



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Marine Region
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GAVIN NEWSOM, Governor
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July 1, 2025

Jessica Rauch
Executive Assistant/Clerk of the Board
Ventura Port District
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**VENTURA WEST MARINA REDEVELOPMENT PROJECT
MITIGATED NEGATIVE DECLARATION
SCH #2025060100**

Dear Ms. Rauch:

The California Department of Fish and Wildlife (Department) received a Mitigated Negative Declaration (MND) from the Ventura Port District (District) for the Ventura West Marina Redevelopment Project (Project), pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, section 711.7, subd. (a) & 1802; Pub. Resources Code, section 21070; CEQA Guidelines section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

PROJECT DESCRIPTION SUMMARY

Proponent: TBBW Company, L.P.

Objective: The objective of the proposed Project is to remove the existing 45-year-old dock system and install a new dock system with a marina slip design that will accommodate a more diverse range of vessel sizes on the waterside portion of Parcel 17 within Ventura Harbor. Primary Project activities include demolition and removal of all 302 submerged piles (a combination of 12-inch round steel pipe piles and 12-inch square concrete piles), floating elements, and related dock infrastructure; installation of a total of 90 new 12-inch and 293 14-inch steel piles using both vibratory and impact hammer methods; and installation of new floating dock systems. Piles will be extracted via pulling with a crane and with jetting to dislodge piles as necessary. The total number of slots will change from 387 to 379 and the average slip size will increase by approximately one foot. Additional Project features include an ADA-accessible gangway to the dock system, electrical charging infrastructure to support electric powered watercraft, and individual wastewater pump out systems for medium to large vessels at their slips and a public-facing wastewater pump out for other vessels in and out of the marina. The construction staging and material storage area would be approximately 4,000 square feet, located within the existing adjacent parking lot on Parcel 17.

Location: The Project site is located in Ventura Harbor on 12.5 waterside acres on Ventura Harbor Parcel 17 within the City of Ventura.

Timeframe: The MND notes that construction of the proposed Project will occur in sequential phases over a period of 12 months, and it is anticipated for the Project to be fully operational in 2026.

BIOLOGICAL SIGNIFICANCE

Discussion and Comment: The Ventura Harbor waters support many resident and migratory fish and special status wildlife such as seabirds, marine mammals, and sea turtles. Ventura Harbor waters also support commercially and recreationally important fish and invertebrate species such as California halibut (*Paralichthys californicus*), California spiny lobster (*Panulirus interruptus*), and Northern anchovy (*Engraulis mordax*), which is an important forage fish.

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources.

I. Project Level Impacts and Other Considerations

Pile Driving and Sound Criteria

Comments: Underwater noise associated with the use of large machinery for construction and demolition, such as drilling or pile driving and pulling activities, may cause temporary or permanent impacts to fish, such as temporary movement out of the Project area, barotrauma injury, or mortality. As the MND acknowledged, the Department relies on guidance from the Fisheries Hydroacoustic Working Group to set safe sound pressure level (SPL) criteria for pile driving and pulling activities (Fisheries Hydroacoustic Working Group 2008, Attachment 1). The SPL dual criteria include a peak level of 206 dB and a cumulative sound exposure level (SEL) of 187 dB for fish 2 grams and heavier or a cumulative SEL of 183 dB for fish less than 2 grams. Additionally, if an impact hammer is used for pile driving, this may impact water quality, releasing contaminants from sediments into the water and/or creating turbidity that could harm marine life. The MND indicated that the proposed pile installation method will use vibratory and impact hammer techniques; the piles will be vibrated first and the impact hammer will be used to reach final pile tip elevation.

Recommendations: The Department recommends using a vibratory hammer for pile driving to the greatest extent feasible, or an alternative technology that produces the least amount of in water sound level impacts. If an impact hammer must be used (e.g., due to pile material, refusal at bedrock), multiple minimization measures should be used to reduce sound levels. The Department recommends the following:

- A sound attenuation and monitoring plan should be submitted to the resource agencies for review prior to initiating pile driving activities;
- A wood, or similar material, cushion block should be used between the pile and hammer during all impact hammer pile driving;
- A bubble curtain should be used, where feasible, during all impact hammer pile driving to further reduce sound levels to below levels that have been shown to cause injury and/or mortality to fish and marine mammals; and
- Underwater sound level monitoring should be conducted during pile driving. If SPLs and SELs exceed agreed upon levels as per the Interim Criteria for Injury to Fish, additional steps should be taken to reduce the underwater noise to acceptable levels.

The Department appreciates mitigation measure (MM) BIO-3, which confirms the use of a silt curtain to control turbidity during high turbidity generating activities. Additionally, the Department recommends that high turbidity generating activities be conducted when there are no strong outgoing tides since this could exacerbate turbid conditions and negatively impact marine life.

Marine Mammal and Sea Turtle Monitoring

Comments: Harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), other species of marine mammals, and sea turtles may be present or occur within the Project area. Construction activities, such as demolition or drilling, within the Project area have the potential to impact these animals if they are present.

Recommendations: The Department appreciates that MM BIO-1 ensures that a marine mammal monitoring plan shall be implemented. As noted in the MND, MM BIO-01 indicates that a biological monitor shall monitor for any marine mammals present in the waters surrounding the Project area to assess impacts of noise on the animals' behavior and that drilling or pile driving activities should not occur while marine mammals are present within the established exclusion zone. Even though the MND indicated that green sea turtles (*Chelonia mydas*) can be monitored alongside marine mammals, the Department is concerned that this detail was not reflected in MM BIO-01. The Department recommends that the District include sea turtles in MM BIO-01 to ensure that a marine mammal and sea turtle monitoring plan is prepared and implemented.

The Department recommends that the District consult with the National Marine Fisheries Service and U.S. Fish and Wildlife Service regarding the above recommendation and any other necessary avoidance and mitigation measures to reduce impacts to marine mammals and sea turtles.

Avian Species Impacts

Comments: Crowned night herons, great blue herons (*Ardea herodias*) and other sensitive avian species may occur within the Project area. Additionally, Belding's savannah sparrow was recorded through the California Natural Diversity Database (CNDDB) less than one mile of the Project area (California Department of Fish and Wildlife 2025). Noise impacts and other Project activities, such as demolition and infrastructure installation, could impact bird species if they are present.

The Department believes MM BIO-2 in the MND could be improved to avoid further impacts on avian species during Project activities. MM BIO-2 does not specify an appropriate time frame in which a qualified biologist will conduct pre-construction surveys in the event Project activities must commence during bird breeding season (January 1 – September 15). Therefore, leaving the potential for bird species to be impacted due to construction activities during breeding season. Avian species could potentially nest in and around the area on parking lot lamp posts and other human-made structures. Bird species may be impacted due to noise caused by construction activities if mitigation measures do not include a specified avoidance and monitoring time frame. Additionally, the MND does not specify a no-disturbance buffer in the event there are confirmed nests within the Project area. Disturbance too close to the nest may impact the parents' ability to forage effectively and reduce nestlings'

chances of survival. In some cases, disturbance can cause the parents to abandon the nest completely.

Recommendations: The Department recommends MM BIO-2 implement a qualified biologist with experience in conducting breeding bird surveys conduct a nesting bird survey within three days prior to work in the area if Project activities are necessary during the bird breeding season (January 1 – September 15). Additionally, the Department recommends specifying a no-disturbance buffer in the event there are confirmed nests within the Project area. The Department recommends the standard buffer of 300-ft for non-raptor species and 500-ft for raptor species. A buffer may need to be altered based on the birds' tolerance level to the disturbance as it varies greatly depending on species, intensity of disturbance, whether the nesting pair is accustomed to disturbance, the location of the nest, and the stage of development of nestling.

Invasive Species Impacts

Comments: Disturbance of the bottom sediments from pile construction and anchoring may redistribute non-native species that compete with native species. This could cause widespread adverse impacts to marine ecology. The invasive alga *Caulerpa taxifolia* is listed as a federal noxious weed under the U.S. Plant Protection Act and while deemed eradicated in 2006 is monitored for potential future emergence. Another invasive alga species found recently in Newport Bay and San Diego Bay is *Caulerpa prolifera*, which is also a potential threat to growth and expansion of native eelgrass beds and other native algae. *Caulerpa prolifera* can grow as deep as 50 meters and appears to be more tolerant of low light environments than most other macroalgae. Additionally, since all *Caulerpa* species pose a serious risk in harming native marine life, Fish and Game Code Section 2300 was amended in 2023 so that no person shall sell, possess, import, transport, transfer, release alive in the state, or give away without consideration all species of the genus *Caulerpa*, with the exception of bona fide scientific research upon authorization by the Department.

Recommendations: The Department recommends conducting pre-construction *Caulerpa spp.* surveys to identify potential existence of invasive *Caulerpa spp.* in accordance with the Caulerpa Control Protocol <https://media.fisheries.noaa.gov/2021-12/caulerpa-control-protocol-v5.pdf> (October 2021). Any sightings of *Caulerpa spp.* should be reported within 24 hours to the Department (Caulerpa@wildlife.ca.gov), and NMFS at 562-980-4037 (nmfs.wcr.caulerpa@noaa.gov).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code,

section 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the environmental document filing fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, section 753.5; Fish & G. Code, section 711.4; Pub. Resources Code, section 21089.)

CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist the District in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Leslie Hart, Environmental Scientist at R7CEQA@wildlife.ca.gov.

Sincerely,



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ATTACHMENT

Attachment 1: Fisheries Hydroacoustic Working Group. 2008. Interim Criteria for Injury of Fish Exposed to Pile Driving Operations: Memorandum. Washington: Federal Highway Administration.

REFERENCE

California Department of Fish and Wildlife. 2025. California Natural Diversity Database. Available from: <https://wildlife.ca.gov/Data/CNDDB>