

COASTAL CONSERVANCY

Staff Recommendation
January 29, 2004

VENTURA RIVER PARKWAY: CONFLUENCE PROPERTY ACQUISITION

File No. 02-134
Project Manager: Peter S. Brand

RECOMMENDED ACTION: Authorization to disburse up to \$450,000 to the Ojai Valley Land Conservancy for the acquisition of the Confluence property on the Ventura River at the mouth of San Antonio Creek, and for related costs and studies.

LOCATION: Confluence of Ventura River and San Antonio Creek, north of the City of Ventura in the County of Ventura (Exhibits 1 and 2)

PROGRAM CATEGORY: Resource Enhancement

EXHIBITS

- Exhibit 1: Ventura River Regional Map
- Exhibit 2: Site Map
- Exhibit 3: Ventura River Parkway
- Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed four hundred fifty thousand dollars (\$450,000) to the Ojai Valley Land Conservancy for the acquisition of interests in the Confluence property including 14 acres in fee and 16 acres under a conservation easement, as described in the accompanying staff recommendation, for related acquisition costs, and for preparation of a public access, restoration and resource management plan for the property and adjacent related properties. The Conservancy further authorizes the acceptance of funds from the Resources Agency and other sources to defray or reimburse the Conservancy’s costs of acquisition, planning or restoration of the Confluence property. This authorization is subject to the following conditions:

1. Prior to the disbursement of any funds for acquisition, the Executive Officer shall review and approve all title and acquisition documents including but not limited to the appraisal, agree-

ment of purchase and sale, the grant deed and conservation easement, environmental assessments, escrow instructions and documents of title.

2. The Ojai Valley Land Conservancy shall pay no more than fair market value for the interests acquired, as established by an appraisal approved by the Executive Officer.
3. The property shall be permanently protected for public access, open space and habitat conservation in a manner acceptable to the Executive Officer and in accordance with Public Resources Code Section 31116(b).”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of the Division 21 of the Public Resources Code (Sections 31241-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The portion of the Ventura River that is within the Coastal Zone is identified is designated as a sensitive habitat area to be preserved and where possible restored and is to be protected from any actions that would adversely affect flows necessary for anadromous fish.
4. The Ojai Valley Land Conservancy is a nonprofit organization existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.
5. The Conservancy is authorized under Section 31104 of the Public Resources Code to apply for and accept financial grants and financial support from public and private sources.”

PROJECT SUMMARY:

Staff recommends that the Conservancy authorize disbursement of funds not to exceed \$450,000 in a grant to the Ojai Valley Land Conservancy (OVLC) for the acquisition of 14 acres in fee and a conservation easement of 16 acres of the Confluence Property on the Ventura River at the mouth of San Antonio Creek; and for preparation of a public access, resource management, and restoration plan for the property, adjoining public lands, and related acquisitions. The property includes almost one-half mile of the Ventura River and San Antonio Creek as well as mature riparian, cottonwood, and sycamore forest. The proposed project is the fourth in a series of salmonid restoration projects along the Ventura River funded by the Conservancy, including the Robles Diversion Fish Ladder and the Matilija Dam Removal projects.

This parcel is the cornerstone of a plan to protect two miles of the middle Ventura River, which lies adjacent to 315 acres of riparian habitat owned by Ventura County and the City of Ventura. Acquisition of the Confluence property will consolidate two miles of the middle reach of the Ventura River in public ownership. With the recent successful completion of the Farmont Ranch acquisition, funded by the Coastal Conservancy and acquired by the OVLC, these two projects will have protected five miles of the 15-mile-long main stem of the Ventura River (Exhibit 3).

The Coastal Conservancy and OVLC will work with local officials to develop a consistent resource protection plan for the 345-acre area linked together by the proposed acquisition.

The Confluence property includes one of two remaining mature cottonwood/sycamore forests on the Ventura River and a critical section of San Antonio Creek, the only other year-round stream in the Ojai Valley. The property also contains perennial pools and critical spawning and rearing habitat for the endangered southern steelhead. National Marine Fisheries Service staff experts say this is the best remaining example of mature cottonwood/sycamore forest and riparian vegetation on the lower Ventura River. The Confluence property is visible from Highway 33, Santa Ana Road and is at the heart of the most scenic corridor of the Ojai Valley Bicycle and Horse Bridle Path that extends to the mouth of the river. The property is also prime habitat for the endangered least Bell's vireo and is a wildlife corridor for large mammal species between the river and the vast Teague Watershed, Los Padres National Forest, and coastal foothills.

Acquisition would save river and riparian habitat that may make the difference in the survival of several endangered species, as the property is currently threatened by a proposed development that would be consistent with existing zoning. Acquisition would also allow for revegetation and restoration projects similar to ones OVLC is already undertaking on Farmont Ranch with its own funds and substantial volunteer corps.

OVLC has become a strong partner for the Coastal Conservancy in efforts to save and restore the Ventura River. In approving the funding for the Farmont Ranch acquisition, the Conservancy challenged the OVLC to raise the money needed for stewardship. Since then OVLC has received \$800,000 in donations. With its own funds, OVLC has already created a trailhead and parking lot on property adjoining the ranch and opened 1.5 miles of trail. For the Confluence property, OVLC urgently needs a commitment of acquisition funds in order to not lose the brief opportunity offered by the developer/owner. OVLC is committed to long-term stewardship of the property and has made substantial progress in raising an endowment for operation and maintenance.

Site Description: The property is 30 acres including almost one-half mile of the Ventura River and San Antonio Creek as well as mature riparian forest and mature cottonwood/sycamore woodlands. The Ventura River and San Antonio Creek, which come together on this property, are the two most important stream courses in the Ojai Valley. This scenic property is just north of the City of Ventura and adjoins Sulphur Mountain and large publicly owned open space areas.

In addition to being critical spawning and rearing habitat for the southern steelhead, the property is the migration route and staging area for steelhead trying to get to North Matilija Creek via the Robles fish ladder and to San Antonio Creek, major tributaries of the Ventura River. During most years, several large perennial pools, some of the biggest on the mainstem, exist on site. These pools are very important to steelhead because they provide resting habitat for upstream migrating adults when flows drop. The dense cottonwood/sycamore forest is the best remaining example of old growth forest of its type in the Ventura River drainage. Plant diversity is high since the property contains relatively intact examples of riparian, flood, and cottonwood/sycamore forest habitats. It is a key wildlife corridor for large mammals along the river and between the river and the vast Teague Watershed, Sulphur Mountain and will offer connections with trails on Sulphur Mountain and in Foster Park. The continuous tree canopy along the public right-of-way that bisects the property makes this one of the most scenic areas along the 17-mile Ojai Valley Bike and Horse Bridle Path, used by hundreds of recreational enthusiasts every week.

The proposed conservation easement would encumber an area of 16.4 acres of a 70-acre parcel adjoining the area to be acquired in fee. Almost all of the easement area is river bottom. The easement will prohibit development and protect the site's riparian resources. As specified in the easement, public access will be allowed on a limited basis by arrangement between the landowner and the OVLC.

Project History: With the successful preservation of the 1,566-acre Farmont Ranch, the Conservancy has been encouraged by public agencies and private landowners along the river to pursue further Ventura River Parkway acquisitions. Like the nearby Santa Clara River Parkway project, acquisition and restoration of properties in the Ventura River floodplain could help restore steel-head habitat, obviate construction of flood protection structures, eliminate or setback existing levees thereby reducing flooding, restore riparian habitat currently converted to other uses, and provide a continuous wildlife corridor. Restoring the meander belt of the river will be increasingly important as the Matilija Dam is deconstructed and sediment is no longer collected behind the dam.

The Confluence property was once part of Rancho Ojai, a Mexican land grant. The property was the location of the Ojai railroad and provided a popular resting place for horse and other travelers on their way to the Ojai Valley in the late 1800s and early 1900s. The present owner bought the property in 1982. The OVLC started negotiations with the landowner in April 2003, when the property went on the real estate market. The owners appear to be conservation minded and turned down several viable sale offers, while agreeing to work with OVLC and receive less than the appraised fair market value.

PROJECT FINANCING:

Coastal Conservancy	<u>\$450,000</u>
Total Project Cost	\$450,000

The anticipated source of Conservancy funds is Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. The Conservancy has also applied to the Resources Agency for River Protection Program funds from the Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund. Conservancy funding will be matched by OVLC funds raised for the purpose of management and stewardship of the land. The acquisition cost of 14 acres in fee and 16 acres under conservation easement is \$361,500, below a current appraisal of the fair market value of these interests. The balance of the grant funds not used for the closing costs and related acquisition expenses may be used for the restoration plan and access for the property and adjoining river parkway properties.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code; in particular Chapter 6 (Sections 31251-31270).

Consistent with §31251, the Conservancy may award grants to public agencies and nonprofit organizations for the enhancement of coastal resources that have suffered losses of natural and scenic values as a result of human actions. Grants under this chapter may be used for the assembly of parcels of land within coastal resource enhancement areas to improve resource management, for relocation of improperly located or designed improvements and for other corrective

measures, all of which can be achieved through acquisition of this property. The grant of funds to OVLC for acquisition of the Confluence property is consistent with §31251, which provides that the cost of acquiring lands within coastal resource enhancement areas may be funded through the Conservancy.

Pursuant to §31251.2, in order to enhance the natural character of coastal resources within the coastal zone, the Conservancy may undertake a project or award a grant to enhance a watershed resource partly outside the coastal zone. The Confluence project will result in improved coastal resource management and will enhance the natural and scenic character of the Ventura River and its watershed. It will preserve and provide opportunities to restore critical areas of the river for the benefit of migrating steelhead and least bell's vireo. The Ventura River has suffered a loss of habitat values as a result of land use and flood control practices. Unless alternatives are developed that reduce these losses, habitat will continue to degrade, to the detriment of steelhead and other coastal resources. Consistent with §31252, the tidal portion of the Ventura River is identified in the City of San Buenaventura's certified Local Coastal Program as a sensitive habitat area to be preserved and where possible restored and to be protected from any actions that would adversely affect flows necessary for anadromous fish.

Consistent with §31253, the level of Conservancy funding for this project has been determined through consideration of the total amount of funding available for coastal resource projects, the relative urgency of the project, and other factors prescribed by the Conservancy, as detailed below. Consistent with §31260, the Conservancy may fund the costs of land acquisition as part of an approved coastal resource enhancement project.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOALS & OBJECTIVES:

Consistent with **Goal 2, Objective A**, the project will preserve a key scenic open space area.

Consistent with **Goal 4, Objective A**, the project will acquire significant coastal resource properties.

Consistent with **Goal 5, Objective A**, the project will preserve riparian forest and wetlands and critical habitat for anadromous fish.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with the purposes of the funding source:** Consistent with the purposes of Proposition 50, the "Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002", the project would acquire, protect, and restore land and water resources. The project may also use River Parkway funds provided to the Resources Agency from the Clean

Air, Safe Neighborhood Parks, and Coastal Protection Fund. These river parkway funds may be used for acquisition of riparian habitat and riverine aquatic habitat, and for river and stream trail projects undertaken in accordance with Chapters 6 and 9 of the Coastal Act.

3. **Support from the public:** The Confluence Project is supported by Ventura County Supervisor Steve Bennett, the National Marine Fisheries Service, and the State Department of Fish and Game. There is very strong community support for open space and environmental efforts in the Ojai Valley. OVLC is a nonprofit organization with more than 1,200 members. See Exhibit 4; additional letters of support will be provided.
4. **Location:** The project benefits coastal resources, specifically the Ventura River and its estuary because it provides protection for spawning anadromous fish. The project also connects inland areas to the Coastal Trail along an existing hiking, biking, and equestrian trail.
5. **Need:** Coastal Conservancy assistance is needed to acquire the property. No other agency has the funding available to buy the property.
6. **Greater-than-local interest:** The property will assure the protection of scenic resources and potential additional public access to the Ojai Valley Bicycle and Horse Bridle Path. Salmonid and least Bell's vireo protection and restoration is also a statewide and national issue.

Additional Criteria

7. **Urgency:** The property is currently threatened by a development proposal as well as by existing land use practices. A home and large book depository have been proposed for the property and the developer/owner will proceed with securing development approvals in the event that the funding required for public acquisition cannot be obtained.
8. **Resolution of more than one issue:** Habitat enhancement and restoration will help resolve problems of erosion, sedimentation, and invasion of exotic plants on the property. Upon acquisition, riparian forest can be restored and cottonwood/sycamore forest can be enhanced in addition to bank stabilization using bioengineering methods. Steelhead and least Bell's vireo habitat will be protected. In addition, several more miles of publicly owned riparian habitat will be linked to this parcel.
12. **Readiness:** The property owner has agreed to the sale price and easement terms have been negotiated.
15. **Cooperation:** Local environmental, government, and community groups have been working with the OVLC for many years to support preservation and restoration of this property and are expected to continue to do so.

CONSISTENCY WITH THE COASTAL ACT:

The proposed project would be consistent with the following specific policies of the Coastal Act: Public Resources Code Section 30231 states that the "biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms . . . shall be maintained and, where feasible, restored. . . ." Section 30240 states that "environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas." The City of San Buenaventura Local Coastal Program identifies the Ventura River as an environmentally sensitive resource that should be protected and restored.

COMPLIANCE WITH CEQA:

Acquisition of this property is categorically exempt from review of environmental impacts under the California Environmental Quality Act (CEQA) because the transfer of ownership or interest in land is for the purpose of preserving open space (14 Cal. Code of Regulations Section 15325) and for fish and wildlife conservation purposes, including preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition (§15313). The proposed restoration plan is statutorily exempt from the provisions of CEQA under §15262, in that it involves only feasibility analyses and planning studies. Staff will file a notice of exemption following project authorization.