impact area at a 1:1 ratio through planting willows and other riparian species. For permanent impacts, mitigation shall be implemented at a 3:1 ratio followed by a five-year monitoring period to reach an 80 percent success criterion. Mitigation for permanent impacts may include exotic plant removal and riparian species revegetation, depending on the selected location. • VCWPD shall take measures to prevent the introduction of invasive weeds at the construction site. The measure shall include cleaning all equipment before bringing it on-site and using only certified weed-free erosion-control and revegetation materials.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
California red-legged frog, southwestern willow flycatcher and least Bell's vireo	**4.3-3:** All measures in the BO to minimize and mitigate impacts to California red-legged frog, southwestern willow flycatcher, and least Bell's vireo shall be implemented. The following measures were taken from the 2009 Biological Assessment, accepted by USFWS, and implemented as conditions within the BO: **California Red-legged Frog** 1. Work in the Ventura River will be limited to the period outside of the California red-legged frog breeding and bird nesting seasons. The construction window would be August 31 through October 31. 2. A qualified biologist will conduct pre-construction surveys at least two days prior to start of construction activities in areas where ground disturbance would occur to determine whether California red-legged frogs are present. If California red-legged frogs are found during any preconstruction surveys, the biologist will contact the Service to determine whether moving them is appropriate. If the Service gives approval for relocation, the Service-approved biologist will be allowed sufficient time to move the California red-legged frogs from the work site before activities begin. 3. A Service-approved biologist will monitor construction activities that involve retaining wall construction and installation of rock slope protection along the Ventura River channel bank. If California red-legged frogs are found that are likely to be killed or injured by work activities, the Service-approved biologist will be allowed sufficient time to move them from the site before work activities resume. The Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to suitable habitat that will not be affected by activities associated with the proposed project. Only California red-legged frogs that are at risk of injury or death by project activities will be moved. 4. Only Service-approved biologists will participate in activities associated with capture, handling, and monitoring of California red-legged frogs. VCWPD will request and receive Service approval of any other biologist whom the agency wishes to conduct activities with California red-legged frogs.	Conduct construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.3-3: (continued) 5. If more than two California red-legged frogs are found dead or injured as a result of project activities within a 12-month period, VCWPD will contact the Service immediately so the Service can review the project activities to determine whether additional protective measures are needed. 6. Exclusion fences composed of silt fence material will be installed at the margins of the work area to prevent workers from encroaching into adjacent habitat and to prevent California red-legged frogs from entering the construction area. A fine mesh (less than 0.40 inch) will be used to avoid entrapment of amphibians in the silt fence. The silt fence will be monitored periodically during construction to evaluate its effectiveness. All fencing in this area will be maintained for the duration of construction and removed on project completion. 7. To avoid attracting predators, food-related trash will be kept in closed containers and removed regularly from the project area. 8. To avoid transferring disease or pathogens, the Service-approved biologist will follow the Declining Amphibian Populations Task Force Fieldwork Code of Practice. 9 Prior to construction, a qualified biologist will conduct training sessions to familiarize all construction personnel with the following: identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Act, measures implemented to protect the species for this project, and a review of the project boundaries. This training will also be provided within 30 days of the arrival of any new worker.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.3-3: (continued) 10. If an injured California red-legged frog is found, the Service-approved biologist will determine the extent of the injury. If the injury is minor and the frog is likely to survive without treatment, the biologist will document the injury and release the frog in an appropriate location previously designated by the Service; however, if the injured frog requires professional treatment to survive, the biologist will transport the frog to the location where a qualified professional can provide the needed treatment. The location of a qualified professional to assist the frog will have been documented prior to the start of construction. The treated frog will be released at an appropriate location as soon as its recovery allows. Within three working days, the injured frog incident will be reported to the Service and reported information will include date of injury, extent of injury, and action(s) taken. If a frog dies while being treated or a dead frog is located in the project area, the Service will be contacted within three working days. At that time, the Service will provide instructions regarding the deposition of the frog. 11. VCWPD will provide the Service with a report on the results of biological surveys and sighting records and also document the following: the number of California red-legged frogs relocated from the project area or killed or injured during the proposed project; the dates and times of capture, mortality, or injury; specific locations of capture, mortality, or injury; approximate size and age of individuals; and a description of relocation sites. 12. All areas subject to temporary disturbance will be restored on-site with native riparian species to pre-project conditions upon completion of construction. 13. VCWPD will take measures to prevent the introduction of invasive weeds at the construction site. This will include cleaning all equipment before bringing it on-site and using only certified, weed-free erosion control and revegetation materials.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.3-3: (continued) 14. Standard Best Management Practices and erosion control measures will be implemented during construction to minimize possible discharge of sediment into aquatic habitats. These measures will include, but will not be not limited to, installing and maintaining silt fences immediately down gradient of disturbed areas. **Least Bell's Vireo and Southwestern Willow Flycatcher** 15. To reduce adverse effects to the least Bell's vireo and southwestern willow flycatcher, VCWPD will perform all construction activities in the Ventura River bed and bank outside of their nesting season (all construction activities east of SR-33 may occur year round as SR-33 presents a noise barrier from the river). Typically, construction activities would take place outside of the least Bell's vireo's nesting season, which extends from mid-March through late September, and the southwestern willow flycatcher's nesting season, which extends from mid-May through late August; however, because the Ventura River may also provide habitat to support federally listed anadromous fish species under the National Marine Fisheries Service's jurisdiction (in-water work window is June 15 through November 1), as well as the federally listed California red-legged frog under Service jurisdiction, the work window for construction activities near the Ventura River bed and bank has been modified to August 31 to October 31 as long as the following two measures are also implemented. a. A qualified biologist will conduct preconstruction surveys of all ground disturbance areas within riparian habitats to determine if least Bell's vireos and/or southwestern willow flycatchers are present prior to the start of construction. These surveys will be completed within two weeks prior to start of construction activities in the riparian zone. If least Bell's vireos and/or southwestern willow flycatchers are found nesting in the riparian zone during any preconstruction surveys, the qualified biologist will have stop work authority and stop construction activities in that area. Work activities would resume when the chicks have fledged and left the nest.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
	4.3-3: (continued) b. A 250-foot buffer would be maintained around the riparian zone during the month of September if any least Bell's vireos are present. After September, no buffer would be applied because least Bell's vireo would have migrated out of the area by then. Any southwestern willow flycatchers would have left the area in late August. **Measures to Avoid and Minimize Effects to Habitat for each Species** 16. Disturbance to existing grades and vegetation will be limited to the actual site of the project and necessary access routes. Placement of all roads, staging areas, and other facilities will avoid and limit disturbance to stream bank or stream channel habitat as much as possible. When possible, existing ingress or egress points will be used and the contours of the project area will be returned to pre-construction condition or better. 17. VCWPD will, to the maximum extent practicable, reduce the amount of disturbance at a site to the absolute minimum necessary to accomplish the project. Whenever practicable, existing vegetation would be salvaged from the footprint of the project area and stored for replanting after earthmoving activities are completed. 18. VCWPD will restore the native riparian habitat permanently lost at the outlet location during project construction project area through planting native willows and other riparian species within the Ventura River's riparian zone in areas adjacent to the project area. These revegetation efforts will be implemented at up to 3:1 ratio followed by a five-year monitoring period to reach an 80 percent native species cover success criterion.				

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
Nesting Birds	**4.3-4:** To avoid impacts to nesting birds during construction, a qualified biologist shall be retained to conduct nesting bird surveys within suitable nesting habitat prior to initiation of construction activities. Specifically, if activities associated with construction or grading are planned during the bird nesting/breeding season, generally January through March for early nesting birds (e.g., Coopers hawks or hummingbirds) and from mid-March through September for most bird species, the applicant shall have a qualified biologist conduct surveys for active nests. Pre-construction nesting bird surveys shall be conducted weekly, within 30 days prior to initiation of ground-disturbing activities to determine the presence/absence of active nests. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days before the start of clearance/construction work. Surveys shall include examination of trees, shrubs, and the ground, within grasslands, for nesting birds, as several bird species known to the area are shrub or ground nesters. If ground-disturbing activities are delayed, additional pre-construction surveys shall be conducted so that no more than three days will have elapsed between the survey and ground-disturbing activities. If active nests are located during pre-construction surveys, clearing and construction activities within 300 feet of the nest (500 feet for raptors) shall be postponed or halted until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits to avoid an active nest shall be established in the field with high visibility flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the California Department of Fish and Wildlife within 30 days of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.	Conduct nesting bird survey and construction monitoring if warranted.	District Water and Environmental Resources and Design and Construction Divisions	Prior to and during construction activities if warranted.	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
Roosting Bats	**4.3-5:** No earlier than 30 days prior to the commencement of construction activities, a preconstruction survey shall be conducted by a qualified biologist to determine if active roosts of special-status bats are present on or within 300 feet of the Project disturbance boundaries. Should an active maternity roost be identified (the breeding season of native bat species in California generally extends from April 1 through August 31), the roost shall not be disturbed and construction within 300 feet shall be postponed or halted, at the discretion of the biological monitor, until the roost is vacated and juveniles have dispersed, as determined by the biologist.	Conduct survey to determine presence of bats and construction monitoring if warranted.	District Water and Environmental Resources and Design and Construction Divisions	Prior to and during construction activities if warranted.	
Silvery legless lizard, western pond turtle, and two-striped garter snake	**4.3-6** During all phases of site preparation, grubbing, grading, and excavation a qualified biological monitor will be on site. The monitor will observe all activities in the event any special-status reptiles are unearthed or otherwise observed; including, but not limited to, silvery legless lizard, western pond turtle, and two-striped garter snake. Should any wildlife be observed in harm's way, the biologist will relocate them to similar suitable habitat outside of the project limits. Any necessary translocations shall be reported to the District and CDFW. The report shall include date, species, habitat condition, number of individuals, size/age, general area where relocated, and other comments as appropriate. The District acknowledges that this mitigation would not offset project-related impacts to habitat loss.	Conduct construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
The proposed project would have a substantial effect on any Sensitive Plant Communities by construction, grading, clearing, or other activities that would temporarily or permanently remove sensitive plant communities.	**4.3-7:** Areas of Oak-Walnut Woodland and Venturan Sage Scrub that are temporarily impacted by project development shall be replaced in kind and in-situ at a 1:1 ratio. This ratio would be considered appropriate as the existing conditions of these habitats on the site are disturbed and support numerous non-native and invasive plant species. The replacement vegetation communities shall have similar dominant trees and native understory shrubs and herbs as the affected vegetation communities. The mitigation plan will include removal of invasive and exotic species to the degree feasible. A habitat replacement plan shall be developed to replace, at a 3:1 ratio, areas of Riparian Scrub, and at 5:1 for Oak-Walnut Woodland, and at 2:1 for Venturan Sage Scrub permanently impacted by project development. The plan shall specify, at a minimum, the following: • the location of mitigation sites • the quantity and species of plants to be planted • procedures for creating additional vegetation communities • methods for the removal of non-native plants • a schedule and action plan to maintain and monitor the enhancement/restoration area • a list of criteria by which to measure success of the mitigation sites (e.g., percent cover of native species, survivorship/establishment of plantings, wildlife use) • measures to exclude unauthorized entry into the creation/enhancement areas; and • contingency measures in the event that mitigation efforts are not successful. • The goal will be to create and enhance these habitat types on-site in currently disturbed areas. Through consultation with CDFW, it may also be appropriate to remove invasive species as part of the mitigation, which may alter the final mitigation ratio if approved by CDFW.	Conduct grading and construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation

Table 4.3-4
Summary of Sensitive Community Impacts and Mitigation Ratios

Habitat Type	Temporary Impacts (acres)	Mitigation Ratio 1:1(acres)	Permanent Impacts (acres)	Mitigation Ratio 2:1 (acres)	Mitigation Ratio 3:1 (acres)	Mitigation Ratio 5:1 (acres)	Total Mitigation (acres)
Riparian scrub	0.07	0.07	0.30	0.00	0.90*	0.00	0.97
Oak-Walnut woodland	0.16	0.16	0.20	0.00	0.00	1.00**	1.16
Venturan sage scrub	0.05	0.05	0.03	0.06***	0.00	0.00	0.11
Totals	0.28	0.28	0.53	0.06	0.90	1.00	2.24

* *Mitigation will include 0.63 acre giant reed removal adjacent to work area in Ventura River and plant 20 sycamore trees (expect 10 to survive) for permanent impacts to Riparian Scrub. The balance of 0.27 acre will be through application of mitigation credits from the District's Matilija Mitigation site for a total of 0.90 acre of mitigation.*

** *Mitigation for permanent impacts to Oak-Walnut Woodlands will be accomplished at 5:1 through payment to the Ventura River Preserve Oak Savanna Restoration Project. 1.0 acre will be purchased to mitigate for 0.20 acre of Oak-Walnut Woodland habitat permanently impacted by the project.*

*** *Mitigation for permanent impacts to Venturan Sage Scrub will be accomplished at 2:1 through application of mitigation credits from the District's Matilija Mitigation site. 0.6 acre of Venturan Sage Scrub credits will mitigate for the 0.3 acre of project-related permanent impacts to this habitat.*

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
The proposed project would have a substantial effect on any waters and wetlands by: a. removal of vegetation; b. grading; c. obstruction or diversion of water flow; d. change in velocity, siltation, volume of flow, or runoff rate; e. placement of fill; f. placement of structures; g. construction of a road crossing; h. placement of culverts or other underground piping; and/or i. any disturbance of the substratum.	**4.3-8:** Prior to project implementation VCWPD shall obtain a Section 401 Water Quality Certification, a Nationwide Permit from USACE and a Streambed Alteration Agreement (SAA) from CDFW. Some or all of those permits are anticipated to require specific mitigations for both temporary and permanent impacts. Implementation of **Mitigation Measure 4.3-7** is anticipated to be consistent with the 401, Nationwide, and SAA mitigation requirements with respect to vegetation. However, should any agency require conflicting mitigations in their conditions of approval, the more stringent measure shall apply.	Issuance of Section 401 Certification, Nationwide Permit, and SAA	RWQCB, USACE, CDFW, District Water and Environmental Resources	Prior to grading and construction activities	
The project would require removal of 5 coast live oak trees and one sycamore tree and encroach within the protected zone of one oak measured at 9.5 inches in circumference or larger (measured 4.5 feet above ground).	**4.3-9:** All removals and encroachments to native protected trees shall be mitigated for in conformance with the County of Ventura Protected Tree Ordinance.	Conduct construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
Cultural Resources					
The project may affect currently undiscovered archaeological resources during construction.	**4.4-1:** In the event that archeological resources are unearthed during project construction on the proposed residential portion of the proposed project, all earth-disturbing work within the vicinity of the find shall be temporarily suspended until a qualified archeologist has evaluated the nature and significance of the find. **4.4-2:** If human remains are encountered during excavations associated with the proposed project a public or private construction (earthmoving) activity, State Health and Safety Code 7050.5 states that no further disturbance shall occur until the Ventura County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Ventura County Coroner must be notified within 24 hours. If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis. Upon clearance by the coroner and the NAHC for Native American remains, construction (earthmoving) activities may resume.	Conduct grading and construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During grading and construction activities	
The project may affect currently undiscovered fossil resources during construction.	**4.4-3**: In the event that paleontological resources are unearthed during project construction, all earth-disturbing work within the vicinity of the find shall be temporarily suspended until a qualified paleontologist has evaluated the nature and significance of the find.	Conduct grading and construction monitoring	District Water and Environmental Resources and Design and Construction Divisions	During grading and construction activities	

Environmental Issue	Mitigation Measure	Method of Review Verification	Responsible Agency	Timing	Status of Implementation
Geology and Seismic Hazards					
The proposed project is located in an area subject to slope instability, landslide hazards, and subsidence.	**4.6-1:** Project plans and specifications, and other pertinent documents, shall be prepared in accordance with the recommendations provided in the project geotechnical report prepared by Geocon West, Inc., with particular regard to subsidence mitigation as follows: **4.6-1.1** The in-situ soils and bedrock can be excavated with moderate effort using conventional excavation equipment. The upper portions of the bedrock are moderately weathered and highly fractured. Medium to heavy-duty excavation equipment may be required if thick zones of well-cemented bedrock or clasts over 4-feet in size are encountered. Caving and sloughing should be anticipated in unshored vertical excavations, especially where loose, granular, or uncemented soils are encountered. **4.6-1.2** It is the responsibility of the contractor to ensure that all excavations and trenches are properly shored in accordance with applicable OSHA rules and regulations to maintain safety and stability of adjacent existing improvements. **4.6-1.3** All on-site excavations must be conducted in such a manner that potential surcharges from existing structures, construction equipment, and vehicle loads are resisted. The surcharge area may be defined by a 1:1 projection down and away from the bottom of an existing foundation or vehicle load. Penetrations below this 1:1 projection will require special excavation measures such as sloping and shoring. Temporary sloping and shoring recommendations Geocon West, Inc. report, January 17, 2013.	Review of project plans and specifications Ongoing during grading and construction	District Water and Environmental Resources and Design and Construction Divisions	Prior to issuance of grading and construction activities	

<table>
<tr><th>Environmental Issue</th><th>Mitigation Measure</th><th>Method of Review Verification</th><th>Responsible Agency</th><th>Timing</th><th>Status of Implementation</th></tr>
<tr><td></td><td>4.6-2 Project plans and specifications, and other pertinent documents, shall be prepared in accordance with the recommendations provided in the project geotechnical report prepared by Geocon West Inc., 2013 with particular regard to expansive soil mitigation as follows:

4.6-2.1 To aid in earthwork quantity estimates, estimates were made of the amount of volume shrinkage and bulking expected from on-site, in-situ volumes to compacted soil volumes. Average in-situ soil density and moisture content and maximum dry density were based on American Society for Testing and Materials (ASTM) D1557 test procedure. The following table presents the shrinkage and bulking factors to be anticipated when excavating and compacting the earth materials per the recommendations of the Geocon West Inc., 2013 report.

<table><tr><th>Material</th><th>Shrinkage (-)/ Bulking (+) Factors</th></tr><tr><td>Artificial Fill (Af)</td><td>-5% to -10%</td></tr><tr><td>Colluvium (Qcol)</td><td>-4% to +6%</td></tr><tr><td>Holocene Age Terrace Deposits (Qht)</td><td>+5% to +10%</td></tr><tr><td>Pleistocene Age Terrace Deposits (Qht)</td><td>-5% to -10%</td></tr><tr><td>Rincon Shale (Tr)</td><td>-10% to +10%</td></tr></table>
4.6-2.2 It should be understood that volume shrinkage factors presented above are estimates only and are based on a limited number of soil samples. Actual volume changes can vary from our estimates due to variations in soil density, moisture content, and the degree of compaction achieved during grading. Removal of oversize materials and deleterious materials may result in a higher shrinkage factor based on loss of material.</td><td>Review of project plans and specifications

Ongoing during grading and construction</td><td>District Water and Environmental Resources and Design and Construction Divisions</td><td>Prior to issuance of grading and construction activities</td><td></td></tr>
</table>