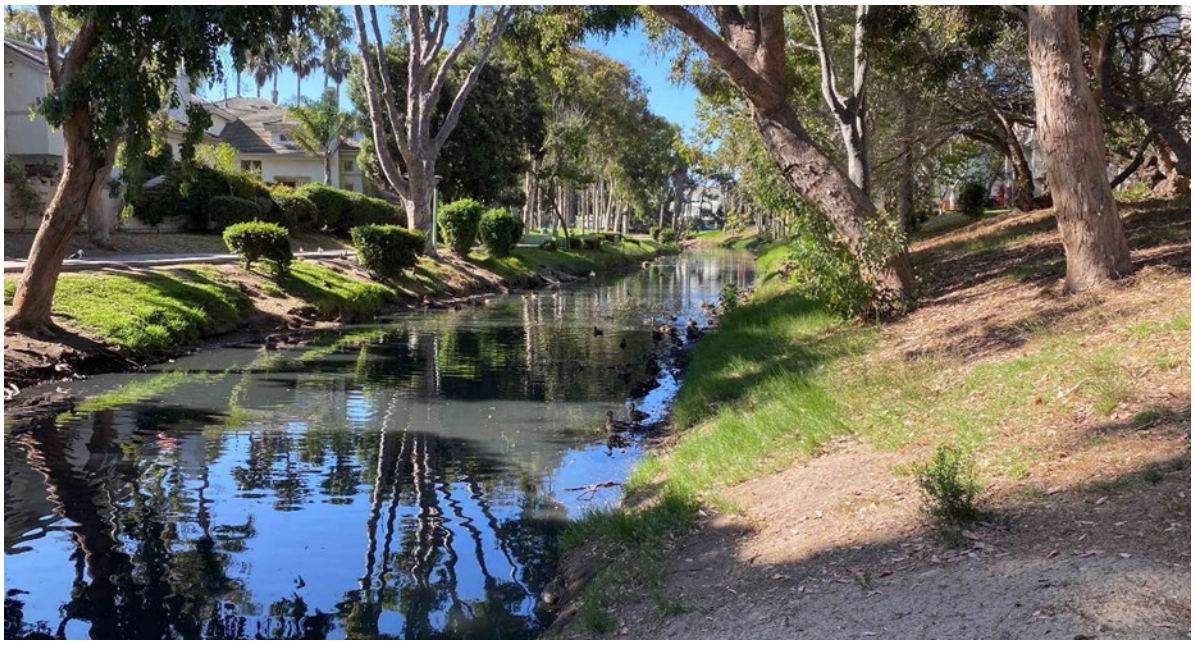

Bubbling Springs Natural Channel Vegetation Removal Project

Responses to Comments for the Final Initial Study – Negative Declaration

prepared by

City of Port Hueneme
Public Works Department
250 North Ventura Road
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May 2022

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Responses to Comments on the Draft IS-ND

This section includes comments received during the circulation of the Draft Initial Study-Negative Declaration (IS-ND) prepared for the Bubbling Springs Natural Channel Vegetation Removal Project (project).

The Draft IS-ND was circulated for a 31-day public review period that began on February 25, 2022 and ended on March 28, 2022. The City of Port Hueneme received four comment letters on the Draft IS-ND. The commenters and the page number on which each commenter's letter appear are listed below.

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Letter 1

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY GAVIN NEWSOM, GOVERNOR

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
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March 18, 2022

Attn: Charles Cable
Principal Engineer
250 North Ventura Road
Port Hueneme, CA 93041
Email: CCable@ci.port-hueneme.ca.us

RE: Notice of Intent to Adopt a Negative Declaration for the Bubbling Springs Natural Channel Vegetation Removal Project

Dear Mr. Cable,

Coastal Commission staff has reviewed the Notice of Intent to Adopt a Negative Declaration for the Bubbling Springs Natural Channel Vegetation Removal Project dated February 25, 2022, and we appreciate the opportunity to provide comments for your consideration. The proposed project involves periodic vegetation removal from the Bubbling Springs Natural Channel's bed and banks for approximately 40 workdays each year. The majority of the vegetation to be removed consists of cattails (*Typha angustifolia and T. latifolia*) and bulrush (*Schoenoplectus californicus*) that have grown to heights of 10 feet or more with a density that spans the full width of the channel. Following initial vegetation removal, the City and its labor crews would periodically remove plant material within the bed and banks of the channel, either quarterly, semiannually, or in anticipation of storm events depending on growth patterns of the cattails and bulrush plants. Additional maintenance would be conducted on an as-needed basis to prevent the reestablishment of in-channel vegetation that could affect channel capacity.

Vegetation removed from within the channel would be placed in the linear park adjacent to the work area, where it would be allowed to dry in preparation for disposal by a local vendor. Vegetation removal would be conducted with both mechanized and hand equipment. No excavation of channel materials or use of herbicides is proposed. No tree, shrub, or woody vegetation is anticipated to be removed. In addition, a suite of Best Management Practices (BMPs), detailed in the draft Initial Study-Negative Declaration (IS-ND), has been incorporated into the proposed project design and would be implemented as part of the proposed project.

A portion of the proposed project would be located within the Coastal Zone, within the jurisdiction of the City of Port Hueneme Local Coastal Program (LCP), some of which would be within the appealable jurisdiction of the Commission. As such, that portion of the proposed project would require an appealable coastal development permit (CDP) from the City of Port Hueneme.

1

The primary purpose of this letter is to identify potential coastal resource impacts that could result from the proposed project and provide preliminary comments regarding topic areas that should be further evaluated in the final IS-ND or Mitigated Negative Declaration (MND), if mitigation is deemed necessary, as well as in the City's CDP for the project. Policies of particular relevance include those related to environmentally sensitive habitat areas, wetlands, public access, and recreation, all of which are addressed in both the Coastal Act and City of Port Hueneme LCP.

1 (cont.)

The Land Use Plan (LUP) portion of the City of Port Hueneme LCP states: "The biological productivity of the Bubbling Springs Waterway and any adjoining habitat shall be protected, maintained and, where feasible, enhanced." Applicable policies relating to biological resources include Sections 30230, 30231, 30233, 30236, and 30240 of the Coastal Act, which have been incorporated as policies in the City of Port Hueneme LCP. These policies require that development maintain and restore biological productivity and coastal water quality, and limit the type of development in and around Environmental Sensitive Habitat Area (ESHA), wetlands, and rivers. These policies not only limit the type of development that can be permitted within these resources, but also provide that development must be sited and designed to prevent impacts to these resources such that no less environmentally damaging, feasible alternatives exist for the project and measures to mitigate potential impacts are employed to the maximum degree possible. Significant portions of the proposed project are situated within or adjacent to areas that support sensitive species, such as the western pond turtle (observed within the project area in the biological assessment for the project), and may meet the definition of ESHA. Section 30240 of the Coastal Act, which is incorporated into the City of Port Hueneme LCP, requires that ESHA be protected against any significant disruption of habitat values and that development in areas adjacent to ESHAs and parks and recreation areas, shall be sited and designed to prevent impacts which would significantly degrade those areas.

2

As such, the final IS-ND or MND, as well as the CDP for the proposed project, should include an analysis of multiple project alternatives, including those that avoid significant disruption of habitat values. While the Draft IS-ND focusses on BMPs to avoid impacts to sensitive species during construction, it does not adequately address the post-vegetation-removal impacts of the project on sensitive species identified in the project area (e.g. the impact of the change in habitat characteristics by reduction in vegetation coverage on sensitive species such as the western pond turtle). Alternatives considered should include project designs that limit the amount of vegetation removal to the minimum amount necessary to achieve the purpose of the project (i.e. to restore and maintain flow conveyance capacity in the channel, providing the surrounding area with protection from flood-related hazards). The IS-ND/MND and CDP should also analyze all potential short-term, long-term, indirect and direct impacts to sensitive species (including the western pond turtle) and habitats located at the project site and surrounding areas and any indirect or direct impacts to water quality, as well as project alternatives that would avoid such impacts. If, and only if, no feasible project alternative exists for avoidance, then the alternative that minimizes impacts to the maximum extent feasible should be selected and mitigation should be required.

3

4

5

6

Additionally, Coastal Act policies related to public access, recreation, and scenic and visual qualities include Sections 30210, 30211, 30251, and 30252. These policies require that development avoid adverse impacts to and enhance public access and recreation. The proposed project would be located adjacent to a recreational corridor with a multi-use trail. As such, the CDP for the proposed project should include an analysis of project alternatives and measures that could be implemented to minimize adverse impacts to public access along the multi-use trail during vegetation removal activities, particularly during vegetation removal activities, including during staging and clean-up phases. 7

Please note that the comments provided herein are preliminary in nature. More specific comments may be appropriate as the project develops. Commission staff requests notification of any future activity associated with this project or related projects. Thank you for the opportunity to comment on the Draft IS-ND. Please contact me at walt.deppe@coastal.ca.gov with any questions. 8

Sincerely,

RW Deppe

Walt Deppe
Coastal Program Analyst

Letter 1

COMMENTER: Walt Deppe, Coastal Program Analyst, California Coastal Commission

DATE: March 18, 2022

Response 1.1

The commenter provides a summary of the proposed project. The commenter states the project would be located in the Coastal Zone and within the jurisdiction of the City of Port Hueneme Local Coastal Program, some of which would be within the appealable jurisdiction of the Coastal Commission. The commenter states that portion of the proposed project within the Coastal Zone would require an appealable coastal development permit (CDP) from the City of Port Hueneme. The commenter states the primary purpose of their letter is to identify potential coastal resource impacts that could result from the proposed project and provide preliminary comments regarding topic areas that should be further evaluated in the Final IS-ND.

This comment is noted. No issues were raised with respect to the Draft IS-ND.

Response 1.2

The commenter provides a summary of the applicable policies of City's Local Coastal Program (LCP) and the Coastal Act that pertain to biological resources and the project site. The commenter notes that portions of the project may meet Section 30240 of the Coastal Act's definition of Environmental Sensitive Habitat Areas (ESHA) because portions of the project site are within or adjacent to areas that support sensitive species. The commenter states Section 30420 requires ESHA be protected against any significant disruption of habitat values and that development in areas adjacent to ESHA and parks and recreation areas be sited and designed to prevent impacts which would significantly degrade those areas.

This comment is noted. No issues were raised with respect to the Draft IS-ND. Section 4, *Biological Resources*, of the Draft IS-ND identifies that a portion of the project site is within the California Coastal Zone and states that project activities aim to protect ESHAs within and adjacent to the Bubbling Springs Natural Channel (pages 32 to 33).

Response 1.3

The commenter states that the IS-ND and the CDP for the proposed project should include an analysis of multiple project alternatives, including those that avoid significant disruption of habitat values.

CEQA Guidelines Section 15126.6 states that the inclusion of an analysis of project alternatives is only required for environmental impact reports. Therefore, the Draft IS-ND is not required by CEQA to include an evaluation of project alternatives. No revisions to the Draft IS-ND are warranted in response to this comment. The CDP application for the project will comply with all applicable requirements.

Response 1.4

The commenter states the opinion the Draft IS-ND does not adequately address the post-vegetation removal impacts of the project on the sensitive species identified in the project area.

As stated on page 33 in Section 4, *Biological Resources*, of the Draft IS-ND, "the project aims to protect environmentally sensitive habitat areas within and adjacent to the Bubbling Springs Natural Channel. Implementation of the project seeks to prevent disruption to these areas by reducing the amount of overgrown vegetation to prevent potential impacts from future flood events, in accordance with Coastal Act Section 30240, that could significantly degrade those areas." Cattails are considered to be invasive in some areas because they grow rapidly, crowd out other plant species, and can choke out aquatic habitat, thus decreasing the biodiversity of an area.[1] The project seeks to gain control over these native, yet invasive, macrophytes to restore habitat heterogeneity and benefit native aquatic species, such as the western pond turtle, as outlined below.

Western pond turtles require both aquatic and terrestrial features as components of their habitat. The project would remove vegetation overgrowth from within the channel and would have minimal to no impact on the surrounding terrestrial environment. Western pond turtles are generalists whose habitat consists of a wide variety of aquatic features, including lakes, streams, slow moving rivers, and artificial channels, and a variety of substrate types, from bedrock to sand and mud.[2] Aquatic vegetation, while a potential food source, is not a limiting component of the species habitat.[3, 4] Western pond turtles prefer sites with ample basking opportunities (i.e., logs, stumps, rock piles, floating vegetation) and refugia to escape predation (e.g., logs, rocks).[5] The increasing overgrowth of cattails and bulrush vegetation presents a potential threat to the species by adversely altering the habitat. The overgrown cattails and bulrush provide considerable shading and limit open space for basking. Preferred basking sites for western pond turtle occurs on surfaces and structures with immediate aquatic escape routes, which the dense cattail and bulrush vegetation throughout the channel currently impedes. The dense cattail and bulrush area does not constitute viable foraging habitat, and the vegetation density precludes individuals from moving through it. The removal, or at minimum, thinning of dense cattail and bulrush vegetation throughout the channel would provide more accessible foraging and basking space for western pond turtle, more room for species movement and dispersal, improved aquatic flow and water quality, increased potential for plant biodiversity, and improved ability for other native vegetation (i.e., food sources for the western pond turtle) to establish in the project area.[6]

Western pond turtles move onto land for nesting, overwintering, dispersal, and aestivation. Nesting typically occurs within 330 feet of aquatic habitat in areas with compact well-drained soil, good solar exposure, and sparse vegetation.[7] Dense vegetation growth may discourage nesting. Although aquatic vegetation is important for juvenile turtles because it provides protective nursery sites, the type and density of vegetation overgrowth currently dominating the channel negatively impacts

[1] Angoh, S.Y.J., Freeland, J., Paterson, J. et al. 2021. Effects of invasive wetland macrophytes on habitat selection and movement by freshwater turtles. *Biological Invasions* Volume 23, pages 2271 to 2288. https://doi.org/10.1007/s10530-021-02505-8 (accessed April 2022).

[2] Reese, D. A. and H. H. Welsh, Jr. 1998. Habitat use by western pond turtles in the Trinity River, California. Journal of Wildlife Management 62:842-853.

[3] Hays, D. W., K. R. McAllister, S. A. Richardson, and D. W. Stinson. 1999. Washington State recovery plan for the western pond turtle. Washington Department of Fish and Wildlife, Olympia, WA. 66 pp.

[4] Reese, D. A. and H. H. Welsh, Jr. 1998. Habitat use by western pond turtles in the Trinity River, California. Journal of Wildlife Management 62:842-853.

[5] Hays, D. W., K. R. McAllister, S. A. Richardson, and D. W. Stinson. 1999. Washington State recovery plan for the western pond turtle. Washington Department of Fish and Wildlife, Olympia, WA. 66 pp.

[6] Angoh, S.Y.J., Freeland, J., Paterson, J. et al. 2021. Effects of invasive wetland macrophytes on habitat selection and movement by freshwater turtles. *Biological Invasions* Volume 23, pages 2271 to 2288. https://doi.org/10.1007/s10530-021-02505-8 (accessed April 2022).

[7] Hays, D. W., K. R. McAllister, S. A. Richardson, and D. W. Stinson. 1999. Washington State recovery plan for the western pond turtle. Washington Department of Fish and Wildlife, Olympia, WA. 66 pp.

species movement and predation avoidance overall. The preferred movement pattern for western pond turtle is in-water; however, because of the current vegetation overgrowth, turtles likely have to exit the water more frequently to navigate around the dense vegetation patches, which exposes individuals to high risk of predation.[8] Therefore, because of the anticipated improvements to the species' foraging, basking, movement, dispersal, and predation avoidance following the completion of project activities, the project would result in post-vegetation removal benefits to western pond turtle.

In response to this comment, the following text has been added to Section 4, *Biological Resources*, of the IS-ND:

Section 4, Biological Resources

Special Status Wildlife Species

If individuals occur in the project footprint when work is scheduled to occur, as identified by the pre-activity surveys conducted pursuant to BMP 4, a qualified biologist would determine the most feasible action. Appropriate avoidance buffers would be established pursuant to BMP 6, and if western pond turtle individuals cannot be avoided, relocation pursuant BMP 7 would be implemented with safe handling procedures to avoid or minimize mortality to the extent possible during relocation. In addition, implementation of BMP 8 would include retention of a qualified biologist to monitor all vegetation removal activities and ensure compliance with any applicable permits. Through the implementation of BMPs, potential impacts to western pond turtle during project activities would be less than significant.

Cattails exhibit invasive behavior under certain conditions because they grow rapidly, crowd out other native plant species, and can choke out aquatic habitat, decreasing the biodiversity of an area (Angoh et al. 2021). The project seeks to gain control over these native, yet invasive, macrophytes to restore habitat heterogeneity and benefit native aquatic species, such as the western pond turtle. Western pond turtles require both aquatic and terrestrial features as components of their habitat. The project would remove vegetation overgrowth from within the channel and would have minimal to no impact on the surrounding terrestrial environment. Western pond turtles are generalists whose habitat consists of a wide variety of aquatic features, including lakes, streams, slow moving rivers, and artificial channels, and a variety of substrate types, from bedrock to sand and mud (Reese & Welsh 1998). Aquatic vegetation, while a potential food source, is not a limiting component of the species habitat (Hays et al. 1999; Reese & Welsh 1998). Western pond turtles prefer sites with ample basking opportunities (i.e., logs, stumps, rock piles, floating vegetation) and refugia to escape predation (e.g., logs, rocks) (Hays et al. 1999). The increasing overgrowth of cattails and bulrush vegetation presents a potential threat to the species by adversely altering the habitat. The overgrown cattails and bulrush provide considerable shading and limit open space for basking. Preferred basking sites for western pond turtle occurs on surfaces and structures with immediate aquatic escape routes, which the dense cattail and bulrush vegetation throughout the channel currently impedes. The dense cattail and bulrush area does not constitute viable foraging habitat, and the vegetation density precludes individuals from moving through it. The removal, or at minimum, thinning of dense cattail and bulrush vegetation throughout the channel would provide more accessible foraging and basking space for western pond turtle, more room for species

[8] Reese, D. A. and H. H. Welsh, Jr. 1998. Habitat use by western pond turtles in the Trinity River, California. Journal of Wildlife Management 62:842-853.

movement and dispersal, improved aquatic flow and water quality, increased potential for plant biodiversity, and improved ability for other native vegetation (i.e., food sources for the western pond turtle) to establish in the project area (Angoh et al. 2021).

Western pond turtles move onto land for nesting, overwintering, dispersal, and aestivation. Nesting typically occurs within 330 feet of aquatic habitat in areas with compact well-drained soil, good solar exposure, and sparse vegetation (Hays et al. 1999). Dense vegetation growth may discourage nesting. Although aquatic vegetation is important for juvenile turtles because it provides protective nursery sites, the type and density of vegetation overgrowth currently dominating the channel negatively impacts species movement and predation avoidance overall. The preferred movement pattern for western pond turtle is in-water; however, because of the current vegetation overgrowth, turtles likely have to exit the water more frequently to navigate around the dense vegetation patches, which exposes individuals to high risk of predation (Reese & Welsh 1998). Therefore, because of the anticipated improvements to the species' foraging, basking, movement, dispersal, and predation avoidance following the completion of project activities, the project would result in post-vegetation removal benefits to western pond turtle.

References

Angoh, S.Y.J., Freeland, J., Paterson, J. et al. 2021. Effects of invasive wetland macrophytes on habitat selection and movement by freshwater turtles. Biological Invasions Volume 23, pages 2271 to 2288. https://doi.org/10.1007/s10530-021-02505-8 (accessed April 2022).

Hays, D. W., K. R. McAllister, S. A. Richardson, and D. W. Stinson. 1999. Washington State recovery plan for the western pond turtle. Washington Department of Fish and Wildlife, Olympia, WA. 66 pp.

Reese, D. A. and H. H. Welsh, Jr. 1998. Habitat use by western pond turtles in the Trinity River, California. Journal of Wildlife Management 62:842-853.

Response 1.5

The commenter states that project alternatives considered should include designs that limit the amount of vegetation removal to the minimum amount necessary to achieve the purpose of the project.

As noted under Response 1.3, the inclusion of an analysis of project alternatives is only required for environmental impact reports under CEQA. Therefore, the Draft IS-ND is not required by CEQA to include an evaluation of project alternatives. No revisions to the Draft IS-ND are warranted in response to this comment. The CDP application for the project will comply with all applicable requirements.

Response 1.6

The commenter states the opinion the Draft IS-ND and the CDP should analyze all potential short-term, long-term, indirect, and direct impacts to sensitive species, habitats, and water quality as well as project alternatives that would avoid such impacts. If, and only if, no feasible project alternative exists for avoidance, then the alternative that minimizes impacts to the maximum extent feasible should be selected, and mitigation should be required.

Project impacts to sensitive species (including the western pond turtle), habitat values, and water quality are addressed in Section 4, *Biological Resources*, and Section 10, *Hydrology and Water*

Quality, of the Draft IS-ND. As stated therein, the project includes implementation of Best Management Practices (BMPs) recommended within the Biological Resources Assessment (BRA) technical report prepared for the project, which is included as Appendix B to the Draft IS-ND. These BMPs would serve to avoid or minimize the chance for direct and indirect impacts to sensitive species, habitat values, and water quality through work area limitations, erosion control measures, sanitary/septic waste management measures, waste management and materials pollution control measures, and restrictions on the timing of work to when the majority of the channel is dry. As provided under Response 1.4, above, a discussion of the project's post-vegetation-removal effects to western pond turtle has been added to Section 4, *Biological Resources*, of the Draft IS-ND. As concluded there, project activities would result in beneficial effects to western pond turtle upon the completion of vegetation removal activities. As concluded in Section 4, *Biological Resources*, of the Draft IS-ND and noted under Response 1.4, project impacts to biological resources as well as all other environmental resource categories would be less than significant with implementation of the project BMPs. Therefore, no mitigation is required for the project.

As noted under Response 1.3, above, the inclusion of an analysis of project alternatives is only required for environmental impact reports. Therefore, the Draft IS-ND is not required by CEQA to include an evaluation of project alternatives. The CDP application for the project will comply with all applicable requirements.

Response 1.7

The commenter summarizes applicable Coastal Act policies related to public access, recreation, and scenic and visual qualities. The commenter states the CDP for the proposed project should include an analysis of project alternatives and measures that could be implemented to minimize adverse impacts to public access along the multi-use trail during project activities.

As stated in Section 16, *Recreation*, of the Draft IS-ND, project activities would result in minimal interference with existing use of the Bubbling Springs Recreational Corridor given that project activities would be temporary and infrequent in nature and continuously moving along the length of the Bubbling Springs Natural Channel (page 77). As stated in Section 17, *Transportation*, of the Draft IS-ND, small segments of the bike path may be closed for several hours or a day at a time while project activities occur at any given area along the channel. If practicable, a narrow path through the work zone outside of the areas where equipment and work crews are active would be provided for cyclists. Project-related closures of bicycle facilities would be short-term, temporary, and limited and would be similar in nature to the routine temporary closures that occur weekly when City landscape crews maintain trees and landscaping and pick up trash and fallen branches around the bike path (page 79).

As noted under Response 1.3, the inclusion of an analysis of project alternatives is only required for environmental impact reports under CEQA. Therefore, the Draft IS-ND is not required by CEQA to include an evaluation of project alternatives. The CDP application for the project will comply with all applicable requirements.

Response 1.8

The commenter states their comments are preliminary in nature, requests notification of future activity associated with this project or related projects, and provides their contact information.

The comment is noted. The City will notify the California Coastal Commission and future activity associated with this project.

Letter 2

Comments from Port Hueneme City Council Meeting – March 21, 2022

COMMENTER: Jacob Marquez, Citizen

Yes. So, I wanted to start off by thanking everyone involved in this vegetation and weed removal project. For a while now I myself have been advocating for the removal of the choking cattail and bulrushes and the maintenance of our local wetland. And I'm happy to see something at last being done. Even if it has been an inevitably slow process, hopefully once the paperwork is fully complete and if it is complete, our City's Public Works will move full steam and do the job well. 1

I have read through the entire draft paper for this public hearing, and I agree with it entirely, especially making sure any breeding birds are not adversely affected in the process. Also, learning about the presence of native western pond turtles is also exciting. As I myself have spent many hours working, and in many ways living, along the creek each week I had no idea of them being there. 2

I truly hope this process is a huge success and is carried on in a timely and proper manner. Also, I hope everyone involved makes sure to keep the City and public posted on any updates and crowd-shares any pictures of wildlife seen. That is all, thank you. 3

Letter 2

COMMENTER: Jacob Marquez (verbal comments at City Council meeting)

DATE: March 21, 2022

Response 2.1

The commenter indicates his support of the project.

The commenter's support of the project is noted and will be considered by City decisionmakers as they review the project.

Response 2.2

The commenter states his agreement with the conclusions of the Draft IS-ND and expresses support for the implementation of the identified best management practices related to the protection of nesting birds.

The commenter's agreement with the Draft IS-ND is noted.

Response 2.3

The commenter requests that the City continue providing updates on the project and share with the public any photos of wildlife encountered.

The City will continue providing public notice of the project as required under CEQA and other applicable laws. City staff and decisionmakers will consider the commenter’s request for sharing photos of any wildlife encountered during project activities with the public.

Letter 3

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

March 28, 2022

Mr. Charles Cable
City of Port Hueneme
250 N. Ventura Rd.
Port Hueneme, CA 93401
CCable@ci.port-hueneme.ca.us

Subject: Bubbling Springs Natural Channel Vegetation Removal Project, Mitigative Negative Declaration Report, SCH #2022020569 Ventura County, City of Port Hueneme

Dear Mr. Cable:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Thousand Oaks' (Lead Agency) Mitigated Negative Declaration (MND) for the Bubbling Springs Vegetation Removal (Project). The Lead Agency prepared a MND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project.

Thank you for the opportunity to provide comments and recommendations regarding those 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; Pub. Resources Code, § 21070; 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. 1

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, as necessary.

Project Description and Summary

Objective: The City of Port Hueneme (City) aims to remove native vegetation from the Bubbling Springs Recreation Greenbelt to allow for maximum water drainage capacity. The proposed project consists of periodically removing cattails (*Typha angustifolia* and *T. latifolia*) and bulrush (*Schoenoplectus californicus*) from within the Bubbling Springs Natural Channel. No excavation of channel materials or use of herbicides is proposed. No tree, shrub, or other woody vegetation is anticipated to be removed.

Following the initial removal activities, Project activities will total approximately 40 workdays each year. Removal activities will occur either quarterly, semiannually, or in anticipation of storm events depending on growth patterns of the cattails and bulrush plants in an effort to prevent vegetation from becoming established in the channel. Additional maintenance would be conducted by the City on an as-needed basis to prevent reestablishment of in-channel vegetation. 1 (cont.)

Location: The Project will occur along and within, the Bubbling Springs Recreation Greenbelt. The site will traverse 23 land parcels between Bard Road and J Street Pump Station. Activities will occur in and around the creek.

Comments and Recommendations

CDFW offers the below comments and recommendations to assist the City in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. Additional comments or other suggestions may also be included to improve the document.

Specific Comments

Comment #1: Focus surveys for Southwestern Pond Turtle (*Emys marmorata*)

Issue: Observations of two individual southwestern pond turtles (*Emys marmorata*) were made during reconnaissance-level surveys. Since this stream is occupied by pond turtle CDFW recommends assessing Project alternatives that avoid impacts to this California Species of Special Concern (SSC).

Specific Impacts: The Project as proposed will result in the loss of habitat occupied by pond turtle, a SSC. Pond turtles aestivate underground and are only reliably detected above ground from May-July. Vegetation clearing activities that take place while pond turtle is aestivating underground could result in trampling, burial, or death. A lack of protocol surveys will likely lead to impacts to pond turtle. 2

Why impact would occur: The southwestern pond turtle, is the only turtle native to coastal California and is classified as a SSC. The largest threats currently facing pond turtle are land

use changes, fragmentation, and degradation of existing habitat, as well as possible impacts via competition and predation by introduced species (Thomson et al. 2016). The pond turtle is considered a habitat generalist because it inhabits many types of water bodies ranging from permanent to intermittent and from freshwater to brackish environments and have been known to use highly degraded and marginal habitat (USGS 2006). Impacts to WPT could result from vegetation clearing and other ground disturbing activities. Ground clearing and construction activities could lead to the direct mortality. The loss of occupied and suitable habitat could yield a loss of foraging potential, nesting sites, roosting sites, critical basking spots or refugia and would constitute a significant impact absent appropriate mitigation.

Evidence impact would be significant: CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Due to the potential impact the Project may place on the southwestern pond turtle CDFW recommends the City performs an analysis to determine the necessity of the Project as proposed. Studies could include a geomorphological and hydrological studies of Bubbling Springs channel. Additionally, CDFW recommends looking into alternatives to the Project such as the addition of grated pipes to drain high flows instead of vegetation clearing.

Mitigation Measure #2: CDFW agrees that appropriately timed focus surveys should be conducted by a qualified biologist before any vegetation clearing activities. Surveys should be conducted during the time of greatest pond turtle activity, typically during the breeding season (May - July), and when pond turtles have not left the water to aestivate or overwinter in the uplands. To reduce impacts to WPT to less than significant, CDFW recommends that the Project follow the USGS's 2006 Staff Report on WPT*, DRAFT USGS Western Pond Turtle (Emys marmorata) Visual Survey Protocol for the Southcoast Ecoregion*. All survey efforts should be conducted prior to any project activities that could result in habitat disturbance to soil, vegetation, or other sheltering habitat for WPT. To allow CDFW to determine the extent of impacts to the species associated with the Project and provide meaningful avoidance, minimization, and mitigation measures. CDFW recommends the MND be recirculated after these surveys are completed to fully disclose the potential impacts to the number and kind of turtles. Additionally, any proposed mitigation area should include a discussion on the territory size and breeding locations and how all life cycle functions will be mitigated.

Mitigation Measure #3: Cattail and bulrush are native plants that provide shelter and habitat to special-status species like the pond turtle. Approximately 6.68 acres of cattail and bulrush exist in and along the Bubbling Springs natural channel within the Project area. CDFW recommends the City removes no more than 1/3 (maximum 2.23 acres) of the cattail and bulrush vegetation present in the Project area annually.

2 (cont.)

Comment #2: Impacts to Streams

Issue: CDFW is concerned that Projects may support streams subject to notification under Fish & Game code section 1600 *et seq*.

3

Specific impacts: Projects may result in degradation of water quality with the disturbance of topsoil within the streambed.

Why impacts would occur: Ground disturbance activities (e.g., grading, filling, water diversions, and dewatering) would physically remove or otherwise alter existing streams or their function and associated riparian habitat. Debris, soil, silt, sawdust, rubbish, raw cement/concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream. Downstream waters and associated biological resources beyond a Project(s) development footprint may also be impacted by Project(s) related releases of sediment and altered watershed effects.

Evidence impacts would be significant: Fish and Game Code, section 1602 requires any person, State or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following: divert or obstruct the natural flow of any river, stream, or lake; change the bed, channel, or bank of any river, stream, or lake; use material from any river, stream, or lake; or, deposit or dispose of material into any river, stream, or lake. The Project may adversely affect the existing hydrology pattern of the Project site as well as downstream. This may occur through the alteration of flows to streams. In addition, impacts to biological resources off site, may occur. The Project may substantially adversely affect the existing stormwater flows into streams through the alteration of drainages on site. It is unclear if these stormwater diversions would impact biological resources offsite because an investigation has not been made to determine so. Therefore, appropriate avoidance, minimization, and mitigations have not been determined. Inadequate investigation may result in the Project continuing to have a substantial adverse direct 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.

3 (cont.)

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Projects may result in the alteration of streams. For any such activities, the Project(s) applicant (or "entity") should provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish & Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. An LSA notification package may be obtained by accessing CDFW's web site at https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS (CDFWa 2022).

CDFW's issuance of an LSA Agreement for Project(s) that are 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(s). 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 Agreement.

Mitigation Measure #2: CDFW recommends a weed management plan be developed for the project area. Implementation of the Plan should be done both during construction and for the life

of the Project. Soil disturbance such as maintenance including mowing or vegetation clearing around stream promotes the reestablishment and growth of non-native weeds. As a part of the Project, non-native weeds should be prevented from becoming established both during and after Project activities, to control the spread of invasive plants. The Project should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in the Plan. Monitoring for the spread of invasive weeds to adjacent lands should also be included. CDFW requests annual reports of weed monitoring be submitted for review.

3 (cont.)

Recommendation #1: Any LSA Agreement issued for Projects by CDFW may include additional measures protective of streambeds on and downstream of the Project(s). The LSA Agreement 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 an LSA Agreement may include the following: avoidance of resources; on-site or off-site habitat creation, enhancement, or restoration; and/or protection and management of mitigation lands in perpetuity.

Comment #3: Survey Protocols for Special-Status Wildlife

Issue: A review of the California Natural Diversity Database (CNDDB) revealed several special-status species which may occur within the geographical limits of the Project(s). There is no mention of protocol surveys for the following special-status species including; the southern California legless lizard (*Anniella stebbinsi,* SSC), coast horned lizard (*Phrynosoma blainvillii,* SSC), two-striped garter snake (*Thamnophis hammondii,* SSC); the coastal whiptail (*Aspidoscelis tigris stejnegeri*, SSC); tri-colored blackbird (*Agelaius tricolor*, SSC); and the monarch butterfly *(Danaus plexippus*, candidate species).

Specific impacts: A 9-quad search of the CNDDB revealed several special status species which may occur on or within the vicinity of Projects. Without reliable species-specific protocol surveys, these species may be directly or indirectly impacted. Projects may remove suitable habitat and indirect effects such as noise, dust, and artificial lighting may also adversely impact special status species.

4

Why impacts would occur: Project(s) activities have the potential to impact special status wildlife species, which have been documented to occur in the region. A lack of protocol surveys will likely result in avoidable impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival. Ground clearing and construction activities could lead to the direct mortality of a listed species or SSC. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, basking sites, or refugia and would constitute a significant impact absent appropriate mitigation.

Evidence impact would be significant: CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends focus surveys for the above species**.** To allow CDFW to determine the extent of impacts to the species associated with the Project and provide meaningful avoidance, minimization, and mitigation measures. CDFW recommends the MND be recirculated after these surveys are

completed to fully disclose the potential impacts to specially listed species. Additionally, any proposed mitigation area should include a discussion on the territory size and breeding locations and how all life cycle functions will be mitigated.

The following mitigation measures are suggested for impacts to reptiles:

Mitigation Measure #1: To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed recommendations as to avoidance, minimization, and mitigation measures. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. 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 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: Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the 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; and the documentation/recordation of the number of animals relocated. CDFW recommends the City coordinate with CDFW and/or U.S. Fish and Wildlife Service (USFWS) prior to any ground disturbing activities within potentially occupied habitat.

4 (cont.)

The following mitigation measures are suggested for impacts to tri-colored blackbird (*Agelaius tricolor*):

Mitigation Measure #1: To disclose impacts to tri-colored blackbird (*Agelaius tricolor*) CDFW recommends survey methods outlined in *Triennial Tricolored Blackbird Statewide Survey* (Meese 2017).

Mitigation Measure #2: CDFW recommends fully avoiding impacts to tri-colored black bird. CDFW recommends the Applicant submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be developed prior to implementing Project related activities.

The following mitigation measures are suggested for impacts to monarch butterfly *(Danaus plexippus):*

Mitigation Measure #1: CDFW recommends that a qualified biologist conduct a habitat assessment, within 30 days of Project(s) implementation, to determine if the Project(s) area or its immediate vicinity contain habitat suitable to support monarchs.

Mitigation Measure #2: If suitable habitat is present, CDFW recommends assessing presence of monarchs by conducting protocol surveys consistent with USFWS recommendations (see https://xerces.org/publications/planning-management/western-monarch-butterfly-conservation-recommendations (USFWS 2021).

Mitigation Measure #3: If monarch butterflies are detected within or in the vicinity of Project(s) areas, The City will consult CDFW and USFWS, prior to Project(s) implementation to discuss how to implement ground-disturbing activities and avoid take.

4 (cont.)

Comment #4: Impacts to Burrowing Owls (*Athene cunicularia*)

Issue: The Project may impact burrowing owls.

Specific Impacts: The Project as proposed may impact specially listed burrowing owls by increasing human presence, traffic, noise, air pollutants and dust. Project disturbance activities may result in crushing, causing the death or injury of adults, eggs, and young.

Why impact would occur: The Project did not offer focus surveys for burrowing owl. These survey results should be disclosed in the MND. This is necessary to determine presence or absence in site-access areas. Burrowing owls have been known to use highly degraded and marginal habitat where existing burrows or stem pipes are available. Without conducting protocol presence/absence surveys, Project impacts to burrowing owl could result from movement of vehicles and equipment near or on burrowing sites. Project disturbance activities may result in crushing or filling of active owl burrows, causing the death or injury of adults, eggs, and young. The Project may remove burrowing owl foraging habitat by eliminating native vegetation that supports essential rodent, insect, and reptile that are prey for burrowing owl. Rodent control activities could result in direct and secondary poisoning of burrowing owl ingesting treated rodents.

Evidence impact would be significant: Take of individual burrowing owls and their nests is defined by Fish and Game Code, section 86 and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code, section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Without appropriate take avoidance surveys prior to project operations including, but not limited to, ground and vegetation disturbing activities and rodent control activities, adverse impacts to burrowing owl may occur because species presence/absence has not been verified. In addition, burrowing owl qualifies for enhanced consideration afforded to species under CEQA, which can be shown to meet the criteria for listing as endangered, rare or threatened (CEQA Guidelines, § 15380(d)). Insufficient survey efforts for burrowing owl may conclude false negative results, which would not require avoidance and mitigation measure implementation. Inadequate avoidance and mitigation measures will result in the Project continuing to have a substantial adverse direct 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 USFWS.

5

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To reduce impacts to burrowing owl to less than significant, CDFW recommends that the Project adhere to CDFW’s March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (CDFWb 2012). All survey efforts should be conducted during the appropriately timed season as specified in the protocol. Likewise, surveys should be conducted prior to any project activities that could result in habitat disturbance to soil, vegetation, or other sheltering habitat for burrowing owl. In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for

breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June. Additionally, CDFW is concerned about burrowing owls during the non-breeding season as the project activities will likely occur during the over-wintering period (September to 31 January). Protocols for non-breeding surveys can also be accessed within CDFW's March 7, 2012, *Staff Report on Burrowing Owl Mitigation*. Once it is determined that breeding or overwintering owls are or are not present, avoidance should be proposed by the City in subsequent environmental documents. 5 (cont.)

Mitigation Measure #2: Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl should be avoided.

Comment #5: Impacts to Sensitive Plant Communities

Issue: Cattails and bulrush are native plants which compose sensitive plant communities ranked S4-S5 according to the *National Vegetation Classification Standard* (NVCS) (CDFWc 2022). CDFW is concerned with the lack of mitigation measures put forth within the MND for these communities and special-listed plants.

Specific Impacts: Protocols used for the 2021 plant surveys within the MND do not adequately describe vegetation, beyond generic assemblages that are too large scale to determine uniqueness, rareness, value in the landscape, or base restoration planting appropriateness. 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.

Why impacts would occur: A lack of protocol surveys will likely lead to impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival. The vegetation maps (Figures 4 & 5) within Appendix B titled "Vegetation Communities and Other Land Cover," do not categorize vegetation communities consistent with the *National Vegetation Classification Standard* (NVCS). Plant communities present should be mapped and described based on their alliances and association as described in the NVCS. Without NVCS names identified for the vegetation communities CDFW is unable to determine if the project may impact sensitive vegetation communities or wildlife species that depend on these communities. Likewise, CDFW would be unable to effectively recommend appropriate avoidance, minimization and/or mitigation measures. 6

Further, the MND does not offer mitigation for sensitive plant communities or rare plants based on the assumption that occurrence is unlikely given current conditions. In the MND it states, "Given…the dominance of non-native plant species in the tree, shrub, and herbaceous layers, regulated plant species habitat requirements are almost entirely lacking within the project site and immediate vicinity. Therefore, no regulated plant species are expected to occur within the project site." Thus, no mitigation measures were offered in the event rare plant species were identified on the stream banks at any point in the Project. CNDDB searches and non-standardized surveying methods do not provide a sufficient level of information to determine species presence or absence. Disclosure, avoidance, and mitigation measures should all be

provided within the MND. Take of CESA-listed rare plants may only be permitted through an incidental take permit (ITP) or other authorization issued by the Department pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned the loss of CESA-listed rare plants may occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted.

Evidence impacts 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 special status 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 USFWS. Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks page for additional rank definitions.

Mitigation Measure #1: A nine-quad CNDDB review should be performed. Pre-project surveys restricted to known CNDDB rare plant locations may not identify all special status plants and communities present and do not provide a sufficient level of information to determine potential impacts (CDFWd 2018).

6 (cont.)

Mitigation Measure #2: Vegetation surveys should be conducted following systematic field techniques outlined by CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFWd 2018). The amount of time and level of effort for a given should be determined based on the vegetation and its overall diversity and structural complexity (CDFWd 2018). For example, one person-hour per eight acres per survey date is needed for a comprehensive field survey in grassland with medium diversity and moderate terrain, with additional time allocated for species identification (CDFWd 2018). Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFWd 2018).

Mitigation Measure #3: Plant communities present should be mapped and described based on their alliances and associations to accurately identify the biological resources onsite and potential impacts to those resources. Mapping should include the project site and areas that will be directly or indirectly impacted.

Mitigation Measure #4: CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their

associated habitat. CDFW recommends all impacts to S4 and S5 communities (Hardstem and California bulrush marshes and Cattail marshes) be mitigate at a minimum 3:1 ratio.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by 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 for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

Mitigation Measure #5: CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat.

1. The MND should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).

2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of onsite mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

6 (cont.)

Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Mitigation Measure #6: The MND should provide species-specific measures to fully avoid impacts to all Endangered Species Act (ESA)- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.

Comment #6: Handling and Relocation of Non-game Animals

Issue: Plants within the MND include plans to relocate WPT and other non-game animals. Handling and relocation of non-game animals requires a scientific collections permit or an LSA

7

agreement.

Specific impacts: Scientific collection permits provide CDFW with the opportunity to better manage the state's resources by providing feedback to the applicant before the project takes place. Additionally, it ensures that project proponents are in compliance with the law.

Why impacts would occur: Within the MND it states, "To minimize impacts to special status species, the capture and relocation of individuals would be implemented only in the event that impacts cannot be avoided while undertaking project activities" and "During capture and relocation activities, it is anticipated native non-special status species would be incidentally encountered and may require relocation to suitable habitats away from the project site." Although handling and relocation will be done by a qualified biologist, it should be specified that the biologist retained by the City is in possession of a scientific collections permit.

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

Mitigation Measure #1: The Applicant applies for a scientific collection permit for SSC and non-listed species. Permit applications can be found at https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678 (CDFWe 2020). Otherwise, an LSA agreement should put in place that contains specific conditions on handling and collection of species.

Recommendation #1: If "take" or adverse impacts to CESA- listed species cannot be avoided either during Project construction and over the life of the Project, the City must consult with CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 *et seq*.).

7 (cont.)

Additional Recommendations

Nesting Season

It should be noted that some bird species such as Ana's hummingbird (*Calypte anna*) and larger raptors nest in January, outside of the standard nesting season, and so considerations should be made in regard to their potential presence. Observations of breeding/nesting threatened or endangered bird species during surveys should be reported immediately to CDFW.

8

Monitoring Plan

CDFW recommends the City/Applicant develops a monitoring plan (Plan) to measure the success of the vegetation removal activities. At a minimum, the Plan shall identify all performance standards, success criteria, maintenance measures and schedule, monitoring and reporting requirements, contingencies, adaptive management strategies, and funding sources, such as an endowment for long-term management.

9

Bank Vegetation Surveys

CDFW recommends that subsequent surveys occur before any vegetation is removed from the banks. These surveys should be conducted by a qualified biologist knowledgeable of local vegetation.

10

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

11

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City 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 Angela Castañon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov

Sincerely,

DocuSigned by:
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1- Impacts to Western Pond Turtle	Due to the potential impact the Project may place on the southwestern pond turtle CDFW recommends the City performs an analysis to determine the necessity of the Project as proposed. Studies could include a geomorphological and hydrological studies of Bubbling Springs channel. Additionally, CDFW recommends looking into alternatives to the Project such as the addition of grated pipes to drain high flows instead of vegetation clearing.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-2- Impacts to Western Pond Turtle	CDFW agrees that appropriately-timed focus surveys should be conducted by a qualified biologist before any vegetation clearing activities. Surveys should be conducted during the time of greatest pond turtle activity, typically during the breeding season (May - July), and when pond turtles have not left the water to aestivate or overwinter in the uplands. To reduce impacts to WPT to less than significant, CDFW recommends that the Project follow the USGS's 2006 Staff Report on WPT, *DRAFT USGS Western Pond Turtle (Emys marmorata) Visual Survey Protocol for the Southcoast Ecoregion*. All survey efforts should be conducted prior to any project activities that could result in habitat disturbance to soil, vegetation, or other sheltering habitat for WPT. To allow CDFW to	Prior to Project construction and activities	City of Port Hueneme/ Applicant

	determine the extent of impacts to the species associated with the Project and provide meaningful avoidance, minimization, and mitigation measures. CDFW recommends the MND be recirculated after these surveys are completed to fully disclose the potential impacts to the number and kind of turtles. Additionally, any proposed mitigation area should include a discussion on the territory size and breeding locations and how all life cycle functions will be mitigated.		
MM-BIO-3-Impacts to Western Pond Turtle	Cattail and bulrush are native plants that provide shelter and habitat to special-status species like the pond turtle. Approximately 6.68 acres of cattail and bulrush exist in and along the Bubbling Springs natural channel within the Project area. CDFW recommends the City removes no more than 1/3 (maximum 2.23 acres) of the cattail and bulrush vegetation present in the Project area annually.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-4-Impacts to Streams	Projects may result in the alteration of streams. For any such activities, the Project(s) applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish & Game Code. Based on this notification and other information, CDFW determines whether a LSA Agreement with the applicant is required prior to conducting the proposed activities. An LSA notification package may be obtained by accessing CDFW's web site at https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS. CDFW's issuance of an LSA Agreement for Project(s) that are 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(s). 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,	Prior to Project construction and activities	City of Port Hueneme/ Applicant

	monitoring and reporting commitments for issuance of the LSA Agreement.		
MM-BIO-5- Impacts to Streams	CDFW recommends a weed management plan be developed for the project area. Implementation of the Plan should be done both during construction and for the life of the Project. Soil disturbance such as maintenance including mowing or vegetation clearing around stream promotes the reestablishment and growth of non-native weeds. As a part of the Project, non-native weeds should be prevented from becoming established both during and after Project activities, to control the spread of invasive plants. The Project should be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring should be included in the Plan. Monitoring for the spread of invasive weeds to adjacent lands should also be included. CDFW requests annual reports of weed monitoring be submitted for review.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-6- Impacts to Special-Status Reptiles	To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed recommendations as to avoidance, minimization, and mitigation measures. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. 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 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.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-7- Impacts to Special-Status Reptiles	Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be	Prior to Project	City of Port Hueneme/ Applicant

	conducted for the 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; and the documentation/recordation of the number of animals relocated. CDFW recommends the City coordinate with CDFW and/or USFWS prior to any ground disturbing activities within potentially occupied habitat.	construction and activities	
MM-BIO-8- Impacts to Tri-Colored Blackbird	To disclose impacts to tri-colored blackbird (*Agelaius tricolor*) CDFW recommends survey methods outlined in *Triennial Tricolored Blackbird Statewide Survey* (Meese 2017).	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-9- Impacts to Tri-Colored Blackbird	CDFW recommends fully avoiding impacts to tri-colored black bird. CDFW recommends the Applicant submit an avoidance plan to CDFW for review and comment. A final avoidance plan should be developed prior to implementing Project related activities.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-10- Impacts to Monarch Butterfly	CDFW recommends that a qualified biologist conduct a habitat assessment, within 30 days of Project(s) implementation, to determine if the Project(s) area or its immediate vicinity contain habitat suitable to support monarchs.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-11- Impacts to Monarch Butterfly	If suitable habitat is present, CDFW recommends assessing presence of monarchs by conducting protocol surveys consistent with USFWS recommendations (see www.fs.fed.us/wildflowers/pollinators/monarch_butterfly/documents/monarch-monitoring_en.pdf).	Prior to Project construction and activities	City of Port Hueneme/ Applicant

MM-BIO-12- Impacts to Monarch Butterfly	If monarch butterflies are detected within or in the vicinity of Project(s) areas, The City will consult CDFW and USFWS, prior to Project(s) implementation to discuss how to implement ground-disturbing activities and avoid take.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-13- Impacts to Burrowing Owls	To reduce impacts to burrowing owl to less than significant, CDFW recommends that the Project adhere to CDFW's March 7, 2012, *Staff Report on Burrowing Owl Mitigation* (CDFWb 2012). All survey efforts should be conducted during the appropriately timed season as specified in the protocol. Likewise, surveys should be conducted prior to any project activities that could result in habitat disturbance to soil, vegetation, or other sheltering habitat for burrowing owl. In California, the burrowing owl breeding season extends from 1 February to 31 August with some variances by geographic location and climatic conditions. Survey protocol for breeding season owl surveys states to conduct 4 survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June. Additionally, CDFW is concerned about burrowing owls during the non-breeding season as the project activities will likely occur during the over-wintering period (September to 31 January). Protocols for non-breeding surveys can also be accessed within CDFW's March 7, 2012, *Staff Report on Burrowing Owl Mitigation*. Once it is determined that breeding or overwintering owls are or are not present, avoidance should be proposed by the City in subsequent environmental documents.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-14- Impacts to Burrowing Owls	Project use of rodenticides that could result in direct or secondary poisoning to burrowing owl should be avoided.	Prior to/ During Project construction and activities	City of Port Hueneme/ Applicant

MM-BIO-15-Impacts to Sensitive Vegetation Communities	A nine-quad CNDDB review should be performed. Pre-project surveys restricted to known CNDDB rare plant locations may not identify all special status plants and communities present and do not provide a sufficient level of information to determine potential impacts (CDFW 2018).	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-16-Impacts to Sensitive Vegetation Communities	Vegetation surveys should be conducted following systematic field techniques outlined by CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.* The amount of time and level of effort for a given should be determined based on the vegetation and its overall diversity and structural complexity (CDFW 2018). For example, one person-hour per eight acres per survey date is needed for a comprehensive field survey in grassland with medium diversity and moderate terrain, with additional time allocated for species identification (CDFW 2018). Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFW 2018).	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-17-Impacts to Sensitive Vegetation Communities	Plant communities present should be mapped and described based on their alliances and associations to accurately identify the biological resources onsite and potential impacts to those resources. Mapping should include the project site and areas that will be directly or indirectly impacted.	Prior to Project construction and activities	City of Port Hueneme/ Applicant

MM-BIO-18-Impacts to Sensitive Vegetation Communities	CDFW recommends avoiding any sensitive natural communities found on the Project. If avoidance is not feasible, the Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. CDFW recommends all impacts to S4 and S5 communities (Hardstem and California bulrush marshes and Cattail marshes) be mitigate at a minimum 3:1 ratio. All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by 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 for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-19-Impacts to Sensitive Vegetation Communities	CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. 1. The MND should provide a map showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species). 2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of onsite mitigation and	Prior to Project construction and activities	City of Port Hueneme/ Applicant

	adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques. Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.		
MM-BIO-20-Impacts to Sensitive Vegetation Communities	The MND should provide species-specific measures to fully avoid impacts to all Endangered Species Act (ESA)- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no-work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
MM-BIO-21-Scientific Collection Permit	The Applicant applies for a scientific collection permit for SSC and non-listed species (see https://wildlife.ca.gov/Licensing/Scientific-Collecting#53949678, CDFWb 2020). Otherwise an LSA agreement should put in place that contains specific conditions on handling and collection of species.	Prior to construction and activities	City of Port Hueneme/ Applicant

REC-1- LSA Agreement	Any LSA Agreement issued for Projects by CDFW may include additional measures protective of streambeds on and downstream of the Project(s). The LSA Agreement 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 an LSA Agreement may include the following: avoidance of resources; on-site or off-site habitat creation, enhancement, or restoration; and/or protection and management of mitigation lands in perpetuity.	Prior to Project construction and activities	City of Port Hueneme/ Applicant
REC-2- CESA ITP	If "take" or adverse impacts to CESA- listed species cannot be avoided either during Project construction and over the life of the Project, the City must consult with CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 *et seq.*).	Prior to construction and activities	City of Port Hueneme/ Applicant
REC-3- Nesting Season	It should be noted that some bird species such as Ana's hummingbird (*Calypte anna*) and larger raptors nest in January, outside of the standard nesting season, and so considerations should be made in regard to their potential presence. Observations of breeding/nesting threatened or endangered bird species during surveys should be reported immediately to CDFW.	Prior to/During construction and activities	City of Port Hueneme/ Applicant
REC-4- Monitoring Plan	CDFW recommends the City/Applicant develops a monitoring plan (Plan) to measure the success of the vegetation removal activities. At a minimum, the Plan shall identify all performance standards, success criteria, maintenance measures and schedule, monitoring and reporting requirements, contingencies, adaptive management strategies, and funding sources, such as an endowment for long-term management.	Prior to/During construction and activities	City of Port Hueneme/ Applicant
REC-5- Bank Surveys	CDFW recommends that subsequent surveys occur before any vegetation is removed from the banks. These surveys should be conducted by a qualified biologist knowledgeable of local vegetation.	Prior to/During construction and activities	City of Port Hueneme/ Applicant

Letter 3

COMMENTER: Erinn Wilson-Olgin, Environmental Program Manager I, California Department of Fish and Wildlife South Coast Region

DATE: March 28, 2022

Response 3.1

The commenter provides an overview of the California Department of Fish and Wildlife (CDFW) and its roles as trustee agency and responsible agency under CEQA. The commenter also provides a summary of the proposed project and states the letter includes comments and recommendations to address potential project impacts to biological resources.

The commenter erroneously identified the City of Thousand Oaks as the lead agency for the proposed project; the lead agency for the project is the City of Port Hueneme. The commenter also erroneously identified the CEQA document as a Mitigated Negative Declaration. The City proposes to adopt a Negative Declaration under CEQA for the project because the Initial Study concluded project impacts to all environmental resource categories would be less than significant, and no mitigation is proposed. Individual responses regarding the commenter's concerns on environmental impacts are addressed below in Responses 3.2 through 3.11.

Response 3.2

The commenter expresses a concern the project would result in adverse impacts to western pond turtle due to trampling, burial, or death during vegetation clearing and other ground-disturbing activities should they be aestivating underground. The commenter also expresses a concern the project would result in a loss of occupied and suitable habitat, leading to a loss of foraging potential, nesting sites, roosting sites, critical basking spots, or refugia. The commenter recommends implementation of mitigation measures to address potential impacts to western pond turtle, including studies to determine the necessity of the project and a review of project alternatives. The commenter also recommends conducting protocol surveys for western pond turtle and the inclusion of the results in a recirculated CEQA document. Finally, the commenter suggests limiting the amount of vegetation removed each year to no more than one-third of the total cattail and bulrush vegetation in the project area because the plants provide shelter and habitat to special status species, such as western pond turtle.

Please refer to Response 1.4 for a discussion of the project's beneficial effects to habitat for western pond turtle. The Draft IS-ND evaluates the project as proposed; it is not the purpose of CEQA to determine the necessity of the project. Therefore, additional analysis to determine the necessity of the project is outside the scope of CEQA. In addition, as noted under Response 1.3, the inclusion of an analysis of project alternatives is only required for environmental impact reports. Therefore, the Draft IS-ND is not required by CEQA to include an evaluation of project alternatives.

As outlined under *Description of Project* in the Draft IS-ND, the project includes implementation of BMP 4, which consists of pre-activity surveys (BMP 4). Prior to any vegetation removal activities, a pre-activity survey would be performed to identify the presence, or potential for presence, of special status species, with special focus on detecting western pond turtles. The pre-activity survey would be completed by biologists qualified in detection of pond turtles and would be performed throughout all areas where vegetation removal would be conducted and where project activities

might impact upland and aquatic features. Mechanized equipment would be used for project activities to a minimal extent, only to remove dense patches of cattail and bulrush vegetation where accessible; otherwise, hand equipment would be used to cut vegetation.

If western pond turtle are detected during the pre-activity survey the qualified biologist would determine if western pond turtles could be aestivating underground near the project work area. If potential aestivation sites are identified, avoidance buffers of no less than 50 feet would be established prior to commencing any work activities as part of BMP 6, outlined under *Description of Project* in the Draft IS-ND. If avoidance of aestivating western pond turtle is not feasible, work would be rescheduled or relocated to avoid impacts to the species. Additionally, if any other special status species, including western pond turtle, are determined to be present during the pre-activity survey, a qualified biological monitor would be contracted by the City prior to conducting vegetation removal activities, as provided in BMP 8, outlined under *Description of Project* in the Draft IS-ND. The contracted qualified biological monitor would be present during all vegetation removal activities occurring within or adjacent to habitat areas where western pond turtle, or other special status species, are known to be present. The monitor's responsibilities would include observing and documenting project activities and providing recommendations designed to avoid or minimize potential impacts to special status species and ensure compliance with any applicable permits. As stated in BMP 8 under *Description of Project* in the Draft IS-ND, the monitor would retain stop-work authority for instances in which special status species are observed to be at risk.

As stated on page 30 in Section 4, *Biological Resources* of the Draft IS-ND, the analysis in the Draft IS-ND and in its supporting Biological Resources Assessment conservatively assumes presence of western pond turtle within the project site given it was observed during the field reconnaissance survey. Therefore, protocol-level surveys are not necessary to determine whether the project would result in significant impacts to western pond turtle under CEQA. Recirculation of the Draft IS-ND is not warranted because the results of such surveys would not result in a new significant impact that was not already identified in the Draft IS-ND given the presence of western pond turtle was already presumed. The Draft IS-ND concludes project impacts to western pond turtle would be less than significant because the project would implement BMPs 2, 4, 6, 7, and 8, and no mitigation was required.

The Draft IS-ND evaluates the project as proposed, which includes full removal of the cattail and bulrush overgrowth in the channel. As concluded by the Draft IS-ND, all environmental impacts associated with the proposed project would be less than significant. Therefore, limiting the extent of removal of cattails and bulrush is not necessary to mitigate a significant environmental impact.

Response 3.3

The commenter expresses a concern the project would degrade water quality by disturbing topsoil within the streambed, which may adversely affect aquatic life, wildlife, and riparian habitat. The commenter also expresses a concern the project may alter stream flows and stormwater flows, thereby affecting the existing hydrology of the project site and downstream areas. The commenter states the City may need to obtain a Lake or Streambed Alteration Agreement (LSAA) from CDFW and recommends the project's CEQA document fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments to minimize additional requirements from CDFW as they consider the project as a responsible agency under CEQA. The commenter also recommends development and implementation of a weed management plan. The commenter states the LSAA that may be issued

for the project may include further erosion and pollution control measures and measures to compensate for any on-site and off-site impacts to riparian resources.

Project impacts to riparian habitat and aquatic resources are summarized in Section 4, *Biological Resources*, of the Draft IS-ND and outlined in detail in the Biological Resources Assessment included as Appendix B to the Draft IS-ND. The City has already applied for an LSAA from CDFW, and on March 10, 2022, CDFW notified the City that the application was determined complete (EPIMS-VEN-25977-R5). The City welcomes the opportunity to engage with CDFW on negotiation of an LSAA, during which process additional conditions may be required. However, as determined in Section 4, *Biological Resources*, in Draft IS-ND, the project would not result in significant impacts to stream or riparian resources; therefore, no mitigation measures are required under CEQA.

The proposed vegetation removal approach is a clean scoop method to remove vegetation and minimize any contact with the channel bottom, thereby minimizing uplift and dispersal of sediment. Furthermore, BMP 2, which is outlined under *Description of Project* in the Draft IS-ND, limits conducting work to when the channel is dry, thereby further assuring minimal potential for impacting water quality or habitat. Work would be conducted periodically in a dry drainage channel, ideally between September 15 and December 31 or whenever the majority of the channel is dry. The project would restore the flow of water through the channel, thus benefitting water quality, aesthetics, and nutrient cycling; restoring stormwater runoff patterns; and minimizing flooding hazard.

BMP 1, outlined under *Description of Project* in the Draft IS-ND, includes methods that minimize the potential for any on-site and off-site impacts to stream and riparian resources, such as erosion control, sanitary/septic waste management, and materials pollution control. In addition, BMP 9 includes a requirement all vehicles, equipment, tools, and sediment and erosion control activities are free of invasive plant and animal species. Invasive species management protocols would be implemented for all project activities that occur within the Bubbling Springs channel, riparian, and riverine habitat. The Draft IS-ND concludes project impacts to riparian habitat and aquatic resources would be less than significant; therefore, the inclusion of a weed management plan is not necessary to mitigate project impacts.

Response 3.4

The commenter expresses a concern special-status species may be directly and/or indirectly impacted by the proposed project and the extent of impacts to these species cannot be fully known because protocol surveys were not conducted. The commenter recommends conducting protocol surveys and including the results in a recirculated CEQA document. The commenter also recommends development of a relocation plan for reptiles by a qualified biologist in consultation with CDFW prior to implementation of project activities. In addition, the commenter suggests the City coordinate with CDFW and/or United States Fish and Wildlife Service prior to ground-disturbing activities within potentially occupied habitat. The commenter also provides recommended mitigation measures for tri-colored blackbird and monarch butterfly.

The Biological Resources Assessment report prepared for the project, which is included in Appendix B of the Draft IS-ND, provides survey results, a literature review, and a full discussion of known occurrences for all special-status species within the project area. A five-mile radius was used for the California Natural Diversity Database (CNDDB) database search rather than a nine-quadrangle search area because of the proximity of the project site to the coastline and the urban, developed nature of the surrounding landscape. As such, this search area is sufficient to determine the

potential to occur for special status species. There are no occurrences of two-striped garter snake, coastal whiptail, or tri-colored blackbird recorded in the CNDDB within five miles of the project site. Furthermore, as stated in Appendix C to the Biological Resources Assessment, the following special status species have low to no potential to occur:

- **Southern California legless lizard (*Anniella stebbinsi*)**: Sandy and loamy soils occur within the biological Study Area; however, the terrestrial portion of the biological Study Area is entirely landscaped and developed. Therefore, the project site contains low-quality habitat for this species, and this species has a low potential to occur.
- **Coast horned lizard (*Phrynosoma blainvillii*):** No sandy wash habitat occurs within the biological Study Area. The terrestrial portion of the biological Study Area is entirely landscaped and developed. Therefore, this species has no potential to occur.
- **Monarch - California overwintering population (*Danaus plexippus*)**: Eucalyptus occurs within the biological Study Area but does not occur in groves, which are the preferential roosting site and aggregation habitat for this species. The terrestrial portion of the biological Study Area is entirely landscaped and developed. Therefore, this species has a low potential to occur.

The channel consists of a relatively low complexity cattail and bulrush vegetation community with patches of open channel lacking any vegetation and little bank topography. The banks of the channel consist of landscaped and developed terrain with minimal potential for refugia for special status reptiles. The portions of the project site where cattail and bulrush vegetation are to be removed does not constitute habitat for special status species. The density of aquatic vegetation precludes the presence of western pond turtle, little to no refugia is provided in adjacent uplands, and the urban disturbance of the adjacent area precludes nesting of special status bird species. The survey methodology outlined in the Biological Resources Assessment report was sufficient to detect special status species, including western pond turtle, based largely on a habitat assessment and given the geographic location, weather conditions, time of year, and relatively low biological complexity of the system.

As outlined under *Description of Project* in the Draft IS-ND, the project includes implementation of BMP 4, which consists of pre-activity surveys. Prior to any vegetation removal activities, a pre-activity survey would be performed to identify the presence, or potential for presence, of special status species. BMP 7, outlined under *Description of Project* in the Draft IS-ND, fully addresses procedures in the event species relocation by the qualified biologist is warranted. The City understands a relocation plan would be required by CDFW under the LSAA if western pond turtles are present and cannot be avoided by project activities. However, the inclusion of a relocation plan as a mitigation measure for the proposed project is not necessary given the Draft IS-ND concludes the proposed project with implementation of the identified BMPs would result in less-than-significant impacts to special status species.

Although tri-colored blackbird has not been documented in the CNDDB within a five-mile radius of the project site, implementation of BMP 4 (Pre-activity Surveys), BMP 5 (Nesting Birds), and BMP 6 (Special Status Species Avoidance Buffers) would avoid project impacts to tri-colored black bird, if present. If an active nest is found, a qualified biologist would establish an avoidance buffer appropriate to the species. In addition, although monarch butterfly has a low potential to occur at the project site due to the landscaped and developed nature of surrounding terrestrial areas at the project site and lack of potential aggregation habitat, impacts to the species would be avoided through implementation of avoidance buffers under BMP 6 if the species is detected during pre-

activity survey conducted pursuant to BMP 4. Therefore, no mitigation measures are necessary for these species.

Response 3.5

The commenter expresses a concern the project may impact burrowing owls and states the opinion focused surveys for burrowing owl are necessary to determine their presence or absence in site-access areas. The commenter recommends implementation of several mitigation measures, including focused surveys and the avoidance of use of rodenticides.

As stated on page C-8 of Appendix C of the BRA prepared for the project, which is included as Appendix B to the Draft IS-ND, breeding burrowing owl has no potential to occur on the project site, and foraging burrowing owl has low potential to occur on the project site because no grassland, desert, or scrubland vegetation community (i.e., suitable burrowing owl habitat) occurs. The project site and the surrounding terrestrial portion of the project site is mostly landscaped and developed with only minimal stretches of channel bank undeveloped. Undeveloped sections of the channel bank are within an urban developed landscape and provide no habitat opportunity of burrowing owl. Project activities would be limited to within the channel and limited access routes where no burrowing habitat occurs. No rodenticides would be used during project implementation. As a result, no impacts to burrowing owl would occur, and no mitigation measures are required.

Response 3.6

The commenter expresses a concern the Draft IS-ND does not include mitigation measures for sensitive plant communities because cattails and bulrush are native plants that compose sensitive plant communities ranked S4-S5. The commenter states the vegetation communities are not adequately described in the Draft IS-ND and that the vegetation communities are not mapped consistent with the *National Vegetation Classification Standard*, which precludes CDFW from determining whether the project would impact sensitive vegetation communities. The commenter also expresses concern no mitigation measures are proposed in the Draft IS-ND for rare plant species should they be identified on the stream banks during project activities. The commenter requests a nine-quad review of the CNDDB be performed and systematic vegetation surveys be performed. The commenter requests plant communities be mapped and described based on their alliances and associations. The commenter also recommends avoidance of any sensitive natural communities, and if avoidance is not feasible, mitigation at a ratio sufficient to achieve no net loss. The commenter recommends mitigation of impacts to S4 and S5 communities at a minimum 3:1 ratio. The commenter also suggests preparation of a restoration plan for all revegetation/restoration areas that will serve as mitigation. The commenter further suggests the CEQA document provide measures to fully mitigate the loss of federally and state-listed plants and habitat, including a map and table of plants or populations impacted and species-specific measures for on-site mitigation.

The vegetation community found on the project site is described in Biological Resources Assessment report, which is included as Appendix B of the Draft IS-ND. The vegetation community is classified as Cattail Marsh [*Typha* (*latifolia*, *angustifolia*)], which is ranked S5 and is not considered sensitive on the California Natural Community List. The cattail marsh community is mapped on Figures 4 and 5 in the Biological Resources Assessment report, and the specific herbaceous alliance referred to in this figure is detailed in Section 3.2.1 of the report. No mitigation for removal of cattail and bulrush is proposed in the IS-ND because this vegetation community is not sensitive; therefore, no impacts

requiring mitigation would occur under CEQA. In response to this comment, the following text has been added to Section 4, *Biological Resources*, of the IS-ND:

Section 4, Biological Resources

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Plant communities are considered sensitive biological resources if they have limited distributions, have high wildlife value, include sensitive species, or are particularly susceptible to disturbance. CDFW maintains a list of plant communities identified as sensitive (CDFW 2021b) based on the communities defined in *A Manual of California Vegetation, Second Edition* (Sawyer et al. 2009). Communities present within the project site and immediate vicinity include developed/landscaped land, open water, and cattail marshes [*Typha latifolia* Herbaceous Alliance]. The cattail marsh herbaceous alliance is typically found in semi-permanently flooded freshwater or brackish marsh habitats between 0 to 1,149 feet (0 to 350 meters) in elevation. Soils are typically clayey or silty. Narrowleaf cattail (*Typha angustifolia*) or common cattail (*Typha latifolia*) contributes to greater than 50 percent relative cover in the herbaceous layer; one or more cattail species may be present. The cattail marsh *Typha latifolia* Herbaceous Alliance is not considered a sensitive plant community (~~CNPS~~ CDFW 2021). Narrowleaf cattails and common cattails (cattails) occur throughout the project site and surrounding area. North of East Port Hueneme Road, cattails dominate the streambed creating large contiguous blocks with little to no other vegetation interspersed. South of East Port Hueneme Road, cattails occur in patches, but do not create large contiguous blocks. Additionally, cattail patches within this section of Bubbling Springs do not occur further south than approximately Moranda Park.

In addition, only one sensitive plant community, Southern Coastal Salt Marsh, is documented by the CNDDB within a five-mile radius of the project site, and neither this sensitive plant community nor any others were observed within the project site or a 50-foot buffer during the field reconnaissance survey. Suitable riparian habitat is present within the project site; however, the 30 special status plant species identified in the literature review, none of which are expected to occur within the project site, were not observed during the field reconnaissance survey. Furthermore, the project site lacks suitable habitat for listed special status plant species and is not located within any federally designated critical habitat for any listed plant species.

In certain circumstances, cattail vegetation can be considered sensitive riparian vegetation under CEQA; however, the cattail vegetation within the project area is polluted, heavily degraded, and does not provide the same biological functions and values that an intact cattail marsh would. The Biological Resources Assessment report, which is included as Appendix B of the Draft IS-ND, provides details on the CNDDB and CNPS queries for special status plants and wildlife. The standard reconnaissance survey performed of the project site and adjacent buffer area provided a level of effort sufficient to determine the potential for presence of special status species identified in the database queries based on a habitat assessment and direct observation. The project site where cattail and bulrush vegetation are to be removed does not constitute habitat for special status species. The density of aquatic vegetation precludes the presence of western pond turtle, little to no refugia is provided in adjacent uplands, and the urban disturbance of the adjacent area precludes nesting of special status bird species. The survey methodology outlined in the Biological Resources Assessment report was sufficient to detect special status species, including western pond turtle, based largely on a habitat assessment and given the geographic location, weather conditions, time

of year, and relatively low biological complexity of the system. Therefore, as concluded in Section 4, *Biological Resources*, of the Draft IS-ND, project impacts to riparian habitat and other sensitive natural communities would be less than significant.

The field reconnaissance survey, nine-quadrangle search of the California Native Plant Society Online Inventory of Rare Endangered Vascular Plants of California, California Native Plant Society, and literature review was completed for the project, and an assessment of the results are provided in the Potential to Occur table found in Appendix C of the Biological Resources Assessment included as Appendix B of the Draft IS-ND. As explained under Response 3.4, a five-mile radius was used for the CNDDB database search rather than a nine-quadrangle search area because of the proximity of the project site to the coastline and the urban, developed nature of the surrounding landscape. Rare plant species identified in the CNDDB review were determined to have no or low potential to occur within the project site; therefore, protocol-level surveys for rare plants are not necessary. As outlined under *Description of Project* in the Draft IS-ND, the project includes implementation of BMP 4, which consists of pre-activity surveys. Prior to any vegetation removal activities, a pre-activity survey would be performed to identify the presence, or potential for presence, of special status species, including special status plants. To clarify this point, the text of BMP 4 has been revised as follows:

> *BMP 4 – Pre-activity Surveys*
>
> Prior to any vegetation removal activities, a pre-activity survey would be conducted to identify the presence, or potential for presence, of special status ~~species~~ plants and wildlife. The pre-activity survey would be completed by a qualified biologist throughout all areas where vegetation removal would be conducted. The pre-activity survey would be completed no less than two weeks prior to the start of vegetation removal activities.

As stated in Section 4, *Biological Resources*, of the Draft IS-ND, given the largely developed and landscaped nature of the project site and immediate vicinity and the dominance of non-native plant species in the tree, shrub, and herbaceous layers, special status plant species habitat requirements are almost entirely lacking within the project site and immediate vicinity. Therefore, no special status plant species are expected to occur within the project site. As a result, the project would not result in impacts to plants listed under the federal or California Endangered Species Acts.

Response 3.7

The commenter states handling and re-location of non-game animals requires a scientific collection permit or an LSAA. The commenter also states that if "take" or adverse impacts to state-listed species cannot be avoided, the City must consult with CDFW as to whether an Incidental Take Permit under the California Endangered Species Act will be required.

The City understands and acknowledges this comment. The City has applied for an LSAA, and CDFW deemed the application complete on March 10, 2022. The City welcomes engagement with CDFW on negotiating the LSAA. The City will comply with all applicable requirements for handling and re-locating non-game animals and consulting with CDFW if relocations become necessary. As stated in BMP 7 under *Description of Project*, in the Draft IS-ND, "No federal or state threatened or endangered or candidate species would be captured or otherwise handled." At this time, western pond turtle is the only species anticipated to potentially require relocation and given that it is not listed under the California Endangered Species Act, there is no requirement for obtaining an Incidental Take Permit. If species listed under the federal or California Endangered Species Acts are

identified within the project site during pre-activity surveys conducted under BMP 4, no work would be performed, and the City would consult with relevant resource agencies for take avoidance or incidental take permits. Nevertheless, as concluded in Section 4, *Biological Resources*, of the Draft IS-ND, project impacts to biological resources would be less than significant. Therefore, mitigation measures related to obtaining scientific collection permits and/or an Incidental Take Permit are not required under CEQA to mitigate a significant project impact.

Response 3.8

The commenter requests consideration of the potential presence of some bird species such as Anna's hummingbird and larger raptors that nest in January outside the standard nesting season. The commenter requests breeding or nesting threatened, or endangered bird species observed during surveys be reported to CDFW.

The City acknowledges the potential for certain bird species to nest in January, outside of the typical nesting season. The BMPs included as part of the proposed project and outlined under *Description of Project* in the Draft IS-ND include completion of a pre-activity survey regardless of time of year and implementation of avoidance buffers if nesting birds are observed to protect those nesting birds. If Anna's hummingbird or large raptors are detected nesting during pre-activity surveys, the City would report these occurrences to CDFW.

Response 3.9

The commenter recommends the City develop a monitoring plan to measure the success of the vegetation removal activities.

The City will consider CDFW's recommendation for development of a monitoring plan to measure the success of vegetation removal activities. However, development of such a plan is not necessary to mitigate any environmental impacts under CEQA and therefore is not included in the Draft IS-ND.

Response 3.10

The commenter recommends the completion of further bank vegetation surveys by a qualified biologist before any vegetation is removed from the banks.

No vegetation is proposed to be removed from the banks of the channel as part of project activities. Therefore, further bank vegetation surveys are not warranted.

Response 3.11

The commenter summarizes the CDFW filing fee requirements and requests notification of future public hearings on the project.

The City would be required by law to pay all appropriate CDFW filing fees. The City will notify the commenter of future public hearings on the project.

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Letter 4

Making Conservation a California Way of Life.

March 28, 2022

Charles Cable
250 North Ventura Road
Port Hueneme, CA 93041

RE: Bubbling Springs Natural Channel Vegetation Removal Project - Negative Declaration (ND)
SCH # 2022020569
GTS # 07-VEN-2022-00476

Dear Charles Cable:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced Initial Study/Negative Declaration (ND). The project consists of periodic vegetation removal from the Bubbling Springs Natural Channel's bed and banks for approximately 40 workdays each year. Most of the vegetation to be removed consists of cattails (Typha angustifolia and T. latifolia) and bulrush (Schoenoplectus californicus) that have grown to heights of 10 feet or more with a density that spans the full width of the natural channel. Following initial vegetation removal, the city and its labor crews would periodically remove plant material within the bed and banks of the channel, either quarterly, semiannually, or in anticipation of storm events depending on growth patterns of the cattails and bulrush plants. Additional maintenance would be conducted on an as needed basis to prevent the reestablishment of in-channel vegetation that could affect channel capacity. Vegetation removal would be conducted with both mechanized and hand equipment. The City of Port Hueneme is the Lead Agency under the California Environmental Quality Act (CEQA). 1

The project is located approximately 2-3 miles West of State Route 1 (SR-1). From reviewing the ND, Caltrans does not expect project approval to result in a direct adverse impact to the State Highway System.

However, any transportation of heavy construction equipment and/or materials necessary for the project, which requires use of oversized-transport vehicles on State Highways will need a Caltrans transportation permit. Caltrans recommends that the Project limit construction traffic to off-peak periods to minimize the potential impact on State facilities. If construction traffic is expected to cause issues on any State facilities, including SR-1, please submit a construction traffic control plan detailing these issues for Caltrans' review.

If you have any questions regarding these comments, please contact Ronnie Escobar, the project coordinator, at Ronnie.Escobar@dot.ca.gov, and refer to GTS # 07-VEN-2022-00476. 1 (cont.)

Sincerely,

Miya Edmonson

MIYA EDMONSON
LDR/CEQA Branch Chief

cc: State Clearinghouse

Letter 4

COMMENTER: Miya Edmonson, LDR/CEQA Branch Chief, California Department of Transportation

DATE: March 28, 2022

Response 4.1

The commenter provides a summary of the proposed project, states the distance to the nearest State highway (State Route 1), and states the California Department of Transportation (Caltrans) does not expect that the proposed project would result in a direct adverse impact to existing State transportation facilities. The commenter notes that transportation of heavy construction equipment and/or materials, which require the use of oversized-transport vehicles on State highways, would require a Caltrans transportation permit. The commenter also recommends heavy-duty traffic be limited to off-peak periods to minimize the impact on State facilities. The commenter requests submittal of a construction traffic control plan to Caltrans should project traffic be expected to cause issues on any State facilities.

This comment is noted. Deliveries of equipment and materials to and from the project site would comply with all applicable rules and regulations. If use of oversized-transport vehicles is required as part of project activities, the required permit would be obtained. As discussed in Section 17, *Transportation*, of the Draft IS-ND, the project's transportation impacts would be less than significant.