



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

IN REPLY REFER TO:  
81440-2010-CPA-0062

March 1, 2010

Darrell Buxton  
Los Angeles District  
U.S. Army Corps of Engineers  
915 Wilshire Boulevard, Suite 1101  
Los Angeles, California 90017

Subject: Matilija Dam Ecosystem Restoration Project Upstream Storage Area Fine  
Sediment Disposal, Ventura County, California

Dear Mr. Buxton:

We are writing to follow up on the Matilija Dam ecosystem restoration project design oversight group meeting held on January 14, 2010, and attended by Chris Dellith of my staff. Other participants at the meeting included you and representatives from your office, Ventura County Supervisor Steve Bennett, and staff from the Ventura County Watershed Protection District (District) and other agencies and organizations. At issue is the latest proposal (USA 1 and 2) by the U.S. Army Corps of Engineers (Corps) and District to store approximately 2.1 million cubic yards of fine sediment in an area approximately 1.7 miles upstream of the Matilija Dam.

On October 15, 2004, we provided the Corps with a Fish and Wildlife Coordination Act (FWCA) Report (Report) in fulfillment of scope of work number W81EYN12572757 dated February 6, 2003, between the U.S. Fish and Wildlife Service (Service) and the Corps regarding the ecosystem restoration feasibility study of the Matilija Dam in Ventura County. This report was prepared in accordance with provisions of the FWCA (48 Stat. 401, as amended; 16 U.S.C.661 *et seq.*) and other authorities. The purpose of the FWCA is to provide for equal consideration of fish and wildlife conservation with other features of federally funded or permitted water resource development projects. Pursuant to the FWCA, we coordinated with the National Marine Fisheries Service (NMFS) and the California Department of Fish and Game (CDFG) prior to submitting the Report. We were directed by the Corps in the aforementioned scope of work number W81EYN12572757 to consider the study area to be the Matilija Reservoir and the area 2.5 miles upstream of the reservoir, and the Matilija Creek and Ventura River flood plain downstream to the Ventura River Estuary. The Report included our analysis of the Full Dam Removal/Long Term and Short Term Sediment Alternative 4b and its effects on biological resources of the project area, and our recommendations regarding Alternative 4b. We concluded our Report by stating our support for the selected Alternative 4b.

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Due to preliminary cost estimates and community resistance, associated with the fine sediment transport disposal component of Alternative 4b, the Corps and the District are considering another variation of that alternative that would permanently store 2.1 million cubic yards of the fine sediments upstream of the current dam site within Matilija Canyon. We understand that engineering plans, environmental review, permits, and long-term maintenance plans for USA 1 and 2 are not available at this time; however, we have concerns that this alternative undermines the goals that were originally developed with the consensus of multiple stakeholders including the Service, NMFS, CDFG, the Corps, Ventura County, and the California Coastal Conservancy. These goals consisted of: 1) improvement of aquatic and terrestrial habitat to benefit fish and wildlife species, including steelhead trout (*Oncorhynchus mykiss*), along Matilija Creek and the Ventura River; 2) restoration of a hydrologic and sediment transport regime in support of downstream coastal beach sand replenishment to pre-dam conditions; and 3) enhancement of recreational opportunities along Matilija Creek (including on U.S. Forest Service land) and the downstream Ventura River system.

The USA 1 and 2 proposal would impact approximately 262 acres of riparian/floodplain and adjacent upland areas that provide important habitat for multiple sensitive native species, including the federally endangered least Bell's vireo (*Vireo pusillus bellii*) and the threatened California red-legged frog (*Rana aurora draytonii*) and its critical habitat. The USA 1 and 2 proposal represents a substantial modification of the original selected Alternative 4b. Under Alternative 4b, approximately 225 acres of riparian/flood plain would be used to temporarily store sediments, a footprint approximately 37 acres smaller than the combined USA 1 and 2 sites. The USA 1 and 2 sites would be used to permanently store the 2.1 million cubic yards of fine sediments (and sediments would be stabilized through flood control bank stabilization on both the west and east sides of Matilija Creek). The proposal to use the upstream floodplain and adjacent upland areas in Matilija Canyon for permanent storage of fine sediments will affect the Habitat Evaluation Analysis (HEP) completed for the Matilija Dam Ecosystem Restoration project in a number of ways. Most notably, it would reduce (by at least 200 acres) the extent of habitat projected to be restored under the selected Alternative 4b. The reduction would particularly affect riparian habitat and associated riparian species, but also federally listed aquatic species such as California red-legged frog and steelhead trout. It would also reduce the "natural process value" (primarily natural sediment transport) considered in the Habitat Evaluation Analysis. Finally it would reduce the weighting values (e.g., native vegetative cover and adjacent land character) used to weight the individual project reaches (including, but not limited to Reach 7b, Matilija Reservoir/Matilija Creek). The net result of using the USA 1 and 2 sites for the permanent storage of 2.1 million cubic yards of fine sediments would be to substantively reduce the overall restoration values of the Matilija Dam Ecosystem Restoration Project.

On September 27, 2007, biologist Larry Hunt detected one adult least Bell's vireo while monitoring giant reed (*Arundo donax*) removal within areas above the Matilija Reservoir. Subsequently, on July 17, 2009, another adult least Bell's vireo was detected by Mr. Hunt immediately below the Matilija Dam and on July 22, 2009, a recent fledgling least Bell's vireo was detected in the area proposed for silt deposition under the USA 1 and 2 proposal. Due to habitat improvements, the apparent expansion of this species back into its historical range, and the occurrence of a fledgling in the project area, we believe least Bell's vireos are currently using

riparian habitat within the project area for breeding, nesting, and foraging. Therefore, project activities under any alternative that involves removing the Matilija Dam would likely adversely affect the least Bell's vireo.

On March 31, 2005, we issued the Corps biological and conference opinion number 1-8-04-F-38 on the Matilija Dam Ecosystem Restoration Project and its effects on the California red-legged frog and its proposed critical habitat. We concluded in the biological and conference opinion that the preferred alternative 4b would not jeopardize the continued existence of the California red-legged frog nor destroy or adversely modify proposed critical habitat for this species. Subsequently, critical habitat was designated for the California red-legged frog on April 13, 2006 (71 FR 19243). On September 16, 2008, we proposed a new rule to designate 1.8 million acres as critical habitat for the California red-legged frog (73 FR 53492). The area within Matilija Creek above the Matilija Dam is within designated critical habitat for the California red-legged frog and is also included within the 2008 proposal to revise critical habitat for this species.

Because critical habitat for the California red-legged frog has been designated since the conference opinion (CON 1-8-04-F-38) was issued, the Corps should request that we convert the conference opinion to a biological opinion. Also, based on the recent detections of least Bell's vireo within the project area, the Corps should make a determination as to the effects of project activities on this species and initiate the appropriate level of consultation with us. Furthermore, if the Corps adopts the USA 1 and 2 alternative, we believe the project would affect the California red-legged frog and its critical habitat in a manner not considered in biological and conference opinion 1-8-04-F-38, and would thereby trigger reinitiation of formal consultation, irrespective of the effects determination for the least Bell's vireo.

If the originally selected Alternative 4b is currently infeasible, we recommend developing an alternative that maintains consistency with the original goals developed by the participating agencies and stakeholders for this project. An ecosystem approach to restoration would not only provide long-term benefits to federally listed species, but all native species within the Matilija Creek and Ventura River watersheds. If you have any questions regarding this letter, please contact Chris Dellith of my staff at (805) 644-1766, extension 227.

Sincerely,

/s/: Roger P. Root

Roger P. Root  
Assistant Field Supervisor

cc:

Anthony Spina, National Marine Fisheries Service  
Sheryl Carter, Bureau of Reclamation  
Martin Potter, California Department of Fish and Game  
John Bridgewater, Los Padres National Forest  
Norma Camacho, Ventura County Watershed Protection District  
Steve Wickstrum, Casitas Municipal Water District  
Paul Jenkins, Matilija Coalition