



April 1, 2010

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**Re: Matilija Dam Removal and Ventura River Ecosystem Restoration
Project - Additional Environmental Analysis Required Pursuant to CEQA
and NEPA**

Dear Mr. Buxton, Mr. Pratt, and Mr. Pert:

The Environmental Defense Center (“EDC”) submits this letter on behalf of the Matilija Coalition in response to the recent actions by the U.S. Army Corps of Engineers (“Corps”) and the County of Ventura (“County”) to modify the Matilija Dam Ecosystem Restoration Project (“Ecosystem Restoration Project” or “Project”). As described in detail in this letter, the Corps and County have proposed changes to the Ecosystem Restoration Project that are not only substantial, but would fundamentally alter the design of the Project in a manner that will result in numerous new and substantially increased environmental effects. If the agencies plan to proceed with the proposed changes, additional environmental review is required pursuant to the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”) to accommodate such Project changes.

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The Matilija Coalition (“Coalition”), which includes Patagonia, Friends of the River, American Rivers, Surfrider Foundation and California Trout, is an alliance of community groups, businesses, and individuals committed to the environmental restoration of the Ventura River watershed. The EDC, in addition to being a member of the Coalition, is a non-profit public interest law firm working to protect the environment through advocacy, education and litigation. The Coalition and EDC are each committed to the environmental restoration of the Ventura River watershed through removal of Matilija Dam.

The Matilija Coalition has been a central participant in the public stakeholder process that was vital to the design and approval of the Ecosystem Restoration Project. A stakeholder group, including the Coalition, was specifically charged with identifying acceptable locations of slurry disposal areas through consensus, which were then presented in the Final Environmental Impact Statement/Environmental Impact Report (“Final EIS/R” or “EIS/R”).¹ Through the public comment process and further stakeholder consultation on the EIS/R, the Corps and County chose specific, temporary disposal sites for the approximate 2.1 million yards of fine sediment that has accumulated behind Matilija Dam. The method of sediment management for the Project is identified and analyzed as “Alternative 4b” in the Final EIS/R.² Alternative 4b is fully consistent with the “purpose and need” of the Project, described in the Final EIS/R as “the restoration of the Matilija Creek and Ventura River ecosystem with particular attention focused on restoring anadromous fish populations in Matilija Creek and returning natural sand replenishment to Ventura and other southern California beaches.”³ The Final EIS/R was approved by the County in 2004 and the Corps in 2007.

The modifications recently proposed by the Corps and County fundamentally alter the consensus-based stakeholder decision that the Matilija Coalition and other participants helped craft, and conflicts with the three over-arching Project goals: improve aquatic and terrestrial habitat to benefit fish and wildlife species (including endangered steelhead) along Matilija Creek and the Ventura River; restore hydrologic and sediment transport regime in support of downstream coastal beach sand replenishment; and enhance recreational opportunities along Matilija Creek and the downstream Ventura River system. As explained in a joint presentation to the Design Oversight Group on January 14, 2010, the Corps and County have proposed to modify the Ecosystem Restoration Project by authorizing the *permanent* sequestration of fine sediments *upstream* of the current site of the Matilija Dam.⁴ Although the Corps and the County have only provided minimal details regarding Project changes at this point, it is apparent that this proposal represents a major departure from Alternative 4b identified in the Final

¹ EIS/R at 4.3-3.

² Final EIS/R at 2-11.

³ Final EIS/R at ES-2.

⁴ U.S. Army Corps of Engineers and County of Ventura. 2010. Matilija Dam Ecosystem Restoration Project Upstream Storage Area Slideshow Presentation. Jan 14. [Attached] Also available at: <http://www.matilijadam.org/>

EIS/R, under which fine sediments would be *temporarily* stored *downstream*. Project changes such as those discussed by the Corps and the County would involve new significant environmental effects or increases in already identified effects.

Both CEQA and NEPA require that additional environmental analysis be conducted to analyze new and increased significant environmental impacts. The California Department of Fish and Game (an identified responsible agency) is precluded from entering into a Streambed Alteration Agreement for the Ecosystem Restoration Project without an adequate CEQA environmental analysis. The County (as lead agency) and all other responsible agencies are similarly precluded from approving any discretionary actions related to the Ecosystem Restoration Project without an adequate environmental analysis. The Corps' obligation to conduct additional environmental analysis is ongoing until the Project is complete.

I. Legal Framework – CEQA And NEPA

CEQA and NEPA have “similar procedural requirements,” centering around the development of environmental impact reports (CEQA) or statements (NEPA).⁵ Although similar, the “scope and requirements” of the two laws differ in several respects.⁶ In general, “the California courts have recognized that CEQA obligations may exceed those by NEPA.”⁷ However, NEPA also contains several requirements above and beyond those mandated by CEQA.⁸ In sum, CEQA and NEPA requirements are complimentary but distinct, and review under one law cannot entirely substitute for the review required under the other.

Although their standards differ to some extent, CEQA and NEPA each require lead agencies to conduct additional environmental analysis in some circumstances.⁹ Under both laws, an agency's duty is generally triggered by either a substantial change in the project itself, or the existence of new information or circumstances, that involve new or significantly increased environmental effects.

A. CEQA Requirements For Additional Environmental Analysis After Final EIR

If an EIR has been certified, CEQA still requires preparation of a “subsequent” or “supplement” EIR prior to project approval under any of the following conditions:¹⁰

⁵ *City of Carmel-by-the-Sea v. U.S. Dep't of Trans.*, 95 F.3d 892, 899 (9th Cir. 1996).

⁶ *Save Strawberry Canyon v. Dep't of Energy*, 613 F. Supp. 2d 1177, 1188 (N.D. Cal. 2009).

⁷ *South Pasadena v. Goldschmidt*, 637 F.2d 677, 680 n.4 (9th Cir. 1981); *see also* CEQA Guidelines § 15221(b) (“Because NEPA does not require separate discussion of mitigation measures or growth inducing impacts, those points of analysis will need to be added, supplemented, or identified before the EIS can be used as an EIR.”).

⁸ *Save Strawberry Canyon*, 613 F.2d at 1188.

⁹ CEQA Guidelines § 15162; 40 C.F.R. § 1502.9(c)(1).

¹⁰ CEQA Guidelines §§ 15162 and 15163.

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- Substantial changes are proposed to a project that will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken that will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known at the time the previous EIR was certified, shows that the project will have significant effects not previously analyzed, that effects analyzed will be substantially more severe, or that mitigation measures previously evaluated or considerably different from those evaluated would substantially reduce effects on the environment.

The distinction between a “subsequent” and “supplement” document is that a “supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.”¹¹ Note that for purposes of this letter, the terms “supplement” or “supplemental” are used to mean either a “subsequent” or “supplement” EIR.

Once a project has been approved with a certified EIR, a subsequent or supplement EIR must be prepared by the public agency which grants the next discretionary approval for the project.¹² No responsible agency may grant approval for the project until the subsequent or supplement EIR has been certified.¹³

B. NEPA Requirements For Additional Environmental Analysis After Final EIS

A federal agency’s duties under NEPA do not end upon the issuance of an EIS. In fact, agencies have a continuing legal duty to remain vigilant under NEPA, and to ensure both that the proposed action does not change in a substantial manner and that circumstances or information relating to the environmental effects of the proposed action do not significantly change from the time which the last EIS was completed. To this end, the Council on Environmental Quality’s (“CEQ”) implementing regulations for NEPA state that agencies shall prepare supplements to impact statements where there are “significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.”¹⁴

Additionally, under the CEQ’s *Forty Questions About NEPA*, 46 F.R. 18026 (1981), which provides guidance to federal agencies in interpreting NEPA’s statutory and regulatory requirements, it is stated that if a proposal has not been implemented within

¹¹ CEQA Guidelines § 15163(b).

¹² CEQA Guidelines §§ 15162(c), 15163.

¹³ CEQA Guidelines §§ 15162(c), 15163.

¹⁴ 40 C.F.R. § 1502.9(c)(1)(ii).

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five years from the date of the final EIS, the agency should “carefully reexamine” its analysis to determine if a supplemental EIS is required.

Addressing these mandates, the Supreme Court has stated that in making a decision as to whether a Supplemental EIS is required, the agency must proceed as if it were contemplating preparing an EIS in the first instance.¹⁵ In that case, the Court held that:

If there remains ‘major Federal action’ to occur, and if the new information is sufficient to show that the remaining action will ‘affect the quality of the human environment’ in a significant manner or to a significant extent not already considered, a supplemental EIS must be prepared.¹⁶

Thus, under NEPA and its implementing regulations, as well as interpretations of these provisions, EISs which are more than five years old should be reexamined before proceeding with an approved project in order to ensure that the analysis within them is still valid. Additionally, irrespective of the age of the EIS, federal agencies must prepare a supplement to an EIS if there exists significant new information or circumstances bearing on the environmental effects of the proposed action.

As detailed below, both the NEPA and the CEQA standards have been triggered here in multiple respects.

II. History of the Ecosystem Restoration Project

The Ventura River once supported an average annual run of 4,000-6,000 southern California steelhead (*Oncorhynchus mykiss*). Construction of the Matilija Dam, which began in 1946, blocked steelhead migration and decimated the run. In 1998, after the reservoir was over 90% filled with silt and the dam’s water supply function was comparably reduced, the County Watershed Protection District initiated a planning process to remove the dam. The Corps and County initiated the Matilija Dam Ecosystem Restoration Study in 2001. As part of this process a stakeholder group was charged with identifying, by consensus, acceptable locations of slurry disposal areas and desiltation sites. Ultimately, an EIS/R was prepared to analyze the potential environmental impacts of the Project. Alternative 4b, the preferred Project alternative,¹⁷ would restore the natural ecosystem functions of the Ventura River area by removing the dam, slurring the 2.1 million cubic yards of fine sediments that have accumulated behind the dam to temporary downstream floodplain storage areas, temporarily storing coarse sediments at the reservoir, and implementing downstream flood protection measures. The County certified

¹⁵ *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360 (1989).

¹⁶ *Id.* at 374.

¹⁷ Final EIS/R at ES 1-1 (stating that Alternative 4b is the “Recommended and Environmentally Preferable Alternative under NEPA” and “the Environmentally Superior Alternative under CEQA”).

the Final EIR and approved the Ecosystem Restoration Project in December 2004.¹⁸ The Corps Record of Decision for the Final EIS was signed in April 2007.

In response to issues with the final design of the downstream fine sediment disposal sites, on January 14, 2010, the Corps and the County jointly presented proposed Project modifications to the Design Oversight Group. Although the Corps and the County have only provided minimal details regarding Project changes at this point, it is apparent that this proposal represents a major departure from “Alternative 4b”, the preferred Project alternative identified and analyzed in the Final EIS/R. The critical aspect of the proposed changes involves the disposition of the 2.1 million cubic yards of fine silts currently trapped behind the dam. This is arguably the most complicated and – depending on the alternative selected - potentially the most environmentally harmful aspect of the Project. As stated above, Alternative 4b would slurry the 2.1 million cubic yards of fine sediments that have accumulated behind the dam to temporary, downstream floodplain storage areas.

In contrast to the preferred Project (Alternative 4b), the Corps and the County now propose to *permanently* relocate all 2.1 million cubic yards of fine sediments in the ecologically valuable natural areas *upstream* from the dam, termed Upstream Storage Areas (USAs). These substantial changes to critical Project components would create new significant environmental effects and substantially increase the Project’s significant adverse environmental effects as described in Section III below.

It is also worth noting that the changes proposed by the Corps and the County are substantially different from the other alternatives considered in the Final EIS/R. These alternatives manage the fine sediments as follows:

Under Alternative 1, the majority of the sediment behind the dam would be removed mechanically, with the majority of fine sediments slurried to an off-site/off-channel disposal area or temporary, downstream storage areas,¹⁹ and the remainder disposed of at the Toland Road landfill. As with Alternative 4b, the downstream slurry deposition sites would be subject to erosive forces of high flows and thus would not be permanently filled and impacted. Alternative 1 also involves “removing fine material against the dam by sluicing material through low-level outlets during high flows (greater than 400 cfs), which generally occur in winter months, and/or dredging by either mechanical or hydraulic means.”²⁰

Alternative 2 focuses on using river hydraulic forces to move trapped river sediment and identifies two sub-alternatives that specifically differ in how fine sediments would be managed.²¹ For Alternative 2a, all 2.1 million cubic yards of fine sediment

¹⁸ December 21, 2004 Notice of Determination for Matilija Dam Ecosystem Restoration Project. Ventura County Watershed Protection District.

¹⁹ Final EIS/R at Fig. 3.1-1.

²⁰ Final EIS/R at 3-11.

²¹ Final EIS/R at 3-15.

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would be excavated from the reservoir area and slurried to an off-site/off-channel disposal area or temporary, downstream storage area,²² “over the course of nine months.”²³ For Alternative 2b, approximately 0.5 million cubic yards of fine sediments would be excavated, temporarily stockpiled in the eastern half of the reservoir, and allowed to erode naturally and conveyed downstream by river flows (referred to as, “Natural Transport of ‘Reservoir Fines’”). The Final EIS/R estimates that it would take approximately seven years for material to be removed from the canyon by natural flows under Alternative 2b.²⁴

Alternative 3 would remove the Dam in incremental stages, but as with Alternative 2, the Final EIS/R identifies two sub-alternatives for the management of fine sediments using river hydraulic forces.²⁵ Alternative 3a is thus similar to Alternative 2a – i.e., slurrying fine sediments to an off-site/off-channel disposal area or temporary, downstream storage area.²⁶ Because of the phased nature of dam removal, the sediment slurry process would be lengthened by at least 2 years.²⁷ Alternative 3b, like Alternative 2b, would temporarily stockpile fine sediments (approximately 600,000 cubic yards) in the eastern portion of the reservoir instead of slurrying them downstream.²⁸ This material would not be armored and would be allowed to erode.²⁹ While no time frame is provided for complete removal of sediment from the canyon by natural processes, the phased dam removal under Alternative 3b likely extends the sedimentation effects for at least 2 years compared to Alternative 2b.

Alternative 4a addresses fine sediments the same way as Alternative 4b – by slurrying the 2.1 million cubic yards of fine sediment to the temporary, downstream temporary storage areas.³⁰

Thus, each of the alternatives considered in the EIR/S also has substantial differences from the proposed change in the Project in terms of the duration of time the fine sediments would be left in the river or reservoir, the amount of fine sediments left in the river or reservoir, and the location proposed for storing the fine sediments. For example, even the alternatives that include placement of fine sediments upstream of the dam, would only *temporarily* store a portion (approximately 25%) of the fine sediments in the reservoir. As a result, as explained in Section III below, the fact that these alternatives are considered in the EIS/R does not relieve the Corps, the County and CEQA responsible agencies from their obligations to complete additional environmental analysis under CEQA and NEPA.

²² Final EIS/R at Fig. 3.1-1.

²³ Final EIS/R at 3-15.

²⁴ Final EIS/R at 3-17.

²⁵ Final EIS/R at 3-20 and 3-23.

²⁶ Final EIS/R at Fig. 3.1-1.

²⁷ Final EIS/R at 3-23. Section 3.5.1.

²⁸ Final EIS/R at 3-24.

²⁹ Final EIS/R at 3-24. Section 3.5.2.

³⁰ Final EIS/R at 3-25. Section 3.6.

III. New and Substantially Increased Significant Environmental Impacts

The changes proposed to the Project are expected to result in new and substantially increased significant environmental impacts that were not evaluated in the Final EIS/R, including:

A. Impacts to Steelhead Spawning and Rearing Habitat

The restoration of southern steelhead habitat within the Ventura River watershed is one of two primary rationales for the Ecosystem Restoration Project. As addressed in detail in the EIS/R, while the removal of the Matilija Dam is expected to provide substantial long-term benefits for the species, the EIS/R found it will also necessitate some short-term adverse impacts associated with the release of large quantities of sediment that have long been stored behind the dam. Although the EIS/R provided analysis of these short-term impacts, its analysis was limited to considering the effects from temporary, downstream storage under Alternatives 1, 2a, 3a, 4a, and 4b, along with natural transport of fines that would occur under Alternatives 2b and 3b. “By stabilizing these sediments downstream, it is expected that after two or three storms, the turbidity level would be no more than twice the natural levels,” causing a short-term significant impact to steelhead (Class I) from Alternative 4b “during the first two storm events.”³¹ Accordingly, the chosen Alternative 4b was based on an explicit consideration and balancing of these short-term, adverse impacts with the long-term beneficial goals of the Project, and its analysis reflected that balancing.

The proposed changes to the Project fundamentally diverge from the explicit balance between short-term adverse and long-term beneficial impacts to steelhead that was achieved under Alternative 4b and from the approaches in all the alternatives considered. The proposed changes would attempt to permanently retain 2.1 million cubic yards of fine sediments at the reservoir site, thus reducing meanders, natural channel shifts, and braiding by permanently soil-cementing river banks, eliminating riparian vegetation, channeling the river through the reservoir site, and creating a need for on-going maintenance.

Permanently soil-cementing the river banks would preclude the establishment of a natural mix of riparian vegetation on the banks at affected locations. As noted by Cooper, this would reduce the food supply to aquatic species.³² Furthermore, permanent loss of streamside vegetation from the application of soil cement would increase sunlight exposure to the water, increasing water temperatures, and threatening rearing steelhead, which are a cold water species.³³ This feature of the proposed changed Project

³¹ EIS/R at 5.3-19.

³² Cooper, Dr. Scott D. 2010. Letter to Mr. Darryl Buxton (U.S. ACE) and Mr. Jeff Pratt (Ventura County Public Works) Re: Comments on US Army Corps of Engineers Proposal to Permanently Sequester Fine Sediments in Matilija Canyon. Mar 10. (p. 4) [Attached]

³³ Cooper 2010 at 4.

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distinguishes it from the Project Alternative 4b and all alternatives in the EIS/R, and substantially increases impacts on steelhead and aquatic resources as described by Cooper.

Alternatives 1, 2a, 2b, 3a, 3b and 4b would not permanently soil cement or armor the river banks and would therefore not cause permanent impacts to streamside vegetation, food sources for aquatic species, or water temperatures.

Alternatives 2b and 3b would temporarily store fine sediment upstream of the reservoir allowing it to erode naturally down the river. Their effects on sedimentation would be relatively short-lived; whereas, the effects of the proposed Project changes create a permanent threat of erosion/sedimentation, landslides and mudflows. As noted by Cooper with regards to the changed Project:

After the storage sites are filled and stabilized, the storage sites will impinge on the stream's bankfull contours and will undoubtedly be impacted by stream flows during high discharge events. Although coarse sediments will be placed on top of fine sediments at the storage sites, and storage site slopes will be protected by soil cement, there is no guarantee that this configuration will withstand large, violent floods in this steep terrain, potentially leading to mass failure of the storage sites and the introduction of massive amounts of sediment into the stream which, in extreme cases, could lead to channel blockage and to severe impacts...³⁴

There is little question that these far reaching and substantial changes to the Project would result in new significant impacts to steelhead and steelhead habitat, that were neither contemplated nor considered during the original CEQA/NEPA process, such as landslide and mudflow threats, as well as substantial increases in impacts that have already been identified including increased erosion and sedimentation.³⁵

Unlike the proposed upstream fine sediment disposal sites, which would be located in largely undisturbed perennial riverine and riparian habitat bordered by U.S. Forest Service lands, portions of the downstream fine sediment storage areas studied in the EIS/R under Alternatives 1, 2a, 3a, 4a and 4b are adjacent to intermittent river habitat, which is often dewatered by groundwater pumping in the shallow aquifer, and bordered by a variety of agricultural and rural land uses. The temporary effects of sedimentation from erosion of the sediments at these locations would not threaten perennial steelhead rearing habitat located upstream from the Robles Diversion.

Unlike Alternatives 2b and 3b, which would temporarily store fine sediments upstream of the reservoir (and result in short-term impacts to steelhead from

³⁴ Cooper 2010 at 3.

³⁵ Cooper 2010 at 3.

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sedimentation), the proposed Project changes would create a permanent threat of erosion, landslides and mudflows.

B. Impacts to Aquatic, Riparian, Floodplain and Terrace Habitats

The Final EIS/R considered effects on aquatic, riparian, floodplain and terrace habitats upstream and downstream from the dam. Enhancement of these habitats is the second primary goal of the Ecosystem Restoration Project i.e. the restoration of the Ventura River watershed. However, Project changes proposed by the Corps and the County would result in new and substantially increased and permanent effects in sensitive habitats upstream from the dam, at least some of which were not considered in the Final EIS/R. For example, the EIS/R did not contemplate storage of fine sediments in some or all of the areas now proposed by the County and the Corps, including the north facing slope's oak woodland that would be avoided under all of the alternatives in the EIS/R.³⁶

Because the reservoir and upstream location supports perennial flow, the river and its associated floodplains and terraces at the reservoir location have distinctly different biological value than the intermittent river, floodplains and terraces downstream at disposal sites analyzed in the EIS/R.³⁷ For instance, the river at the reservoir location can support resident steelhead, spawning steelhead, steelhead smolts and over-summering adult steelhead year-round. In contrast, the downstream river locations that were analyzed for temporary fine sediment stockpile sites in Alternatives 1, 2a, 3a, 4a and 4b in the EIS/R are intermittent and often dry, and thus do not support these life stages of steelhead.³⁸

The high biological value of these upstream habitats is reflected by the high diversity of imperiled and other special-status species that rely upon the area, as well as special designations that apply to the area. In addition to steelhead, other listed species that are found upstream of the Dam include California red-legged frog and least Bell's vireo. State Species of Concern include the two-striped garter snake and western pond turtle. Sections of the Matilija Creek are designated critical habitat for listed species, including steelhead and red-legged frog,³⁹ and contain wetlands.⁴⁰ Notably, the U.S. Fish

³⁶ See Section G of this letter for a detailed discussion of impacts to this oak woodland habitat from the proposed Project changes.

³⁷ Cooper 2010 at 4.

³⁸ Cooper 2010 at 4.

³⁹ US Fish and Wildlife, 2006. Final Rule designating Critical Habitat for Red-Legged Frog (71 FR 19243). "VEN-1, *Matilija Creek* (6,660 ac (2,695ha)) This unit is located in western Ventura County at Matilija Creek and is mapped from occurrence records at the time of listing and subsequent to the time of listing. VEN-1 contains the following features that are essential for the conservation of the subspecies: aquatic habitat for breeding and nonbreeding activities (PCE 1 and PCE 2) and upland habitat for foraging and dispersal activities (PCE 3 and PCE 4). VEN-1 is occupied by the subspecies and important to the subspecies' conservation in that persistence of the subspecies in this area will prevent further isolation of breeding locations in this portion of the subspecies' range. This unit also contains permanent and ephemeral aquatic habitats suitable for breeding; contains upland areas for dispersal, shelter, and food; and is expected to prevent further fragmentation of habitat in this portion of the subspecies' range. The unit

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and Wildlife Service (“FWS”) has also already written to the Corps expressing concern with the changes proposed in the January 14 presentation. Reflecting the high quality of habitat that would be permanently affected by these changes, FWS concluded that the changes may pose new threats to recently discovered nesting least Bell’s vireos upstream of the dam, as well as newly designated critical habitat for the red-legged frog, and thus warrant re-initiation of consultation to determine if the changed Project may jeopardize the continued existence of these species under section 7 of the Endangered Species Act (“ESA”).⁴¹ The opinion of this expert wildlife agency that additional analysis is required under the ESA particularly reinforces the conclusion that supplemental NEPA analysis will also be required.

While the EIS/R did consider temporary stockpiling of sediments upstream from the dam, including temporary stockpiling of fines in the eastern half of the reservoir under Alternatives 2b and 3b, the EIS/R did not consider potential impacts from permanent storage areas. Moreover, the EIS/R did not consider impacts to all of these high ecological quality floodplain areas to be impacted by Project changes as noted above.

The impacts of maintaining facilities in Matilija Canyon in perpetuity were not analyzed in the EIS/R. For instance, the channeling of the river towards Matilija Canyon Road is expected to require protection of the road, as well as maintenance of road protection. Protection of the road is likely to entail construction of rock rip rap revetments, gabions, or other structures which limit plant growth and require permanent maintenance in the form of replacing and reengineering rocks in the revetment or gabions. This work is often done with heavy equipment which degrades water quality and displaces native vegetation, and creates opportunities for invasive non-native plants to colonize the ecosystem. Heavy equipment to maintain the rip rap protection for the road can also cause direct mortality including loss of federally listed species in the area including red-legged frog and other special-status species.

The environmental setting is a significant determining factor in the significance of impacts.⁴² The perennial nature of the river and the high quality nature of the biological setting at the reservoir location would increase the severity of impacts from sediment storage at this location. The proposed changes which would permanently store 2.1 million yards of fine sediments at this ecologically valuable and sensitive upstream location would substantially increase impacts to the river, riparian, floodplain and terrace habitats considered in the EIS/R.

consists of private and Federal land (U.S. Forest Service). Threats that may require special management in this unit include alteration of aquatic and upland habitat by recreational activities and predation by nonnative species.” Apr 13. (p. 19272)

⁴⁰ FEIS/R. Table 5.3-1.

⁴¹ US Fish and Wildlife Service letter to US Corps of Engineers re Matilija Dam Ecosystem Restoration Project Upstream Storage Area Fine Sediment Disposal, Ventura County, California. March 1, 2010.

⁴² CEQA Guidelines § 15064(b) (“the significance of an activity may vary with setting. For example, an activity which may not be significant in an urban area may be significant in a rural area”).

C. Impacts to Perennial Mixed Riparian Tributaries

The Corps noted in its January 14, 2010 Design Operation Group PowerPoint presentation that the proposed Project changes would more than double impacts to mixed riparian perennial tributaries, from 2 acres to 4.5 acres. These tributaries provide habitat for federally threatened red-legged frogs and other special-status species, but would be filled permanently by the newly proposed fine sediment landfill operation.

Unlike impacts considered in the EIS/R, impacts of the Project changes on tributaries would be permanent. The Project changes create new and increased permanent tributary impacts including effects on listed species and wetlands habitat. The intensity of the impact is therefore high, and it would occur in the context of high quality habitat. Therefore, the Project changes substantially increase impacts to tributaries and create a new significant impact to high quality perennial tributaries.

D. Channelization and Erosion of the River Corridor

The proposed Project modifications would permanently place more than 2 million cubic yards of fine sediments within floodplain areas. Because the reach of Matilija Creek upstream of the current dam location is characterized by a relatively narrow valley enclosed by extremely steep slopes, the proposed fine sediment disposal sites would have to be sited on channel banks and floodplains. These fine sediment disposal sites would displace areas necessary for the river to meander and develop channel complexity.

Ventura County Initial Study Impact Assessment Guidelines cited in the Final EIS/R set forth the following threshold of significance:

Water Resource Impacts would be considered significant if the Proposed Action: Causes lateral erosion, *streambed scour*, or long-term channel aggradation/*degradation* resulting in damage to private property, utility lines or structures.⁴³

Streambed scour and degradation impacts upstream of the dam site have not been analyzed because they were “upstream of any hydrologic influence” of the Project.⁴⁴

While the Final EIS/R considers the downstream effects of channel bed aggradation caused by fluvial transport of temporarily stockpiled sediments,⁴⁵ the scouring and channel bed degradation in the reservoir area that would be associated with the permanently maintained fine sediment disposal sites and soil-cemented banks represents unconsidered and new significant environmental effects. The changes

⁴³ EIS/R page 5.2-1 (Emphasis added).

⁴⁴ EIS/R page 5.2-5.

⁴⁵ See e.g., Final EIS/R at 5.2-5.

proposed to the Project could lead to “increased down-cutting,” “exacerbating disconnections between the stream and its floodplain.”⁴⁶ The EIS/R assumes that the temporary nature of the upstream sediment storage and the lack of permanent soil-cemented river banks would prevent long-term impacts associated with channel and floodplain morphology. However, by making the fine sediment disposal sites and soil-cement permanent, the proposed Project changes would create permanent changes in the river’s morphology and erosion patterns, creating a new bed degradation impact and substantially increasing erosion impacts.

In addition, the County’s Initial Study Impact Assessment Guidelines require assessment of lateral erosion that threatens “private property, utility lines or structures.”⁴⁷ The EIS/R does not analyze lateral erosion effects on Matilija Road in section 5.2 (Hydrology and Water Resources) or section 5.1 (Earth Resources). Therefore, the erosion impact to Matilija Road would be a new impact not yet analyzed, which is significant because the proposed Project changes would displace the southern portion of the floodplain in the western part of the reservoir, and thus direct the river’s erosive flows towards Matilija Road.

The erosion, sedimentation and downstream flooding impacts of channeling the river through placement of permanent fine sediment disposal sites and soil-cement would be significant because: (1) channel bed degradation and undercutting of the proposed fine sediment disposal sites represents an increased threat to human life and safety in the form of increased downstream flooding threats; (2) the impact would occur in wetlands and other ecologically sensitive areas; (3) the impact is highly controversial; (4) the proposed Project changes necessarily involve committing the County to environmentally damaging future maintenance to reduce erosion of the river channel, banks, and fine sediment disposal sites; and (5) the impacts associated with proposed Project changes include damage (e.g., from increased sedimentation and turbidity) to the downstream habitats of, and thus potential take of, federally endangered and threatened species including steelhead, least Bell’s vireo and red-legged frog.

E. New Significant Landslide/Mudflow Hazard Impact

The proposed Project changes, which would site permanent fine sediment disposal areas upstream in a geologically and hydrologically active area, would also create a new significant threat of landslides and mudflows to downstream neighborhoods that was not considered or analyzed in the original EIS/R.

The Ventura County Initial Study Impact Assessment Guidelines set forth thresholds for determining when an environmental impact would be considered significant. The guidelines note that the Landslide and Mudflow “hazard applies to both

⁴⁶ Cooper 2010 at 3.

⁴⁷ EIS/R section 5.2.1.

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natural and constructed slopes. Contributing factors include erosion, earthquake ground shaking, brush fires, and groundwater.”

The Guidelines further state that:

*Landslide/mudflow hazards generally exist in and at the base of hillside terrain where channel erosion, weathering and tectonic movement have caused unstable conditions. Earthquakes and/or heavy periods of rain may trigger actual movement. A particular threat of landslide/mudflow exists in all areas that have already experienced mass movement and in areas subject to changes in topography and moisture content. This basically includes all hillside areas in Ventura County-defined as areas with slopes greater than 10%. The threshold for landslide/mudflow hazard is determined by the lead agency based on the location of the site or project within, or outside of, hillside terrain.*⁴⁸

The changed Project meets all of these parameters. The proposed constructed fill slopes would be in an area of steep slopes, in some cases exceeding 10% by several-fold, and in an area which experiences mass wasting evident from numerous landslides on the north slope of the Santa Ynez Mountains at the Project site.⁴⁹ It is an area where the river flows and groundwater would affect stability of the proposed permanent fine sediment disposal sites. These sites are proposed in and adjacent to a riverine area that is geologically active.⁵⁰ The river is capable of moving tremendous volumes of sediment.⁵¹ Nearby Old Man Mountain is one of the wettest locations in Santa Barbara or Ventura Counties.⁵² It is also in an area of very high brushfire hazard,⁵³ another trigger for

⁴⁸ Ventura County Initial Study Impact Assessment Guidelines, page 74. (Emphasis added.)

⁴⁹ Matilija Dam Ecosystem Restoration Project Feasibility Study. Page 2-4. “Matilija Creek drains steep foothills and mountains of the Santa Ynez Mountains as it flows to the Matilija Reservoir. This portion of the study area is within the Los Padres National Forest. The steep slopes are characterized by dense vegetation on the north facing slopes and sparse vegetation on the south facing slopes.” See also, Feasibility Study at 2-5.

⁵⁰ Matilija Dam Ecosystem Restoration Project Feasibility Study. Page 2-5. “Matilija Dam is founded on the Matilija Formation, which is comprised by massive sandstone beds interbedded with thin, closely fractured sandstone beds and minor siltstone, mudstone and weak shale layers. The Matilija Formation is very resistant, and forms steep slopes, strike ridges, and craggy topography. Local relief can be up to many hundreds of feet. Rockslides and landslides occur on very steep slopes. Bedding plane failure can occur where shale partings are present and dip out of natural slopes and artificial cuts. Matilija Dam lies in a seismically active area. While no major faults have been mapped within the reservoir and dam area (Dibblee, 1982), there are many faults close to the site. The closest fault is the 90-mile long active Santa Ynez fault, which passes about two miles north of Matilija Dam and is the largest transverse fault west of the San Andreas Fault. Rock falls, boulder rolls, and landslides can be triggered by moderate to strong earthquakes (Weber, et al., 1973).”

⁵¹ Matilija Dam Ecosystem Restoration Project Feasibility Study. Page 2-36. “The 1969 storm season alone deposited about 1.6 MCY of sediment (1,000 acre-ft), spread uniformly over the entire length of the reservoir.”

⁵² Ventura River Ecosystem Website. http://www.venturariver.org/2009_02_01_archive.html

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identifying where significant landslide and mudflow threats exist.⁵⁴ Fires denude hillsides, increase the effects of rainfall and groundwater on erosion and mass wasting, and contribute to the significant threat of the fine sediments mobilizing as a landslide or mudflow.⁵⁵

This new threat of landslides, mudslides and debris flows is a significant impact that persists as long as the fine materials are stored upstream. The Final EIS/R does not evaluate this impact, even for alternatives that temporarily store fine sediments in the reservoir – e.g., 2b and 3b.

As discussed above, the new threat of landslides and mudflows would also result in unanalyzed impacts to biological resources.⁵⁶ The original EIS/R concluded that sedimentation impacts were less than significant.⁵⁷ However, The Final EIS/R did not analyze the threat of slopes, rainfall, fires, flooding, and earthquakes. These could destabilize the proposed permanent fine disposal sites and create a landslide or mudflow, which would bury and adversely impact river habitat and species.

F. Increased threat to Casitas Municipal District Water Supply at Robles Diversion

The EIS/R identifies Project impacts to water quality caused by sedimentation, including from allowing temporarily-stored coarse sediments to erode naturally into the river. However the contemplated changes to the Project would substantially increase the severity of impacts to water quality and Casitas' water supplies and Robles Water Diversion facility.

The proposed Project changes would provide for permanent storage of 2.1 million yards of fine sediments upstream from the dam site which is also upstream from the Robles Water Diversion intake. A landslide, mudflow, or erosion of the disposal sites would send fine sediments downriver to the Robles Diversion, thus potentially reducing diversions and impacting diverted water quality.

⁵³ Saillant, Catherine. 2007. "223,000-acre Zaca fire rages in Los Padres National Forest" (Los Angeles Times). Aug 23. (Noting that Matilija Fire burned 220,000 acres in 1932.) [Attached] Also available at <http://travel.latimes.com/articles/la-trw-zaca-wildfire23aug07>

⁵⁴ Barro, Susan C. et al. 1989. Post-Fire Interactions Between Riparian Vegetation and Channel Morphology and the Implications for Stream Channel Rehabilitation Choices. [Attached] Also available at http://www.fs.fed.us/psw/publications/documents/psw_gtr110/psw_gtr110_a_barro.pdf

⁵⁵ Matilija Dam Ecosystem Restoration Project Feasibility Study. Page 2-3. "Mass wasting from erodible, colluvial soils on hillsides, including slides, slumps, debris flows and earthflows, is a common mechanism by which sediment is transported to the river channels. Sediment production in the area is also impacted by the occurrence of forest fires which clear the normally dense vegetation and greatly increase the erodibility of land surfaces."

⁵⁶ Cooper 2010 at 3.

⁵⁷ EIS/R section 5.3.3

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While an impact to the Robles Diversion and Casitas' water supplies in the form of sedimentation was considered in the EIS/R, the changed Project substantially increases water supply impacts by attempting to permanently store fine sediments upstream from the Robles Diversion. As noted above in the discussion under "New Significant Landslide/Mudflow Hazard Impact," the proposed permanent fine sediment storage sites are anticipated to fail in the high-energy area where fires, floods, saturated soils and earthquakes will create conditions conducive to erosion and/or massive slope movement.⁵⁸ The setting of the newly proposed 2.1 million cubic yard fine sediment landfill operation meets all the parameters in the County's Initial Study Impact Assessment Guidelines for determining significance of landslide/mudflow hazard impacts. The guidelines are evidence that the proposed Project change would result in a significant new landslide/mudflow hazard impact which substantially increases the threat to Casitas' water supplies, necessitating preparation of a subsequent or supplemental EIS/R.

The Casitas Municipal Water District is on record identifying concerns about this impact and requesting additional studies to clarify the nature and extent of this impact.⁵⁹

G. Loss of Oak Woodland Habitat

Oak woodlands are ecologically important and support over 100 animal species.⁶⁰ Oak woodlands are considered special-status plant communities by the California Department of Fish and Game.⁶¹ The proposed Project changes would result in a significant four and a half-fold increase in acres of oak woodlands removed: from 5 to 22.5 acres.⁶² It would remove dense oak woodland with native understory plants.

Although the EIS/R considered loss of oak woodlands downstream of the dam, and identified a mitigation measure involving planting of oak trees to mitigate this impact,⁶³ the impacted area was small compared to the area that would be impacted by proposed Project changes and was limited to "the community of Meiner's Oaks."⁶⁴ The area affected by the proposed changes is actually identified in the EIS/R as an "Environmental Site to be Protected."⁶⁵

⁵⁸ Cooper 2010 at 2 and 3.

⁵⁹ Casitas Municipal Water District letter to Steve Bennett, February, 2010. The Casitas Municipal Water District raised concerns about this new impact during its January 27, 2010 hearing and requested more information about this issue rather than endorse the new changed project.

⁶⁰ California Department of Fish and Game Wildlife Habitat Relationship System version 7 (1999). See also, Santa Barbara County Planning and Development. 2001. Oak Tree Protection Program Final EIR. Apr. (p 4.2-19) [Excerpts Attached]

⁶¹ California Natural Diversity Database.

⁶² Corps January 14, 2010 PowerPoint presentation to the DOG.

⁶³ Planting oaks to replace oak woodland plant communities does not mitigate for the loss of the plant community including understory species such as hummingbird sage, gooseberry and wild blackberry – only for the loss of individual trees and is therefore insufficient mitigation.

⁶⁴ EIS/R section 5.3.3.

⁶⁵ EIS/R, Appendix A (Civil Design), Figure 9.

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Moreover, because the fine sediment sites within the Matilija Reservoir would be permanent, the impact to the dense upstream oak woodland would be permanent. As a result, the modified Project would create a substantially increased oak woodland impact compared to Alternative 4b or any alternative studied in the EIS/R.

Ventura County's proposed new Initial Study Impact Assessment Guidelines state:

The following types of impacts to *sensitive plant communities* (those with a NatureServe conservation status of G1-G3 or S1-S3 or oak woodlands) *would be considered significant*:

*Construction, grading, clearing, or other activities that would temporarily or permanently remove sensitive plant communities.*⁶⁶

Based on this proposed threshold, the Project as modified would cause a substantially increased impact to oak woodlands in general because of the substantial increase in the area and overall quality of oak woodland habitat to be cleared, graded, and removed.

The impact on oak woodlands in the upstream Matilija Reservoir area would be permanent because fine sediment disposal sites would be suitable for grasses, coastal sage, and potentially exotic weedy plant species to grow.⁶⁷ As a result, the Project changes, including permanent upstream storage of the fine sediments, create a substantially increased impact to oak woodlands in general. Due to the increased acreage of oak community affected, the Project changes create a substantially increased impact to oak woodland.

Oak woodland removal is a highly controversial public issue. Oak woodlands are important scientific resources. Permanent loss of four and a half times the acreage contemplated in the EIS/R and permanent loss of high quality oak woodlands would be a

⁶⁶ Ventura County's draft Initial Study Impact Assessment Guidelines. Page 33.

http://www.ventura.org/rma/planning/pdf/ceqa/Initial_Study_Assessment_Guidelines_2009_Draft_Update_9.pdf (Emphasis added). The Guidelines further state that: "For oak woodlands, the publication —Oak Woodland Impact Decision Matrix: A Guide for Planner's to Determine Significant Impacts to Oaks as Required by SB 1334" can be used as a guidance document for determining whether a project's impacts should be considered significant with regard to oak woodlands."

⁶⁷ By raising the elevation of the terrace area and the bluff near the oak woodland, the ground surface would be elevated further above the groundwater table, and would therefore be drier and less capable of supporting oak woodland. The USAs, if revegetated or left to revegetate naturally would ultimately be recolonized by coastal sage scrub, chaparral, non-native weeds or non-native grasses rather than dense oak trees resulting in a permanent loss of oak woodlands. See, Pert, Edmund (DFG). 2008. Letter to Douglas Chitwood (US ACE) re Comments on Criteria for Determining Disposal Sites for Matilija Dam Ecosystem Restoration Project. Nov 3. [Attached]

substantial increase in the impact and would further the loss of a valuable scientific and biological resource.

It is important to consider the loss of oak woodland in the context of the entire Project. The Corps' January 14, 2010 PowerPoint indicates that that the acreage impacted upstream from the current dam site would increase from 225 to 262 under the project changes, but that there will be a 75 acre reduction in impacts downstream. However, the 37 acre increase in the footprint above the dam impacts high quality habitats, including dense oak woodlands, which is a significant new impact in and of itself.⁶⁸

H. Impacts to Newly Recorded Endangered Least Bell's Vireo at Project Site

Least Bell's vireo is a riparian obligate species which has recently been recorded in the Matilija Reservoir portion of the Project site. According to the FWS, this endangered species is breeding within areas upstream of the dam.⁶⁹ With the changes recently proposed to the Project, vegetation supporting the species would be removed and repeatedly destroyed as a result of required ongoing maintenance activities.⁷⁰

Although the Final EIS/R analyzed potential impacts and identified a potential Class II impact to this species from construction activities it did not consider impacts from permanent storage of the 2.1 million cubic yards of fine sediments or from longer-term or permanent maintenance activities.⁷¹ Indeed, while the Final EIS/R assumed that potential impacts to this species, *if it was found onsite*, would be "significant without mitigation," the impact discussion on page 5.3-28 is limited to the impacts of "removal of vegetation" lasting only "24 months during construction."

The changed Project would entail permanent storage of fine sediment in the vireo's breeding habitat and *ongoing maintenance* activities to maintain the permanent fine sediment disposal sites and the related soil-cemented river banks and Matilija Canyon Road protection structures. Impacts based on these types of activities were not analyzed in the Final EIS/R. The changes to the Project would result in direct removal of an additional 37 acres of habitat in the new permanent fine sediment disposal areas⁷² and ongoing maintenance activities which were not studied in the EIS/R. Further, over 200 acres of habitat for least Bell's vireo, which was to be restored under approved Alternative 4b, would not be restored under the Project changes.⁷³ Thus rather than being

⁶⁸ The 37 additional acres is comprised of 17 additional acres of chaparral, 17.5 additional acres of high quality oak woodland habitat, and 2.5 additional acres of high quality mixed riparian and aquatic habitat in tributaries.

⁶⁹ US Fish and Wildlife Service letter to Corps of Engineers. March 1, 2010.

⁷⁰ The need for protecting Matilija Canyon Road is discussed below.

⁷¹ The Final EIS/R notes that this species has not been recorded at the Project site. EIS/R section 5.3.3 at 5.3-28.

⁷² Letter from US Fish and Wildlife Service to Corps of Engineers. March 1, 2010.

⁷³ Letter from US Fish and Wildlife Service to Corps of Engineers. March 1, 2010.

a short-term impact as assumed in the Final EIS/R, the Project changes result in a permanent impact. Moreover, given the significant new information regarding the Project's environmental setting, i.e. the presence of breeding least Bell's vireos, the changed Project would substantially increase the impacts to the state- and federally-endangered least Bell's vireo.

I. Impacts to Recreation

The proposed permanent fine sediment disposal sites would bury an existing public recreational trail running along the south side of the Matilija Creek and reservoir, a significant impact that was not considered or analyzed in the Final EIS/R. This trail was part of the MESA environmental education program, and is currently used by residents and visitors to Matilija Canyon. Once buried, this trail would no longer be available for recreational uses. While a trail could be constructed in this area after the Project is completed, the trail would not weave through mature oak and riparian trees, and would instead traverse compacted, engineered fill, substantially degrading the recreational opportunities. However, construction of an alternative trail is not likely because the County is expected to maintain the permanent fine sediment disposal sites and surrounding area as off-limits to the public to protect the integrity of soil cement (as well as limit liability). In addition, the proposed changes will cause increased erosion that could threaten Matilija Road, the main conduit for public recreational access to the Los Padres National Forest lands within Matilija Canyon.⁷⁴

While the EIS/R does consider recreational impacts, it finds that the original Project would cause a beneficial impact because the temporary nature of sediment storage in the original project would "return the lake to a more natural, canyon like landscape." The new permanent fine sediment disposal sites would not return the canyon to a more natural setting, but would introduce a massive artificial element (i.e., a landfill) within Matilija Canyon.⁷⁵

IV. County or Responsible Agency must Supplement EIR for future Discretionary Actions

The County of Ventura approved the Ecosystem Restoration Project in December 2004 and issued a Notice of Determination. Once a project has been approved, a subsequent or supplement EIR *must be prepared by the public agency which grants the*

⁷⁴ New potentially significant impacts to Matilija Road and access to the Los Padres National Forest and Matilija Creek will result from the new changed Project because the river would be channeled by the newly proposed USAs towards the roadway, increasing erosion. As noted by the Corps at the January 14 DOG meeting, it is likely the road would require structural protection and maintenance because the river would be aimed at the road. The recreational impact associated with potential impacts to the road should be analyzed in a supplemental EIS/R.

⁷⁵ One of the Project Objectives in the Final EIS/R is to "Enhance recreational opportunities along Matilija Creek and the downstream Ventura River system." EIS/R at 2-7. The increased impact on recreational resources is inconsistent with this Project Objective.

*next discretionary approval for the project.*⁷⁶ No responsible agency may grant an approval for the proposed modified Project until the subsequent or supplement EIR has been certified.⁷⁷

Our understanding is that the County has submitted notification of a Streambed Alteration Agreement for the Project to the California Department of Fish and Game (“DFG”), and that DFG is currently processing that application. As described above, the County and the Corps have proposed substantial changes to the Ecosystem Restoration Project. As a result of these Project changes, there would be multiple new significant environmental effects that were not evaluated in the Final EIS/R, as well as a substantial increase in the severity of effects that were identified in the Final EIS/R.⁷⁸ Therefore, DFG may not proceed with approval of the Streambed Alteration Agreement prior to the completion of a subsequent or supplement EIR.

If the County takes discretionary action on the Project prior to DFG issuance of a Streambed Alteration Agreement, then the County is required to prepare the subsequent or supplemental EIR, as future County discretionary approvals for the Project also trigger CEQA’s requirement to prepare a subsequent or supplement EIR.⁷⁹

V. The Corps must Supplement the EIS

A federal agency’s duties under NEPA do not cease with issuance of a final EIS and Record of Decision, regardless of whether discretionary approvals remain. Instead, a duty to supplement arises any time the approved project has not been completed, and the agency makes substantial changes in the proposed action that are relevant to environmental concerns.⁸⁰

As described in detail in this letter, the Army Corps and County have proposed changes that are not only “substantial,” but that would in fact fundamentally alter the design of the project in a manner that will result in numerous significant environmental effects. The issue of fine sediment disposal was one of, if not the most, contested issues during the original NEPA/CEQA process and the decision to approve temporary, downstream sites was the result of a consensus-based stakeholder process that reflects a careful balancing of numerous considerations. The Corps cannot redesign the Ecosystem Restoration Project without conducting a full NEPA supplemental process.

⁷⁶ CEQA Guidelines §§ 15162(c), 15163. Table 2-1 of the Final EIS/R identifies the following agencies for “required permits and approvals”: California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Regional Water Quality Control Board, California Coastal Commission, and U.S. Army Corps of Engineers. (DEIR at 2-9).

⁷⁷ CEQA Guidelines §§ 15162(c), 15163.

⁷⁸ See, e.g., *Mani Bros. v City of Los Angeles* (2007) 153 Cal App 4th 1385, 1403-1406 (holding that changes to project require City to prepare a SEIR to evaluate increased impacts).

⁷⁹ CEQA Guidelines §§ 15162(c), 16163.

⁸⁰ 40 C.F.R. § 1502.9(c)(1)(ii).

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Conclusion

CEQA requires DFG or the County – whichever is to take the next discretionary action on the Project - to prepare a subsequent or supplement EIR to analyze new and substantially increased significant effects of the modified Project including construction and permanent maintenance of the proposed permanent fine sediment disposal sites in high quality natural habitats upstream from Matilija Dam. The Corps must also supplement the EIS pursuant to NEPA.

Please feel free to contact Karen Kraus at (805) 658-2688 if you have any questions about this letter.

Sincerely,



Brian Trautwein
Environmental Analyst



Karen M Kraus
Staff Attorney

Attachments (on enclosed CD)

cc: Paul Jenkin, Matilija Coalition
Diane Noda, U.S. Fish and Wildlife Service
Anthony Spina, National Marine Fisheries Service
Sam Schuchat, California State Coastal Conservancy
Peggy Hernandez, Los Padres District Supervisor, US Forest Service

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List of Attachments

Barro, Susan C. et al. 1989. Post-Fire Interactions Between Riparian Vegetation and Channel Morphology and the Implications for Stream Channel Rehabilitation Choices.

Cooper, Dr. Scott D. 2010. Letter to Mr. Darryl Buxton (U.S. ACE) and Mr. Jeff Pratt (Ventura County Public Works) Re: Comments on US Army Corps of Engineers Proposal to Permanently Sequester Fine Sediments in Matilija Canyon. Mar 10.

Pert, Edmund (DFG). 2008. Letter to Douglas Chitwood (US ACE) re Comments on Criteria for Determining Disposal Sites for Matilija Dam Ecosystem Restoration Project. Nov 3.

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Santa Barbara County Planning and Development. 2001. Oak Tree Protection Program Final EIR. Apr. [Excerpts]

U.S. Army Corps of Engineers and County of Ventura. 2010. Matilija Dam Ecosystem Restoration Project Upstream Storage Area Slideshow Presentation. Jan 14.

U.S. Fish and Wildlife Service. 1998. Draft Recovery Plan For the Least Bell's Vireo. [Excerpts]