

U.S. wildlife agency protests river work

Flood protection work with bulldozers in the Ventura River and San Antonio Creek is being protested by the U.S. Fish and Wildlife Service, county flood control chief Jerry Nowak said today.

He said the agency is complaining that the bulldozers are muddying the water, and harming the steelhead, which are in their spawning run this time of year. Steelhead are ocean-going rainbow trout which swim up fresh water streams to lay their eggs.

Nowak said the county is operating under emergency conditions which circumvents normal procedures, such as environmental impact studies and permits.

"We will continue to do everything to protect the people who live up there, regardless of the effect on the steelhead," Nowak declared.

There were no new reports of any flood damage today.

At Lake Casitas, releases into Coyote Creek to draw down that body of water,

and reserve more space to store future storms, were halted as of 6 p.m. Monday.

Whether the district is going to get some help to clean out debris and trees in the creek channel to increase its storage capacity is still up in the air. Engineer-Manager Bob McKinney said.

More county beach has been closed, but this is mostly a paper operation to get it cleaned up.

Bill Anderman, county Environmental Quality director, said the beach from the east side of the Santa Clara River to Channel Islands Harbor has been declared closed because of debris on the beach.

This is necessary to enable the county and other agencies involved to apply for clean-up funds, he said.

The beach between the Santa Clara and Ventura rivers remains closed because of sewage pollution. Although the flow of sewage has been halted, the quarantine is expected to remain for a week or two, and, for the taking of shellfish, much longer.

NEWS RELEASE

RE: CHANNELIZATION OF SAN ANTONIO CREEK

Under pressure from several large landowners, the Ventura County Flood Control District has proposed a massive flood control project for the lower three miles of San Antonio Creek. The project is intended to protect a handful of *private* residences and horse facilities, many of them built within the creek's channels, with local and federal *public* monies.

The project would create a straight-lined, bulldozed channel from approximately Frazer Lane to the creek's confluence with the Ventura River. Stream-side vegetation, including large sycamore trees, would be removed. Monies for the project would be provided by the U.S. Resources Conservation Service, but County money would be used to relocate several ancillary structures at Rancho Arnaz. Maintenance of San Antonio Creek, which up to now has not been treated as a flood control facility, would become the continuing responsibility of County taxpayers.

The project is being pushed on an emergency basis by Supervisor Susan Lacey, though it has been under consideration for at least a year. Under the guise of an emergency, the County is seeking *exemptions* from virtually all regulatory review, including the California Environmental Quality Act, the U.S. Army Corps of Engineers, and the Regional Water Quality Control Board.

No public review before either the Ventura County Planning Commission or the Ventura County Board of Supervisors, or the Ventura River Municipal Advisory Council (MAC), is planned.

San Antonio Creek is a major scenic and recreational resource popular with residents of the Ojai and the Ventura River Valley. The proposed flood control project would transform this rural creek with shaded shallow pools and riffles into a monotonous barren flood control channel.

The Friends of the Ventura River have raised questions about both the environmental impacts of the project, as well as the short-circuited planning and review process, and have urged the County to take advantage of other funding sources which would provide buy-out money for the most flood-prone properties.

Friends of the Ventura River

October 25, 1995

Alex Sheydayi
Deputy Director, Ventura County Flood Control District
800 South Victoria Ave.
Ventura, CA 93009

Dear Mr. Sheydayi:

Re: Proposed San Antonio Creek Flood Control Project

The purpose of this letter is to provide the District with preliminary comments on the proposed flood control project for the lower three miles of San Antonio Creek, tributary to the Ventura River. San Antonio Creek is a major scenic and recreational resource within the Ojai Valley and Ventura River Valley and provides important habitat for a large number of species, including sensitive species such as the steelhead rainbow trout and the southwestern pond turtle. As such the Friends are concerned about the management of this community resource.

While no formal project description has been completed as of the date of this letter, our comments are based upon the oral project description provided by the District at the public meeting held on April 7, 1995, and on our review of the preliminary plans in the District Office on October 10, 1995.

Preliminary Proposed Project

As we currently understand it, the proposed project consists of three phases (whose individual elements have not been finally determined):

Phase I would consist of the construction of a pilot channel along approximately 16,000 feet of San Antonio Creek extending upstream from Highway 33. This reach of creek would be excavated out to ensure a channel capacity adequate to carry a 25 year frequency flood event. The channelization would entail the initial removal of the natural morphological features of the stream (pools, riffles, undercut banks, and gravel bars), as well as the removal of riparian vegetation, including mature specimens of Willow and Sycamore. The work would involve the use of bulldozers and other earth moving equipment. To date no specific project mitigations have been identified. Phase I would be completed this year, most probably in December.

The newly created 25 year flood frequency capacity channel would be maintained in perpetuity through periodic re-channelization of the lower 16,000 feet of San Antonio Creek, though no protocol for continued maintenance has been developed, and no funding sources for maintenance have been identified.

Phase II would involve the removal of the crossing at Old Creek Road, and the construction of a new access road along the east bank of San Antonio Creek between Highway 33 and the Old Creek Road crossing on the Girl Scout facility property. Additionally, the existing gabbion along the east

bank of San Antonio Creek would be repaired, and a fence installed between the new road alignment and San Antonio Creek. No time has been specified for commencement of Phase II, nor have funds been identified for these elements.

Phase III would involve redefining the Federal Emergency Management Agency (FEMA) designated 100 year flood plain based upon the presumed increased channel capacity of San Antonio Creek, and the imposition of restrictions on the development of the remaining 100 year flood plain area, either through in fee acquisition, acquiring easements, or additional flood plain regulation. No time has been specified for commencement of Phase III.

It is our understanding that only the excavation/channelization portion of the project is eligible for funding through the U.S. Resource Conservation Service Section 216 Grant Program; all other project costs must be borne by the District, or funded through some other as yet unidentified funding sources.

Project Issues and Impacts

The proposed project has the potential to have significant adverse environmental impacts on the natural resources of San Antonio Creek. These impacts are briefly summarized below:

- removal of the natural morphological features of the channel bottom such as pools, riffles, undercut banks, and gravel bars will effect essential micro-habitats. Removal of these features (or their repeated artificial disruption) will adversely effect the habitat for instream vegetation and benthic invertebrates upon which the whole ecosystem of San Antonio Creek is based, and reduce the net biological productivity of San Antonio Creek.
- removal of riparian vegetation along portions of San Antonio Creek will effect both the fauna which utilize this habitat directly (birds and small mammals), as well as the flora and fauna associated with the stream channel. Riparian vegetation plays an important role in reducing sedimentation from upland run-off in the stream channel, reducing water temperature through direct shading, and moderating instream base flow fluctuations by retarding overland surface run-off.
- creating an abrupt physical change between the active stream channel and the adjacent riparian and upland habitats (through channel modification and construction of a road immediately adjacent to the existing channel along the Girl Scout facilities) will have the effect of isolating the instream habitats, as well as destroying important transition habitats. Some species such as the southwestern pond turtle must seasonally migrate between the active stream channel and adjacent upland habitats. Other species such as larger mammals and wading birds which utilize the active stream channel for watering or feeding may be discouraged from accessing the channel if it is isolated by channelization.
- excavating out the sediments from the channel bottom will remove important fish spawning gravels from San Antonio Creek. In addition to the removal of sediments, excavation could result in the degradation of those gravels remaining by disturbing the natural sorting of sediment sizes and increasing the degree of impaction (i.e., accumulation of fines). San Antonio Creek is the last remaining undammed tributary to the Ventura River which provides spawning habitat for migratory steelhead rainbow trout (a species which has been proposed for listing as endangered under the Federal Endangered Species Act). Spawning gravels distributed throughout the entire project area would be adversely affected.
- repeated removal of riparian vegetation and excavation of the channel bottom of San Antonio Creek will adversely affect over-all water quality in the creek, and potentially downstream by increasing the background levels of turbidity and fine sedimentation accumulation. Studies have shown that channel sections downstream from areas subjected to repeated channel disturbance have

demonstrably higher levels of turbidity, and lower benthic productivity. (We would also note in this connection that the City of Ventura has a surface intake approximately three miles below the lower end of the project site which could be affected by the proposed project.)

- siting a portion of the Old creek road along the lower reaches of San Antonio Creek on the outside bank of a naturally eroding bend, and within the active flood plain, will expose this access road to periodic flooding, and necessitate further bank protection and possible increased repeated channel disturbance. Ironically, the short length of Old Creek road which is currently subject to flood hazards will actually be increased under the current proposal. (We would note in this connection that the development of the Girls Scout facility in this area was previously restricted by the County because of severe flood hazards, and purposely sited a considerable distance back from the creek channel to reduce flood damages.)

Project Development and Review

In addition to the specific project impacts, the Friends have a number of basic concerns regarding the manner in which this project has been developed and is being reviewed.

First, while the project is scheduled for initial implementation sometime in December, to date there has not been a formal written project description provided for public review.

Without such a description, including scaled maps, detailed construction specifications, and specific mitigation measures, it is not possible for either the general public or the regulatory agencies to properly assess the project and suggest appropriate modifications. Further, providing this information only a few weeks before commencing actual construction of Phase I does not allow adequate time for review and evaluation of the project.

Second, the time-frame for planning and implementation of this project has been severely fore-shortened, apparently because of the funding stipulations of the principal Federal funding agency.

Because the U.S. Resource Conservation Service requires that monies expended under the Section 216 Grant Program be done so before the end of the current year, the District has not been able to do the type of background studies which are necessary for a project of this type and scope. These include (1) a detailed assessment of the potential flood damages which the project is intended to prevent or reduce; (2) detailed inventories and assessments of the biological resources which would be impacted by the project (including a number of Federally listed, or candidate species); and (3) a detailed assessment of project alternatives (including non-structural as well as structural) to address site specific flooding problems.

As we have indicated previously, because of the complexity of the issues and sensitivity of the resources associated with San Antonio Creek, we believe that the type of flood control project which would be fundable under the time constraints and other limitations of a Section 216 Grant may not be the most appropriate for the area.

Third, the proposal to conduct the proposed project under a California Environmental Quality Act (CEQA) Categorical Exemption, in effect, without any formal environmental review (including public review) on the grounds that the project qualifies as an emergency project is, we believe, without any legal basis. Section 15269 of the CEQA Guidelines strictly limits the types of emergency project which are exempt from the requirements of CEQA. The only possible provision under this section which could be invoked is subsection (c) "Specific actions necessary to prevent or mitigate an emergency." However, an emergency is specifically defined in Section 15359 as:

Emergency means a *sudden, unexpected* occurrence, involving a clear and *imminent* danger, demanding *immediate* action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. (emphasis added)

The proposed project does not qualify as an emergency because (a) there is no sudden or unexpected occurrence (e.g., flood, landslide, etc.); (b) there is no imminent danger; and (c) there is no situation demanding immediate action to prevent loss of or damage to life, health, property or essential public services. We would note in this connection that the high flood flows during the winter rains of 1992, 1993, and 1995 have in fact reduced the likelihood of flooding along San Antonio Creek in the near future as a result of the natural scouring out of both sediments and instream vegetation. In short, the conditions in San Antonio Creek are such that a natural pilot channel currently exists which is generally adequate or exceeds the capacity to pass the flows of a 25 year flood event (the same magnitude of flow for which the proposed project is designed).

The Friends believe strongly that the District cannot base an emergency determination on a *hypothetical* occurrence with no measure of the likelihood of such an event. If it did rely on such an interpretation there is virtually no flood control project which could not be characterized as an emergency, since all flood control projects are designed to prevent some hypothetical loss or damage; the scope of such an interpretation would be limited only by the District's imagination. Consequently, the Friends would challenge the use of the CEQA Categorical Exemption for this project.


Finally, we would note that the Friends have previously addressed the problems of flooding along San Antonio Creek in a letter-report to you dated September 10, 1992. This letter-report, which was based upon a survey of the reach of San Antonio Creek from Highway 33 to Camp Comfort County Park following the 1992 floods, detailed some of the specific flood problems along the creek (including non-permitted creek alterations and obstructions) and suggested a number of specific actions which could be taken to address site specific problems. To date, we have never received a response to this letter-report.

Following the floods of 1995 the Friends proposed that the District apply for a Section 404 Grant (Hazard Mitigation Grant Program) to develop a long-term flood management program for San Antonio Creek. The Hazard Mitigation Grant Program differs from the Section 216 Grant Program in that it specifically provides for the acquisition and relocation of vulnerable structures from hazardous zones, and the development of local standards to protect new or substantially improved structures from future flood disasters.

The Friends are cognizant of the need to address flood issues on San Antonio Creek, but continue to believe that the Hazard Mitigation Program provides a more appropriate funding source for development of a flood control program for San Antonio Creek. As is evident, from the above comments, we also believe that the currently proposed project, funded in part under Section 216, has the potential to generate significant adverse impacts on San Antonio Creek, and has not had the benefit of adequate planning or public review.

We appreciate very much the time and effort which the District staff has expended on this project, and your willingness to discuss the project as it has evolved. We hope that these comments will be useful in completing your planning and review, and also provides some constructive potential alternatives for your consideration.

Sincerely,



MARK H. CAPELLI
Executive Director

MHC/

cc:

Susan Lacey, Supervisor
U.S. Resource Conservation Service
U.S. Army Corps of Engineers
California Regional Water Quality Control Board
California Department of Fish and Game
U.S. Fish and Wildlife Service

Opposition to project delays county's flood control work

SAN ANTONIO CREEK:

Some homeowners, fearing loss of property, won't sign contracts.

By Howard Beck

Staff writer

The rainy season is officially under way, but a different kind of storm is brewing over a plan to protect homes on San Antonio Creek from another devastating flood.

It will be a month or more before county officials can provide flood protection for homeowners

near the creek in Oak View — if the project proceeds at all. Both an environmental group and some property owners are posing obstacles to the county's proposal to redirect and deepen the channel.

Last winter's storms turned the creek into a raging river that destroyed homes and eroded the banks. At the behest of property owners, the county Flood Control District agreed to build the needed flood protection.

But because the creek is privately owned, officials cannot proceed without the consent of property owners along the creek, and

Please see RESIDENTS on A6

Continued from A1

some are refusing to grant permission because the county is asking for permanent control of the land.

In addition, Friends of the Ventura River is criticizing the project as a threat to the creek's ecosystem. In a statement issued this week, the group says the project would turn the creek into "a monotonous, barren, flood control channel." Friends of the River contends the county is rushing to build the project without proper environmental review and public input.

County Public Works Director Art Goulet waved off those claims Wednesday, saying the project itself may be in jeopardy.

"I don't think it's a very good use of resources at this point to spend time on their letter, because we don't know if we'll be able to go forward with the project," he said.

At least one major landowner and a handful of others have not returned signed contracts that grant a right of entry to their properties, Goulet said. If nothing changes soon, the county may only be able to work on the lower mile of the creek — between Highway 33 and the Old Creek Road crossing — leaving two miles upstream untouched.

Different landowners want different types of flood protection, Goulet said, and some want the scope of the project reduced before granting permission to enter their land and build anything.

Meanwhile, as the first rains of the season fell Tuesday, some landowners were getting anxious.

"I'm hopeful, but I'm very concerned," Creek Road resident Starr Hungate said.

Hungate and her husband, Joe, already signed their agreement with the county, but only after changing the contract to allow only access to, not ownership of, their land near the creek. They sent the amended contract back to the county but have not heard if the changes were approved.

Fearing the worst, the Hungates erected their own 4-foot-high, 107-foot-long wall of concrete, rock and iron to protect their land.

According to Joe Hungate, who is an attorney, the county's proposed contracts ambiguously describe the project as a "facility" of undetermined size and scope and require county ownership of those facilities. That has made landowners nervous about the status of their property rights and their ability to sell the property in the future, he said.

"As far as I can see, they don't need to own it," he said. "What they need is the right to access it, to maintain it. They're asking for more than they need, which of course slows down the whole process."

Nevertheless, Goulet predicted a limited version of the project could be under way in early December. That may depend, however, on what action the Friends of the River takes.

In a recent letter to the Flood Control District, the group contends the project will harm the biological productivity of the creek and could threaten spawning habitat for migratory steelhead rainbow trout.

The Friends of the River also objects to the short timeline the county is operating under, saying it violates the California Environmental Quality Act.



Ventura

Los Angeles Times

VC/CC† WEDNESDAY, NOVEMBER 22, 1995

COUNTY

County OKs \$1.2 Million for Flood Control

■ **Casitas Springs:** Despite environmentalists' concerns, the board decides San Antonio Creek must be widened to protect homes from winter storms.

By ERIC WAHLGREN
SPECIAL TO THE TIMES

Despite environmentalists' concerns that enlarging San Antonio Creek will harm the waterway's ecosystem, county leaders on Tuesday approved a \$1.2-million flood control project that Casitas Springs residents say is needed to protect their homes from approaching winter storms.

The plan calls for removing sediment and widening the creek along a 2¼-mile stretch surrounded by 30 homes between the Ventura River and Fraser Lane. Earlier this year, January and March tempests caused a swollen creek to stray from its course, flooding properties and forcing residents to evacuate.

The disaster, officials said, left behind sediment and an infestation of vegetation that impeded the creek's flow and increase the danger of flooding.

County Supervisor Susan Lacey, who represents Casitas Springs, told the more than 30 residents and environmentalists who turned out for Tuesday's meeting of the county Board of Supervisors that the work was necessary to reduce the threat to human life in the area.

"Yes [the creek] will be ugly for a period of time," Lacey said. "No, I don't believe that there will be forever after damage to . . . [the creek]. I personally don't want to hear that we had to go in and could only bring part of a family out."

The board's unanimous vote capped a lengthy and often emotional meeting, and Casitas Springs residents spent the aftermath chatting excitedly and hugging each other.

"It's a great, great relief for all of us whose houses were threatened," said Rachel Pratt, a 52-year-old farmer who lives on Creek Road about 200 yards from San Antonio Creek.

But project critics said Tuesday that county officials raced to a decision with little regard for the environment because they simply wanted to meet a funding

Please see CREEK, B5

CREEK: Critics Say Decision Was Hasty

Continued from B1
deadline.

The county is eligible for \$605,000 in special emergency funding from the Natural Resources Conservation District, but that offer expires Dec. 18. The county Flood Control District also will put off other planned flood mitigation projects and provide more than \$500,000 for the work.

The supervisors declared the flood control an emergency project, which means the county does not have to complete an environmental impact report.

"This whole project has moved too fast and is poorly thought out," said Alasdair Coyne, conservation director for Keep the Sespe Wild. "The project must be stopped here today."

Coyne and other environmentalists said the excavation could spoil a habitat for steelhead trout and annihilate vegetation. Coyne also said the task of removing an estimated 137,000 cubic yards of sediment and debris from the stream bed would take about 10,000 dump truck trips over Creek Road to do the job.

Coyne and others asked the supervisors to take the project at a slower pace and further study the costs involved, which county officials said had not been finalized. Project opponents also asked the county to conduct a full environmental impact report and downplayed the emergency nature of the project.

"We are dealing with a wholly anticipated event, which is the advent of the rainy season," said John Buse, an attorney representing the Friends of the Ventura River.

Arthur Goulet, the director of the county public works agency and administrator of the county Flood Control District, said swift action was necessary to protect residents from the threat of disaster. County experts say there is a 20% chance of a large storm that would cause substantial damage to

at least four houses.

"It's true we haven't studied all the costs," Goulet said. "This is an emergency project."

Goulet said the flood control work would be done in an environmentally sensitive manner and

'This whole project has moved too fast and is poorly thought out. The project must be stopped here today.'

ALASDAIR COYNE
Conservationist, Keep the Sespe Wild

that vegetation would regenerate in a short time.

"We are not talking about a structural solution—no reinforced concrete," Goulet said.

The flood control project ends more than six months of meetings between county officials and concerned residents. The county still must get approval from the Army Corps of Engineers and other federal agencies to proceed.

If the project goes forward, it will not be the first time the creek has been enlarged—its channel was last cleaned out in 1969. Goulet said the work would prepare the creek for a 25-year storm, or one that has a 4% chance of occurring in any given year.

Starr Hungate, a Creek Road resident whose home suffered more than \$30,000 damage during last year's winter storms, echoed the fears of many residents, concerns that appeared to resonate with the county leaders.

"I want you to know that I am scared," Hungate told the supervisors. "I am scared at what may happen to my home and my neighbor's homes. I can only see this as an emergency."



OJAI VALLEY NEWS

Ojai Valley's Only Local Newspaper

105th Year, No 10

Friday, Nov. 24, 1995

Newsracks, 50¢, retail stores, 47¢ plus tax

Supervisors give nod for flood work to proceed on San Antonio Creek

By Bonnie MacNeill
OVN staff reporter

Despite criticism from environmentalists, the Ventura County Board of Supervisors approved a plan it said will protect Creek Road residents from flooding during a 25-year flood event.

The project, undertaken as an emergency and funded by the National Resource Conservation Service (NRCS), will begin early in December, according to Alex Sheydayi, director of Ventura County Flood Control.

Mark Capelli, executive director of the Friends of the Ventura River (FOVR), urged Supervisors to veto the plan, saying the proposed streambed alteration will alter San Antonio Creek and remove more than 30 acres of native trees and streamside vegetation. It will also fill the natural meanders and pools of the creek which will degrade the biological resources and reduce the creek's aesthetic and recreational values.

He said county officials created a false emergency to push the project through without proper project review.

Despite Capelli's arguments, the Supervisors agreed the project was an emergency and therefore not subject to review under the California Environmental Quality Act.

Where's the emergency?

"The low probability (residents will be flooded out again in the near future), in conjunction with the long-standing nature of the flood threat, does not support the county's reliance on the emergency provisions of the Act to circumvent environmental review of the project," said

Capelli. "Because the project has been pursued on an emergency basis, it has not had the benefit of adequate review by either other regulatory agencies and the public or the county itself."

However, Sheydayi said his department has reviewed the proposal and worked closely with the California Department of Fish and Game and U.S. Army Corps of Engineers.

Sheydayi said Capelli is more concerned with the procedures followed than with the project's effects and benefits. Those procedures would add at least six months of

review to the project. To take advantage of \$605,000 in government funding, the project must be completed by mid-December.

Residents, who were slow in giving perpetual easements on their properties, fear that if the project is not completed under the emergency appropriation, it won't be done before the next flood season could wash their homes out to sea.

The Flood Control Division has juggled its funds to provide the 25-percent match for the project which is expected to cost approximately \$1.2 million.

Fax Transmission

Date: December 18, 1995

To: Bonnie MacNeill

From: MHC

No. Pages (not including cover) 2

Note: We are submitting this for consideration as a guest editorial on the San Antonio Creek flood control issue.

Friends of the Ventura River

December 18, 1995

Editor, Ojai Valley News
P.O. Box 277
Ojai, CA 930213

RE: San Antonio Creek Flood Control

In 1992 and again in 1995 following heavy storm damage along San Antonio Creek, creek residents and the Friends of the Ventura River independently approached the Ventura County Board of Supervisors and Flood Control District to develop a flood management plan for San Antonio Creek.

Both the residents and the Friends recognized the need to provide reasonable flood protection for human life, structures, and property, while preserving those natural amenities of San Antonio Creek which have attracted both residents and visitors to the area.

The County's refusal to develop a flood management plan for San Antonio Creek in a timely manner, forced it to rely upon the Natural Resources Conservation Service (NRCS) *Emergency Watershed Grant Program* for funding. This program comes with severe limitations. The type of work permitted under the NRCS program is limited to traditional flood control activities (dredging, channel straightening, vegetation removal) which are more appropriate for urbanized areas. The restrictions on timing severely limits opportunities for in depth analysis or public review. Under these circumstances, the County has developed a simple dredging project which will have no long-term benefits.

Such an approach to protecting lives, structures, and property along San Antonio Creek will not be effective given the flood characteristics of San Antonio Creek. San Antonio Creek is a naturally braided stream, with multiple channels which shift in response to annual flood events. The predicted level of protection for the proposed project (25 year frequency flood event) is predicated on the unlined and barren banks of the dredged channel remaining in place during a flood event.

However, the proposal to confine San Antonio Creek to a single channel

without stabilizing the banks will not work. Such an approach will only serve to generate a false sense of security among property owners and encourage further encroachment into the active channel and floodplain of San Antonio Creek, leading to increased risk of life and property.

The Friends have proposed to the County a multi-faceted approach to dealing with the flood hazards on San Antonio Creek which provides long-term meaningful protection for both residents and the creek. The basic elements of this program include:

1. Phase out all unauthorized structures, artificial fill, and other obstructions which currently impede natural stream flows.

2. Initiate a program to remove non-native vegetation (particularly the Giant Reed *Arundo donax*) in the creek channel, using both approved herbicides, and selective mechanical equipment.

3. Where feasible, set-back structures which are vulnerable to flood flows or channel migration, based on a site-specific floodplain analysis of San Antonio Creek

4. Provide flood proofing assistance for individual residential structures using standard techniques such as raised foundations, flood walls, etc.

5. Improve or remove the fairweather crossings at Frazer Lane and Old Creek Road to restore natural channel capacity and provide safer vehicular crossing during high flows

6. Up-grade the County's current flood warning system and develop a detailed flood evacuation plan and support facilities for creek road residents and other potential flood victims.

There is a need to provide reasonable flood protection for human life, structures, and property along San Antonio Creek, but the current proposal to channelize over two miles of the creek has been poorly thought out and inadequately reviewed.

The 1.2 million dollars of public monies which are proposed for this project will be literally washed to the ocean after the first major flood, and both the residents and the County will be forced to re-think the flood problem yet again. San Antonio Creek residents, and the public in general, deserve better of their government.

Sincerely,



Mark H. Capelli
Executive Director

MHC/

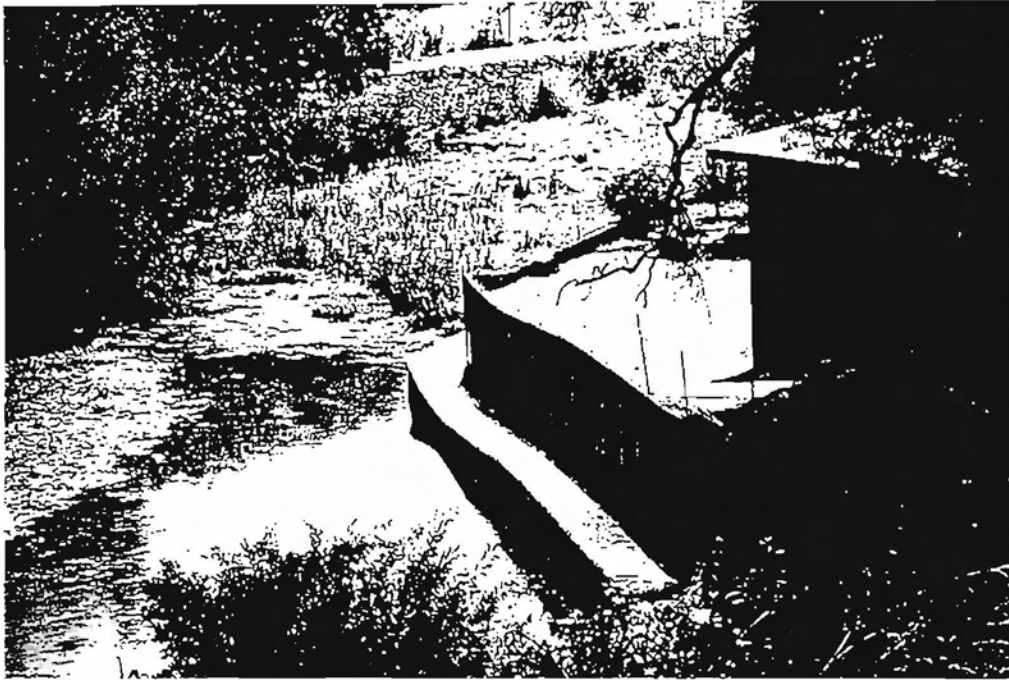
Slide Presentation
Ventura County Board of Supervisors
November 21, 1995



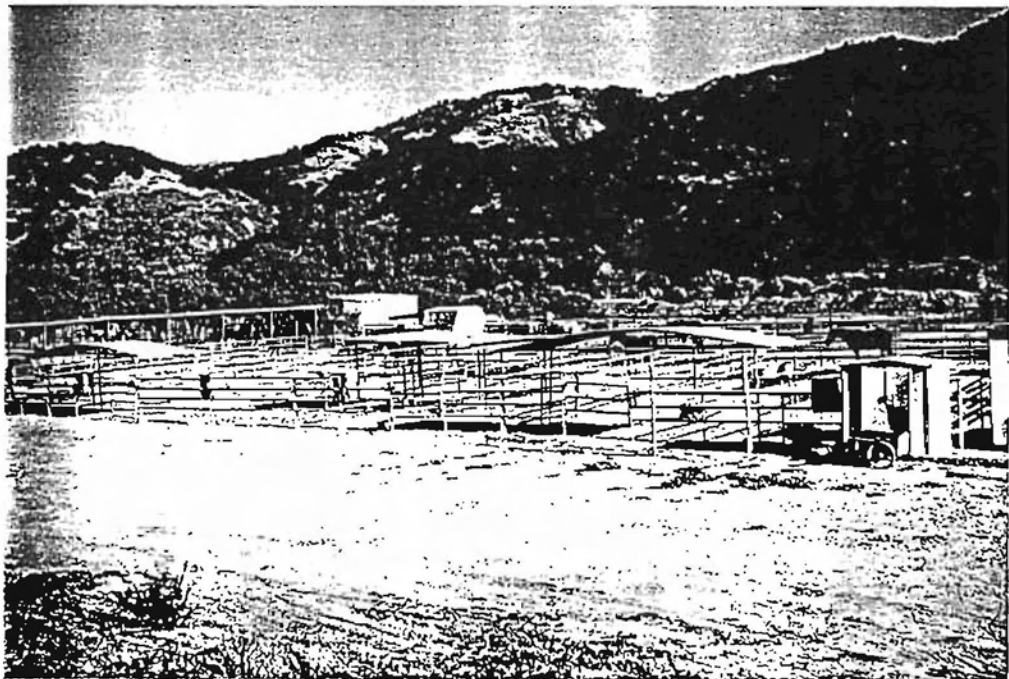
Slide 1. San Antonio Creek Bridge Sign on Highway 33 near beginning of project site.



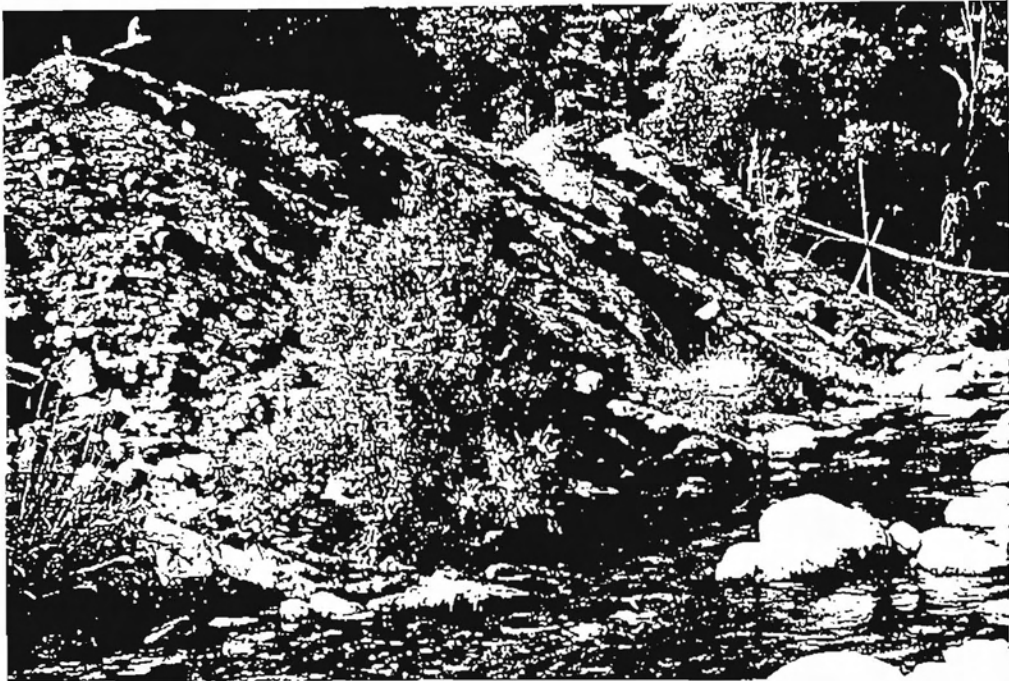
Slide 2. San Antonio Creek. Looking upstream toward group of young people hiking along the creek approximately 1 mile above Old Creek Road crossing (within project area). August 4, 1992.



Slide 3. Residence built within the low flow channel of San Antonio Creek approximately 3/4 mile upstream from the Old Creek Road Crossing (within project area), October 28, 1995.



Slide 4. Typical horse corrals and associated out-buildings located within San Antonio Creek floodplain (within project area). Note gravel berms constructed from stream bed materials in background, November 20, 1995.



Slide 5. Unauthorized dirt fill in San Antonio Creek channel, approximately 2 miles upstream from Old Creek Road crossing (within project area). July 12, 1992.



Slide 6. Unauthorized summer dam constructed across San Antonio Creek approximately 1/2 mile upstream of Old Creek Road crossing (within project area). August 12, 1992.



Slide 7. San Antonio Creek looking upstream from a point approximately 3/4 mile above Old Creek Road crossing (within project area). October 28, 1995.



Slide 8. San Antonio Creek looking upstream at Ventura County transportation/flood control work along a 600 foot reach of creek, October 28, 1995.

U.S. wildlife agency protests river work

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"We will continue to do everything to protect the people who live up there, regardless of the effect on the steelhead," Nowak declared.

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and reserve more space to store future storms, were halted as of 6 p.m. Monday.

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This is necessary to enable the county and other agencies involved to apply for clean-up funds, he said.

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California Native Plant Society

1722 J Street, Suite 17 • Sacramento, CA 95814 • (916) 447-2677 • FAX (916) 447-2727

12 December 1995

Ms. Lisa Mangione
U.S. Army Corps of Engineers
Los Angeles District, Regulatory Branch
Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

SUBJECT: Ventura County Flood Control District proposal to channelize San Antonio Creek in the Ojai Valley

Dear Ms. Mangione:

The California Native Plant Society (CNPS) is a nonprofit organization with over 10,000 members dedicated to increasing understanding and appreciation of California's native plants and to preserve them in their habitats through scientific activities, education, and conservation. CNPS would like to express our extreme concern over the Ventura County Flood Control District's (VCFCD's) proposal to channelize approximately 2.25 miles of San Antonio Creek, located in the Ojai Valley.

CNPS believes this project is ill-conceived, not in the best public interest, and would cause significant adverse impacts to the riverine and palustrine habitats of this biologically significant creek. The project would result in the loss of over 32 acres of jurisdictional waters of the United States, including wetlands, a significant adverse impact.

CNPS takes exception to the VCFCD's expectation that Nationwide Permit 37 is applicable and to their attempt to avoid suitable environmental review under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). Nationwide Permit 37 is defined below:

37. Emergency Watershed Protection and Rehabilitation. Work done by or funded by the Soil Conservation Service qualifying as an "exigency" situation (requiring immediate action) under its Emergency Watershed Protection Program (7 CFR Part 624) and work done or funded by the Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 509.13) provided the district engineer is notified in accordance with the notification general condition. (Sections 10 and 404)

CNPS believes the VCFCD has failed to show that this project requires "immediate action", except for their need to start work in order to receive Federal funding from the Natural Resources Conservation Service this calendar year. Meeting a funding deadline as justification for using an "emergency" permit is a misuse of these regulations and should be denied.

Furthermore, VCFCD's attempt to avoid environmental review because of a perceived "emergency" is transparent. No emergency exists. This stream has been in its current natural state since before European settlement, with development occurring along it for over 50 years, some for as long as 100 years. Periodic flooding does occur and is the normal condition; however, flooding frequency varies tremendously from year to year. The probability of a 10-year flood event occurring during



Dedicated to the preservation of California native flora

12/12/95

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the rain-year of 1995-1996 is only 10%. A 10% probability of flooding in no way can be defined by any reasonable-thinking person as an emergency. Section 325.2(e)(4) defines "emergency" clearly:

Emergency procedures. Division engineers are authorized to approve special processing procedures in emergency situations. An "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures....Even in an emergency situation, reasonable efforts will be made to receive comments from interested Federal, state, and local agencies and the affected public. Also, notice of any special procedures authorized and their rationale is to be appropriately published as soon as practicable.

The effects of flooding, and it's probability, are well-known and have been recognized for many years and have in no way is there an unforeseen or immediate threat to the few properties located along San Antonio Creek.

CNPS also takes exception to the VCFCD's characterization of the creek as "highly disturbed to relatively pristine riparian habitat". This sentence is misleading in that it suggests and implies that the creek is disturbed. San Antonio Creek has never been the subject of any significant modifications by humans, except from illegal activities, or those activities that occurred prior to Clean Water Act legislation. San Antonio Creek contains both natural riverine and palustrine habitats. Riverine habitats, by nature, are "disturbed" by the dynamics of the water flows. That is, natural water flows (seasonal flooding events) periodically scour and deposit sediments occurring in the natural flood plain. These naturally "disturbed" habitats are part of the natural cycle and still have high value as an important component of the structural diversity of habitats occurring in San Antonio Creek.

CNPS questions the validity of the area delineated by the VCFCD as jurisdictional waters of the United States and requests the U.S. Army Corps of Engineers (USACE) perform a jurisdictional delineation of waters of the United States that would be both directly and indirectly affected by the proposed project.

The significant adverse impacts to the biological resources of San Antonio Creek that would result from this proposal ~~is~~ not justified by the questionable flood control benefit that the proposed project would provide. Furthermore, numerous alternatives exist and have been previously proposed by the Friends of the Ventura River that would avoid or minimize adverse impacts to the jurisdictional waters and provide greater flood protection to the few landowners that this project would benefit.

Since this project will be funded, at least in part, with Federal funds, the USACE should require full environmental disclosure and assessment according to NEPA. CNPS contends that the loss of over 32 acres of riverine and palustrine habitats constitutes a significant adverse affect as intended in NEPA regulations and an Environmental Impact Statement should be prepared to properly assess and fully disclose all environmental affects that would result from the proposed project.

12/12/95

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CNPS urges the USACE to deny the VCFCFCD the use of Nationwide Permit 37 and require them to submit an application for an individual permit pursuant to Section 404 of the Clean Water Act. As part of the USACE's review of the impacts and benefits of the proposed project as required in Section 320.4 of the Act and an alternatives analysis should be conducted pursuant to Section 404(b)(1). As stated in Section 320.4(b) of the Act:


The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines.

CNPS is confident that a large number of alternatives exist for this project that would provide adequate, or greater, flood protection to the few homes located along the banks of San Antonio Creek that would have far less adverse impact on the biological resources of San Antonio Creek. Based on Clean Water Act regulations, Nationwide Permit 37 cannot be used for the proposed project since:

1. No emergency exists;
2. No mitigation is proposed;
3. A steelhead spawning area will be affected;
4. Extensive and significant affects to the biological resources would result;
5. Aquatic life movements would be adversely affected;
6. Substantial and extensive soil disturbance would result; and
7. Substantial local erosion and sedimentation would occur within and downstream of the project when normal seasonal flooding occurs.

CNPS urges you to deny the VCFCFCD the use of Nationwide Permit 37 for all the reasons mentioned above. Thank you for considering CNPS's comments and concerns regarding this project.

Respectfully,


Jan C. Scow
Land Management Analyst,
Southern California

cc: VCFCFCD-Alex Sheydayi
USFWS-Ventura Field Office-Connie Rutherford
CDFG-Mauricio Cardenas, Mary Meyer
CNPS VP-Conservation-David Magney

Friends of the Ventura River

December 18, 1995

Editor, Ojai Valley News
P.O. Box 277
Ojai, CA 930213

*Note: italicize
concerned
title*

RE: San Antonio Creek Flood Control

In 1992 and again in 1995 following heavy storm damage along San Antonio Creek, concerned citizens of Creek Road ~~creek residents~~ and the Friends of the Ventura River independently approached the Ventura County Board of Supervisors and Flood Control District to develop a flood management plan for San Antonio Creek.

Both the ^{creek} residents and the Friends recognized the need to provide reasonable flood protection for human life, structures, and property, while preserving those natural amenities of San Antonio Creek which have attracted both residents and visitors to the area.

The County's refusal to develop a flood management plan for San Antonio Creek in a timely manner, forced it to rely upon the Natural Resources Conservation Service (NRCS) *Emergency Watershed Grant Program* for funding. This program comes with severe limitations. The type of work permitted under the NRCS program is limited to traditional flood control activities (dredging, channel straightening, vegetation removal) which are more appropriate for urbanized areas. The restrictions on timing severely limits opportunities for in depth analysis or public review. Under these circumstances, the County has developed a simple dredging project which will have no long-term benefits.

Such an approach to protecting lives, structures, and property along San Antonio Creek will not be effective given the flood characteristics of San Antonio Creek. San Antonio Creek is a naturally braided stream, with multiple channels which shift in response to annual flood events. The predicted level of protection for the proposed project (25 year frequency flood event) is predicated on the unlined and barren banks of the dredged channel remaining in place during a flood event.

However, the proposal to confine San Antonio Creek to a single channel

without stabilizing the banks will not work. Such an approach will only serve to generate a false sense of security among property owners and encourage further encroachment into the active channel and floodplain of San Antonio Creek, leading to increased risk of life and property.

The Friends have proposed to the County a multi-faceted approach to dealing with the flood hazards on San Antonio Creek which provides long-term meaningful protection for both residents and the creek. The basic elements of this program include: *Note: re-number and re-order program elements as noted*

④ ✕ Phase out all unauthorized structures, artificial fill, and other obstructions which currently impede natural stream flows.

③ ✕ Initiate a program to remove non-native vegetation (particularly the Giant Reed *Arundo donax*) in the creek channel, using both approved herbicides, and selective mechanical equipment.

⑤ ✕ Where feasible, set-back structures which are vulnerable to flood flows or channel migration, based on a site-specific floodplain analysis of San Antonio Creek *immediate*

① ✕ Provide *immediate* flood proofing assistance for individual residential structures using standard techniques such as raised foundations, flood walls, etc.

⑥ ✕ Improve or remove the fairweather crossings at Frazer Lane and Old Creek Road to restore natural channel capacity and provide safer vehicular crossing during high flows

② ✕ Up-grade the County's current flood warning system *to include San Antonio Creek* and develop a detailed flood evacuation plan and support facilities for creek road residents, ~~and other potential flood victims.~~

There is a need to provide reasonable flood protection for human life, structures, and property along San Antonio Creek, but the current proposal to channelize over two miles of the creek has been poorly thought out and inadequately reviewed.

The 1.2 million dollars of public monies which are proposed for this project will be literally washed to the ocean after the first major flood, and both the residents and the County will be forced to re-think the flood problem yet again. San Antonio Creek residents, and the public in general, deserve better of their *County* government.

Sincerely,

Mark H. Capelli

Mark H. Capelli
Executive Director

MHC/



December 22, 1995

Editor
Ojai Valley News
Fax (805) 646 4281

Attention Bonnie McNeill

Dear Editor:

Despite all the excellent articles that have appeared in your newspaper, I believe there still remains a degree of public misunderstanding about the reasons that many people have objections to the proposed Ventura County Flood Control Project to bulldoze the channel on San Antonio Creek:

We share the concerns of property owners on Creek Road about the risk to human life from flooding. We strongly support an early flood warning system for residents, like the one developed for the AV park, built in the floodway of the Ventura River. There is also an early warning system recently developed by the Ojai Sanitary District, after the last flood washed out a section of the sewer line. We also support the ongoing project to protect Creek Road from collapse near the entrance from Highway 33 and the project to protect the sewer line on Creek Road near Tewa and Tewa Streets.

We share the concern of Creek Road property owners for fearing the flooding of their homes and we want to help. Much mention has been made of the small, yellow, Creek Road house that was destroyed in the floods of this spring. The misunderstanding has been that this house was flood damaged long ago and was vacant for years for that reason. It was not always a small yellow house. Some years ago, it was a large yellow house. The larger half of it washed away in earlier floods. What we strongly support to help the homeowners is County funded, individual flood protection of 4 to 10 homes that the County Flood Control has identified as being at risk. We do not support bulldozing the creek to protect those homes when there are other and less harmful ways to protect the homes at risk. If we once bulldoze the creek, it will have to be bulldozed every year to maintain the channel and we will have lost a valuable public resources forever. What we need is for all of us to work together to persuade County Flood Control that individually flood protecting the few homes at risk is a permanent, cost effective and environmentally sensitive way of achieving what we all want - safety for the homeowners and a beautiful natural creek, preserved for all the citizens of Ventura County.

Mark Bard

Friends of the Ventura River

December 23, 1995

TO: Interested Parties

FROM: Charles D. Price, President

RE: San Antonio Creek Flood Control Project (Ventura County)

The *Friends of the Ventura River* have joined with *California Trout, Inc.* in legally challenging the County of Ventura's decision to proceed with a massive flood control project on San Antonio Creek without *any* environmental review.

San Antonio Creek is a major tributary of the Ventura River with extensive stands of native riparian vegetation and a wide diversity of wildlife. The Creek supports one of the last runs of Steelhead in southern California, a species which is currently being considered by the National Marine Fisheries Services as threatened or endangered under the U.S. Endangered Species Act.

The flood control project would involve excavating out 145,000 cubic yards of material from over two miles of creek channel, and the removal of over 30 acres of wetland vegetation. The naturally narrow and winding channel would be straightened, and widened to an average of approximately 100 feet, or 1/3 the length of a football field, and as much as 200 feet in some places.

The *Friends* and *CalTrout's* legal challenge centers on the lack of environmental review conducted by the County, and the emergency basis of the County's waiver of all environmental review requirements. The *Friends* and *CalTrout* have contended that the County's declaration of an emergency almost nine months *after* the floods of 1995, and over *three* years *after* the floods of 1992, is grossly inconsistent with the letter and intent of the emergency provisions of the California Environmentally Quality Act (CEQA).

Charles D. Price, President of the Friends, commenting on the County's action said "The County has done the residents along San Antonio Creek a major disservice in mis-characterizing the situation as an emergency, and choosing to by-pass the environmental requirements of CEQA. Neither public or private interests are served by the County's deliberate appeal to the fear of flood hazards, when no emergency exists."

All inquires regarding this matter should be directed to:

John Buse, Staff Attorney
Environmental Defense Center
(805) 963-1622



OJAI VALLEY

Ojai Valley's Only Local Newspaper

105th Year, No 20

Friday, Dec. 29, 1995

Group files to stop flood work

By Bonnie MacNeill

OVN staff reporter

Friends of the Ventura River (FOVR) and California Trout, Inc., have filed a petition in Ventura County Superior Court to stop the proposed Ventura County Flood Control Division project on San Antonio Creek.

The county has until Jan. 14 to respond to the action.

Seeking legal help

The environmentalists want Judge Joe D. Hadden to set aside the county's finding that the project is exempt from the provisions of the California Environmental Quality Act (CEQA); Set aside findings that an emergency exists along San Antonio Creek; set aside the approval of the project given by the Ventura County Board of Supervisors last month; and refrain from all activity authorized by that approval until after the county has complied with CEQA, the California Coastal Act, the county's local Coastal Plan, the public trust doctrine and all other applicable

state and local laws, policies, ordinances and regulations.

They seek a restraining order, preliminary injunction and permanent injunction prohibiting any work on the project and an award of attorney fees.

"San Antonio Creek is a major tributary of the Ventura River with extensive stands of native riparian vegetation and a wide diversity of wildlife," said Charles Price, president of FOVR. "The creek supports one of the last runs of steelhead in Southern California, a species which is currently being considered by the National Marine Fisheries Services as threatened or endangered under the U.S. Endangered Species Act."

Residents of Creek Road met with Supervisor Susan Lacey early in May, after which Flood Control director Alex Sheydayi was directed to formulate a project that would protect the residents and their property from future floods.

Funds were solicited from the Natural Resources Conservation Service, which approved a \$600,000 emergency grant for the

project, if it was underway by Dec. 18. An extension has been filed by Sheydayi in hopes that if approvals are granted, the project will still be funded under the emergency grant.

Members of the environmental groups say there is no emergency. They say they have made proposals for several years on ways to protect both the creek and the homes and that the Flood Control Division has not listened.

Waiting to hear from Corp

Sheydayi said his department won't start the project without the proper approvals. He awaits approval from the U.S. Army Corps of Engineers, but maintains the project is an emergency and therefore exempt from CEQA.

"I have sent a letter to the colonel at the Corps further explaining the project and explaining why we feel the impact is minimal and we should go forward," said Sheydayi.

He said he has yet to hear from the Corps and suspects the federal government shutdown could have something to do with the delay.

WHAT OTHER GOVERNMENT AGENCIES SAY ABOUT THIS BOONDOGGLE

CALIFORNIA REGIONAL WATER QUALITY BOARD (DECEMBER 6, 1995):

"Our preliminary evaluation of the project has indicated the potential for severe impacts to the designated beneficial uses of San Antonio Creek."

"We concur... that the proposed project does not qualify under the emergency provision as specified under the CEQA Guidelines' definition."

CALIFORNIA DEPARTMENT OF FISH AND GAME (DECEMBER 12, 1995):

"Information this department has received does not describe in detail the work proposed for the 100-year project nor does it provide information on environmental impacts or feasible alternatives to the proposed project."

"Furthermore, it is the Department's position that the proposed cleanout does not qualify as an Emergency Project under (CEQA)."

CALIFORNIA COASTAL COMMISSION (DECEMBER 15, 1995):

"The project would also have significant adverse effects on steelhead habitat."

"We urge consideration of a project designed to protect homes most in danger of flooding, but one which significantly reduces the magnitude of the project and its impacts."

NATIONAL MARINE FISHERIES SERVICE (DECEMBER 13, 1995):

"The primary (NMFS) concern regarding this proposed project is the potential effect to steelhead trout and their habitat."

"A bank stabilization project that includes enhancement of steelhead trout habitat may be a more long-term and cost effective solution."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (DECEMBER 15, 1995):

"The proposed project will have a negative impact on the steelhead and their habitat."

"EPA believes that resources along San Antonio Creek are aquatic resources of national importance."

"EPA cannot support the proposed action because we believe that alternatives may exist that would achieve the County's purpose of flood protection while also minimizing impacts to the aquatic environment. The County should evaluate alternatives that first avoid adverse impacts by selecting the least environmentally damaging alternative."

"EPA is also concerned that no information was provided to fully assess the impacts."

U.S. FISH AND WILDLIFE SERVICE (DECEMBER 18, 1995):

"The Service believes the proposed mitigation plan is inadequate to compensate for the effects of the proposed project on wetlands and waters."

"No mitigation has been proposed for the loss of aquatic habitats."

"The conservation of wetland and riparian habitats is one of the Service's primary goals because of their many functions and values. For this reason, the Service has adopted a national policy of no net loss of wetlands."

"We recommend that a thorough biological assessment be prepared for the sensitive species in the proposed project area."

(Space prevents reprinting all the responses, but full text reprints of the following are available from The Voice.)

LOCAL

TUESDAY ♦ DEC. 26, 1995

♦ COUNTY EDITOR: BURTON SWOPE ♦ 655-5815 ♦

V

SECTION A, PAGE 3

Lawsuit challenges county creek proposal

FLOOD CONTROL: *Group says San Antonio Creek plan endangers wildlife, natural resources.*

By Howard Beck
Staff writer

A proposal to turn San Antonio Creek in the Oak View area into a flood control channel would devastate wildlife and natural resources, environmentalists allege in a lawsuit against Ventura County.

Friends of the Ventura River and California Trout Inc. are suing the county Board of Supervisors and the Flood Control District in an attempt to stop the creek project, which is not yet under

way. The lawsuit contends the county avoided studying environmental impacts by improperly declaring the proposal an "emergency" project.

The project is needed to provide flood protection for Oak View homeowners, officials contend.

Though the creek swelled into a river last winter, destroying one home and severely damaging others, the possible threat of new storms does not constitute an emergency as defined by the California Environmental Quality Act, environmentalists said.

"The CEQA definition refers to an immediate, unexpected, sudden occurrence. That's not the circumstances that exist along the creek," said attorney John Buse of the Environmental Defense Center, a

Santa Barbara firm representing the environmental groups.

"The circumstances that exist (along San Antonio Creek) are a longstanding condition of being flood-prone. That's the type of problem that can be dealt with with a reasoned, proper environmental review, as required by CEQA," he said.

County flood control officials and attorneys disagree, saying the project meets CEQA's definition for an emergency declaration. A judge will decide whose interpretation is correct, though a hearing has not yet been scheduled and might not be held until January.

"We are hopeful we will be able to prevail," said Art Goulet, director of Public Works and the Flood Control District.

Starr Hungate, a Creek Road resident

and vocal advocate of redirecting and deepening the creek, called the environmental groups "obstructionists." To her and other residents whose homes and ranches are threatened, the situation is an emergency.

"We're just sitting on a powder keg here," she said.

The lawsuit contends 145,000 cubic yards of streambed would be excavated and 32 acres of riparian vegetation removed. It further states that the project would impact the spawning of steelhead trout, a potential candidate for endangered species protection. Three other endangered species candidates, including species of frogs and turtles, could be affected.

An environmental impact report is needed to fully address these potential

impacts and to provide possible measures to minimize the effects, environmentalists argue.

Aside from the lawsuit, the project may be endangered by numerous other obstacles.

A deadline to use \$600,000 in federal funds expired Dec. 18, and as of late Thursday, the county had not yet heard whether the Natural Resources Conservation Service intended to extend the deadline. The county also had not yet received a required permit from the U.S. Army Corps of Engineers.

Finally, in a recent letter, the Regional Water Quality Control Board indicated opposition to the project, noting "potential for severe impacts to the designated beneficial uses of San Antonio Creek."

OPINION

PAGE 4

♦ OPINION PAGE EDITOR: TIMM HERDT ♦ 655-5837 ♦

MONDAY ♦ JAN. 8, 1996

Flood control needed

The dissemination of misinformation continues to be part of the campaign of several individuals who oppose the flood control project that will protect lives and homes along

the San Antonio Creek.

In his efforts to prevent the project, Mark Capelli (Friends of the Ventura River) presented misinformation to the Board of Supervisors. Capelli presented the project as a step toward the L.A. River. He showed a slide of a concrete-reinforced channel involving rip-rap on one side and a spoils pile on the other side. The supervisors realized that the project would not involve the above-mentioned techniques and was, in fact, environmentally sensitive.

The emergency project was approved by a 4-0 vote. The photograph, which has been referred to by county officials as "a complete misrepresentation," continues to be used by opponents of the project. It has been published in several newspapers and was sent to residents living along the San Antonio Creek. Although the photo is inaccurate in describing the project, it was, as intended, effective in creating unwarranted concern. An acquaintance of ours, who works for one of the newspapers, confirmed this when he admitted that his initial impression after seeing the photo was, "They're going to wreck the creek." After realizing that the photo misrepresented the emergency project, he felt a retraction was in order.

YOUR LETTERS

A recent letter to the editor by one who opposes the project pointed out that "much mention has been made of the small, yellow Creek Road house that was lost in the spring floods." The writer then goes on to say, "The misunderstanding has been that this house was flood-damaged long ago and was vacant for years for that reason." The writer is the one who is misinformed. It is true that the yellow structure was destroyed. However, the much-mentioned home was that of my neighbor's and not the yellow structure. My neighbor's home was destroyed this year. She was left homeless and was lucky to escape with her life.

Opponents of the project have stated that an emergency does not exist. However, they agree that we need immediate flood protection for the "four to 10 homes" that are in danger. The flood-proofing of these homes would not protect the Ojai Valley sewer line or Highway 33 between Old Creek Road and Creek Road. Furthermore, other homes are potentially at risk. Water from this year's floods came within inches of overflowing and flooding many homes near Frazier Lane. This can be verified by residents who have lived along the creek for years and have a real knowledge of the situation.

Mr. Capelli has also stated that the emergency project would result in additional erosion. The severe erosion caused by this year's floods is one reason that funding for the project was approved by the Natural Resources Conservation Service. Erosion occurred and will continue to occur unless the creek's capacity is returned to its original state. This erosion will result in the further destruction of the riparian vegetation that Mr. Capelli wants to protect.

The flood-warning system proposed by Mr. Capelli does nothing to solve the emergency. It's like giving someone a smoke alarm when you know their house is going to burn down. It would make more sense to prevent the fire.

The residents living along the San Antonio Creek realize that a true emergency exists. This is our home and we know the creek. Unlike several others, we are not willing to gamble with our homes and lives. If the emergency project did not take place, we would still want to live here and take care of the creek. The concern of the opponents would fade as they move on to something new.

— David & Robyn Duke Ross,
Oak View

OJAI VALLEY NEWS

Ojai Valley's Only Local Newspaper

Wednesday, Jan. 10, 1996

Newsracks, 50¢

San Antonio Creek project is damned

By Bonnie MacNeill
OVN staff reporter

A year ago today, the San Antonio Creek overflowed its banks. Residents, knee deep in sewage — though not aware of it at the time — rescued livestock and watched buildings crumble.

Creek Road residents spent 1995 talking with officials from the Ventura County Flood Control District about a project that would create a channel in the creek to contain the next flood.

"It's so frustrating," said creekside resident Bill Rice when he heard the creek project reached a bend that only time and money can straighten.

"(The project) is not dead, but it will take more time to get it cleared up. Hopefully, the good Lord will give us time to do something with this before another deluge," said Rice.

Can't change the channel

The U.S. Army Corps of Engineers decided last week it will not approve Ventura County's request to construct the flood control channel as presented, saying the project does not qualify for a general permit.

According to Col. Michal R. Robinson, U.S. Army Corps of Engineers Los Angeles District engineer, the federal Clean Water Act stipulates that projects approved under general permits must have no more than minimal impacts to the environment.

"The Corps determined the potential for substantial impacts to riparian and steelhead trout habitat exceed the minimal impact requirement. The county's permit application provided only partial compensatory mitigation for the impacts to valuable riparian habitats and did not address steelhead trout impacts or mitigation," said Robinson.

The Corps decision, he added, is not a permit denial.

"The project was generally well-received by the Corps in April when the county initially described the concept plan for regulatory and resource agencies. Then, the county did not claim the project would have minimal impacts," Robinson said.

When the permit application was received by the Corps in December, Robinson added, it became clear the county was requesting a general permit.

On the fast track

The Corps initiated an expedited review by resource agencies, including the National Marine Fisheries Service, Environmental Protection Agency, U.S. Fish and Wildlife Service, California Regional Water Quality Control Board, California Department of Fish and Game and the California Coastal Commission.

The agencies unanimously recommended requiring the county to pursue an individual permit, said Robinson.

"It will take the Corps several months to render a decision on an individual permit. The county, however, has the option to request smaller-scale, short-term flood control improvements at the most critical points or, at a future date, demonstrate that the impacts are less than minimal," said Robinson.

Take it to the bank

He added that a general permit from the Ojai Valley Sanitary District is being studied for limited bank stabilization to protect the sewer line along the creek.

Alex Sheydayi, director of the Ventura County Flood Control District, said smaller-scale projects aren't in the works.

"How do you decide which properties have priority?" he asked.

Another issue is that the \$600,000 grant from the Natural Resource Conservation Service was based on certain benefits to a certain number of residents, said Sheydayi. Decreasing the number of residences or reducing the benefit of the original project prevents it from qualifying for the funds, he said.

"It's a long creek; there are no short-term fixes," said Sheydayi.

He said it's back to the drawing board for his department as it regroups and decides what to do.

He said he'd also be praying for a dry winter.

Mark Capelli, director of the Friends of the Ventura River, said the general permit would have precluded all public review and should be granted only for projects the Corps determines would have only minimal impact on the environment.

"The U.S. Army Corps of Engineers made the right decision," said Capelli. "In fact, they had no other choice in light of the unanimous resource agency assessment of the project's significant environmental impacts."

Review opportunities

"While the decision may disappoint some, the requirement for an individual permit from the Corps will give everyone, including the San Antonio Creek residents, a better opportunity to review the project and provide constructive input," Capelli said.

Rice said the residents have discussed the project and don't see a need to discuss it further. He said they, too, are environmentalists and they know what has to be done to protect their property and the creek.

"Something has to be done. I have willingly agreed to forfeit land and move buildings. I didn't want to, but I agreed to. Even if nobody lived on the creek, the creek still needs this attention," Rice said.

He said the creek is clogged with Arrundo, a giant reed that is not native to its banks. He said the Concerned Creek Road Residents are not in total disagreement with a plan the Friends of the Ventura River have proposed. However, they also see a need to expedite the project to protect homes and lives should another flood occur.

ON water's EDGE

HEALTH AND SAFETY:

County discourages rebuilding or building anew in flood zones, but pressure for growth could make that tougher to enforce.

By Maja Beckstrom
Staff writer

Alice DeBerry woke at 4 a.m. Jan. 10 to hear the normally placid San Antonio Creek roaring outside her bedroom window.

Six hours later, she watched rising waters rip her mobile home off its foundation and carry it downstream to rest in a clump of giant reeds.

Though DeBerry enjoyed the 2½ years she spent living at 10156 Creek Road, the former travel agent will not be returning to the San Antonio's banks. She is prohibited from rebuilding by a county ordinance which regulates development in flood plains.

"It makes me sad that I can't go back," DeBerry said from the Santa Barbara motel where she is staying. "It was a beautiful spot. But I think the county is making a very, very wise decision."

Over the last decade, the county has tightened the rules governing what can and cannot be built in flood-prone areas.

"It's pretty simple," said Dolores Taylor, head of the county Flood Control Department's planning and regulatory division. "We don't want people to lose their lives or lose their property."

Some homes, such as DeBerry's, are allowed to stand in flood plains because they were

built before the regulations went into effect.

But new buildings are prohibited unless they can be safeguarded against floods by raised foundations. Developers of entire subdivisions are required to put in a system of levees and concrete channels to divert floodwaters away from homes.

And, in some cases, the county discourages any residential development at all. Instead, planners recommend the lowlands be farmed or turned into parks, golf courses or other recreational areas that allow waters to rise and recede without causing major damage.

"I think in general the flood-plain ordinance is doing a good job in reducing flood damage," said Bill Frank, a former principal engineer at the Flood Control Department who retired several years ago. "A lot of the damage now is occurring in older areas that were built before the regulations went into effect."

A flood plain is the land surrounding a river or creek that will be submerged after heavy rains upstream. The areas are measured according to the severity of a storm. Thus, a 100-year flood plain would be inundated by a storm expected to come along on average once every 100 years. But that's only a statistical average. In reality, such severe storms can occur more often.

The county adopted its flood-plain management ordinance in 1985, modeled on maps put out by the national flood insurance program.

Many homes, such as DeBerry's, were built in flood-prone areas before the ordinance went into effect.

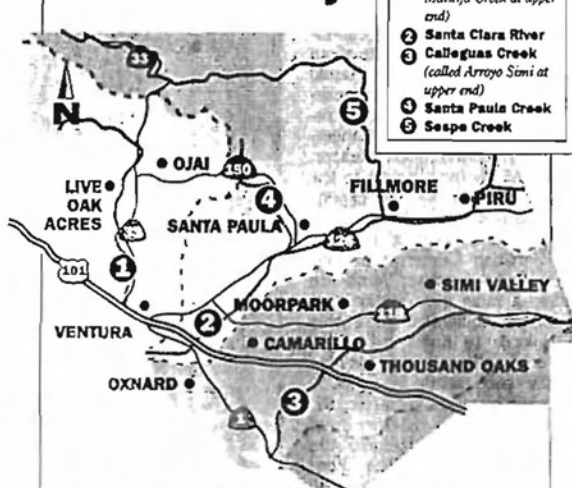
"Sixty percent of the urban area



Staff photo by Mark Pickering

TIME TO MOVE: Alice DeBerry, 45, right, hands a box of possessions to friend Nora Hostetler of Ventura. It came from the wreckage of DeBerry's Oak View mobile home, destroyed Jan. 10 by the San Antonio Creek's flood. Rushing water lifted the mobile home off its footing. It spun around and slammed against a brick garage about 50 feet away.

Waterways of Ventura County



Staff graphic by JOHN SHERRIFF

of Santa Paula is in a 100-year flood plain," Taylor said. Following a major deluge, Santa Paula Creek likely would jump its banks north of town, roar down Highway 150 and submerge the western and southern parts of town, she said.

The county proposed building a concrete channel east of the creek

to carry off surplus water, but the plan was defeated by residents who wanted to preserve natural river habitat. Now the U.S. Army Corps of Engineers is planning to build rock slopes up from the natural creek bed.

Arroyo Mobile Home Park, tucked between Highway 33 and

the Ventura River in Casitas Springs, is another example of development that would not be allowed under the newer regulations. The 40-unit park was evacuated, but not damaged, during this month's flood. The area was not so lucky in 1969.

"They lost trailers," recalled William Haydon, a former planning engineer for the county Flood Control Department who retired in 1993. "The west end of it eroded, and it was inundated with mud water."

Live Oak Acres, a cluster of homes on the west bank of the Ventura River above Oak View, is another area that probably should not have been allowed to develop, he said.

"It's basically all river-bottom," he said. Over the years, the county and federal government have spent millions of dollars installing and repairing levees to protect the community, he said.

The county is trying to prevent such situations from happening in the future.

According to Max Yuan, the Flood Control Department's permitting engineer, nothing can be built in the portion of the flood plain that lies closest to a river or creek's main channel, called a floodway. That is why DeBerry's mobile home, which lay in San Antonio Creek's floodway, cannot be replaced.

Please see FLOODING on C3

OJAI VALLEY NEWS

OUR READERS' VIEWS

Take care of the floods; save the creek

To the Editor:

No one likes to see homes, animals or humans endangered by flood waters.

One could question, then, the decision to build or buy homes and corrals in the flood plain of the meandering, alluvial creek that drains half of a major mountain, and then sit by the window during heavy rains to watch the creek rise to flood levels.

People who put themselves, their families, their possessions and their animals in harms way need to accept responsibility for their actions.

As a San Antonio creekside resident I know that living by the creek is great almost all the time. When it's not great, when the creek is carrying winter storm runoff to the sea, one should get out of the way.

San Antonio Creek has been a creek for a long time, and it floods on a regular basis. Creek side residents should be encouraged to make provisions for this regular event without resorting to drastic change to the creek.

residents and visitors to the Ojai Valley. It is a community responsibility to maintain it that way.

Very truly yours,
Tina Bolton
Ventura

Wednesday, Jan. 24, 1996

OPINION

♦ OPINION PAGE EDITOR: TIMM HERDT ♦ 65

EDITORIALS

State of disaster

EMERGENCY: *Government shouldn't stretch the term merely to sidestep inconvenient laws.*

Definitions of an "emergency" may vary among individuals, but the word has a tendency to get bent way out of shape when employed by political figures. Does a heavy snowfall constitute an "emergency?" A cold snap? A succession of dry winters?

It could be argued that these are merely the normal vagaries of weather and climate. Yet all have been occasions for formal declarations of emergency and/or disaster, justifying public assistance to affected individuals.

Given the nation's secular mythology, which admits no accidents or natural events but seeks ever to assign blame — and to collect monetary damages, if possible — such verbal charades are to be expected. Gov. Pete Wilson, however, appears finally to have pushed the practice beyond acceptable limits, drawing a judicial rebuke. The tale should encourage caution among others tempted to similar exaggeration, including public officials in Ventura County.

The ruling came last week, in a lawsuit brought by environmental organizations over the governor's suspension of provisions of the California Endangered Species Act.

Severe and widespread flooding last March was followed by loud — and erroneous — assertions by some victims that environmental regulations were to blame. Laws protecting endangered species, the complaint went, had prevented

timely repair of levees and clearing of channel-choking vegetation. The governor responded by directing the Department of Fish and Game to issue an emergency permit in all affected areas, ostensibly to provide an exemption from the Endangered Species Act for activities necessary to repair flood damage and protect property from imminent threat.

If that were all the permit entailed, criticism would have been muted. But the governor went much farther. The "emergency" was declared to be in effect for five years. And the permit was so broad that it allowed anyone to kill endangered creatures or destroy their habitat, if they believed it might prevent disaster.

That loophole was big enough to drive a bulldozer through. A dozen environmental groups sued, and a week ago a Superior Court judge in San Francisco found in their favor.

A version of this word game is being played out in Ventura County, where the Flood Control District has sought to avoid costly and time-consuming environmental impact studies of its plans to clear and re-route the channel of San Antonio Creek, citing an "emergency" threat of flooding.

The Army Corps of Engineers has properly resisted this attempt to side-step state and federal law. The county may undertake more modest protective measures, the Corps ruled, but if it wants to scrape away the creek's vegetation and straighten the channel, it will have to study the full impacts of that project and examine alternatives.

That's what the law requires, and only a legitimate "emergency" — not the mere expectation of winter weather — justifies its suspension.

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NEWS, ARTS & ENTERTAINMENT

BY CHARLES D. PRICE

Independent**VOICES**

A River Runs Through It, Occasionally

In one of his more expansive moods the 16th century philosopher, Francis Bacon, declared "I have taken all knowledge to be my province." But in a more modest and perceptive moment shrewdly observed, "Nature to be commanded, must first be obeyed."

The observation inspired by humility rather than presumption has proved to be the more prescient, and the one on which Bacon's four centuries of fame have firmly rested.

Following heavy rains in 1992 and 1995, during which nature repeatedly reasserted her territorial claims to ancient and not so ancient flood-prone lands along San Antonio Creek, voices were raised calling for authorities to control the raging waters.

Both creekside residents and the Friends of the Ventura River recognized the need to provide some type of flood protection, while preserving those natural amenities that have attracted both residents and visitors to San Antonio Creek. But there the similarity ended.

Understandably anxious about a possible repetition of the 1992 and 1995 floods, creekside residents hoped to tame the raging waters by removing stream-side vegetation, dredging river gravels, and building berms between San Antonio Creek and adjacent structures. Initially, the Ventura County Flood Control District refused to accede to their demands, as well as calls for comprehensive flood plain management by the Friends.

But repeated calls for "flood protection" ultimately led Flood

Control to apply for federal money to pay for a traditional project along a three-mile reach of San Antonio Creek. This included removing native vegetation, and straightening and deepening the naturally sinuous channels.

Unfortunately, such an approach to protecting lives, structures, and property along San Antonio Creek will not be effective given the natural flood characteristics of the area. San Antonio Creek is a braided stream, with multiple channels that shift in response to annual flood events. These ever-moving channels are the product of a practically infinite supply of sediments, whose source can be easily seen in the nearby mountains that form the watershed of San Antonio Creek.

The predicted level of protection offered by the proposed project (a 25-year frequency flood event), assumes the barren banks of the dredged channel will remain in place during a flood event. However, any proposal to

The \$1.2 million dollars in public monies slated for this project will be washed to the ocean after the first major flood . . .

confine San Antonio Creek to a single stream without first stabilizing the banks will not work.

Such an approach will only serve to generate a false sense of security among property owners and encourage further encroachment into the active channel and flood-plain, leading to increased risk of life and property.

The Friends have proposed a multi-faceted approach to dealing with the flood hazards on San Antonio Creek that provides

long-term, meaningful protection for creekside residents and takes into account the natural, unalterable characteristics of the creek and its watershed.

The basic elements of this program include:

- Providing immediate flood proofing assistance for individual residential structures using standard techniques such as raised foundations and flood walls.
- Upgrading the county's current flood warning system to include San Antonio Creek, and develop a detailed flood evacuation plan and support facilities for creekside residents.
- Initiate a program to remove non-native vegetation (particularly the Giant Reed) in the creek

channel, using both approved herbicides, and selective mechanical equipment.

- Phasing out all unauthorized structures, artificial fill, and other obstructions that now impede natural stream flows.

- Where feasible, set-back structures that are vulnerable to flood flows or channel migration, based on a site-specific flood plain analysis of San Antonio Creek.

- Improve or remove the fair-weather crossings at Frazer Lane and Old Creek Road to restore natural channel capacity and provide safer vehicular crossing during high flows.

There is a need to provide reasonable flood protection for human life, structures, and property along San Antonio Creek. But the current proposal to channelize over three miles of the stream does not adequately take into account the natural processes at work.

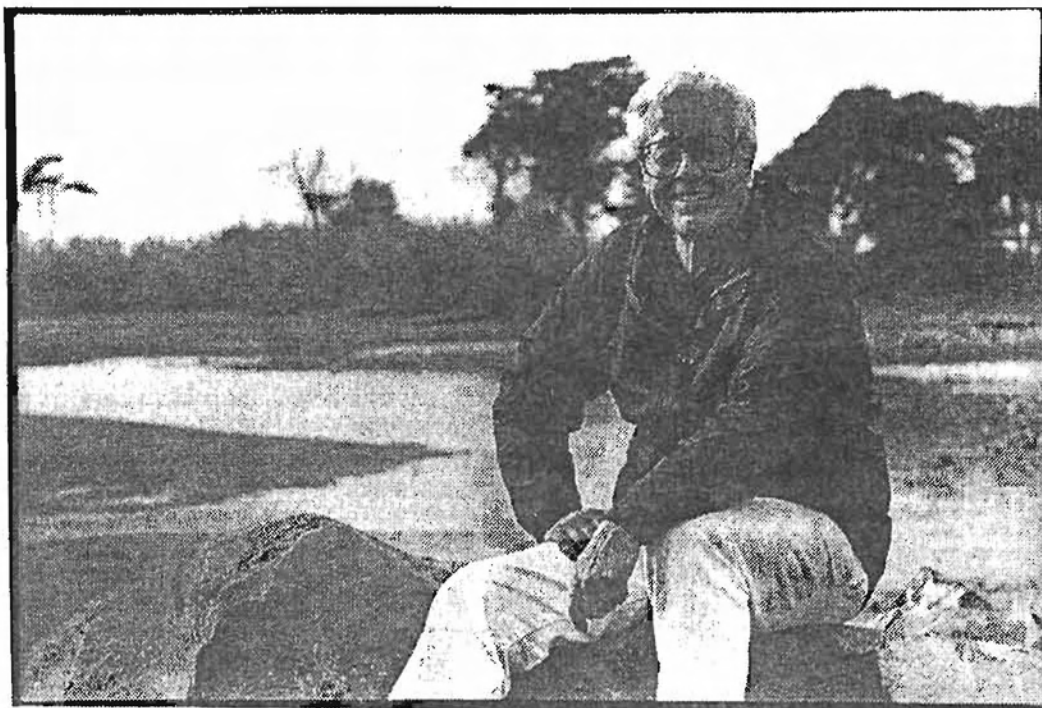
The \$1.2 million in public

monies slated for this project will be washed to the ocean after the first major flood, and both the residents and the county will be again be forced to re-think the flood problem on San Antonio Creek.

To quote the venerable Francis Bacon once again, "Hope is a good breakfast, but it is a bad supper." Residents and the public in general deserve better of their county government.

(Charles D. Price is co-founder and president of Friends of the Ventura River.)

Independent Voices is a forum for community opinion and is open to all of our readers. Be apprised that the sentiments expressed here are those of the individuals who contribute. They do not necessarily reflect the opinions of the editorial staff at The Ventura Independent.



Charles D. Price, president of Friends of the Ventura River.