



# Friends of the Santa Clara River

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July 27, 2021

To: [scr1info@ventura.org](mailto:scr1info@ventura.org)

Dear Sir or Madam,

In response to the Notice of Preparation issued on June 28<sup>th</sup>, 2021, Friends of the Santa Clara River (FSCR) is writing this letter to provide during the Scoping period for the SCR-1 Santa Clara River Levee Rehabilitation Project. FSCR's mission is to protect and preserve the cultural and biological resources of the Santa Clara River Watershed. We are a 501(c)(3) public interest organization formed in 1993.

FSCR began engaging with Ventura County Watershed Protection District on SCR-1 in 2016 to help make SCR-1 a great community project beyond the single flood control purpose. Later in 2018, VCWPD opened the process further with a series of several stakeholder committees. Participants included:

- Neighborhood Council
- Property Owners/The Nature Conservancy
- Schools
- City of Oxnard
- US/CA Fish and Wildlife
- Coastal Conservancy
- NOAA National Marine Fishery Service
- US Army Corps of Engineers
- Sierra Club
- FSCR

The feasible betterments (enhancements) from this process should be included in the CEQA scope, namely: a bikeway/walking trail system with areas of native vegetation and trees along the full length of the rehabilitated levee.

We agree that flood protection is foremost, and as with any public works or private investment, some funds are allocated to basic amenities and landscape. FSCR requests that the VCWPD take full responsibility to ensure that the Stakeholder Betterments are included in the construction scope for the project and its phases, and that funding is sought by VCWPD through all normal funding mechanisms, such as state grants/bonds, but also through partnerships with other County Departments, the state, schools, cities, private sector, and non-governmental organization. The project is a large investment in our community and should provide synergistic benefits to the community and enhance the river corridor.

By including the bike trail in the proposed project, a critical link will be provided as part of a larger bike trail system that is needed in Ventura County. Ventura County and local cities supported Sierra Club and FSCR's application to receive a grant from the National Park Service to help make the County grant ready for the Loop Trail, a regional trail system from Saticoy, to Ventura and to Oxnard. The grant was won and the plan will be completed by Fall 2021. SCR-1 is an important step in making this trail a reality. More information on this trail is available at [fscr.org](http://fscr.org) under projects.

The SCR-1 trail would provide safe riding and walking for nearby disadvantaged communities, such as El Rio and parts of Oxnard, provide health and recreation to citizens, mitigate climate change and pollution, and would be a platform for education about our river. Additionally, the proposed soil cement levee should be covered with soil and native vegetation along the river for the project length and provide shade where possible in compliance with levee certification. In conference with stakeholders and US Army Corps of Engineers, it was determined that trees are possible as long as roots are separated from the levee structure and inspectable (i.e. containers) in compliance with levee certification. Many of the project impacts can be mitigated on site with such enhancements. Benefits of a bike trail and vegetation include:

- Vegetation for Carbon Capture and Neighborhood Cooling
- Improved air quality by avoid fossil fuels and plants to clean the air
- Walkable/Opportunities for safe exercise resulting in a healthier community and meet County Health Dept. goals
- A place for community engagement

According to studies by the American Planning Association, Urban design impacts the health of our communities and such offerings have a measurable impact on health costs.

Because CEQA requires "one project, one document", the lead agency (VCWPD), must comply with CEQA for the project to fulfill their CEQA obligations.

The set of mitigation measures that are made a part of the EIR must include not only the measures that are the responsibility of the lead agency, but also any measures that will be imposed by responsible agencies.

While flood protection is primary, it is reasonable to ensure that SCR-1 is a comprehensive project, with amenities that will benefit the community into the future, and which will abate or not add to climate change.

Here are our specific comments:

**1. Overall Project:** With a project cost likely far over \$50 million, this probably is the largest public expense on the river now and in the future. Protection of life and safety are primary, but the river and its environs are not beholden to this single purpose. The river is also a special place across the landscape that provides a linear feature for active transportation across the region (a Parkway), a place for education about floods, water conservation, cultural history, and the environment, and a place to enact climate change mitigations.

In accordance with the VCWPD Act, VCWPD should expend a reasonable proportion of funds to round-out the broader community need as allowed by law. Therefore, the scope of SCR-1 should include the planning, funding, and constructing of trails, education features and levee soil/vegetation cover, and partner with local cities and other government organizations where possible.

**2. Year 2016 Early Coordination by FSCR and Sierra Club and 2018 Stakeholder Process:**

FSCR and the Sierra Club, on their own accord, approached VCWPD in 2016 to ensure early input on SCR-1. The objective was to bring some stakeholders together, as well as United Water Conservation District to ensure early input on the project. FSCR and the Sierra Club proposed methods to avoid the use of soil cement on the levee, adding water conservation to the project, and methods to soften the overall environmental impact. However, none of these substantive changes were accepted in the project.

FSCR encouraged VCWPD to open discussions in 2018 to include educational features that were desired by Rio School District. VCWPD convened a large group of stakeholders for several months to investigate project enhancements.

Below are some renderings resulting from the stakeholder committee work:



Representation of enhancements that should be included in the project.



Education features that should extend along the entire project length.

However, VCWPD is not currently planning to fund any of the enhancements discussed, but has said they have forwarded them to the Army Corps of Engineers for review as part of the levee

certification process. VCWPD will allow Rio Schools to have a short path and education features on a small segment at the school site. However, this does not meet the greater community need.

FSCR believes VCWPD should take a proactive role and lead the charge for the inclusion of the betterments. The feasible enhancements not included currently in the SCR-1 project scope include:

- Paved bikeway/walking path for most of the project length
- Soil cover and vegetation to hide the soil cement and help restore nature and improve aesthetics
- River trail for education in the river for use by schools and education groups
- Education features such as exhibits and on-levee bird blind for wildlife observation

In keeping the good-faith efforts of the dozens of individuals and organizations that participated in the stakeholder process, FSCR asks that all of the feasible betterments be included in the EIR scope. CEQA requires VCWPD to include its project definition and its mitigation measures for the entire project scope. VCWPD should avoid putting responsibility on the public or other entities.

### **3. VCWPD is Empowered to Include Recreation and Beautification.**

VCWPD should not shun this part of their public responsibilities, and in fact the Ventura County Watershed Protection Act, California Water Code Appendix, Chapter 46, that formed the District specifically includes the objectives of:

*“recreational use, beautification of lands and properties in connection with the carrying out of the broader flood control objects and purposes of the act, to the end that the scenic beauty and natural environment of such lands is enhanced, protected, and preserved.”*

VCWPD mission has the specific objective and purpose of recreational use and beautification in carrying out of its mission:

*§ 46-7.10 Object and purpose of this act; derivation of funds  
Section 7.10.*

*(a) A specific object and purpose of this act is to provide for the recreational use and beautification of lands and properties in connection with the carrying out of, and as a part of, the broader flood control and water conservation objects and purposes of this act, to the end that the scenic beauty and natural environment of such lands is enhanced, protected, and preserved. To carry out such specific object and purpose, the district shall have, in addition to the other powers vested in it by the act, the following powers:*

1. *1) To acquire, construct, maintain, operate, and install recreational facilities or landscaping within the district, or any zone of the district, in connection with any dam, reservoir, flood control, or storm drainage facility or work of improvement, or other property owned or controlled by the district, or in connection with any flood control or water conservation project in which the district participates in the cost of construction, operation, or maintenance, or in the cost of land acquisition therefor.*

VCWPD Act provides the District the “powers”:

*§ 46-7.10 Object and purpose of this act; derivation of funds*

*Section 7.10.*

*(b) Funds for exercise of the powers vested in the district by this section may be derived from ad valorem taxes or assessments levied pursuant to Section 12 of this act, or fees and charges collected pursuant to Section 7.1 of this act. It is hereby declared that, for the purposes of any tax or assessment levied under Subdivision 2, Section 12 of this act for recreational use or beautification purposes of special benefit to any zone of the district, the property so taxed or assessed is equally benefited. In regard to any flood control, water conservation, or storm drainage facility or work of improvement for which bonds are hereafter voted under the provisions of this act, the proceeds of such bonds may be used for recreational use or beautification purposes authorized by the provisions of this section...however, in connection with any flood control or water conservation project in which the district participates in whole or in part, in no event shall the district expend funds, regardless from what source or sources derived, for the acquisition, construction, or installation of any recreational facilities or landscaping or for the acquisition of lands or interests in lands for recreational or beautification purposes, the total amount of which exceeds 10 percent of the costs of construction of such flood control or water conservation project.*

Therefore, the District can expend up to 10% of project costs enhancements. As with any public works or private investment, every project allocates some funds, about 10% toward the environment, basic amenities, and landscape. This includes public safety spending, whether it is a police or fire station, a military base, hospital, or beach front coastal protection. VCWPD must follow its enacting powers to include betterments to SCR-1.

**4. Ventura County 2040 General Plan Compliance.** VCWPD should follow the County’s own guiding document. The plan states in section PFS-6.2: “Encourage the integration of design features into flood control projects, when feasible: to address resource conservation and restoration and preservation of natural riparian habitats, to provide groundwater recharge, to enhance water quality, to protect scenic vistas, and to incorporate recreational areas or opportunities”

SCR-1 can accomplish many of the goals set forth in the plan beyond flood protection:

- **4.2 Regional Multimodal System** “Policies in this section focus on connecting, balancing, and prioritizing transportation modes based on surrounding uses, activities, and **right-of-way allowances; integrating different types of facilities** into existing streets to make them more complete...”
- **PFS-1.4 Collaboration on Infrastructure and Public Service Deficiencies** The County shall **collaborate** with the cities in Ventura County, neighboring jurisdictions, **special districts, and regional agencies to address issues of mutual interest and concern, including infrastructure and public service deficiencies, particularly in Designated Disadvantaged Communities.** (IGC)
- **PFS-8.3 Community Facility Design to Promote Health** The County shall encourage the integration of design features in community facilities that promote healthy activities, such as designing staircases to be visually prominent and attractive, providing secure bicycle parking, and providing connections to trails and outdoor activities. (SO, IGC)
- **PFS-10.2. Recreational Use of Public Facilities** The County shall make public facilities, such as flood control channels and easements, available for recreational use, if feasible, safe, and appropriate for the site’s primary function. (SO)
- **PFS-10.3 Amenities at Public Parks and Recreational Facilities** The County shall provide a full range of amenities at public parks and recreational facilities including playgrounds, restrooms, drinking fountains, trees and landscaping, outdoor furniture, trash cans, and lighting, to the maximum extent feasible. (SO)

**5. VCWPD and Ventura County Government Leadership Needed.** Ventura County government must take leadership to make regional trails a reality and as described in the 2040 General Plan above. FSCR requests that VCWPD take the lead to ensure timely inclusion of the betterments as SCR-1 proceeds. Although many of the suggested enhancements from the stakeholder committees were deemed feasible, they will not become a reality without VCWPD including them in the scope/EIR and including them as part of the project. Other appropriate County agencies can take some of the responsibilities and actions, such Ventura County Transportation Commission or Parks and Recreation in a coordinated effort.

The levee is on County Property and a bikeway would meet a regional need. The policy of depending solely on cities for all costs is not a viable solution to make the trail happen and is contrary to the County's 2040 General Plan.

**6. Use of Soil Cement or Other Hardened Surface.** The proposed project hardens the sides of one of southern California's most natural rivers by turning the rock-lined slope into soil cement. This is the first "concrete" to be added to the lower river.

FSCR provided intensive review and comment during the stakeholder process to avoid the use of soil cement.

Impacts with the use of soil cement include:

- Loss of riparian and or upland habitat
- Hydrologic impacts to the river's natural river flow regime, including erosion, sedimentation, and other fluvial characteristics
- Faster flood flows impacting nearby vegetation
- Inability to rescue one's self or others during a flood
- Decreased infiltration of water
- Urban blight, soil cement is a large exposed cement surface
- Higher local temperatures due lack of vegetation

Without enhancements, the project turns a rocky side slope into a soil concrete making it an unsightly and hot place, with no mitigation, and a great graffiti pallet. Because the project scope still includes soil cement, the project should mitigate these impacts and soften the results with enhancements, such as soil cover with vegetation.

**7. Importance of Including Betterments in Scope/EIR.** The levee project funding sought by VCWPD will likely be from the CA State Department of Water Resources. State funds, which include bond funds, for example, often allow or even require a multipurpose project, like recreation, greenhouse gas reduction, to be funded as part of the project. Having the betterments in the scope and the EIR will help move the project to be "shovel ready".

CA Dept Water Resources, Flood Management Projects states on their website:

When planning and executing our projects, we consider a broad range of potential benefits to improve their value to Californians and their communities:

- Enhance fisheries/wildlife habitat
- Improve recreation and open spaces

VCWPD is a lead in the Integrated Regional Water Management (IRWM) process, which states "... water managers ... in a collaborative, open, and transparent manner, are best suited and best positioned to manage water resources Issues... (including)

- Recreation

- Cultural considerations”

Therefore, to ensure flexibility of funding streams, VCWPD should include betterments in the EIR so the project is closer to “shovel ready”.

Also, many funds may become available for Alternative Transportation, Clean Air and Climate Change. Other County Departments, such as County Transportation or Parks and Recreation could be funded to maintain such trails, in conjunction with the city. Again, including these betterments for the entire project length positions the County to be ready for the myriad of funding types.

## 8. Climate Change

Appendix B, Climate Change, section of the VC 2040 Master plan states that qualitative actions are “highly effective...for individual or community-driven actions that encourage behavior or lifestyle change through education, outreach, incentives, or other programs. Such measures are often considered critical to increasing community buy-in and participation. Many GHG reduction measures also have important complimentary benefits, such as improving public health, improving air quality, creating jobs, and improving overall quality of life. The County recognizes the linkages between health, climate action, and overall sustainability and resilience in the community, and thus a diverse range of GHG-reducing measures are included in the GHG Strategy. “

To this end, VCWPD should take a lead role in climate and GHG reduction and be part of the solution by offering the complimentary benefits of the bicycle trail, education exhibits discussing climate change and floods, and vegetation to mitigate GHG emissions.

Among the concerns of climate change is the potential for higher than predicted river flows. The Ventura County 2040 Plan (Section B-2) states, “more frequent flooding events and more extensive and longer duration of flooding”. Because VCWPD is concerned about future flooding, a proactive stance on climate change is incumbent on the District.

## 9. Inclusion of the Bike Trail Meets County-wide Goals:

Compared to other southern California coastal counties, Ventura County has the least trails from inland to the beach along rivers with only one trail.

VC 2040 General Plan States:

***CTM-2.12. Countywide Bicycle Lane and Trail System***

*The County shall coordinate with the cities in the county and Ventura County Transportation Commission (VCTC) to plan and implement a system of bicycle lanes and multi-use trails that link the cities, unincorporated communities, schools including colleges and universities, commercial/retail, employment centers, health care service facilities, public transportation, and other points of interest. (MSP, IGC)*

***CTM-2.17 Support Regional Bicycle Infrastructure*** *The County shall support regional bicycle efforts to improve infrastructure that will make biking more attractive to residents and tourists.*

*(IGC, SO, JP)*

***CTM-3.1 Bicycle Network Strategy and Prioritization*** *The County shall identify and prioritize components of a bicycle network to increase public access and ridership on bicycle routes. (MSPR, SO)*

**CTM-3.2 Inclusive Bicycle Network** *The County shall develop a bicycle network for all user types and routes across the county. (MPSR, SO, PI)*

**CTM-3.3 Regional Destination Focus for Bicycle Network.** *The County shall encourage the development of a bicycle network that connects to regional destinations such as parks, trails, educational institutions, employment centers, transit, park and ride lots, and tourist destinations. (IGC)*

A great example is Tucson, Pima County Regional Flood Control District (RFCD) which funded and built the Loop within the river park system as a recreational amenity that extends over 150 miles!



**10. Construction Coordination:** VCWPD staff has cited that phasing of the project will complicate the building of the trail. However, if each phase of the project constructs a bike trail, the next phase will simply extend the completed trail. It is understandable that additional coordination is needed, however, constructing the path simultaneously to the levee will save on additional construction management and mobilization costs.

Additionally, SCR-1 bike path will complement the proposed SCR-3 bike path which the City of Oxnard representatives are considering building at this time.

### **11. Environmental Protection, All Elements Under CEQA**

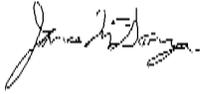
The project impacts habitat, but the current scope does not indicate mitigation on site. Possible mitigation measures should include soil backfill and native plants and provide shade where possible.

### **Conclusion**

The Ventura County Watershed Protection District website indicates pride in the District's collaboration with watershed stakeholders and active community participation to protect the watershed. Yet based on anecdotal evidence, most of the public is unaware of critical local issues such as watershed protection, flooding, and water conservation. One reason for this lack of awareness is the obscurity of the Santa Clara River. As one drives around the county, one seldom sees the river and if they do see, they may not recognize it as their river. To accelerate VCWPD's goal

of increased public participation and awareness, the greatest opportunity is the SCR-1 trail and educational features. The project is a prime opportunity to showcase VCWPD mission and the importance of flood protection to residents of the County. In this endeavor, Friends of the Santa Clara River would like to partner with VCWPD and others, to make this a great community project that provides access and education for the greater good.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Danza". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

James M. Danza, MS, AICP  
Chair

CC: Ventura County Board of Supervisors