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DEPARTMENT OF FISH AND GAME

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FAX TRANSMITTAL SHEET

Date: 07/01/2011

No. of Pages 4 including Cover Sheet

To: Norma Camacho, Director
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Subject: Matilija Dam Ecosystem Project Fine Sediment Study Group Draft Report

Urgent Please Reply For Review X Orig Mailed

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State of California – The Natural Resources Agency

Edmund G. Brown, Jr., Governor

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July 1, 2011

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Ventura County Watershed Protection District  
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Fax # 805-654-3350

**Subject: Matilija Dam Ecosystem Project Fine Sediment Study Group Draft Report**

Dear Mr. Buxton and Ms. Camacho:

In the fall and winter of 2010, the Ventura County Watershed Protection District (VCWPD), the U.S. Army Corps of Engineers (Corps) and the State Coastal Conservancy convened a focused study group of key stakeholders to discuss issues relating to the management of the fine sediments that are sequestered behind Matilija Dam. The primary goals of the facilitation included identifying technical studies and other investigations that could help produce a consensus solution for fines sediment management that would still conform, to the extent practicable, to the existing environmental and decision documents for the Matilija project. The Department of Fish and Game (Department) was an active stakeholder invited to participate in this process. The results of this effort have been summarized in a Draft Fine Sediment Study Group Report (Draft Report). The Department has reviewed the Draft Report and has included comments below.

As trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines §15386(a)) and pursuant to our authority as a Responsible Agency (CEQA Guidelines §15381) over those aspects of the proposed project that come under the purview of the Fish and Game Code Section 1600 et seq.

**II. Background: History of the formation of the Fine Sediment Study Group**

The Draft Report states that past conceptual proposals for managing fine sediments "were met with opposition and resistance from some of the major stakeholder groups, resource agencies,

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and other members of the project's Design Oversight Group (DOG)" (pg. 5). It should be noted that the Department does not oppose or support any one alternative for managing fine sediments. As Trustee agency pursuant to the CEQA and Fish and Game Codes cited above, the Department has consistently reviewed and commented on alternatives for compliance with CEQA and the Fish and Game Code; provided criteria for evaluating alternatives and provided feedback related to the Department's regulatory authority.

### III. Defining the Problem and Identifying Data Gaps

The Draft Report documents that "each Study Group member then identified what each of them saw as the central problem that needed to be addressed for the fine sediment disposal issue to be successfully resolved" (pg. 8). The Department reviewed the Draft Report, and the flip chart notes, and believe the following comments were stated but not fully recorded:

In section **Overall Design**, please add:

- "What changes to the design or assumptions for Alternative 4b would trigger additional analysis for CEQA/NEPA and permitting?"

In section **Natural Processes/Fish Passage**, please add:

- "How would implementation of the proposed Upstream Storage Area (USA) concept affect natural processes, compliance with CEQA and the existing EIR/EIS, and CESA permitting?"

In Section **Cost**, please add:

- "If DFG has requirements for further analysis that are going to be added in by more detailed planning, how would those requirements impact the total project costs?"
- "What are the costs of revising the existing EIR/EIS, and obtaining CESA permit(s) from DFG?"

### IV. Review and discussion of constraints

The Draft Report states that the Department would need to review a detailed design of the proposed solution (e.g. at 65% level) to "determine whether the solution could be permitted without major mitigation requirements" (pgs. 14 and 15). It should read, "The California Department of Fish & Game emphasized that it would need to see a very detailed description of the proposed solution (e.g., at a 65 percent design level) to determine whether the solution could be permitted." It should be noted that the Department requires a detailed design (e.g. 65%) in order to accept a complete notification for a Streambed Alteration Agreement. Mitigation commitments have already been made per the EIR/EIS. The 65% design would quantify areas of impact and therefore determine mitigation requirements.

The Draft Report states that "A major concern of the District and the Corps is whether DFG will accept a programmatic Stream Alteration Agreement for the entire removal project or require mitigation for individual elements of the project" (pg. 15). This sentence is misleading. The Department was already notified for a Master SAA on May 29, 2009. Mitigation for individual elements of the project could still be required within the Master SAA, in accordance with commitments already made within the existing EIR/EIS (Section 8-1):