

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



**W11a**

**LCP-4-VNT-21-0069-2 (ESHA Update)**

**April 4, 2022**

**CORRESPONDENCE**



Fernandeño Tataviam Band of Mission Indians

**Tribal Historic & Cultural Preservation Department**  
Environmental Protection Division

Rudy J. Ortega, Jr.  
*Tribal President*

*Tribal Historic & Cultural  
Preservation Committee*

Lucia Alfaro  
*Chairperson*  
Richard Ortega  
Jesus Alvarez

11 March 2022

89 South California Street,  
Ventura, CA 93001

*Sent via [Jacqueline.Phelps@coastal.ca.gov](mailto:Jacqueline.Phelps@coastal.ca.gov)*

RE: Ventura County Local Coastal Program Amendment project

Dear Jaqueline Phelps,

On behalf of the Environmental Protection (EP) Division of the Fernandeño Tataviam Band of Mission Indians' ("FTBMI") Tribal Historic and Cultural Preservation Department, thank you for the opportunity to review and comment on the Ventura County Local Coastal Program Amendment project ("Project"). EP Division has provided its review of the project and does not wish to engage in consultation at this time.

For further information, please contact Kristina Kreter by phone or email at (818) 837-0794 or at [Kristina.Kreter@tataviam-nsn.us](mailto:Kristina.Kreter@tataviam-nsn.us).

Respectfully,  
Kristina Kreter  
Environmental Project Assistant  
Environmental Protection Division  
Tribal Historic & Cultural Preservation Department

**From:** [SouthCentralCoast@Coastal](mailto:SouthCentralCoast@Coastal)  
**To:** [Phelps, Jacqueline@Coastal](mailto:Phelps_Jacqueline@Coastal)  
**Subject:** FW: Public Comment on April 2022 Agenda Item Wednesday 11a - County of Ventura LCP Amendment No. LCP-4-VNT-21-0069-2 (ESHA Update)  
**Date:** Wednesday, March 30, 2022 10:43:48 AM

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-----Original Message-----

From: royjillw <royjillw@yahoo.com>  
Sent: Tuesday, March 29, 2022 8:55 AM  
To: SouthCentralCoast@Coastal <SouthCentralCoast@coastal.ca.gov>  
Subject: Public Comment on April 2022 Agenda Item Wednesday 11a - County of Ventura LCP Amendment No. LCP-4-VNT-21-0069-2 (ESHA Update)

My husband and I have lived in Ventura since 1975. We each have had careers at local hospitals and raised one child here.

We understand that change is inevitable. Growth is good for our city. There is so much beauty here.

If we can make it architecturally

pleasing and in keeping the open coastal feel. When you take a drive up the hillsides of Ventura, the views are magnificent.

Please take into consideration just how high to allow these new structures to be built.

Jill and Roy Webb  
2094 Vista Del Mar Drive

Sent from my iPhone



**MOUNTAINS RECREATION & CONSERVATION AUTHORITY**  
King Gillette Ranch  
26800 Mulholland Highway  
Calabasas, California 91302  
Phone (310) 589-3230 Fax (310) 589-3237

March 30, 2022

Donne Brownsey, Chair  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105

### **County of Ventura LCP Amendment No. LCP-4-VNT-21-0069-2 (ESHA Update)**

Dear Chair Brownsey and Commissioners:

The Mountains Recreation and Conservation Authority (MRCA) expresses its general support for Ventura County's request for amendments to its certified Local Coastal Program (LCP) as presented in the LCP Amendment No. LCP-4-VNT-21-0069-2 update for Environmentally Sensitive Habitat Areas (ESHA) and Dark Sky Lighting Regulations and recommends the California Coastal Commission (Commission) approve the amendments with the below identified recommendations.

Because MRCA is one of the few public agencies acquiring lands for habitat preservation and conducting habitat restoration, establishment, and enhancement projects in the Santa Monica Mountains, our experiences implementing these projects and the Coastal Habitat Impact Mitigation Fee programs on behalf of the Los Angeles County and City of Malibu provide ample support for the following recommendations.

#### **In-Lieu Fee Structure**

MRCA fully supports the County's efforts to implement an inflation-adjusted in-lieu fee (ILF) program to mitigate for impacts to coastal ESHA. The current proposal is a step in the right direction, but it is insufficient to provide for the full offset of impacts related to development in the Santa Monica Mountains.

As described in Ventura County's *Exhibit 12 – Comparison of ESHA Mitigation Ratios in Coastal Communities (2021)*, County staff recognize the inherent shortfalls of the City of Malibu and County of Los Angeles ILF programs, namely the high cost of land acquisition in the Santa Monica Mountains as state below by the County:

“Recent undeveloped properties sold in the Ventura County portion of the Santa Monica Mountains for an average of \$297,000/acre with a median value at \$69,179/acre (Zillow, 13 sales, between 10/2019-7/2021).”

These sales represent what any open market buyer should expect to pay solely for land acquisition (i.e., habitat preservation) without including the costs for appraisal and other

closing fees, habitat restoration, or maintenance and long-term management.

At the County-proposed interim ILF rate of \$29,170 per acre of damaged ESHA, to generate enough fees to preserve/protect just one acre of similar habitat would require several acres of habitat impacts. To address this deficiency, the interim ILF rate must be increased above \$29,170 per acre to account for the ever-increasing purchase price of land in the coastal Santa Monica Mountains. MRCA recommends the Commission adopt a higher interim ILF rate. In 2020, Los Angeles County circulated a draft Technical Report for the *Santa Monica Mountains Habitat Mitigation Fee Update* that proposed an updated mitigation fee of \$33,874 per acre (\$37,133 in 2022 dollars). Although this draft Los Angeles County rate is still below market rate for acquisition, this 2022-adjusted figure represents a better interim ILF rate than Ventura County's current proposal.

The Santa Monica Mountains region has never had an adequate ILF program. In 2014, the Commission gave Los Angeles County a five-year deadline to update the flawed and outdated ILF through a fee study and LCP amendment. While Los Angeles County is working on that now, a fee study has not yet been finalized. Therefore, MRCA recommends the Commission shorten the timeline to certify Ventura County's permanent fee study from the proposed six years down to no more than three to minimize further delays of an adequate ILF program in the Santa Monica Mountains.

### **Reduced ILF for Brush Thinning Between 100 and 300 Feet**

The proposed 75-percent reduced interim ILF rate for fuel modification zone "thinning" located beyond 100 feet (up to 300 feet) disincentivizes structure hardening measures that would avoid additional impacts to coastal sage scrub / chaparral (CSS/C) habitat; in contrast, this policy proposal incentivizes clearing CSS/C habitat.

MRCA recommends any reduced ILF for thinning be no greater than the allowed percent vegetation *retained* within designated fuel modification zones: 50-percent vegetation removal (i.e., 50-percent vegetation *retained*) per quarter-acre within the 101-150-foot zone should result in an ILF reduction of no greater than 50-percent and a 30-percent vegetation removal (i.e., 70-percent vegetation *retained*) per quarter-acre within the 150(+)-foot zone should result in an ILF reduction of no greater than 70-percent.

The County has asserted that "the proposed 2:1 mitigation ratio reflects Coastal Commission guidance and the fact that landowners in Ventura County are responsible for paying the cost of compensatory mitigation." However, as recognized by County and Commission staff reports, the current rate and proposed interim ILF rates result in landowner/developers in Ventura County paying considerably below market value ILF rates. The net result would be two-fold. First, not enough compensatory land would be protected. Second, in order to protect enough compensatory land, additional public funds would be required to subsidize both the required CSS/C habitat preservation and the pre-

acquisition costs such as appraisals and title reports.

### **Mitigation Ratio for Coastal Sage Scrub and Chaparral**

The Commission's guidance for mitigation ratios cited in the County's *Exhibit 12 – Comparison of ESHA Mitigation Ratios in Coastal Communities* provides for “3:1 for other habitats that support state or federal rare, threatened, or endangered species, species of special concern or CNPS 1b or 2 listed plants.” Mountain lions (*Puma concolor*) are a candidate species under the California Endangered Species Act and are present throughout the Santa Monica Mountains. Various publicly available datasets published by the National Park Service document mountain lion home ranges and predation sites throughout the Ventura County portion of the Santa Monica Mountains. Mountain lions occur in low densities, have large home ranges, and are especially susceptible to habitat degradation and fragmentation.

In addition to supporting monarch butterfly (*Danaus plexippus*) overwintering sites, Ventura County Santa Monica Mountains support the California endemic and State-listed candidate species Crotch's bumblebee (*Bombus crotchii*) that serves as an important pollinator within CSS/C habitat. Crotch bumblebees help pollinate narrowleaf milkweed (*Asclepias fascicularis*) in the coastal Santa Monica Mountains which, in turn, benefits monarchs and a range of other interconnected species. Increased development and habitat fragmentation, pesticide use, and lack of sufficient mitigation for approved impacts CSS/C continue to imperil these native species.

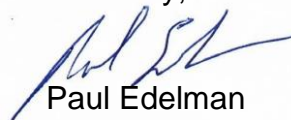
Therefore, the proper mitigation ratio for impacts to ESHA in the entirety of the Coastal Zone portion of the Santa Monica Mountains should be no less than 3:1.

### **Long-term Maintenance**

Further, habitat protection without some operational oversight funding is not complete mitigation for habitat loss. The proposed amendments should therefore require an additional \$10,000 per acre of required mitigation for maintenance/monitoring funding to be provided at the same time as the ILF payment.

Please address any questions or future correspondence to me at (310) 589-3200 ext. 128, [paul.edelman@mrca.ca.gov](mailto:paul.edelman@mrca.ca.gov), or at the above letterhead address.

Sincerely,



Paul Edelman  
Chief of Natural Resources and Planning