

June 21, 2010

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Ventura County Chapter – Matilija Coalition
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Mr. Brian Trautwein, Environmental Analyst
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Watershed Protection District
Norma J. Camacho, Director

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Central Services Department
Janice E. Turner, Director

Subject: Follow-Up Response to Letters Regarding Proposal to Permanently Sequester Fine Sediments in Matilija Canyon

Dear Messrs. Jenkin and Trautwein:

On behalf of the Ventura County Public Works Agency, I would like to apologize for the additional time taken to respond to the letter from the Matilija Coalition (Coalition) dated February 16, 2010 expressing the Coalition's four major areas of concern with the subject proposal. I subsequently received a letter from the Environmental Defense Center (April 1, 2010) expressing its concerns as well. Since many of the issues discussed do overlap, I intend to address both of those letters in our response herein.

As a preface, I would like to explain that our objective in presenting the concept of permanent sequestering of fines upstream (Upstream Concept) at the January 14, 2010 Matilija Design Oversight Group meeting was to evaluate its viability. It was intended to be a starting point towards a solution to many of the issues we were struggling with as we began preliminary design of the Alternative Plan 4b (Alternative Plan) identified in the Feasibility Study. These issues include:

- Containing construction costs
- Minimizing construction risk
- Community acceptability

We had hoped to identify a concept in an expedited fashion to demonstrate readiness to proceed with a new Federal Construction Start and/or additional General Investigation monies. In developing the Upstream Concept, we made a conscientious effort to



maintain and apply those objectives and constraints identified in the Feasibility Study, which include minimizing adverse impacts to local communities associated with the removal of fine sediment, lessening impacts to environmental resources and reducing turbidity which would impair water supplies.

Specific constraints applied in developing the Upstream Concept were:

- Maintaining/decreasing the affected environmental footprint
- No release of concentrated fines downstream
- Avoid historic and cultural resources
- Reducing the project construction impacts to surrounding communities

Adhering to these constraints would minimize the additional CEQA review required, avoid the need for Federal project re-authorization through cost containment, and provide an environmentally superior project to the community. Based on the analysis completed to date, the Upstream Concept shows much promise in meeting these objectives. This concept affects the same linear distance of the river as the Alternative Plan, it lessens the total upstream and downstream affected environmental footprint of the project by more than 35 acres as compared to the Alternative Plan, eliminates water needed for slurry activities, avoids historic and cultural resources, and eliminates construction impacts to communities adjacent to the proposed Alternative Plan.

Our intent was to provide the Design Oversight Group a concept which, if consensus was attained, we would collectively refine and invest resources in fully developing the concept, including additional environmental analysis which may be required. It was not our intent to provide a fully formulated project for acceptance without further discussion, or ignore the CEQA/NEPA ramifications of this concept.

For your use, we have attached our responses to the major concerns contained in your respective letters. This is offered in the spirit of clarification and with the hope that it counteracts some of the incorrect information about the proposal.

Moving Forward

We are committed to maintaining the Matilija Dam Ecosystem Restoration objectives. One of the most important objectives, however, is to maintain consensus of the stakeholders involved in this project. It is clear in both letters received to date that the Upstream Concept as proposed has not met this objective at this time.

In our role as Project Sponsor, Supervisor Steve Bennett, District 1, has suggested we work collaboratively with the Coastal Conservancy to create a facilitation process which includes all the Matilija project stakeholders, the Army Corps of Engineers (Corps), and the Bureau of Reclamation (Bureau). The Coastal Conservancy is supportive of such a facilitation process and has offered to fund this effort. In addition, the Coastal

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Conservancy is extending our existing grant so a portion of the funds can be used to obtain the scientific and technical expertise needed to support examination of alternatives. The Corps is supportive of this process and has some funding in its current budget to provide key staff as needed. The sooner we achieve consensus on the final disposition of fines, the better positioned we will be to receive re-programmed funds from the Corps.

In summary, we feel we have made a good start at identifying an option with potential. As always, I look forward to receiving any ideas you may have on alternatives to consider as we kick off our facilitation effort.

Sincerely,



Jeff Pratt,
Director

Attachment

cc: Senator Diane Feinstein
Senator Barbara Boxer
Congressman Elton Gallegly
Congresswoman Lois Capps
Supervisor Steve Bennett
Darrell Buxton, U.S. Army Corps of Engineers
Sheryl Carter, U.S. Bureau of Reclamation
Chris Delith, U.S. Fish and Wildlife Service
John Bridgwater, U.S. Forest Service
Chris Yates, National Marine Fisheries Service
Sam Schuchat, California Coastal Conservancy
Mary Larson, California Department of Fish and Game
Steve Wickstrum, Casitas Municipal Water District
Ms. Karen Kraus, Staff Attorney, Environmental Defense Center
Diane Noda, U.S. Fish and Wildlife Service
Anthony Spina, National Marine Fisheries Service
Peggy Hernandez, Los Padres District Supervisor, U.S. Forest Service
Vince Kinsch, Chair, Surfrider Foundation. Ventura Chapter
Janis McCormick, Environmental Coalition of Ventura County
Nica Knite, Southern California Regional Manager, California Trout
Steve Rotherth, American Rivers
Steve Evans, Conservation Director, Friends of the River
Rick Ridgeway, Patagonia, Inc.
Linda Krop, Chief Counsel, Environmental Defense Center
Kira Redmond, Santa Barbara Channel Keeper

ATTACHMENT
RESPONSE TO MATILIJA COALITION and EDC CONCERNS

1. Consistency with Matilija Dam Ecosystem Restoration Project Objectives:

- The Matilija Dam Ecosystem Restoration Feasibility Study's main objectives as delineated by the Corps prepared Section 905(b) Reconnaissance Study of April 1999, was to evaluate environmental restoration opportunities in the Ventura River in the vicinity of Matilija Dam, with particular attention to restoring anadromous fish population on Matilija Creek and returning natural sand replenishment to Ventura and other southern California beaches.
- As a general comment, the Upstream Concept remains consistent with the prime objectives set by the Reconnaissance Study and Feasibility Study which include: minimizing adverse impacts to local communities associated with the removal of fine sediment; lessening impacts to environmental resources; and reducing turbidity which would impair water supplies.
- Based on the analysis completed to date, the Upstream Concept shows much promise in meeting these objectives:
 - Affects the same linear distance of the river as the Alternative Plan, but lessens the total upstream and downstream affected environmental footprint of the project by more than 35 acres as compared to the Alternative Plan
 - Avoids release of concentrated fines downstream
 - Eliminates water needed for slurry activities
 - Avoids historic and cultural resources
 - Eliminates construction impacts to communities adjacent to the proposed Alternative Plan
- Meeting the identified objectives would minimize the additional CEQA review required, avoid the need for Federal project re-authorization through cost containment, and provide an environmentally superior project to the community.

2. Departure from the Feasibility Study plan:

Due to the identification of increasing costs (up to \$40M higher than the cost estimate in the Feasibility Report) for the Baldwin Road Disposal Area, the potential for community resistance in the Baldwin Road Area, and community resistance to the Meiners Oaks Disposal Area, the Upstream Concept has been proposed to as an alternative in the spirit of moving the project forward. These efforts have been carried out in an open collaborative environment with the Matilija Design Oversight Group. Although it is acknowledged that the Upstream Concept is a departure from the Alternative Plan 4b in the 2004 Feasibility Report and associated approvals as indicated February 16, 2010 letter from the Matilija Coalition, it is believed by the Corps of Engineers, the Ventura County Watershed Protection District (VCWPD), and the California Coastal Conservancy, that it meets the original objectives of the project.

3. Hazard and Liability Issues:

The Matilija Coalition expressed concerns regarding the impact of the Upstream Concept in the following key hazard and liability areas:

- *Potential impacts to downstream infrastructure, water supply facilities, and safety of downstream residents.*

Response: The fine sediment that would be stabilized in Upstream Storage Areas (USA) 1 and 2 is the finest portion of sediment, namely silts and clays. If any of this fine sediment were discharged, it would be held in suspension and not accumulate in the river bottom in a way that would cause downstream flooding. Also, since it is likely that any possible discharge of fine sediment would be in a large flood event, it is also likely that water supply diversions would not be in operation during these times. Therefore, impacts are considered low to downstream infrastructure, safety of downstream residents, and water supply facilities.

- *Need for ever-increasing flood-control armoring in order to maintain the flood protection structures in place.*

Response: The underlying premise of this issue is the idea that if you construct a hard point in the river, it may be possible to associate downstream erosion to this project component that would require additional downstream improvements to mitigate this erosion. In this case, the canyon significantly narrows in the location of the dam where bedrock outcroppings exist. Therefore, any possible reflecting of flow downstream would be limited to areas within the reservoir area in areas overlain with alluvium. If alignment were to be attained for this concept, this issue would be evaluated by the Bureau of Reclamation during design of this alternative.

- *Cost to the VCWPD Zone 1 taxpayer to maintain the new flood protection structures in perpetuity.*

Response: This component of the project if carried forward as formulated in the Upstream Concept would add permanent infrastructure for the VCWPD to maintain in the long term. However, it is anticipated that savings gained from eliminating the need for inspecting, testing, and maintaining the existing dam facility will offset visual monitoring and maintenance of USA 1 and 2. Therefore no significant cost increases to the VCWPD Zone 1 taxpayers are anticipated.

4. Invalidation of assumptions in the Habitat Evaluation Procedure (HEP) analysis:

The HEP analysis is formally known as the Habitat Valuation Analysis and is presented as Appendix E of the July 2004 Public Draft EIS/EIR. The Matilija Coalition expressed concern that "Many of the assumptions in the HEP analysis may be invalidated" by the change in venue for fine sediment storage. In order to address this concern, a short discussion of the purpose and development of the HEP analysis is in order.

HEP, in this case, is a modified version of Habitat Valuation Procedure used by federal agencies to measure changes in habitat function and ecological parameters

before and after project implementation. The Environmental Working Group developed the formulas and conducted the analyses based directly from goals and objectives of the ecosystem restoration project. A habitat suitability model was set up to calculate a Habitat Suitability Index per project reach, which was then multiplied by acreage values to obtain Habitat Units (HUs). HEP calculations were implemented for seven project alternatives evaluated by the EIS/EIR, plus the no project alternative, resulting in a quantitative comparison of HU benefits.

The HEP analysis has three basic components:

- steelhead habitat value x acres;
- riparian habitat value x acres; and,
- natural processes value x acres.

Each of the values is derived from a simple equation with several components specific to that issue, which is then multiplied by acres pertinent to that issue in each reach.

The analysis compared pre-project conditions to with-project conditions (in each project reach then totaled) at 0, 5, 20, and 50 year intervals, which were averaged to produce average annual habitat units for a period of 50 years (AAHUs). These data capture the changes in habitat values over time for comparison among all the alternatives. With any project alternative, habitat values improved over time. Without the project (no project), habitat values continued to decline. The net change AAHU values between the no project alternative and each alternative were compared to rank the alternatives (Table 8). The alternatives ranged from 554 to 731 AAHUs above the no project alternative (0 AAHUs).

It should be noted there is no standard for the number of AAHUs a project must produce for it to be recommended as a federal ecosystem restoration project. A specific threshold number of AAHUs for the project is not required by the Corps. The analysis simply quantifies the relative benefits among the alternatives compared to the no project condition. The project cost per AAHU is simply a number for comparison purposes with other projects across the country.

All of the alternatives (except 2B & 3B) included slurry of the fines off site to the Meiners Oak Disposal Area (MODA). No changes to the HEP model were made when the Baldwin Road Disposal Area (BRDA) sites were added to the CEQA document, primarily because nearly all of the alternatives included the slurry option, so the net change in AAHUs was thought to have been negligible. In hindsight however, the BRDA sites would have reduced the values for the alternatives with slurry in both the short-term and long-term, and likely would result in overall slightly lower AAHUs for Alternative 4b.

Table 8. Total Net Average Annual Habitat Units (AAHUs) for Restoration Alternatives

ALTERNATIVES TOTAL NET CHANGE IN AAHUs					
ALT	STEELHEAD	RIPARIAN	NAT. PROCESS	TOTAL	
1	260	226	123	609	
2a	242	219	217	678	
2b	242	219	217	678	
3a	242	219	217	678	
3b	242	219	217	678	
4a	262	223	70	554	
4b	283	229	219	731	

Many of the areas of concern bulleted on Page 3 of the Matilija Coalition February 16, 2010 letter have validity that would need further investigation if there was alignment within the Design Oversight Group to further investigate the Upstream Concept. During the comparison of USA to Feasibility design in a recent field visit, one could see the upstream channel and floodplain in Reach 7 would be narrowed by the fine stockpiles, affecting hydrology and hydraulics, reducing floodplain width, impacting oak riparian and habitat, and requiring some permanent armoring. However, these effects were primarily in the upstream portion of Reach 7 in the location of the permanent USA stockpiles, and did not substantially increase or change the Feasibility design elsewhere in the reach. Although not directly captured by the HEP analysis, these additional impacts in Reach 7 would be offset by avoiding work at MODA or BRDA downstream.

In summary, the HEP methodology remains sound. The variables change with the USA alternative, potentially warranting another run of the HEP analysis to quantify these changes. Both the USA Alternative and 4b with BRDA Sites 1&2 could be run through the HEP process to produce new data for use in decision-making. If HEP is reopened, the Alternative 4b should also be run with the BRDA impacts in Reaches 4 and 5, as these were not included in the original analysis and likely also result in a minor loss of average annual habitat units (AAHUs). Re-opening the HEP process would require an extensive commitment of resources to reconvene the consultant team and working group.

It is true the Upstream Concept was not one of the seven evaluated in the HEP analysis and many of the bulleted areas of concern which are enumerated below would increase impacts within Reach 7. However, the magnitude of these impacts is likely small. The Upstream Concept would lower several of the HEP parameters for this reach, but is not expected to lower the overall result substantially below Alternative 4b (Feasibility preferred alternative) scores. See our responses to the bulleted concerns below:

- *The location and extent of the USA fine sediment storage sites will reduce the active floodplain by raising the elevation of the sites above the level of flood flows, and by permanently armoring both banks of the channel in this reach.*

Response: When compared to a pre-dam condition, USA 1 and 2 would reduce the active floodplain. However, when compared to the existing condition with the dam in place there is a significant increase in floodplain within the basin area.

. Also, there is no information to date that suggests that both banks of the channel will need to be armored.

- *The permanent fill of the USA fine sediment sites will reduce the width of the active channel; this would alter the hydrology and hydraulics and increase the need for additional flood-control armoring hardening, both in the initial design of the pilot channel and following future high flow events.*

This is addressed in the response above.

- *Channelization of the perennial stream section in the Matilija Reservoir area will reduce steelhead spawning and rearing habitat, reduce vegetative cover, and potentially reduce fish passage.*

Response: The construction of the Upstream Concept would armor one bank over a 3500 lf reach of Matilija Creek. The 100 foot channel bottom width shown in this alternative would be the same to that proposed for Alternative Plan 4b. It is expected that this alternative would have comparable potential for fish passage as Alternative Plan 4b. Although it is acknowledged that the width of riparian vegetation will be narrower in this reach, the increase in upland vegetation that will be planted on USA 1 and 2 will be equal to the reduction in riparian vegetation.

- *The location and extent of the USA fine sediment storage sites will permanently bury riparian habitat and tributaries and springs, as well as the heritage oak grove identified in red with 'Protect in Place' in the 2004 Feasibility Plan.*

Response: It is true that the permanent sequestering of fine sediment in USA 1 and 2, will have permanent impacts to riparian habitat and native trees identified to "Protect in Place" within the lake and delta areas in the 2004 Feasibility Report. It should also be considered that the USA alternative will significantly reduce impacts to vegetation, including removal of mature oak trees in the downstream fine sediment storage areas identified during Feasibility. If taken forward, routing of the natural springs to the Matilija Creek would be features designed into the project.

- *The USA fine sediment storage sites will reduce the area used in the HEP analysis to calculate the financial cost-benefit analysis.*

See the previous discussion on the HEP analysis above.

- *Reliance on permanent flood control structures will require ongoing maintenance, including maintenance of access roads, fences, and other infrastructure associated with flood control facilities. The impacts to habitat and the cost of 50-years of operations and maintenance were not considered in the cost-benefit analysis in the 2004 Feasibility Study.*

Response: As indicated above, long-term responsibility of USA 1 and 2 will require monitoring of the condition of the buried soil cement. It is not expected that permanent access roads, fence, or other infrastructure will be required for this project. If at some point, there is damage to the soil cement facility, a fix in coordination with Casitas Municipal Water District and the resource agencies

would be implemented. If the Upstream Concept is carried forward, the cost-benefit analysis in the 2004 Feasibility Study would be re-evaluated.

As stated in the letter to which this is attached, our intent was to provide the Design Oversight Group a concept which, if consensus was attained, we would collectively refine and invest resources in fully developing the concept, including additional environmental analysis that may be required as suggested by the Environmental Defense Center in its letter dated April 1, 2010.