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VENTURA COUNTY LOCAL COASTAL
PROGRAM DRAFT WORKING PAPER
ENVIRONMENTALLY SENSITIVE HABITATS
IN THE COASTAL ZONE

California: Ventura County Environmental Resource Agency

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ENVIRONMENTALLY SENSITIVE HABITATS
IN THE COASTAL ZONE

This report is a draft working paper. Any proposed findings or recommended policies included in the report are preliminary and subject to revision, and are not adopted County policies.

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Prepared by the
Ventura County Environmental Resource Agency Planning Division

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ABSTRACT

This report is a draft working paper designed to provide background information and preliminary policy guidance for the Ventura County Local Coastal Program (LCP). The LCP is a state mandated planning program which requires coastal cities and counties to bring their general plans and zoning ordinances into conformity with the State Coastal Act of 1976.

A major emphasis of the State Coastal Act is the recognition that the coastal zone is a unique and valuable resource area, which requires special resource management policies. This paper, therefore, focuses on the goals and policies of the Coastal Act which relate to the management of sensitive coastal resources.

This paper includes a discussion of environmentally sensitive habitats and includes a brief inventory of coastal resources found in the County of Ventura and proposes policies for management of these resources in conformity with the Coastal Act.

In addition to this paper, working papers will also be prepared on Energy, Agriculture, Beach Erosion, Recreation, Public Works and Housing. The draft findings and proposed policies of these forthcoming reports may necessitate revisions to this report in order to resolve identified conflicts and to promote consistency.

These working papers will be utilized in the development of the LCP Land Use Plan which will set forth land use designations and policies which conform to the Coastal Act. The LCP Land Use Plan will be reviewed by the Ventura County Board of Supervisors, and the regional and State Coastal Commission. Once the LCP Land Use Plan has received local, regional and State approval, the County must prepare an LCP implementation plan, including zoning, which conforms to the approved LCP Land Use Plan.

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I. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

A. INTRODUCTION

The coastal zone is an ecologically dynamic area providing the interface between land and ocean and between fresh water and salt water, thereby offering a variety of unique habitat areas. The County of Ventura's coastal zone includes relatively large undeveloped areas which support both shoreline and inland coastal habitats of significance. The purpose of this working paper is to identify and describe the County's environmentally sensitive areas and propose the appropriate types of management policies necessary to conform with the Coastal Act of 1976.

1. Coastal Act Policies: Section 30240 of the Coastal Act provides for the protection of environmentally sensitive areas and states:

"Section 30240 (a) Environmentally sensitive habitat areas shall be protected from any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas."

In addition to these policies, the Coastal Act also contains specific policies related to the protection of water and marine resources, and wetlands. These policies are shown in Table I.

2. Environmentally Sensitive Habitats Defined: Environmentally sensitive habitat areas are defined as "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem which could be easily disturbed or degraded by human activities and developments." (Section 30107.5 Coastal Act). Using this definition, environmentally

TABLE 1

Water and Marine Resources

30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain health populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30236. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Diking, Dredging, Filling, and Shoreline Structures

30233. (a) The diking, filling or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally-damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland; provided, however, that in no event shall the size of the wetland area used for such boating facility, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, be greater than 25 percent of the total wetland area to be restored.

Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

Restoration purposes.

Nature study, aquaculture, or similar resource-dependent activities.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

30507.1. Where any dike and fill development is permitted in wetlands in conformity with this division, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action, provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time.

sensitive habitat areas are considered by the State Coastal Commission to include all coastal wetlands and lagoons, rare and endangered species habitat, designated sanctuaries and reserves, reefs, tide pools, kelp beds, indigenous dune and plant habitats.¹

In the County of Ventura's coastal zone, the major coastal habitat types which fall within the above definition include: dunes, wetlands, inland habitats such as the Santa Monica Mountains, and intertidal features. Each of these general habitat types are discussed briefly and general policies for the protection of such habitats are proposed.

B. SUMMARY OF MAJOR COASTAL HABITATS AND PROPOSED POLICIES

1. COASTAL DUNES: Coastal dunes are an extremely fragile, yet very protective type of habitat. Generally, dunes form as windblown sand collects on an object of obstruction. The gradual collection of sand into a dune formation then forms a protective buffer from both wind and wave action for areas immediately inland. Destruction or removal of the natural protection afforded by dunes generally results in exposure of the area to the hazards of beach erosion and storm damage.

Dune formations on the coast are also dynamic in nature, migrating and reforming depending on wind and wave patterns, and coastal topography. Development in the vicinity of dunes is, therefore, often subject to sand encroachment and the costs of a street sweeping and sand removal, and storm run-up and damage. Therefore, coastal dunes serve as a naturally occurring protection against shoreline erosion and storm damage. Protection of dunes generally serve to protect man-made developments. In addition to protecting man-made developments, dunes protect coastal salt marshes and wetlands. Dunes also provide nesting habitat for a number of shore birds, including the Snowy Plover and the California Least Tern, a designated endangered species. Because of the transitory nesting habits of the Least Tern, any significant area of dunes should be considered a possible nesting site for this endangered species.

As a habitat, coastal dune communities support a variety of coastal strand flora and fauna including sand verbena, sea rocket, sea fig and other species. Dune vegetation is particularly important to the maintenance of dune habitats, insofar as the vegetation serves to stabilize the dunes and promote the dune formation.

The habitat characteristics as well as the protective characteristics of dune communities can be easily disturbed by human activities, especially development and off-road vehicle use. Additionally,

because of the fragility of such communities, unrestricted pedestrian access may, on a cumulative basis, result in the trampling of dune vegetation and ultimately the degradation of the formation.

In the County's coastal zone, major dune communities are found in the McGrath-Mandalay area and on the South Coast in the vicinity of Point Mugu State Park.*

- a. Mandalay Dune Complex: The Mandalay dunes are located along the coastal stretch between the Santa Clara River and Port Hueneme, in the vicinity of Harbor Boulevard (See Figure 1). A major portion of these dunes are under the jurisdiction of the City of Oxnard. Within the unincorporated areas, however, there are two major stretches of dunes: (1) approximately 80 acres of land immediately surrounding McGrath Lake, and (2) an area bounded by Fifth Street (north), the Edison Canal (east), Wooley Road (south), and Harbor Boulevard (west). Immediately north of the latter site is a severely degraded dune formation presently utilized as an oil waste disposal site.** According to the Ventura County Flood Control District, dune formations to the east of Harbor Boulevard have been isolated from the ocean and beach area and, therefore, many of the ecological and biological connections between ocean and these dunes have been lost. Nonetheless, the area serves as a unique recreational and environmental resource.

The dunes surrounding McGrath Lake are currently utilized for oil related activities, primarily extraction. The State Department of Parks and Recreation's Draft General Plan for McGrath State

*Dune formations are also found in the Ormond Beach area. However, these dunes are under the jurisdiction of the City of Oxnard.

**The Conditional Use Permit for this disposal site will expire January 2, 1980, unless renewed.

Beach (1979) designates this area as a potential acquisition site contingent on phase out of oil operations. The proposed Edison Canal Land Use Study (1978) proposes that the dune formations in the vicinity of the Edison Canal (including the oil waste disposal site) be utilized as a dune park or other light intensity recreational uses.

- b. Point Mugu Dunes: Located within Point Mugu State Park (La Jolla Beach area), is a 40 acre sandy beach area, and large sand dune complex. While public ownership is a positive step towards protection of this dune area, access and use of the dunes should be reviewed by the State. Section 30210 of the Coastal Act requires that beach access and use be consistent with protection of natural resources. The Resource Management Plan for Point Mugu State Park (State Department of Parks and Recreation) points out that this hillside dune area should be protected from off-road vehicle use and suggests that the area be included in the La Jolla Valley Nature Preserve.

The quality of dune habitats may be preserved by use of mitigation measures such as restrictions on access, clearly defined pathways, revegetation, interpretative center, and public education. Future land uses in dune areas should attempt to incorporate any of the above or other appropriate mitigation measures as a condition of development.

PROPOSED LOCAL POLICIES AND PROGRAMS

Section 30240 of the Coastal Act requires the protection of environmentally sensitive habitats such as coastal dunes, and specifies that such habitats shall be protected from disruption by assuring that new uses are dependent on such resources, and that uses adjacent to habitats be compatible. The following policies and programs are proposed for coastal dune areas to attain the intent of the Coastal Act policies:

1. All significant coastal dune formations shall be designated "Open Space" on the Open Space Element.*
2. Uses such as off road vehicle use, sand mining filling or dumping, which may result in the degradation or destruction of dune formations shall be prohibited.
3. Any other development within or immediately adjacent to identified dune habitats (including recreational facilities, roads, mineral extraction, grading, private development) shall be located and designed to prevent impacts which would significantly degrade such habitats and shall include specific mitigation proposals for the protection of dune communities including but not limited to fencing, signing, interpretative displays, and increased enforcement.
4. The County of Ventura shall encourage the State Department of Parks and Recreation to include significant dune formations within State Park and Beach areas in a natural preserve, and, shall encourage interpretative displays and information to foster an appreciation of dune formations. Additionally, the County of Ventura shall support potential acquisition proposals by State Department of Parks and Recreation for the aquisition of dunes surrounding McGrath Lake.
5. The County of Ventura, in conjunction with the City of Oxnard, shall seek to develop a coordinated dune protection program for the Mandalay dune complex including light intensity recreational use concepts as proposed in the Edison Canal Land Use Study. Any implementation plans for the Edison Canal Land Use Study shall demonstrate compatibility with the continuance of dune habitats and shall provide for interpretative displays and information about dune communities, as well as pedestrian access corridors which limit damage to dunes.

*The unincorporated portions of the Mandalay Dune complex and the Mugu dunes are currently designated "Open Space" by the Open Space Element.

6. As part of the LCP Implementation Program, a Resource Management (R-M) overlay zone shall be considered which provides more specific development criteria for use of sensitive habitats such as coastal dunes (see model ordinance in Appendix).
7. As part of the LCP Implementation program, planning staff should investigate less than fee acquisition programs and other methods of open space preservation (such as open space easements, tax incentives for open space allowed under the State Williamson Act) which might be applicable to dune areas.

2. WETLANDS: Wetlands are generally defined as an area which is regularly subject to tidal or surface water inundation.* Wetlands are among the most biologically dynamic and productive of coastal habitats. The Mugu Lagoon for example, supports more than 191 species of birds, 23 species of mammals, and hundreds of invertebrate species.²

Wetlands are also extremely sensitive to disturbance and destruction. According to the California Department of Fish and Game, more than 90% of the wetlands in Southern California have been destroyed.³ As a consequence, some wildlife species which are dependent upon wetland habitats, are classed as rare or endangered species.

The threatened nature of wetlands is the result of both natural processes and man-made activities. Wetlands are generally transitory in nature. Water levels are maintained by ocean tidal action and/or surface water flows (creeks and rivers). Natural siltation, sedimentation, and formation of sand bars, therefore, results in constant alterations to the size, location, and environmental characteristics of wetland areas.

Man-made activities that result in removal of sources of water that feed wetlands such as diversions; the introduction of urban and agricultural runoff and pollution; and dredging and filling, may severely degrade or destroy wetland areas.

* U.S. Fish and Wildlife defines a wetland as: "Land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils 1. or to Support the growth of hydrophytes. In certain types of wetlands, vegetation is lacking and soils are poorly developed or absent as a result of frequent and drastic fluctuations of surface-water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the water or substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location."

If properly planned, however, certain flood control projects can enhance or restore wetland values. For example, projects which are designed to decrease siltation and sedimentation in wetland areas can serve to maintain the environmental balance and productivity of a wetland. According to the VCFCD, urbanization, not dams and channelizations, is usually the primary element of changes in runoff. In fact, in some cases, dams and channelizations may have a positive effect on wetland habitats. It is appropriate to point out that none of the County's wetland areas are "natural"; that is, none are in an aboriginal state. All have some degree of man-made disturbance within their perimeter. All are indirectly influenced by considerable man-made disturbance in the larger ecosystems around them.

Because of these impacts, the Coastal Act states that the biological productivity of wetlands shall be maintained by minimizing adverse effects of waste water discharges and runoff through controlling runoff, preventing depletion of ground water supplies and substantial interference of surface water flow, by encouraging waste water reclamation, and minimizing alteration of natural streams (Sections 30230 and 30231). Additionally, Section 30236 states that substantial alterations to rivers and streams shall be limited to necessary water supply projects, flood control projects necessary for public safety or to protect existing development and to projects that will improve the fish and wildlife habitat.

Major wetland areas in the unincorporated portions of the County's coastal zone include: the Rincon Creek embayment, the Santa Clara River, McGrath Lake area, and the Mugu Lagoon.*

- a. Rincon Creek Embayment: Rincon Creek is an unimproved creek channel which roughly follows the Santa Barbara/Ventura County line the coastal zone. At the lower reaches of the creek an embayment is formed and enclosed by a sand bar formation at

* NOTE: Wetland habitats are also found at the mouth of the Ventura River and Allesandro Lagoon within the City of Ventura, and at Ormond Beach within the City of Oxnard. These areas are addressed by the respective city Local Coastal Program.

the creek's mouth. The embayment is characterized as a brackish water wetland and riparian habitat area. Habitat values in the area have been reduced by agricultural run-off and siltation, and by the presence of residential development which immediately surrounds the wetland. Nonetheless, the embayment is capable of supporting native vegetation and aquatic and game bird species. Currently, Rincon Creek is maintained as a natural flow corridor and there are no proposals by the Ventura County Flood Control District for flood control improvements in the coastal zone.

- b. Santa Clara River: The mouth of the Santa Clara River forms a 60 acre salt marsh wetland area.⁴ The wetland area has been identified as a habitat area for several rare and endangered bird species and is, therefore, considered to be an environmentally sensitive area as defined by the Coastal Act requiring special resource protection.

The lower reaches of the river and wetland areas have a complex jurisdictional setting. South of Harbor Boulevard Bridge, the wetland area is within the City of Oxnard and McGrath State Beach, which affords some protection of resources by virtue of public ownership. The eastern boundary of the area is under the jurisdiction of the City of Ventura. North of the Harbor Boulevard Bridge, the flow corridor and the adjacent lands are largely under the jurisdiction of the County of Ventura. The entire flood corridor of the river, within the coastal zone, is also under the jurisdiction of the Ventura County Flood Control District (VCFCD). Because of the jurisdictional complexity of the habitat area, and the impact of activities upstream, extensive inter-agency coordination will be required to maintain and enhance habitat values in the area.

As was mentioned above, the major habitat area of the Santa Clara River is the salt marsh and lagoon, which form at the river's mouth. The mouth is somewhat transitory in nature,

flowing directly into the ocean during winter months, and often forming a lagoon area during the summer months.⁵ The lagoon and associated wetland areas are extensively utilized by waterfowl and shore birds. The U.S. Fish and Wildlife Service considers this area to be one of the "most important shore bird and wading bird habitats" in the County, and one of the "most attractive bird watching areas on the Southern California Coastline."⁶ Of the diversity of bird species which utilize this area, at least two rare and endangered species have been observed: the Beldings Savannah Sparrow⁷ and the California Least Tern.⁸ The California Least Tern Recovery Team has recommended this site as an essential habitat area.

According to the U.S. Fish and Wildlife Service, the lagoon and river's mouth also support a variety of fish species, including Tidewater Goby, Topsmelt and Staghorn Scupin. In addition to bird and fish species, a variety of small mammals and small rodents utilize the marshy area and river bank.

The dominant vegetative pattern in the salt marsh area includes Jauneau Carnosa, Pickleweed, Salt Grass and other associated marsh vegetation. Riparian vegetation primarily willows is also found along the river corridor.

The major threats affecting the long term maintenance of habitat values in the Santa Clara River area result generally from activities occurring upstream along the river (and outside of the Coastal Zone), and from the area's proximity to urbanized and urbanizing land.

The major upstream uses which may impact the Santa Clara River wetland area include sand and gravel mining operations, diversions, and flood control improvements. While these projects are outside of the coastal zone, the potential for governmental coordination for protection of resources within the coastal zone is important. As noted above, the effects of certain projects, if properly planned, can have a positive effect on wetland resources.

It should also be emphasized however, that the LCP's role regarding uses outside the coastal zone is limited to agency coordination. The State Department of Fish and Game serves as the responsible agency for review of projects affecting fish and wildlife resources, both in the upstream reaches and wetland areas of the Santa Clara River (Section 1601 and 1603 of the State Fish and Game Code).

Of more immediate concern to the LCP, are uses within the coastal zone in the vicinity of the river. The major types of uses which may affect wetland resources are discussed briefly below and include: urbanization, agriculture, flood control measures and recreational use. As was mentioned above, the river corridor is bounded on either side by the cities of Oxnard (south) and Ventura (north). Urbanization pressures are evident in the vicinity of the river and will be addressed by the respective city LCP's.

Unincorporated lands adjacent to the river are either vacant, or under agricultural production. Maintenance of agricultural uses in this area would serve to protect habitat values by virtue of maintaining open space, as well as foster preservation of agriculture (Coastal Act Section 30241), and reduce flood hazard to development (Coastal Act Section 30253). While agriculture is encouraged under the Coastal Act, and appears to be a suitable buffer use for protection of habitat values, the LCP should coordinate with the County's 208 process and responsible water quality monitoring agencies to ensure that agricultural runoff does not impact the water quality of the Santa Clara River area.

Flood control improvements along the coastal zone portion of the Santa Clara River may have a significant negative impact of the viability of the wetland area. Currently, the Ventura County Flood Control District (VCFCD) has no proposals for flood control improvements in the coastal zone portion of the channel. Discussion of a levee for protection of land within the City of

Oxnard has, however, occurred (see Ventura County LCP issue identification). The State Department of Fish and Game has indicated that construction of a levee along the river within the coastal zone may have a considerable impact on wetland resources.⁹ For this reason, coordination with the cities of Oxnard and Ventura to ensure that coastal zone land uses do not require additional flood control improvements, which would impact the wetland, is necessary.

An additional consideration is access and recreational use of the mouth of the Santa Clara River. A large portion of the wetland area is currently under the ownership of McGrath State Beach. While public acquisition is a positive step toward the long-term preservation of habitat values, access to the site should be monitored to reduce disturbance to the habitat. A wetland survey (Acquisition Priorities for California Wetlands), prepared by the Bureau of Sports Fisheries and Wildlife and the Department of Fish and Game cites that "human disturbance is the biggest threat to wildlife use in the Santa Clara River wetland area". Designation of the area as a bird sanctuary or nature preserve would best serve to protect wetland resources. Currently, the State Department of Parks and Recreation is considering the designation of 160 acres of McGrath State Beach, including the wetland areas, as a nature preserve.

Two related planning studies currently being undertaken by the State Department of Parks and Recreation include the General Plan for McGrath State Beach, and the designation of Resource Protection Zones (RPZ). The General Plan for McGrath State Beach will explore appropriate methods of wetland preservation and limitations on access and use of the wetland area. The Resource Protection Zones to be designated by State Department of Parks and Recreation are designated to delineate buffer areas required for the protection of resource and habitat values within

State Park areas. Both of these planning efforts should be reviewed by the LCP and, if in conformity with the Coastal Act, be considered for adoption as policies for the wetland area in the mouth of the Santa Clara River.

- c. McGrath Lake: McGrath Lake is an enclosed wetland area located at the southern portion of McGrath State Beach. The lake is formed from irrigation run-off from the adjacent agricultural lands to the north and east. Water level within the lake is maintained by a pump installed at the upper end of the lake which drains to the beach.

Similar to the Santa Clara River, jurisdiction of the McGrath Lake is complex. The southern portion of the Lake is within McGrath State Beach and under the jurisdiction of the City of Oxnard. The northern portion is privately owned and under the jurisdiction of the County of Ventura. The unincorporated portions surrounding the lake are primarily used for oil extraction. Southern California Edison's Mandalay Generating Plant is located to the south.

McGrath Lake area provides both freshwater and marsh habitats as well as indigenous dune and riparian vegetation. The dune formations surrounding the lake and the wetland itself may be a sensitive habitat for a variety of bird species similar to those which frequent the Santa Clara River area. Surrounding the lake, coastal dune plant communities can be found. Additionally, riparian vegetation in the area is well established and includes willows, bullrushes, pickleweed, salt grass, etc.¹⁰

The area is a unique habitat area which may be closely associated with the larger Mandalay dune complex, and the Santa Clara River wetland habitat. Section 30107.5 includes in the definition of environmentally sensitive habitats "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an

ecosystem which could be easily disrupted or degraded." Because the McGrath Lake may play an important role in the dynamics of the McGrath area ecosystem, including the Santa Clara River, it is included as an environmentally sensitive area.

The State Department of Parks and Recreation (DPR) has recently (1978) released the draft Santa Barbara-Ventura Coastal State Parks General Plan which addresses the McGrath Lake area. The plan proposes that two unincorporated privately owned areas immediately adjacent to the lake to be considered for potential acquisition (contingent on phase out of existing oil operations). Additionally, if acquired, the plan proposes a bicycle trail from the Mandalay Generating Plant to the existing campgrounds. No other park development is proposed for this area in order to protect the habitat values of the McGrath Lake and dunes. The DPR plan as proposed appears to be consistent with the Coastal Act's requirement of providing maximum access to the beach, consistent with the protection of resources, and appears to represent a balance between public use and habitat protection.

- d. Mugu Lagoon and Calleguas Creek: Mugu Lagoon is one of the largest (3000 acres) and most pristine wetland areas in the State. The lagoon is located within the Pacific Missile Test Center (PMTTC) and is therefore federal land and excluded from the coastal zone.* Related to the LCP, however, are activities in the unincorporated, non-federal lands surrounding the lagoon, particularly along Calleguas Creek.

A portion (approximately 400 - 500 feet) of Calleguas Creek, which drains into the lagoon, falls within the coastal zone. Calleguas Creek watershed includes over 343 square miles

* More extensive information regarding the resources of the Mugu Lagoon can be found in The Natural Resources of Mugu Lagoon prepared by the California Department of Fish and Game and the U.S. Fish and Wildlife Service (1976).

including the major urbanized areas of Simi Valley, Thousand Oaks, Moorpark and Camarillo, as well as major agricultural lands in the Oxnard Plain. Rapid urbanization and increased agricultural irrigation has resulted in increased run-off and sedimentation in the lagoon.

According to the U.S. Fish and Wildlife Service and the State Department of Fish and Game, sedimentation from Calleguas Creek may elevate the Mugu Lagoon wetland above the tidal prism (ocean tide flooding) and thereby change the water quality and environmental characteristics of the wetland. Urbanization of the land in the upstream watershed results in increased runoff from the urbanized land, both in terms of total volume of runoff and in the magnitude of the peak flow. Further, with continued conversion of native watershed to urban and agricultural land, increased summer flows (low flows) will be delivered to the proximity of Mugu Lagoon. The effects of the increased flows, both in volume and peak magnitude, lead to potentially less salinity in the Lagoon, increased erosion in unprotected areas along the unimproved channel reaches which ultimately may lend to delivery of more sediments to the Lagoon, and increased pollution. The result of these occurrences is damage to both flora and fauna in the Lagoon.

At present, the Flood Control District has no proposals for channel improvements affecting the lower reaches of Calleguas Creek. Plans are being developed for Revolon Slough to separate the flows in this channel from Calleguas Creek and deliver the separated flows to Mugu Lagoon via a new bridge under Highway 1. The plans are being coordinated with the Soil Conservation Service (SCS), Army Corps of Engineers (C of E), U.S. Navy, U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CFG) and VCFCD.¹³

An important concern regarding any alterations of Calleguas Creek is the impact on endangered species in the lagoon area.

According to the U.S. Fish and Wildlife Service (USFWS) the endangered light-footed clapper rail, Belding's Savannah sparrow and California Least Tern utilize the proposed project area. Because of the sensitivity of the Calleguas Creek/Mugu Lagoon area, flood control improvements and adjacent land uses must be carefully planned to avoid habitat damage. The USFWS suggests that any proposed project in this area should (1) have no adverse impacts on the endangered species of habitats, and, (2) provide measures which would reduce sedimentation in Mugu Lagoon.¹⁴

It should be noted that certain types of flood control improvements along Calleguas Creek may be necessary for the maintenance or enhancement of the wetland. According to the Ventura County Flood Control District (Ventura County Coastal Planning Study, Flood Control Planning, Surface and Ground Water Hydrology, 1972) without improvements to reduce sedimentation and to maintain an optimum exchange of tidal waters, the Mugu wetland may ultimately cease to exist or become severely degraded as a wetland area.

PROPOSED LOCAL POLICIES AND PROGRAMS

Wetlands are an extremely sensitive coastal habitat for which the Coastal Act requires specific protection policies. Among these policies are Section 30240 which protects sensitive habitats from significant disruptions; Section 30231 which protects the biological productivity of wetlands through minimization of waste water discharges, run-off, prevention of depletion of groundwater resources, and maintaining natural stream corridors and riparian vegetation; and Section 30233 which limits dredging, filling or alterations of wetlands except to maintain the wetland habitat. The following policies and programs are proposed for wetland areas to attain the intent of these Coastal Act policies:

1. All wetland areas in the unincorporated portions of the County shall be maintained in open space and shall be designated "Open Space" on the Open Space Element.

2. In order to preserve wetland areas, no structural development shall be permitted in wetland areas or creek corridors which feed to wetlands with the exception of flood control projects necessary for the public safety or the protection of existing development, and pipelines for coastal dependent industries provided that there are no other reasonable less environmentally damaging alternatives. Development projects should include, if necessary, a specific plan for wetland maintenance including mitigation for adverse effects of sedimentation and siltation, to be reviewed by the State Department of Fish and Game.
3. Dredging, filling, and diking shall be permitted for necessary flood control projects for public safety or to protect existing development; projects necessary for the enhancement and protection of the wetland habitat; or for coastal dependent industrial pipelines.
4. Dredging, filling or diking plans shall specify habitat mitigation measures including timing of the project to avoid significant breeding or nesting cycles, the amount of vegetation to be removed and if necessary a revegetation plan, the area affected, and a plan for disposal of spoils which conforms to Policy 5.
5. Wherever possible, dredge spoils should be used for beach replenishment except under circumstances wherein the deposition of such spoils would affect beach or intertidal habitats (eq. tidepools or spawning grunion) or would result in adverse effects on water quality. Deposition of dredged soils shall be carried out in consultation with the State Department of Fish and Game.
6. Uses within wetland areas shall be limited to light recreation (nature study) and scientific or educational research. Public agencies, such as the State Department of Parks and Recreation, which own and operate wetland areas shall be encouraged to regulate vehicular and pedestrian access consistent with the protection of the habitat and shall be encouraged to provide interpretative and educational information regarding wetlands. Designation of the mouth of the Santa Clara River and McGrath Lake as a nature preserve by the State Department of Parks and Recreation shall be encouraged.

7. As part of the LCP Implementation Program, Planning Staff in conjunction with other responsible agencies such as VCFCD should develop a Resource Management Plan for wetland areas and the rivers and streams that feed to wetlands within the Coastal Zone.* In order to accomplish this it is recommended that a task force be formed to study and recommend more specific means of promoting interdisciplinary coordination and management of wetland areas.

* The VCFCD has management programs for the Santa Clara River and Calleguas Creek which are designed to prevent unwise use of the portion of the overall flood plain required for passage of flood waters. This program is developed through the Watercourse Ordinance (FC-18 as amended) and through impetus provided by the National Flood Insurance Program administered by the Flood Insurance Administration. The flood fringe areas (areas within the flood plain but not required for passage of flood flows) require development of a program to insure that uses and development do not occur in a manner incompatible with flooding and in a way which would not adversely alter the quantity, quality, or configuration of flow corridors to or through wetland areas within the coastal zone.

3. SHORELINE AND ROCKY INTERTIDAL AREAS: The immediate shoreline and intertidal zone supports unique coastal and marine habitats including tide pools, offshore kelp, and shorebird nesting and feeding grounds. The most significant intertidal features are found on the North Coast between Rincon Point and the Ventura River, and on the South Coast from the Mugu Lagoon to the Ventura/Los Angeles County Line.

The North Coast shoreline is generally characterized as a cobble intertidal flat or rocky beach area which supports a variety of intertidal life. The tide pool areas along the North Coast are estimated to have the greatest diversity of intertidal vertebrates in the County with the exception of Anacapa Island.¹⁵

Subtidal and intertidal outcrops, found along the North Coast, are most prevalent at Faria, Mussel Shoals, Sea Cliff and along Emma Wood State Beach. These offshore outcrops provide anchorage for kelp, algae and surf grass as well as important substrate for a variety of intertidal organisms. The offshore kelp and algae beds are also highly productive, providing shelter for benthic and invertebrate species, as well as a variety of fish species. Inshore fish species, which may be found along this coastal stretch include: surf perch, diamond turbot, grunion, and ocean species such as bonita, halibut, mackerel and barracuda. Because of the diversity of marine life associated with kelp and algae growth, these areas are also utilized as feeding areas by sea and shore birds.¹⁶ Of particular interest to the LCP is the use of these nearshore and offshore areas by the endangered brown pelican.

Sandy beach areas along the North Coast also provide feeding and resting areas for a diversity of shore bird species. In addition, the sandy beach areas provide an important habitat for clams and spawning grunion.

Similar to the North Coast, the South Coast shore and intertidal area supports a variety of tidepool, offshore rocks, and kelp beds. In addition, the Point Mugu area is utilized as a hauling ground for harbor seals. Because of these unique resources, the State Water Resources Board has designated the South Coast shoreline as an Area of Special Biological Significance (ASBS). The ASBS designation recognizes the unique research and environmental values of this area and attempts to preserve such areas in their natural state. In particular, waste discharges into or near ASBS areas are prohibited.

Intertidal habitats and their organisms may be impacted by a number of uses, including casual collection of tidepool organisms, pollution and construction of shoreline protection structures and other shoreline alterations.

The tidepool areas are a focal point of recreational, educational and scientific interest. In order to preserve these values, and prevent depletion of tidepool resources, collection of tidepool organisms is restricted by the Department of Fish and Game Sportfishing Regulations (1972). In addition, the Ventura County Board of Education has adopted a tidepool resource protection plan which sets forth guidelines for tidepool visitation for educational purposes. The extensive recreational use of the shoreline, however, requires that education about, and enforcement of, tidepool regulations be upgraded.

A major concern along the shoreline (particularly the North Coast) is the issue of septic tank runoff. According to the State Department of Fish and Game, septic tank effluent runoff and oil related pollution may severely degrade the marine and intertidal environment. A major source of effluent pollution result from overnight recreational vehicle use along U.S. Highway 101, Old Highway 101 and Highway 1. According to the North Coast Beach Survey (1978) prepared by the Ventura County Environmental Health Dept., approximately 72 percent of the vehicles surveyed were non-self-contained units, with 30 percent of these vehicles discharging wastewater into open mouth

buckets, which are dumped onto the ground or into the adjacent ocean waters.¹⁷ This practice, in sufficient concentration, may result in adverse impacts on intertidal and marine organisms, including kelp beds.¹⁸ State Department of Fish and Game also cites that wastewater effluent may impact spawning grunions and clams. Continuation of unmonitored discharge of recreational vehicle wastewater is contrary to the maintenance and enhancement of water and marine resources (Section 30230 and 30231), and protection of environmentally sensitive habitat areas (Section 30240).

Construction of shoreline revetments, dredging, and filling also poses threats to intertidal and beach habitat areas. A recent beach erosion study prepared by the Army Corps of Engineers indicates that over the short term, construction of shoreline structures can substantially reduce benthic biomass. Additionally, placement of sand and fill in sandy beach areas may impact spawning grunion and clams that utilize the sandy beach for habitat. Proper planning of new development to eliminate the need for protective shoreline structures is needed for conformance of Coastal Act policies regarding protection of habitat (Section 30240) and limitations on construction of shoreline structures (Section 30235).

PROPOSED LOCAL POLICIES AND PROGRAMS

Intertidal habitats and offshore rocks, reefs and kelp beds are considered environmentally sensitive habitat areas which should be protected from significant habitat disruption. The following policies and programs are proposed for intertidal and near shore habitats:

1. A coordinated education and enforcement program shall be encouraged at existing recreational sites along the North and South Coasts including Hobson and Faría County Parks, Emma Wood State Beach, and Point Mugu State Park. All new or expanded recreational development located along or providing access to areas having intertidal resources shall provide information centers regarding intertidal habitats and proper enforcement of State Fish and Game regulations for the protection of intertidal organisms.

2. Proper disposal of wastewater effluent (including pump stations or appropriate disposal sites for recreational vehicles) and solid waste resulting from recreational use shall be provided at public sites along the coast for the protection of the recreational and habitat values and water quality of those areas.
3. The Ventura County Environmental Health Division and Ventura Regional County Sanitation District shall be encouraged to investigate on-site wastewater management zones* (OSWMZ's) and other sanitation solutions designed to mitigate adverse effects of wastewater effluent on near-shore and intertidal habitats.
4. No shoreline protection structures (revetments, seawalls, groins or breakwaters) shall be constructed except to protect existing developed areas, coastal dependent land uses and public beaches. Any structures constructed under these circumstances shall incorporate all appropriate mitigation measures to reduce intertidal or near-shore habitat losses (see also LCP Beach Erosion and Shoreline Structures Working Paper).
5. Placement of any fill or dredged material along the North Coast beach intertidal area shall be carried out in consultation with the State Department of Fish and Game, in order to ensure that the timing and location of such activities does not disrupt the life cycles of intertidal or sandy beach species.
6. New development immediately along the coast shall demonstrate that no significant, long term adverse impacts will result on the environmentally sensitive beach or intertidal area, and shall make findings related to, but not limited to, proper wastewater disposal, and degree of structural improvements.

*On-site Wastewater Management Zones (OSWMZ) may be formed to establish publically operated service areas responsible for the regular pumping and maintenance of private septic systems. State Senate bill 430 provides priority State and Federal funding for the preparation of OSWMZ feasibility studies.

4. CREEK CORRIDORS: Creek corridors are an important habitat area for a number of reasons. The lush vegetation and water resources of creek corridors are highly attractive to a variety of wildlife species as a resting and feeding area, and, therefore, the fresh water and riparian habitats tend to support fairly diverse ecosystems. An additional consideration is the relationship of creek corridors to the immediate coastline and coastal ecosystems. Because these corridors flow to the coastal waters (open ocean, wetlands and estuaries), activities occurring along creeks or rivers may affect important downstream habitats. A final consideration is the presence of flood and erosion hazards along creek corridors.

Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained and restored through control of waste discharges and run-off, protection of riparian habitats, and minimizing alterations of natural streams. Section 30236 limits substantial alterations of rivers and streams to necessary water supply projects, flood control projects for public safety or to protect existing development, or for the improvement of fish and wildlife habitats.

In order to meet the intent of these policies, the LCP must explore development and conservation guidelines for creek and river corridors.

Within the County of Ventura's coastal zone, there are currently no major flood control improvement proposals. In most areas, existing development policies and flood control regulations have resulted in the protection of major coastal zone water resources. Creek setback requirements may be required, however, in order to integrate existing regulations (flood control regulations, Uniform Plumbing Code and zoning ordinances).

Currently, the Ventura County Environmental Health Division requires a minimum of 50' - 100' setbacks from creek corridors for on-site disposal systems pursuant to the Uniform Plumbing Code. The

Ventura County Flood Control District (VCFCD) provides development guidelines for new uses in flood plains, and may also require a slope formula setback for deeply incised creek corridor areas.* A 100 foot setback minimum from creek corridors could serve to accommodate the intent of existing policies as well as the intent of the Coastal Act. Such a creek setback might also serve to mitigate flood hazards and thereby reduce the need for flood control improvements which might impact riparian and creek habitats.

Watershed management is also important to creek corridor management. Maintenance of watershed vegetation can serve to retard flooding and rapid run-off as well as soil erosion and sedimentation.

In the County of Ventura's coastal zone, the following creek corridors have been identified which have significant riparian resources: Rincon Creek, La Jolla Canyon, Big Sycamore Canyon, Serrano Canyon, Deer Creek Canyon, and Yerba Buena Canyon (See Map 1).

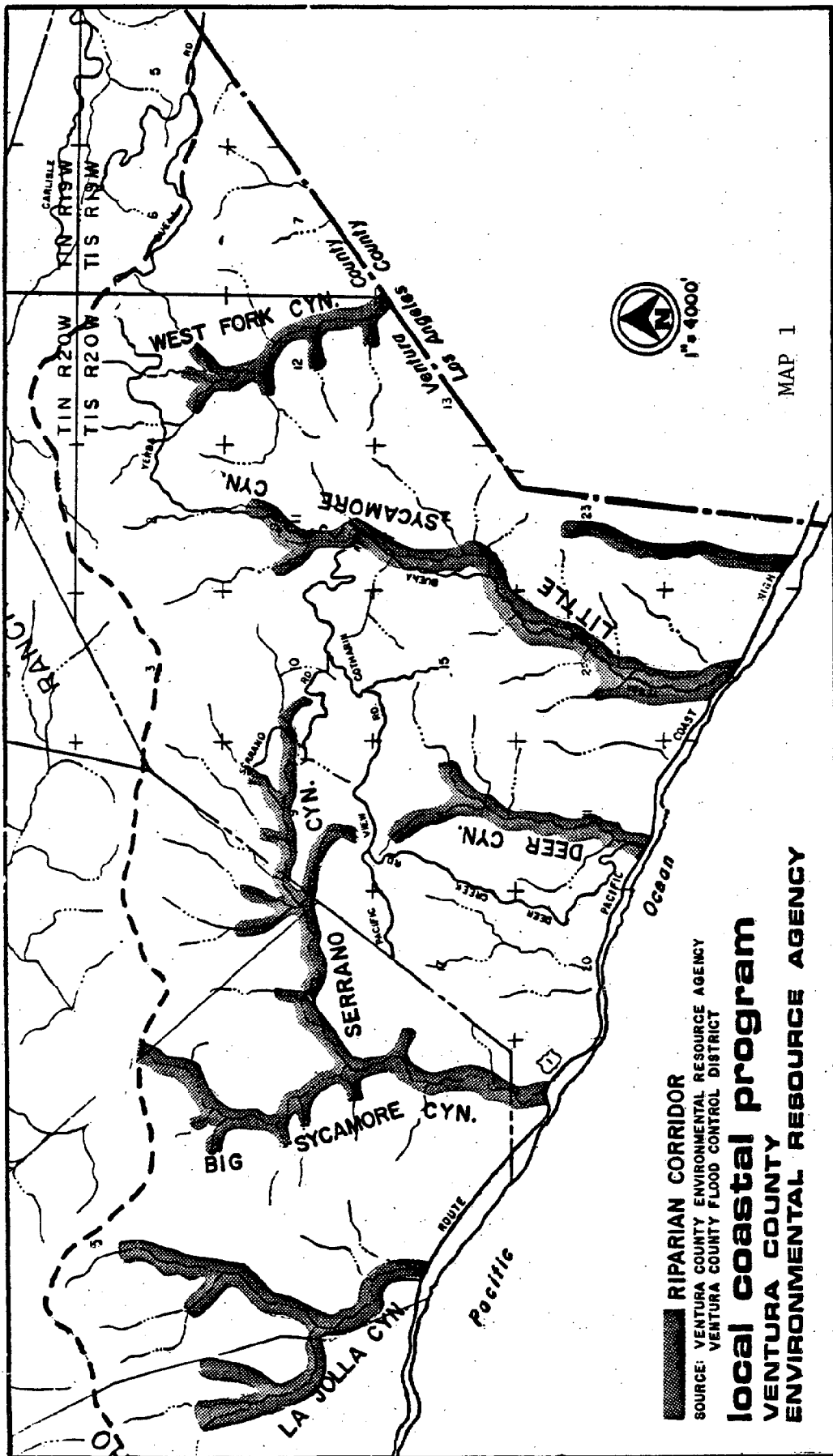
PROPOSED LOCAL PLANS AND POLICIES:

Sections 30231 and 30236 of the Coastal Act state, in summary, that the biological productivity of streams shall be protected through minimization of adverse effects of wastewater discharge and run-off, maintenance of riparian vegetation, and minimization of alteration of natural streams. These policies also state that no channelizations, dams or substantial alterations of streams shall be allowed except for necessary water supply, flood control for existing development or public safety, or the enhancement of fish and wildlife habitats. The following policies and programs are proposed for creek and river habitats.

1. Alterations (including grading, filling or dredging) of existing creeks and rivers shall be limited to necessary water supply projects, flood control measures for existing development or public safety, or habitat maintenance.

* VCFCD may require that new structures be set back 20 feet from the intersection of a 2:1 slope line (drawn from the base of the creek corridor) with the slope bank.

2. All alterations pursuant to Policy 1 shall incorporate mitigation measures for the protection of riparian vegetation and shall mitigate to the maximum extent reasonable any adverse impacts on downstream habitats, particularly wetlands.
3. In order to preserve significant riparian and creek resources within the County's coastal zone, the following corridors should be considered special management areas: Rincon Creek, La Jolla Canyon, Big Sycamore Canyon, Serrano Canyon, Little Sycamore Canyon, Deer Creek, and Yerba Buena Canyon (See Map 1). In the areas, the following policies shall be applied.
 - (a) New structural development including recreational campsites should be set back a minimum of 100 feet from any creek or water resources. Riparian vegetation within the 100 foot buffer zone should be left in a natural state except for the minimum degree of alteration that might be necessary for public safety (flood and fire control).
 - (b) Grading, excavation or filling should be restricted within the 100 foot buffer zone to activities that conform to Policy 1. Land modification plans should be submitted to the Public Works Agency, and if necessary the Department of Fish and Game to ensure the project does not interrupt creek flows.
 - (c) To the maximum extent possible, new development along these corridors should preserve riparian vegetation particularly Oak and Sycamore trees.
 - (d) Whenever possible best management practices for soil conservation as developed by the Soil Conservation District should be utilized to reduce run-off, siltation and erosion. In severe erosion areas, landscaping plans for erosion and run-off control should be required.



MAP 1

RIPARIAN CORRIDOR
SOURCE: VENTURA COUNTY ENVIRONMENTAL RESOURCE AGENCY
VENTURA COUNTY FLOOD CONTROL DISTRICT
local coastal program
VENTURA COUNTY
ENVIRONMENTAL RESOURCE AGENCY

5. SANTA MONICA MOUNTAINS: The most significant inland habitat in the County of Ventura's coastal zone is the Santa Monica Mountains range located on the South Coast. The Santa Monica Mountains represent one of the last remaining undeveloped coastal mountain ranges in Southern California. In the Ventura County area, the mountains extend from Calleguas Creek on the west to the Ventura/Los Angeles County line on the east.

A unique feature of these mountains is the interrelationships between the mountains and the coastal stretch. The South Coast area, as a consequence, includes unique shoreline resources, such as dunes, offshore rocks and kelp beds, as well as inland riparian and mountain habitats. An additional feature of the Santa Monica Mountains is the recreational use potential of the mountains due to the area's proximity to Los Angeles and Ventura urban areas.

Because of the unique recreational and environmental characteristics of the mountains, the area has received both state and national attention. In 1976, the State Legislature created the Santa Monica Mountains Comprehensive Planning Commission (SMMCPC) empowered to prepare both a comprehensive and a specific plan for the use of the mountains in both Ventura and Los Angeles Counties. Also in 1976, the State Legislature passed the Coastal Act of 1976, which included a major portion of the mountains within the coastal zone to protect the unique environmental and recreational features of the area. Finally in November, 1978, the President signed a \$155 million dollar appropriations bill for the public acquisition of a major portion of the Santa Monica Mountains.

The SMMCPC has recently released their preliminary report for the Santa Monica Mountains Comprehensive Plan (1978). The report includes extensive research on the resources and hazards of the Santa Monica Mountains. In order to avoid duplication of research efforts, the SMMCPC plan elements are utilized by this report as base data and incorporated by reference.

With respect to habitats, the SMMCPC has developed wildlife networks based on the presence of sensitive ecological communities (see Appendix 1). According to the SMMCPC plan, the mountains support diverse and healthy wildlife populations including mountain lions, bobcats, and coyotes, which require special resource management within wildlife networks.

Among the sensitive habitats included in wildlife networks are: major riparian and canyon areas such as Big Sycamore, Serrano Canyon, Little Sycamore and Deer Creek Canyon; oak savannah and grasslands such as La Jolla Valley Nature Preserve; and watershed areas. The SMMCPC plan specifically calls for the protection of oak trees, woodland areas (found in the major canyons) and unusual plant communities. Perhaps the most important plant community in the Ventura County Santa Monica Mountains is the La Jolla Valley Nature Preserve within Point Mugu State Park. This area includes rare native grasses which are protected by the State Department of Parks and Recreation. Also of concern is the giant coreopsis, which is unique to coastal environments in this area.

In recognition of the unique resources, hazards and service constraints of the mountains, the County of Ventura has designated the area as "Open Space" (10-40 acre minimum) in the Open Space Element.

A major portion of the Ventura County Santa Monica Mountains are under public ownership. Approximately 14,000 acres are included within Point Mugu State Park. An estimated 1,788 acres are owned and operated by quasi-public organizations such as the Boy Scouts and other youth camps. The extensive public ownership and the policy of the County's Open Space Element therefore, provide for the protection of many of the mountain's resources.

Nonetheless, development of the mountains under existing plans could potentially have considerable impacts on the habitat resources of the mountains. A recent survey prepared jointly by the SMMCPC and the State Coastal Commission estimates that there are over 376 existing legal lots in the Ventura County Santa Monica Mountains area.¹⁹

Approximately 100 of these lots are developed, leaving 276 existing vacant lots. Many of these lots are less than 1 to 5 acres in size and, therefore, do not conform to the 10 acre minimum of the Open Space Element. Additionally, development of nonconforming lots could have a significant effect on the watershed (grading, vegetation removal, erosion), and require services such as access which are not currently available. The introduction of new roads and development, unless properly mitigated, will have a significant effect on wildlife resources.

The impact of new residential development on wildlife resources varies greatly depending on the type of development guidelines which are used. Creek setback requirements, vegetation removal and grading ordinances, and low density development can serve to substantially mitigate habitat impacts while still allowing development. In some areas of the Santa Monica Mountains, 40 to 100 acre minimum lot sizes may be necessary in light of severe hazards, and service constraints. Maintenance of very low density uses also allows greater flexibility in site design and location to mitigate adverse environmental impacts on natural features and public services.

Creek setback requirements such as those included in Section 4 of this paper would also assist in the protection of habitat areas from development impacts. Concentration of new development in existing developed areas and along improved road corridors could also serve to preserve habitat values in less disturbed areas of the mountains.

Policies regarding the removal of significant vegetation such as oak trees, important watershed vegetation, and riparian vegetation could also ensure that new development does not substantially impact the mountain ecosystem.

The Santa Monica Mountains are also considered an important recreational resource. Similar to private development, recreational use may have substantial impacts on habitats. Of particular concern is off-road vehicle (ORV) use. While ORV use is not currently a

significant issue in the mountains, increased use of the area by ORVs may result in extensive habitat damage, vegetative disruption, and erosion and fire hazards. For these reasons, the SMMCPC recommends that the introduction of ORV use be analyzed on a site specific basis.

Development guidelines for private residential development should also apply to public recreational development. Section 30212.5 of the Coastal Act requires that public recreational facilities be provided in such a way as to reduce impact, overcrowding, and overuse. The terrain and natural resources of the Santa Monica Mountains are particularly conducive to light intensity recreation (hiking, nature study, public and private carefully sited overnight camping). Recreational development in the Santa Monica Mountains within public recreational areas should also embody creek setbacks, provision of adequate sanitation and solid waste disposal, and restrictions on access and development consistent with natural features and habitats.

PROPOSED LOCAL POLICIES AND PROGRAMS:

The Santa Monica Mountains include both inland and coastal habitats of significance. Protection of the mountains as a significant environmental and recreational resource pursuant to the Coastal Act may require the following policy considerations:

1. The Santa Monica Mountains shall be maintained as "Open Space" (One unit per 10 to 40 acres) on the Open Space Element. Additionally as part of the LCP Implementation program, 40-100 sub-zones should be created for sensitive or hazardous areas.
2. In order to avoid adverse impacts on the recreational and environmental resources of the Santa Monica Mountains, and to ensure that new development is compatible with existing service and hazard constraints, priority shall be given to new development on privately owned land which:

- (a) Is located on existing legal lots within or adjacent to existing developed areas;
- (b) Has access from existing public or private roads which meet County standards; and
- (c) Is self-sufficient; has onsite water and sanitation facilities.

New development which would require the creation of new lots, the extension of new roads or substantial improvements to existing roads, and which do not have self sufficient on-site water and sanitation facilities shall be discouraged.

- 3. New development including all private or public recreational uses shall utilize site design which does not require extensive grading, or devegetation. Where new development results in substantial removal of native vegetation and grading, a landscaping plan for slope stability, erosion, fire control and drainage shall be required.
- 4. New development including all private and public recreational uses shall preserve unique native vegetation, including giant coreopsis, native grasses, riparian vegetation and oak trees.
- 5. The proposals for public acquisition of the Santa Monica Mountains shall be supported by the Ventura County Board of Supervisors.

FOOTNOTES

1. California Coastal Commission, Local Coastal Program Manual, 1977, as amended.
2. California Department of Fish and Game and U.S. Fish and Wildlife Services, Natural Resources of the Mugu Lagoon, June 1976.
3. Ibid.
4. Bureau of Sport Fisheries and Wildlife, California Department of Fish and Game, Acquisition Priorities for Coastal Wetlands of California, April 1974.
5. Ibid.
6. Memorandum from Area Manager, U.S. Fish and Wildlife Services, Sacramento, CA, to Regional Director, Bureau of Reclamation, re: Ventura County Water Management Project, 1978.
7. California Department of Fish and Game, A Census of the Breeding Population of the Belding's Savannah Sparrow in California, 1977.
8. U.S. Fish and Wildlife Service California Least Tern Recovery Team, Draft California Least Tern Recovery Plan, February 1978.
9. Letter to Carl C. Hetrick, South Central Coast Regional Coastal Commission, from Robert D. Montgomery, State Department of Fish and Game, re: Ventura County Local Coastal Program Issue Identification, July 1978.
10. California Department of Parks and Recreation, General Plan for Santa Barbara - Ventura Coastal Park Units, 1978.
11. California Department of Fish and Game and U.S. Fish and Wildlife Services, Natural Resources of the Mugu Lagoon, June 1976.
12. Telecon, Ron Dow, Biologist, Public Works Department, Naval Air Station, Point Mugu Missile Test Center, November 1978.
13. Meeting with Alex Sheydai, Ventura County Public Works Department, November 1978.
14. Letter from James J. McKeivitt, Field Supervisor, U.S. Fish and Wildlife Service, to Willis Thompson, Jr., Soil Conservation Service, re: flood control improvements along Calleguas Creek, June 10, 1978.
15. Ventura County Planning Department, General Plan Amendment 75-1, Final Environmental Impact Report, 1975.

16. Ventura County Public Works Agency, Wildlife and Vegetation Report for the North Coast Environmental Impact Report, 1977.
17. Ventura County Environmental Resource Agency, Environmental Services, Ventura County North Coast Search Survey, 1978.
18. Letter to Carl C. Hetrick, South Central Coast Regional Coastal Commission, from Robert D. Montgomery, State Department of Fish and Game, re: Ventura County Local Coastal Program Issue Identification, July 1978.
19. Santa Monica Mountains Comprehensive Planning Commission, and, the California Coastal Commission, Cumulative Impacts of Potential Development in the Santa Monica Mountains Coastal Zone, November 1978.

PERSONS AND ORGANIZATIONS CONSULTED

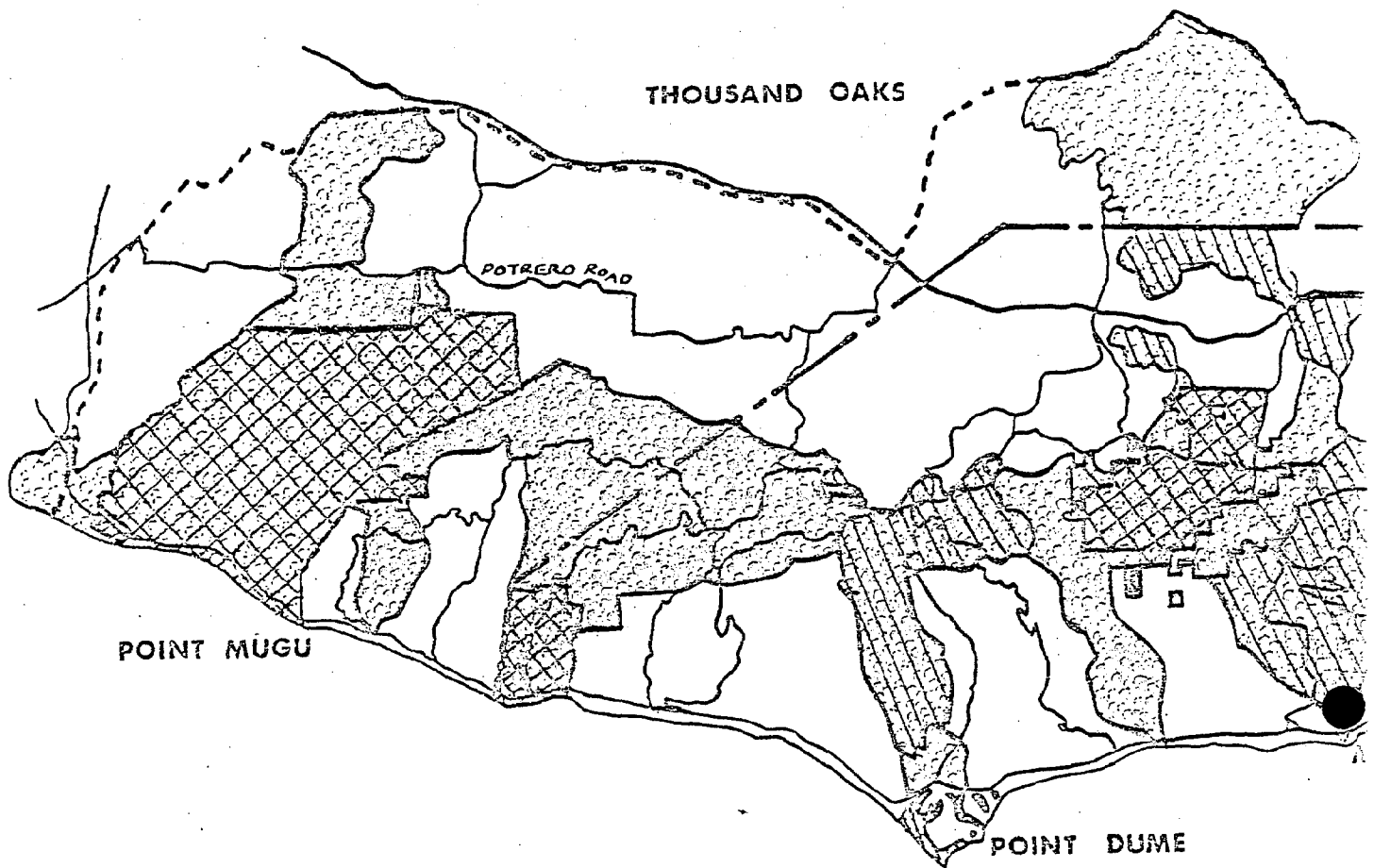
1. Ron Dow, Biologist, Public Works Department, Point Mugu Naval Air State, Missile Test Center.
2. Maeton C. Freel, U.S. Fish and Wildlife Service, Laguna Niguel, CA.
3. William G. Haydon, Ventura County Flood Control District.
4. Bill Lockard, Staff Conservationist, Ventura County Flood Control District.
5. Don Louviere, Conservationist, U.S. Soil Conservation Service.
6. Ron McCall, Supervisor, Channel Islands Area Park Units, State Department of Parks and Recreation.
7. Rick Pierson, Point Mugu State Park, State Department of Parks and Recreation.
8. Fran Sallas, Ventura County Flood Control District.
9. Jim Schulyer, State Department of Fish and Game.
10. Alex Sheydai, Ventura County Flood Control District.
11. Steven Stanley, LCP Coordinator, South Central Coast Regional Commission Staff.

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COMPREHENSIVE PLAN

MAP No. 6 WILDLIFE NETWORK

-  EXISTING STATE PARKS
-  SIGNIFICANT ECOLOGICAL AREAS FROM LOS ANGELES COUNTY DEPARTMENT OF REGIONAL PLANNING (INCLUDES BUFFER ZONES)
-  WILDLIFE NETWORK



State of California
 SANTA MONICA MOUNTAINS
 COMPREHENSIVE PLANNING
 COMMISSION

ORDINANCE NO. _____

ENVIRONMENTAL OVERLAY DISTRICT ORDINANCE

An ordinance promoting the health,
safety and general welfare of the
citizens of _____¹;
by amending the zoning
ordinance, adopting new sections
creating environmental overlay districts.

1. OVERLAY DISTRICTS IN GENERAL

1.1 Purpose and Intent

Overlay districts established by this ordinance are created for the purpose of protecting environmentally sensitive areas within designated portions of the _____.

1.2 Scope

These districts shall overlay the zoning districts established by ordinance number _____ adopted _____, _____³, so that any parcel of land lying in an overlay district shall also lie in one or more of the established zoning districts. Territory within an overlay district shall be subject to the requirements established in this ordinance as well as restrictions and requirements established by other applicable ordinance and regulations of _____¹. Within each adopted overlay district, all uses shall be permitted in accordance with the regulations for the underlying zoning district(s) provided, however, that such uses must satisfy the additional requirements established in this ordinance before they are entitled to the issuance of the appropriate development permit.

1.3 Establishment of Districts²

The following overlay districts with their appropriate regulations are hereby established as a part of the zoning ordinance of _____¹, Minnesota:

Wetlands Overlay District
Woodlands Overlay District
Unique Habitat Overlay District
Soil Erosion Overlay District
Groundwater Recharge Overlay District
Restrictive Soils Overlay District

Those districts which will not be adopted by your local government should be deleted from the above list.

**SOURCE: ENVIRONMENTAL
PROTECTION: MODEL ORDINANCES FOR USE BY
LOCAL GOVERNMENTS, TWIN CITIES METROPOLITAN
COUNCIL**

1.4 Amendment

This ordinance, including the established districts and district regulations and boundaries established herein may be amended by the _____¹ pursuant to the procedure for amending ordinance number _____³ set forth at section _____ of that ordinance.

2. WETLANDS OVERLAY DISTRICT⁴

2.1 Legislative Findings and Purpose

1. The _____ of _____¹ finds that there are wetlands within the _____¹ which, as part of the ecosystem, are critical to the health, safety and welfare of the land, animals and people within the _____¹ as well as those within the Metropolitan Area; that existing and potential development within the _____¹ and the Metropolitan Area creates increasing ecological problems and demands upon these resources and that these problems and demands have the effect of despoiling, polluting, eliminating or altering both the wetlands and their functions (and processes associated therewith) which, if preserved and maintained constitute important physical, aesthetic, recreational and economic assets of existing and future residents of the _____¹. Therefore the purposes of this ordinance are:
2. To provide for the protection, preservation, proper maintenance and use of specified wetlands, to minimize the disturbance to them and to prevent damage from excessive sedimentation, eutrophication or pollution, to prevent loss of fish and other aquatic organisms, wildlife and vegetation and the habitats of the same; to provide for the protection of the _____¹'s fresh water supplies from the dangers of drought, overdraft, pollution, or mismanagement; to secure safety from floods; to reduce the financial burdens imposed upon the community through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to prevent loss of life, property damage, and the losses and risks associated with flood conditions; and to preserve the location, character and extent of natural drainage courses.

2.2 District Boundaries⁵

This ordinance shall apply to wetland districts which are specifically delineated on the official zoning map of the _____¹. For purposes of determining the application of this ordinance to any particular parcel of land or water, the above referenced map shall be on file in the office of the _____⁶ administrator and shall be available for inspection and copying.

2.3 Definitions

- a. Dimensional Requirement -- a minimum/maximum setback, yard requirement, or structure height or size established in Zoning Ordinance number _____³.

- b. Development -- the construction, installation or alteration of any structure, the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or water course or the division of land into two or more parcels.
- c. Structure -- anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures.
- d. Person -- any individual, firm, corporation, partnership, association or other private or governmental entity.
- e. Wetland -- a low area permanently or seasonably covered with shallow water including marsh, swamp, bog, wet meadow, slough or intermittent lake.

2.4 Wetland Permit⁷

Except as hereinafter provided in this ordinance, no person shall perform any development in a wetland district without first having obtained a wetland permit (hereinafter referred to as Permit) from the _____ 1.

2.5 Exceptions

The permit requirements established by this ordinance shall not apply to:

- a. Emergency work necessary to preserve life or property. When emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the _____ 1 engineer (or _____ 6 administrator) prior to the commencement of work. The _____ 6 administrator shall review the facts and determine whether an emergency exists and shall by written memorandum authorize the commencement of the emergency exception. A person commencing emergency work shall within ten days following the commencement of that activity, apply for the issuance of a wetlands permit and on the issuance thereof may be required to perform such work as is determined to be reasonably necessary to correct any impairment to the wetland occasioned by such work.
- b. The repair or maintenance of any lawful use of land existing on the date of adoption of this ordinance.

2.6 Application for and Processing of Permit⁸

- a. A separate application for a permit shall be made to the _____ 1 for each development activity for which a permit is required except that only one application need be made for two or more such acts which are to be done contemporaneously on the same parcel. The application shall include a map of the site, a plan and the estimated cost of the proposed development and other such engineering data, surveys and other descriptive information as the _____ 1 may require in order to determine the effects of such development on the wetland, including as appropriate; a specific description of the type, amount and location of the development, a description of the ecological characteristics of the wetland, a conservation plan

describing actions to be taken to mitigate detrimental effects of development and maps and data on soils, water table and flood capacity of the wetland. When the proposed development includes the construction or alteration of a structure, _____ set of plans thereof shall be submitted with the application.

- b. The permit application shall be processed according to the procedures specified by the processing of conditional or special use permits. The permit may be processed at the same time and in connection with the processing of an application for a building permit or any other permit required by ordinance of the _____¹.

The standards set forth below are relatively inclusive; local governments should select those which are applicable to the locality and make appropriate additions.

2.7 Permit Standards

No permit shall be issued unless the _____¹ finds and determines that the proposed development complies with the following standards:

- a. Filling -- a minimum amount of filling may be allowed when necessary but in no case shall the following restrictions on total amount of filling be exceeded. Since the total amount of filling which can be permitted is limited, the _____¹ when considering permit applications shall consider the equal apportionment of fill opportunity to riparian land owners.
 - 1. Total filling shall not cause the total natural flood storage capacity⁹ of the wetland to fall below the projected volume of runoff from the whole developed wetland watershed generated by a 6" rainfall in 24 hours.
 - 2. Total filling shall not cause the total natural nutrient stripping capacity¹⁰ of the wetland to fall below the nutrient production of the wetland watershed for its projected development.
 - 3. Only fill free of chemical pollutants and organic wastes may be used.
 - 4. Wetlands shall not be used for solid waste disposal.
- b. Dredging may be allowed only when a boat channel is required for access to a navigable lake or for a marina or when it will not have a substantial or significantly adverse effect upon the ecological and hydrologic characteristics of the wetland. Dredging when allowed shall be limited as follows:
 - 1. It shall be located so as to maximize the activity in the areas of lowest vegetation density.
 - 2. It shall not significantly change the water flow characteristics.
 - 3. The size of the dredged area shall be limited to the absolute minimum.

4. Disposal of the dredged material shall not result in a significant change in the current flow, or in substantial destruction of vegetation, fish spawning areas or water pollution.
5. Work in the wetland will not be performed during the breeding season of water fowl or fish spawning season.
6. Only one boat channel or marina shall be allowed per large-scale development.
7. In other residential developments, dredging shall be located so as to provide for the use of boat channels and marinas by two or more adjacent property owners.
8. The width of the boat channel to be dredged shall be no more than the minimum required for the safe operation of boats at minimum operating speed.

c. Discharges

1. No part of any sewage disposal system requiring on-land or in-ground disposal of waste shall be located closer than 150 feet from the normal high water mark unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.
2. Organic waste which would normally be disposed of at a solid waste disposal site or which would normally be discharged into a sewage disposal system or sewer shall not be directly or indirectly discharged to the wetland.
3. Stormwater runoff from construction sites may be directed to the wetland only when substantially free of silt, debris and chemical pollutants and only at rates which will not disturb vegetation or increase turbidity.

d. Building Constraints

1. The lowest floor elevation of buildings if used for living quarters or work area shall be at least three feet above the seasonal high water level of the wetland.
2. Development which will result in unusual road maintenance costs or utility line breakages due to soil limitations, including high frost action shall not be permitted.

e. Vegetation

No wetland vegetation may be removed or altered except that reasonably required for the placement of structures and use of property.

2.8 Conditions¹¹

A permit may be approved subject to compliance with reasonable conditions which are specifically set forth in the permit and are necessary to insure compliance with the requirements contained in this ordinance. Such conditions may, among other matters, limit the size, kind, or character of the proposed work, require the construction of other structures, require replacement of vegetation, establish required monitoring procedures and maintenance activity, stage the work over time, require the alteration of the site design to ensure buffering, require the provision of a performance bond, or require the conveyance to the _____ 1 or another public entity of certain lands or interest therein. The dimensional requirements of the underlying zoning district(s) may be modified in furtherance of the purpose of this ordinance by express condition contained in the permit.

2.9 Time of Permit - Extensions; Renewals¹²

- a. A permittee shall begin the work authorized by the permit within sixty (60) days from the date of issuance of the permit unless a different date for the commencement of work is set forth in the permit. The permittee shall complete the work authorized by the permit within the time limits specified in the permit which in no event shall exceed more than twelve months from the date of issuance. The permittee shall notify the _____ 6 administrator at least twenty-four hours prior to the initial commencement of work. Should work not be commenced as specified herein, the permit shall become void; provided, however, that if prior to the date established for commencement of work, the permittee makes written request to the _____ administrator for an extension of time to commence the work, setting forth the reasons for the required extension, the administrator may grant such extension. A permit which has become void may be renewed at the discretion of the _____ 1 upon payment of a renewal fee. If the _____ 1 does not grant such renewal, a permit for such work may be granted only upon compliance with the procedures herein established for an original application.

b. Notice of Completion:

A permittee shall notify the _____ administrator in writing when he has finished the work. No work shall be deemed to have been completed until approved in writing by the _____ 6 administrator following such written notification.

c. Inspection:

The administrator may cause inspections of the work to be made periodically during the course thereof by himself or a member of the _____ 6 staff and shall cause a final inspection to be made following the completion of the work. The permittee shall assist the administrator in making such inspections.

2.10 Responsibility; Effect¹³

- a. Responsibility. Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any

permit hereunder serve to impose any liability on the _____ of _____ 1 or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this ordinance shall not relieve the permittee of the responsibility of complying with any other requirements established by law, regulation, or ordinance.

- b. Penalty. Any person who violates the provisions of this ordinance shall be guilty of a misdemeanor and may be fined in such amount as is authorized by ordinance number _____ of _____ 3.
- c. Severability. If any part of this ordinance is held to be unconstitutional or otherwise illegal, the remainder of this ordinance shall be deemed and held to be valid and remain in force and effect as if such portion had not been included herein. If this ordinance or any provision herein is held to be inapplicable to any person, property or work, such holding shall not affect the applicability hereof to any other person's property or work.
- d. Special Assessment. The land within a designated wetlands district area which is restricted hereby or for which a development or other restrictive easement is conveyed to the _____ 1 shall not be subject to special assessments levied by _____ 1 to pay the costs of public water, sewer, curb, gutter or other public municipal improvements for which such assessments are authorized pursuant to Minnesota Statutes Chapter 429.
- e. Variance. The _____ may authorize in specific cases following appeal and hearing a variance from the provisions of this ordinance where the literal application of the ordinance would result in a substantial inequitable hardship to an applicant property owner. In assessing hardship, the _____ shall balance the severity of the physical, social and economic effects of the literal application against the interests of the _____ in effecting the purposes of this ordinance as expressed above. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted which would allow any use that is prohibited in the zoning district in which the subject property is located. A variance shall be granted in writing accompanied by specific findings of fact as to the necessity for the grant of the variance and its specific provisions.

4. UNIQUE HABITAT OVERLAY DISTRICT

4.1 Legislative Findings and Purpose¹⁸

1. The _____ of _____ 1 finds that within the _____ 1 there are areas which contain unique natural resources and/or endangered species or animals; that existing and potential development within the _____ 1 and the Metropolitan Area if unplanned may have the impact of despoiling or eliminating these resources which, if preserved and properly managed will provide educational, recreational, scientific, aesthetic and conservation benefits for existing and future residents of the _____ 1. Therefore, the purposes of this overlay district are:
2. To promote the health, safety and general welfare of the citizens of _____ 1 by protecting, preserving and properly managing unique resource areas and unique and/or endangered species of plants or animals which populate these areas from the impact of unplanned development; and to manage said areas and species for educational, recreational, scientific, aesthetic and conservation purposes.

4.2 District Boundaries¹⁹

This overlay zoning ordinance shall apply to Habitat Districts which are specifically delineated on the official zoning map of the _____ 1. For purposes of determining the application of this ordinance to any particular parcel of land or water, the above referenced map shall be on file in the office of the _____ 6 administrator and shall be available for inspection and copying.

Unique habitat areas are extremely rare within the Metropolitan Region. This ordinance is vulnerable to constitutional challenge if applied too broadly. Consequently, care should be taken when identifying districts and establishing boundaries.

4.3 Definitions

- a. Development -- the construction, installation or alteration of any structure, the extraction, clearing or other alteration of terrestrial or aquatic vegetation, land or the course current or cross section of any water body or water course or the division of land into two or more parcels.
- b. Dimensional Requirement -- minimum and maximum setbacks, yard requirements, or structure height or size restrictions established in zoning ordinance No. _____ 3.
- c. Structure -- anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures.

4.4 Habitat Permit²⁰

- a. Except as hereinafter provided in this ordinance, no person shall perform any development in a Habitat Overlay District without first having obtained a Habitat Permit (hereinafter referred to as Permit) from the _____ 1.

4.5 Exceptions

The permit requirements established by this overlay shall not apply to:

- 1. Emergency work necessary to preserve life or property. When emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the _____ 6 (or administrator) prior to the commencement of the work. The _____ 6 administrator, following review, shall determine whether an emergency exists and shall by written memorandum authorize the commencement of the emergency exception. A person commencing emergency work shall, within ten days following the commencement of that activity, apply for the issuance of a permit and on the issuance thereof may be required to perform such work as is determined to be reasonably necessary to correct any impairment, or detriment to the natural area occasioned by such work.

2. Work consisting of the alteration, repair or maintenance of any lawful use of land existing at the date of adoption of this ordinance.

4.6 Application for and Processing of Permit²¹

- a. A separate application for a permit shall be made to the _____ 1 for each development except that only one application need be made for two or more such acts which are to be done contemporaneously on the same parcel. The application shall include a map of the site and a plan and cost estimate of the proposed development and other engineering data, surveys and other information and materials as the _____ 1 may require in order to determine the effects of such development on the affected land, water, plants and animals. When proposed work includes construction or alterations of structures, _____ set of plans and specifications for such work shall be submitted with the application.
- b. The permit application shall be processed in accordance with procedures specified for the processing of conditional or special use permits and the permit may be processed at the same time and in connection with the processing of an application for a building permit or any other permit required to be granted by ordinance of _____ 1.

4.7 Permit Standards²²

No permit shall be issued unless the _____ 1 finds and determines that the proposed development complies with the following standards:

1. Structures, including utilities and roadways shall be sited so as to minimize the impact on natural areas and unique plant and animal species within the district.
2. No substantial alteration of the natural environment or removal of vegetation may be permitted, when such alteration or removal would significantly diminish the scientific, historical, educational, recreational, or aesthetic value of the resource or where the alteration or removal would remove a unique or endangered plant species or the supporting environment or critical habitat of a unique or endangered animal species, or where such activities would have a significant detrimental impact upon the food supply, security and reproductive cycle of the species.
3. The noise level during and following development may not exceed the State of Minnesota standards for nature exhibits set forth in Minnesota Regulations NPC-1, 2 which are hereby incorporated herein by reference.
4. The vibration level, including the generation of vibrations during construction, shall not be allowed to reach a level which would endanger fragile resources including geological features.
5. Public access to historically significant natural resource areas or unique and endangered species of plants and animals should be controlled and limited so as to minimize the intrusion and impact upon the resources.

6. No uses likely to generate air pollution which will be toxic to plants or animals or otherwise detrimental to the resource shall be allowed.
7. Development shall not detrimentally affect the existing water quality including the chemical, biological and turbidity characteristics of any water body or water course.
8. Development shall not cause extreme fluctuations of water levels or unnatural changes in water temperature or changes in water currents or movements which may have significant impact on endangered or unique species of the natural resource area.

4.8 Conditions²³

A permit may be approved subject to compliance with reasonable conditions which are specifically set forth in the permit and are necessary to insure compliance with the requirements contained in this ordinance. Such conditions may, among other matters, limit the size, kind or character of the proposed work, require the construction of other structures, require replacement of vegetation, establish required monitoring procedures, require the staging of the work over time, require the alteration of the site design to insure buffering, require the provision of a performance bond, and/or require the conveyance to the _____ 1 or other public entity of certain lands or interest therein. The dimensional requirements of the underlying zoning district(s) may be modified in furtherance of the purpose of this ordinance by express condition contained in the permit.

4.9 Time of Permit - Extensions; Renewals²⁴

- a. A permittee shall begin the work authorized by the permit within sixty (60) days from the date of issuance of the permit unless a different date for the commencement of work is set forth in the permit. The permittee shall complete the work authorized by the permit within the time limits specified in the permit which in no event shall exceed more than twelve months from the date of issuance. The permittee shall notify the _____ 6 administrator at least twenty-four hours prior to the commencement of work. Should the work not be commenced as specified herein, then the permit shall become void; provided, however, that if prior to the date established for commencement of work, the permittee makes written request to the _____ 6 administrator for an extension of time to commence the work, setting forth the reasons for the required extension, the administrator may grant such extension. A permit which has become void may be renewed at the discretion of the _____ 1 upon payment of renewal fee. If the _____ 1 does not grant such renewal, a permit for such work may be granted only upon compliance with the procedures herein established for an original application.

b. Notice of Completion:

The permittee shall notify the _____ 6 administrator in writing of the finishing of the work authorized and no work shall be deemed to have been completed until approved in writing by the administrator following such written notification.

c. Inspection:

The administrator may cause inspections of the work to be made periodically during the course thereof by himself or a member of the _____ staff and shall cause a final inspection to be made following the completion of the work. The permittee shall assist the administrator in making such inspections.

4.10 Responsibility; Effect²⁵

- a. Responsibility. Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability on the _____ of _____ or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this ordinance shall not relieve the permittee of the responsibility for securing and complying with any other requirements established by law, regulation, or ordinance.
- b. Penalty. Any person who violates the provisions of this ordinance shall be guilty of a misdemeanor and may be fined in such amount as is authorized by ordinance number _____ of _____.
- c. Severability. If any part of this ordinance is held to be unconstitutional or otherwise illegal, the remainder of this ordinance shall be deemed and held to be valid and remain in force and effect as if such portion had not been included herein. If this ordinance or any provision herein is held to be inapplicable to any person property or work, such holding shall not affect the applicability hereof to any other person's property or work.
- d. Variance. The _____ may authorize in specific cases following appeal and hearing a variance from the provisions of this ordinance where the literal application of the ordinance would result in a substantial inequitable hardship to an applicant property owner. In assessing hardship, the _____ shall balance the severity of the physical, social and economic effects of the literal application against the interests of the _____ in effecting the purposes of this ordinance as expressed above. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted which would allow any use that is prohibited in the zoning district in which the subject property is located. A variance shall be granted in writing accompanied by specific findings of fact as to the necessity for the grant of the variance and its specific provisions.

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