STAFF REPORT

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GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Oxnard Harbor District

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Approximately 40 acres, more or less, of sovereign land in the Pacific Ocean near Hueneme Beach Park, Port Hueneme, Ventura County.

AUTHORIZED USE:

One time placement of approximately 30,000 cubic yards (cy) of sediment suitable for beach nourishment below the mean high tide line (MHTL); and subsequent monitoring.

LEASE TERM:

10 years, beginning November 29, 2017.

CONSIDERATION:

The public use and benefit, with the State reserving the right to set a monetary rent if the Commission finds such action to be in the State's best interests.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6501.1; California Code of Regulations, title 2, sections 2000 and 2003.

Public Trust and State's Best Interests Analysis:

As part of the Oxnard Harbor District's (District) Port Hueneme Berth Deepening and Wharf Improvement Project (Project), the District is seeking authorization from the Commission to place approximately 30,000 cy of suitable dredged sediment below the MHTL at Hueneme Beach for beach nourishment.

Port Hueneme Beach Park, also known as Hueneme Beach, is located southeast of the entrance to Port Hueneme. Hueneme Beach is adjacent to Naval Base Ventura County and local harbors that provide access to the Channel Islands National Park. Hueneme Beach provides the public with a lower-cost alternative to many other beach communities, and easier access to the coast for many inland residents of Central California. Hueneme Beach also includes recreational amenities such as a fishing pier, picnic areas, and volleyball nets and facilitates waterborne recreational opportunities such as boating, kayaking, sailing, fishing, and surfing and other beach-related recreation.

Hueneme Beach experiences a high rate of erosion because of its orientation and the disruption of sediment flow down the coast. Consequently, nourishment of the beach is critical to facilitate continued recreational use of the beach. Sand on the beach is replenished mainly through beach nourishment from biannual maintenance dredging operations at Channel Islands Harbor by U.S. Army Corps of Engineers (USACE) and from opportunistic nourishment events, like this Project.

Millions of cubic yards of sediment have been placed at Hueneme Beach over the past decades under various public agency leases authorized by the Commission. The sediment proposed for placement at Hueneme Beach by the District, while small compared to the typical volume of sediment placed by USACE, will provide much needed nourishment for the eroding beach and is expected to increase the size of Hueneme Beach, making it wider and more resilient to waves. This will increase protection of existing upland infrastructure along Surfside Drive and will enhance recreational use.

Sediment placement is proposed in the nearshore zone where no sandy beach exists. Sediment will be placed in the shallow subtidal zone just offshore of the beach allowing it to migrate shoreward. Sediment placement at this location is expected to minimize possible suffocation effects to invertebrate species, including the Pismo clam population, by the gradual and natural redistribution of sediments within the intertidal and shallow subtidal habitat. Placement of sediment will result in temporary, localized increases in turbidity in the immediate vicinity of the site; however, the proposed beach nourishment will not result in significant impacts to water quality; is not anticipated to significantly impact any plants or animals; and will not affect the movement of any native resident or migratory fish or impede the use of native nursery sites.

The beach nourishment would occur in the first half of 2018 to coincide with dredging related to the Wharf Improvement Project. The District anticipates that dredging activities will produce no more than 30,000 cy of sediment suitable for beach nourishment. Excavated sediment would be placed into a marine-grade barge that would be transported by tugboat to the nearshore beach nourishment site (the proposed lease premises).

Vessels that would place sediment within the lease premises will move very slowly while traveling to the lease premises from the Port of Hueneme during sediment placement. The proposed beach nourishment activities are limited to nearshore sediment placement and do not include construction of any facilities that would affect, or be affected by, moving vessels.

The proposed beach nourishment will not adversely impact upland traffic, as the sediment will not be transported by truck. The proposed project will not result in the generation of liquid, solid, or gaseous waste materials; does not conflict with any local policies or ordinances protecting biological resources or any adopted Habitat Conservation Plan, Natural Community Conservation Plan, Integrated Natural Resource Management Plan, or other approved local, regional, or state habitat conservation plans. Furthermore, the contractor will be required to implement a Spill Prevention Control and Countermeasures (SPCC) Plan to ensure that construction equipment does not release fuels, lubricants, chemicals, or waste into the environment; and will be required to comply with all applicable permits and approvals from local, state, and federal regulatory and resource agencies.

Applications for the required permits from the California Coastal Commission, Los Angeles Regional Water Quality Control Board, and the USACE have been submitted and are pending approval. The USACE, as the lead federal agency for the project, may consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service during its review of the application.

The proposed lease would require the lessee to comply with the attached Exhibit C, Mitigation Monitoring Program (MMP), during sediment placement to avoid potential impacts to California lest turns, western snowy plovers, and grunions; construction activities will only occur during the time when these species are not on site, between September 1 and March 15. A qualified biologist familiar with these species will be present on site prior to and, if necessary, during beach nourishment activities to halt activities if necessary. Additionally, dredged material will not be

placed in areas that could impact the Pismo clam. Finally, all personnel associated with the proposed Project will attend a worker education training program covering sensitive marine and avian species prior to the initiation of any in-water activities.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The proposed lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located in the Southern California Bight, which is a tidally influenced site vulnerable to flooding at current sea levels; therefore, this area will likely be at a higher risk of flood exposure given future projection scenarios of sea-level rise. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to increased flooding, and larger tidal events, and can affect erosion and sedimentation rates. For example, in tidally influenced waters such as the Southern California Bight, increased storms and flooding will likely increase scour, leading to decreased bank stability and structure.

Conducting regular maintenance dredging of the Port of Hueneme will help decrease the occurrences of elevated wave crests in the event of a severe storm. The Project includes dredging to a designed depth of -40.0 feet mean lower low water (MLLW), plus an over-depth allowance of 2 feet. Regular maintenance and upkeep of the Harbor District will reduce the likelihood of severe structural degradation or dislodgement in the event of a severe storm.

Conclusion:

For all the reasons above, staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.

2. A Mitigated Negative Declaration, State Clearinghouse No. 2017011049, was prepared by the Oxnard Harbor District and adopted on March 3, 2017, for the Project. Staff has reviewed this document.

3. The Oxnard Harbor District adopted a Mitigation Monitoring Program for the Project.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

California Coastal Commission
Los Angeles Regional Water Quality Control Board.
U.S. Army Corps of Engineers

EXHIBITS:

A. Legal Description
B. Site and Location Map
C. Mitigated Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2017011049, and a Mitigation Monitoring Program were prepared by the Oxnard Harbor District and adopted on March 3, 2017, for the Project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA

Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the issuance of this lease is consistent with the common law Public Trust Doctrine; will not substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the proposed lease; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease - Public Agency Use to the Oxnard Harbor District beginning November 29, 2017, for a term of 10 years, for the deposition of approximately 30,000 cubic yards of sediment suitable for beach nourishment below the mean high tide line as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

EXHIBIT A

W 27132

LAND DESCRIPTION

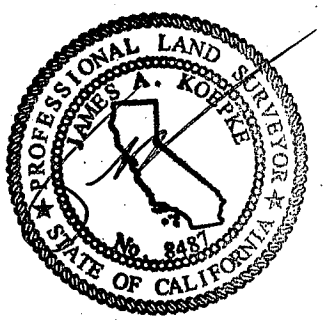
A parcel of submerged land, situated in the bed of the Pacific Ocean lying south of Port Hueneme, Ventura County, State of California, and more particularly described as follows:

COMMENCING at a NGS monument PID "EW7826" (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1876998.22 feet, Easting (x) = 6193664.11 feet which bears South 47° 23' 26" West, 4353.41 feet from a NGS monument PID "EW7812" (Epoch 1991.35) having CCS83 Zone 5 coordinates of Northing (y) = 1879945.46 feet, Easting (x) = 6196868.16 feet; thence South 73° 53' 19" East 2431.00 feet to the POINT OF BEGINNING; thence along the following five (5) courses:

1. South 89° 56' 43" East 2198.93 feet;
2. South 00° 15' 20" East 922.05 feet;
3. North 76° 05' 45" West 663.11 feet;
4. West 1558.97 feet;
5. North 00° 01' 47" West 764.80 feet to the POINT OF BEGINNING.

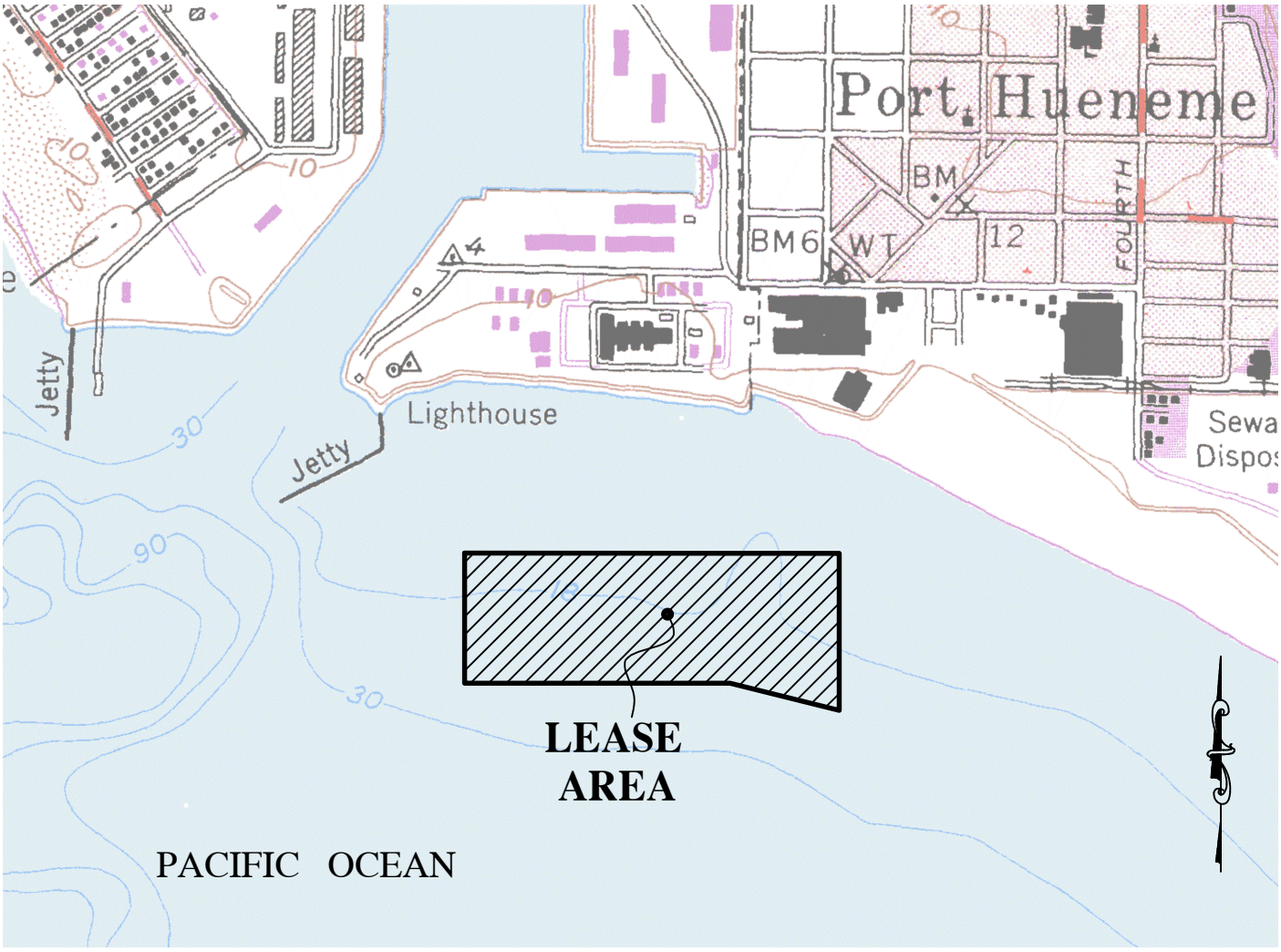
END OF DESCRIPTION

Prepared 09/27/17 by the California State Lands Commission Boundary Unit



NO SCALE

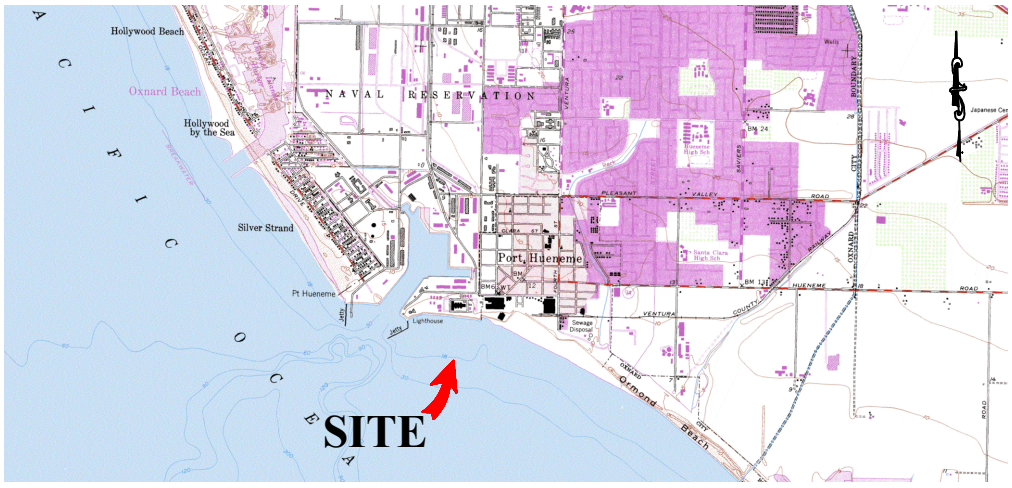
SITE



HUENEME BEACH, PORT HUENEME

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

W 27132
OXNARD HARBOR DISTRICT
GENERAL LEASE - PUBLIC AGENCY USE
VENTURA COUNTY

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EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

Port of Hueneme Berth Deepening and Wharf Improvement Project
(W27132, State Clearinghouse No. 2017011049)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Port of Hueneme Berth Deepening and Wharf Improvement Project (Project). The CEQA lead agency for the Project is the Oxnard Harbor District.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:[1]

> *In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency has adopted an MND; State Clearinghouse No. 2017011049, and adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C. Differences between the Commission's MMP and that prepared by the CEQA lead agency are identified by <u>underlined text</u>.

[1] The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)[2]	Difference Between CSLC MMP and Lead Agency MMP
B-1: Least Tern and Snowy Plover Avoidance	**MM B-1: Avoidance Measures to Reduce Impacts to Least Tern and Snowy Plover.**	None
B-2: Least Tern and Snowy Plover Pre-Construction Surveys and Construction Monitoring.	**MM B-2: Perform Pre-construction Surveys for Least Tern and Snowy Plover.**	None
B-3: Kelp Wrack Relocation	**MM B-3: Relocate kelp wrack downcoast as necessary.**	None
B-4: Pismo Clam Avoidance	**MM B-4: Modify sediment placement location, as necessary, to avoid Pismo clams.**	None
B-5: Workers Educational Training	**MM B-5: All project personnel shall attend a worker education training program covering sensitive marine and avian species.**	None
B-6: Marine Mammal and Avian Species Avoidance	**MM B-6: Monitor and avoid marine mammals and avian species.**	None
Air Quality	**MM Air Quality: Obtain and submit for review by OHD a valid VCAPCD permit for operation of dredge equipment.**	None
Biological Resources	**MM Biological Resources: Pismo Clam, California Grunion, and shore bird avoidance.**	None
Noise	**MM Noise: Install sound barriers as necessary and limit construction activities to between the hours of 7:00 A.M. and 10:00 P.M.**	None
CUL-1: Cultural Resources	**MM CUL-1: Halt Work if Human Skeletal Remains are Identified During Construction**	See Below

[2] See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

Mitigation Measure CUL-1: Inadvertent Discovery of Cultural Resources. If an inadvertent discovery of archaeological resources is made during the project, the Oxnard Harbor District will require ground disturbing activities in the vicinity of the discovery to cease. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include refuse-filled privies or wells. After cessation of excavation the contractor shall immediately contact the Oxnard Harbor District. The contractor shall not resume work until authorization is received from the Oxnard Harbor District.

In the event of unanticipated discovery of archaeological materials during project implementation, the Oxnard Harbor District shall retain the services of a Secretary of the Interior-qualified archaeologist (and a Native American representative if the site is prehistoric) to evaluate the significance of the find prior to resuming any activities that could impact the site.

In the case of an unanticipated archaeological discovery, if it is determined that the find is potentially eligible for listing in the National Register, and the site cannot be avoided, the Oxnard Harbor District shall provide a research design and treatment plan, prepared by a qualified archaeologist, outlining data recovery to be performed on the resource, analysis, and reporting of the find. The research design and treatment plan shall be submitted to and approved by the Oxnard Harbor District, the State Historic Preservation Officer, and appropriate Native American organizations prior to construction being resumed.

If archaeological resources or any cultural resources are uncovered on State lands during the project, the California State Lands Commission (CSLC) shall be notified within 72 hours. The point of contact shall be Assistant Chief Counsel Pam Griggs. Title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or within the tidal and submerged lands of California are under the jurisdiction of the CSLC. Therefore, the final disposition of archaeological or historical resources recovered on State lands under the jurisdiction of the CSLC shall be approved by the CSLC.

The title to all abandoned archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). The County shall consult with CSLC staff should any archaeological or historical resources on State lands be discovered during construction of the proposed Project. In addition, the final disposition of archaeological or historical resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.

ATTACHMENT C-1

Mitigation Monitoring Program Adopted by

Oxnard Harbor District

TABLE B-1
MITIGATION MONITORING AND REPORTING PROGRAM

Port of Hueneme Berth Deepening and Wharf Improvement Project Initial Study-Subsequent Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan					
	Mitigation Measure	**Action Required**	**When Monitoring to Occur**	**Implementation Responsibility**	**Monitoring Responsibility**
BIOLOGICAL RESOURCES					
B-1	**Least Tern and Snowy Plover Avoidance.** To avoid potential biological impacts, construction activities shall occur during the time when grunion and federally listed least terns and snowy plovers are not onsite, between September 1 and March 15.	Limit construction activities to between September 1 and March 15.	Prior to and during construction activities.	Construction contractor	Oxnard Harbor District
B-2	**Least Tern and Snowy Plover Pre-Construction Surveys and Construction Monitoring.** To ensure that no impacts to wintering/ roosting western snowy plover and California least tern, a qualified biologist familiar with these species shall be present on site prior to and, if necessary, during beach nourishment activities. The biologist shall perform a pre-construction clearance survey to ensure that no sensitive wildlife is within the project area. Monitoring during construction activities shall be performed at the discretion of the biologist, and dependent upon the presence of the species and the location of the construction activity being performed. The area where construction is occurring, plus an approximately 50-foot buffer from equipment activity where machinery may turn around, shall be established. Although the exact location of this area is expected to change as construction progresses, it shall be considered the "active construction zone." In the event that western snowy plover, California least tern, or other sensitive wildlife are found to be foraging within 100 feet or roosting within 200 feet of the active construction zone, the biologist shall notify the operator or construction manager. If, based on the judgment of the biological monitor, the western snowy plover, California least tern or other sensitive wildlife could be impacted by construction equipment, construction shall cease until the western snowy plover and California least tern have left the area and are not in danger of being impacted by construction activities.	Conduct pre-construction clearance survey and monitor for presence during construction. Cease construction activity if monitored species could be adversely impacted by construction activity.	Prior to and during construction activities.	Oxnard Harbor District	Oxnard Harbor District

Port of Hueneme Berth Deepening and Wharf Improvement Project Initial Study-Subsequent Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan					
Mitigation Measure		**Action Required**	**When Monitoring to Occur**	**Implementation Responsibility**	**Monitoring Responsibility**
B-3	**Kelp Wrack Relocation.** Kelp wrack refers to stranded kelp (large brown seaweed) on the beach. Prior to construction, if on-shore disposal is to be used, and if substantial kelp wrack material (estimated to be at least 2 cy in volume) is present on the disposal site, the material shall be collected and relocated to a downcoast beach area outside the disposal area. The wrack material shall be placed near the inter-/supra-tidal boundary, or at approximately the same elevation as where it was collected. The purpose of this measure is to maintain the invertebrate population which the kelp wrack supports, which also provides an important food source for shore birds.	Relocate kelp wrack downcoast as necessary.	Prior to construction activity and/or prior to sediment disposal.	Construction contractor	Oxnard Harbor District
B-4	**Pismo Clam Avoidance.** To avoid the potential impacts to the Pismo clam, onshore dredged material placement shall be above the mean lower low-water elevation and nearshore placement shall be below minus 10 feet, mean lower low-water. If it is necessary to place the dredged material on-shore below +0.9 ft. MLLW, the OHD shall conduct transect surveys, in coordination with the CDFW and other resource agencies, to determine if Pismo clams are present on Hueneme Beach, prior to disposal of dredged material. If a population of Pismo clams is present, the OHD shall coordinate with CDFW and other resource agencies to develop appropriate mitigation, which may involve relocation of Pismo clams. If a population of Pismo clams is present within the onshore disposal area between 0.9 and -10.0 ft. MLLW then the OHD shall coordinate with CDFW and other resource agencies to relocate a portion of the population to adjacent habitat. With implementation of the above plan, significant impacts to the local Pismo clam population are not expected to occur. For Onshore Placement, a hydraulic cutter pipeline dredge with pumpout capability shall be used to place material between O and +4.9 M MLLW, then material shall be graded to match the existing beach profile. For Nearshore Placement, a bottom dump scow or barge shall be used to place sediment in a mound parallel to the shore in the littoral zone, at depths ranging from -6.1 to -10.6 M MLLW. Therefore, impacts on sensitive species are not anticipated.	Modify sediment placement location, as necessary, to avoid Pismo clams. If a population of Pismo clams is present at the disposal site, coordinate with CDFW and relocate Pismo clams, as necessary.	Prior to sediment disposal.	Construction contractor and Oxnard Harbor District	Oxnard Harbor District

Port of Hueneme Berth Deepening and Wharf Improvement Project Initial Study-Subsequent Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan					
Mitigation Measure		**Action Required**	**When Monitoring to Occur**	**Implementation Responsibility**	**Monitoring Responsibility**
B-5	**Workers Educational Training.** Prior to the initiation of any in-water project activities, all personnel associated with the Proposed Project shall attend a worker education training program (program) with content developed by a qualified biologist. The program shall discuss the sensitive marine and avian species including but not limited to the California least tern and western snowy plover their habitat preference(s), law and regulations, as well as potential impacts and protection measures, and Action Area limits. Protections and regulations federally-listed species shall also be included in the program. A copy of the training program shall be distributed to all contractors, employers and other personnel involved during in-water construction activities. Specifically, the program shall also include: a. Measures to prevent indirect impacts during in-water construction activities, including dredging, demolition and pile driving as they relate to the protection of adjacent aquatic habitat. b. Training materials that include laws and regulations that protect federally-listed species and their habitats, the consequences of non-compliance with laws and regulations and a contact person (i.e., biological monitor and OHD Project manager) in the event that protected biological resources are affected. c. The OHD or its contractors shall notify the qualified biologist in advance of the kick-off meeting and any subsequent meetings that may take place if additional contractors are employed during additional in-water construction activities. A sign in sheet shall be circulated for signatures to all personal that attend the workers educational training to confirm that program materials were received and that they understand information presented.	All project personnel shall attend a worker education training program covering sensitive marine and avian species. A copy of the training program shall be distributed to all contractors, employers, and other construction personnel. A sign in sheet shall be circulated for signatures to all personal that attend the workers educational training to confirm that program materials were received and that they understand information presented.	Prior to commencement of construction activities and during construction activities for all newly hired personnel.	Oxnard Harbor District	Oxnard Harbor District

Port of Hueneme Berth Deepening and Wharf Improvement Project Initial Study-Subsequent Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan					
Mitigation Measure		**Action Required**	**When Monitoring to Occur**	**Implementation Responsibility**	**Monitoring Responsibility**
B-6	**Marine Mammal and Avian Species Avoidance.** Prior to and during in-water construction activities, an OHD-approved qualified biologist shall monitor dredging, demolition and pile driving activities to avoid potential impacts to marine mammals or avian species in the project area. The OHD-approved qualified biologist would monitor and record the occurrence of marine mammals and avian species with the ability to stop construction. The OHD-approved qualified biologist will have authority to shutdown non-pile driving construction activities if marine mammals, sea turtle or avian species come with within 10 m (32.8 ft.). If a whale, dolphin, or porpoise (collectively referred to as cetaceans) are observed in the harbor and maintenance activities proceed, a OHD-approved biologist shall be present within the project area to observe cetacean location and behaviors, and ensure all working vessels maintains a 100 m (328 ft.) distance separation. If the cetacean exhibits any adverse[1] behaviors (evasive or defensive), the biologist will direct the vessel to decrease speed and change direction and increase distance from the cetacean until the cetacean has either left the area or until the distance is sufficient to reduce the resulting stress response. If approached by a cetacean, the biologist will direct the boat operator to put the engine in neutral and allow the cetacean to pass. During pile driving activities the shutdown distance would be 100 m (328 ft.). [1] For the purposes of this measure, “adverse behaviors” are defined as a change in swim rate, change in inter-breath interval, abrupt change in direction, abandonment of an important activity (i.e., feeding, nursing), or breaching.	Monitor and avoid marine mammals and avian species. Cease construction activities if marine mammals or avian species approach within the specified distances.	During construction activities.	Oxnard Harbor District	Oxnard Harbor District
1999 Final Environmental Assessment and Mitigated Negative Declaration (EA/MND) Mitigation Measures Carried Forward					
Air Quality	The contractor would be required to possess or obtain a permit from the Ventura County Air Pollution Control District to operate any type of dredge in the harbor. If a hydraulic cutterhead dredge is used as the primary means of deepening the harbor, state standards for emissions of one or more pollutants could potentially be violated, however; the operation of the dredge would be required to be in compliance with the permit, which would require compliance with all emissions standards.	Obtain and submit for review by OHD a valid VCAPCD permit for operation of dredge equipment	Prior to commencement of construction activities.	Construction contractor	Oxnard Harbor District

Port of Hueneme Berth Deepening and Wharf Improvement Project Initial Study-Subsequent Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan					
Mitigation Measure		**Action Required**	**When Monitoring to Occur**	**Implementation Responsibility**	**Monitoring Responsibility**
Biological Resources	Pismo clams are a state-listed sensitive species. The California Department of Fish & Game (CDFG) regulates recreational harvest and prohibits commercial harvest. Pismo clams are unique to the local and regional area. The Pismo clam has historically been found on Hueneme Beach. If the sediment material is dumped directly on them, the population may die by suffocation. Pismo clams are typically found between +3 feet (+0.9 m) MLLW and -10 feet (-3m) MLLW. Therefore, beach material will be placed in a slurry form on the upper portion of the beach and allowed to migrate seaward minimizing possible suffocation effects on the Pismo clam population. In the past, Pismo clam populations have recovered from local beach nourishment events, and it is expected that natural populations, which routinely fluctuate on a yearly basis, will recover from this event. Between +0.9 m and 0 m MLLW there would be an adverse, but not significant, impact to the Pismo clam population. The California grunion is also a sensitive species, with catch regulated by CDFG. Grunion may spawn on Hueneme Beach. If grunion spawn on the beach prior to the beachfill, eggs may be buried. The use of earthmoving equipment on the beach may crush or uncover grunion eggs. Because grunion are a declining species which only spawns on a limited number of beaches, impacts to grunion may be significant. These impacts will be avoided by conducting the beachfill between September and mid-March, when grunion spawning does not occur. If it is necessary to conduct the disposal activities during the spring or summer spawning season, other mitigation shall be developed and approved by the resource agencies prior to any beach disposal activities occurring past March 15. The federally listed Endangered California brown pelican and California least tern may be in the project area during project construction; however, construction will not affect nesting or roosting opportunities. Turbidity may preclude foraging in a small area; however, forage fish will be available for capture elsewhere. Because turbidity will likely remain in the surf zone, this method may not impact foraging opportunities. Consequently, potential impacts will be completely avoided by constructing the project between September and March. Under these conditions, the proposed project will not affect these species. It is not known if the Federally listed Threatened Western snowy plover uses Hueneme Beach for foraging or nesting (FWS, 1997). To	For onshore placement, sediment shall be placed in a slurry form on the upper portion of the beach (above +3 feet MLLW). Construction activities shall take place between September and mid-March.	Prior to commencement of and during construction activities, including during sediment placement.	Construction contractor	Oxnard Harbor District

Port of Hueneme Berth Deepening and Wharf Improvement Project Initial Study-Subsequent Mitigated Negative Declaration Mitigation Monitoring and Reporting Plan					
Mitigation Measure		**Action Required**	**When Monitoring to Occur**	**Implementation Responsibility**	**Monitoring Responsibility**
	avoid potential impacts on this species, construction will occur during the plovers' non-nesting season, between September and March. Therefore, the proposed project will not affect the Western snowy plover population.				
Noise	The contractor constructing the wharf improvements will be required to provide adequate sound barriers around the construction site to maintain noise levels within the City of Port Hueneme's exterior noise standards of 55 dBA between the hours of 7:00 A.M. and 10:00 P.M. All wharf modification construction activities would be confined to these hours.	Install sound barriers as necessary and limit construction activities to between the hours of 7:00 A.M. and 10:00 P.M.	Prior to and during construction activities.	Construction contractor	Oxnard Harbor District