

## Rice Creek Realignment and Restoration Project

The California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Regional Board), pursuant to the California Environmental Quality Act (Public Resources Code Section 21092 and Cal. Code of Regulations Title 14, Section 15072 – CEQA Guidelines), intends to adopt a Mitigated Negative Declaration (MND) for the Rice Creek restoration project. The Los Angeles Regional Board has proposed that a MND be adopted for the Rice Creek Restoration project because the mitigation measures outlined in the draft initial study will reduce any potential significant adverse effects to a level less than significant.

The review period for the public, responsible agencies and trustee agencies was from October 1, 2012 to November 5, 2012. Three comment letters were received. These responses to these comments are hereby incorporated into the Initial Study.

Reviewer
1. Ventura County Air Pollution Control District
2. Ventura County, Environmental Health Division
3. Native American Heritage Commission

## Comment Summary and Responses

No.	Date	Author	Comment	Response
1	10/11/2012	Ventura County Air Pollution Control District, Alicia Stratton		
1			We concur with the findings of the Air Quality section of the initial study (Sections 5 A and B-D) that long-term air quality impacts would not result from the project. Short-term construction related impacts would result from use of heavy equipment, potentially including loaders, graders and trucks. Project grading and construction has the potential to result in fugitive dust and particulates that could impact surrounding properties, however offsite impacts are not anticipated because the project is located a sufficient distance from sensitive receptors. Construction will occur during an 8-10 day period. The mitigation measures described on Page 16 will minimize fugitive dust and particulate matter that may result from construction activities; no further air quality mitigation is needed.	Comment noted.

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2	9/26/2012	<b>Ventura County, Environmental Health Division, Melinda Talent, Land Use Section</b>		
2.1	The proposed project, re-alignment of Rice Creek to a native and natural channel, may create additional sources of mosquito breeding and constitutes a potential health hazard. A discussion of this impact should be included in the Hazards section of the document. Additional vector control measures may be necessary.			<p>The Rice Creek re-alignment will lengthen the net wetted area of stream in this area by approximately 1,900 feet. Approximately 1,300 feet of existing channel will be dried and breeding areas for mosquitos will no longer be present in these areas. Approximately 3,200 feet of stream will be re-wetted. There is potential for this lengthening to produce more breeding areas for mosquitos. However, the new channel may actually decrease breeding habitat due to other aspects of the project as discussed, below.</p> <p>The existing channel at the project site consists of a compacted channel bed bounded by levees. Once the channel flows through the existing culvert, the water flows along compacted rocky soils of the Ventura River Floodplain. These channels have low permeability due to substrates, leaving more surface flow available in ponds for mosquito breeding. In addition, the existing channel lengths have a low gradient, so water drainage is slow and ponding of water is common.</p> <p>The new channel will likely be wetted during the same time period as the current channel. Due to the more permeable substrate in the new channel, the surface flow may actually be reduced in the new channel and the season available to mosquitos may be shortened. The main difference between the two channels, however, is the gradient. The new channel will have a steeper gradient that will result in faster moving water that is less likely to form ponds that would harbor breeding mosquitos. Higher flow rates are more likely to inhibit mosquito breeding during the wet season by</p>

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				<p>flushing any larvae.</p> <p>In the longer term, planting of native riparian plants will lead to the attraction of mosquito predators including birds and bats. These predators are already in abundance on the Ventura River Preserve. While they are not able to eat enough mosquitos to substantially reduce the local population, they may provide some buffering effect. Finally, the project is located some distance from receptors. While favorable winds can assist mosquitos in traveling long distances, there is some distance decay in mosquito numbers from a single source to distant receptors. The closest public receptors to the project site are approximately ½ mile from the projects site. In addition, there are natural mosquito breeding areas between the project site and the receptors, so it is more likely that the impacts to the closest receptors would be from mosquito breeding areas that are more proximate to the receptors.</p> <p>Considering the distance to receptors, the abundance of mosquito predators, the steeper gradients with faster flow, the increased soil permeability at the project site, and the negligible increase in wetted areas with respect to the wetted areas present in the greater region, it is not likely that the project itself will significantly increase the number of mosquitos in the area of the project.</p>
2.2			<p>There is an active leaking underground fuel tank (LUFT) and Voluntary Cleanup Program (VCP) case identified as Ojai Valley Land Conservancy #T0611127251 and closure of the case has not occurred. EHD/LUFT staff must be contacted prior to any construction activity at the site. Please contact Erin O'Connell at 805/662-6511 for more information on the LUFT or VCP case.</p>	<p>The tank has been removed and a remediation project has been implemented that removed contaminated soil. Some hydrocarbons are still present in groundwater in the immediate area of the leak. Regular sampling of this groundwater shows a decline in hydrocarbon levels and</p>

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				<p>the current levels fall below thresholds for regulatory actions. There is no surface expression of the contamination and the material lies in groundwater that is more than 9 feet underground. The presence of this material is not expected to affect construction of the proposed project because excavation depths in this area are substantially less than the depth to groundwater.</p> <p>The potential impacts of exposing subsurface diesel contamination are mitigated through project design and avoidance measures. Specifically, the project design includes a berm in the area adjacent to the historic tank location to prevent the remaining crater (left following remediation) from being inundated with flow from Rice Creek. This prevents any remaining trapped hydrocarbons from floating to the surface where impacts may occur and will keep percolating water from mobilizing the groundwater. The berm is designed to prevent flooding of the crater during a 100-year interval storm flow.</p> <p>The project design also calls for some excavation near one of the monitoring wells, but this excavation will only be about 3 feet in dept. This is still at least 6 feet above the highest-measured groundwater depth. The excavated area is for the purpose of installing a gradient control structure that will prevent channel degradation, which also prevents flows from eroding the channel and potentially cutting down to contamination depths. The excavated areas will be re-filled. If, during excavation, contaminated soil is found, it will be reported to the Ventura County Voluntary Clean-Up Program in accordance with the site's current enrollment in that program. All recommendations</p>

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				from the clean-up program will be implemented to safeguard environmental quality on the site.
<b>3</b>	<b>10/9/2012</b>	<b>Native American Heritage Commission Dave Singleton, Program Analyst</b>		
3.1			<p>The California Environmental Quality Act (CEQA - CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC recommends that the lead agency request that the NAHC do a Sacred Lands File search as part of the careful planning for the careful planning for the proposed project.</p> <p>Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project.</p> <p>Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) &amp; .5, the President's Council on</p>	<p>There are no known culturally significant resources, structures, buildings, or objects associated with the site. The only areas that will be disturbed during construction have already been substantially disturbed. In the downstream portion of the project, much of this area was excavated as part of the diesel spill remediation and replaced with clean fill material and no cultural evidence was observed.</p> <p>The Regional; Board has requested a Sacred Lands File Search. If results of that search become available prior to execution of the project they can be considered</p> <p>In the event that cultural resources are discovered during construction, the project manager shall notify the Ventura County Planning Department and shall halt or divert work until such time as a qualified specialist, as determined by the Ventura County Planning Department, has been retained to assess the findings and initiate a recovery program, as appropriate. Because the area to be disturbed has a history of disturbance, it is unlikely that any human remains would be encountered during project construction. If any human remains were found, they would be reported in the same manner described above for cultural artifacts.</p>

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			<p>Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 30013013) as appropriate. The 1992 Secretary of the Interiors Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination &amp; consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all `lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the `area of potential effect.'</p> <p>Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NI-IPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal-Indian-Religious-Freedom Act-(cf-42-ItS-e , 1-996yin-issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.</p> <p>Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health &amp; Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a `dedicated cemetery'.</p>	