

Notice of Exemption

To:

Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

From:

Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123



Street Address:

1400 Tenth Street
Sacramento, CA 95814

Project Title: Ventura River Fish Passage Improvements at Foster Park, Restoration Management Permit Number RMP-2022-005-R5 (Project)

Project Applicant: Phil Nelson, City of Ventura Public Works Department

Project Location (include county): The Project is located at the diversion dam along the Ventura River Foster Park, nearest address 438 Casitas Vista Road, in unincorporated Ventura County. The Project is located at approximately 34.355440, -119.309854.

Project Description: The California Department of Fish and Wildlife has taken final action to issue Restoration Management Permit Number RMP-2022-005-R5 to the City of Ventura for the Project. The Project will modify the existing diversion dam at Foster Park to include a trapezoidal notch that would improve fish passage and includes ongoing notch maintenance and obstruction removal to ensure fish passage for five years. The Project plans were designed to meet the physical and hydraulic design criteria (depth, velocity, and jump height parameters) included in the CDFW Salmonid Stream Habitat Restoration in order to provide adequate fish passage conditions for adult and juvenile Southern California steelhead (Covered Species) at varied instream conditions. Construction activities will temporarily occupy 0.15 acres of space, including staging and construction areas, and will be completed in the fall of 2022 when bird nesting season is complete (after September 15) and in advance of seasonal rains (before November 1).

Public Agency Approving Project: California Department of Fish and Wildlife

Person or Public Agency Carrying Out Project: City of Ventura Public Works Department

Exempt Status:

Categorical Exemption. Class 33; California Code of Regulations, title 14, section 15333; Small Habitat Restoration Projects

Reasons why project is exempt: See attached

CDFW Contact Person: Christian Romberger, Senior Environmental Scientist (Specialist), (562) 292-6365

DocuSigned by:
Edmund Pert
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8/10/2022

Signature:

Date:

Edmund Pert, Regional Manager
Region 5, South Coast Region

Date received for filing at OPR: _____



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



August 10, 2022

Attachment to Notice of Exemption

Ventura River Fish Passage Improvements at Foster Park. Restoration Management Permit No. RMP-2022-005-R5.

The California Department of Fish and Wildlife (CDFW), by and through its South Coast Regional Manager, has taken final action to issue Restoration Management Permit Number RMP-2022-005-R5 (RMP) for the Ventura River Fish Passage Improvements at Foster Park (Project) relying on the Class 33 Categorical Exemption under the California Environmental Quality Act (CEQA). The Project will modify the existing diversion dam at Foster Park to include a trapezoidal notch that would improve fish passage and includes and includes ongoing notch maintenance and obstruction removal to ensure fish passage for five years. The Project plans were designed to meet the physical and hydraulic design criteria (depth, velocity, and jump height parameters) included in the CDFW Salmonid Stream Habitat Restoration in order to provide adequate fish passage conditions for adult and juvenile Southern California steelhead (Covered Species) at varied instream conditions. Construction activities will temporarily occupy 0.15 acres of space, including staging and construction areas, and will be completed in the fall of 2022 when bird nesting season is complete (after September 15) and in advance of seasonal rains (before November 1). The Project is expected to contribute to their recovery; and will provide a net conservation benefit to the Covered Species.

Class 33 Categorical Exemption

The Class 33 Categorical Exemption, in general, applies to small habitat restoration projects. A project is exempt from further review under CEQA if it does not exceed five acres in size to assure maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that (a) there would be no significant adverse impact on endangered, rare, or threatened species or their habitat pursuant to California Code of Regulations, title 14, section 15065; (b) there are no hazardous materials at or around the project site that may be disturbed or removed; and (c) the project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. (Cal. Code Regs., tit. 14, § 15333.)

CDFW has determined that its issuance of the RMP is an activity that falls within the Class 33 Categorical Exemption. The Project's construction activities will temporarily occupy 0.15 acres of space. CDFW expects implementation of the activities covered by the RMP to benefit, aid the conservation of, and assist in the recovery of Covered Species. The RMP will facilitate the fish passage improvements to be made at the existing diversion dam at Foster Park, which will result in increased access to upstream habitats for Covered Species. The RMP includes avoidance and minimization measures, monitoring and reporting requirements, and ongoing notch maintenance and obstruction removal to ensure fish passage for Covered Species for five years. There will be no significant adverse impact on endangered, rare, or threatened species or their habitat pursuant to CEQA Guidelines section 15065. There are no hazardous materials at or around the Project site that may be disturbed or removed. The Project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.