CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
POST OFFICE BOX 944209
SACRAMENTO, CA 94244-2090

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-041-R5

Project: Ormond Beach Restoration and Public Access Project

Location: Ventura County

Lead Agency: State Coastal Conservancy

Lead Agency Contact: Megan Cooper; megan.cooper@scc.ca.gov

Background

Project Location: The Ormond Beach Restoration and Public Access Project (Project) is located within the City of Oxnard, in Ventura County, along a section of coast extending from Port Hueneme south to the northwestern boundary of Point Mugu Naval Air Station. The Project area is approximately 650 acres and includes several parcels owned and managed by the State Coastal Conservancy, The Nature Conservancy, and the City of Oxnard. The approximate coordinates of the Project are 34.134793, -119.176491.

Project Description: The State Coastal Conservancy (Lead Agency) proposes to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend and restore or provide habitat for California native fish and wildlife. The Project is designed to benefit for California least tern (*Sternula antillarum browni*), western snowy plover (*Chardadrius nivosus nivosus*), Belding's savannah sparrow (*Passerculus sanwichensis beldingi*), light-footed Ridgway's rail (*Rallus obsoletus levipes*), tidewater goby (*Eucyclogobius newberryi*), and salt marsh bird's beak (*Chloropyron maritimum spp. maritimum*). The Project will improve habitat and hydrologic connectivity, restore ecosystem function, create diverse microhabitats, remove invasive and non-native plants, restore native plant communities, and enhance ground water recharge. The Project will enhance or restore approximately 650 acres by creating a greater diversity of wetland habitats, expanding brackish salt marsh and upland habitat, and removing or modifying berms and channels to improve connectivity. Dune habitat will be selectively excavated, and upland habitat will be restored to help support wetland migration upslope in response to sea level rise.

Sensitive biological resources are currently being impacted by largely unmanaged public access. Therefore, the Project includes improvements to public access management that will better support habitat restoration, manage access near sensitive habitats, and reduce disturbance to sensitive species. These new features will include boardwalks, bridges, overlooks, staging areas, and interpretive signage. Trails will be designed to protect, support,

and maintain larger intact habitat areas. Overlooks will be designed to reduce disturbance to sensitive species and habitats, including the use of bird blinds where necessary. Perimeter fencing, education outreach kiosks, and other access control measures will be included at trailheads. Bicycle usage will be limited to designated paths, and bike racks and lockers will be installed to limit disturbance to sensitive habitats. Protective fencing for California least tern and western snowy plover will be installed to prevent and reduce ongoing human and vehicle intrusion in sensitive nesting habitats. Coordination with security and local and state law enforcement will be incorporated into the Project to protect sensitive habitats and species. Enforcement activities will include ensuring adherence with the City of Oxnard's leash ordinance and responding to canine disturbance and illegal vehicular trespass in the Project area. Project implementation also requires constructing staging areas for use during restoration work, and to facilitate long term maintenance and monitoring. When not being used for Project activities, staging areas will be made available for public access and parking.

The Ormond lagoon will be maintained and expanded to incorporate additional brackish marsh and transitional upland habitat. The Ormond Lagoon Waterway will be re-routed, reducing nuisance flooding, restoring natural hydrologic function, and providing emergent wetland habitat. Salt marsh and salt panne habitat will be maintained and expanded, and seasonal wetland basins will be added at higher project site elevations. This includes excavation of basins with a range of hydrology and habitat to improve hydraulic connectivity. Fill from this work will be used to create upland and wetland-upland transition habitat.

Furthermore, the Project will include restoration work that will involve earthmoving and other physical interventions that remove existing infrastructure such as levees, old roads, and building pads. Culverts will be modified to accommodate increased hydrological connectivity and habitat improvements. Habitat fencing will occur in specific areas to promote native vegetation growth and to reduce disturbance to sensitive habitats and species. A staging area will be situated on the western end of the Project area, to reduce heavy use of areas in proximity to sensitive species habitat. Where runoff from the Project area could result in nutrient loading to downstream aquatic habitats, bioswales may be created to capture nutrients on-site.

Following the initial restoration work, sensitive species monitoring will continue on-site to benefit California least tern and western snowy plover. The data collected will inform recovery metrics, land management decisions, coastal planning, and support protection and outreach programs. The Project will coordinate with California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) staff to ensure recovery efforts are continued and to help address issues encountered in the Project area that result in the disturbance of sensitive species recovery.

Tribal Engagement: In March 2022, the Lead Agency corresponded about the Project with local Tribal representatives from the Barbareno-Ventureno Band of Mission Indians, the Coastal Band of Chumash Nation, and the Santa Ynez Band of Chumash Indians. Future Tribal engagement will include additional meetings, focus groups, and field trips.

Interested Party Coordination: Outreach and community engagement for the Project has been conducted over the past six years, including community workshops, door-to-door-

surveys, and public field trips. The Project will continue to incorporate public input through noticed meetings, communication via public media, involvement of focus groups, field trips, volunteer naturalist trainings, and beach cleanup events.

Anticipated Project Implementation Timeframes: Start date: January 2025
Completion date: December 2050

Lead Agency Request for CDFW Concurrence: On October 9, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from the Lead Agency pursuant to Public Resources Code section 21080.56, subdivision (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on October 9, 2023, that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

Concurrence Determination

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, the CDFW Director concurs with the Lead Agency that the Project meets all of the following conditions: (1) the Project is exclusively to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (2) the Project may have public benefits incidental to the Project's fundamental purpose; (3) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (4) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: https://wildlife.ca.gov/Notices/CEQA.

This Concurrence is based on best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

Discussion

A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve,

restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

The Project will restore habitat for the benefit of native species that utilize the habitat in the Project area through improving hydraulic connectivity; removal of nonnative plant species; revegetation; enhancements to upland, salt panne, salt marsh, and dune habitats; and protection of sensitive species through creation of public access with the purpose of preventing habitat disturbance.

Habitat restoration efforts will include earthmoving, removal of outdated infrastructure, and conversion of agriculture land to create a mosaic of wetlands on the Project site.

B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

Because there is currently no defined trail system on the Project area, ongoing human incursions into sensitive wildlife habitats are resulting in negative impacts. By directing existing public access to locations where conflicts with wildlife habitat will be minimized, the Project will incidentally improve public access while reducing impacts to sensitive wildlife habitats. Redirecting public access is expected to support the successful restoration of the Project area over the long term.

C. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery, and includes procedures and ongoing management for the protection of the environment.

Long-term Net Benefits to Climate Resiliency: The Project will have long-term net benefits for climate resiliency through its restoration of native wetlands. The wetland complex at the Project site acts as a buffer to sea level rise and provides room for habitats to transition inland and upslope as sea level rises. Specific restoration activities within the Project will modify site hydrology to enhance gradient and habitat transition from wetland to upland habitat. The elevations and depths of the onsite basins will be designed to support hydrology and salinity dynamics for the benefits of climate resiliency on the Project site.

Long-term Net Benefits to Biodiversity: The Project will contribute to long-term net benefits to biodiversity through enhancement and expansion of a range of diverse habitat communities including littoral strand and upland habitats. The Project area currently supports over 200 migratory bird species and several federal or state listed species. The expansion of this habitat will ensure that biodiversity on site will be protected and expanded.

Long-term Net Benefits to Sensitive Species Recovery: The Project will benefit the recovery of listed species including California least tern, western snowy plover,

Belding's savannah sparrow, salt marsh bird's beak, and tidewater goby. Habitats that support these species will be expanded and protected. The Project will reduce threats to these species by controlling invasive species. Long-term management of the Project area will reduce incidents of take by illegal trespass, canine disturbance, and predation.

The Project's adaptive management plan will include seasonal closures of trails adjacent to sensitive habitat and species, predator management to protect nesting shorebirds, off leash canine disturbance minimization and elimination efforts to protect nesting shorebirds, and coordination with local and state law enforcement to protect listed species in the Project area.

The Project will implement robust exclusionary fencing and signage for the benefit of nesting shorebirds in the Project area, including but not limited to viewing blinds to minimize potential disturbance of paths/trails adjacent to nesting shorebird habitat. Education and outreach efforts will be included in the Project to alert users of the sensitive habitats and species in the surrounding areas and requiring them to stay on designated paths/trails.

The Project will continue implementation of the Shorebird Recovery Program that monitors and protects nesting shorebirds in the Project area.

Procedures for the Protection of the Environment: The Project includes procedures for the protection of the environment including avoidance and minimization measures for existing sensitive habitat and wildlife. These measures include but are not limited to pre-construction surveys, work windows, environmental awareness training, and environmental monitoring.

The Project will also follow protective measures aligned with the USFWS Programmatic Biological Opinion (USFWS 2022-0005149-S7) general protective measures for bird species and specific measures for light-footed Ridgway's rail, California least tern, and western snowy plover.

Ongoing Management for the Protection of the Environment: The Project will maintain monitoring and protection of the environment for the foreseeable future. Long-term procedures for site security and adaptive management will be implemented to enforce protective measures for sensitive species and limit disturbance.

Ongoing management will be guided by a monitoring and adaptive management plan. This plan will include restoration success and species monitoring, assessment of habitat protection measures, predator management, and public access management.

D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration.

The Project only includes construction activities that are solely related to habitat restoration. The primary elements of habitat restoration actions are earthwork, wetland creation, flow modifications, erosion control, revegetation, and vegetation enhancement. Project activities will include creation of seasonal wetlands and constructing public access elements. As discussed above, a new trail system will be constructed to manage public access to and through the area in a manner that is most protective of areas where restoration efforts will be undertaken. Access and staging areas will be located adjacent to existing and/or planned access nodes to the site.

Scope and Reservation of Concurrence

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or approve the Project, shall submit a new lead agency determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

Other Legal Obligations

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

CDFW Director's Certification

By:_____ Date: 1/2/24

Charlton H. Bonham, Director
California Department of Fish and Wildlife