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Via Electronic Mail Only

December 20, 2023

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**SUBJECT: NOTICE OF PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE MATILIJA DAM ECOLOGICAL RESTORATION PROJECT, VENTURA COUNTY PUBLIC WORKS – WATERSHED PROTECTION (SCH #2002011094)**

Dear Donna Hebert:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of the Matilija Dam Ecological Restoration (Project) from the Ventura County Public Works Agency – Watershed Protection (VCPW). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's 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 & G. 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). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may

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need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. 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 & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

## **Project Description**

**Prior History:** In October 2000, VCPW initiated the Matilija Dam Ecosystem Restoration Study as a joint effort between Watershed Protection and U.S. Army Corps of Engineers to develop a Project resulting in the removal of Matilija Dam. The primary Project objectives included: aquatic and terrestrial habitat improvement, facilitating the return of a viable and abundant run of steelhead trout, and the restoration of natural sediment transport processes along Matilija Creek and the Ventura River. The secondary objective was enhancement of recreational opportunities along these two waterways. The joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was certified in 2004 and evaluated alternatives combining dam removal, sediment relocation, flood protection (levees), two bridge replacements, new recreation features, giant reed removal, and water supply improvements. Technical studies to refine Project features continued between 2008 and 2016, resulting in a new dam removal method and re-evaluation of other Project components. In June 2017, VCPW received funding to implement the Matilija Dam Removal 65% Design Planning Project, comprising of additional technical studies, construction design, and additional CEQA analyses.

**Objective:** VCPW has determined that preparation of a Subsequent EIR is warranted to provide a complete and objective analysis of the revised Matilija Dam removal approach. Dam removal would be accomplished by creating two 12-foot diameter orifices drilled near the dam base which would be opened in advance of a large storm event. Storm flows would then be expected to transport primarily fine-grained reservoir deposits from behind the dam downstream to Matilija Creek, the Ventura River, and Pacific Ocean. After an adequate amount of sediment is flushed from behind the dam, removal of the physical dam would be conducted. Habitat restoration would be accomplished through natural recruitment of native plants and non-native plant control. Adaptive management would monitor and correct post dam removal river flow obstructions to fish passage.

**Location:** The Matilija Dam is located approximately 16 miles north of the Pacific Ocean and just over half a mile northwest from the Matilija Creek confluence with the Ventura River in western Ventura County, California.

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**Biological Setting:** The Project would result in significant impacts to instream and riparian habitats and CESA-listed and otherwise special status species (e.g., steelhead (*Oncorhynchus mykiss*), California red legged frog (*Rana draytonii*), and western pond turtles (*Actinemys marmorata*)) -- particularly in the aftermath of the sediment transport. Project activities may also impact several rep tile California Species of Special Concern such as coast patch-nosed snake (*Salvadora hexalepis virgultea*) and two-striped garter snake (*Thamnophis hammondi*). Rare plants that may be found in the area, including the California satintail (*Imperata brevifolia*), may be impacted by dam removal activities and sediment transport. Additionally, temporary disturbance of breeding and nesting birds may also occur. Project activities may also impact riparian, palustrine, and upland habitats.

Removal of Matilija Dam would reconnect access for steelhead to 17 miles of spawning, rearing, and foraging habitat above the dam. Reconnecting this habitat will help bolster species-wide recovery for Southern steelhead across Southern California. Removing Matilija Dam will also revitalize a native ecosystem for fish and wildlife. Upon completion, the Project will enhance 33.6 miles and 2,268 acres of instream habitat, creating complex structures such as cover elements and large woody debris as well as terraced riparian habitat along Matilija Creek, the Ventura River, and its tributaries. Dam removal will also allow trapped sediment to move downstream and replenish sediment-starved river sections and coastal beaches.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist VCPW in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The SEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the SEIR when it is available.

## Specific Comments

- 1) Southern California steelhead (steelhead). According to the NOP, the Project may impact steelhead and their habitat through the sediment flows that will occur. These sediment flows may cause a temporary extirpation of steelhead that may be in the stream during the time of the sediment transport.
  - a) Protection Status. Pursuant to Section 2074.2 of the Fish and Game Code, on April 21, 2022, the California Fish and Game Commission (Commission) determined that listing southern steelhead as threatened or endangered under CESA may be warranted (CDFW 2023a). This commences a one-year status review of the species, and at a future meeting, the Commission will decide whether listing steelhead as threatened or endangered under CESA is

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warranted. During the status review, steelhead is protected under CESA as a candidate species pursuant to Section 2085 of the Fish and Game Code, provided that notice has been given as required by Section 2074.4 of the Fish and Game Code. VCPW is prohibited from undertaking or authorizing activities that result in take of any endangered, threatened, or candidate species, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

b) Analysis and Disclosure. The SEIR should analyze and discuss the Project's potential impact on steelhead population, habitat, substrate, and passage. An analysis of passage should include passage of adults from the ocean and passage of smolts/juveniles from nursing grounds to the ocean. The SEIR should analyze the Project's effect on the hydrology and hydraulics (velocity, depth, and temperature) of Matilija Creek and how those effects may impact steelhead. An adequate analysis should provide the following information at a minimum:

- A study reach extending from Matilija Reservoir to the confluence with the Ventura River, whereby the Project's effects on flow are analyzed;
- Project effects on flow (cfs, acre-feet) and hydraulics (velocity, depth, temperature, and wetted perimeter) during the wet season (November through March), dry season (April through October), and both above-average and below-average water year (i.e., wet season/above-average water year, wet season/below-average water year, dry season/above-average water year, and dry season/below-average water year) under pre-project (i.e., baseline conditions) and post-project conditions;
- Percent changes in flow, velocity, depth, temperature, and wetted perimeter (acres gained/lost) under Project conditions;
- How the Project may potentially affect on-going habitat recovery and restoration efforts for steelhead; and,
- Project-related impacts on steelhead in relation to cumulative flow reductions and water diversions proposed by closely related past, present, and probable future projects in the Matilija Creek and the Ventura River Watershed.

CDFW recommends such analysis and evaluation apply a functional flows approach to evaluate impacts on biological resources. The functional flows approach provides the basis for guidance provided in the [California Environmental Flows Framework](#) (UC Davis 2022). Functional flows are distinct aspects of a natural flow regime that sustain ecological, geomorphic, or biogeochemical functions, and that support the specific life history and habitat needs of native aquatic species. Retaining key functional flow components in managed flow regimes is thus expected to support foundational physical and ecological processes that sustain biological communities.

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- c) Mitigation. The SEIR should provide measures to mitigate the Project's potentially significant impact on steelhead. Measures may include developing an Adaptive Management Plan that would reduce or suspend water diversion if at any point the Project may impact southern steelhead downstream exceeding a defined threshold/trigger. Appropriate mitigation may include obtaining appropriate take authorization under CESA (pursuant to Fish & Game Code, § 2080 et seq.).
  - d) CESA. Appropriate take authorization under CESA may include a Restoration Management Permit (RMP), a Consistency Determination, or an Incidental Take Permit (ITP) among other options [Fish & G. Code, §§ 2080.1, 2081, subds. (a), (b), and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an RMP or ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation, monitoring, and reporting program that will meet the requirements of an RMP or ITP. It is important that the take proposed to be authorized by CDFW's RMP or ITP be described in detail in the Project's CEQA document. Biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements of an RMP or ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.
- 2) Impacts to Rivers. Removal of Matilija Dam will cause a permanent impact on Matilija Creek by altering water flows and sediment transport. In addition, construction activities may increase erosion and will cause sediment and fine particles to pass into the creek. Therefore, the Project could impact streams by depositing, permitting to pass into, or placing where it can pass into, the waterway any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment.
- a) Analysis and Disclosure. In preparation of the Project's SEIR, CDFW recommends the SEIR include evaluation of impacts downstream to the Ventura River. The SEIR should discuss the Project's potential impact on streams including impacts on associated natural communities. Impacts may include removing or degrading vegetation through habitat modification (e.g., change of water flow, encroachment, and edge effects leading to introduction of non-native plants). Impacts may occur during the life of the Project.
  - b) Mitigation. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, a project's CEQA

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document 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. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures; avoidance of resources; protective measures for downstream resources; on and/or off-site habitat creation; enhancement or restoration; and/or protection and management of mitigation lands in perpetuity.

- c) Fish and Game Code section 1602. CDFW exercises its regulatory authority as provided by Fish and Game Code section 1600 et seq. to conserve fish and wildlife resources, which includes creeks, streams, or lakes and associated natural communities. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a creek or stream or use material from a streambed. For any such activities, the project applicant (or “entity”) must notify CDFW<sup>1</sup>. Accordingly, if the Project would impact streams, the SEIR should include a measure that requires notification to CDFW pursuant to Fish and Game Code section 1602 prior to starting activities that may impact streams. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2023b).

The Project Applicant’s notification to CDFW should provide the following information at minimum:

1. A stream delineation in accordance with the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979);
2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation, second edition (Sawyer et al. 2008);
3. A discussion as to potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and
4. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. Additionally, the hydrological evaluation should assess a sufficient range of storm events (e.g., 100, 50, 25, 10, 5, and 2-year frequency storm events) to evaluate

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<sup>1</sup> CDFW’s issuance of a Lake and Streambed Alteration (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 environmental document of the local jurisdiction (lead agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the environmental document 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.

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water and sediment transport under pre-Project and post-Project conditions.

- 3) Least Bell's vireo. A review of the [California Natural Diversity Database](#) (CNDDDB) (CDFW 2023c) and E-bird (E-bird 2023) shows that least Bell's vireo (vireo) has potential to occur upstream of the Project site. CNDDDB shows suitable habitat in the form of cottonwood-sycamore riparian woodland less than one mile from the Project site. Consistent with CEQA Guidelines, section 15380, the status of vireo as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 *et seq.*) and CESA (Fish & G. Code, § 2050 *et seq.*) qualifies vireo as an endangered, rare, or threatened species under CEQA. Project activities occurring during the breeding season of vireo could result in the incidental loss of fertile eggs, nestlings, or nest abandonment. Least Bell's vireo may be forced from their territory into adjacent habitat that may be less suitable where they would be at risk of predation, starvation, or other injury. The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006). CDFW recommends the SEIR provide a thorough discussion of the Project's impacts to vireo and disclose known presence of vireo within or downstream from the Project site.
- 4) Rare Plants. California satintail has a California Rare Plant Rank (CRPR) of 2B.1. Plants with a CRPR of 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 should have impacts to these species or their habitat analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). California Native Plant Society's (CNPS) Rare Plant Ranks page includes additional rank definitions (CNPS 2023).

CDFW recommends conducting focused surveys for rare plants. The survey should be conducted on site and in the surrounding 200-foot buffer. Based on the [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018), a qualified biologist should "conduct botanical surveys in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting." The revised biological assessment should provide a thorough discussion on the extent of sensitive species and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

- a) Disclosure. The SEIR should fully disclose any impacts on rare plants, which should include at a minimum where impacts would occur; number of individual plants impacted; population size and density; and acres of habitat/plant communities impacted.
- b) Avoidance. If the Project will impact rare plants, CDFW recommends the SEIR provide measures to fully avoid impacts on rare plants and associated habitat.

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- This may include Project alternatives that would fully avoid impacts on rare plants.
- c) Mitigation. If take or adverse impacts to rare plants cannot be avoided during Project activities or over the life of the Project, the SEIR should provide measures to mitigate those impacts. CDFW recommends VCPW provide compensatory mitigation for loss of rare plants and habitat. CDFW recommends VCPW identify an appropriate site to preserve rare plants in perpetuity.
- 5) California Species of Special Concern (SSC). A review of CNDDDB has indicated that coast patch-nosed snake and two-striped garter snake may be found within the Project vicinity. Project activities involving dam removal and sediment transport may remove or disrupt occupied habitat.
- a) Status. CDFW considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures [CEQA Guidelines, §§ 15064, 15065, 15125(c), and 15380].
- b) Survey Guidelines. The SEIR should evaluate the Project's potential impacts to these and any additional special status wildlife species. Species-specific, season, and time of day field surveys should be conducted in preparation for the SEIR. Survey protocols and guidelines for select special status plants and wildlife may be found on CDFW's [Survey and Monitoring Protocols and Guidelines](#) webpage (CDFW 2023d). Surveys should not deviate from established protocols and guidelines except with documented approval specific to this Project. Species-specific surveys would identify any areas where these species occur which may help inform plans to fully avoid these areas/impacts and/or appropriate mitigation measures.
- c) Disclosure. CDFW recommends the SEIR fully disclose potential species-specific impacts and provide measures to fully avoid impacts to wildlife and habitat during and after the Project.
- 6) Nesting Birds. The proposed Project could potentially result in significant impacts to biological resources regarding riparian habitat or any other sensitive natural community provided protection under federal, State, and local laws, regulations, policies, or plans." Project activities, such as dam removal and sediment transport, are likely to occur where birds may nest (e.g., trees, crevices in infrastructure). Activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment in trees or buildings directly adjacent to where construction would occur. The removal of the dam, construction of new/replacement structures, and upgrading of existing facilities may also result in loss of nesting habitat for sensitive bird species.
- a) Survey. In preparation of the SEIR, CDFW recommends the VCPW retain a qualified biologist to conduct a recent nesting bird survey within the Project area. The SEIR should disclose species of nesting birds and raptors on site and



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location of nests. The SEIR should discuss the Project's potential impact on nesting birds and raptors. A discussion of potential impacts should include impacts that may occur during Project construction, ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating), and vegetation removal.

- b) Avoidance and Minimization. The SEIR should disclose whether the Project would remove any trees that have been documented to support nesting birds and raptors. CDFW recommends that the SEIR include measures to fully avoid impacts on nesting birds and raptors. To the extent feasible, no Project-related construction, ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating), and vegetation removal should occur during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs. CDFW recommends that the VCPW protect trees where special status species (e.g., vireo) nest.
- 7) Bats. In urbanized areas, numerous bat species are known to roost in trees and structures throughout Ventura County. Bats may use trees and man-made structures (e.g., cracks and crevices in large concrete structures) for daytime and nighttime roosts. Western yellow bats (*Lasiurus xanthinus*) can be found year-round in urban areas throughout southern California. Bats and roosts could be impacted by removal of trees, vegetation, and/or structures supporting roosting bats. This could result in injury and/or mortality of bats, as well as loss of roosting habitat. Bats and roosts could also be impacted by increased noise, human activity, dust, and ground vibrations.
- a) Survey. In preparation of the SEIR, CDFW recommends the VCPW retain a qualified bat specialist to identify potential daytime, nighttime, wintering, and hibernation roost sites. Bat surveys should be conducted within these areas (plus a 100-foot buffer as access allows) to identify roosting bats and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats.
- b) Avoidance and Minimization. If the Project would impact bats, CDFW recommends the SEIR include measures to avoid and minimize impacts on bats, roosts, and maternity roosts. A qualified bat specialist should be retained to identify potential daytime, nighttime, wintering, and hibernation roost sites and conduct bat surveys within these areas (plus a 100-foot buffer as access allows) to identify roosting bats and any maternity roosts. CDFW recommends using acoustic recognition technology to maximize detection of bats. The SEIR should include mitigation measures in accordance with [California Bat Mitigation Measures](#) (Johnston et al. 2004).

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## General Comments

- 1) Disclosure. The SEIR should provide an adequate, complete, and detailed disclosure about the effect which the proposed Project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project to use feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document “shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.”
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency “shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures” (Pub. Resources Code, § 21081.6). CDFW recommends VCPW provide mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the SEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the SEIR should provide an adequate, complete, and detailed disclosure about the Project’s proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project’s potential direct, indirect, and cumulative biological impacts, as well as

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specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The SEIR should include the following information:

- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The SEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023e);
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Botanical field surveys should be comprehensive over the entire Project area, including areas that could be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology;
- c) Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project area and within adjacent areas. The [Manual of California Vegetation](#), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). This assessment should include adjoining habitat areas that could be directly or indirectly impacted by the Project;
- d) A complete and recent assessment of the biological resources associated with each habitat type in the Project area and within adjacent areas. CDFW's [California Natural Diversity Database](#) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2023c). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project area. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species, at the appropriate time of year, is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];

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- e) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2023d).
  - f) Acceptable species-specific survey procedures may be developed in consultation with CDFW and U.S. Fish and Wildlife Service; and,
  - g) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period and assessments for rare plants may be considered valid for a period of up to three years. Some projects may warrant periodic updated surveys for certain sensitive taxa, particularly if build out and project implementation could occur over a protracted time frame or in phases.
- 4) Biological Direct, Indirect, and Cumulative Impacts. The SEIR should provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources with specific measures to offset such impacts. The SEIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the SEIR;
  - b) A discussion of both the short-term and long-term effects of the Project on species' population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted [CEQA Guidelines, § 15126.2(a)];
  - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;

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- d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat and natural communities supported by the groundwater. Measures to mitigate such impacts should be included;
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the SEIR; and,
  - f) A cumulative effects analysis as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and natural communities. If VCPW determines that the Project would not have a cumulative impact, the SEIR should indicate why the cumulative impact is not significant. VCPW 's determination should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 5) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the SEIR.
- a) A complete discussion of the purpose and need for, and description of the proposed Project.
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document “shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.” CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion.
  - c) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends VCPW select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends VCPW consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance, fuel modification, or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing

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or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The SEIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends VCPW select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.
- 6) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and sensitive natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2023f). To submit additional information on sensitive natural communities, the [Combined Rapid Assessment and Releve Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2023g). VCPW should ensure data collected for the preparation of the SEIR be properly submitted and with all applicable data fields filled out.
- 7) Use of Native Plants and Trees. CDFW supports the use of native plants for any project proposing revegetation and landscaping. CDFW strongly recommends avoiding non-native, invasive plants for landscaping and restoration, particularly any species listed as ‘Moderate’ or ‘High’ by the [California Invasive Plant Council](#) (Cal-IPC 2022). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project area. In addition, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) in order to create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.

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- 8) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation involve removing plants and wildlife from one location and permanently moving them to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 9) Compensatory Mitigation. The SEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 10) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the SEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.
- 11) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California" (CFGF 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the

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

- a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the SEIR and these measures should compensate for the loss of function and value.
- b) The Fish and Game Commission’s Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

## **Conclusion**

We appreciate the opportunity to comment on the NOP for the Matilija Dam Ecological Restoration Project to assist VCPW in preparing the Project’s environmental document and identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Felicia Silva, Environmental Scientist, at [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov) or (562) 292-8105.



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Sincerely,

DocuSigned by:  
  
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