

SANTA MONICA MOUNTAINS CONSERVANCY

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November 29, 2006

Ventura County Watershed Protection Division
Attn: Theresa Stevens, Senior Environmental Specialist
800 South Victoria Avenue
Ventura, California 93009-1610

**Comments on Mitigated Negative Declaration for Happy Camp Canyon Channel
Improvement Project, Arroyo Simi Watershed**

Dear Ms. Stevens:

The Santa Monica Mountains Conservancy (Conservancy) provides the following comments on the Mitigated Negative Declaration for the Happy Camp Canyon Channel Improvement Project. As background, the Conservancy is the principal state agency charged with planning and conservation for the Santa Monica Mountains Zone pursuant to Division 23 of the Public Resources Code. The subject project is located within the Conservancy zone. The upper 3,000-acre wilderness portion of the park has been operated for the past ten years by the Eastern Ventura County Conservation Authority (EVCCA) under a license agreement with the Ventura County Parks Department. EVCCA is a joint powers agency between the Santa Monica Mountains Conservancy and Ventura County. As described in this letter, the Conservancy recommends a revised project and that a revised MND be recirculated to the public.

We understand that the project is driven by a highly-time-limited funding source tied to the Natural Resources Conservation Service (NRCS) and that NRCS has partially designed the project. We understand the pressure put on staff to accept the flawed design under these funding constraints. However, it is inevitable that the upstream portion of the improved channel will clog and that a new channel will one day be cut to the east. A seven-hundred-foot-wide alluvial flood plain cannot be permanently coaxed to flow into a fixed location channel opening that is at best seventy-feet-wide. The net result is that portions of the golf course will be lost and remedial action will inevitably result in additional adverse ecological impacts that could be avoided with a better, geomorphologically sound design.

Additional immediate adverse impacts would result from the removal of at least twenty acres of alluvial fan habitat from the wash's geomorphological and hydrological regime. This geomorphological disconnection would occur in all areas downstream from the

proposed origin of the trapezoidal channel. We estimate that twenty acres with natural vegetation would essentially evolve to support more upland vegetation until a 50 or 100-year storm event. The loss or alteration of potential alluvial fan scrub habitat should be avoided. The destabilization and concentration of flows at all rates most likely would result in a net increase in erosion and sediment export. Such increases are in conflict with the Calleguas Creek Watershed Management Plan.

The MND is deficient in numerous areas, including impact analysis and mitigation for biological resources and hydrology. For example, long-term drainage impacts could lead to erosion sedimentation, but this is not quantified or described. The mitigation measures only address construction, and do not address long-term or even short-term fluvial geomorphological and hydrological impacts.

Because the project is proposed to address sediment transport and protection of residences, it is evident that the design for the golf course was flawed. The golf course was approved with inadequate environmental analysis, in the form of a Negative Declaration (ND). The golf course impacts on sediment transport and protection of downstream property were not adequately analyzed the golf course Negative Declaration or in the subject Mitigated Negative Declaration.

Our professional staff is quite confident that flood events will continue to damage portions of the golf course on the order of every 10 years. A piece-mealing approach to "fixing" the damage will lead to ongoing degradation of rare wash habitat. The basic scenario (that is perfectly represented by the proposed project) is that golf course damage occurs and the remediation occurs in the surrounding natural portions of the wash.

The only way to arrest this cycle is to dedicate permanent conservation easements between the golf holes to ensure that natural portions of the wash will remain as permanent undisturbed habitat area. Under such conditions, damage to the golf course would have to be repaired within the existing golf course footprint.

Condition 29(a) of the conditions of approval for Conditional Use Permit (cup) 5107 for the golf course states that the scalebroom scrub areas within the golf course shall be protected by a recorded "Conservation Easement." Scalebroom scrub is shown mapped at the southern end of the project area on Exhibit 4 for the cup. The CEQA document must explicitly disclose if those easements were recorded, their location, and restrictions. In addition, the CEQA documents must describe how the subject project is consistent with any such conservation easements.

It would be appropriate to offer such conservation easements to EVCCA. Based on the County's perspective that the wash does not contain high habitat value, such conservation easement scenario does not appear to be likely, even though this is the most appropriate public policy approach.

Need for Revised Project

At any rate, the District must create a design that does not impede wash dynamics as far downstream on the project site as possible. This tact is critical to minimize both immediate direct and probable future impacts to the minimum number of wash acres. We assert that a fully functional weir-type structure to convey sediment and peak flows to the channel at the southern project boundary can be accomplished in the most southerly (downstream) 600 feet of the property. The project must be modified to allow some continued natural flow along the more eastern high flow channel. The only reason to originate the "improved" channel almost 1,900 feet upstream is to protect the specific golf course segments and to provide an area where sediment can be stored until a 50-year flood event period.

The design and MND do not contemplate the negative impact of the proposed sediment stockpile and other such potential future stockpiles during a 100-year storm event. For example, public safety may be more in jeopardy if stockpiled sediment contributes the filling in of the trapezoid channel at some point between Arroyo Simi and the property boundary.

Other comments

The MND is inadequate in that it does not include a figure showing the vegetation types to be affected by the project. This figure should show direct impacts to vegetation and should show the proximity of the project elements to adjacent vegetation. It is important to note that watersheds are subject to repeated fire events that result in major sediment pulses over short time spans. In addition, vegetation types are modified after fires. The absence of alluvial scrub after a fire does not mean that the alluvial scrub habitat has at all diminished.

The MND (p. 25) states that 2.08 acres of the project site lie within U.S. Army Corps of Engineers jurisdiction. Although the MND does not explicitly state how much of that area would be impacted, we assume the entire area would be impacted. The CEQA document does not provide mitigation for this impact.

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The CEQA document must include a discussion of how this project will affect existing and planned trails. (See the City of Moorpark's November 20, 2006 letter on this MND for a discussion of existing and planned trails in the area.)

The CEQA document should discuss how the project fits with the Calleguas Creek Watershed Management Plan, which seeks to minimize sedimentation and erosion and habitat destruction, and to preserve natural stream courses.

The MND is deficient in that it provides an unrealistic and infeasible work schedule. Per the MND (p. 4), work is scheduled for fall 2006, would require 3-4 months to complete, and is scheduled for the dry season. Also, the use of heavy equipment adjacent to the western slope of Happy Camp Canyon will be limited to the non-breeding season for the coastal California gnatcatcher, August 30-February 15. (MND, p. 51).

Thank you for your consideration of these comments. Please direct any questions and all future correspondence to Judi Tamasi of our staff at the above address and by phone at (310) 589-3200, ext. 121. Please provide any additional CEQA documents, other public review documents, or public notices for this project to Ms. Tamasi, when they become available.

Sincerely,

ELIZABETH A. CHEADLE
Chairperson