



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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February 3, 2023

Mr. Bert Rapp
Ventura River Water District
409 Old Baldwin Road
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Subject: 2023 Water Project, Mitigated Negative Declaration, SCH No. 2022120660; City of Ojai, Ventura County

Dear Mr. Rapp:

The California Department of Fish and Wildlife (CDFW) has reviewed the Ventura River Water District's (District) Mitigated Negative Declaration (MND) for 2023 Water Projects (Project). The District, as 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 or be subject to Fish and Game Code.

CDFW's Role

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 et seq.). To the extent implementation of the Project as proposed may result in "take" 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.

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Project Description and Summary

Objective: Under the proposed Project the Ventura River Water District (District) will annex the Tico service area. Tico is currently served by the Casitas Municipal Water District (CMWD). Infrastructure to connect the merging areas will be installed. Improvements to the existing infrastructure and facilities will be included within the Project. Tico will no longer serve domestic water once connected to the District's system. Groundwater used by the Tico water system will be used as an irrigation system and will no longer provide domestic water. The District will provide fire protection and domestic water to the Tico area. Tico will continue to serve irrigation water to their existing Shareholders and to interested District customers. The amount of groundwater and CMWD water pumped, stored, chlorinated, and delivered to District customers would not change. No increased use of Lake Casitas water will be used. Additional water from the District to the Tico shareholders would amount to about 0.5% increase above the District's current usage. The District submitted an application to modify their service area to the Ventura Local Agency Formation Commission, the application is pending.

Water Main Improvements

Tico Service Area

Annexation of the Tico Service Area to the Ventura River Water District. Project plans include three sections of new water main pipeline to connect the two water districts in three areas. Approximately 725 linear feet of pipeline will be placed in various Project areas around the City of Ojai. The polyvinyl chloride (PVC) pipes will be placed through bore and jacking. Additional improvements include approximately 40 water meters and the addition of five fire hydrants. These elements will be placed in residential areas and follow the paths of already established roads.

Emergency Turn-out at Ojai Terrace

Installation of ~1,300 linear feet of PVC pipe will be placed between Taomina Lane and Vallerio Avenue, within a residential community. This pipe will interconnect the Casitas Municipal Water District's water main to the District's water main. A new vault will also be included at the interconnection. It is unclear what methods will be used to place this Project element.

Ojai Terrace Pipe Replacements

Installation of 1,300 linear feet of PVC pipe along two locations. A portion will be placed behind a shopping center in the loading areas near the southwest corner of the SR33 and SR 150 intersection. It appears that coast live oak (*Quercus agrifolia*) are present on the southeast corner of the shopping center, however no maps with plant communities were included as part of the MND. Piping will also be placed within the public right-of-way along Vallerio Avenue.

In-Fill Pipe along SR 33/150

Approximately 80 linear feet of new PVC water main within a steel pipe casing. The piping will be bored and jacked under the SR 150 at two locations over 1,000 feet apart. An additional 1,020 linear feet of PVC water main would be buried under the Ojai Valley Trail. Two coast live oak trees will be removed at this site. It is unclear if any additional impacts will occur to the driplines (see comment #3) of other coast live oaks that surround the site. No maps that display the disturbance area of distribution of the plant communities around the site were provided as part of the MND.

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Loma Drive Water Main

Approximately 1,000 linear feet of PVC pipe would be installed within the Loma Drive right-of-way. Coast live oaks are scattered along Loma Drive, it is unclear if impacts to their driplines will occur during the installation of the pipelines.

Re-Plumb Encino and Thomas Pressure Reducing Valve Vaults

Replacement of welded steel pipes within two existing pressure reducing vaults. The existing pipes will be replaced with flanged pipes and fittings. This element will occur on two different sites along Thomas Street (34.400280, -119.292622) and Encino Drive (34.404333, -119.288689). Coast live oaks are scattered around the Encino Drive site.

Santa Ana Water Main

This portion of the project would be located within a private easement. A portion of the existing water main would be relocated to the public right-of-way along Santa Ana Boulevard and Santa Road. Approximately 2,450 linear feet to be installed.

Baldwin and Parker Sites

Baldwin Site

The Baldwin site borders the Ventura River and will include several elements which will include ground disturbance (grading, and excavation). The existing pumps and motors would be replaced within the existing pump station. The current electrical panels and chlorination station would also be moved above the 100-year flood plain. The existing North Baldwin tank and foundation would be demolished and replaced. The new chlorination facility would include a concrete pad, pumps, piping, and a new 3,000-gallon chemical tank. A temporary chlorination station would be provided while the while the tank is constructed. The primary switch gear cabinets would be replaced near the same location. A new concrete pad may be necessary. A solar panel system will be placed on both sides of the access road north of the Baldwin Tanks. Ground disturbance will be necessary when installing a level pad. A standby generator sound wall would be provided; however, it will likely not reduce noise impacts to the areas towards the Ventura River and only serves the surrounding residential communities.

Bank protection and drainage improvements are also proposed as part of the Project. The final design has not been provided within the MND and would be refined based in geotechnical recommendations. Bank protection would likely involve burying existing on-site granite boulders (5-15 ton size) in a trench ~5 feet deep which will be back-filled with cement-sand slurry. Concrete foundation would be placed over the boulders and backfill. A reinforced concrete masonry unit wall would be installed on the concrete foundation. At the percolation site existing metal culverts would be replaced with PVC pipes. An outlet weir would also be installed, although it is unclear where it will be placed. Excavation and grading would occur as a result of the Project on and or near the bank of the Ventura River, a documented steelhead stream.

Parker Site

Proposed activities at the Parker site include several elements which will include ground disturbance, grading and vegetation removal. A new 700,000 gallon above ground steel water tank would be constructed southwest of the existing tank. Groundwork for the tank is anticipated to be ~0.5 acres, the tank will be fenced. Three booster pumps are proposed to be replaced with variable frequency drivers. An additional new pump station would also be installed on a concrete pad adjacent to the existing pump station. A solar panel system will also be installed

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as part of the Project. Ground disturbance will occur during construction of a level pad for the panels. Eight coast live oaks are proposed to be removed at this site, it is unclear if additional coast live oaks will be impacted by their drip lines due to Project activities. A map depicting which trees are anticipated to be removed or the disturbance area in relation to the drip lines of surrounding coast live oaks were not provided.

Location: The Project includes 12 work locations within Ventura County, near or within the city of Ojai. Surrounding land uses include residential, mixed-use, and open space.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the District 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.

Specific Comments

Comment #1: Insufficient Biological Analysis and Mitigation Measures for Biological Resources

Issue: The MND lacked the detail necessary to adequately disclose and assess potential impacts. Potential impacts could occur to special status wildlife species and their habitats, rare plants, sensitive natural communities, and streams.

Specific Impact: Project activities including staging, excavation, and grading will occur in multiple Project areas. Project activities could lead to injury or direct mortality of special status wildlife and plant species and diminishing of water quality in streams. The Project could continue to cause significant environmental impacts absent of proper avoidance, minimization, and mitigation measures.

Why Impact Would Occur: Jack and bore installation methods, grading, excavation, demolition, and construction will occur as part of the Project. Project actions vary at the various Project sites. These activities could lead to injury and direct mortality of special status plant and animal species. The biological assessment included within the MND was vague and did not offer the level of detail needed to assess potential impacts to special status wildlife, plants, and plant communities. Details regarding survey methodologies, survey paths, timing, and length were not provided. A lack of protocol surveys could likely lead to impacts to a variety of sensitive plant and wildlife species. Further, the MND did not offer any maps depicting the distribution of natural communities or rare plants for any of the project sites in relation to disturbance zones. Excavation and grading will also occur on and near the banks of the Ventura River, a documented steelhead stream. The MND did not adequately analyze potential impacts due to these activities to streams, such as the Ventura River. The document did not provide sufficient justification to omit mitigation measures for the above biological resources.

Evidence Impact Would Be Significant: Adequate disclosure and analysis of potential impacts is necessary so CDFW may provide comments on the appropriateness of proposed

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avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: CDFW recommends providing a complete assessment and analysis of potential impacts to the flora and fauna within and adjacent to the Project areas, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project.

Mitigation Measure #2: The MND should include floristic, alliance- and/or association-based mapping and vegetation impact assessments be conducted at the Project site and within the project footprint and fuel modification area. 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](#) (CDFW 2018a). [The Manual of California Vegetation](#) (MCV), should also be used to inform this mapping (CNPS 2023). The MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system. Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions. CDFW recommends the environmental document provide measures to fully mitigate the loss of individual Endangered Species Act (ESA)- and CESA-listed plants and habitat.

1. The MND should provide a detailed map (1:24,000 or larger) 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). Any identified rare plants should also be plotted within the map.
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 on-site 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. 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 2018a).

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Mitigation Measure #3: CDFW recommends focused species-specific surveys for species with a possibility of occurrence at each Project site based on literature and CNDDDB review. (See comment #4). Surveys should be conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. See CDFW's [Surveying and Monitoring Protocols and Guidelines](#) (CDFWb 2023) for established survey protocol for select species. Seasonal variations in use of the Project area should also be addressed.

Mitigation Measure #4: The MND should further assess potential adverse impacts to biological resources from Project activities as well as lighting, noise, and increased human activity. Mitigation measures should be provided to reduce these impacts. If these impacts are determined to be less than significant, they should be backed by sound scientific justification.

Mitigation Measure #5: The MND should better address Project-related changes on drainage patterns and downstream of Project sites near streams; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams; and, post-Project fate of runoff from the Project site. Mitigation measure should be provided to reduce impact to streams (See comment #2).

Comment #2: Lake and Streambed Alteration Agreement (LSAA)

Issue: Potential impacts could occur to streams including but not limited to the Ventura River, a documented steelhead stream. Impacts to all streams, drainages, and riparian communities present within or in close proximity to Project sites should be assessed and mitigated for.

Specific Impact: Project activities may impact the Ventura River due to the implementation of grading and excavation as part of the proposed erosion control and drainage improvements. The activities could impact the bed, banks, and lower water quality in the Ventura River.

Why Impact Would Occur: Excavation, backfilling, and construction of a mason concrete wall is proposed along the bank of the Ventura River. Use of heavy equipment such as excavators, cranes and concrete trucks will be used. Excavation and regrading will also occur in the percolation area just behind the proposed erosion control site. The Project may introduce 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 and the surrounding riparian habitat. The Ventura River is inhabited by several special status species including ESA- listed and CESA- candidate steelhead (*Oncorhynchus mykiss*), ESA- listed and SSC California red-legged frog (*Rana draytonii*), SSC arroyo chub (*Gila orcuttii*), and SSC western pond turtle (*Emys marmorata*). Entry of these materials into the water system could result in degradation of on-site and downstream water quality in the Ventura River. The MND did not offer any mitigation to help reduce impacts to streams such as Best Management Practices (BMP) for construction site planning and management, erosion control runoff control, sediment control, or material management. Excavation and stockpiling of soils may result in the influx of sediment into the system which could result in changes to the streams and alter hydrologic and geomorphic processes that may impact plant and wildlife species. Absent of these BMPs it is unclear how the Project will avoid sediment and pollutants from entering or minimize impact to the bed, bank, and channel of the Ventura River or any other stream that may be impacted.

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Evidence Impact Would Be Significant: The Project may impact streams and associated riparian habitats. CDFW exercises its regulatory authority (Fish and Game Code, section 1600 *et seq.*) to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. 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.

CDFW requires a Lake and Streambed Alteration Agreement (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

For reasons discussed above, the Project may continue to have a substantial adverse effect on streams and associated riparian habitat through excavation, grading, hydrological interruption, or other means.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: The Project Applicant (or “entity”) should provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW’s web site at <https://www.wildlife.ca.gov/conservation/lsa> (CDFW 2023c).

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

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

Mitigation Measure #3: A weed management plan should be developed for all Project areas and implemented both during, and for at least 3 years post-Project. Non-native weeds including noxious weeds (as listed by the [California Invasive Plant Council](#)) (CALIPC 2022) should be prevented from becoming established to control the local spread of invasive plants, both during and after construction. Site visits should be conducted monthly and weekly during the rainy

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season. The Project area 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 this plan. Monitoring for spread of invasive weeds to adjacent lands should also be included.

Recommendation #1: The LSA should be conditioned to avoid impacts to special status aquatic species. No work should occur on the stream banks adjacent to the Ventura River during the winter rainy season, typically between December 1 through March 31 (NMFS 2011).

Comment #3: Impacts to Coast Live Oak Woodland and individual Coast Live Oaks

Issue: CDFW is concerned that the Project may impact surrounding Coast Live Oak Woodland, a locally important sensitive natural community.

Specific Impact: Impacts could occur during excavation, grading, and staging in areas where coast live oak woodland and individual coast live oak trees are present.

Why Impact Would Occur: Within the MND it states, "...approximately 10 oak trees would require removal, including eight for the second Parker tank and up to two trees for the infill pipe east of Nova Lane." Although the Project will remove these locally important plants and communities the document did not offer any measures to mitigate for individual plants and sensitive plant communities. Within the MND it also states, "As a water project, the proposed Project is exempt from local building and zoning ordinances under Section 53091 of the California Government Code. Therefore, the Project is exempt from the Ventura County Tree Protection Ordinance, which protects oak trees greater than 9.5 inches in girth." Although the Project may be exempt from local tree protection ordinances the Project is not exempt from State laws and Fish and Game code. Coast live oak and coast live oak woodland is considered locally important and should be avoided by Project activities. If avoidance is not possible, coast live oak woodland and individual coast live oaks should be mitigated for to achieve a no net-loss of habitat/individuals. It is also unclear if the Project will indirectly impact additional coast live woodland or individual coast live oaks by damaging their driplines (outmost circumference of a trees canopy where roots may be present). No maps detailing the location of the coast live oak woodland or individual coast live oaks anticipated to be impacted were provided. Maps that depict planned disturbance areas were also not provided. Without this information CDFW is not able to adequately assess environmental impacts or the adequacy of proposed avoidance, minimization, or mitigation measures.

Evidence Impact Would Be Significant: Due to the historic and on-going loss of this ecologically important vegetation community, oak trees and woodlands are not only protected by local ordinances but State ordinances as well. CDFW considers oak woodlands a sensitive vegetation community. Oak woodlands have higher levels of biodiversity than any other terrestrial ecosystem in California. Oak trees provide nesting and perching habitat for approximately 170 species of birds (Griffin and Muick 1990). Coast live oak and old-growth oak trees (native oak tree that is greater than 15 inches in diameter) are of importance due to increased biological values and increased temporal loss. Over 330 species of birds, mammals, reptiles, and amphibians depend on oak woodlands in California at some stage in their life cycle (CalPIF 2002). Large oak trees in oak woodland habitats are important for cover, nesting sites for cup nesting species and cavity nesting species, as well as caching sites for birds storing

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acorns (CalPIF 2002). Oak woodlands also serve several important ecological functions important within an ecosystem such as protecting soils from erosion and land sliding, regulating water flow in watersheds, and maintaining water quality in streams and rivers.

Impacts to sensitive natural communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance. CDFW considers oak woodlands to be a sensitive plant community. Oak trees and woodlands are protected by the Oak Woodlands Conservation Act (pursuant under Fish and Game Code sections 1360-1372) and Public Resources Code section 21083.4 due to the historic and ongoing loss of these resources. Moreover, [CDFW's Areas of Conservation Emphasis – Significant Habitats](#) dataset includes oak woodlands as a Terrestrial Significant Habitat based on its priority for conservation and acquisition planning for some counties, local jurisdictions, and the Wildlife Conservation Board (CDFW 2019d).

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: CDFW recommends avoiding impacts to natural vegetation communities or individual coast live oaks. Possible reconfiguration of Project elements or disturbance areas could lessen impacts to individual coast live oak and coast live oak communities.

Mitigation Measure #2: Tree protection signs should be erected around all tree groups with canopies that fall within 20 feet of construction activities. Fencing or flagging should be placed along the dripline and an additional 5 feet (protected tree zone) in areas of potential impact. For any trees that would be encroached upon by construction activities, fencing shall be placed as far away from trunk of the tree as possible while still allowing the required construction activities to proceed.

Mitigation Measure #3: A pre-construction tree protection training should be delivered between the contractors and arborist. The arborist will instruct the contractors on tree protection practices. All equipment operators and spotters, assistants, or those directing operators from the ground, shall provide written acknowledgement of their receiving training. This training should include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices.

Mitigation Measure #4: The District should work with an arborist to conduct an Arborist study to compose a tree monitoring plan. The Arborist Study should be conducted within portions of the project footprint occurring within 20 feet of the canopy drip line of protected trees. The study should plot the location of protected trees within this zone and identify each protected tree and any trees to be impacted. Monitoring should occur during Project activities and following the Project. Monitoring should be conducted on a monthly basis. The Arborist Report should be prepared by a Certified Arborist in compliance with the County of Ventura ordinance guidelines. The Arborist Report should include the following at minimum:

- An inventory of all trees containing a canopy drip line within 20 feet of the project footprint. Inventory data should record, at minimum: diameter at breast height (DBH), height, canopy cover information/mapping, health and vigor rating.
- Photographs of each regulated tree which may be encroached upon by the Project.

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- Description of proposed site development activities including, but not limited to, excavation, any tree trimming, and construction access routes.
- A project-specific Tree Protection Plan should be prepared which would include site plans, protective tree fencing, the designated tree protection zone (identifying an area sufficiently large enough to protect the tree and its roots from disturbance), activities prohibited/permitted within the tree protective zone, encroachment boundaries, and potential transplanting or replacement tree plantings.

Mitigation Measure #5: Coast live oak woodland should be replaced at a ratio to offset the loss by no less than 5:1 of the total acreage of woodland lost. The District should restore functioning and self-sustaining woodlands of similar composition, structure, and function to woodlands impacted. Mitigation should include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted natural communities. Acorns and/or seedlings should originate from plants/trees of the same species (i.e., genus, species, subspecies, and variety) as the species impacted.

Mitigation Measure #6: Replacement for individual trees with a diameter at breast height (DBH) between 12-24 inches should be mitigated for at a ratio of 5:1. Trees with a DBH greater than 24 inches should be mitigated at a 10:1 ratio.

Mitigation Measure #7: Prior to removing any oak or the understory vegetation, the District should prepare a Woodland Restoration Plan. The Woodland Restoration Plan should prescribe the following:

- 1) Species-specific planting methods;
- 2) Planting schedule;
- 3) Measures to control exotic vegetation and protection from herbivory;
- 4) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria should be based on site/habitat conditions prior to impact and/or functional local native oak shrublands/woodlands as reference sites;
- 5) Contingency measures if the success criteria is not met;
- 6) Long-term monitoring for at least 10 years, with a minimum of seven years without supplemental irrigation;
- 7) Adaptive management techniques, including replacement plants if necessary; and
- 8) Annual reporting criteria and requirements.

Mitigation Measure #8: For off-site mitigation, the District should protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to any ground-disturbing activities and vegetation removal.

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Comment #4: Impacts to Special Status Wildlife Species

Issue: CDFW is concerned that the Project may impact surrounding special status wildlife and bird species.

Specific Impact: Project activities include excavation, vegetation removal, and use of heavy equipment and vehicles. Likewise, the Project could indirectly impact species through increased noise, vibration, and lighting. Impacts may disrupt or alter species behavior in the area.

Why Impact Would Occur: The Project would require ground disturbance, excavation, and vegetation removal, using heavy equipment. The MND did not offer any avoidance, minimization, or mitigation measures to reduce potential impacts to special status wildlife and bird species. A review of (Biogeographic Information and Observation System (BIOS) revealed that Species of Special Concern (SSC) Dulzera pocket mouse (*Perognathus californicus femoralis*) observations have been documented near the Nova Lane site. The Project has the potential to directly impact several rare, threatened, and/or endangered species through direct mortality (trampling, crushing, or burial) due to construction activities. The Project as proposed will remove 10 coast live oak trees and did not offer nesting bird surveys as a mitigation measure. Take of any bird species listed under the Migratory Bird Treaty Act (MBTA) without authorization by the U.S. Fish and Wildlife Service (USFWS) would constitute a violation (USFWS 2004). Vegetation removal could result in the loss of occupied habitat and yield a loss of foraging potential, nesting sites, roosting sites, or refugia. Loss of occupied habitat would constitute a significant impact absent appropriate mitigation. Focus and/or preconstruction surveys conducted by a qualified biologist were not offered to avoid injury or direct mortality of special status wildlife and bird species. 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. Protocol surveys facilitate CDFW's ability to provide appropriate avoidance, minimization, and mitigation measures. Further, the MND did not provide any mitigation measures to reduce levels of noise, dust, light, or ground vibrations to less than significant for special status species in the surrounding area.

Evidence Impact Would Be Significant: Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065). CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA). of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA). Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

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Recommended potentially feasible mitigation measure(s) for Wildlife Species:

Mitigation Measure #1: The District should retain a qualified biologist(s) with experience surveying for special status species. The qualified biologist(s) should conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Positive detections of SSC and suitable habitat at the detection location should be mapped. These locations would help to develop more species specific and location-specific mitigation measures. If SSC are detected, the qualified biologist should use visible flagging to mark the location where SSC was detected.

Mitigation Measure #2: The District should retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's [Scientific Collection Permits](#) webpage for information (CDFW 2022e). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

Mitigation Measure #3: To avoid direct injury and mortality of SSC, the District should have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife should be protected, allowed to move away on its own (noninvasive, passive relocation), or relocated to suitable habitat adjacent to the Project site. In areas where an SSC is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist should advise workers to proceed with caution. A qualified biologist should be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist should be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.

Mitigation Measure #4: If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Mitigation Measure #5: Noise produced by the Project should be monitored during construction to ensure noise generated from the Project does not affect wildlife within the Ventura River or in

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other Project areas. The MND should set acceptable noise thresholds that are part of a daily monitoring and reporting program to ensure appropriate thresholds are maintained for wildlife. Sounds generated from any means should be below the 55-60 dB range within 50 feet from the source. CDFW recommends use of noise suppression devices such as mufflers or enclosure for applicable equipment. Stationary noise sources (e.g., generators, pumps) at staging areas should be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Unnecessary construction vehicle use, and idling time should be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off. CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am). If nighttime activities are necessary lighting should be shielded and not spill over into adjacent riparian or wooded areas.

Recommendation #1: The sound wall used to shield sound from generators at the Baldwin site should be reconfigured to also block sound directed towards the Ventura River. The design should maintain avoidance with the surrounding coast live oak trees.

Recommendation #2: All open trenches shall be covered at the conclusion of each workday to prevent the trapping of wildlife species.

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

Mitigation Measure #1: CDFW recommends that no construction should occur from January 1 through September 15 to avoid impacts to passerine birds and raptors. If construction is unavoidable during January 1 through September 15, surveys should be conducted for nesting bird activity within 7 days prior to Project activities. Surveys should be conducted by a qualified biologist to determine presence of active bird nests of special status bird species. Surveys should occur in the construction zone and within 500 feet of the site.

Mitigation Measure #2: If any nests of passerine birds or raptors are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius for passerine and 500-foot radius for raptors during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist should serve as a construction monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.

Comment #5: Spreading Invasive Pests and Diseases

Issue: CDFW is concerned that the MND does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease.

Specific impacts: The Project proposes to remove ten coast live oaks. Improper disposal of vegetation may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species. The environmental document should address the presence or absence of goldspotted oak borer (*Agrilus auroguttatus*), Polyphagus shot-hole borer (*Euwallacea* sp.), and thousand canker

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fungus (*Geosmithia morbida*) in on-site trees and, if present, describe how any effected trees would be disposed of as part of the Project.

Why impacts would occur: Trees will be removed and presumably hauled to off-site locations for disposal thereby potentially exposing off-site oak and other tree species to infestation and disease.

Evidence impact would be significant: The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS that are dependent on habitats susceptible to insect and disease pathogens.

Mitigation Measure #1: CDFW recommends the District work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: [thousand canker fungus](#) (TCD 2021), [polyphagous shot hole borer](#) (UCANR 2018), and [goldspotted oak borer](#) (UCIPM 2021). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to the Ventura County Planning Division for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.

Mitigation Measure #2: If invasive pests and/or diseases are detected, the District should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan should be submitted to CDFW for review and included as an appendix in the final environmental document.

Additional Recommendations

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones do not allow for the introduction of invasive Argentine ants. Monitoring should also include parameters to identify possible introduction of Argentine ants.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the District with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

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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 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

We appreciate the opportunity to comment on the Project to assist the District in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the District 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 Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov or (626) 513-6308.

Sincerely,

DocuSigned by:



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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW

Steve Gibson, Seal Beach – Steve.Gibson@wildlife.ca.gov

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov

OPR

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

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State of California – Natural Resources Agency
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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 should 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- Biological Assessment- Assessment of Impacts	CDFW recommends providing a complete assessment and fully analyze potential impacts to the flora and fauna within and adjacent to the Project areas, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-2- Biological Assessment- Rare Plant and Sensitive Communities Mapping	The MND shall include floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the Project site and within the project footprint and fuel modification area. Vegetation surveys shall 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 (CDFW 2018a). The Manual of California Vegetation (MCV), shall also be used to inform this mapping (CNPS 2023). The MCV alliance/association community names shall be provided as CDFW only tracks rare natural communities using this classification system. Adjoining habitat areas shall be included in this assessment where site activities	Prior to Project activities	Ventura River Water District/Applicant

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	<p>could lead to direct or indirect impacts off-site. Habitat mapping at the alliance level will help establish baseline vegetation conditions. CDFW recommends the environmental document provide measures to fully mitigate the loss of individual Endangered Species Act (ESA)- and CESA-listed plants and habitat.</p> <p>1. The MND shall provide a detailed map (1:24,000 or larger) 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). Any identified rare plants shall also be plotted within the map.</p> <p>2. The MND shall provide species-specific measures for on-site mitigation. Each species-specific mitigation plan shall 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 on-site 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. Additionally, considerations shall 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</p>		
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	special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFW 2018a).		
MM-BIO-3- Biological Assessment- Wildlife Surveys	CDFW recommends focused species-specific surveys for species with a possibility of occurrence at each Project site (See comment #4). Surveys shall be conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. See CDFW's Surveying and Monitoring Protocols and Guidelines (CDFWb 2023) for established survey protocol for select species. Seasonal variations in use of the Project area shall also be addressed.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-4- Biological Assessment- Impacts to Biological Resources	The MND shall further assess potential adverse impacts to biological resources from Project activities as well as lighting, noise, and increased human activity. Mitigation measures shall be provided to reduce these impacts. If these impacts are determined to be less than significant, they shall be backed by sound scientific justification.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-5- Biological Assessment- Streams	The MND shall better address Project-related changes on drainage patterns and downstream of Project sites near streams; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams; and, post-Project fate of runoff from the Project site. Mitigation measure shall be provided to reduce impact to streams (See comment #2).	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-6- LSAA- Notification	The Project Applicant (or "entity") shall provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing	Prior to Project activities	Ventura River Water District/Applicant

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	<p>CDFW's web site at https://www.wildlife.ca.gov/conservation/lisa (CDFW 2022a).</p> <p>If necessary, CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document shall fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>		
MM-BIO-7-LSAA-Additional Measures	<p>Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.</p>	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-8-LSAA-Weed Management Plan	<p>A weed management plan shall be developed for all Project areas and implemented both during, and for at least 3 years post-Project. Non-native weeds including noxious weeds (as listed by the California Invasive Plant Council) (CALIPC 2022) shall be prevented from becoming established to control the local spread of invasive plants, both during and after construction. Site visits shall be conducted monthly and weekly during the rainy season. The Project area shall be monitored via mapping for new introductions and expansions of non-native weeds. Annual threshold limits, eradication targets, and monitoring shall be included in this plan. Monitoring for spread of invasive weeds to adjacent lands shall also be included.</p>	Prior to/ During Project activities	Ventura River Water District/Applicant

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MM-BIO-9- Coast Live Oak- Avoidance	CDFW recommends avoiding impacts to natural vegetation communities or individual coast live oaks. Possible reconfiguration of Project elements or disturbance areas could lessen impacts to individual coast live oak and coast live oak communities.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-10- Coast Live Oak- Drip lines	Tree protection signs shall be erected around all tree groups with canopies that fall within 20 feet of construction activities. Fencing or flagging shall be placed along the dripline and an additional 5 feet (protected tree zone) in areas of potential impact. For any trees that would be encroached upon by construction activities, fencing shall be placed as far away from trunk of the tree as possible while still allowing the required construction activities to proceed.	Prior to/ During Project activities	Ventura River Water District/Applicant
MM-BIO-11- Coast Live Oak- Pre- Construction Tree Protection Training	A pre-construction tree protection training shall be delivered between the contractors and arborist. The arborist will instruct the contractors on tree protection practices. All equipment operators and spotters, assistants, or those directing operators from the ground, shall provide written acknowledgement of their receiving training. This training shall include information on the location and marking of protected trees, the necessity of preventing damage, and the discussion of work practices.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-12- Coast Live Oak- Tree Study and Monitoring Plan	<p>The District shall work with an arborist to conduct an Arborist study to compose a tree monitoring plan. The Arborist Study shall be conducted within portions of the project footprint occurring within 20 feet of the canopy drip line of protected trees. The study shall plot the location of protected trees within this zone and identify each protected tree any trees to be impacted. Monitoring shall occur during Project activities and following the Project. Monitoring shall be conducted on a monthly basis. The Arborist Report shall be prepared by a Certified Arborist in compliance with the County of Ventura ordinance guidelines. The Arborist Report shall include the following at minimum:</p> <ul style="list-style-type: none"> • An inventory of all trees containing a canopy drip line within 20 feet of the project footprint. Inventory data shall record, 	Prior to Project activities	Ventura River Water District/Applicant

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	<p>at minimum: diameter at breast height (DBH), height, canopy cover information/mapping, health and vigor rating.</p> <ul style="list-style-type: none"> • Photographs of each regulated tree which may be encroached upon by the Project. • Description of proposed site development activities including, but not limited to, excavation, any tree trimming, and construction access routes. • A project-specific Tree Protection Plan shall be prepared which would include site plans, protective tree fencing, the designated tree protection zone (identifying an area sufficiently large enough to protect the tree and its roots from disturbance), activities prohibited/permitted within the tree protective zone, encroachment boundaries, and potential transplanting or replacement tree plantings. 		
<p>MM-BIO-13- Coast Live Oak- Coast Live Oak Woodland Replacement Ratio</p>	<p>Coast live oak woodland shall be replaced at a ratio to offset the loss by no less than 3:1 of the total acreage of woodland lost. The District shall restore functioning and self-sustaining woodlands of similar composition, structure, and function to woodlands impacted. Mitigation shall include restoration of structurally diverse understory vegetation species (i.e., grass, forb, shrub, subshrub, vine) occurring in the impacted natural communities. Acorns and/or seedlings shall originate from plants/trees of the same species (i.e., genus, species, subspecies, and variety) as the species impacted.</p>	<p>Prior to Project activities</p>	<p>Ventura River Water District/Applicant</p>
<p>MM-BIO-14- Coast Live Oak- Coast Live Oak Replacement Ratio</p>	<p>Replacement for individual trees with a diameter at breast height (DBH) between 12-24 inches shall be mitigated for at a ratio of 5:1. Trees with a DBH greater than 24 inches shall be mitigated at a 10:1 ratio.</p>	<p>Prior to Project activities</p>	<p>Ventura River Water District/Applicant</p>

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<p>MM-BIO-15-Coast Live Oak-Coast Live Oak Woodland Restoration Plan</p>	<p>Prior to removing any oak or the understory vegetation, the District shall prepare a Woodland Restoration Plan. The Woodland Restoration Plan shall prescribe the following:</p> <ol style="list-style-type: none"> 1) Species-specific planting methods; 2) Planting schedule; 3) Measures to control exotic vegetation and protection from herbivory; 4) Measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover). Measurable success criteria shall be based on site/habitat conditions prior to impact and/or functional local native oak shrublands/woodlands as reference sites; 5) Contingency measures if the success criteria is not met; 6) Long-term monitoring for at least 10 years, with a minimum of seven years without supplemental irrigation; 7) Adaptive management techniques, including replacement plants if necessary; and 8) Annual reporting criteria and requirements. 	<p>Prior to Project activities</p>	<p>Ventura River Water District/Applicant</p>
<p>MM-BIO-16-Coast Live Oak-Mitigation Lands</p>	<p>For off-site mitigation, the District shall protect mitigation lands in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment shall be provided for the long-term management of mitigation lands. A conservation easement and endowment funds shall be fully acquired, established, transferred, or otherwise executed prior to any ground-disturbing activities and vegetation removal.</p>	<p>Prior to Project activities</p>	<p>Ventura River Water District/Applicant</p>

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MM-BIO-17- Wildlife Surveys	The District shall retain a qualified biologist(s) with experience surveying for special status species. The qualified biologist(s) shall conduct species-specific and season appropriate surveys where suitable habitat occurs in the Project site. Positive detections of SSC and suitable habitat at the detection location shall be mapped. These locations would help to develop more species specific and location-specific mitigation measures. If SSC are detected, the qualified biologist shall use visible flagging to mark the location where SSC was detected.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-18- SSC- Handling Permits	The District shall retain a qualified biologist with appropriate handling permits, or shall obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2022c). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-19- SSC- Out of Harm's Way	To avoid direct injury and mortality of SSC, the District shall have a qualified biologist on site to move out of harm's way wildlife of low mobility that would be injured or killed. Wildlife shall be protected, allowed to move away on its own (noninvasive, passive relocation),	During Project activities	Ventura River Water District/Applicant

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	or relocated to suitable habitat adjacent to the Project site. In areas where an SSC is found, work may only occur in these areas after a qualified biologist has determined it is safe to do so. Even so, the qualified biologist shall advise workers to proceed with caution. A qualified biologist shall be on site daily during initial ground and habitat disturbing activities as well as vegetation removal. Then, the qualified biologist shall be on site weekly or bi-weekly (once every two weeks) for the remainder of the Project phase until the cessation of all ground and habitat disturbing activities, as well as vegetation removal, to ensure that no wildlife is harmed.		
MM-BIO-20-SSC-Notification	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area shall stop immediately, the qualified biologist shall be notified, and dead or injured wildlife documented immediately. A formal report shall be sent to CDFW within three calendar days of the incident or finding. The report shall include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project activities	Ventura River Water District/Applicant
MM-BIO-21-SSC-Noise and Light	Noise produced by the Project shall be monitored during construction to ensure noise generated from the Project does not affect wildlife within the Ventura River or in other Project areas. The MND shall set acceptable noise thresholds that are part of a daily monitoring and reporting program to ensure appropriate thresholds are maintained for wildlife. Sounds generated from any means shall be below the 55-60 dB range within 50 feet from the source. CDFW recommends use of noise suppression devices such as mufflers or enclosure for applicable equipment. Stationary noise sources (e.g., generators, pumps) at staging areas shall be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Unnecessary construction vehicle use, and idling time shall be minimized to the extent feasible, such that if a	Prior to Project activities	Ventura River Water District/Applicant

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	vehicle is not required for use immediately or continuously for safe construction activities, its engine shall be shut off. CDFW recommends the Project restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am). If nighttime activities are necessary lighting shall be shielded and not spill over into adjacent riparian or wooded areas.		
MM-BIO-22- Nesting Bird Surveys	CDFW recommends that no construction shall occur from January 1 through September 15 to avoid impacts to passerine birds and raptors. If construction is unavoidable during January 1 through September 15, surveys shall be conducted for nesting bird activity within 7 days prior to Project activities. Surveys shall be conducted by a qualified biologist to determine presence of active bird nests of special status bird species. Surveys shall occur in the construction zone and within 500 feet of the site.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-23- Nesting Bird Surveys	If any nests of passerine birds or raptors are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius for passerine and 500-foot radius for raptors during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist shall serve as a construction monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.	Prior to Project activities	Ventura River Water District/Applicant
MM-BIO-24- Pest Management	CDFW recommends the District work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (TCD 2021), polyphagous shot hole borer (UCANR 2018), and goldspotted oak borer (UCIPM 2021). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, shall be submitted to the Ventura County Planning Division for review and included as an appendix	Prior to Project activities	Ventura River Water District/Applicant

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	in final environmental documents. The summary report shall also include photographic documentation of entry/exit holes and evidence of pests/disease.		
MM-BIO-25- Pest Management	If invasive pests and/or diseases are detected, the District shall provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees shall not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management plan shall be submitted to CDFW for review and included as an appendix in the final environmental document.	Prior to Project activities	Ventura River Water District/Applicant
REC-1- LSA Conditions	The LSA shall be conditioned to avoid impacts to special status aquatic species. No work shall occur on the stream banks adjacent to the Ventura River during the winter rainy season, typically between December 1 through March 31 (NMFS 2011).	Prior to Project activities	Ventura River Water District/Applicant
REC-2- Nesting Bird Buffers	The sound wall used to shield sound from generators at the Baldwin site shall be reconfigured to also block sound directed towards the Ventura River. The design shall maintain avoidance with the surrounding coast live oak trees.	Prior to Project activities	Ventura River Water District/Applicant
REC-3- Avoidance	All open trenches shall be covered at the conclusion of each work day to prevent the trapping of wildlife species.	During Project activities	Ventura River Water District/Applicant
REC-4- Fuel Modification	If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan shall be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones do not allow for the introduction of invasive Argentine ants. Monitoring shall also	Prior to/ During Project activities	Ventura River Water District/Applicant

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	include parameters to identify possible introduction of Argentine ants.		
REC-5-MMRP	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the District with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to Project activities	Ventura River Water District/Applicant