

Appendix B

Notice of Preparation Comments



NATIVE AMERICAN HERITAGE COMMISSION

March 17, 2020

John Oquendo
County of Ventura
800 S Victoria Avenue, L#1740
Ventura, CA 93009

CHAIRPERSON
Laura Miranda
Luiseño

Re: 2020039054, Agromin-Limoneira Commercial Processing Operation Project, Ventura County

VICE CHAIRPERSON
Reginald Pagaling
Chumash

Dear Mr. Oquendo:

SECRETARY
Meri Lopez-Keifer
Luiseño

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines § 15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

PARLIAMENTARIAN
Russell Atebery
Karuk

COMMISSIONER
Marshall McKay
Wintun

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Joseph Myers
Pomo

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

COMMISSIONER
[Vacant]

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an 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.
 - a. The final report containing site forms, site significance, and mitigation measures 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 public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Staff Services Analyst

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION
DISTRICT 7- OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-0067
FAX (213) 897-1337
TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

April 6, 2020

John Oquendo
County of Ventura, Planning Division
800 S. Victoria Avenue, #1740
Ventura, CA 93009

RE: Agromin-Limoneira Commercial Organics
Processing Operation – Notice of
Preparation (NOP)
SCH# 2020039054
GTS# 07-VEN-2020-00403
Vic. VEN-126 PM 6.953

Dear John Oquendo,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project includes an expansion of an existing 15-acre agricultural organics processing facility to a new 70-acre commercial organics processing operation that would process food and green material delivered to the site and package-for-sale mulch, compost, and wood chip materials. The project site will be accessed from the intersection of Telegraph Road and Olive Road (both public rights-of-ways) south to Edwards Ranch Road (a private road) and crossing at the Southern Pacific Railroad right-of-way. Options for off-site secondary access for public safety purposes include utilization of existing private roads to Todd Road (includes a railroad crossing over Todd Barranca) or to Darling Road (includes a railroad crossing over Ellsworth Barranca).

The nearest State facility to the proposed project is SR-126. After reviewing the NOP, Caltrans has the following comments:

1. The project site is located in a rural area in the unincorporated area of Ventura County near the City of Santa Paula. Regional access to the Project Site is provided by SR-126 freeway via SR-118/Wells Road. and Briggs Road. While the proposed project would not contribute to an increase in population at the project site, it would generate a significant number of additional vehicle trips during operation. For the EIR, please confirm the number of employees at the facility, as one some documents stated 37 and another stated 52.
2. Construction of the proposed project would involve deliveries of materials, components, and supplies to the site, and may involve oversize trucks. Although it would not generate

a significant long-term operational impact to SR-126, construction would temporarily disrupt transportation and circulation patterns in vicinity of the proposed project thus disrupting local transportation along the haul routes. Also, the average daily truck traffic at SR-126 using SR-118/Wells Rd. on-off ramps and Briggs Road. on/off ramps are expected to increase throughout the construction. As a result, prior to issuance of building or grading permits for the project site, the applicant shall prepare a Construction Management Plan (CMP) for review and approval by City staff to reduce any impacts to less than significant levels. Caltrans requests that the CMP be included in the EIR for review.

Construction Management Plan

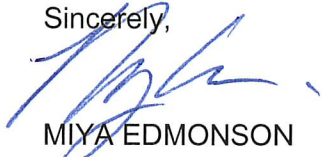
The CMP would include street closure information, detour plans, haul routes, staging plans, parking management plans and traffic control plans. The CMP would formalize how construction would be carried out and identify specific actions that would be required to reduce adverse effects on the surrounding community. The CMP should be based on the nature and timing of the specific construction activities and account for other concurrent construction projects in vicinity of the project site. The following elements shall be implemented, as appropriate:

- Schedule construction activities and construction-related deliveries to reduce the effects on traffic flows on surrounding arterial streets throughout peak hours of construction.
- Construction traffic routes shall avoid residential areas. This would ensure travel in the surrounding residential neighborhoods is minimized and that construction vehicles travel along arterial roadways to access the project site rather than through the neighborhoods or along pedestrian routes.
- Obtain the required permits for truck haul routes from the City prior to issuance of any permit for the project.
- The project contractor shall identify and enforce truck haul routes deemed acceptable by the City for construction trucks.
- Signs shall be posted along roads identifying construction traffic access or flow limitations due to single lane conditions during periods of truck traffic, if needed.
- Provide for temporary traffic control during all construction activities adjacent to the public right-of-way to improve traffic flow on public roadways (e.g., flag men).
- Accommodate all equipment and worker parking on-site to the extent feasible.
- Provide safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.
- Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on freeways, will require a transportation permit from Caltrans.
- Provide construction analysis on significant impact due to increases in construction truck traffic on freeways not designated as truck routes.

3. It is expected that further evaluation of potentially significant impacts related to traffic the proposed project will be conducted in the EIR. The EIR needs to specify that Caltrans has the jurisdiction for review and approval of any work that would affect the freeways and its facilities. As required by SB 743, Vehicle Miles Travelled (VMT) will be the standard transportation metric for land use projects and new Transportation Impact Studies, and these guidelines will be used to analyze and address transportation impacts on the State Transportation System. If the Lead Agency has not established its own VMT reduction thresholds before July 1st, 2020, then the California Governor's Office of Planning and Research's (OPR) suggested VMT reduction thresholds of a 15% reduction in per capita VMT will apply. Caltrans looks forward to the full VMT analysis to confirm that the project will result in a net reduction in per capita VMT.

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-VEN-2020-00403.

Sincerely,



MIYA EDMONSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



April 7, 2020

John Oquendo, Case Planner
County of Ventura, Resource Management Agency
Planning Division
800 South Victoria Avenue, L#1740
Ventura, CA 93009

Governor's Office of Planning & Research

APR 07 2020

STATE CLEARINGHOUSE

Subject: SCH No. 2020039054 – Notice of Preparation of an Environmental Impact Report for Agromin-Limoneira Commercial Organics Processing Operation, SWIS No. 56-A-0147 – Ventura County

Dear Mr. Oquendo:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The County of Ventura, Resource Management Agency, Planning Division, acting as Lead Agency, has prepared and circulated a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) in order to comply with CEQA and to provide information to, and solicit consultation with, Responsible Agencies in the approval of the proposed project.

The proposed Agromin-Limoneira Commercial Organics Processing (proposed project) is located on Tax Assessor's Parcel Number (APN) 090-0-180-085. The proposed project will be located on 70-acres. Currently, the 15-acres is used for an agricultural composting facility. The remainder of the subject parcel includes lemon orchards, the historic Edwards Adobe, agricultural-accessory dwellings, and oil and gas wells.

The applicant requests that a Conditional Use Permit (CUP) and an ordinance text amendment to the Ventura County Zoning Non-Coastal Ordinance be granted to authorize a new commercial organics processing operation for a term of 50 years in an unincorporated area of Ventura County, near the City of Santa Paula. The CUP will expand an existing 60,000 tons per year agricultural material compost operation into a 295,000 tons per year large-scale commercial organics processing operation. The project

will expand the existing facility from 15-acres to 70-acres. The facility will operate 6 days a week (with remote monitoring on Sunday) and employ 37 people.

Water will be provided by the City of Santa Paula via a new service connection to existing infrastructure at Todd Road and wastewater disposal will be handled by a new Onsite Wastewater Treatment System (OWTS).

The CUP includes a request to construct and operate the following components of the proposed commercial organics operation:

- Two (2) 80,925 square foot (sq. ft.) organics processing buildings to process food and green materials into compost;
- A 40,000 ton per year (AD) anaerobic digestion system (an in-vessel digestion system that produces compost and methane rich biogas for use onsite);
- A 75,000 ton per year positive pressure covered aerated static pile (CASP) system to process food and organic materials into compost;
- Continued but expanded open windrow composting of organics (green material) only;
- A 23,107 sq. ft. production/packaging building that contains a bagging operation that produces bagged mulch, woodchips and compost products;
- A 25,000 sq. ft. maintenance building to be used for storage as well as maintenance of onsite mobile equipment, facility equipment and delivery vehicles;
- A two-story 13,516 sq. ft. administration building;
- A scale house building near the proposed project entrance at Edwards Ranch Road;
- Multiple water storage tanks totaling 530,000 gallons (a 50,000-gallon domestic water tank, a 120,000-gallon operations water tank and three (3) 120,000-gallon fire water storage tanks); and,
- Two (2) water drainage retention ponds (approximately 43.5 acre-ft. total storage capacity).

COMMENTS

Daily Tonnage

The Initial Study states that there will be 65,500 tons per year of food material, including vegetative food material and 229,500 tons per year of green material, for a total of 295,000 tons of feedstock per year. Please provide an analysis for the maximum daily tonnage of all materials that will be received at the facility.

Solid Waste Regulatory Oversight

The County of Ventura, Resource Management Agency, Environmental Health Division is the Local Enforcement Agency (LEA) for Ventura County and responsible for providing regulatory oversight of solid waste handling activities. Please contact the LEA, Sean Debley at 805.648.9248 or by email at sean.debley@ventura.org to discuss the regulatory requirements for the proposed project.

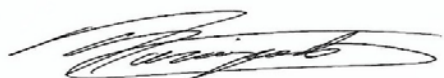
CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the environmental document and hopes that this comment letter will be useful to the Lead Agency preparing the EIR and in carrying out their responsibilities in the CEQA process. CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the environmental document is adopted during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of the adoption and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at 916.341.6084 or by e-mail at theodore.tasiopoulos@calrecycle.ca.gov.

Sincerely,



Theodore Tasiopoulos, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Ben Escotto, Supervisor
Permitting & Assistance Branch – South Unit

Sean Debley, Manager
County of Ventura LEA

Oquendo, John

From: Thomas Lloyd-Butler <tlbrnj@gmail.com>
Sent: Monday, March 30, 2020 10:40 AM
To: Oquendo, John
Subject: EIR Report for Agromin Limoneira

Dear John,

I'm writing on behalf of my family and our ranch regarding the Limoniera plans to expand the Commercial Organics Processing Operation.

We are very much NOT in favor of the expansion of this project for the following reasons:

1. It is too big: The expansion increases the size of this operation by FIVE times. That is not acceptable
2. It is in the wrong place: Despite being organic, it is a manufacturing operation in an AGRICULTURAL location. This is not acceptable to us.
3. It is inconsistent with the historical aspects of the Edwards house, which needs to be appropriately preserved, and this facility will jeopardize that preservation possibility.

We believe this facility should be appropriately sited in an INDUSTRIAL location, not an agricultural one.

We are not in favor.

Thank you

Thomas O Lloyd-Butler
Rancho Santa Clara del Norte

Camarillo Chamber of Commerce

4001 Mission Oaks Blvd, Suite B Camarillo, CA 93012

April 15, 2020

Ventura County Resource Management Agency, Planning Division
Attn.: John Oquendo, Case Planner
800 South Victoria Avenue, L#1740
Ventura, CA 93009

RE: Agromin Limoneira - Case No. PL17-0154

To Whom it May Concern:

Please accept this letter in support of Agromin Limoneira - Case No. PL17-0154 and request that the draft environmental impact report:

- Consider the regional benefits to the environment that will be realized as these projects are developed.
- Analyze and state that the project use is consistent and supportive of Agriculture and should be allowed in an AE zone.
- Notes the penalties and impacts on the economy for not complying with the State mandate.

The State of California, through SB 1383 and a series of other legislative actions, has enacted and implemented mandates that force cities, counties, and other districts in the State to recycle compostable materials to ensure this waste does not end up in landfills. This mandate accelerates the need to permit and build organic processing facilities across the State.

The state has ruled that a regulated entity can be issued a violation and be subject to enforcement if they fail to comply with any individual aspect of the regulations designed to fulfill these mandates. For a city, county, or a special district that provides solid waste handling services, these fines can reach \$10,000 per day.

What drives the need for this project is the timeline for this enforcement. SB 1383 established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. **SB 1383 regulations will become enforceable January 1, 2022. In 2024 the State will enforce and take action against jurisdictions deemed noncompliant.**

Agromin and their regional compost facility earmarked for the Limoneira property between the cities of Ventura and Santa Paula, will help local jurisdictions achieve the diversion goals as mandated by the State of California under SB 1383. At 295,000 tons per year, this regional composting facility will provide a 75% landfill diversion rate for West Ventura County.

Keeping organics out of landfills is good for everyone. Decomposing organic matter in a landfill is a major source of greenhouse gas, and it takes up vast amounts of our ever-shrinking landfill space. The Agromin Limoneira project instead turns this organic material into a renewable resource.

Based on the benefits to our communities, and a desire to avoid State penalties, the Camarillo Chamber of Commerce submits this letter in support of the Agromin Limoneira project, and with suggestions for inclusion into the draft DEIR

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Cushing". The signature is written in a cursive, flowing style with a large initial "G".

Gary Cushing, MPPA
CEO

April 17, 2020



Ventura County Resource Management Agency, Planning Division
Attn.: John Oquendo, Case Planner
800 South Victoria Avenue, L#1740
Ventura, CA 93009

RE: Agromin Limoneira - Case No. PL17-0154

Please accept this letter in support of Agromin Limoneira - Case No. PL17-0154 and request that the draft environmental impact report:

- Consider the regional benefits to the environment that will be realized as these projects are developed.
- Analyze and state that the project use is consistent and supportive of Agriculture and should be allowed in an AE zone.
- Note the penalties and impacts on the economy for not complying with the State mandate.

The State of California, through SB 1383 and a series of other legislative actions, has enacted and implemented mandates that force cities, counties, and other districts in the State to recycle compostable materials to ensure this waste does not end up in landfills. This mandate accelerates the need to permit and build organic processing facilities across the State. The state has ruled that a regulated entity (such as a city or county) can be issued a violation and be subject to enforcement if they fail to comply with any individual aspect of the regulations designed to fulfill these mandates. For a city, county, or a special district that provides solid waste handling services, these fines can reach \$10,000 per day.

What drives the need for this project is the timeline for this enforcement. SB 1383 established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. **SB 1383 regulations will become enforceable January 1, 2022. In 2024 the State will enforce and take action against jurisdictions deemed noncompliant.**

Agromin and their regional compost facility earmarked for the Limoneira property between the cities of Ventura and Santa Paula, will help local jurisdictions achieve the diversion goals as mandated by the State of California under SB 1383. At 295,000 tons per year, this regional composting facility will provide a 75% landfill diversion rate for West Ventura County.

Keeping organics out of landfills is good for everyone. Decomposing organic matter in a landfill is a major source of greenhouse gas, and it takes up vast amounts of our ever-shrinking landfill space. The Agromin Limoneira project instead turns this organic material into a renewable resource.

Based on the benefits to our communities, and a desire to avoid State penalties, the Oxnard Chamber of Commerce respectfully submits this letter in support of the Agromin Limoneira project, and with suggestions for inclusion into the draft DEIR.

Sincerely,



Nancy Lindholm
President/CEO



City of Camarillo

AGENDA REPORT

Date: February 26, 2020

To: Honorable Mayor and Councilmembers

From: Dave Norman, City Manager *DN*

Submitted by: Roger Pichardo, Sr. Management Analyst

Subject: **Resolution Requesting the County of Ventura Board of Supervisors and County Staff Expedite the Approval of Agromin's Organic Waste Processing Facility in Santa Paula to Assist the City of Camarillo in Implementing the Mandates of SB 1383**

SUMMARY

Consider approving a Resolution requesting the Ventura County Board of Supervisors to expedite approval of Agromin's organic waste processing facility in Santa Paula, CA.

DISCUSSION

On January 29, 2020, during a Study Session regarding organic and recycling, the City Council directed Staff to prepare a resolution requesting the Ventura County Board of Supervisors expedite the approval of the Agromin organic waste processing facility in Santa Paula to assist the City in meeting the mandates of SB 1383.

The State of California generates approximately 23 million tons of organic waste annually, and 5 to 6 million tons of that is food waste. Additionally, organic waste has a negative impact on California's environment and, when landfilled, organic waste emits methane gas. It is believed that methane is a climate-altering greenhouse gas with an impact on the atmosphere that is 70 times greater than carbon dioxide over a 20-year horizon.

In 2016, then Governor Jerry Brown signed into law SB 1383, establishing targets to reduce the level of statewide organic waste disposal 50% by 2020 and 75% by 2025. Starting in 2022, cities and counties in California will be required to provide organics recycling collection services to all residents and businesses.

SB 1383 is designed to reduce greenhouse gas emissions, strengthen our economy, and improve public health and the environment. Organic waste can be diverted from landfills and recycled into various beneficial byproducts including compost, an excellent soil amendment, and renewable natural gas, an environmentally friendly alternative to fossil fuel.

The organic waste processing facility proposed by Agromin to be located on Limoneira property near the City of Santa Paula would provide a location where up to 300,000 tons per year of Ventura County's organic waste can be diverted from landfills and processed into various products such as compost and mulch. The application to build and operate Agromin's organic waste processing facility has already taken nine years to process, however there are still a few issues with the initial study that need to be worked out, including an air quality and noise study, before the initial study can be finalized and released for public review.

Without this organic waste processing facility, the City of Camarillo, the County of Ventura, and other cities in Ventura County will find themselves out of compliance with SB 1383. Staff suggests the City Council respectfully request that the County of Ventura Board of Supervisors and County staff expedite the approval of Agromin's organic waste processing facility in Santa Paula to assist the City in meeting the mandates of SB 1383.

BUDGET IMPACT

None. This item does not require an expenditure of funds.

SUGGESTED ACTION

Adopt a Resolution requesting that the Ventura County Board of Supervisors and County staff expedite approval of the Agromin organic waste processing facility in Santa Paula, CA.

ATTACHMENTS

Resolution

FINANCE REVIEW: MVC

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, REQUESTING THE COUNTY OF VENTURA BOARD OF SUPERVISORS AND COUNTY STAFF EXPEDITE THE APPROVAL OF AGROMIN'S ORGANIC WASTE PROCESSING FACILITY IN SANTA PAULA, CA

The City Council of the City of Camarillo resolves as follows:

SECTION 1: The City Council of the City of Camarillo finds and declares as follows:

A. California generates approximately 23 million tons of organic waste every year, and 5 to 6 million tons of that is food waste.

B. Organic waste has an additional negative impact on California's environment: When landfilled, organic waste emits methane gas. Methane is a climate-altering greenhouse gas with an impact on our atmosphere 70 times greater than carbon dioxide over a 20-year horizon.

C. In 2016, then Governor Jerry Brown signed into law SB 1383, establishing targets to achieve a reduction in the level of statewide organics disposal 50% by 2020 and 75% by 2025. Beginning in 2022, cities and counties in California will be required to provide organics recycling collection services to all residents and businesses.

D. SB 1383 is designed to reduce greenhouse gas emissions, strengthen our economy, and improve public health and the environment.

E. Organic waste can be diverted from landfills and recycled into beneficial products like compost, an excellent soil amendment, and renewable natural gas, an environmentally friendly alternative to fossil fuel.

F. The organic waste processing facility proposed by Agromin, to be located on Limoneira property near the City of Santa Paula, would provide a location where up to 300,000 tons per year of the County's organic waste can be diverted from landfills and processed into products like compost and mulch.

G. The application to build and operate Agromin's organic waste processing facility has already taken nine years to process, however there are still a few issues with the initial study that need to be worked out, including an air quality and noise study, before the initial study can be finalized and released for public review.

H. Without this organic waste processing facility, the City of Camarillo, and other cities in Ventura County will find themselves out of compliance with SB 1383.

SECTION 2: The City Council of the City of Camarillo respectfully requests that the County of Ventura Board of Supervisors and County staff expedite the approval of Agromin's organic waste processing facility in Santa Paula to assist the City of Camarillo in meeting the mandates of SB 1383.

PASSED AND ADOPTED _____.

ATTEST:

Mayor

City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Resolution No. 2020-_____
was adopted by the City Council of the City of Camarillo at a regular meeting held _____
, 2020, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

City Clerk

RESOLUTION NO. 2020-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, REQUESTING THE COUNTY OF VENTURA BOARD OF SUPERVISORS AND COUNTY STAFF EXPEDITE THE APPROVAL OF AGROMIN'S ORGANIC WASTE PROCESSING FACILITY IN SANTA PAULA, CA

The City Council of the City of Camarillo resolves as follows:

SECTION 1: The City Council of the City of Camarillo finds and declares as follows:

A. California generates approximately 23 million tons of organic waste every year, and 5 to 6 million tons of that is food waste.

B. Organic waste has an additional negative impact on California's environment: When landfilled, organic waste emits methane gas. Methane is a climate-altering greenhouse gas with an impact on our atmosphere 70 times greater than carbon dioxide over a 20-year horizon.

C. In 2016, then Governor Jerry Brown signed into law SB 1383, establishing targets to achieve a reduction in the level of statewide organics disposal 50% by 2020 and 75% by 2025. Beginning in 2022, cities and counties in California will be required to provide organics recycling collection services to all residents and businesses.

D. SB 1383 is designed to reduce greenhouse gas emissions, strengthen our economy, and improve public health and the environment.

E. Organic waste can be diverted from landfills and recycled into beneficial products like compost, an excellent soil amendment, and renewable natural gas, an environmentally friendly alternative to fossil fuel.

F. The organic waste processing facility proposed by Agromin, to be located on Limoneira property near the City of Santa Paula, would provide a location where up to 300,000 tons per year of the County's organic waste can be diverted from landfills and processed into products like compost and mulch.

G. The application to build and operate Agromin's organic waste processing facility has already taken nine years to process, however there are still a few issues with the initial study that need to be worked out, including an air quality and noise study, before the initial study can be finalized and released for public review.

H. Without this organic waste processing facility, the City of Camarillo, and other cities in Ventura County will find themselves out of compliance with SB 1383.

SECTION 2: The City Council of the City of Camarillo respectfully requests that the County of Ventura Board of Supervisors and County staff expedite the approval of Agromin's organic waste processing facility in Santa Paula to assist the City of Camarillo in meeting the mandates of SB 1383.

PASSED AND ADOPTED February 26, 2020.

Attested to on: 2/27/2020

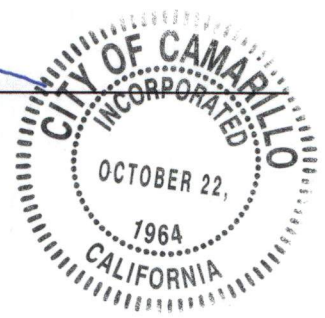
Anthony Trembley
Mayor

Jeffrie Madland
City Clerk

I, Jeffrie Madland, City Clerk of the City of Camarillo, certify Resolution No. 2020-30 was adopted by the City Council of the City of Camarillo at a regular meeting held February 26, 2020, by the following vote:

- AYES: Councilmembers: Craven, Kildee, Mulchay, Santangelo, Mayor Trembley
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

Jeffrie Madland
City Clerk



State of California – Natural Resources Agency

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

DEPARTMENT OF FISH AND WILDLIFE

South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov



April 20, 2020

Mr. John Oquendo
Ventura County, Planning Division
800 South Victoria Avenue
Ventura, CA 93009
E-mail: John.Aquendo@Ventura.org

Subject: Notice of Preparation for Agromin-Lemoneira Commercial Organics Processing Operations, Ventura County

Dear Mr. Oquendo:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced Notice of Preparation (NOP) for the Agromin-Lemoneira Commercial Organics Processing project (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities detailed in the NOP that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on project related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take," as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 *et seq.*), or State-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code, as necessary.

Project Description and Summary

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Objective: Construction of the Project primarily consists of the expansion of an existing 15-acre woodchip, mulch, and compost processing facility to a new 70-acre operation. The proposed Project includes the construction of six new structures, which would total 223,770 square feet. The expansion of the existing facility would result in the removal of 50 acres of existing citrus orchards. Additionally, three propane-powered windmills would be removed, and street upgrades would be performed as well. Unnamed drainages, which may fall within CDFW's jurisdiction, will be impacted during construction.

Operations, consisting of processing food and green material into package-for-sale mulch, compost, and wood chip materials, would remain the same. In addition, the site has a history of oil and gas production. Historic topographic maps and records from the Division of Oil, Gas and Geothermal Resources (DOGGR) show approximately ten (10) oil wells and four (4) oil sumps within the Project area. Eight of the wells are abandoned, one is an active producing well, and one is an idle waterflood injection well. An existing oil production well (Vintage Projection California, LLC Saticoy Field Edwards 28) and an idle oilfield injection well (Vintage Production California, LLC. Edwards 27) are within the current boundary of the existing agricultural material composting operation. The proposed Project will support access to these wells by the oil company, as required by DOGGR.

Location: The Project is located approximately five miles west of the City of Santa Paula, in an unincorporated area of Ventura County. More specifically, the Project is located at the intersection of Telegraph Road and Edwards Ranch Road. The nearest large body of water is the Santa Clara River, which is approximately 800 feet from the Project site.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist Ventura County in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Project Description and Related Impact Shortcoming

Comment #1: Impacts to Special-Status Plant Species

Issue: The Project, as proposed, occurs within 1,000 feet of the Santa Clara River. As such, sensitive, special-status plant species associated with wetland and riparian habitats may be present within the Project's footprint.

Specific impact: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3 and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Project may have direct or indirect effects to these sensitive species.

Why impact would occur: The implementation of the Project will include grading, vegetation clearing for construction, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

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Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on site and disclosing the results prior to the implementation of Project. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018) (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>), a qualified biologist should “conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting.” Final CEQA documentation for the Project should provide a thorough discussion on the presence/absence of sensitive plants on site and identify measures to protect sensitive plant communities from project-related direct and indirect impacts.

Mitigation Measure #2: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the State (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at <http://vegetation.cnps.org/>. To determine the rarity ranking of vegetation communities on the Project’s site, the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Mitigation Measure #3: CDFW recommends avoiding any sensitive natural communities found within or near the Project. If avoidance is not feasible, mitigating at a ratio determined by CDFW should be implemented. This ratio is for the acreage and the individual plants that comprise each unique community. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by USFWS and CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and, a funding mechanism to assure for in perpetuity management and reporting. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (Assembly Bill 1094; Government Code, §§ 65965-65968).

Comment #2: Focused Surveys for Special-Status Wildlife

Issue: There are several special-status wildlife species that are likely to occur within the Project vicinity, especially considering the Project’s proximity to the Santa Clara River. Focused surveys for special-status species, including, but not limited to bats, birds, reptiles, and mammals should be performed prior to construction.

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Why impacts would occur: A lack of species specific surveys (protocol surveys if necessary) will likely lead to impacts to a variety of sensitive species. Species specific surveys are necessary to identify listed species and supporting habitat necessary for their survival.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or species of special concern. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and Species of Special Concern (SSC) a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s):

The following mitigation measures are suggested by CDFW for impacts to reptiles (e.g. coast horned lizard and silvery legless lizard):

Mitigation Measure #1: To mitigate impacts to SSC, CDFW recommends focused surveys for the species. Surveys should typically be scheduled when these animals are most likely to be encountered, usually conducted between June and July. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each of these species. Suitable habitat consists of areas of sandy, loose and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: In consultation with qualified biologist familiar with the life history of each of the SSC, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for this species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals of this species; and the documentation/recording of the number of animals relocated. CDFW recommends the Plan be submitted to the Lead Agency for approval 60 days prior to any ground disturbing activities within potentially occupied habitat.

Mitigation Measure #3: If construction is to occur during the low activity period (generally December through February), surveys should be conducted prior to this period. Exclusion fencing should be placed to limit the potential for re-colonization of the site prior to construction. CDFW further recommends a qualified biologist be present during ground-disturbing activities immediately adjacent to or within habitat, which supports populations of this species.

The following mitigation measures are suggested by CDFW for impacts to nesting birds:

Mitigation Measure #1: To protect nesting birds that may occur on site, CDFW recommends that the final environmental document for the Project include a measure that no construction shall occur from January 1 through September 15, which is the nesting season window that Ventura County has established. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of

Ms. John Oquendo
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birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction.

The following mitigation measures are suggested by CDFW for impacts to raptors:

Mitigation Measure #1: To protect nesting birds that may occur on site, CDFW recommends that the final environmental document include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete surveys for nesting bird activity for the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to Fish and Game Code sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

The following mitigation measures are suggested by CDFW for impacts to bats:

Mitigation Measure #1: The CEQA document should provide a discussion of potential impacts to bats, which may occur as a result from the construction and/or operation of the Project. The language should adequately disclose potential impacts and identify appropriate avoidance and mitigation measures.

Mitigation Measure #2: Measures to mitigate impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of project activities, as necessary.

Comment #3: Impacts to CESA-Listed Species

Issue: There are multiple CESA-listed species, including tricolored blackbird (*Agelaius tricolor*) and least Bell's vireo (*Vireo bellii pusillus*), with the potential to occur within the Project footprint.

Specific Impacts: Project related activities, such as grading, road construction, or housing construction could lead to the direct or indirect mortality of listed animal and/or plant species.

Why impact would occur: Take of special status plant species, including those protected by the federal Endangered Species Act (ESA, 16 U.S.C. §1531 *et seq.*) and CESA-listed species, may occur without adequate detection, avoidance and mitigation measures.

Evidence impacts would be significant: CDFW considers adverse impacts to special status species protected by CESA and the ESA, for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any State endangered, threatened, candidate species, or listed rare plant species pursuant to the NPPA that results from the Project is prohibited, except as authorized by State law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Project may result in

Ms. John Oquendo
Ventura County
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substantial adverse effects, either directly or through habitat modifications, on a species protected under CESA.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: If the Project will result in take of a plant or animal species designated as rare, endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the proponent seek appropriate take authorization under CESA prior to Project implementation. Appropriate authorization from CDFW may include an ITP or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. [b], [c]). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain CESA authorization. Revisions to the Fish and Game Code, effective January 1998, may require CDFW issue a separate CEQA document for the issuance of an ITP unless the Project's CEQA document addresses all impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the fully mitigated requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.

Comment #6: Impacts to Streams

Issue: As indicated in the Biological section of the Initial Study, the Project may impact State waters (unnamed drainages), that are within CDFW's jurisdiction. CDFW is concerned that the Project's location supports streams and/or wetlands subject to notification under Fish and Game code section 1600 *et seq.*

Specific impacts: The Project may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography, and thus the hydrology, of a Project's site.

Why impacts would occur: Ground disturbing activities from grading and filling, water diversions and dewatering would physically remove or otherwise alter existing streams or their function and associated riparian habitat. Downstream waters and associated biological resources beyond a project development footprint may also be impacted by project related releases of sediment and altered watershed effects.

Evidence impacts would be significant: The Project may substantially adversely affect the existing stream pattern of the site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on site or off site.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: The Project may result in the alteration of streams. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's website at www.wildlife.ca.gov/habcon/1600.

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CDFW's issuance of an LSA for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for a project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, project specific CEQA documents should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.

Mitigation Measure #2: Any LSA permit issued for a project by CDFW may include additional measures protective of streambeds on and downstream of the project. The LSA may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA may include the following: avoidance of resources, on site or off site creation, enhancement or restoration, and/or protection and management of mitigation lands in perpetuity.

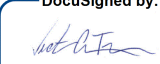
Filing Fees

Filing fees are necessary for project's that would have an impact on fish and/or wildlife. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment and assist Ventura County in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that Ventura County has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines; § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov or (858) 354-4114.

Sincerely,

DocuSigned by:

5991E19FF8094C3...
Erinn Wilson
Environmental Program Manager I

for

ec: CDFW
Steve Gibson – Los Alamitos
Baron Barrera – Los Alamitos
Emily Galli – Los Alamitos
Malinda Santonil – Los Alamitos
CEQA Coordinator - Sacramento

State Clearinghouse

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April 20, 2020
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References:

California Department of Fish and Wildlife [CDFW]. March 20,2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see <https://www.wildlife.ca.gov/Conservation/Plants>).

National Research Council. 1995. *Science and the Endangered Species Act*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/4978>.

Sawyer, J.O., Keeler Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed. ISBN 978 0 943460 49 9.



VENTURA LOCAL AGENCY FORMATION COMMISSION

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April 20, 2020

John Oquendo, Case Planner
Ventura County Resource Management Agency, Planning Division

SENT VIA EMAIL

Subject: Notice of Preparation - Agromin-Limoneira Commercial Organics Processing Operation
(Case No. PL17-0154)

Dear John:

Thank you for providing to Ventura LAFCo the notice of preparation (NOP) of an environmental impact report (EIR) for the above-referenced development project. The project contemplates receiving potable water service from the City of Santa Paula (located three miles to the east), via the extension of a water line that currently serves the Todd Road Jail. Because the project site is located outside Santa Paula's jurisdictional boundaries, Govt. Code Section 56133(a) requires that the City obtain LAFCo approval before it may provide a new or extended service to the project site (referred to as an Out of Agency Service Agreement or OASA). Therefore, as an agency which has approval authority over an aspect of the project, LAFCo is a responsible agency pursuant to the California Environmental Quality Act.

Project Description

The applicant seeks a conditional use permit and a text amendment to the Ventura County Non-Coastal Zoning Ordinance (NCZO) to authorize the development of a 70-acre large-scale commercial organics processing facility on agricultural land zoned AE (Agricultural Exclusive) located between the cities of Ventura and Santa Paula. The project would annually receive and process up to 295,000 tons of food waste and green waste material generated primarily by urban uses (commercial/residential food waste, residential yard waste, wood and green waste from a materials recovery facility, and landscape and contractor waste). The materials would be processed into mulch, compost and wood chip material, which would be bagged and sold or sold in bulk. According to the NOP, the facility would include the construction and use of:

- Two 81,000 square foot processing/screening buildings
- A 25,000 square foot equipment maintenance building
- A 23,000 square foot product packaging facility
- A 13,800 square foot scale house
- A 13,500 square foot administration building (the Initial Study describes a 7,022 square foot administrative building)

- Various other structures such as scale houses, sheds, water tanks, etc.
- Parking lots for over 50 employees and other visitors

The project includes retail sales and product deliveries and would generate hundreds of daily vehicle trips, the majority of which will consist of large trucks, for a period of at least 50 years. The project would convert approximately 75 acres of prime agricultural land to nonagricultural uses and permanently cover approximately 50 acres of prime agricultural soil with asphalt or concrete/cement paving.

Pursuant to NCZO Section 8107-36.4.1(a) no organics processing operations, other than those accessory to agricultural activities and on-site composting operations, shall be located in the AE zone on land designated as Prime Farmland. Because the subject property is zoned AE and designated as containing Prime Farmland, the proposed project is not an allowed use. A text amendment to the NCZO is proposed as part of the project in order to allow for the proposed commercial organics processing use on the subject property.

Impacts to Agricultural Resources

The Initial Study identifies that the project, which would result in the conversion of over 70 acres of prime agricultural land to non-agricultural uses, would have a significant impact on agricultural resources that will be evaluated in the EIR. Please note that LAFCo has adopted policies that provide that for projects that would result in such impacts, the EIR “should consider mitigation measures to address the potential loss of the agricultural land, as provided for under Government Code Section 65965 et. al. Additional information can be found in Ventura LAFCo’s Informational Guidelines for the Consideration of Agricultural Mitigation Measures...” (Ventura LAFCo Commissioner’s Handbook (Handbook) Section 1.4.3.1.d.) These Guidelines are available on the LAFCo website [here](#).

Consistency with General and Specific Plans

Handbook Section 1.4.3.1.e. also provides that the EIR should discuss the project’s consistency with General and Specific Plans. Based on the description of the project in the NOP, it appears that the proposed project is inconsistent with the General Plans of both the County and the City of Santa Paula. It also appears to be inconsistent with both the County and City of Santa Paula Save Open-Space and Agricultural Resources (SOAR) measures, which are part of these General Plans. As a result, it appears that the project would be inconsistent with a number of LAFCo policies. These apparent inconsistencies, discussed below, should be evaluated in the EIR.

LAFCo Policies

Ventura LAFCo's policies on OASAs can be found in Division 5 of the Handbook, several of which pertain to consistency with general plans, including:

- Section 5.1.4.1.b. provides that among the factors favorable for approval of an OASA is "The existing or proposed land use is consistent with the applicable general plan and any applicable specific plan."
- Sections 5.1.5.1.a. and d. provide, in part, that for an OASA that will result in the conversion of prime agricultural land to other uses, LAFCo will approve the OASA only if the Commission finds that, among other criteria, the "territory has been designated for non-agricultural use by applicable general and specific plans" and that "the use or proposed use of the territory involved is consistent with local plans and policies".
- Section 5.1.5.1.c. provides that for an OASA that will result in the conversion of prime agricultural lands, the Commission must find that the OASA will have no significant adverse effects on the physical and economic integrity of other prime agricultural or existing open space lands. In making this determination, the Commission must consider, among other things, "Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations..." (Section 5.1.5.2(f).)
- Section 5.1.7.a provides that in the absence of an emergency or health related situation, the Commission must find that "...the requested public service is justified based on applicable general and specific plans...".

County General Plan / SOAR

The County General Plan includes goals and policies related to the preservation of agricultural land. Most, if not all, of these goals/policies were the result of the SOAR initiatives approved by County voters. These goals include:

- Preserve and protect agricultural lands as a nonrenewable resource to assure the continued availability of such lands for the production of food, fiber and ornamentals. (Goals 1.6.1.1 and 3.2.1.4(2).)
- Establish policies and regulations which encourage agricultural land to remain in farming and related uses. (Goal 3.2.1.4(5).)

To achieve these goals, the General Plan (and SOAR) includes the following policies:

- The Agricultural land use designation shall primarily include lands which are designated as Prime Farmlands, Farmlands of Statewide Importance or Unique Farmlands in the State's Important Farmland Inventory... (Policy 3.2.2.4(1).)
- Agricultural land shall be utilized for the production of food, fiber and ornamentals; animal husbandry and care; uses accessory to agriculture and limited temporary or public uses which are consistent with agricultural or agriculturally related uses. (Policy 3.2.2.4(3).)

The following inconsistencies of the project with the County's General Plan/SOAR should be discussed in the EIR:

- Proposed Development

The proposed development is to be located on productive prime agricultural land with an Agricultural land use designation and AE zoning. However, it would not result in the production of food, fiber, or ornamentals. It does not involve animal husbandry and it is not a use that is accessory to agriculture. At 75 acres (up to 200 acres countywide) and with a minimum 50-year life span (which can be extended indefinitely), the project is not a limited temporary use, nor is it a public use. Therefore, it appears that the proposed project is not consistent with the goals and policies of the County General Plan and County SOAR.

- Proposed Text Amendment

Under the NCZO, commercial organics processing facilities are not considered agricultural uses¹. They are conditionally permitted uses in the Limited Industrial (M2) and General Industrial (M3) zones. The NCZO also identifies them as a conditionally permitted use in the AE zone, but only if they meet specific criteria, many of which are intended to preserve agricultural land². One of these criteria (NCZO Section 8107-36.4.1.a.³) provides that the land on which the facility is to be located has been determined to be "unsuitable for agricultural activities", in other words, not agricultural land. This provision of the NCZO guarantees that a commercial organics processing facility located in the AE zone will not result in the conversion of agricultural land to other uses, thus ensuring consistency with the aforementioned General Plan goals and policies.

Because the proposed project involves the conversion of prime agricultural land that is suitable for agricultural activities, it violates the NCZO, a fact acknowledged in the NOP. In an attempt to remedy this, the proponents propose to add six criteria to NCZO Section 8107-36.4.1.a. that, if met, would allow commercial organics processing facilities to convert up to 200 acres of productive prime agricultural lands in the AE zone to non-agricultural uses. Therefore, the intent of the proposed text amendment is to undo the protections in the NCZO that ensure that such commercial facilities do not result in the conversion of agricultural land and that they remain consistent with the agricultural preservation policies of the General Plan and SOAR.

¹ The NCZO defines "Agriculture" as "Farming, including animal husbandry and the production and management of crops (including aquatic crops) for food, fiber, fuel and ornament." In addition, Commercial Organic Processing Facilities are not listed among the "Agriculture and Agricultural Operations" use types in Section 8105-4.

² These criteria do not apply to proposed facilities located in the M2 and M3 zones.

³ Section 8107-36.4.1.a. of the NCZO provides: "No organics processing operations, other than those accessory to agricultural activities and on-site composting operations, shall be located in the AE (Agricultural Exclusive) zone on land designated as 'Prime', 'Statewide Importance', 'Unique' or 'Local Importance' on the California Department of Conservation's Farmland Mapping and Monitoring Program, Important Farmlands Maps, or on land subject to a Land Conservation Act (LCA) contract, unless the Planning Director, in consultation with the Agricultural Commissioner, determines that the land is developed or otherwise unsuitable for agricultural activities."

Thus, the proposed text amendment appears to be inconsistent with the County's SOAR measures and General Plan.

Government Code § 65860 provides that a county zoning ordinance "shall be consistent with the general plan of the county." The NCZO defines "General Plan Consistency" as compatibility and agreement with the General Plan of the County of Ventura and that "Consistency exists when the standards and criteria of the Ventura County General Plan are met or exceeded." It appears that the proposed text amendment would cause the NCZO to no longer meet or exceed the standards and criteria of the Ventura County General Plan.

The County's SOAR measure includes certain exceptions to the agricultural preservation policies within it to allow for specific types of non-agricultural uses. For example, it allows for certain types of affordable housing, the processing of locally grown food (on up to a total of 12 acres), and limited public uses on agricultural land. The SOAR measure did not contemplate or allow for the conversion of up to 200 acres of agricultural land for commercial organics processing facilities. The proposed text amendment appears to be an attempt to circumvent the policies and intent of SOAR⁴.

City of Santa Paula General Plan and SOAR

As explained above, multiple policies of the Handbook provide that OASAs which will lead to the conversion of prime agricultural land to other uses must be consistent with general plans and SOAR measures. It appears that the water service proposed to be provided by the City of Santa Paula is inconsistent with the City's General Plan and SOAR initiative.

In 1998 Santa Paula voters adopted the SOAR initiative amendment to the Santa Paula General Plan establishing a City Urban Restriction Boundary (CURB). The initiative was extended by voters in 2016. According to Santa Paula SOAR section 3.a), "Until December 31, 2050, the City of Santa Paula shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the amended CURB..." Because the project site is located approximately three miles west of the Santa Paula CURB, it appears that the proposed water service is inconsistent with the City General Plan and SOAR and should be evaluated in the EIR.

Other Growth Management Policies

The proposed project also appears to be inconsistent with other regional growth management controls and policies adopted by the County and cities, and either adopted or acknowledged by LAFCo. These include the Ventura-Santa Paula Greenbelt Agreement and the Guidelines for Orderly Development, as discussed below.

⁴ Section 1.J. of the County SOAR initiative provides, "the initiative ensures that until December 31, 2050 the General Plan provisions governing Agricultural, Rural and Open Space land use designations and intent, as amended herein, may not be changed except by vote of the people."

Ventura – Santa Paula Greenbelt Agreement

The proposed project is located on land that is subject to the Ventura-Santa Paula Greenbelt Agreement (Greenbelt or Agreement). Handbook Section 5.1.5.2(f) provides that for an OASA that is likely to lead to the conversion of prime agricultural land, the Commission shall consider, among other things, “Greenbelt Agreements” and “applicable growth-management policies.” The County and the Cities of Ventura and Santa Paula are parties to the Agreement and each has adopted it as local policy. LAFCo endorsed the Agreement as a statement of local policy, and in doing so committed to “continue to act in a manner consistent with the preservation of the...lands for agricultural purposes.”

According to the Agreement, its purpose and intent is to, “promote the agricultural and open space conservation goals and policies contained in the General Plans of the County of Ventura and the Cities of San Buenaventura and Santa Paula...to preserve unincorporated County lands that are located between the Cities...for agricultural and open space purposes.” The parties agree to establish the Greenbelt “so as to maintain its agricultural and open space uses, and agree to a policy of non-urban development...and retention of agricultural and open space uses on the Greenbelt’s lands.” The proposed project, which is not an agricultural or open space use, would result in the conversion of agricultural land to non-agricultural and non-open space uses (the County General Plan includes agriculture as an open space use).

Because the project would lead to the conversion of prime agricultural land to non-agricultural and non-open space uses, it appears to be inconsistent with the Agreement and should be evaluated in the EIR.

Guidelines for Orderly Development

The Guidelines for Orderly Development (Guidelines) have been adopted by LAFCo, the County, and all Ventura County cities. The portion of the subject property to be developed is located within the Santa Paula Area of Interest. The Guidelines contain policies that are specific to land within areas of interest where a city exists (e.g., the City of Santa Paula). These policies include, but are not limited to: (1) establishing the County as the primary land use authority, and (2) identifying that urban development should be allowed only within Existing Communities as designated in the Ventura County General Plan. According to the Guidelines, the definition of “urban development” includes development that “would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources.” The subject parcel is designated by the County General Plan as Agricultural and Open Space, is not designated as an Existing Community, and the project appears to consist of urban development. Therefore, the project may be inconsistent with the Guidelines and should be evaluated in the EIR.

Government Code Section 56133

Because the project site is located outside Santa Paula's boundaries, Govt. Code Section 56133(a) requires that the City obtain LAFCo approval in order to provide a new or extended service to the project site (i.e., proposed City water service). However, because the project site is located outside the sphere of influence for the City, pursuant to Section 56133(c), LAFCo can approve the service only if it is to respond to a documented "existing or impending threat to the health or safety of the public or the residents of the affected territory." Govt. Code Section 56015 provides, in relevant part that "'Affected territory' means "...any territory to which services are proposed to be provided pursuant to Sections 56133, 56133.5, or 56134." Absent such a threat, LAFCo has no authority to approve the service and the City would have no authority to provide it. Consistency with Section 56133 should be evaluated in the EIR.

Conclusion

Again, thank you for providing the NOP to LAFCo for review and comment. Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kai Luoma', written in a cursive style.

Kai Luoma
Executive Officer



Ventura County Transportation Commission

April 20, 2020

Mr. John Oquendo
County of Ventura-RMA
Planning Division
800 S. Victoria Avenue
Ventura, CA 93009-1740

RE: PL17-0154 Agromin-Limoneira Notice of Preparation and Initial Study

Dear Mr. Oquendo,

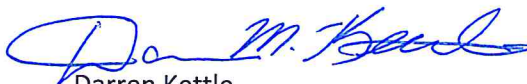
The Ventura County Transportation Commission (VCTC) has reviewed the Notice of Preparation and Initial Study for the proposed Agromin-Limoneira Project (PL17-0154). After a review of the subject documents, VCTC recommends that the County of Ventura consider the following comments:

1. Page 2, Section A.5 of the Initial Study states in part, "Crossing has been granted by a private license agreement between the Limoneira Company and the Ventura County Transportation Committee." Please update Ventura County Transportation *Committee* to *Commission*. Additional research and assessment are needed regarding the private rail crossing agreement and the level and types of crossing allowed under that agreement. The Edwards Ranch Road crossing is included in the Federal Railroad Administration crossing database with an effective date of December 31, 1969, and the crossing is noted on the Santa Paula Branch Line crossing chart. However, VCTC does not have a record of the private rail crossing agreement, and the cultivation lease with Limoneira Company for the subject parcel does not reference the private crossing. The Applicant's representative was previously notified by VCTC in 2014 that a new private agreement is required to cross the rail line for the proposed Project. Please note that if the Project proposes to widen or improve the crossing, then VCTC would require submittal of plans that would go through a plan check and approval process, and the California Public Utilities Commission would likely need to be involved.
2. Page 116, Section 27.d.1 of the Initial Study states the existing rail line located to the north of the project is currently inactive. This is incorrect. VCTC owns the subject rail line and maintains it as an active railroad.
3. Page 116, Section 27.d.1 of the Initial Study also states that crossing has been granted by a private license agreement between Limoneira Company and VCTC. As stated above, VCTC does not have a record of a private rail crossing agreement.
4. The Environmental Impact Report (EIR) should analyze and consider potential impacts to recreation and transportation related to the planned Santa Paula Branch Line Recreational Trail. As discussed in the Trail Master Plan (VCTC, January 2000), the 32-mile trail extends from Johnson Drive in Ventura east to the historic Rancho Camulos, predominantly within the railroad

right-of-way. Portions of the trail have been completed within the Cities of Ventura and Santa Paula. The completed trail is planned to provide a recreational and active transportation connection between Ventura, Santa Paula, Fillmore, and Piru. The EIR should consider whether increased truck traffic crossing of the railroad line, or other aspects of the proposed project, may impact trail development and use.

Thank you for the opportunity to provide comments on this Project. If you have any questions or would like clarification on the above comments, please feel free to contact Ms. Amanda Fagan, Director of Planning and Policy, at Amanda.Fagan@goventura.org or (805) 642-1591 ext. 103.

Respectfully,



Darren Kettle
Executive Director



April 22, 2020

Ventura County Resource Management Agency, Planning Division
Attn.: John Oquendo, Case Planner
800 South Victoria Avenue, L#1740
Ventura, CA 93009

RE: Agromin Limoneira - Case No. PL17-0154

Mr. Oquendo:

Please accept this letter in support of Agromin Limoneira - Case No. PL17-0154 and request that the draft EIR:

- Considers the regional benefits to the environment that will be realized as these projects are developed.
- Analyzes the project's use and consider its consistency with Agriculture (AE zone).
- Notes the penalties and impacts on the economy for not complying with the State mandate.

The State of California, through SB 1383 and a series of other legislative actions, has enacted and implemented mandates that require cities, counties, and other districts in the State to recycle compostable materials, ensuring organic waste does not end up in landfills. This mandate accelerates the need to permit and build organic processing facilities.

The state has ruled that a regulated entity (such as a city or county) can be issued a violation and be subject to enforcement if they fail to comply with any individual aspect of the regulations designed to fulfill these mandates. For a city, county, or a special district that provides solid waste handling services, these fines can reach \$10,000 per day.

What drives the need for this project is the timeline for this enforcement. SB 1383 established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. **SB 1383 regulations will become enforceable January 1, 2022. In 2024 the State will enforce and take action against jurisdictions deemed noncompliant.**

Agromin and their regional compost facility, earmarked for the Limoneira property between the cities of Ventura and Santa Paula, will help local jurisdictions achieve the diversion goals as mandated by the State of California under SB 1383. At 295,000 tons per year, this regional composting facility will provide a 75% landfill diversion rate for West Ventura County. Decomposing organic matter in a landfill is a major source of greenhouse gas emissions (methane), and it takes up vast amounts of our ever-shrinking landfill space. The Agromin Limoneira project instead diverts this material from landfill and turns this organic material into an economically viable resource.

Based on the benefits to our communities, and a desire to avoid State penalties, the City of Ventura respectfully submits this letter in support of the Agromin Limoneira project.

Best Regards,

A handwritten signature in black ink, appearing to read "Phillip Nelson".

Phillip Nelson, P.E.
Public Works Director and City Engineer

REC'D MAY 01 2020



OFFICE OF THE CITY MANAGER

James Vega, City Manager

401 S. Ventura Street, Ojai, CA 93023

April 27, 2020

Ventura County Resource Management Agency, Planning Division

Attn.: John Oquendo, Case Planner

800 South Victoria Avenue, L#1740

Ventura, CA 93009

RE: Agromin Limoneira - Case No. PL17-0154

To Whom it May Concern:

Please accept this letter in support of Agromin Limoneira - Case No. PL17-0154 and request that the draft environmental impact report:

- Consider the regional benefits to the environment that will be realized as these projects are developed.
- Analyze and state that the project use is consistent and supportive of Agriculture and should be allowed in an AE zone.
- Notes the penalties and impacts on the economy for not complying with the State mandate.

The State of California, through SB 1383 and a series of other legislative actions, has enacted and implemented mandates that force cities, counties, and other districts in the State to recycle compostable materials to ensure this waste does not end up in landfills. This mandate accelerates the need to permit and build organic processing facilities across the State.

The state has ruled that a regulated entity (such as a city or county) can be issued a violation and be subject to enforcement if they fail to comply with any individual aspect of the regulations designed to fulfill these mandates. For a city, county, or a special district that provides solid waste handling services, these fines can reach \$10,000 per day.

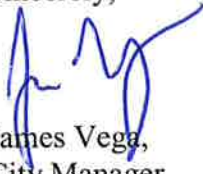
What drives the need for this project is the timeline for this enforcement. SB 1383 established targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. **SB 1383 regulations will become enforceable January 1, 2022. In 2024 the State will enforce and take action against jurisdictions deemed noncompliant.**

Agromin and their regional compost facility earmarked for the Limoneira property between the cities of Ventura and Santa Paula, will help local jurisdictions achieve the diversion goals as mandated by the State of California under SB 1383. At 295,000 tons per year, this regional composting facility will provide a 75% landfill diversion rate for West Ventura County.

Keeping organics out of landfills is good for everyone. Decomposing organic matter in a landfill is a major source of greenhouse gas, and it takes up vast amounts of our ever-shrinking landfill space. The Agromin Limoneira project instead turns this organic material into a renewable resource.

Based on the benefits to our communities, and a desire to avoid State penalties, the City of Ojai respectfully submits this letter in support of the Agromin Limoneira project, and with suggestions for inclusion into the draft EIR.

Sincerely,



James Vega,
City Manager