



ARNOLD SCHWARZENEGGER  
GOVERNOR

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STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

### Notice of Preparation

April 10, 2008

To: Reviewing Agencies  
Re: J Street Drain Project  
SCH# 2008041057

Attached for your review and comment is the Notice of Preparation (NOP) for the J Street Drain Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Theresa Stevens**  
**Ventura County Watershed Protection District**  
**800 S. Victoria Avenue**  
**Ventura, CA 93009-1610**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Project Analyst, State Clearinghouse

Attachments  
cc: Lead Agency

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**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2008041057  
**Project Title** J Street Drain Project  
**Lead Agency** Ventura County Watershed Protection District

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**Type** NOP Notice of Preparation

**Description** The proposed project would involve increasing the capacity of the existing channel to reduce flooding in residential and commercial areas of Oxnard and Port Hueneme, and improve stormwater flow through the J Street Drain. The existing concrete-lined channel has a depth of about 4 feet with a bottom width varying from 20 to 30 feet with 1:1 side slopes. There are various options that are being considered for the increased capacity channel and outlet. The project alternatives are identified as channel options and outlet options and these options can be combined as desired for the preferred alternative. Currently these are still being evaluated and there is no specific preferred alternative. Operation and maintenance of the proposed channel would be conducted in accordance with the Ventura County Watershed Protection District's routine operation and maintenance protocols.

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**Lead Agency Contact**

**Name** Theresa Stevens  
**Agency** Ventura County Watershed Protection District  
**Phone** (805) 477-7139 **Fax**  
**email**  
**Address** 800 S. Victoria Avenue  
**City** Ventura **State** CA **Zip** 93009-1610

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**Project Location**

**County** Ventura  
**City** Oxnard, Port Hueneme  
**Region**  
**Cross Streets** Redwood Avenue to south of Hueneme Road  
**Parcel No.**  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways** Ormond Lagoon - Pacific Ocean  
**Schools**  
**Land Use** Existing drain is maintained by Ventura County, but the local drains that feed into this drain are maintained by the respective cities (Oxnard and Port Hueneme).

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**Project Issues** Aesthetic/Visual; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Cumulative Effects; Landuse

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**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 5; Native American Heritage Commission; Office of Emergency Services; State Lands Commission; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4

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**Date Received** 04/10/2008 **Start of Review** 04/10/2008 **End of Review** 05/09/2008

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<input type="checkbox"/>	<u>Resources Agency</u>	<input type="checkbox"/>	<u>Fish &amp; Game Region 2</u> Jeff Drongesen	<input type="checkbox"/>	<u>Public Utilities Commission</u> Ken Lewis	<input type="checkbox"/>	<u>Caltrans, District 8</u> Dan Kopulsky	<input type="checkbox"/>	<u>Regional Water Quality Control Board (RWQCB)</u>
<input checked="" type="checkbox"/>	<u>Resources Agency</u> Nadell Gayou	<input type="checkbox"/>	<u>Fish &amp; Game Region 3</u> Robert Floerke	<input type="checkbox"/>	<u>Santa Monica Bay Restoration</u> Guangyu Wang	<input type="checkbox"/>	<u>Caltrans, District 9</u> Gayle Rosander	<input type="checkbox"/>	<u>RWQCB 1</u> Cathleen Hudson North Coast Region (1)
<input type="checkbox"/>	<u>Dept. of Boating &amp; Waterways</u> David Johnson	<input type="checkbox"/>	<u>Fish &amp; Game Region 4</u> Julie Vance	<input checked="" type="checkbox"/>	<u>State Lands Commission</u> Marina Brand	<input type="checkbox"/>	<u>Caltrans, District 10</u> Tom Dumas	<input type="checkbox"/>	<u>RWQCB 2</u> Environmental Document Coordinator San Francisco Bay Region (2)
<input checked="" type="checkbox"/>	<u>California Coastal Commission</u> Elizabeth A. Fuchs	<input type="checkbox"/>	<u>Fish &amp; Game Region 5</u> Don Chadwick Habitat Conservation Program	<input type="checkbox"/>	<u>Tahoe Regional Planning Agency (TRPA)</u> Cherry Jacques	<input type="checkbox"/>	<u>Caltrans, District 11</u> Jacob Armstrong	<input type="checkbox"/>	<u>RWQCB 3</u> Central Coast Region (3)
<input type="checkbox"/>	<u>Colorado River Board</u> Gerald R. Zimmerman	<input type="checkbox"/>	<u>Fish &amp; Game Region 6</u> Gabrina Gatchel Habitat Conservation Program	<input type="checkbox"/>	<u>Business, Trans. &amp; Housing</u>	<input type="checkbox"/>	<u>Caltrans, District 12</u> Ryan P. Chamberlain	<input type="checkbox"/>	<u>RWQCB 4</u> Teresa Rodgers Los Angeles Region (4)
<input type="checkbox"/>	<u>Dept. of Conservation</u> Sharon Howell	<input type="checkbox"/>	<u>Fish &amp; Game Region 6 I/M</u> Gabrina Gatchel Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/>	<u>Caltrans - Division of Aeronautics</u> Sandy Hesnard	<input type="checkbox"/>	<u>Cal EPA</u>	<input checked="" type="checkbox"/>	<u>RWQCB 5</u> Central Valley Region (5)
<input type="checkbox"/>	<u>California Energy Commission</u> Dale Edwards	<input type="checkbox"/>	<u>Dept. of Fish &amp; Game M</u> George Isaac Marine Region	<input type="checkbox"/>	<u>Caltrans - Planning</u> Terri Pencovic	<input type="checkbox"/>	<u>Air Resources Board</u>	<input type="checkbox"/>	<u>RWQCB 5F</u> Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/>	<u>Cal Fire</u> Allen Robertson	<input type="checkbox"/>	<u>Other Departments</u>	<input type="checkbox"/>	<u>California Highway Patrol</u> Shirley Kelly Office of Special Projects	<input type="checkbox"/>	<u>Airport Projects</u> Jim Lerner	<input type="checkbox"/>	<u>RWQCB 5R</u> Central Valley Region (5) Redding Branch Office
<input type="checkbox"/>	<u>Office of Historic Preservation</u> Wayne Donaldson	<input type="checkbox"/>	<u>Food &amp; Agriculture</u> Steve Shaffer Dept. of Food and Agriculture	<input type="checkbox"/>	<u>Housing &amp; Community Development</u> Lisa Nichols Housing Policy Division	<input type="checkbox"/>	<u>Transportation Projects</u> Ravi Ramalingam	<input type="checkbox"/>	<u>RWQCB 6</u> Lahontan Region (6)
<input checked="" type="checkbox"/>	<u>Dept. of Parks &amp; Recreation</u> Environmental Stewardship Section	<input type="checkbox"/>	<u>Dept. of General Services</u> Public School Construction	<input type="checkbox"/>	<u>Dept. of Transportation</u>	<input type="checkbox"/>	<u>Industrial Projects</u> Mike Tollstrup	<input type="checkbox"/>	<u>RWQCB 6V</u> Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/>	<u>Central Valley Flood Protection Board</u> Mark Herald	<input type="checkbox"/>	<u>Dept. of General Services</u> Robert Sleppey Environmental Services Section	<input type="checkbox"/>	<u>Caltrans, District 1</u> Rex Jackman	<input type="checkbox"/>	<u>California Integrated Waste Management Board</u> Sue O'Leary	<input type="checkbox"/>	<u>RWQCB 7</u> Colorado River Basin Region (7)
<input type="checkbox"/>	<u>S.F. Bay Conservation &amp; Dev't. Comm.</u> Steve McAdam	<input type="checkbox"/>	<u>Dept. of Health Services</u> Veronica Malloy Dept. of Health/Drinking Water	<input type="checkbox"/>	<u>Caltrans, District 2</u> Marcelino Gonzalez	<input type="checkbox"/>	<u>State Water Resources Control Board</u> Regional Programs Unit Division of Financial Assistance	<input type="checkbox"/>	<u>RWQCB 8</u> Santa Ana Region (8)
<input checked="" type="checkbox"/>	<u>Dept. of Water Resources</u> Resources Agency Nadell Gayou	<input type="checkbox"/>	<u>Independent Commissions, Boards</u>	<input type="checkbox"/>	<u>Caltrans, District 3</u> Jeff Pulverman	<input type="checkbox"/>	<u>State Water Resources Control Board</u> Student Intern, 401 Water Quality Certification Unit Division of Water Quality	<input type="checkbox"/>	<u>RWQCB 9</u> San Diego Region (9)
<input type="checkbox"/>	<u>Conservancy</u>	<input type="checkbox"/>	<u>Delta Protection Commission</u> Debby Eddy	<input type="checkbox"/>	<u>Caltrans, District 4</u> Tim Sable	<input type="checkbox"/>	<u>State Water Resources Control Board</u> Steven Herrera Division of Water Rights	<input type="checkbox"/>	<u>Other</u>
<input type="checkbox"/>	<u>Fish and Game</u>	<input checked="" type="checkbox"/>	<u>Office of Emergency Services</u> Dennis Casirillo	<input type="checkbox"/>	<u>Caltrans, District 5</u> David Murray	<input type="checkbox"/>	<u>Dept. of Toxic Substances Control</u> CEQA Tracking Center		
<input type="checkbox"/>	<u>Dept. of Fish &amp; Game</u> Scott Flint Environmental Services Division	<input type="checkbox"/>	<u>Governor's Office of Planning &amp; Research</u> State Clearinghouse	<input checked="" type="checkbox"/>	<u>Caltrans, District 6</u> Moses Sittes	<input type="checkbox"/>	<u>Department of Pesticide Regulation</u>		
<input type="checkbox"/>	<u>Fish &amp; Game Region 1</u> Donald Koch	<input checked="" type="checkbox"/>	<u>Native American Heritage Comm.</u> Debbie Treadway		<u>Caltrans, District 7</u> Vin Kumar				
<input type="checkbox"/>	<u>Fish &amp; Game Region 1E</u> Laurie Harnsberger								

**DEPARTMENT OF FISH AND GAME**<http://www.dfg.ca.gov>

South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201



May 9, 2008

Theresa Stevens, Ph.D.  
Senior Environmental Specialist  
Ventura County Watershed Protection District  
800 South Victoria Avenue  
Ventura, CA 93009-1610  
FAX (805) 654-3350

**Notice of Preparation Draft Environmental Impact Report for the J Street Drain Project  
Ventura County**

Dear Ms. Stevens:

The California Department of Fish and Game (Department) has reviewed the above-referenced Notice of Preparation (NOP), for a Draft Environmental Impact Report (DEIR) relative to impacts to biological resources. The proposed project is to increase the capacity of the existing channel to reduce flooding in residential and commercial areas of Oxnard and Port Hueneme, and improve stormwater flow through the J Street Drain.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Section 15386) and pursuant to our authority as a Responsible Agency under the California Environmental Quality Act (CEQA), Section 15381 over those aspects of the proposed project that come under the purview of Fish and Game Code Section 1600 et seq. regarding impacts to streams and lakes.

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. The Department looks forward to working with the Ventura County Watershed Protection District (District) to minimize impacts to fish and wildlife resources with a focus on these stressors.

Department Environmental Staff visited the Ormond Lagoon on January 30<sup>th</sup>, 2008 during an onsite scoping meeting organized by the District. The lagoon is a popular wildlife and recreational feature in the area. Local members of the public at the meeting reported on the annual breaching of the sand berm. As you are aware, the hydraulics of a coastal lagoon is complex with fresh water inputs and lagoon outlet management or natural breaching controlling fish and wildlife resources. A hydraulic model of the lagoon is necessary to predict the effects of manipulations on most of the important biological processes. There are generally three manipulable hydraulic features of lagoons: 1) input of freshwater; 2) exchange with the ocean; and, 3) the internal circulation. All of these are linked hydro-dynamically, so that modification of any will modify all. Increasing freshwater input into a lagoon will have four general physical effects: 1) mean salinity will be lowered; 2) mean flushing rate will be increased; 3) the lagoon's tendency to stratify, both vertically and horizontally, will be increased; and 4) more seawater input will ensue, particularly if vertical stratification is enhanced. Therefore, it is important to

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develop the hydraulic model early to test input scenarios in order to select the least impacting or most environmentally enhancing alternative related to the freshwater flow volume and the outlet alternatives at Ormond lagoon.

To enable Department staff to adequately review and comment on the proposed project we recommend the following information, where applicable, be included in the Draft Environmental Impact Report:

1. A complete, recent assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats (Attachment 1).
  - a. A thorough recent assessment of rare plants and rare natural communities, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.
  - b. A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Recent, 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 the Department and U.S. Fish and Wildlife Service.
  - c. Rare, threatened, and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380).
  - d. The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under chapter 12 of the Fish and Game Code. In addition, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area must be addressed.
2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance, and minimizing impacts.
  - a. CEQA Guidelines, Section 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
  - b. Project impacts should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas are of concern to the Department and should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise and vibration.

- c. A cumulative effects analysis should be developed 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.
  - d. Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to removal/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.
  - e. Impacts to all habitats from City or County required Fuel Modification Zones (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ.
  - f. Proposed project activities (including disturbances to vegetation) should take place outside of the breeding bird season (February 1- September 1) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500-foot buffer for all active raptor nests).
3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands/riparian habitats, alluvial scrub, coastal sage scrub, Joshua tree woodlands, etc. should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
- a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed with offsite mitigation locations clearly identified.
  - b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts (Attachment 2).
  - c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
4. A California Endangered Species Act (CESA) Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the proposed

project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the following information is requested:

- a. Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
  - b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
5. The Department opposes the elimination of watercourses (including concrete channels) and/or the canalization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of a drainage.
- a. The Department requires a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian resources. The Department's issuance of a SAA may be a project that is subject to CEQA. To facilitate our issuance of the Agreement when CEQA applies, the Department as a responsible agency under CEQA may consider the local jurisdiction's (Lead Agency) document for the project. To minimize additional requirements by the Department under CEQA the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

Thank you for this opportunity to provide comment. Please contact Mr. Dan Blankenship, Staff Environmental Scientist, at (661) 259-3750 if you should have any questions and for further coordination on the proposed project.

Sincerely,



Edmund J. Pert  
Regional Manager  
South Coast Region

cc: Ms. Helen Birss, Los Alamitos  
Betty Courtney, Newhall  
Dan Blankenship, Valencia  
Jeff Humble, Ventura  
HCP-Chron Department of Fish and Game  
State Clearinghouse, Sacramento

EP:db

Ltr\_3.txt

From: Rita Graham  
To: Theresa Stevens  
Date: 4/16/08 2:21 PM  
Subject: J Street Drain Project No. 82322

Theresa

The Agricultural Commissioner's Office has received the Initial Study Checklist for the J Street Drain (Project No. 82322) and we concur with the findings of the attached Initial Study prepared by HDR Engineering concerning Agricultural Resources, Topic 7.a-e, including the environmental analysis on Page 13.

The deadline for comments is April 25, 2008.

Thank you for the opportunity to comment.

Rita Graham  
Agricultural Land Use Planner  
Ventura County Agricultural Commissioner's Office  
815 E. Santa Barbara Street  
Santa Paula, CA 93060  
(805) 933-2926 x 228 PLEASE NOTE NEW PHONE NUMBER  
rita.graham@ventura.org

ltr\_4.txt

From: "Cleeves, Chuck" <Chuck.Cleeves@hdri nc. com>  
To: "Young, William" <William.Young@hdri nc. com>, "Kirk Norman" <Kirk.Norman@...>  
CC: "Zola, Lloyd B." <Lloyd.Zola@hdri nc. com>  
Date: 4/21/08 9:57 AM  
Subject: FW: Comments for J Street Drain Project

This comment just came in through the web site.  
I wanted to make sure that everyone was aware it came in.  
Talk to you soon  
Chuck

---

From: Don Occhiline [mailto:Don.Occhiline@ventura.org]  
Sent: Monday, April 21, 2008 9:41 AM  
To: jstreetdrain  
Subject: Comments for J Street Drain Project

The project is two miles from the Oxnard Airport and is for improvements to the drainage system that runs along J Street in south Oxnard. The project will not cause any hazard to aviation either during construction or as a completed project. It will affect none of the Federal Regulation 49 CFR Part 77 surfaces during construction or when construction is completed.

If you have any questions, or I can be of assistance, please contact me via e-mail or at (805) 388-4205.

Sincerely,

Ltr\_5.txt

From: "Cleeves, Chuck" <Chuck.Cleeves@hdri nc. com>  
To: "Theresa Stevens" <Theresa.Stevens@ventura. org>, "Kirk Norman" <Kirk.Nor...  
CC: "Young, William" <William.Young@hdri nc. com>, "Zola, Lloyd B." <Lloyd.Zol...  
Date: 4/23/08 4:50 PM  
Subject: FW: J Street Drain Comments

FYI from the City of Ojai, through the website.

---

From: Katrina Rice Schmidt [mailto:schmidt@ci. ojai. ca. us]  
Sent: Wednesday, April 23, 2008 4:19 PM  
To: jstreetdrain  
Subject: J Street Drain Comments

Ms. Stevens,

Thank you for the opportunity to review the Initial Study for the J Street Drain in Oxnard and Port Hueneme. The project site is outside of the City of Ojai's Sphere of Influence and its Area of Interest. City of Ojai staff has no comments on the project or on the environmental analysis.

Thank you.

~~~~~  
Katrina Rice Schmidt, AICP  
City Planner  
City of Ojai  
401 S. Ventura St.  
PO Box 1570  
Ojai, CA 93024  
(805) 640-2555



# MEMORANDUM

October 28, 2009

**TO:** Kirk Norman, PE

**FROM:** Christopher Williamson, Senior Planner *Chris Williamson*

**SUBJECT:** J Street Drain Project NOP

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This memorandum summarizes City of Oxnard requests for topic analysis in the J Street Drain Project EIR:

1. J Street is a designated bike path between from Wooley Road to Hueneme Road. The project's construction impacts on the bike path should be examined. The City supports a thorough analysis of partial or full coverage of a box culvert and the placement of a Class I bike trail with landscaping.
2. Construction impacts on J Street and all intersecting streets need to be fully evaluated for noise, air quality, ground shaking, parking, and truck deliveries (especially cement delivery and debris removal).
3. Circulation impacts on J Street and all intersecting streets need to be fully evaluated after the drain improvements. Are any lanes lost, cross streets closed, etc..?
4. The drain design should include mitigation options to improve its aesthetic appearance from pedestrian level.
5. The design of the outlet needs to work with the ongoing design options for the Ormond Beach wetlands restoration project, and work closely with the Ormond Beach Task Force and their various consultants.
6. We suggest the design team prepare and present several public workshops, and hold these meetings at the South Oxnard Library community room at several convenient times. Once a set of design options and environmental impacts and mitigations are identified, we suggest a study session with the City Planning Commission as a venue for taking public comment.

**VENTURA COUNTY**  
**AIR POLLUTION CONTROL DISTRICT**  
Memorandum

**TO:** Theresa Stevens, Senior Environmental Specialist

**DATE:** April 23, 2008

**FROM:** Alicia Stratton 

**SUBJECT:** Request for Review of Initial Study Checklist for the J Street Drain,  
Oxnard (Project No. 82322)

Air Pollution Control District staff has reviewed the subject project, which is a proposal for a project to reduce local flooding along the J Street Drain during severe rainstorms. This reduction in flooding will occur by increasing the existing capacity of the Drain to convey stormwater during a 100-year storm event to the ocean. The existing, and proposed, end of the Drain is at Ormond Lagoon, an environmentally sensitive coastal wetland. The project site is located along J Street, which is on the border of the City of Oxnard and City of Port Hueneme.

Section 3 of the Initial Study addresses air quality issues. Due to the short-term nature of the project, we concur with the findings of this discussion that significant air quality issues will not occur from the project.

Although the project is not expected to result in any significant local air quality impacts, the District recommends the following conditions be placed on the permit to help minimize fugitive dust and particulate matter that may result from construction activities:

- 1) All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour) to prevent excessive amounts of fugitive dust.
- 2) All trucks that will haul excavated or graded material off site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
- 3) All unpaved on-site roads shall be periodically watered or treated with environmentally-safe dust suppressants to prevent excessive amounts of dust.

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- 4) The area disturbed by clearing, grading earth moving, or excavation operations shall be minimized to prevent excessive amounts of fugitive dust.
- 5) All active portions of the site shall be either periodically watered or treated with environmentally-safe dust suppressants to prevent excessive amounts of dust.
- 6) On-site vehicle speeds shall not exceed 15 miles per hour.
- 7) Construction equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.

If you have any questions, please call me at (805) 645-1426.

# The Ventura Audubon Society, Inc.

P.O. Box 24196, Ventura, CA 93003 [www.venturaaudubon.org](http://www.venturaaudubon.org)

April 28, 2008

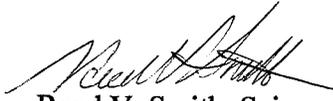
Ventura County Watershed Protection District  
Attn: Theresa Stevens, Ph.D.  
800 South Victoria Ave  
Ventura, CA 93009-1610

Dear Dr. Stevens,

Thank you for the opportunity to comment on the Initial Study for the J. Street Drain project. We have the following comments:

1. Page 3: It's not entire clear how Outlet Alternative B: Dike System, will work. We would ask that that be thoroughly described in the EIR. The same is true for Outlet Alternative C: Natural System with Restoration Project.
2. Page 13: Biological Resources. Increasing the rate at which flood waters enter the lagoon may well cause physical alterations to the Lagoon or down coast beaches. Both California Least Terns (*Sterna antillarum antillarum*) and Western Snowy Plovers (*Charadrius alexandrinus nivosus*) nest on the beach between the Ormond Lagoon and the ocean as well as on the beaches down coast of the Lagoon. Snowy Plovers use the area directly to seaward of the J. Street Drain to roost in winter and to forage all year. We feel that the EIR must include an adequate discussion of these possible effects and their probably impact on these two species. In addition the Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) occurs in the area and may nest on the center island of the Ormond Lagoon and should be considered.

Thank you for your consideration of these biological issues. Please call me at (805)652-0706 if you have questions.

  
Reed V. Smith, Science Chair  
Ventura Audubon Society

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**PUBLIC WORKS AGENCY  
TRANSPORTATION DEPARTMENT  
Traffic, Advance Planning & Permits Division**

**MEMORANDUM**

**DATE:** April 25, 2008

**TO:** Ventura County Watershed Protection District  
Attention: Theresa Stevens

**FROM:** Nazir Lalani, Deputy Director *NLC*

**SUBJECT: APPLICATION COMPLETENESS**  
**PROJECT NO.** 82322  
J Street Drain  
**PERMITTEE:** Kirk Norman or Theresa Stevens  
Initial Study to increase the channel capacity of J Street Drain.  
J Street, cities of Oxnard and Port Hueneme (cities).

Pursuant to your request, the Public Works Agency -- Transportation Department has reviewed the subject application and its supporting materials and has determined that the application is complete for our areas of responsibility.

The project would involve increasing the capacity of the existing channel to reduce flooding in residential and commercial areas of Oxnard and Port Hueneme, and improve stormwater flow through the J Street Drain.

The Initial Study Checklist and responses to the Checklist are made part hereof.

Our review is limited to the impacts this project may have on the County's Regional Road Network.

Please call me at 654-2080 if you have questions.

F:\transpor\LanDev\County\VCWPD 82322.doc

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**APR 30 2008**  
**WATERSHED PROTECTION DIST.**

# INITIAL STUDY CHECKLIST

## PUBLIC FACILITIES/SERVICES SECTION

### TRANSPORTATION/CIRCULATION

|                                    | <u>ISSUE</u> (Responsible Department)         | <u>PROJECT IMPACT DEGREE OF EFFECT*</u> |    |       |           | <u>CUMULATIVE IMPACT DEGREE OF EFFECT*</u> |    |       |    |
|------------------------------------|-----------------------------------------------|-----------------------------------------|----|-------|-----------|--------------------------------------------|----|-------|----|
|                                    |                                               | N                                       | LS | PS -M | <u>PS</u> | N                                          | LS | PS -M | PS |
| <b>PUBLIC FACILITIES/SERVICES:</b> | <b>22. <u>Transportation/Circulation:</u></b> |                                         |    |       |           |                                            |    |       |    |
|                                    | A. Public Roads and Highways:                 |                                         |    |       |           |                                            |    |       |    |
|                                    | (1) Level of Service (PWA)                    |                                         | X  |       |           |                                            | X  |       |    |
|                                    | (2) Safety/Design (PWA)                       |                                         | X  |       |           |                                            | X  |       |    |
|                                    | C. Pedestrian/Bicycle:                        |                                         |    |       |           |                                            |    |       |    |
|                                    | (1) Public Facilities (PWA)                   |                                         | X  |       |           |                                            | X  |       |    |

DEGREE OF EFFECT:

N = No Impact.

LS = Less Than Significant

PS-M = Potentially Significant Impact Unless Mitigation Incorporated.

PS = Potentially Significant Impact.

## INITIAL STUDY STANDARD DISCUSSIONS

### PUBLIC FACILITIES/SERVICES

#### 22. Transportation/Circulation

##### Item A. Public Roads/Highways

##### (1) and (2) Level of Service and Safety/Design

##### Environmental Analysis:

The project, as proposed, will not generate any new additional traffic on the County's Regional Road Network or local street system. Therefore, the Transportation Department does not require any conditions of approval.

Therefore, adverse traffic impacts relating to level of service and safety/design will be a Less Than Significant, if mitigated.

##### Item C. Pedestrian/Bicycle

##### (1) Public Facilities

##### Environmental Analysis:

The Transportation Department comments that the existing roads in the proximity of the proposed project site have provided adequate facilities pursuant to the County Road Standards and the State Department of Transportation (Caltrans).

Therefore, the Transportation Department considers that the adverse impacts relating to the supplementary addition of pedestrians and bicycles into the area would be a Less Than Significant.

## **STANDARD LAND DEVELOPMENT CONDITIONS**

### **PUBLIC FACILITIES/SERVICES**

#### **Transportation/Circulation**

1. The Notice of Preparation provides that construction will take approximately 12 months to complete. The Initial Study (Transportation /Circulation, page 15) states that impacts would occur during construction and would result in temporary and localized increases in truck and equipment traffic on local roads and highways. The project, as proposed, will not generate additional traffic or have any permanent adverse impact on the County's Regional Road Network or local street system and, therefore, will not require a Traffic Impact Mitigation Fee. The traffic associated with this project will be temporary construction related trips.
2. The applicant should identify the proposed truck route for the project, and shall submit a copy to Transportation Department. If the applicant uses the County road 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.
3. During the hauling of material to or from the sites, the trucks shall be covered to secure all material so that any nuisance or danger to the public from flying debris can be avoided.



COUNTY OF VENTURA  
PUBLIC WORKS AGENCY

ENGINEERING SERVICES DEPARTMENT  
DEVELOPMENT & INSPECTION SERVICES DIVISION

MEMORANDUM

Date: April 17, 2008

- To:
- Project File
  - Grading/Drainage Section – Jim Myers
  - Soils and Geology Section - Jim O'Tousa
  - Transportation Dept. – Butch Britt
  - Water Resources Section – David Panaro

- VENTURA COUNTY WATERSHED PROTECTION DISTRICT
- Watershed Protect. Dist. – Paul Callaway
  - NPDES – Paul Tante
  - IWMD – Bruce Belluschi
  - County Surveyors Division – Mike Sullivan
  - Real Estate Division – Steve Williams

From: Brian J. Trushinski, BES, MA, CFM  
Engineer IV, Development and Inspection Services Division

Subject: **J STREET DRAIN**  
Project No.: 82322

**NOTE: THERE IS NO CHARGE  
NUMBER FOR THIS PROJECT  
REVIEW FOR THE VCWPD.**

VENTURA COUNTY WATERSHED  
PROTECTION DISTRICT

*gmsal* ✓

Attached are standard application materials for the subject project. Please review these materials. This project could be one of the following:

- This project qualifies for a Categorical Exemption.
  1. Pursuant to the material submitted, is the application complete/incomplete?

*However, you may have an adverse impact that would cause it to be an exception to the exemption. In that case complete an Initial Study Checklist*

- This project does not qualify for a Categorical Exemption. Therefore, the following needs to be addressed:

1. Pursuant to the material submitted, is the application complete/incomplete?
2. It will be assumed that the proposed project is consistent with the County's General Plans, unless otherwise stated.
3. Complete an Initial Study Checklist

**Please return your comments to Theresa Stevens in the Ventura County Watershed Protection District (Brown Mail L#1610) and by email to [Theresa.Stevens@ventura.org](mailto:Theresa.Stevens@ventura.org) by April 25, 2008**

(City O x)  
DUE APR 25, 2008  
DUE 4-25

NO Comments

RECEIVED  
APR 17 2008

*[Handwritten signature]*



**Ventura County**  
**Watershed Protection District**  
**Water Quality/Environmental Services Division**

**MEMORANDUM**

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**DATE:** April 10, 2008

**TO:** Brian Trushinski, Public Works Agency

**FROM:** Theresa Stevens, Sr. Environmental Specialist

*Theresa Stevens*

**SUBJECT: INITIAL STUDY CHECKLIST – J Street Drain (Project No. 82322)**

The Ventura County Watershed Protection District is in the process of preparing an initial study for the proposed J Street Drain Improvement Project. According to the Ventura County Initial Study Assessment Guidelines, your department is responsible for making the impact determinations on the following initial study checklist items:

Resources – 4

Hazards – 13, 14, 15a

Public Services – 22a(1), 22a(2), 22c(1), 23b, 24c, 26b

These specific issues have been assigned to your department on the basis of professional expertise in dealing with the issues. Please use the adopted guidelines and your professional judgment in responding to each issue. For each determination made, please provide a brief description of the factual basis for such determination (both individual and cumulative impacts). The appropriate references to support this factual data should be provided in the description.

Please prepare the attached initial study checklist and return it by April 25, 2008. The hard copy may be returned to me at brown mail L#1610. An electronic copy should also be provided to [Theresa.Stevens@ventura.org](mailto:Theresa.Stevens@ventura.org). If your response is not received by the return date, the District will address the issues for you. Thank you!

**Attachments:** Three (3) copies of the Initial Study



**NOTICE OF PREPARATION  
J Street Drain Project  
Ventura County Watershed Protection District**

---

**What's Being Done?**

The Ventura County Watershed Protection District (VCWPD), acting as Lead Agency, has determined that the J Street Drain project may have a significant effect on the environment and that an Environmental Impact Report (EIR) should be prepared.

Briefly, the proposed project is anticipated to reduce local flooding along the J Street Drain during severe rainstorms. This reduction in flooding will occur by increasing the existing capacity of the Drain to convey stormwater during a 100-year storm event to the ocean. The existing, and proposed, end of the Drain is at Ormond Lagoon, an environmentally sensitive coastal wetland.

The project is anticipated to start construction mid 2009 and take approximately 12 months to complete. The project will start at the lagoon end of the Drain and work "up-stream" until complete.

**Where is the Project Located?**

The project is located in the median between the north and south bound traffic lanes of J Street. The project is primarily located in the City of Oxnard; however, south of Hueneme Road, the Drain forms the boundary between the cities of Oxnard and Port Hueneme. The project boundaries are anticipated to be Redwood Street to the north and Ormond Lagoon/Pacific Ocean to the south.

**Why A Public Notice?**

The VCWPD would like to request assistance with identifying the scope and content of the environmental information that should be addressed in the EIR.

**How Do I Provide Project Input?**

Please send any pertinent comments to:

Ventura County Watershed Protection District  
Attn: Theresa Stevens, Ph.D.  
800 South Victoria  
Ventura, CA 93009-1610

Comments must be submitted by 5:00 PM, May 9, 2008. Comments may also be submitted via email on the project website: [www.jstreetdrain.com](http://www.jstreetdrain.com).

**Contacts**

For more information, you may also contact Kirk Norman P.E., Project Manager at 805-654-2017, or Theresa Stevens, Sr. Environmental Specialist at 805-477-7139.

---

***Thank you for your interest in this Watershed Protection District project!***

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From: "Cleeves, Chuck" <Chuck.Cleeves@hdri.nc.com>  
To: "Kirk Norman" <Kirk.Norman@ventura.org>, "Theresa Stevens" <Theresa.Stev...>  
CC: "Young, William" <William.Young@hdri.nc.com>, "Zola, Lloyd B." <Lloyd.Zol...>  
Date: 5/9/08 5:45 PM  
Subject: FW: NoP for J St. Drain Project

This came through the project website.

---

From: Peter Brand [mailto:brand@scc.ca.gov]  
Sent: Friday, May 09, 2008 5:38 PM  
To: jstreetdrain  
Cc: David A Pritchett (David Pritchett)  
Subject: FW: NoP for J St. Drain Project

To Whom It May Concern -

Comment on the CEQA Notice of Preparation for J Street Drain Project by  
Ventura County Watershed Protection District:

These brief comments are limited to the Outlet Alternatives described in the NoP. As County officials know well, State Coastal Conservancy and partners are working on a comprehensive wetland restoration plan for the Ormond Beach area, including the lagoon that would be affected by the J Street Drain Project.

These are some brief comments to aid in the further scoping and planning for this project.

Biological Resources

The EIR scoping already has identified that potentially significant impacts may occur. The endangered tidewater goby (small fish) currently inhabits the lagoon and US Fish and Wildlife Service is the lead agency on specific comments about this species. As Outlet Alternative B (Dike System) would redirect the drain flows directly to the ocean instead of into the lagoon, potentially affecting the delicate balance of lagoon water levels and salinity that comprise the goby habitat, the hydrologic budget of the lagoon should be determined to estimate water inputs from J Street Drain, Oxnard Industrial Drain, ocean channel input, and potentially other sources. The dynamic, natural opening and closing duration of the ocean channel through the beach also should be examined as part of this hydrologic budget. Impacts to listed and sensitive birds also should be addressed, as some bird species also may be affected by the hydrologic budget in the lagoon.

Outlet Alternative C (Natural System with Restoration Project)

As described in the NoP, this Alternative seems to rely on a particular option eventually implemented for the wetland restoration project, specifically a rock groin to be installed for managing the lagoon opening to stay open permanently or semi-permanently. Be advised that such a wetland management feature still is not an absolute certainty as the wetland planning still is in progress and the eventual choices for its various project alternatives have yet to be determined. We all will need to continue close coordination on this, especially for mutual

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responsibilities on which agencies or organizations eventually will be constructing or maintaining any structures that control the lagoon opening. Depending upon the implementation schedule in years to come, Outlet Alternative C may not be an available option and a project that starts with Outlet Alternative B (Dike System) may be the only choice among the alternatives that currently are proposed.

#### Outlet Alternative A (Natural System)

The practicality of this alternative should be analyzed if the lagoon water level would back up into the upstream drain channels, thereby negating the basic purpose of the project and viability of this Outlet Alternative.

#### Outlet Alternative B (Dike System)

The new channel and dike probably would cause dredging and filling of coastal wetlands and sensitive species habitat. Such impacts should be described and quantified in the EIR analysis.

#### City Limit Boundary

For Outlet Alternative B (Dike System), depending upon the exact location and size and shape of the dike, this may cross over into the Oxnard side of the City boundary, thereby triggering a need for different jurisdictional authority, Local Coastal Plan consistency, etc.

#### Water Quality

Although the Initial Study checklist indicates less than significant effects, the water quality in the lagoon should be addressed in the EIR because the project may redirect some of the drain flows directly into the ocean, thereby possibly changing the pollution concentrations from either Oxnard Industrial Drain or J Street Drain as the major source of water quantity and water quality input into the lagoon.

Please feel free to contact me further about our Ormond Beach project, via email or telephone 510-286-4162. We already are planning for the J Street Drain project to be a major discussion item during the Ormond Beach Task Force public meeting to be held on July 24.

Peter Brand, Project Manager

TS

Resource Management Agency

ENVIRONMENTAL HEALTH DIVISION

**MEMORANDUM**

**DATE:** April 28, 2008  
**TO:** Theresa Stevens  
**FROM:** Melinda Talent *MT*  
**SUBJECT:** INITIAL STUDY – WATERSHED PROJECTION DISTRICT – J STREET DRAIN (PROJECT NO. 82322)

The Environmental Health Division submits the following responses to items 18B, 18C, 21, 23A, 24A and 24D in the attached initial study checklist:

**18. HAZARDOUS MATERIALS/WASTE:**

**B. Hazardous Materials**

The proposed project will include the use of hazardous materials. Improper storage, handling, and disposal of these material(s) could result in the creation of adverse impacts to public health. Compliance with existing State regulations will reduce potential impacts to a level considered less than significant.

**C. Hazardous Wastes**

The proposed project will generate hazardous waste. Improper storage, handling, and disposal of these materials could result in the creation of adverse impacts from hazardous wastes. Compliance with existing State regulations will reduce potential impacts to a level considered less than significant.

**21. PUBLIC HEALTH:**

The proposed project may have impacts to public health from hazardous materials/waste and solid waste, i.e., construction and demolition debris. Conformance with applicable standards pertaining to hazardous materials/waste and solid waste will reduce potential impacts to a level considered less than significant.

WATERSHED PROTECTION DIST.

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**23. WATER SUPPLY:**

**A. Quality**

The proposed project will not require a supply of domestic water. Therefore, the project will not impact the quality of water available to the project.

**24. WASTE TREATMENT/DISPOSAL:**

**A. Individual Sewage Disposal**

The proposed project will not require the use of an on-site sewage disposal system. Therefore, the project will not create any adverse environmental impacts relative to on-site sewage disposal.

**D. Solid Waste Facilities**

The proposed project does not include a solid waste facility. Therefore, the project will not create any adverse impacts relating to solid waste facilities.

**SECTION B**

**INITIAL STUDY CHECKLIST**

**PROJECT NUMBER: 82322**

**APPLICANT: WATERSHED PROTECTION DISTRICT**

| <u>ISSUE</u>                              | <u>PROJECT IMPACT<br/>DEGREE OF EFFECT</u> |    |      |    | <u>CUMULATIVE IMPACT<br/>DEGREE OF EFFECT</u> |    |      |    |
|-------------------------------------------|--------------------------------------------|----|------|----|-----------------------------------------------|----|------|----|
|                                           | N                                          | LS | PS-M | PS | N                                             | LS | PS-M | PS |
| 18. <u>HAZARDOUS<br/>MATERIALS/WASTE:</u> |                                            |    |      |    |                                               |    |      |    |
| B. Hazardous Materials                    | —                                          | ✓  | —    | —  | —                                             | ✓  | —    | —  |
| C. Hazardous Waste                        | —                                          | ✓  | —    | —  | —                                             | ✓  | —    | —  |
| 21. <u>PUBLIC HEALTH</u>                  | —                                          | ✓  | —    | —  | —                                             | ✓  | —    | —  |
| 23. <u>WATER SUPPLY:</u>                  |                                            |    |      |    |                                               |    |      |    |
| A. Quality                                | ✓                                          | —  | —    | —  | ✓                                             | —  | —    | —  |
| 24. <u>WASTE TREATMENT/<br/>DISPOSAL:</u> |                                            |    |      |    |                                               |    |      |    |
| A. Individual Sewage<br>Disposal System   | ✓                                          | —  | —    | —  | ✓                                             | —  | —    | —  |
| D. Solid Waste Facilities                 | ✓                                          | —  | —    | —  | ✓                                             | —  | —    | —  |

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax



FILE COPY

April 16, 2008

Theresa Stevens  
Ventura County Watershed Protection District  
800 S. Victoria Avenue  
Ventura, CA 93009-1610

RE: SCH# 2008041057 J Street Drain Project: Ventura County.

Dear Ms. Stevens:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present
- ✓ 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.
  - 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.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez  
Program Analyst

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WATERSHED PROTECTION DIST.

CC: State Clearinghouse

**Native American Contacts**  
Ventura County  
April 16, 2008

Charles Cooke  
32835 Santiago Road  
Acton , CA 93510  
  
(661) 733-1812 - cell  
suscol@intox.net

Chumash  
Fernandeno  
Tataviam  
Kitanemuk

Patrick Tumamait  
992 El Camino Corto  
Ojai , CA 93023  
yanahea2@aol.com  
(805) 640-0481  
(805) 216-1253 Cell

Chumash

Beverly Salazar Folkes  
1931 Shadybrook Drive  
Thousand Oaks , CA 91362  
(805) 558-1154 - cell  
805 492-7255

Chumash  
Tataviam  
Fernandeno

Stephen William Miller  
189 Cartagena  
Camarillo , CA 93010  
(805) 484-2439

Chumash

Owl Clan  
Dr. Kote & Lin A-Lul'Koy Lotah  
48825 Sapaque Road  
Bradley , CA 93426  
(805) 472-9536

Chumash

Randy Guzman - Folkes  
1931 Shadybrook Drive  
Thousand Oaks , CA 91362  
ndnrandy@hotmail.com  
(805) 905-1675 - cell

Chumash  
Fernandeno  
Tataviam  
Shoshone Paiute  
Yaqui

Julie Lynn Tumamait  
365 North Poli Ave  
Ojai , CA 93023  
jtumamait@sbcglobal.net  
(805) 646-6214

Chumash

Coastal Band of the Chumash Nation  
Janet Garcia, Chairperson  
P.O. Box 4464  
Santa Barbara , CA 93140  
805-964-3447

Chumash

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008041057 J Street Drain Project: Ventura County.**

**Native American Contacts**  
Ventura County  
April 16, 2008

Charles S. Parra  
P.O. Box 6612  
Oxnard , CA 93031  
(805) 340-3134 (Cell)  
(805) 488-0481 (Home)

Chumash

Carol A. Pulido  
165 Mountainview Street  
Oak View , CA 93022  
805-649-2743 (Home)

Chumash

Melissa M. Para-Hernandez  
119 North Balsam Street  
Oxnard , CA 93030  
805-988-9171

Chumash

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2008041057 J Street Drain Project: Ventura County.**



COUNTY OF VENTURA  
RESOURCE MANAGEMENT AGENCY  
PLANNING DIVISION

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MEMORANDUM

**DATE:** April 24, 2008

**TO:** Theresa Stevens, Sr. Environmental Specialist

**FROM:** Bruce Smith, Manager General Plan Section

**SUBJECT:** Review of Draft Initial Study/NOP for J Street Drain (Project No. 82322)

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WATERSHED PROTECTION DIST.

Ventura County Watershed Protection District (VCWPD) has requested the Planning Division to consider the proposed J Street Drain Improvement Project and assist in identifying potential environmental impacts related to the Initial Study Assessment checklist items for which Planning is responsible. A draft Initial Study has been prepared by the Watershed Protection District's Consultant (HDR Engineering, Inc.) and is the subject of this review. The Planning Division is responsible for assessing the following subject areas of the Initial Study checklist: General Plan Environmental Goals and Policies, Land Use (Community Character, Housing, Growth Inducement), Resources (Mineral Resources, Scenic Highways, and Historical Resources), and Public Facilities (Parking).

VCWPD is proposing to increase capacity of the J Street Drain to convey stormwater during a 100-year storm event and thereby reduce local flooding during severe rainstorms. The Drain ends at the Ormond Lagoon that is an environmentally sensitive coastal wetland. Construction is anticipated to begin mid 2009 and take approximately 12 months to complete. Work will begin at the lagoon and progress upstream until complete.

**Summary of General Comments:**

- The draft Initial Study checklist identifies several categories both individually and cumulatively as Potentially Significant Impact –Mitigation Required (PS-M). The EIR should explain how proposed mitigation would reduce impacts to less than significant for each specific impact or a Statement of Overriding Considerations must be adopted.

- Once additional analysis has been completed, an EIR should evaluate and address all issue areas that may be categorized as "Potentially Significant"; provide mitigation, and discuss how the mitigation will be implemented and monitored. The EIR should also identify any residual impacts.
- The comments listed below correspond to the numbers indicated in the draft Initial Study.

### **General Plan Environmental Goals and Policies**

The discussion indicates that "...the proposed project is expected to be consistent with the Ventura County General Plan, Goals , Policies, and Programs including..." and then lists the issue areas. Because the project site is not located in the unincorporated area of the county, the Ventura County Planning Division concurs. The next paragraph goes on to discuss the Cities' of Oxnard and Port Hueneme Local Coastal Plans and the potential for impacts in relation to the cities plans.

### **Land Use**

The draft Initial Study indicates that the proposed project "...is expected to have no impact on existing land use or supply of housing in the vicinity." While this is true for the proposed project, Alternative E would require removal of housing on one side of the street. This should be evaluated in the EIR.

### **Biological Resources**

Please see attached memo.

### **Resources**

The Planning Division concurs with the findings of the draft Initial Study.

### **Public Facilities**

The VC Planning Division is responsible only for the Parking issue with regard to Public Facilities. No impacts to parking facilities are anticipated.

Thank you for the opportunity to review and comment on this project. If you have any questions regarding this memo, you may contact myself at 654-2497 or Kari Finley, Senior Planner at 654-3327.



**COUNTY OF VENTURA  
RESOURCE MANAGEMENT AGENCY  
PLANNING DIVISION**

---

**M E M O R A N D U M**

**DATE:** April 24, 2008  
**TO:** Bruce Smith, Manager General Plan Section  
**FROM:** Christina Danko, Planning Biologist  
**SUBJECT:** Review of the J Street Drain Improvement Project Initial Study

---

**Biological Resources**

The analysis of potentially significant biological impacts in the J Street Drain Initial Study is consistent with the Ventura County Initial Study Assessment Guidelines. The J Street Drain is lined with concrete and therefore does not contain significant wildlife habitat. However, the lower end of the drain and the Ormond Beach Lagoon, into which the drain flows, do provide habitat that could potentially support special status species. A brief review of the California Natural Diversity Database revealed a recorded occurrence of tidewater goby, a federally endangered fish, in the lower end of the J Street Drain, where it flows into the lagoon. In addition, there are recorded occurrences of western snowy plover, a federally threatened bird, around the lagoon.

The Ormond Beach Lagoon is considered a significant wetland habitat and coastal habitat in Ventura County. Therefore potential impacts to special status species, wetland habitat, and coastal habitat that would result from the J Street Drain Improvement Project should be studied in the EIR.



**County of Ventura**  
**Public Works Agency**  
**Integrated Waste Management Division**  
**MEMORANDUM**

---

**Date:** April 24, 2008

**To:** Theresa Stevens, Sr. Environmental Specialist  
Ventura County Watershed Protection District

**From:** Frank Kiesler, Assistant Manager *FK*  
Integrated Waste Management Division

**Subject:** **J Street Drain Improvement Project**  
Project No. 82322 - Draft Initial Study

The Integrated Waste Management Division (IWMD) has completed its review of the Draft Initial Study prepared for the J Street Drain Improvement Project, Project No. 82322. This document was submitted to the Public Works Agency by the Ventura County Watershed Protection District (VCWPD) on April 17, 2008. The IWMD has determined that the impact of this proposed project to permitted solid waste disposal facilities in Ventura County is "Less Than Significant" and has prepared an Initial Study Checklist as requested on the PWA Cover Memo dated April 17, 2008. (*See Attached*)

The Watershed Protection District is to comply to the extent practicable, with the general requirements of Ventura County Ordinances #4308 (pertaining to solid waste handling, disposal, waste reduction, and waste diversion) and #4357 (requirements for the recycling and diversion of construction and demolition debris), to assist the County's efforts to meet the requirements of Assembly Bill 939, which mandates all statewide jurisdictions to divert 50% of their solid waste from local landfills. Both Ordinances can be viewed in their entirety on the IWMD's website at [http://www.wasteless.org/6\\_1ordinances.html](http://www.wasteless.org/6_1ordinances.html). For a complete list of all recyclable construction materials, please refer to the "Director's List of Commercial Recyclables," also located on the IWMD's website at: <http://www.wasteless.org/PDF%20files/RecyclablesListBusiness-English.pdf>

We recommend the following Contract Specifications to the Watershed Protection District in regards to this project:

**1. Concrete and other Recyclable Construction Materials**

The contract specifications shall include a requirement that all recyclable construction materials generated during the demolition and construction phases of the project be reused on site, or recycled at a permitted recycling facility. For this project that includes, at a minimum, concrete, asphalt, wood, and metal. All non-recyclable materials shall be disposed of at a permitted disposal facility.

**2. Green Materials - Recycling & Reuse**

The Contract Specifications shall include a requirement that all green materials (wood waste, vegetation) slated for removal prior to, during, or post construction, are diverted from the landfill. This can be accomplished by on-site chipping and land application at the project site, or by transporting the wood waste and/or vegetation to an authorized or permitted greenwaste facility in the County for recycling and/or composting. Illegal disposal and landfilling of recyclable organic material is prohibited.

**3. Sediment and Soil - Recycling & Reuse**

The contract specifications shall include a requirement that all sediment and soil, not reused on site during the construction and/or landscaping phases of the project, be transported to an authorized or permitted facility for recycling or reuse. Illegal disposal and landfilling of recyclable sediment and soil is prohibited.

**4. Commercial and Construction Equipment Used Oil Recycling**

The contract specifications shall include a requirement that motor oil, batteries, antifreeze, and other recyclable materials removed from commercial vehicles and construction equipment maintained and/or repaired onsite during the project's demolition and construction phases be recycled through a permitted or certified facility.

**5. Quantification of Materials Diverted from Landfill Disposal by On-Site Reuse or Recycling**

The contract specifications for this project shall include a requirement that the contractor(s) create, and submit, a Summary Table to the IWMD at the conclusion of the project. The Summary Table shall include the TYPE (e.g., green materials, concrete, asphalt, soil), and approximate WEIGHT of:

- All recyclable materials generated during the demolition and construction phases of the project that were reused on-site, and
- The name and address of the facilities where recyclable materials were transported for recycling or reuse. Receipts are required to verify that recycling occurred and the materials were not landfilled.

Thank you for providing the IWMD with an opportunity to comment on this project. Please send a copy of the final specifications to the IWMD via Brown Mail #1650. Should you have any questions regarding this memo, contact Pandee Leachman at 805/658-4315.

Ec: Donna Bernard, Development and Inspection Services, PWA  
Howard E. Hope, IWMD  
Don Sheppard, IWMD  
Sandy Lomeli, IWMD

**J Street Drain Improvement Project**  
Watershed Protection District Project No. 82322

**INITIAL STUDY CHECKLIST**

**PUBLIC FACILITIES/SERVICES SECTION**

**Integrated Waste Management Division**

|                                    | <u>ISSUE</u> (Responsible Department)         | <u>PROJECT IMPACT DEGREE OF EFFECT*</u> |    |       |    | <u>CUMULATIVE IMPACT DEGREE OF EFFECT*</u> |    |       |    |
|------------------------------------|-----------------------------------------------|-----------------------------------------|----|-------|----|--------------------------------------------|----|-------|----|
|                                    |                                               | N                                       | LS | PS -M | PS | N                                          | LS | PS -M | PS |
| <b>PUBLIC FACILITIES/SERVICES:</b> | 24. <u>Waste Treatment/Disposal:</u>          |                                         |    |       |    |                                            |    |       |    |
|                                    | C. Integrated Waste Management Division (PWA) |                                         | X  |       |    |                                            | X  |       |    |

**DEGREE OF EFFECT:**

N = No Impact.  
 LS = Less Than Significant  
 PS-M = Potentially Significant Impact Unless Mitigation Incorporated.  
 PS = Potentially Significant Impact.

**JUSTIFICATION**

The Integrated Waste Management Division (IWMD) has reviewed the application received on April 17, 2008 for the J Street Drain Improvement Project and has determined the degree of effect to permitted solid waste disposal facilities in Ventura County from this project to be "Less Than Significant."

Pursuant to the IWMD's factors determining the significance of project impacts to solid waste facilities within Ventura County, any discretionary development project generating solid waste will impact the County's remaining solid waste disposal capacity. Additionally, as required by California Public Resources Code (PRC) 41701, Ventura County's Countywide Siting Element (CSE), adopted in June of 2001 and updated annually, confirms Ventura County has at least 15 years of disposal capacity available for waste generated by in-County projects. Therefore, because the County currently exceeds the minimum disposal capacity required by state PRC, no individual project of this type and magnitude will significantly impact the County's remaining solid waste disposal capacity.



**COUNTY OF VENTURA  
PUBLIC WORKS AGENCY**

*WATER RESOURCES AND ENGINEERING DEPARTMENT  
DEVELOPMENT & INSPECTION SERVICES DIVISION*

**MEMORANDUM**

**DATE:** April 24, 2008  
**TO:** Theresa Stevens  
RMA - Planning Division  
**FROM:** Brian J. Trushinski, BES, MA, CFM  
Engineer III, Development and Inspection Services  
**SUBJECT:** PROJECT: J-STREET DRAIN: PROJECT No.: 82322

Development & Inspection Services has reviewed the subject project and the supporting materials as they pertain to our areas of responsibility and offer the following comments:

**Seismic Hazards Section, page 14**

1. The project may result in structures that are damaged as a result of ground shaking, liquefaction or hazards associated with liquefaction such as lateral spreading. This section should be modified to reflect the potential hazards and should also include a statement about the future geotechnical report that will address the hazards and mitigate them to acceptable design levels.

**Geologic Hazards Section, page 14**

1. This section contains hazards that are not considered hazards for the project such as landslides and mudslides. It further points out that a geotechnical report will be prepared identifying and geologic hazard and appropriate mitigation measures. This should be done for the preparation of the Initial Study, otherwise the hazards should be considered as unknown.

The Initial Study Checklist provided on page 7 should be corrected for the Section 13 Seismic Hazards and the Section 14 Geologic Hazards. The text should discuss each hazard listed in the Initial Study Checklist.

RECEIVED

MAY 02 2008

WATERSHED PROTECTION DIST.

## J Street Drain Meeting Notes

February 25, 2008

1. There is lots of trash in the channel. Can it be filtered out before it goes to the ocean?
2. The City has programs coming up to deal with source control of trash.
  - City is working on study to assess sources of trash
  - Where are the existing trash racks/nets?
  - Netting at Oxnard West
3. What will be done with the construction demolition waste? Will it be recycled?  
Discuss solid waste issues and potential hazards.
4. Area hydrology needs to be better understood.
5. There is a problem with this project being fragmented from the OID project and from plans that others (Calleguas MWD) have to discharge water (ie, take it out of the Oxnard treatment plant process).
6. The mouth of the lagoon moves up and down coast, it's not static and worth of study for this project.
7. Sand deposited from dredging of Port Hueneme contributes to the littoral process.
8. The beach may be receding due to less sand from the Port.
9. The Coastal Conservancy plans for lagoon restoration are not ripe and should not be used. Their staff doesn't understand the hydrology.
10. We should figure out how to move water over/around the Reliant energy plant.
11. We need to check on the limits of the conservation easement (Sierra Club) over Hueneme Beach west of the J Street outlet to the beach. It was recorded in the 1990s (?).
12. We need to study the tide and 100 year flood. Observations show the lagoon breaches well before 100-year flood water accumulates in the J Street drain. The additive effects of the 100-year flood and tide won't likely materialize.
13. We need to study the potential for reestablishing flow in the old blocked channel along the Haleco slag pile (immediately south of it) and of putting a culvert into McWane to get water from OID to the beach.
14. We need to study the potential for swapping old culverts downcoast at key blockages to get water flowing toward Pt. Mugu.
15. Want J street project to provide improvements to lagoon at outlet of the OID  
Sierra Club- primary concern is OID – need to do an evaluation of the independent utility of J street project.
16. We need to include the Coastal Conservancy scenarios and historical aerial photos that show changes in the lagoon in the EIR.
17. We need to develop a cost estimate of reestablishing the blocked channel and swapping culverts...its likely small compared to the Coastal Conservancy plans. Other stuff on the J Street drain as requested by the residents is window-dressing.
18. We need to explain what prompted the J Street project.
19. We need to explain why we are focused on the J Street project instead of OID. OID fills almost to the bridge soffit on Hueneme Road during high tides. More full than J Street on same tide.

20. Will a direct outlet from J Street to the ocean increase the reach of the tide in J Street? URS alternative – if selected need to discuss tidal action
21. Should OID be a higher priority?
22. Cumulative impacts need to address effects at lagoon of both J street and OID improvements
23. Who recommends preferred alternatives and who decides on the project that gets built?
24. How much input do residents have to select an alternative?
25. Can taxes be assessed to help pay for a particular alternative or features thereof that residents want? How can residents facilitate this?
26. There is a concern about graffiti, trash, vermin etc, in open channel alternatives.
27. A covered channel would provide a safe corridor for kids on bikes going to/from school. A beneficial feature.
28. The Boy Scouts are ready to service landscaping on close box alternatives.
29. When was the last 100 year flood in Oxnard?
30. Please study the effects of opening old drains and enlarging culverts as suggested by the Sierra Club rep (Al Sanders); comment above.
31. Please discuss the potential for a permanent opening of J Street drain.
32. Please consider moving soil from Channel Islands Harbor disposal site to get water to spread (note: this site is in OID watershed).
33. Please consider buying the Metropolitan Water District holding which is surrounded by TNC and CC holdings (note: this site is in OID watershed).
34. Please consider buying the Metropolitan Water District holding which is surrounded by TNC and CC holdings (note: this site is in OID watershed).
35. Putting fresh water on the floodplain would be beneficial reuse of water which would transition into saline lagoon system. Brackish marsh habitat is missing.
36. EPA has been asked to evaluate fill on McWane because it likely came from the Haleco slag pile.
37. Check w/ EPA to see if they would oppose new culverts under McWane (note: this site is in the OID watershed).
38. Is there any federal or other outside funding?
39. Is Prop 1E funding available? It may be available for protection of homes from flooding.
40. The City of Oxnard Utility Task Force is a forum for residents to get involved w/ local issues.
41. How does the 550 acre subdivision project north of Hueneme Road affect our project? That project currently proposes to drain water to Oxnard Drain No. 2 but if that doesn't work, then water may come to OID. (note: not exactly sure where this 550 acres is).
42. Address need for maintenance and potential effects of maintenance operations
43. Need to distinguish between J street as a flood control project and desire for recreation and lagoon restoration

June 27, 2009

Page One of Two

**TO: KIRK R. NORMAN, P.E.**  
**Watershed Protection District**

**FAX: 654-2108**

**RE: J STREET DRAIN PROJECT**  
**Surfside III Concerns**

RECEIVED

JUN 27 2009

WATERSHED PROTECTION DISTRICT  
Design & Construction Division

Dear Mr. Norman

Thank you very much for taking your time to talk to me about the expansion of the J Street Drain and the effect on Surfside III property. Although your anticipation of a tentative start-date is at least a year away, I appreciate the information that you were able to provide; your helpfulness; and your courtesies!

In order to clarify some information that I may have misunderstood, I'd like to verify the distance that the new boundary fence will be moved from the position of the existing fence at the locations of 15+00 and 14+00 on your diagrams. You stated that a new permanent fence is to be constructed approximately three feet from the current fenceline. On your diagram, it looks closer to five feet, if the new fence is erected at the edge of your easement. Even more important is the eight-foot "work-area" that must be cleared. Did I correctly understand that all of our large trees, shrubbery, existing walkways and planters in that area will have to be removed to accommodate your work? Obviously, that will cause a considerable negative impact on our property.

Re: 15+00: You indicated that your understanding - regarding responsibility to provide replacement of the elements that have to be removed - is that sixty-foot-high trees and dense bushes might be replaced with much-smaller vegetation that will not provide us with effective "screening" from the water-treatment plant (let alone the loss of the beauty of the trees). The prospect of direct exposure to the offensive view, noise, and odors from the sewage facility poses a really-major problem to all owners whose homes are located along the drain.

Re: 14+00: We need to know what structures will be erected to replace the retaining walls, planters, and walkways that have to be removed. I realize you are an engineer concerned with reconstruction of a canal, and you probably won't be directly involved with these details, at least for some time. But these are issues affecting our property-values - which, by law, must be disclosed to all current homeowners and prospective buyers. Therefore, the matter of who will pay for replacement-costs is of concern to all members of our Association

**RE: J STREET DRAIN PROJECT [6/21/09]  
Surfside III**

RECEIVED

JUN 27 2009

UNIFIED PROTECTION DISTRICT  
Design & Construction Division

Page Two

The damage to Surfside III property as a result of the drain project is critically-important to us; not only concerning the matter of our quality-of-life, but in regard to what may be a significant expense to the members of our Association for whatever modifications that will be required to restore both essential and decorative functions within our community.

I hope you will be able to provide the information that I am requesting, as soon as possible. Or, if you are not involved in some aspects of my inquiry, please let me know who else to contact. Following are the questions we have at this time:

\*\*\* Regarding our lack of information about this project for almost two years: WHO in the Surfside III complex was notified; HOW was notification made; and WHEN was this done?

- When will another EIR - or other public input - meeting be held?
- What is the distance that the new permanent boundary-fence will be installed from the existing fence?
- Which bushes and trees will have to be removed to provide you with the temporary eight-foot working-area during construction?
- Where can we find the documents that deal with the specific requirements regarding your responsibility to replace elements [vegetation and structures] which must be removed?
- Is there an amount of money already in your budget allocated to replacement of elements removed from the easement-area and replacement of elements on our property which have been adversely-affected by the project?
- Is there someone - other than yourself - that would have the answers to these, or additional, questions that we will have in the future?

Surfside III is a multi-generational complex that provides relatively-affordable homes to families, singles and senior residents, both renters and owners. Your assistance in providing information to help us cope with the negative aspects of this project on our lives, will be sincerely appreciated.

Thank you again for your time and consideration.  
Respectfully Yours,

Marion Kelemen

Surfside III  
962 Lighthouse Way  
Port Hueneme, CA 93041

Phone/Fax: (805) 986-0303  
Email: lighthousecrew@verizon.net

July 6, 2009

[Page One of Two]

**TO: ANGELA BONSIGLIO**  
**Environmental Planner**  
**Watershed Protection District**

**FAX: 654-3350**

**RE: J STREET DRAIN PROJECT**  
**Surfside III Concerns**

Several weeks ago, a member of the Surfside III Landscape Committee was informally told of the pending J Street Drain Project – and passed on the information at our Open Board Meeting on June 13, 2009.

As the SSIII townhouse owner whose property is closest to the project site, I immediately went on-line to find as much information about the project as possible. I then went to see the Project Manager, Mr. Norman – who was very helpful in answering many of the questions I posed at that time. Subsequently, I sent him a fax with a number of additional questions. To date, he has not responded.

This project will result in significant negative environmental effects on our property, including the removal of existing trees, shrubbery, walkways, planters, etc. that is required by the eight-foot work-area needed for the canal construction. The J Street website states that Environmental Studies began in January, 2008 – and that the VCWPD invited all interested parties to a series of public meetings that were held from January 16 - 30, 2008. We were not informed of these meetings!

As we - all 309 homeowner/taxpayers in our community - were not invited to participate in the public review process, I'm requesting your assistance in determining how, at this point, this oversight can be remedied to the greatest extent possible.

I understand there is a requirement that people who will be affected by a Public Works Project be informed of public meetings in a timely manner so that their issues of concern can be addressed. As we had no opportunity to give input or discuss our concerns; evaluate the several alternatives; or present opposition to any facet of the project, we are now requesting your agency to work with us to re-consider some critical aspects of the project.

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JUL 06 2009

WATERSHED PROTECTION DIST.

**J STREET DRAIN PROJECT [7/4/09]  
Surfside III Concerns**

**[Page Two]**

**1) At this point, the engineering plans may have already been finalized, but as actual construction is not scheduled until January, 2010 at the earliest, we are asking for an alteration of the construction plan. We would like the eight foot work-area currently designated for the easement on our property, to be re-designated to the Water Treatment Facility on the other side of the canal. That location is industrial land which already has an access road adjacent to the construction site.**

**We are hoping that, as an environmental planner, you will support our effort to alter a plan that destroys the large trees and vegetation screening a residential community from the unsightly view, odor, and noise of a sewage-treatment plant. To date, we have not only been left out of the Public Process meetings, but we have not seen either the final EPA report or the Coastal Commission approval of our local ecological disaster.**

**2) If there is a indisputable reason why this alteration is not possible, then we are asking for your support in working with us to design a restoration plan to mitigate the damage to our community environment resulting from the eight-foot wide swath of destruction. All of the townhouse properties and all the residents in two large condo buildings that border on the canal will be directly and significantly affected by the project. Hopefully, the restoration plan will be custom-tailored for different areas of our property to provide acceptable remediation of the various types of damage.**

**3) We'd also appreciate your assistance in directing us to the person in charge of negotiations regarding compensation for the expenses to our Association for repairing the damage that will be caused by the removal of the large trees, bushes, retaining-walls, walkways, planters, and other structures affected by the project. This will involve replacement costs of both environmental and structural elements.**

**Please let me know that you have received this letter – and share whatever answers/information/assistance you can provide!**

**Thank you for your time and consideration!**

**Marion Kelemen  
Liaison to SSIII Environmental Concerns Committee**

**Phone/Fax: 986-0303**

**Email: [lighthousecrew@verizon.net](mailto:lighthousecrew@verizon.net)**

**July 15, 2009**

**TO: KIRK R. NORMAN, P.E.**  
**Watershed Protection District**

**FAX: 654-2108**

**RE: J STREET DRAIN PROJECT**  
**Surfside III Issues**

**Dear Mr. Norman**

**THANK YOU** again for your call in response to our concerns; for scheduling a conference-call with SSIH board-members on Friday morning; and for letting me know that you will send a letter answering our questions as soon as possible.

As some weeks have passed since my letter of June 27, we have had a chance to summarize our concerns and formulate some specific requests. In the interest of focusing on the current status of this situation - following is a brief summary of the critical issues that we wish to address in the conference-call:

- 1) As we were never notified about the meetings regarding this project -- and therefore were left out of the public participation phase of the planning process - we are requesting special courtesy in remedying this lapse. In particular, we are asking for reconsideration of the "flood-condition sand-berm removal" alternative.
- 2) The current plan requires destruction of the large trees and vegetation screening our residential community from the unsightly view, odor, and noise of a sewage-treatment facility. As actual construction is not scheduled until January, 2010 at the earliest, we are requesting an alteration to the plan. We would like the eight foot work-area currently designated for the easement on our property, to be re-designated to the other side of the canal. That location is industrial land which already has an access road adjacent to the construction site.
- 3) If there are indisputable reasons why the sand-berm-removal alternative and the work-area alteration are both not possible, we are requesting your support in working with us to design a Restoration Plan to mitigate the damage to our community. Also, we need to know what arrangements are in place to provide compensation for the expenses to our Association for repairing and replacing both environmental and structural elements.

Assuming the sand-berm alternative and the work-area relocation were previously addressed, we would appreciate inclusion in your letter, of any relevant information regarding the reasons why these options cannot be reconsidered. We appreciate any assistance you can provide to help us maintain the existing environment at Surfside III -- or at least recover from the effects of the project to the greatest degree possible.

Sincerely, Marion Kelemen

Phone/Fax: 986-0303  
Email: lighthousecrew@verizon.net

RECEIVED

JUL 16 2009

WATERSHED PROTECTION DISTRICT  
Operations Division

July 24, 2009

RE: JSDP: SSIII CONCERNS

SSIII: Measurements

| <u>FROM EXISTING FENCE:</u> | <u>FEET</u> |
|-----------------------------|-------------|
| Basketball Court            | 33          |
| Playground                  | 27          |
| Picnic Area                 | 15.5        |
| Swing-set Area              | 22          |
| Patio Fence [962 LHW]       | 16.5        |
| (behind Bldg 7)             |             |
| Retaining Wall              | 4.5*        |
| Sidewalk                    | 5.5*        |
| Parking Spaces              | 8.5         |
| Corner of Bldg 7            | 11          |
| (Behind Bldg 6)             |             |
| Parking Structure           | 9           |

*ATTN: When is the EIR Meeting?*

QUESTIONS:

- 1...Exactly how far from the existing fence will the construction work-area fence be located? How many large trees will have to be removed? Will construction equipment be using our streets? How long will the construction go on?
- 2...Are you the person responsible for the current construction plan only – or will you be involved in the restoration plans also? How much money is in your budget for replacement of our trees and repair of structures damaged by this project?
- 3...Your plans indicate these structures (\*\*\*) will be removed. This does not address electrical, sewer, water lines, and/or parking spaces that may be affected. Also, residents of Bldg 7 in the apartments nearest to the canal, will be only a few feet away from the construction work. Was this environmental cost considered?
- 4...The damage to our property, the impact on our residents, and the possible cost of mitigation to our owners is very extensive. Why was this project not designed with construction work done from the other side of the canal?
- 5... If you were involved in consideration of the alternative plans, WHY, AT THIS TIME OF EXTREME DROUGHT AND ECONOMIC COLLAPSE IN CALIFORNIA, WAS THIS DESTRUCTIVE AND EXPENSIVE PLAN CHOSEN INSTEAD OF THE SIMPLE ALTERNATIVE OF REMOVING THE SAND-BERM WHEN NECESSARY – which is the common-sense solution that has worked till now?

August 15, 2009

Page One of Two

TO: KIRK R. NORMAN, P.E.  
Watershed Protection District

FAX: 654-2108

RE: J STREET DRAIN PROJECT  
Surfside III Issues  
Reply to VCWPD Letter dated 7/30/09

CLERK OF DISTRICT COURT  
CONSTRUCTION & UTILITIES  
AUG 17 2009  
ED

Dear Mr. Norman

Thank you for your response to our concerns; for sending Project Engineer Matthew Hesperheide to SSIII for a meeting on July 24, 2009; for your letter of explanation to our previous questions; and for your presentation at our Board Meeting.

This letter is to inform you and your agency that the information in your letter does not address particular issues that are critical concerns to the owners and residents of our community. These specific issues include:

- 1) Failure to Notify is dismissed by the comment that one SSIII person attended the public meetings. That person did NOT get notification in the mail. She attended because she had information obtained from someone at another meeting. The fact remains that NO ONE at SSIII was given notice of the project! (And we found out about it by accident!)
- 2) Stagnant Water Back-up Condition - which was discussed with Mr. Hesperheide at the July 24 meeting - was not mentioned. We have already been suffering from a serious mosquito problem since the installation of the new Pump Station. The additional water back-up due to the expansion of canal-capacity, would greatly expand the mosquito-breeding capacity. This could become a Public Health issue.
- 3) We understand that a Temporary Work Easement necessary for the eight-foot Work Area, requires a legal agreement with SSIII to use our property for that purpose - including permission to remove all the existing trees, vegetation, and structural elements. Although the TWE was discussed in your letter, the Easement Agreement was not mentioned.
- 4) Restoration/Replacement due to damage connected with the Work Area is referred as a matter to be discussed with our Landscaping Committee. This critical issue is not a Landscape Committee matter. It directly affects the properties adjacent to the canal and impacts all members of our Association. Therefore, the negotiations regarding this issue will be the responsibility of the JSDP Committee and the Board. In this regard, we will need a clear explanation of the term "in kind" as it refers to the replacement of mature, 60 foot+ trees and any other elements or structures that will be replaced.
- 5) Compensation for the cost of damage is covered by your proposal for a pre-project inspection. While such an inspection is a necessary part of the process to determine the overall/total cost, only a comprehensive analysis of all facets of immediate and long-term damages will suffice to prepare us for negotiations regarding compensation. We would like to know how much money has been allocated in your budget for compensation to the SSIII HOA for damage to our property.

RECEIVED  
AUG 17 2009  
SAND PROTECTION DISTRICT  
CONSTRUCTION DIVISION

**Norman: J Street Drain: SSII Issues: Reply to Letter 7/30/09**

Page Two

As the last time-period for public comment ended on May 9, 2008 – long before we were aware of the project - we will have no opportunity to input our concerns before the EIR is drafted. While this may be standard procedure in instances where interested parties have already been allowed to participate in public meetings, it is not consistent with the VCWPD goal of collaboration with watershed stakeholders in our situation – where approximately 1000 owners and residents were not able to participate in the planning process.

Therefore, to remediate this situation, we are requesting a special accommodation in the form of an additional time-period – before the DEIR is completed – to submit our concerns regarding this project. This action will ensure that our issues will be considered for inclusion in the DEIR – instead of waiting for an incomplete Report to be issued, and then trying to add elements to the document during the 45-day public review period. Allowing us to input these critical issues for inclusion in the DEIR is essential collaboration. If we will only be allowed to respond AFTER the EIR is written, we will be in the position of having had no notification, no participation in the planning process, and no accommodation to mitigate the failure to notify us of the project.

While we await response from you regarding the aforementioned issues, and your decision concerning permission to submit our concerns before the DEIR is completed, we request your assistance in providing additional critical information that is needed for us to proceed with our response to the project:

- \* DETAILED SURVEY OF EIGHT-FOOT-WIDE TEMPORARY WORK AREA showing all trees, vegetation, and other structures to be removed.
- \* DETAILED SIDE-VIEW AND TOP-VIEW DRAWINGS OF WATER-CONTAINMENT LEVELS in canal from John Lang property-line to the end of the invert at the sand berm - showing maximum levels before the sand berm is breached. Also explanation of plan for elimination of mosquito-breeding in the greatly-increased amount of stagnant water.
- \* DATE WHEN ENVIRONMENTAL IMPACT REPORT WILL BE AVAILABLE.
- \* DATE/TIME/PLACE OF NEXT LOCAL PUBLIC MEETING.
- \* DATE/TIME/ADDRESS FOR COASTAL COMMISSION HEARING.

We sincerely appreciate all your work to provide information and assistance to us in our effort to deal with the significant effects of this project on our community!

**MARION KELEMEN**

Chair, SSII JSDP Committee / Liaison to Environmental Concerns Committee

Phone/Fax: (805) 986-0303

Email: [lighthousecrew@verizon.net](mailto:lighthousecrew@verizon.net)