

STATE WATER INTERCONNECTION PROJECT ENVIRONMENTAL IMPACT REPORT

SCOPING REPORT

June 2018

Introduction

The intent of this report is to describe the manner in which information regarding a forthcoming Environmental Impact Report (EIR), under preparation by the City of San Buenaventura (City of Ventura/City), Calleguas Municipal Water District (Calleguas), United Water Conservation District (United), and Casitas Municipal Water District (Casitas) (collectively, the “Joint Agencies”), was disseminated to the public. The proposed EIR is titled “State Water Interconnection Project” and will be prepared to fulfill the requirements of the California Environmental Quality Act (CEQA). This report is organized into four sections with two appendices. Section 1.0 addresses the circulation to the public of the Notice of Preparation (NOP) prepared by the Joint Agencies. Section 2.0 describes the Scoping Meeting that was conducted following circulation of the NOP. Section 3.0 lists each of the agencies and/or persons providing comments on the NOP while Section 4.0 details the issues and concerns contained in these communications. Appendix A contains copies of the materials presented at the Scoping Meeting and Appendix B contains copies of all comments received and the sign-in sheets from the Scoping Meeting.

All verbal comments from the Scoping Meeting and all written submissions received on or before April 4, 2018, were evaluated and are documented in this scoping summary report.

1.0 Notice of Preparation

A total of 88 copies of the NOP were circulated in March 2018. The NOP was mailed via certified mail on February 28, 2018. The NOP was provided to the California Office of Planning and Research and was assigned the State Clearinghouse No. 2018031010. A notice was also published in three local newspapers: The Ventura County Star, the Ventura Breeze, and the Ventura County Vida.

2.0 Scoping Meeting

A Scoping Meeting was held on Thursday March 15, 2018 at 6:00 p.m. at the Ventura City Hall, Council Chambers in the City of Ventura. Written comment cards were available at the door, along with a sign-in sheet. Staff from the City of Ventura, Casitas, United, and Calleguas gave an overview and discussed the purpose and need for the proposed project. The consultant working on the CEQA document gave a brief presentation on the purpose of the CEQA document, how the public can stay informed on the CEQA document, and the anticipated schedule for CEQA activities. Following the presentation, the audience was encouraged to provide comments on the content of the upcoming EIR. Copies of the scoping meeting materials are included in Appendix A.

Issues and comments raised at the scoping meeting are presented in the matrix below:

<i>Issues/Comments from Public</i>	<i>Relevance to EIR Analysis</i>
What are full costs of implementation (construction and implementation)?	Project costs are not fully detailed at this time. CEQA review provides decision makers with information on the potential physical impacts from implementing a proposed project. Project cost is also certainly an issue for decision-makers but is not the focus of CEQA review. Project cost affects whether or not a particular project alternative is feasible.
How will the project impact rates?	
Could the cost of different water sources be disclosed?	
Is there some information on the costs of the water/acre-foot?	
EIR should include project merits, and not wait until Statement of Overriding Considerations.	The EIR will be an informational document based on facts. The EIR takes a neutral approach that neither supports nor opposes the project. However, the EIR will discuss the purpose and need for the project which does give a brief description of the project merits.
EIR should disclose benefits along with discussing adverse impacts.	
A Statement of Overriding Considerations should be presented concurrently with the EIR, be strong, and include project benefits.	Discussion with the person providing this comment made it evident that he wanted to present the Statement of Overriding Considerations concurrently with the EIR so that decision-makers and public were presented with both the project benefits and the potential environmental impacts, rather than just the project impacts. The EIR will be an informational document based on facts. The EIR takes a neutral approach that neither supports nor opposes the project. However, the EIR will discuss the purpose and need for the project which does give a brief description of the project merits. If the EIR identifies significant unavoidable environmental impacts and the City decides to approve the project, the City shall prepare a statement of overriding considerations which reflects how the economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.
What is projected flows/availability of water (average)? What do you anticipate average flows over next few years?	The EIR will discuss the volume of water that could be delivered by the project.
As recommended in Hajas Study (A Cooperative Regional Approach to Improving Ventura County's Water Supply Reliability, published by the Ojai Valley Water Advisory Group, Prepared by Richard H. Hajas, January 21, 2018), the City should look at the option of maximizing conjunctive use of all supplies.	The EIR will describe and analyze a range of reasonable alternatives to the project that: 1) are potentially feasible, 2) would "feasibly attain most of the basic objectives of the project," and 3) would avoid or substantially lessen any of the project's significant effects.
Are there other alternatives to bring water into the area? Perhaps Oxnard's Groundwater Recovery Enhancement and Treatment Program? Connection to the State Water Project (SWP) through Santa Barbara?	The EIR will discuss alternatives considered but rejected and why, and alternatives evaluated and why.

Potential project alternatives: (a) Wheel water from Santa Barbara, Carpinteria then to a Casitas facility, (b) Hajas concept, (c) Release SWP water from Pyramid Lake to Santa Clara River, and (d) Water reclamation as an alternative.	
If City of Ventura builds a potable reuse project and Calleguas builds a seawater desalination facility, who will want the SWP water?	
Is anything being done/looked at in regard to Quagga Mussels and the potential for construction in water ways leading to spread of the mussel?	The EIR will examine the potential impacts from construction in water ways.
Is the project growth inducing?	The EIR will examine the potential for the project to be growth inducing.
If Casitas goes to Stage 4 Shortage, they will go to “no new water connections”, will that apply to Ventura?	This comment points to the stated need for the project in the NOP including, “The City needs to provide a continued reliable water service to City water customers,” and “Casitas needs to extend the ability of Lake Casitas to provide water during a long-term drought and to replace water that otherwise would have been diverted for storage at Lake Casitas but is now released downstream as required by the Biological Opinion for the Robles Diversion Facility.”
The No Project alternative should include impacts of trucking in water from elsewhere if there is an earthquake.	The No Project alternative will capture reasonable, foreseeable future conditions if the project is not approved.
Will there be an opportunity to see the changes in the EIR document?	The Draft EIR will be circulated for public review. It is anticipated the Draft EIR will be available late summer 2018.
When will the Draft EIR be available?	
Deadline for NOP Comments is?	The deadline for comments on the NOP was March 30, 2018.
Can there be a place on City’s website to post comments?	https://www.cityofventura.ca.gov/1348/State-Water-Interconnection

3.0 Written Comments Received

Comments on the proposed project, received in the form of cards at the Scoping Meeting and letters in response to the circulated copies of the NOP, were received from the persons and organizations listed below. Each correspondence, as well as the sign-in sheets, is included in Appendix B.

1. Russ Baggerly (comment card received March 15, 2018).
2. Ventura River Water District, Bert Rapp (comment card received March 15, 2018).
3. California Department of Fish and Wildlife, Betty J. Courtney, Environmental Program Manager (letter dated March 30, 2018).

4. NOAA National Marine Fisheries Service, Anthony P. Spina, Chief Southern California Branch (letter dated March 30, 2018).
5. City of Camarillo Department of Public Works, David Klotzle, Director of Public Works (letter dated March 22, 2018).
6. Metropolitan Water District of Southern California, Vikki Dee Bradshaw, Team Manager of Environmental Planning Section (letter dated March 22, 2018).
7. City of Ojai, Steve McClary, City Manager (letter dated March 29, 2018).
8. Ventura County Air Pollution Control District, Alicia Stratton (letter dated March 22, 2018).
9. Ventura County Watershed Protection District, Sergio Vargas, Deputy Director (letter dated March 28, 2018).
10. Ventura County Long Range Planning Division, Kimberly L. Prillhart, Director (letter dated March 30, 2018).
11. Ventura County Public Works Agency Transportation Department, Anitha Balan, Engineering Manager II (letter dated March 29, 2018).
12. California Department of Conservation Division of Oil, Gas, and Geothermal Resources, Patricia Abel, Coastal District Deputy (letter dated March 30, 2018).
13. Southern California Edison, Heather Neely, Third Party Environmental Reviews (letter dated March 28, 2018).
14. Native American Heritage Commission, Frank Lienert, Associate Governmental Program Analyst.

4.0 Issues and Concerns Raised in Comments

Below is a summary of written comments received on the NOP followed by a brief summary of the relevance to the CEQA process.

Russ Baggerly. Growth inducement is not mentioned in the NOP. An EIR must have alternatives. The Ojai Valley Water Advisory Group concept plan can serve as one alternative. Another is bringing State Water to Ventura County by wheeling SWP from Santa Barbara to Casitas Municipal Water District facilities.

Relevance to EIR Analysis. The EIR will examine the potential for the project to be growth inducing. The EIR will describe and analyze a range of reasonable alternatives to the project that: 1) are potentially feasible, 2) would “feasibly attain most of the basic objectives of the project,” and 3) would avoid or substantially lessen any of the project’s significant effects.

Ventura River Water District. This project is necessary for water supply reliability.

Relevance to EIR Analysis. Water supply reliability is one of the stated needs for the project and will be discussed in the EIR.

California Department of Fish and Wildlife (CDFW). CDFW had multiple comments on the NOP:

1. The project may directly or indirectly impact areas within the Santa Clara River known to provide foraging, roosting, and nesting habitat for avian species, including the federal and State-listed least Bell's vireo and Southwestern willow flycatcher.
2. The project may significantly impact migration and critical habitat for the steelhead trout, a California species of special concern (SSC). The Santa Clara River and its associated habitat has been recognized as important migration and critical habitat for the federally endangered and California species of special concern Southern steelhead trout.
3. To enable CDFW to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, CDFW recommends the following information be included in the Draft EIR:
 - a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas; and,
 - b) A range of feasible alternatives to project component location and design features to ensure that alternatives to the proposed project are fully considered and evaluated.
4. Project impacts may trigger need to comply with the California Endangered Species Act (CESA). The EIR should contain information that addresses all project impacts to CESA-listed species and should specify a mitigation monitoring and reporting program that will meet the requirements of an Incidental Take Permit.
5. Project impacts may require obtaining a Lake and Streambed Alteration Agreement with CDFW. The EIR should document all project impacts to stream and riparian resources and should provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of a Lake and Streambed Alteration Agreement.
6. The NOP describes project activities that would require operating or placing construction equipment in and adjacent to the Santa Clara River and other local creeks. It is unlawful to permit petroleum products and many other deleterious materials to be placed or pass into waters of the state. Best Management Practices and other feasible measures should be incorporated into the project to prevent lubricants and fuels to pass into waters of the state.
7. Drilling muds are commonly released (frac out) during horizontal directional drilling operations. Drilling should be monitored. An emergency frac out plan should be prepared in advance and all necessary equipment and crews should be on hand in the event a frac out occurs.
8. CDFW recommends the Draft EIR include mitigation measures to compensate for unavoidable wetland impacts, including loss of function and value.
9. CDFW recommends avoidance of project-related practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the maximum extent feasible.
10. CDFW requested a biological resources baseline assessment be performed for the EIR.
11. CDFW recommends the EIR include a discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage (including dewatering during construction). CDFW recommends the EIR discuss the impacts of zoning of areas for

development projects or other uses nearby or adjacent to natural areas, which may inadvertently contribute to wildlife-human interactions.

12. CDFW recommends the EIR analyze cumulative effects analysis, as described under CEQA Guidelines section 15130.
13. CDFW is expecting the EIR to include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts and where impacts are unavoidable to provide compensatory mitigation. CDFW made specific comments on long-term management of mitigation lands, avoidance of impacts to nesting birds, and salvage of plants and animal species, use of a biological monitor during construction, and preparation of revegetation/restoration plans.

Relevance to EIR Process. The EIR will evaluate potential impacts to biological resources, will describe the purpose and need for the project, and will describe construction activities and locations. The EIR will examine a reasonable range of alternatives. The EIR will describe applicable permits and approvals needed for project implementation. The EIR will evaluate mitigation measures to avoid or reduce significant adverse impacts.

NOAA National Marine Fisheries Service. NOAA Fisheries had multiple comments on the NOP:

1. The Draft EIR should specify that the entire reach of the Santa Clara River in the project area is designated critical habitat for endangered southern California steelhead.
2. A description of the type of vehicles/equipment use, season of use and duration of instream project-construction activities should be included in the Draft EIR. All instream work activities should occur outside the steelhead migration season (December – May), and only when the channel is dry.
3. The proposed project has the potential to adversely affect steelhead and designated critical habitat for this species. Therefore, a discussion including the specific types of direct and indirect impacts to southern California steelhead and their designated critical habitat should be included in the Draft EIR.
4. The description of trenchless construction should include a detailed description regarding the proposed depth of boring beneath the Santa Clara River and any other local creeks containing designated critical habitat, and the estimated depth to groundwater below the boring at the time the work is proposed to occur.
5. A detailed schedule for trenchless construction activities should be defined in the Draft EIR.
6. The Draft EIR should indicate if the proposed project is anticipated to require a federal action.
7. The Draft EIR should fully describe the operation of the constructed pipeline, including releases of treated and untreated water to natural waterways, and the potential implications of this released water on native aquatic species.
8. The Draft EIR should consider the potential that the improved water supply would trigger population growth or increased agricultural production and, in turn, the potential for growth or agricultural-inducing impacts on the aquatic environment and water-dependent species.
9. The Draft EIR should describe the measures that will be taken to ensure pipeline crossings through streams would not create passage impediments for water-dependent species.

Relevance to EIR Process. The EIR will evaluate potential impacts to biological resources, will describe construction activities and locations, and project operations. The EIR will describe applicable permits and approvals needed for project implementation. The EIR will evaluate mitigation measures to avoid or reduce significant adverse impacts.

City of Camarillo Department of Public Works. Encroachment permits, including traffic control plans, will be required for review and approval by the City of Camarillo Public Works Department for work within the City of Camarillo public rights-of-way. The Draft EIR should be sent to the City of Camarillo when available for review and comment.

Relevance to EIR Process. The EIR will describe applicable permits and approvals needed for project implementation. The Draft EIR will be circulated for public and agency review and comment.

Metropolitan Water District of Southern California. The proposed project will require an agreement with Metropolitan for use of Metropolitan facilities. Metropolitan may be a responsible agency under CEQA related to this project and requests that the Draft EIR be sent to Metropolitan when available for review and comment.

Relevance to EIR Process. The EIR will describe applicable permits and approvals needed for project implementation. The Draft EIR will be circulated for public and agency review and comment.

City of Ojai. The City of Ojai had multiple comments on the NOP:

1. The Draft EIR should consider potential impacts to the water supply for the Ojai Valley from the project and should study the interconnection between Lake Casitas and the Ojai Valley Groundwater Basin to determine what impact the project would have on Ojai's water supply and water quality.
2. The Draft EIR should take into account a possible future connection to Lake Casitas and determine what impact this connection would have on the supply and quality of water for the Ojai Valley.
3. The Draft EIR should analyze the potential impacts to the City of Ojai and the Ojai Valley from the project including its potential impact on agriculture, commercial, residential and industrial development, recreation resources, and local infrastructure.
4. The City of Ojai supports in-lieu¹ recharge of Lake Casitas.

Relevance to EIR Process. The EIR will examine reasonably foreseeable impacts including those related to hydrology and water quality. The EIR will examine the potential for the project to be growth inducing. The EIR will consider cumulative impacts.

Ventura County Air Pollution Control District. The Air Pollution Control District recommends the Draft EIR evaluate all potential air quality impacts that may result from the project, which include construction equipment exhaust, ground disturbance during construction, materials hauling, and construction employee commute travel. Specifically, the air quality assessment should consider reactive organic compound and nitrogen oxide emissions from all project-related motor vehicles and construction equipment. Any potential air quality impacts should be mitigated to the greatest extent feasible.

¹ In-lieu delivery means that SWP water would be delivered to a Ventura Water customer in the Casitas service area, rather than directly delivered to Casitas, and this would offset demand on the Casitas system resulting in recharge to Lake Casitas.

Relevance to EIR Process. The EIR will evaluate potential impacts to air resources. The EIR will evaluate mitigation measures to avoid or reduce significant adverse impacts.

Ventura County Watershed Protection District. The preferred alternative alignment will potentially have significant impacts to Watershed Protection District facilities and jurisdictional channels as proposed. All proposed actions will need to consider mitigation measures that will reduce impacts to less than significant and will need to comply with WP-2 Ordinance which requires a District Permit. In addition, any alignment that proposes the use of District property will be subject to District Resolution for permitting underground facilities establishing underground facility use fees.

Relevance to EIR Process. The EIR will evaluate potential impacts related to habitat, land use, public services, and utilities. The EIR will describe applicable permits and approvals needed for project implementation.

Ventura County Long Range Planning Division. The County of Ventura adopted Initial Study Assessment Guidelines (ISAGs) by topical area that provide threshold criteria and standard methodology used in determining whether or not a project could have a significant effect on the environment; this document should be consulted when preparing the Draft EIR. The County of Ventura also maintains biological assessment standards called "standards for Initial Study Biological Assessments" or ISBAs. Ventura County requests that a biological resources report be prepared using the ISBAs as part of the environmental review/analysis for this project. The environmental document shall analyze potential noise and vibration impacts and impacts to agricultural resources. The environmental document shall analyze and identify staging areas for construction purposes. The proposed project is within the boundaries of the El Rio/Del Norte Area Plan and shall be consulted when preparing the EIR. In the event there is a loss of crop producing acreage as a result of the project, a permit will be needed from the County of Ventura.

Relevance to EIR Process. The EIR will utilize applicable County of Ventura standards and guidelines for those portions of the project within the County of Ventura. The EIR will evaluate impacts related to noise and vibration. The EIR will examine potential impacts to agricultural resources during construction and during operations, including any permanent loss of crop producing acreage. No permanent loss of crop producing acreage is anticipated and the Joint Agencies will work with the County of Ventura to confirm the necessary permits. The EIR will evaluate consistency with applicable land use plans. The EIR project description will identify construction staging areas. The EIR will describe applicable permits and approvals needed for project implementation.

Ventura County Public Works Agency Transportation Department. The EIR must evaluate the potential for additional construction vehicles, lane closures, or road closures to impact traffic and circulation and will need to identify mitigation measures as necessary to avoid, minimize, or offset potential impacts. According to County policy, trenching shall not be permitted on any street that was rehabilitated within the last five years, unless a full width overlay is provided after trenching is completed. Prior to any work conducted within the County right-of-way, the developer/project proponent shall obtain an encroachment permit from the Transportation Department. The applicant should provide a Traffic Management Plan (TMP) to identify the construction-related vehicle route, especially for trucks, if there are any. The Public Works Agency recommends that construction take place during off-peak hours to minimize disruption on local roadways. The Public Works Agency requests a copy of the Draft EIR.

Relevance to EIR Process. The EIR will evaluate potential impacts to traffic and transportation and will identify potential measures to avoid or reduce significant adverse impacts. The EIR will describe applicable permits and approvals needed for project implementation. The Draft EIR will be circulated for public and agency review and comment.

California Department of Conservation Division of Oil, Gas, and Geothermal Resources (DOGGR). DOGGR identified five plugged oil and gas wells in proximity to the proposed project and Alternative Alignment B. The oil and gas wells are identified as plugged but not abandoned. DOGGR recommends that access be maintained to any oil and gas well during construction and operation. If construction is to occur over any plugged or abandoned well, the well should be upgraded to current standards and monitoring for future leakage considered. Any soil containing significant amounts of hydrocarbons should be disposed of in accordance with applicable laws.

Relevance to EIR Process. The EIR will evaluate hazards and hazardous materials and will identify potential measures to avoid or reduce significant adverse impacts. The Draft EIR will be circulated for public and agency review and comment.

Southern California Edison (SCE). SCE notes that they provide electric service to the City of Ventura and maintain electrical transmission and distribution facilities and substations within the City. SCE states that the proposed project should not impose constraints on SCE's ability to access, maintain, or operate its current and future facilities. Any proposed use affecting a SCE facility will require SCE review. If any relocation of a SCE facility designed to operate at or above 50 kilovolts, this action may be subject to the California Public Utilities Commission (CPUC) General Order 131-D. To streamline environmental review, SCE states that the construction, modification, or relocation of transmission lines required by the project should be evaluated in the EIR or it may be necessary for SCE to undertake a separate CEQA review through the CPUC and this may take two years or longer. SCE is subject to CPUC General Order 131-D and construction of electric facilities greater than 50 kilovolts triggers specific CPUC permits and review by CPUC as a CEQA lead agency. SCE must also comply with General Order 95 which establishes rules and regulations for the overhead line design, construction, and maintenance as well as vertical clearance requirements from thoroughfares, ground, railroads, and vegetation. The project landscaping should not conflict with SCE's existing and proposed transmission line designs.

Relevance to EIR Process. The EIR will evaluate impacts to utilities and identify potential measures to avoid or reduce significant adverse impacts.

Native American Heritage Commission (NAHC). The NAHC notes that the City of Ventura, as lead agency, will need to determine whether there are historical resources within the area of project effect. The NAHC notes that the project is subject to Assembly Bill 52. Assembly Bill 52 amended CEQA to create a separate category of cultural resources, "tribal cultural resources", and mandates specific tribal consultation requirements along with the CEQA process. The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. Further, as part of the cultural resources assessment, the NAHC recommends contacting the regional California Historical Research Information System, keeping information on cultural site locations confidential, and contacting the NAHC for a Sacred Lands File search. The NAHC recommends mitigation measures include Native American monitoring during ground-disturbance, plans and provisions for the disposition of recovered cultural items, and plans and provisions for inadvertently discovered cultural resource items.

Relevance to EIR Process. The City will follow the requirements of AB 52. Appropriate records searches, surveys, and consultations will take place to identify historical resources within the area of project effect. The EIR will include mitigation measures to avoid significant impacts to cultural resources.

Appendix A: Materials Presented at the Scoping Meeting



State Water Interconnection Project

**Environmental Public Scoping
Meeting
March 15, 2018**

REGIONAL PROJECT



Kevin Brown, General Manager, Ventura Water



Susan Mulligan, General Manager, Calleguas MWD



Anthony Emmert, Deputy General Manager, United WCD



Steve Wickstrum, General Manager, Casitas MWD

Meeting Agenda

- Background
- Why do this project?
- Overview of Proposed Project
- EIR Process
- Public Comments

Background

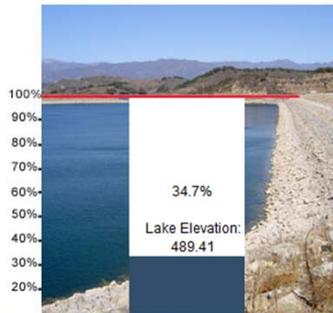
- 1963 Ventura County Watershed Protection District contracted with Department of Water Resources for 20,000 Acre-Feet per Year (AFY) of State Water
- 1970 Administration of State Water assigned to Casitas
- 1971 City executed agreement with Casitas for 10,000 AFY
United executed agreement with Casitas for 5,000 AFY
Casitas held entitlement to remaining 5,000 AFY



Why Do this Project?

- Ventura Water
- United Water Conservation District
- Casitas Municipal Water District
- Calleguas Municipal Water District

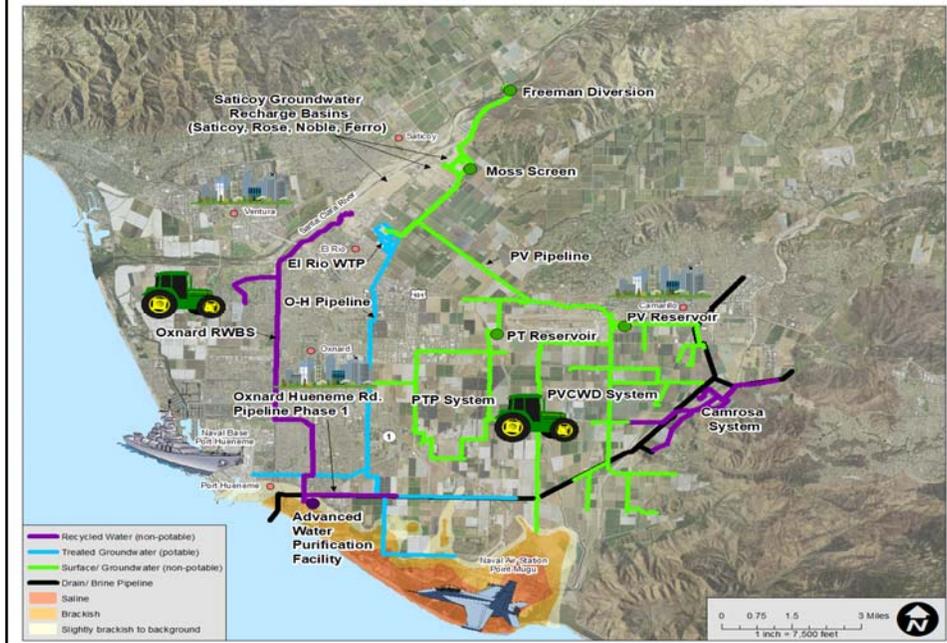
Ventura Water



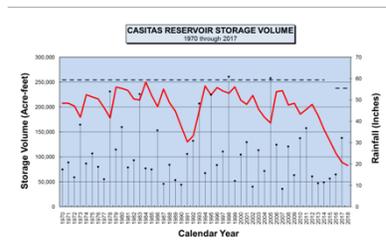
*Latest update on 03/08/2018



United Water Conservation District

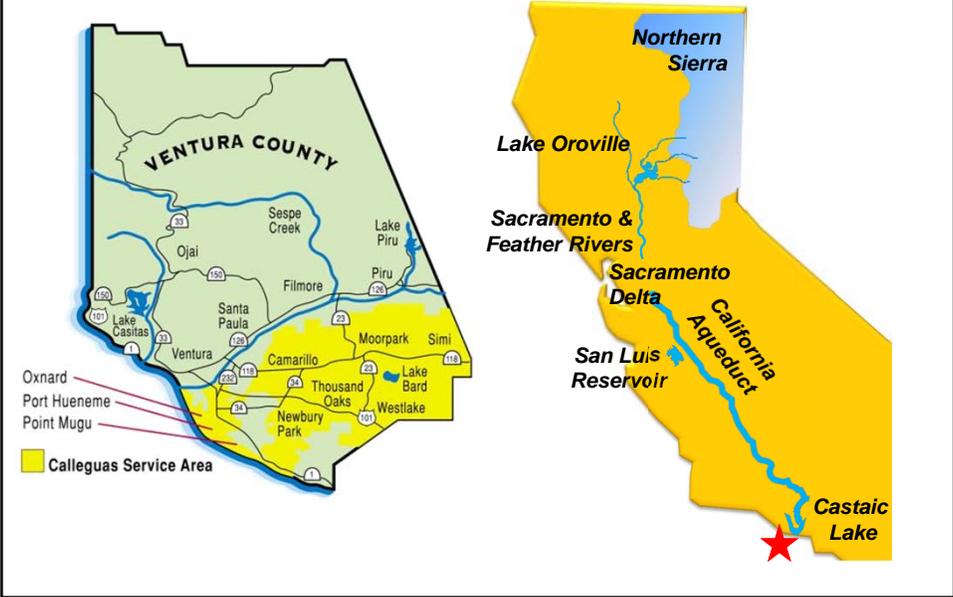


Casitas Municipal Water District

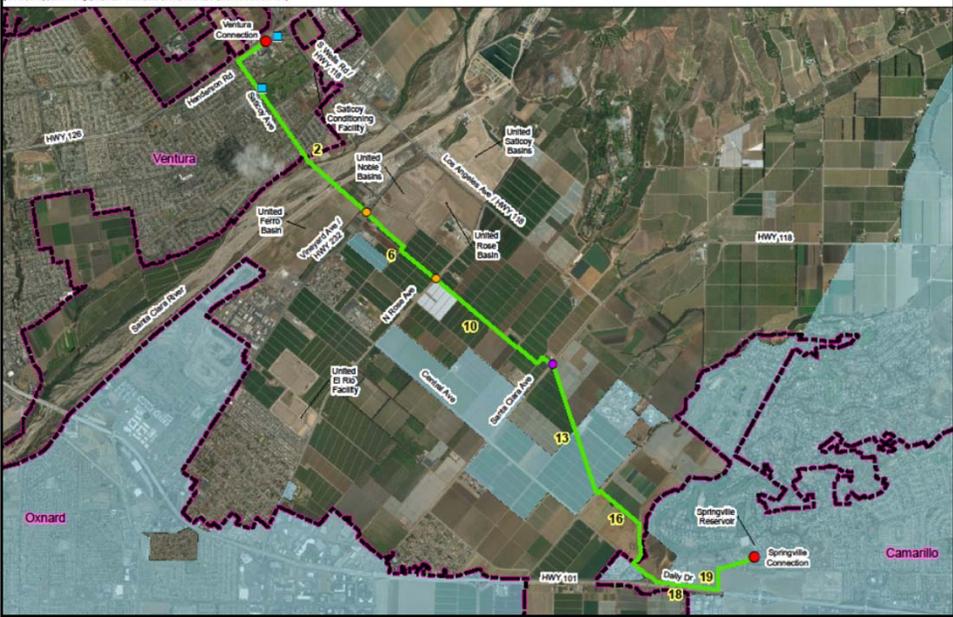


- Drought Protection Option
- Enhance Local Water Supply
- Emergency Water Supply

Calleguas Municipal Water District



Proposed Project





Purpose of Meeting

Purpose of CEQA

- To inform decision makers of the environmental consequences of undertaking a project before project approval
- To disclose to public potential environmental impacts
- To identify ways to reduce adverse impacts

Notice of Preparation Released February 28, 2018

- Formally started the environmental review process with intent of soliciting input on issues and concerns to be discussed in the EIR.

Purpose of Scoping Meeting

- To take input on potential impacts to be evaluated in EIR
- To provide suggestions for potential alternatives
- Purpose is NOT to act as forum to discuss merits of the project



EIR Process

What is an EIR?

- Informational document based on facts
- Studies are prepared and conclusions of significance made in accordance with CEQA Guidelines
- Neutral approach that neither supports nor opposes project

EIR Steps

- ✓ Notice of Preparation
- ✓ 30-Day Notice of Preparation Comment Period
- ✓ Public Scoping Meeting
- Preparation of Draft EIR
- 45-Day Public Comment Period
- Preparation of Response to Comments & Final EIR
- 10-Day Final EIR Review
- Public Hearing Process
- Certification of Final EIR
- Adoption of Findings of Fact
- Adoption of Mitigation Monitoring & Reporting Program



Public Comments

Comment period

February 28, 2018 to March 30, 2018

Send Comments to:

City of Ventura
Betsy Cooper
501 Poli Street, Room 120
Ventura, CA 93002-0099
bcooper@cityofventura.ca.gov

Appendix B: Comments Received on the NOP

Sign-in Sheet

City of San Buenaventura
501 Poli St. Ventura, CA
Thursday, March 15, 2018 | 6:00pm

Scoping Meeting for the State Water Interconnection Project

The signing, registering, or completion of this document is voluntary. All persons may attend this Scoping Meeting regardless of whether they sign, register, or complete this document.

Name: William Weirick
Company/Affiliation: City of Ojai
Address: 107 E. Aliso
Ojai 93023
Email: wweirick@wp1lp.com
Do you want future notices regarding this project? yes no

Name: Russ Baggerly
Company/Affiliation: _____
Address: 119 S. Poli Ave.
Ojai CA 93023
Email: russ.baggerly65@gmail.com
Do you want future notices regarding this project? yes no

Name: Anthony Emmert
Company/Affiliation: United Water Cons District
Address: _____
Email: Tony E@unitedwater.org
Do you want future notices regarding this project? yes no

Name: _____
Company/Affiliation: _____
Address: _____
Email: _____
Do you want future notices regarding this project? yes no

Name: Duane Georgeson
Company/Affiliation: Self
Address: 2966 Bayshore
Ventura 93001
Email: duanegearson@msd.com
Do you want future notices regarding this project? yes no

Name: _____
Company/Affiliation: _____
Address: _____
Email: _____
Do you want future notices regarding this project? yes no

Name: PAT BAGGERLY
Company/Affiliation: ENVIRONMENTAL COALITION
Address: 119 SOUTH POLI AVE.
MEINERS OAKS, CA 93023
Email: reygacho@retzero.net
Do you want future notices regarding this project? yes no

Name: _____
Company/Affiliation: _____
Address: _____
Email: _____
Do you want future notices regarding this project? yes no

Sign-in Sheet

City of San Buenaventura
501 Poli St. Ventura, CA
Thursday, March 15, 2018 | 6:00pm

Scoping Meeting for the State Water Interconnection Project

The signing, registering, or completion of this document is voluntary. All persons may attend this Scoping Meeting regardless of whether they sign, register, or complete this document.

Name: Jim Grisham
Company/Affiliation: United Water
Address: 106 N. 8th Street
Santa Paula CA 93060
Email: jimg@unitedwater.org
Do you want future notices regarding this project? yes no

Name: Jim Kentosh
Company/Affiliation: MEINERS OAKS WATER DISTRICT
Address: _____
Email: KENTOSH@MEINERSOAKSWATER.COM
Do you want future notices regarding this project? yes no

Name: _____
Company/Affiliation: _____
Address: _____
Email: _____
Do you want future notices regarding this project? yes no

Name: _____
Company/Affiliation: _____
Address: _____
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Do you want future notices regarding this project? yes no

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Do you want future notices regarding this project? yes no

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Do you want future notices regarding this project? yes no

Name: _____
Company/Affiliation: _____
Address: _____
Email: _____
Do you want future notices regarding this project? yes no

Name: _____
Company/Affiliation: _____
Address: _____
Email: _____
Do you want future notices regarding this project? yes no

Comment Card

City of San Buenaventura
501 Poli St. Ventura, CA
Thursday, March 30, 2018 | 6:00pm

Scoping Meeting for the City of Ventura Water Supply Projects

Written comments may be submitted today during the meeting or mailed/emailed to the City, as shown below. Comments must be received no later than Friday, March 30, 2018 at 5:00pm

Betsy Cooper

City of Ventura
501 Poli Street, Room 120
Ventura, CA 93002-0099
bcooper@cityofventura.ca.gov

Your info (required):

Name: Russ Baggerly

Address: 119 S. Poli Ave.

OSAI CA 93023

Email: _____

Comments:

GROWTH INDUCEMENT IS NOT MENTIONED IN THE NOP.
AN EIR MUST HAVE ALTERNATIVES. THE OJAL VALLEY WATER ADVISORY GROUP
CONCEPT PLAN CAN SERVE AS ONE ALTERNATIVE. ANOTHER ALT. IS BRINGING

continued on back

Comments (continued):

STATE WATER TO VENTURA COUNTY BY WHEELING SPW FROM SANTA
BARBARA THROUGH CARPINTERIA 1.) DOWN THE PACIFIC COAST TO CMLD
FACILITIES, 2.) FROM CARPINTERIA OVER CASITAS PASS TO THE CMLD
FACILITIES.

Comment Card

City of San Buenaventura
501 Poli St. Ventura, CA
Thursday, March 15, 2018 | 6:00pm

Scoping Meeting for the City of Ventura Water Supply Projects

Written comments may be submitted today during the meeting or mailed/emailed to the City, as shown below. Comments must be received no later than Friday, March 30, 2018 at 5:00pm.

Betsy Cooper

City of Ventura
501 Poli Street, Room 120
Ventura, CA 93002-0099
bcooper@cityofventura.ca.gov

Your info (required):

Name: BERT RAPP
Address: 409 OLD BALDWIN ROAD
OJAI, CA 93023
Email: BERT @VENTURARIVERA.WD.COM

Comments:

THIS PROJECT IS NECESSARY FOR WATER SUPPLY RELIABILITY.

continued on back



March 30, 2018

Ms. Betsy Cooper
City of Ventura
501 Poli Street, Room 120
Ventura, CA 93002-0099
Email address: bcooper@cityofventura.ca.gov

Subject: Comments on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the State Water Interconnection Project, Ventura County (SCH# 2018031010)

Dear Ms. Cooper:

The California Department of Fish and Wildlife (CDFW) has reviewed the above-referenced NOP for the State Water Interconnection Project (project) Draft Environmental Impact Report (DEIR). The project would provide delivery of State Water Project (SWP) water via the Metropolitan Water District of Southern California and Calleguas Municipal Water District water systems to the City of Ventura (Lead Agency). Additionally, the project anticipates delivery of SWP water to United Water Conservation district and an alternative delivery of SWP water to Casitas Municipal Water District. The project would involve constructing a pipeline used to transport water between Calleguas and the City of Ventura distribution systems. The project would create an approximately seven-mile long pipeline originating in the City of Ventura at Henderson Road between South Saticoy Avenue and South Wells Road and travel southerly and easterly through unincorporated Ventura County to the southwestern end of the City of Camarillo near the intersection of Camino Tierra Santa and Via Zamora. The project requires undergrounding a large portion of pipeline underneath the Santa Clara River in Ventura County. The final project EIR will consider project-specific environmental impacts directly and indirectly attributable to projects implementation during the California Environmental Quality Act (CEQA) review process.

The following comments and recommendations have been prepared pursuant to CDFW's authority as a Responsible Agency under CEQA (Public Resources Code § 21069; Guidelines section 15381) over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA, Fish and Game Code § 2050 *et seq.*), California Native Plant Protection Act (NPPA, Fish and Game Code §1900 *et seq.*), Lake and Streambed Alteration (LSA, Fish and Game Code section 1600 *et seq.*), and pursuant to CDFW's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines § 15386) to assist the Lead Agency in avoiding or minimizing potential project impacts on biological resources.

Specific Comments

- 1) Least Bell's Vireo (*Vireo bellii pusillus*) and Southwestern Willow Flycatcher (*Empidonax traillii extimus*). The project may directly or indirectly impact areas within the Santa Clara River known to provide foraging, roosting, and nesting habitat for avian species, including

the federal and State-listed least Bell's vireo and Southwestern willow flycatcher. CDFW recommends that all project-related activities be conducted away from known occupied habitat of these species. Project-related losses to these species foraging habitat during the nesting season could result in incidental take. If project avoidance of these species' foraging habitat during the nesting season is not feasible, CDFW recommends further consultation under CESA be initiated before any project site disturbances.

Foraging habitat for least Bell's vireo and Southwestern flycatcher is critical for reproductive success during the nesting season. Foraging habitat continues to be in decline due to urbanization. Loss of foraging habitat within these species locations regardless of the time of year should be considered a direct and cumulative significant impact under CEQA because these areas will no longer be available for future nesting seasons and species recovery.

CDFW recommends that project impacts are fully described within the DEIR, including measures to avoid or mitigate project impacts to a level less than significant. Potential mitigation measures for unavoidable impacts may include acquisition of suitable least Bell's vireo and Southwestern flycatcher habitat, and protection, long-term funding, and management in perpetuity. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands pursuant to AB 1094 (2012), which amended Government Code §§ 65965-65968.

- 2) Southern Steelhead Trout (*Oncorhynchus mykiss*). The project may significantly impact migration and critical habitat for the steelhead trout, a California species of special concern (SSC). The Santa Clara River and its associated habitat has been recognized as important migration and critical habitat for the federally endangered and California species of special concern Southern steelhead trout. CDFW recommends that all components of the project are analyzed to minimize impacts to habitat. The project applicant should examine the rate of scour that will occur along their route so the pipeline doesn't become a fish passage issue. The evaluation of water availability, instream flow, and sufficient depth of flow (>1ft of depth) should include the winter migration season when returning adult ocean-run fish can access the Santa Clara River as well as evaluate the quantity of the summer/fall holding season. In addition, it will be important to evaluate the timing of estuarine breaching both for immigration into the system during the winter/spring migration period (December to May) of steelhead from the Pacific Ocean into spawning creeks that are tributaries of the Santa Clara River. Also of concern is emigration out of the system during the winter/spring migration period (December to June). The evaluation of water quality during and post construction is important. It is critical that water temperature, dissolved oxygen, sediment load, and salinity stay within normal tolerances for all life stages of this species. Mitigation measures should be evaluated that will prevent and minimize the environmental impacts of the various components of this project to steelhead.

General Comments

- 3) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DEIR:
 - a) A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas and access routes to the construction and staging areas; and,

- b) A range of feasible alternatives to project component location and design features to ensure that alternatives to the proposed project are fully considered and evaluated. The alternatives should avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas.
- 3) California Endangered Species Act (CESA). CDFW considers adverse impacts to special status species protected by CESA and the federal Endangered Species Act (ESA, 16 U.S.C. §1531 *et seq.*), for the purposes of CEQA, to be significant without mitigation. As to CESA, take of any state endangered, threatened, candidate species, or listed rare plant species pursuant to the NPPA that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Take is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”. Consequently, if the project, project construction, or any project-related activity during the life of the project will result in take of a species designated as rare, endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. [b],[c]). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain CESA authorization. Revisions to the Fish and Game Code, effective January 1998, may require CDFW issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the fully mitigated requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.
- 4) Lake and Streambed Alteration (LSA). As a Responsible Agency under CEQA Guidelines, Section 15381, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or “entity”) must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.* Based on this notification and other information, CDFW determines whether a LSA Agreement with the applicant is required prior to conducting the proposed activities. CDFW’s issuance of a LSA 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 Negative Declaration or Environmental Impact Report 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 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.¹
- a) The project area supports aquatic, riparian, and wetland habitats; therefore, a preliminary delineation of the streams and their associated riparian habitats should be included in the DEIR. The delineation should be conducted pursuant to the U. S. Fish and Wildlife

¹ A notification package for a LSA may be obtained by accessing the Department’s web site at www.wildlife.ca.gov/habcon/1600.

Service (FWS) wetland definition adopted by CDFW.² Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

- b) In project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
 - c) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the DEIR.
- 5) Pollution. Fish and Game Code sections 5650 and 5652 describe regulations related to water pollution and prohibited materials, as well as refuse disposal. The NOP describes project activities that would require operating or placing construction equipment in and adjacent to the Santa Clara River and other local creeks. It is unlawful to permit petroleum products and many other deleterious materials to be placed or pass into waters of the state. Best Management Practices and other feasible measures should be incorporated into the project to prevent lubricants and fuels to pass into waters of the state. CDFW recommends the applicant avoids placement of heavy construction equipment within the active channel of the Santa Clara River.

In addition, drilling muds are commonly released (frac out) during horizontal directional drilling operations. An emergency frac out plan should be prepared in advance and all necessary equipment and crews should be on hand in the event a frac out occurs. A monitor should be in place to monitor the drilling mud pressure and shut down the operation if a decrease in pressure is observed. Biological monitors should monitor the stream/river bottom for the drilling mud release. The released drilling muds should be immediately contained and remove from the streambed.

- 6) Wetland Resources. As described in Fish & Game Code Section 703(a), CDFW is guided by the Fish and Game Commission's policies. The Commission's Wetlands Resources policy "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California. Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion which would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values" (see <http://www.fgc.ca.gov/policy/>).
- a) The Commission's 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 activities that would avoid the reduction of wetland acreage, function, or habitat values, and discourages the development or type conversion of wetlands to uplands. Once avoidance and

² Cowardin, Lewis M., et al. 1970. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, FWS.

minimization measures have been exhausted, the project must include mitigation measures to assure a “no net loss” of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Such impacts may 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 to enable preservation of the riparian and aquatic values/functions for the benefit of on-site and off-site wildlife. CDFW recommends the DEIR include mitigation measures to compensate for unavoidable wetland impacts, including loss of function and value.

- b) The Fish and Game Commission’s Water policy guides CDFW to [insure] the quantity and quality of the waters of this state 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, and 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 (see <http://www.fgc.ca.gov/policy/>). CDFW recommends avoidance of project-related practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the maximum extent feasible.
- 7) Biological Baseline Assessment. To provide a complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, sensitive, regionally and locally unique species, and sensitive habitats, the DEIR 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]);
 - 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 Natural Communities* (see <http://www.dfg.ca.gov/habcon/plant/>);
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at the project site and within the neighboring vicinity. *The Manual of California Vegetation*, second edition, should be used to inform this mapping and assessment to fully allow CDFW to comment on project impact significance to vegetative communities (Sawyer et al. 2009³). Adjoining habitat areas should be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions;
 - d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by the project. CDFW’s California Natural Diversity Data Base (CNDDB) in Sacramento should be contacted to

³Sawyer, J. O., Keeler-Wolf, T., and Evens J.M. 2009. A manual of California Vegetation, 2nd ed. ISBN 978-0-943460-49-9.

obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp;

- e) A complete, recent assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California SSC and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines § 15380). Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and FWS; and,
 - f) 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 aspects of the proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted period, or in phases.
- 8) Biological Direct, Indirect and Cumulative Impacts. To provide a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, the following should be addressed in the DEIR:
- a) A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage. The latter subject should address project-related changes on drainage patterns and downstream of the project site; the volume, velocity, and frequency of existing and post-project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-project fate of runoff from the project site. The discussion should also address the proximity of the extraction activities to the water table, whether dewatering would be necessary and the potential resulting impacts on the habitat, if any, supported by the groundwater. Mitigation measures proposed to alleviate such impacts should be included;
 - b) A discussion regarding indirect project 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 NCCP). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DEIR;
 - c) The impacts of zoning of areas for development projects or other uses nearby or adjacent to natural areas, which may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document; and,
 - d) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

- 9) Avoidance, Minimization, and Mitigation for Sensitive Plants. The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts. CDFW considers these communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3 and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009).
- 10) Compensatory Mitigation. For any impacts that have been adequately demonstrated to be unavoidable, CDFW believes that the City should require a scientifically rigorous monitoring and management program as part of the project's CEQA mitigation, monitoring and reporting program (MMRP) that would include adaptive management strategies (Public Resources Code 21081.6 and CEQA Guidelines Section 15097). The DEIR should include mitigation measures for adverse project-related impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed.
- 11) Long-Term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the 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. Areas proposed as mitigation should have a conservation easement and be dedicated to an entity, which has been approved to hold/manage lands.
- 12) Nesting Birds. To avoid impacts to nesting birds, the DEIR should require that clearing of vegetation and construction occur outside of the peak avian breeding season, which generally runs from February 1st through September 1st (as early as January 1 for some raptors). If project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds within three days prior to the work in the area, and ensure that no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 13) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from the project site and permanently moving it to a new location. CDFW generally does not support the use of, translocation or transplantation as the

primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. 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 sensitive plants and animals, and their habitats.

- 14) Move Out of Harm's Way. The proposed project is anticipated to result in clearing of natural habitats that support many species of indigenous wildlife. To avoid direct mortality to wildlife, the project should include a mitigation measure that a qualified biological monitor approved by CDFW be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or project-related construction activities. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
- 15) Wildlife Movement and Connectivity. The project area supports significant biological resources and contains habitat connections that facilitate local and regional movement across the broader landscape, sustaining both transitory and permanent wildlife populations. The project could impact wildlife movement from direct or indirect project-related activities such as grading, lighting, noise, dust, and increased human activity that may displace wildlife. The DEIR should evaluate on-site features that contribute to habitat connectivity, evaluate project impacts, and include measures to protect/maintain those resources.
- 16) Revegetation/Restoration Plan. If the project includes plans for restoration and/or re-vegetation, they should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
 - (a) the location of restoration sites and assessment of appropriate reference sites;
 - (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates;
 - (c) a schematic depicting the mitigation area;
 - (d) a local seed and cuttings and planting schedule;
 - (e) a description of the irrigation methodology;
 - (f) measures to control exotic vegetation on site;
 - (g) specific success criteria;
 - (h) a detailed monitoring program;
 - (i) contingency measures should the success criteria not be met; and
 - (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.
 - a) CDFW recommends that local on-site propagules from the project area and nearby vicinity be collected and used for restoration purposes. On-site seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. On-site vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.
 - b) Restoration objectives should include providing special habitat elements where feasible to benefit key wildlife species. These physical and biological features can include, for example, retention of woody material, logs, snags, rocks and brush piles (see Mayer and

Ms. Cooper
March 30, 2018
Page 9 of 9

Laudenslayer, 1988⁴, for a more detailed discussion of special habitat elements).

We appreciate the opportunity to comment on the referenced NOP. Questions regarding this letter and further coordination on these issues should be directed to Ms. Jamie Jackson, Senior Environmental Scientist (Specialist), at (805) 382-6906 or jamie.jackson@wildlife.ca.gov.

Sincerely,



Betty J. Courtney
Environmental Program Manager I

ec: CDFW:
Christine Found-Jackson, CDFW, Newbury Park
Brock Warmuth, CDFW, Santa Barbara

Office of Planning and Research, State Clearinghouse, Sacramento

Steve Henry, UFWS Ventura, steve_henry@fws.gov

⁴Mayer, K. E. and W. F. Laudenslayer, Jr. 1988. Editors: A guide to wildlife habitats of California. State of California, The Resources Agency, Department of Forestry and Fire Protection, Sacramento, CA.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

March 30, 2018

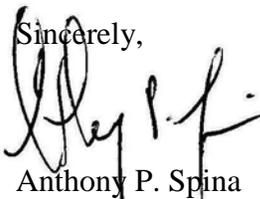
Betsy Cooper
City of Ventura
501 Poli Street, Room 120
Ventura, CA 93060

Dear Ms. Cooper:

Enclosed are NOAA's National Marine Fisheries Service's comments on the City of Ventura's (City) Notice of Preparation of an Environmental Impact Report (EIR) for the State Water Project Interconnection (proposed project). The primary objective of the proposed project is to provide a water-supply source for the City to enhance supply reliability without increasing existing surface and groundwater withdrawals. The enclosed comments are intended to assist the City develop the scope and content of the EIR to avoid and minimize adverse effects on endangered steelhead (*Oncorhynchus mykiss*) and their designated critical habitat.

As explained more fully in the enclosure, the proposed project presents issues pertinent to the protection and recovery of endangered steelhead. Proposed burial of water delivery infrastructure beneath the Santa Clara River and local creeks has implications for passage of endangered steelhead, and the use of construction equipment in and adjacent to these drainages has the potential to adversely affect designated critical habitat for this species.

Thank you for the opportunity to comment on the Notice of Preparation of the EIR for the proposed project. Please contact Rick Bush at (562) 980-3562 if you have a question regarding this letter or require additional information.

Sincerely,


Anthony P. Spina
Chief, Southern California Branch
California Coastal Office

Enclosure

cc: Chris Dellith, USFWS, Ventura
Mary Larson, CDFG, Los Alamitos
Administrative File: 10012WCR2018CC00056



**COMMENTS OF NOAA'S NATIONAL MARINE FISHERIES SERVICE ON THE CITY OF VENTURA'S
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE STATE WATER
PROJECT INTERCONNECTION**

March 30, 2018

NOAA's National Marine Fisheries Service's (NMFS) general comments on the City of Ventura's (City) Notice of Preparation (NOP) of an Environmental Impact Report (EIR) received March 6, 2018, are provided herein. These comments are provided for the purpose of assisting the City in their consideration of options for avoiding or minimizing conflict between the proposed project and the migration and habitat requirements of endangered southern California (SC) steelhead in the Santa Clara River and local creeks, consistent with legal mandates under the U.S. Endangered Species Act (ESA). The following general comments are consistent with a conceptual level review, owing to the limited information included with the NOP.

1. The *Project Description* and *Biological Resources* sections in the draft EIR should specify that the entire reach of the Santa Clara River depicted in Figures 2 and 3 is designated critical habitat for endangered SC steelhead. The NOP of the EIR dated February 28, 2018, mentioned neither steelhead nor designated critical habitat for the species in the above referenced sections, despite the fact that NMFS issued a biological opinion to United Water Conservation District on July 23, 2008, that analyzed the effects of the Vern Freeman Diversion Dam operation and maintenance on steelhead.
2. The *Hydrology and Water Quality* section indicates the proposed project could place construction equipment in and adjacent to the Santa Clara River and local creeks. A description of the type of vehicles/equipment use, season of use and duration of instream project-construction activities should be included in the draft EIR. All instream work activities should occur outside the steelhead migration season (December – May), and only when the channel is dry.
3. Based on information contained in the NOP, the proposed project has the potential to adversely affect steelhead and designated critical habitat for this species. Therefore, a discussion including the specific types of direct and indirect impacts to SC steelhead and their designated critical habitat should be included in the draft EIR. Including, but not limited to, the names of the “local creeks” referenced in the *Hydrology and Water Quality* section of the draft EIR, and any creeks where trenchless construction (e.g., horizontal directional drilling and bore and jack) is proposed to occur. This section should also describe any potential impacts to water quality owing to horizontal directional drilling and introduction of drilling mud into the streambed.
4. The description of trenchless construction (in the *Project Construction and Operation Activities* section) should include a detailed description regarding the proposed depth of boring beneath the Santa Clara River and any other local creeks containing designated critical habitat, and the estimated depth to groundwater below the boring at the time the work is proposed to occur.

5. A detailed schedule for trenchless construction activities should be defined in the *Construction Schedule* section of the draft EIR. Because construction activities have the potential to increase sedimentation in creeks and rivers, measures should be proposed to avoid and reduce the mobilization of fine sediment owing to construction activities during the wet season.
6. The *Permits Potentially Required to Implement the Project* section of the draft EIR should indicate if the proposed project is anticipated to require a federal action, i.e., anything authorized, funded, or carried out by a federal agency. For instance, the draft EIR should disclose whether a permit from the Army Corps of Engineers is required for construction of the distribution system.
7. The draft EIR should fully describe the operation of the constructed pipeline, including releases of treated and untreated water to natural waterways, and the potential implications of this released water on native aquatic species, including endangered steelhead. Elements of this assessment should include consideration of the chemical makeup of the released water, and the quality of the released water for supporting life history and habitat requirements of water-dependent species, including olfactory imprinting of endangered steelhead.
8. The draft EIR should consider the potential that the improved water supply would trigger population growth or increased agricultural production and, in turn, the potential for growth or agricultural-inducing impacts on the aquatic environment and water-dependent species that would otherwise not occur if not for the proposed project.
9. The draft EIR should describe the measures that will be taken to ensure pipeline crossings through streams would not create passage impediments for water-dependent species, including endangered steelhead.



City of Camarillo

Department of Public Works

601 Carmen Drive, Camarillo, CA 93010
Office: 805.388.5340 - Fax: 805.388.5387

March 22, 2018

email: bcooper@cityofventura.ca.gov

City of Ventura
501 Poli Street, Room 120
Ventura, CA 93002-0099

Attn: Betsy Cooper

**Subject: Comments on Notice of Preparation of a Draft Environmental Impact Report
State Water Interconnection Project**

Lead Agency: City of San Buenaventura

Project Description Summary: The Project would enable delivery of State Water Project (SWP) water by wheeling water through the Metropolitan Water District of Southern California (MWD) and Calleguas Municipal Water District (Calleguas) water systems to the City of Ventura.

Thank you for the opportunity to review and comment on the subject Notice of Preparation dated February 28, 2018. A portion of the Project will occur within the western portion of the City of Camarillo and will terminate at the existing Calleguas Springville Reservoir near the intersection of Camino Tierra Santa and Via Zamora in the City of Camarillo. After reviewing the Notice of Preparation, the City of Camarillo offers the following comments:

1. Encroachment Permit, including traffic control plans, will be required for review and approval by the City of Camarillo Public Works Department for work within the City of Camarillo public Rights-of-Way.
2. Please send us the DEIR when it becomes available for our review and comments on the analysis and proposed mitigation measures.

If you have any questions or need clarification, please feel free to contact Tali Tucker, Assistant Director/City Engineer, at (805) 388-5343 or at ttucker@cityofcamarillo.org.

Sincerely,

David Klotzle
Director of Public Works

c: Joseph R. Vacca, AICP, Director of Community Development



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Office of the General Manager

March 22, 2018

VIA FED EX

Betsy Cooper
City of Ventura
501 Poli Street, Room 120
Ventura, CA 93002-0099

Dear Ms. Cooper:

Notice of Preparation of a
Draft Environmental Impact Report for the State Water Interconnection Project

The Metropolitan Water District of Southern California (Metropolitan) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report for the State Water Interconnection Project (Project). The City of Ventura is the Lead Agency for the Project. The Project includes construction of a pipeline between the City of Ventura and the City of Camarillo, and would enable delivery of State Water Project (SWP) water to the City of Ventura by wheeling water through Metropolitan and Calleguas Municipal Water District (Calleguas) water systems. Additionally, the Project would facilitate direct delivery of SWP water to United Water Conservation District (United) and direct or in-lieu delivery of SWP water to Casitas Municipal Water District (Casitas).

As noted in the NOP, an agreement with Metropolitan would be needed to use Metropolitan's facilities. Such use of Metropolitan's facilities could be impacted by capacity limitations in Metropolitan's system as the agreement would be for excess capacity not being used. If the project is approved, the exact form of a potential agreement would be developed at that time.

Metropolitan may be a responsible agency under CEQA for discretionary action(s) related to this project. We request a copy of the Draft Environmental Impact Report for review when it becomes available. If you have any questions, please contact Sean Carlson at (213) 217-6276.

Very truly yours,

Vikki Dee Bradshaw

Vikki Dee Bradshaw
Team Manager, Environmental Planning Section

SC:sc

sharepoint\city of Buena Ventura – state water interconnection project - nop



OFFICE OF THE CITY MANAGER

Steven L. McClary, City Manager
401 S. Ventura Street, Ojai, CA 93024

March 29, 2018

City of Ventura
Betsy Cooper
501 Poli Street, Room 120
Ventura, CA 93002-0099

RE: Comment Letter on Notice of Preparation (NOP) for State Water Interconnection Project

Dear Ms. Cooper:

The City of Ojai would like to take this opportunity to respond to the Notice of Preparation (NOP) for the State Water Interconnection Project, and submit the following comments for consideration:

- **Impact to Ojai Valley Water Supply**

The NOP notes that Casitas Municipal Water “relies on a small amount of groundwater from the Ojai and the Upper Ventura River groundwater basins to meet water demands.”

Comment: The Draft EIR should consider potential impacts to the water supply for the Ojai Valley from the project, and should study the interconnection between Lake Casitas and the Ojai Valley Groundwater Basin, to determine what impact the Project would have on Ojai’s water supply and water quality.

The NOP further notes that: “Casitas and the City (Ventura) may pursue a separate project at a future date to move water from the western portion of the City into Casitas’ transmission system.

Comment: The Draft EIR should take into account this possible future connection to determine what impact this connection would have on the supply and quality of water for the Ojai Valley.

Comment: The Draft EIR should analyze the potential impacts to the City of Ojai and the Ojai Valley from the Project, including its potential impact on agriculture, commercial, residential and industrial development, recreation resources, and local infrastructure.

- **State Water Project Connectivity**

The NOP notes that Casitas administers Ventura County's 20,000 acre feet per year (AFY) SWP entitlement and has an entitlement of 5,000 AFY. It further notes that Casitas is unable to receive delivery of SWP entitlements due to a lack of infrastructure. It notes the proposed Project would not directly deliver water to Casitas however, Ventura could take Casitas' SWP water in-lieu of Lake Casitas water, allowing water that would have gone to the City of Ventura to remain in Lake Casitas.

Comment: The City of Ojai supports this option being considered in order to help preserve water supplies for the Ojai Valley. In the report prepared by the Ojai Valley Water Advisory Group (Prepared by Richard Hajas, dated February 2, 2018) titled A Cooperative Regional Approach to Improving Ventura County's Water Supply Reliability, the authors state "If Ventura, Casitas, and Calleguas worked collectively and pooled each of their unique resources, the County could enjoy the benefits of a reliable and abundant water supply well into the future. With access to SWP water, combined with all of Ventura's and Casitas' current supplies, Ventura and Casitas would enjoy an average annual surplus of 13,500 AF, equal to 32% of their combined annual water needs. The surplus water could be reserved in Lake Casitas and shared by Ventura and Casitas during dry periods."

Thank you for the opportunity to submit comments on the NOP. Should you wish to provide responses or need clarity on the City's comments, please do not hesitate to reach me at (805) 646-5581.

Sincerely,



Steve McClary,
City Manager

C: Ojai Mayor and City Council

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Anthony Ciuffetelli, Planning DATE: March 22, 2018

FROM: Alicia Stratton

SUBJECT: Request for Review of Notice of Preparation for Draft Environmental Impact Report, City of Ventura Engineering (Ref #18-005)

Air Pollution Control District staff has reviewed the subject notice of preparation (NOP), which is a project to enable direct delivery of State Water Project water to the United Conservation District (United). In addition, the interconnection would allow the City of Buenaventura to deliver water to Calleguas during an outage of its imported water supplies. The project location is a 7-mile pipeline originating from the S portion of the City of Buenaventura (Henderson Road between South Saticoy Avenue and South Wells Road), and near Camino Tierra Santa and Via Zamora in the SW end of Camarillo.

General Comments

District staff recommends the Draft Environmental Impact Report (DEIR) evaluate all potential air quality impacts that may result from the project, which include construction equipment exhaust, ground disturbance during construction, materials hauling, and construction employee commute travel. Specifically, the air quality assessment should consider reactive organic compound and nitrogen oxide emissions from all project-related motor vehicles and construction equipment.

Mitigation Measures

Any potential air quality impacts should be mitigated to the greatest extent feasible.

Thank you for the opportunity to review this project. If you have any questions, please call me at (805) 645-1426 or email alicia@vcapcd.org.



VENTURA COUNTY WATERSHED PROTECTION DISTRICT
WATERSHED PLANNING AND PERMITS DIVISION
800 South Victoria Avenue, Ventura, California 93009
Sergio Vargas, Deputy Director – (805) 650-4077

M E M O R A N D U M

DATE: March 28, 2018

TO: Anthony Ciuffetelli, Case Planner

FROM: Sergio Vargas, Deputy Director *S.V.*

SUBJECT: RMA18-005 State Water Interconnection Project
EIR – Notice of Preparation, Zone 2
Watershed Protection District Project Number: WC2018-0013

Pursuant to your request dated March 5, 2018, this office has reviewed the submitted materials and provides the following comments.

PROJECT LOCATION:

The pipeline would be approximately 7 miles in length originating in the southern portion of the City (Henderson Road between South Saticoy Avenue and South Wells Road) and traversing southerly and easterly through unincorporated Ventura County to the southwestern end the City of Camarillo (near the intersection of Camino Tierra Santa and Via Zamora).

PROJECT DESCRIPTION:

The project would enable delivery of State Water Project (SWP) water by wheeling water through the Metropolitan Water District of Southern California (MWD) and Calleguas Municipal Water District (Calleguas) water systems to the City of Ventura. The connection would also facilitate direct delivery of SWP water to United Water Conservation District (United) and direct or in-lieu¹ delivery of SWP water to Casitas Municipal Water District (Casitas). In addition, the interconnection would allow the City to deliver water to Calleguas during an outage of its imported water supplies. The interconnection would be a pipeline used to transport water between Calleguas and the City's distribution systems.

WATERSHED PROTECTION DISTRICT COMMENTS:

Comments from Advanced Planning Section:

Project proposes to extend a 36-inch diameter pipe in the northwest direction from the Springville Connection in City of Camarillo connection to City of Ventura. The Preferred Alternative alignment "Figure 2" of State Water Interconnection City's Alignment Study proposes to either run parallel or cross under the Ventura County Watershed Protection

District (District) jurisdictional watercourses, channels and/or levee facilities as identified (Las Posas Estates Drain, Beardsley Wash, Santa Clara River and SCR-1 Levee). The District would like to inform the project proponent that the preferred alternative alignment will potentially have Significant Impacts to District facilities and jurisdictional channels as proposed. The Project proponent is advised that all proposed actions will need to consider mitigation measures that will reduce impacts to Less Than Significant and comply with WP-2 Ordinance which requires a District Permit. In addition, any alignment that proposes the use of District property will be subject to District Resolution for permitting underground facilities establishing underground facility use fees.

EIR report must address project impacts compliant with District WP-2 Ordinance.

END OF TEXT

county of ventura

March 30, 2018

Betsy Cooper
City of Ventura
501 Poli Street, Room 120
Ventura, CA 93002-0099

Subject: RMA 18-005 – Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of San Buenaventura for implementation of the State Water Interconnection Project

Dear Ms. Cooper:

Thank you for the opportunity to provide input and comments on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of San Buenaventura for implementation of the State Water Interconnection Project. The Ventura County Planning Division reviewed the document for the proposed project and provides the following response:

- 1. Project Description and Limits.** The project would enable delivery of State Water Project (SWP) water by wheeling water through the Metropolitan Water District of Southern California (MWD) and Calleguas Municipal Water District (Calleguas) water systems to the City of Ventura. The connection would also facilitate direct delivery of SWP water to United Water Conservation District (United) and direct or in-lieu delivery of SWP water to Casitas Municipal Water District (Casitas). In addition, the interconnection would allow the City to deliver water to Calleguas during an outage of its imported water supplies. The interconnection would be a pipeline used to transport water between Calleguas and the City's distribution systems.

The pipeline would be approximately 7 miles in length originating in the southern portion of the City (Henderson Road between South Saticoy Avenue and South Wells Road) and traversing southerly and easterly through unincorporated Ventura County to the southwestern end the City of Camarillo (near the intersection of Camino Tierra Santa and Via Zamora).

- 2. Initial Study Assessment Guidelines (ISAGs).** To assist with the environmental review required under the California Environmental Quality Act (CEQA), the County of Ventura adopted Initial Study Assessment Guidelines (ISAGs) by topical area that provide threshold criteria and standard methodology used in determining whether or not a project (individually or cumulatively with other projects) could have a significant effect on the environment. These guidelines can be found on the County's website at:



https://docs.vcrma.org/images/pdf/planning/ceqa/current_ISAG.pdf . We request this document be consulted when preparing the Draft EIR.

3. **Standards for Initial Study Biological Assessments (ISBAs).** The County of Ventura maintains biological assessment standards called “Standards for Initial Study Biological Assessments” or ISBAs. These standards can be found on the County’s website at <https://vcrma.org/biological-report-procedures>. We request that a biological resources report be prepared using the ISBAs as part of the environmental review/analysis for this project. The standards set forth in the ISBAs identify how to properly assess biological resources. Please note, the ISBA is a template and should be completed in the format provided on the website. This is a fillable form allowing for the incorporation of project specific information and must be completed with the format intact.
4. **Noise.** The environmental document shall analyze potential noise impacts. Information on criteria and methodology for noise analysis and consultant qualifications is outlined in the County’s ISAGs. Noise impacts inclusive of short-term construction noise shall be analyzed. The *Construction Noise Threshold Criteria* for Ventura County shall be consulted when preparing the environmental document. This manual can be found on our website at: https://docs.vcrma.org/images/pdf/planning/ceqa/Construction_Noise_Thresholds.pdf.
5. **Vibration.** The environmental document shall analyze long-term and short-term potential impacts related to vibration. The Ventura County Planning Division recommends the project consider preparing a vibration assessment in accordance with the Transit Noise and Vibration Impact Assessment guidelines which have been developed and maintained by the Federal Transit Administration (FTA). More information on criteria and methodology report standards in addition to consultant qualifications are identified in the County’s ISAGs.
6. **Noxious Odors.** An analysis of potential noxious odor impacts shall be considered in the environmental document. The Ventura County Air Pollution Control District (APCD) provides assessment guidelines for air quality evaluations as part of the environmental review under CEQA. These guidelines can be found on the APCD website and should be the advisory document for performing a noxious odor analysis associated with temporary construction activities.
7. **Agriculture Resources.** Both the proposed project and Alternative Alignment B intersect properties in Ventura County with existing Land Conservation Act contracts. Additional information is needed to determine the significance level of impacts. Ventura County Planning requests evaluation of Agriculture Resources be carefully analyzed as part of the preparation of the Draft EIR. In addition, permitting may be required in the event there is a loss of crop producing acreage as a result of the project. County of Ventura, Planning Division shall be added to Table 1 – Potentially Required Permits, Approvals, and Consultations Needed to Implement the Project. Permitting is outside the scope of

environmental review and Ventura County Planning Staff shall be consulted for permitting requirements.

8. **Construction Staging.** The environmental document shall analyze and identify staging areas for construction purposes. This shall include but not be limited to on-and off-site construction staging in addition to employee parking areas and all associated uses for the entirety of the construction period.

9. **EI Rio/Del Norte Area Plan.** In 1996, the Ventura County Board of Supervisors adopted the EI Rio/Del Norte Area Plan, which was last amended on June 28, 2011. The proposed project is within the boundaries of this Area Plan and shall be consulted when preparing the EIR. The project shall remain consistent with the approved Area Plan or make the necessary amendments to the Area Plan as warranted. The EI Rio/Del Norte Area Plan can be found on the County's website at https://docs.vcrma.org/images/pdf/planning/plans/EI_Rio_Del_Norte_Area_Plan.pdf.

10. **Conclusion/Additional information needed.** Currently, there is not enough information to determine a level of significance for potential impacts of the project. Ventura County Planning staff recommends the aforementioned comments be taken into consideration when performing the environmental analysis and preparing background reports. This will assist Ventura County Planning staff in its review of the proposed State Water Interconnection Project and the assessment of potential environmental impacts.

Thank you again for the opportunity to comment. Should you have any questions please contact me at 805-654-3327 or via email at linda.blackbern@ventura.org.

Sincerely,



Linda Blackburn, Senior Planner
Long Range Planning Section
Ventura County Planning Division

c: File RMA#18-005



County of Ventura
PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division
MEMORANDUM

DATE: 3/29/2018

TO: RMA Planning Division
Attention: Anthony Ciuffetelli

FROM: Anitha Balan, Engineering Manager II

SUBJECT: REVIEW OF DOCUMENT 18-005 NOP
Project: **State Water Interconnection Alignment Study**
Lead Agency: **City of Ventura**
A Notice of Preparation for a project that would enable delivery of State Water Project by wheeling water through the Metropolitan Water District of Southern California and Calleguas Municipal Water District water systems to the City of Ventura.

Pursuant to your request, the Public Works Agency - Transportation Department has reviewed the NOP for the State Water Interconnection Alignment Study.

A Notice of Preparation (NOP) for a project that would enable delivery of State Water Project (SWP) water by wheeling water through the Metropolitan Water District (MWD) and Calleguas Municipal Water District (Calleguas) water systems to the City of Ventura. The connection would also facilitate direct delivery of SWP water to United Water Conservation District (United) and direct or in-lieu delivery to Casitas Municipal Water District (Casitas). The interconnection would allow the City to deliver water to Calleguas during an outage of its imported water supplies.

The interconnection pipeline would be approximately 7 miles in length originating in the southern portion of the City (Henderson Road between South Saticoy Avenue and South Wells Road) and traversing southerly and easterly through unincorporated Ventura County to the southwestern end of the City of Camarillo (near the intersection of Camino Tierra Santa and Via Zamora).

The proposed project would require construction on county maintained roadways, including temporary closure of traffic lanes and result in a temporary increase in trips related to construction activities. The EIR must evaluate the potential for additional construction vehicles, lane closures, or road closures to impact traffic and circulation and will identify mitigation measures as necessary to avoid, minimize, or offset potential impacts.

We offer the following comment(s):

1. According to the County policy, trenching shall not be permitted on any street that was rehabilitated within the last five years, unless a full width overlay is provided after trenching is completed. The City of Ventura should be made aware that the County section of Central Avenue from Santa Clara Avenue to Camarillo City-limits was last paved in 2017. Additionally, the following County roads are listed as Priority 2 in the County's Multi-Year Pavement Plant for completion in FY2019: Central Avenue from Rose Avenue to Santa Clara Avenue, Rose Avenue from Central Avenue to SR 118, and Santa Clara Avenue from Central Avenue to SR 118. The City of Ventura shall repair any damage to County roads due to the traffic generated by this project up to and including providing a new overlay as determined by the Transportation Department.
2. Prior to any work conducted within the County right-of-way, the developer/project proponent shall obtain an encroachment permit from the Transportation Department. This project will require an encroachment permit from the Transportation Department for work done within the road right-of-way as shown in the Preferred Alignment and Alternative Alignment B exhibits. The applicant shall contact (805) 654-2055 for the requirements of this permit.
3. If the project generates significant truck traffic on the County of Ventura Regional Road Network and local public roads, then the developer/project proponent should identify the proposed truck routes for the project. Furthermore, if county roads are anticipated to be used during construction, then a truck route plan/map should be submitted to the Transportation Department for review and approval.
4. The applicant should provide a Traffic Management Plan (TMP) to identify the construction-related vehicle route, especially for trucks, if there are any. The TMP should be submitted to Transportation Department for review and approval. If the applicant uses the County roads for truck and construction related trips, proper precautions shall be taken to protect all pavements, curb and gutter, sidewalks, and drainage structures from damage. Any portion damaged by the project's operations, in the opinion of the Transportation Department or designee, shall be replaced in accordance with current Standard Construction Details and/or in a manner acceptable to the Transportation Department or designee. Of particular interest are Central Avenue, Rose Avenue, Santa Clara Avenue, and Beardsley Road.
5. The proposed project would require construction in local roadways, including temporary closures of traffic lanes. Construction would cause driver inconvenience and could occur in proximity to homes and schools therefore, construction activity is recommended to take place during off-peak hours.
6. Please provide us with a copy of the Draft EIR for the State Water Interconnection Alignment Project for review, when it becomes available.
7. Our review is limited to the impacts this project may have on the County's Regional Road Network.



Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Coastal District - Ventura
1000 South Hill Road • Suite 116
Ventura, CA 93003-4458
(805) 937-7246 • FAX (805) 654-4765

March 30, 2018

Ms. Betsy Cooper
City of Ventura
501 Poli Street, Rm 120
Ventura, CA 93002-0099

Dear Ms. Cooper:

SCH #2018031010 STATE WATER INTERCONNECTION PROJECT, CITY OF VENTURA

The Department of Conservation, Division of Oil, Gas, and Geothermal Resources (Division) has received and reviewed information for the above referenced project. The Division has no jurisdiction or statutory responsibility for land use decisions or building construction. However, the Division is mandated by Section 3106 of the California Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells. This is for the purposes of preventing: 1) damage to life, health, property, and natural resources; 2) damage to underground and surface waters suitable for irrigation or domestic use; 3) loss of oil, gas, or reservoir energy; and 4) damage to oil and gas deposits by infiltration of water and other causes. In addition, the Division has authority to order well reabandonment under PRC section 3208.1. The law relies on the presumption that a previous well abandonment, not up to current standards, is more likely to leak and therefore, should be reabandoned to current standards, especially if access to the well may be impeded.

The Division possesses records regarding oil and gas wells drilled and operated in the State of California (PRC §§ 3215 and 3216). The Division provides the following information to facilitate local permitting agencies' exercise of local land use authority regarding use of land where oil and gas wells are situated. In contrast, the Division does not possess local land use decision authority, but alternatively has authority for permitting any necessary work on any oil and gas well in the State (PRC §§ 3106 and 3203).

The Division has conducted a record review of known wells located on the above-referenced project. The record review process consists of determining the possible location, last known operator, and abandonment status of any known wells on the property by examining records previously submitted to the Division, and then comparing the abandonment status with current abandonment standards and proposed development. These well records are online and can be found (by each well's API number) using the following link:
<https://secure.conservation.ca.gov/WellSearch>

The project lies within the City of Ventura and in an unincorporated area of Ventura County, partially inside the Santa Clara Avenue oil field boundaries. Our records indicate there are five wells along the path of or proximal to the proposed water pipeline(s). Given the scale of the plan submitted, the Division suggests a more careful review of each well's location prior to construction. Specific and detailed well locations may be obtained from the Division's online well records for each well. Figure 1 below gives approximate well locations.

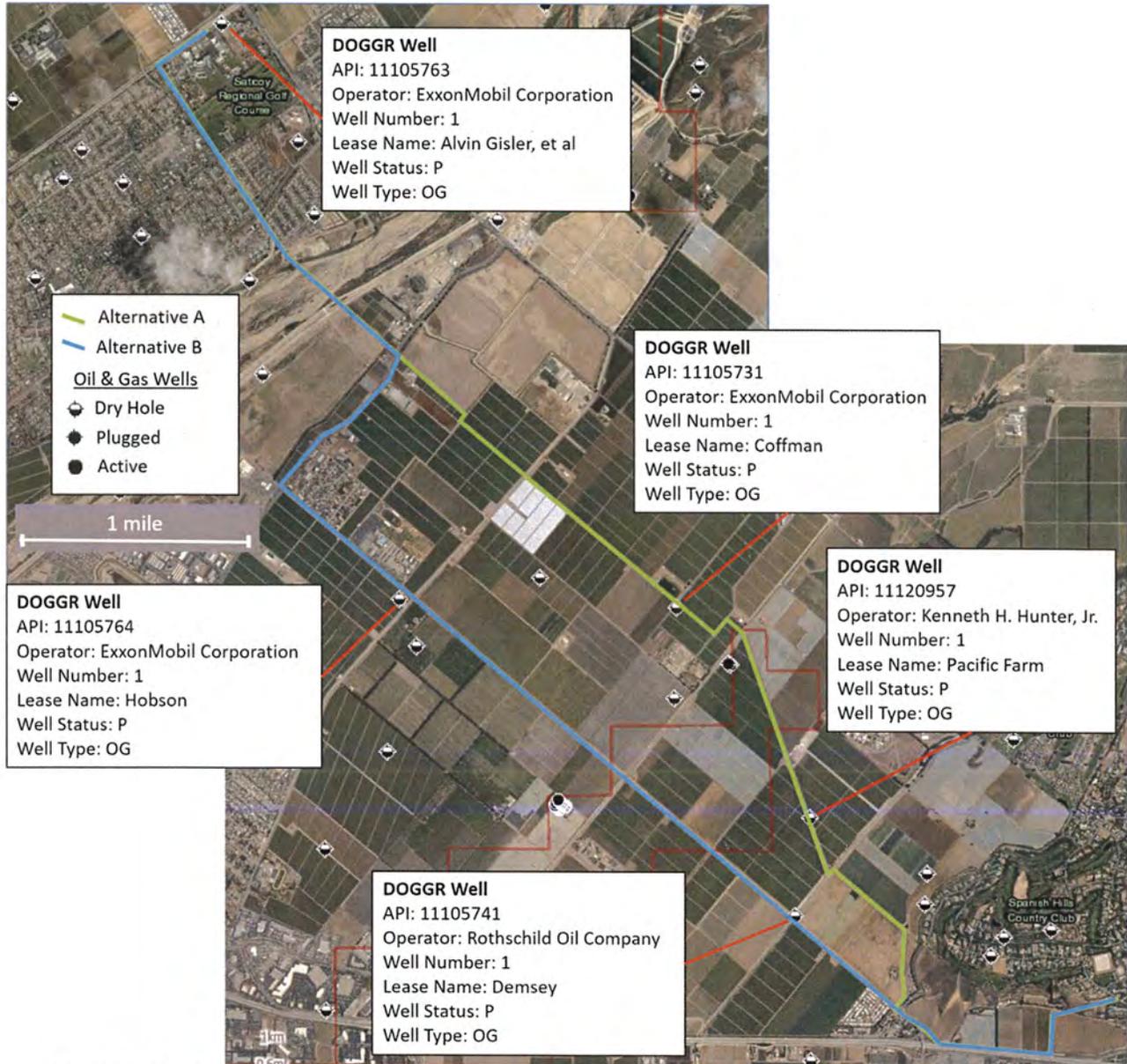


Figure 1. Annotated satellite image of the proposed water pipelines and oil and gas wells. The DOGGR well-record review includes wells proximal to proposed pipeline paths.

The following is a summary of the current abandonment status of identified wells:

Well	Status
<p>ExxonMobil Corporation "Alvin Gisler, et al" 1 11105763</p>	<p>The record review process shows that the abandonment status of this well is not abandoned to current Division standards as of March 30, 2018.</p> <p>Based on the well records:</p> <ol style="list-style-type: none"> 1. The surface plug does not meet current standards (CCR § 1723.5) 2. Freshwater plug does not meet current standards (CCR § 1723.2)
<p>ExxonMobil Corporation "Coffman" 1 11105731</p>	<p>The record review process shows that the abandonment status of this well is not abandoned to current Division standards as of March 30, 2018.</p> <p>Based on the well records:</p> <ol style="list-style-type: none"> 1. The surface plug does not meet current standards (CCR § 1723.5) 2. Freshwater plug does not meet current standards (CCR § 1723.2)
<p>ExxonMobil Corporation "Hobson" 1 11105764</p>	<p>The record review process shows that the abandonment status of this well is not abandoned to current Division standards as of March 30, 2018.</p> <p>Based on the well records:</p> <ol style="list-style-type: none"> 1. The surface plug does not meet current standards (CCR § 1723.5) 2. Freshwater plug does not meet current standards (CCR § 1723.2)
<p>Kenneth H. Hunter, Jr. "Pacific Farm" 1 11120957</p>	<p>The record review process shows that the abandonment status of this well is not abandoned to current Division standards as of March 30, 2018.</p> <p>Based on the well records:</p> <ol style="list-style-type: none"> 1. The surface plug does not meet current standards (CCR § 1723.5) 2. Freshwater plug does not meet current standards (CCR § 1723.2)

Rothschild Oil Company "Demsey" 1 11105741	The record review process shows that the abandonment status of this well is not abandoned to current Division standards as of March 30, 2018. Based on the well records: <ol style="list-style-type: none">1. The surface plug does not meet current standards (CCR § 1723.5)2. Freshwater plug does not meet current standards (CCR § 1723.2)
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The local permitting agency, property owner, and/or developer should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil and gas wells. These issues are non-exhaustively identified in the following comments, and are provided by the Division for consideration by the local permitting agency, in conjunction with the property owner and/or developer, on a parcel-by-parcel or well-by-well basis. **As stated above, the Division provides the above well review information solely to facilitate decisions made by the local permitting agency regarding potential development near oil or gas wells.**

1. It is recommended that access to any well located on the property be maintained in the event abandonment or re-abandonment of the well becomes necessary in the future. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access. This includes, but is not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, roads, sidewalks, and decking. Maintaining sufficient access to an oil or gas well may be generally described as maintaining "rig access" to the well. Rig access allows a well servicing rig and associated necessary equipment to reach the well from a public street or access way, solely over the parcel on which the well is located. A well servicing rig, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.
2. Nothing guarantees that wells abandoned to current standards will not start leaking oil, gas, and/or water in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells that are presently abandoned to current standards have a lower probability of leaking oil, gas, and/or water in the future, but makes no guarantees as to the adequacy of the abandonment or the potential need for future re-abandonment. Any wells proximal or along the pipeline path which will have access impeded by the water pipeline, should be located, unearthed and tested for leakage prior to authorizing any construction. Since there is no record of plating on multiple wells ("Alvin Gisler, et al" 1, "Hobson" 1 and, "Demsey" 1), the Division recommends that each well be checked for plating at the time it is tested for leakage. The Division recommends that if any construction is permitted by the local land use agency to be built over any plugged and abandoned well, upgrading the well plugging and abandonment should be required. Monitoring equipment may be considered to monitor for any future leakage.
3. The Division recommends that any soil containing significant amounts of hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate

authorities if soil containing significant amounts of hydrocarbons is discovered during development.

4. To ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified wells, and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
5. No well work may be performed on any oil or gas well without written approval from the Division in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings including plating, and/or any other re-abandonment work. (NOTE: The Division regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, Section 1723.5 of the California Code of Regulations states that all well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from the Division is required before work can start.)
6. The Divisions review indicates that one or more well(s) which may lie within the proposed pipeline path, as noted on the above list, are not plugged and abandoned to current standards. The Division recommends that if construction will prevent or impede access to the aforementioned wells for purposes of remedying potential problems in the future, those wells be abandoned to current Division standards.
7. The Division advises all parties not to undertake construction that could prevent or impede access to any wells in or directly adjacent to proposed construction.

The Division directs you to PRC section 3208.1, which states:

(a) To prevent, as far as possible, damage to life, health, and property, the supervisor or district deputy may order, or permit, the reabandonment of any previously abandoned well if the supervisor or the district deputy has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible.

(b) The operator responsible for plugging and abandoning deserted wells under Section 3237 shall be responsible for the reabandonment except in the following situations:

(1) The supervisor finds that the operator plugged and abandoned the well in conformity with the requirements of this division in effect at the time of the plugging and abandonment and that the well in its current condition presents no immediate danger to life, health, and property but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem. In this situation, the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.

(2) The supervisor finds that the operator plugged and abandoned the well in conformity with the requirements of this division in effect at the time of the plugging and abandonment and that construction over or near the well preventing or impeding access to it was begun on or after January 1, 1988, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to

whether the previously abandoned well is required to be reabandoned or to follow the advice of the supervisor or district deputy not to undertake the construction. In this situation, the person or entity causing the construction over or near the well shall be responsible for the reabandonment.

(3) The supervisor finds that the operator plugged and abandoned the well in conformity with the requirements of this division in effect at the time of the plugging and abandonment and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, and the supervisor is able to determine based on credible evidence, including circumstantial evidence, the party or parties responsible for disturbing the integrity of the abandonment. In this situation, the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

(c) For purposes of this section, being responsible for the reabandonment means that the responsible party or parties shall complete the reabandonment and be subject to the requirements of this chapter as an operator of the well. The responsible party or parties shall file with the supervisor the appropriate bond or security in an amount specified in Section 3204, 3205, or 3205.1. If the reabandonment is not completed, the supervisor may act under Section 3226 to complete the work.

(d) Except for the situations listed in paragraphs (1), (2), and (3) of subdivision (b), nothing in this section precludes the application of Article 4.2 (commencing with Section 3250) when its application would be appropriate.

As PRC section 3208.1, subdivision (b)(1), indicates, since the City of Ventura has plans to construct improvements on the property that may prevent or impede access to well(s), reentry of those well(s) for the purposes of upgrading the plugging and abandonment condition would be the responsibility of the property owner/City of Ventura. The Division is not responsible to reabandon these well(s).

If during development activities, any wells are encountered that were not part of this review, City of Ventura shall immediately notify the Division's Coastal District Ventura office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the City of Ventura and any other local permitting agency. Remedial plugging and reabandonment operations may be required.

If you have any questions, please contact Mr. Justin LaForge at (805) 465-9626 or via email at justin.laforge@conservation.ca.gov.

Sincerely,



Patricia A. Abel,
Coastal District Deputy

cc: State Clearinghouse
Tim Shular
Crina Chan

Betsy Cooper, City of Ventura
March 30, 2018
Page 7

Jan Perez
Chrono
Well File

Sent via electronic mail to bcooper@cityofventura.ca.gov

March 28, 2018

Betsy Cooper
City of Ventura
501 Poli Street Room 120
Ventura CA 93002-0099

RE: Notice of Preparation for the State Water interconnection Project Draft Environmental Impact Report

Dear Ms. Cooper:

Southern California Edison (SCE) is pleased to submit the following comments on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the State Water Interconnection Project. The project would enable delivery of State Water Project water by wheeling water through the Metropolitan Water District of southern California and Calleguas Municipal Water District water systems to the City of Ventura.

SCE's Electrical Facilities

SCE provides electric service to the City of Ventura and maintains electrical transmission and distribution facilities, as well as substations and supporting appurtenances within the City.

Encroachment of SCE's Right-of-Way and Access Roads

The proposed project should not impose constraints on SCE's ability to access, maintain, and operate its current and future facilities.

SCE's rights-of-way and fee-owned properties are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. SCE will review any proposed use on a case-by-case basis. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right-of-way constraints and rights. Please forward five (5) sets of plans depicting SCE's facilities and associated land rights to the following location:

Real Properties Department
Southern California Edison Company
2 Innovation Way
Pomona, CA 91768

General Order 131-D

Please note, if any SCE infrastructure relocation is proposed to accommodate the Project, that the construction, modification, and relocation of transmission lines, or electrical facilities that are designed to operate at or above 50 kilovolts (kV) may be subject to the California Public Utilities Commission's (CPUC) General Order 131-D¹. If the construction, modification, or relocation of transmission lines results in significant environmental impacts, they should be identified and discussed in the Draft EIR. If not, SCE may be required to pursue a separate, mandatory CEQA review through the CPUC, which could delay approval of the SCE transmission line portion of the project for two years or longer.

¹ <http://docs.cpuc.ca.gov/PUBLISHED/Graphics/589.PDF>

Permit to Construct (PTC) & Certificate of Public Convenience and Necessity (CPCN)

In addition, please note that SCE is subject to California Public Utilities Commission General Order 131-D (GO 131-D). Electric facilities between 50kV and 200kV are subject to the CPUC's Permit to Construct (PTC) review. For facilities subject to PTC review, or for over 200kV electric facilities subject to Certificate of Public Convenience and Necessity (CPCN) requirements, the CPUC reviews utility PTC or CPCN applications pursuant to CEQA and serves as Lead Agency under CEQA.

General Order 95

SCE must comply with General Order (GO) 95, which establishes rules and regulations for the overhead line design, construction, and maintenance. GO 95 also includes vertical clearance requirements from thoroughfares, ground, and railroads, as well as specific minimum clearances from tree branches and vegetation around overhead wires. The project's landscaping should not conflict with SCE's existing and proposed transmission line designs.

SCE appreciates the opportunity to comment on the State Water Interconnection Project. SCE looks forward to working and collaborating with the City. If you have any questions regarding this letter, please contact me at heather.neely@sce.com or 626.476.7839.

Regards,

Heather Neely
Third Party Environmental Reviews
Environmental Services
Southern California Edison
2244 Walnut Grove
Rosemead CA 91770

NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Fax (916) 373-5471
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC



April 3, 2018

Betsy Cooper
City of Ventura
501 Poli Street, Room 120
Ventura, CA 93002

RE: SCH#2018031010 State Water Interconnection project, Ventura County

Dear Ms. Cooper,

The Native American Heritage Commission has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

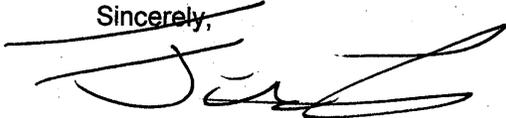
To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: frank.lienert@nahc.ca.gov

Sincerely,



Frank Lienert
Associate Governmental Program Analyst

cc: State Clearinghouse