



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

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

October 7, 2020

**Oct 08 2020**

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
800 S. Victoria Ave, Ste 1600  
Ventura, CA 93009  
[vr1.info@ventura.org](mailto:vr1.info@ventura.org)

**STATE CLEARINGHOUSE**

**Subject: Ventura River Levee Rehabilitation Project, Notice of Preparation of a Draft Environmental Impact Report, SCH # 2020090144, Ventura County Public Works – Watershed Protection**

Dear Mr. Barns:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for the Ventura River Levee Rehabilitation Project (Project). Thank you for the opportunity to provide comments and recommendations regarding activities involved in the Project 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 projects and 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 CESA-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.

*Conserving California's Wildlife Since 1870*

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 2 of 12

## **Project Description and Summary**

**Objective:** The proposed Project would involve structural improvements to the existing Ventura River (VR-1) levee, which would achieve compliance with the Federal Emergency Management Agency (FEMA) levee certification requirements and United States Army Corps of Engineers (Corps) levee permit requirements, address structural deficiencies, and extend the levee's capital service life. In 2008, FEMA determined that the VR-1 levee did not fully comply with all the federal levee certification regulatory requirements. Additionally, the Corps rated the levee as "minimally acceptable," meaning that the levee has multiple deficiencies. These deficiencies put the levee at risk of failing from a one percent annual chance (also known as the 100-year) flood event. The proposed Project would improve flood protection to residents and businesses in the City of San Buenaventura (commonly known as Ventura) located within the one percent annual chance flood zone (also known as the FEMA flood zone) by achieving a one percent annual chance flood capacity with three feet of freeboard (i.e., the height of the levee above the flood water). The Project activities, which are briefly detailed in the NOP, are described below:

### **Reinforcement of Levee Embankment.**

The engineered levee embankment is the sloped area that holds and conveys water in a flood event. The levee embankment would be protected with loose rock riprap and concreted rock riprap material along the river face of the slope and beneath the riverbed for scour protection.

### **Upgrading the Interior Drainage System.**

A total of eight Corps-built and seven non-Corps built (unpermitted culverts and side-drainage structures) may require upgrades, such as positive drainage devices (i.e., devices allowing only one-way flow). Culverts and side-drainage devices convey flow from the developed areas through the levee from east to west into the Ventura River. Upon review and direction by the Corps and FEMA, improvements to existing culverts and drainage structures would be made.

### **Toe-Down Protection.**

The portion of the levee that extends underground beneath the riverbed to provide structural support, slope stability, and erosion control to the levee structure is referred to as the levee toe-down. The toe-down would be protected with concreted rock riprap extending from the existing toe protection to the potential scour limit thereby protecting against erosion at the levee toe.

### **Floodwalls.**

Floodwall is a vertical concrete barrier that would be constructed in deficient areas and replace unpermitted floodwalls. Floodwalls would be approximately four to five feet tall and would confine river flood flows to the river.

### **Floodgates.**

There are two proposed options for the floodgates:

1. A movable mechanical floodgate would be constructed at the Union Pacific Railroads (UPRR) tracks to provide continuous flood control between proposed floodwalls, or;

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 3 of 12

2. No floodgate would be constructed at the UPRR tracks and instead a floodgate would be installed across Garden Street to close the gap between proposed and existing floodwalls on either side of the street.

**Raising the Levee Crown/Bike Path.**

The crown and bike path that exists atop the levee would be raised approximately 1 to 4.5 feet to address freeboard deficiencies.

**Removal of Unpermitted Encroachments.**

Unpermitted structures located within the levee ROW would be removed.

**Operations and Maintenance.**

Operation and maintenance (O&M) activities planned for the VR-1 levee system will be evaluated in the DEIR. Existing O&M will be considered the baseline condition for the proposed project.

**Location:** The proposed Project is in, and directly west of, the City of San Buenaventura in Ventura County, approximately 60 miles northwest of Los Angeles. The proposed Project would extend along the existing ~ 2.65-mile-long VR-1 levee system. The VR-1 levee begins at the Pacific Ocean within the Ventura City limits, directly west of the Ventura County Fairgrounds, and extends northerly into an unincorporated portion of Ventura County. The VR-1 alignment within the County’s right-of-way (ROW) extends northerly along the Ventura River, crosses the UPRR, passes underneath State Route 101 (SR-101), and runs parallel to State Route 33 (SR-33), and crosses SR-33 and extends easterly, terminating at high ground south of Cañada De San Joaquin.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the 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. CDFW looks forward to commenting on the Draft Environmental Impact Report (DEIR) when it is released. CDFW may have additional comments to the DEIR not addressed in this letter.

**Specific Comments**

- 1) Nesting Birds. Page 10 of the NOP states, “[t]he proposed project would include construction and operation activities adjacent to the Ventura River, which could result in significant impacts to common wildlife, nesting birds, special-status or rare wildlife species, and special-status plant species. Additionally, construction and O&M could directly or indirectly impact streams, wetlands, Environmentally Sensitive Habitat Areas, Critical Habitat, and wildlife movement. The proposed Project could potentially result in significant impacts to biological resources regarding riparian habitat or any other sensitive natural community provided protection under federal, state, and local laws, regulations, policies or plans.” Project activities, such as installing levee reinforcements, altering bike paths, removing/replacing structures, and drainage system upgrades are likely to occur where birds may nest (e.g., trees, crevices in buildings) and may impact nesting birds. Activities occurring during the breeding season of nesting birds could

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 4 of 12

result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment in trees or buildings directly adjacent to where construction would occur. Construction of new facilities or upgrades to existing facilities could also lead to the loss of nesting habitat for sensitive bird species.

- a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
  - b) CDFW recommends the DEIR provide measures to avoid impacts to nesting birds. Proposed Project activities including (but not limited to) staging; disturbances to vegetation, trees, and structures; demolition; grading; roofing; and fence or enclosure wall installation should not occurring during the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that may be disturbed (as access to adjacent areas allows) and any other such habitat within 300-feet of the disturbance area (within 500-feet for raptors). All personnel and contractors working on site should be instructed on the sensitivity of areas where there are nesting birds. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 2) Bats. In urbanized areas, numerous bat species are known to roost in trees and structures throughout Ventura County. Bats may use trees (e.g., Mexican fan palm trees) and man-made structures (e.g., cracks and crevices in large concrete structures) For daytime and nighttime roosts. Western yellow bats (*Lasiurus xanthinus*) can be found year-round in urban areas throughout southern California.
- a) Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code, § 4150, California Code of Regulations, § 251.1).
  - b) The DEIR should provide a thorough discussion and adequate disclosure of potential impacts to bats and roosts resulting from the proposed Project and activities including (but not limited to) staging; disturbances to vegetation, trees, and structures; demolition; grading; roofing; and fence or enclosure wall installation. The DEIR should provide bat-specific avoidance and mitigation measures which could minimize significant adverse impacts to bats, roosts, and maternity roosts (CEQA Guidelines, §15126.4[a][1]).
- 3) Biological Baseline Assessment. As previously stated and written on Page 10 of the NOP, the Project may result in significant impacts to sensitive biological resources. As such, the DEIR should provide a complete assessment and impact analysis of the flora and fauna within the Project area, with emphasis upon identifying endangered,

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 5 of 12

threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW considers impacts to Species of Special Concern and California Fully Protected Species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should provide the following information:

- a) Sensitive Plants and Wildlife. CDFW recommends the DEIR list each unique species occurring in the Project area instead of a total number by taxonomic group. For each species, please provide the species scientific (i.e., Latin) and common names; CESA and Federal Endangered Species Act listing status; and a brief evaluation of the potential for that species to occur in the Project area and be impacted by Project implementation. Presence of critical or suitable habitat (i.e. wintering, roosting, nesting, foraging) in the Project area should be addressed for each species where applicable.
- b) Critical Habitat. The DEIR should provide columns for each element and approximate acres potentially impacted by critical habitat type. CDFW recommends using “None” or the number zero to indicate no impacts; and, provide a brief discussion why there would be no impacts to demonstrate that impacts were evaluated.
- c) Impacts to Sensitive Plants, Wildlife, and Habitat. The DEIR should include alternatives to fully avoid or otherwise protect special status species and their habitat from Project-related impacts. For unavoidable impacts, the DEIR should provide mitigation measures for each plant and wildlife species potentially impacted and their associated habitat which should include any wintering, roosting, nesting, and foraging habitat. See page 8 for information about CESA/Incidental Take Permits and Compensatory Mitigation.
- d) Vegetation Community Mapping. 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), second edition (Sawyer 2008). CDFW only tracks rare natural communities using the MCV classification system, and considers vegetation communities, alliances, and associations ranked S1, S2, S3 and S4 as sensitive and declining at the local and regional level. CDFW considers these communities to be imperiled habitats having both local and regional significance. Additional information about these ranks can be obtained by visiting CDFW’s [Vegetation Classification and Mapping Program - Natural Communities](#) webpage.

The DEIR should provide the MCV-based names of all vegetation communities within the Project area. Vegetation classification should be performed by a qualified botanist with knowledge of southern California plants and vegetation communities.

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 6 of 12

- e) Impacts to Sensitive Vegetation Communities. Page 10 of the NOP states, “the proposed Project would potentially result in significant impacts to biological resources including riparian habitat and other sensitive natural communities provided protection under federal, state, and local laws, regulations, policies or plans.” Vegetation communities based on the MCV classification should be presented in a table in the DEIR. The table should provide columns for each element and approximate acres potentially impacted by vegetation community. CDFW recommends using “None” or the number zero to indicate no impacts; and, provide a brief discussion why there would be no impacts to demonstrate that impacts were evaluated. CDFW recommends the DEIR provide measures to fully avoid or otherwise protect sensitive vegetation communities from direct or indirect Project-related impacts. For unavoidable impacts, CDFW recommends the DEIR provide mitigation measures for each sensitive vegetation community potentially impacted. See page 8 for information about Compensatory Mitigation.
  - f) The Project may lead to direct or indirect impacts off site (i.e., outside of the Project area). Therefore, adjoining habitat areas and areas immediately outside of the Project area should be included in assessments and mapping of special status plants, wildlife, habitat, and vegetation communities.
  - g) CDFW recommends revisiting all databases accessed during preparation of the NOP so any new data regarding special status plants, wildlife, and vegetation communities may be included in the DEIR. CDFW’s [California Natural Diversity Database](#) (CNDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat.
  - h) Presence/absence determinations of wildlife and rare plants in the Project area, specifically areas that would be impacted due to Project implementation (e.g., existing facilities), should be determined based on recent surveys. CDFW recommends the DEIR provide any recent survey data. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years.
- 4) Impacts to Riparian and Wetland Resources. As stated on page 10 of the NOP, the Project would potentially impact riparian and wetland habitats. Project construction and O&M activities may impact channels, ditches, and storm drains that carry water to adjacent riparian or wetland habitats. Furthermore, the Project would require. These changes may increase impervious surface cover adjacent to riparian and wetland habitats, causing changes to the amount, availability, and direction of water flow, and potentially increase the amount of runoff, sediment, debris, chemicals, and other pollutants transported into sensitive wetland areas.
- a) A final Table in the DEIR should include columns for each element and approximate acres potentially impacted by habitat type. CDFW recommends using “None” or the number zero to indicate no impacts; and, provide a brief discussion why there would be no impacts to demonstrate that impacts were evaluated.

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 7 of 12

- b) CDFW recommends the DEIR provide an approximate area of new pavement that would be created near sensitive wetland areas and evaluate potential direct and indirect impacts on riparian and wetland habitats.
  - c) CDFW recommends the DEIR provide alternatives to fully avoid or otherwise protect riparian and wetland resources from direct or indirect Project-related impacts that may include setback, permeable pavement, for example. Setbacks from wetland resources should start from the edge of herbaceous vegetation, woody vegetation, and woodlands. For unavoidable impacts, CDFW recommends the DEIR provide mitigation measures which may include on or off project site mitigation.
  - d) CDFW also recommends the DEIR be conditioned to include a statement acknowledging that Project or project-level impacts to wetland resources may require Lake Streambed Alteration (LSA) Agreement notification. See pages 8 and 9 for more information on Wetland Resources and LSA notification.
- 5) Landscaping. Landscaping was not included as a Project activity within the NOP, however, given the size and scope of the Project, CDFW offers the following comments in the case that landscaping activities are incorporated into the Project.
- a) Where landscaping would occur adjacent to sensitive natural communities, CDFW recommends the DEIR evaluate the possibility of incorporating setbacks to avoid and/or reduce impacts of landscaping on sensitive plants, wildlife, and habitats. Impacts may occur from spread of non-native species; plant material/stock carrying pests, pathogens, and diseases; and runoff contaminated with fertilizer applied to landscaped areas.
  - b) CDFW strongly recommends the DEIR consider a landscaping plant palette that includes a diversity of drought tolerant native plants, lawn grass alternatives, and plants that benefit and invite birds, beneficial insects, pollinators, and butterflies. See page 10 for additional information on landscaping and native plants. CDFW recommends the DEIR provide the Project's landscaping plan for review and commenting. Species should be listed by growing duration (annual, perennial), life form (grasses, shrubs, trees, vines), and structure (ground cover, shrubs, tree canopy).
- 6) Impacts of Design Features and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, the DEIR should provide an impact analysis of proposed Project design features on biological resources, and a range of feasible alternatives to ensure that alternatives to design features are fully considered and evaluated (CEQA Guidelines, § 15126.6). Design features include (but not limited to) setbacks from sensitive natural areas; landscaping; permeable pavement; enclosures; fencing; solid walls; lighting; and building heights. Alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 8 of 12

## General Comments

- 1) Environmental data. CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Public Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#).
- 2) California Endangered Species Act (ESA). CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed rare plant species 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). Consequently, if the Project, Project-related construction, or any Project-related activity for the duration of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project or at an individual project-level. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project's CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the 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 a CESA ITP.
- 3) Compensatory Mitigation. The DEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 4) Wetland Resources. CDFW, as described in Fish and Game Code, section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values.

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 9 of 12

To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be ‘no net loss’ of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values.”

- a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, the Project must include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.
  - b) The Fish and Game Commission’s Water policy guides CDFW on the quantity and quality of the waters of this state that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support Projects to maintain or restore a high quality of the waters of this state; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & Game Code, § 5650).
- 5) Lake Streambed Alteration (LSA) Agreement. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow; or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream; or use material from a streambed. 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 an LSA Agreement with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of an LSA Agreement for a project that is subject to CEQA will require related environmental compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document prepared by Ventura County Public Works for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the DEIR 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 Agreement.

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 10 of 12

- a) The Project area supports aquatic, riparian, and wetland habitats; therefore, therefore, a preliminary jurisdictional delineation of the streams and their associated riparian habitats should be included in the DEIR. Jurisdiction should evaluate all rivers, streams, and lake including culverts, ditches, storm channels that may transport water, sediment, and pollutants and discharge into rivers, streams, and lakes. Also, the delineation should be conducted pursuant to the United States Fish and Wildlife Service (USFWS) wetland definition adopted by the CDFW (Cowardian 1970). Some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' section 404 permit and Regional Water Quality Control Board section 401 Certification.
  - b) In areas of the Project area which may support ephemeral streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of ephemeral channels and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
  - c) Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
- 7) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. Invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. The Project should involve planting, seeding, or introduction of invasive exotic plant species to landscaped areas that are adjacent and/or near native habitat areas. CDFW recommends invasive/exotic plants be restricted from use in landscape plans for this Project. The California Invasive Plant Council (Cal-IPC) provides a [Cal-IPC Inventory](#) of non-native and invasive plants that threaten the State's natural areas. CDFW strongly recommends restricting species with a "High" rating from landscaping plans.

Information on alternatives for invasive, non-native, or landscaping plants may be found on the [Cal-IPC's, Don't Plant a Pest](#) webpage. Native plants could help to reduce water consumption and use of fertilizers. The [Audubon Society's Native Plants Database](#) is a resource to identify native plants and trees that will attract and benefit birds. Birds may help to control and reduce insects, reducing the need for pesticides. The [California Native Plant Society's Gardening](#) and [Xerces Society's Pollinator-Friendly Native Plant Lists](#) webpage has information on native plant species that invite insects and pollinators. Pollinators are critical components of our environment and essential to our food security. Insects – and primarily bees – provide the indispensable service of pollination to more than 85% of flowering plants.

- 8) Biological Direct, Indirect, and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR.
- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address Project-related

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 11 of 12

changes on drainage patterns and downstream of project sites; the volume, velocity, and frequency of existing and post-construction surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-construction fate of runoff from project sites. Mitigation measures proposed to alleviate such impacts should be included.

- b) A discussion regarding indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish and Game Code, § 2800 *et. seq.*). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR.
  - c) An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
  - d) A cumulative effects analysis, as described under CEQA Guidelines, section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 9) Impacts to Fish Passage. CDFW is in support of the use of structures with no concrete-in-channel designs and would not support a change in design that would increase instream hardening of the streambed. To confirm the Project will not cause impacts to the river up and downstream of the structure as a result of the proposed Project, please provide CDFW with an opportunity to review and comment on 65% Design Plans and the Basis of Design at your earliest convenience.

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist Ventura County Public Works in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at [Baron.Barrera@wildlife.ca.gov](mailto:Baron.Barrera@wildlife.ca.gov).

Sincerely,

DocuSigned by:



B6E58CFE24724F5...  
Erinn Wilson

Environmental Program Manager I

Ec: CDFW

Steve Gibson – Los Alamitos, [Steve.Gibson@wildlife.ca.gov](mailto:Steve.Gibson@wildlife.ca.gov)  
Barron Barrera – Los Alamitos, [Baron.Barrera@wildlife.ca.gov](mailto:Baron.Barrera@wildlife.ca.gov)  
Susan Howell – San Diego, [Susan.Howell@wildlife.ca.gov](mailto:Susan.Howell@wildlife.ca.gov)

Mr. Tyler Barns  
Ventura County Public Works – Watershed Protection  
October 7, 2020  
Page 12 of 12

CEQA Program Coordinator – Sacramento, [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)  
State Clearinghouse – [stateclearinghouse@opr.ca.gov](mailto:stateclearinghouse@opr.ca.gov)

**References:**

Cowardin, Lewis M., et al. 1970. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.  
Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2008. A manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.