

CALIFORNIA COASTAL COMMISSION

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May 8, 2023

TO: Coastal Commissioners and Interested Parties

FROM: Dr. Kate Huckelbridge, Executive Director
Cassidy Teufel, Environmental Program Manager
Wesley Horn, Environmental Scientist

SUBJECT: Addendum to Staff Report for Coastal Development Permit No. 9-22-0733 (City of Ventura).

The purpose of this addendum is to respond to correspondence received on the staff report and recommendation for the proposed project. The correspondence is included under the correspondence tab for this item on the Commission's online agenda for May 2023.

I. CORRESPONDENCE RECEIVED; STAFF'S RESPONSE TO CORRESPONDENCE

Coastal Commission staff received correspondence from four primary sources: the Wishtoyo Foundation and Heal the Bay, The Ventura County Audubon Society, The Sierra Club, and residents of the City of Ventura and the surrounding areas.

Wishtoyo Foundation and Heal the Bay

The Wishtoyo Foundation and Heal the Bay provided comments in letters dated April 7, 2023, and May 4, 2023. In the comment letters, the Wishtoyo Foundation and Heal the Bay provide a history of the project, summarize the benefits of the project, and express support for the Commission staff recommendation including Special Condition Seven requiring the submittal of a final Monitoring, Assessment, and Adaptive Management Program (MAAMP) prior to diverting tertiary-treated water through the outfall. The letters also request minor clarifications in the staff report regarding the decision process for incorporating phased diversions of discharges from the Santa Clara River Estuary (SCRE) into the project and clarifying that the project is within the jurisdiction of the Los Angeles Regional Water Quality Control Board, and not the Central Coast Regional Water Quality Control Board. These requested clarifications are incorporated into the staff report dated April, 27, 2023.

The Ventura County Audubon Society

The Ventura Audubon Society (Audubon) provided in a letter dated April 12, 2023. In this letter, Audubon describes the existing treatment ponds at the City's wastewater treatment plant site, describes how the ponds also support a variety of bird species, and describes how the ponds are a valuable public resource since they provide an opportunity for wildlife viewing and education. The treatment ponds provide additional treatment of tertiary-treated water. The letter concludes by asking the Commission to include a requirement to establish a study that addresses all species that benefit from the ponds, not just special status species, and to include a means to preserve the ponds in perpetuity. Commission staff would note that the Environmental Impact Report (EIR) prepared for the project discussed and analyzed all of the wildlife that are known to visit the ponds, including non-special status species, and this analysis relied in part on annual bird count data collected by Audubon. This analysis concluded that a 100 percent diversion may result in the ponds converting to terminal wetlands during dry weather months. However, as explained in the Marine Resources section of the staff report, the City's project as proposed for this CDP application includes continuing a sufficient volume of flows to the ponds to maintain their current use by birds and to maintain their existing size and character. If this situation were to change in the future and the City were to propose a project change to permanently discontinue flows into the ponds, the City would be required to seek an amendment to this CDP.

California Coastal Subcommittee of The Sierra Club

Leslie Purcell of the California Coastal Subcommittee of the Sierra Club provided comments via email dated April 7, 2023. In her comments, Ms. Purcell describes Marina Park and the proposed construction, potential impacts to marine mammals and birds located in the vicinity of Marina Park, use of the project for ocean desalination, potential piecemealing of the project, and the need to reuse recycled water as opposed to treating and discharging it. The project includes construction within Marina Park for approximately nine months and would require upwards of 96 of the 191 parking spaces within the parking lot. As discussed in detail in the Public Access and Recreation Section of the staff report, the project has been scheduled to avoid the busiest summer months in order to minimize impacts to access and recreation within the park. Also, while construction will temporarily occupy 1.28 acres of the grassy area within Marina Park, the remaining 10.72 acres of the park, including grassy areas, facilities and pathways, would remain open and accessible to the public during project activities. The project also includes protective measures for birds and marine animals during construction. As detailed in the Marine Resources Section of the staff report, these measures include pre-project surveys, protective buffers, sound dampening equipment, monitoring during construction, and implementation of adaptive measures, if necessary. Regarding desalination, the project EIR identified a potential need for a desalination plant in the future if the City's water recycling program, which includes the proposed project and future AWPF, is unable to meet the City's demand for water. However, any need for desalination remains speculative, and the EIR did not evaluate a potential

desalination option for a project-level review under the California Environmental Quality Act (CEQA). If the City pursues desalination in the future, Commission review and approval of an amendment to this CDP or a new CDP would be required along with a project-level CEQA review. Thus, the Commission is not required to evaluate a potential desalination plant for the currently proposed project.

Comments from Residents of the City of Ventura and the Surrounding Areas

In addition to comments from the organizations described above, Commission staff also received seven comments from members of the public. These comments generally focused on the future of the treatment ponds, construction within Marina Park, alternatives to the proposed project, and potential effects to McGrath State Beach. Comments focused on the treatment ponds and construction within Marina Park were similar to those received by Audubon and the Sierra Club and are responded to in the staff report and discussion above. Regarding alternatives to the project, as discussed in the Fill of Coastal Waters Section of the staff report, the City analyzed thirteen alternatives including different methods for disposing of the tertiary-treated water and different locations for the outfall. Ultimately, all of those alternatives were infeasible due to the required distances for subsurface conveyance pipelines, proximity to geologic faults, or subterranean obstructions such as shipwreck debris or boulders and other rock fill that could adversely affect HDD operations. As discussed in the Coastal Access and Recreation Section of the staff report, the flooding within McGrath State Beach and resulting closures are directly related to the elevated water levels within the SCRE that result from the current discharge of tertiary-treated water into it. By significantly reducing those discharges, the proposed project would result in lower water levels and reduced flooding risk for McGrath State Beach. As described on the California Department of Parks and Recreation's website for McGrath State Beach, the park will reopen when flood waters recede and cleanup/repairs have been completed¹.

Other comments raise a concern that diverting wastewater away from the SCRE will reduce the volume of water in the SCRE, with potential impacts to bird species. As discussed in the staff report, the EIR identifies a net benefit from reducing discharges of treated wastewater to the SCRE. The specific benefits include increased habitat for sensitive bird species such as the Western snowy plover and California least tern. The EIR also determined that the diversions would improve habitat for riparian birds such as the southwestern willow flycatcher. Moreover, the EIR cited studies that determined that a low discharge of 0.0 to 0.5 million gallons per day (which translates to 90 -100 percent reduction of the current average annual discharge of 4.7 million gallons per day during dry weather, closed berm conditions) would maximize the potential for supporting habitats and species within the SCRE.²

¹ https://www.parks.ca.gov/?page_id=607

² Likewise, those studies also determined that discharges to the SCRE greater than 0 to 0.5 million gallons per day under those conditions do not enhance the quality of the SCRE receiving water above that which would occur in the absence of the discharge.

However, as an additional protective measure, the City must also implement the Monitoring, Assessment, and Adaptive Management Program (MAAMP) once it begins the first tier of diversions of treated wastewater (up to 60 percent diversion). Implementation of the MAAMP includes monitoring and evaluating the potential for any significant adverse impacts that may occur to sensitive species or their habitats during the second tier of diversions (up to 90 percent diversion). Special Condition Seven additionally requires that monitoring under the MAAMP continue for at least two years after the second tier of diversions begin. Special Condition Seven also requires Executive Director review and approval of the final MAAMP and requires the City to provide monitoring reports to the Executive Director. Under Special Condition Seven, if the Executive Director determines that diversions of up to 90 percent would cause significant adverse impacts, the City must submit a CDP amendment with appropriate adaptive management proposals. Moreover, if the Executive Director determines, based on review of the monitoring reports (or other information), that any diversions of wastewater are causing significant impacts to sensitive species or their habitats, a CDP amendment would also be required. Therefore, the SCRE will remain valuable aquatic habitat for bird species and the project will improve the habitat for sensitive bird species and riparian birds.