



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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Susim Gedam  
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**PORT OF HUENEME NORTH TERMINAL BERTH DEEPENING AND WHARF 2  
IMPROVEMENTS PROJECT INITIAL STUDY/MITIGATED NEGATIVE  
DECLARATION SCH # 2026020073**

Dear Mr. Gedam,

The California Department of Fish and Wildlife (Department) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the Oxnard Harbor District for the Port of Hueneme North Terminal Berth Deepening and Wharf 2 Improvements Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> 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) and section 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). The Department is also responsible for marine biodiversity

<sup>1</sup> 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.

protection under the Marine Life Protection Act in coastal marine waters of California and ensuring fisheries are sustainably managed under the Marine Life Management Act.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Oxnard Harbor District (Harbor District)

**Objective:** Primary Project objectives are to make infrastructure improvements outlined in the Port of Hueneme 2020 Strategic Plan and Item C12 of the Port Action, Climate, and Environment Development (PACED) Program, the Port's overarching strategic modernization plan Program. Improvements include deepening Berths 4 and 5 to approximately -40 feet mean lower low water (MLLW) and making structural improvements to Wharf 2 in the North Terminal. Wharf 2 improvements include: removal of existing fender pile system and replacement with composite fender piles, upgraded rubber fenders, and timber walers; replacement of under-dock grouted riprap where necessary to accommodate berth deepening and wharf improvements; repairs of concrete soffit and fascia, 1 curb, and full deck resurfacing and sealing; and installation of new snubbing bars and replacement of existing mooring bollards with new mooring bollards. Additional objectives include beneficial reuse of the dredged sediment from Berths 4 and 5 at Hueneme Beach, if they meet applicable physical and chemical criteria.

**Location:** Project activities are located at Berths 4 and 5 along Warf 2 in Port Hueneme in Ventura County, and at Hueneme Beach if dredged sediment is found suitable.

**Timeframe:** The Project is proposed to begin January 2028, and last approximately 12 months. Daily construction activities, including pile driving, material deliveries and hauling debris would occur between 8:00 a.m. and 6:00 p.m., Monday through Saturday. Dredging activities may occur 24 hours per day, 7 days per week until completed.

## **BIOLOGICAL SIGNIFICANCE**

The Port of Hueneme waters and adjacent beaches support resident and migratory fish and special-status wildlife including marine mammals and seabirds, contributing to the ecological productivity of the Santa Barbara Channel. The Department designates certain species as California Species of Special Concern SSC due to declining population levels, limited ranges, and/or continuing threats that have made them vulnerable to extinction. Species that occur in the Project area and protected under the California Endangered Species Act (CESA), Federal Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), or designated as SSC include:

- Steelhead, Southern California Distinct Population Segment (*Oncorhynchus mykiss irideus*), State and Federally Endangered,

- California sea lion (*Zalophus californianus*), MMPA,
- Harbor seal (*Phoca vitulina*), MMPA,
- Green sea turtle (*Chelonia mydas*) Federally Threatened,
- Western snowy plover (*Charadrius nivosus nivosus*), Federally Threatened, and
- California least tern (*Sternula antillarum browni*), State and Federally Endangered.

Important recreational species are also frequently caught near Hueneme Beach including California grunion (*Leuresthes tenuis*), (California halibut (*Paralichthys californicus*), and several surfperch species (Family Embiotocidae).

## COMMENTS AND RECOMMENDATIONS

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

### Dredging

**Comments:** The IS/MND states, “mechanical dredging is likely because of the proximity to wharf structures, hydraulic dredging may also be used depending on contractor selection and sediment conditions.” The Department understands the necessity of dredging to allow for vessel docking at Wharf 2; however, it recommends against the use of a hydraulic dredge and recommends using mechanical dredging to the greatest extent feasible. This recommendation is due to the significant impacts it could have on sensitive aquatic species, as numerous studies have demonstrated entrainment of fish during hydraulic dredging operations ((Mari-Gold Environmental Consulting and Novo Aquatic Sciences 2015)

**Recommendations:** If a hydraulic dredge method is utilized, the Department recommends implementation of the following mitigation and monitoring measures to reduce impacts:

- Limit all priming, clearing, and pumping of water within three feet of the bottom to minimize impacts on fish.
- Limit priming and clearing to no more than five minutes.
- Monitor intakes so that they maintain contact with the harbor floor during dredging.
- Use fish screens on all water intakes as feasible. Water intakes include intakes for re-slurrying dredged material at processing sites. Screens should be visually inspected following each dredge event to verify screen integrity and remove impinged debris. If the screen is found to be damaged, the screen should be repaired or replaced prior to continuing operations.

## Beach Placement and Sensitive Species

**Comments:** Dredged sediment from Berths 4 and 5 are proposed to be placed/beneficially reused at Hueneme Beach, immediately adjacent to and just south of the Port of Hueneme entrance. Sensitive coastal species use the beach, including California grunion (*Leuresthes tenuis*). Grunion are an ecologically, recreationally, and culturally important species in southern California, and an important prey species for numerous marine species. Grunion are vulnerable to disturbance from beach placement projects within the intertidal and nearshore during their reproductive cycle because they spawn and bury their eggs within the upper intertidal. Grunion have the potential to spawn from March through August. Direct impacts from placement activities could include crushing incubating eggs from driving heavy equipment within egg nests and burying incubating eggs from movement of sand.

Other special-status wildlife species that may use the beach and adjacent foredunes include, Western snowy plover (*Charadrius nivosus nivosus*) and California least tern (*Sternula antillarum browni*). These species are also sensitive to disturbance from placement activities and may be impacted directly by harming nests and eggs, degrading or reducing nesting habitat, disturbing adult birds, and altering prey availability, negatively affecting reproductive success. The IS/MND does not include the potential sediment placement timing, or potential sediment placement area(s) on Hueneme Beach.

**Recommendations:** If dredged sediment is determined suitable for beach placement, the Department recommends limiting placement activities to an October through February time period. This timing would avoid the California grunion spawning season (March through August), the Western snowy plover nesting season (March through mid-September), and the California least tern nesting season (April through mid-September), thereby minimizing potential disturbance to spawning and breeding activities and reducing the risk of direct impacts to eggs, nests, and dependent young.

If placement activities are not limited to the proposed October through February time period the Department recommends the following minimization measures be implemented:

Grunion - If beach placement activities do occur during grunion spawning season and the proposed beach placement site is considered suitable for grunion spawning, the Department recommends that mitigation measure *MM-BIO-5: California Grunion Spawning Survey* in the IS/MND include the following conditions:

- If grunion spawning occurs within the placement area, work in that area below the mean high tide line should not be conducted until after the grunion eggs have hatched (2 weeks).
- The locations of the spawning run should be marked physically and/or by Global Positioning System locations. The density of the grunion throughout the area should be noted using the Walker Scale.
- Placement activities should avoid the spawning area and a 50-foot buffer used to avoid impacting any spawning areas adjacent to the sediment placement sites.
- Grunion monitoring should be conducted by a qualified biologist for 30 minutes prior to and two hours following the predicted start of each spawning event. If more than 100 fish are reported, then avoidance and minimization measures should be implemented, such as rescheduling placement activities.

Nesting Birds - If beach nourishment activities do occur during Western snowy plover and California least tern nesting seasons, the Department recommends that the mitigation measure *MM-BIO-1: Nesting Bird Survey* in the IS/MND include the following conditions:

- A qualified biologist with experience in conducting nesting bird surveys should perform a survey within three days prior to placement activities, rather than the one-week period currently specified in the IS/MND.
- When an active nest is identified, a 500-foot no-work buffer should be established between placement activities and the nest to prevent disruption of nesting behavior. The qualified biologist should delineate the buffer with temporary fencing, and it should remain in place for the duration of placement activities. This approach is recommended instead of the IS/MND language, which only triggers a buffer “if, based on the judgment of the biologist, construction activities may result in impacts”.
- No placement shall occur within the fenced buffer zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the Project.

Marine Habitats - The Department recommends that all beach placement operations avoid equipment below the mean high tide line, and a long-shore and cross-shore sediment transport model be used to identify appropriate sediment placement volumes and locations to avoid or minimize marine habitat impacts.

## **Pile Driving and Sound Criteria**

**Comments:** The Project’s construction may involve the use of impact and/or vibratory pile driving. Underwater noise associated with 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. 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 (SEL) level of 187 dB for fish 2 grams and heavier or a cumulative SEL of 183 dB for fish less than 2 grams. Additionally, if hydraulic jetting or 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 fish.

**Recommendations:** The Department appreciates mitigation measure *MM-BIO-4: Employ “Soft-Start” Techniques During Impact Pile Driving* to reduce sound-level impacts and offers the following additional recommendations. The Department recommends using a vibratory hammer for pile driving to the greatest extent feasible, or alternative technology that produces the least noise. If an impact hammer must be used (e.g., due to pile material or refusal at bedrock), additional minimization measures should be implemented, including:

- Use of wood or similar cushion blocks between the pile and hammer during all impact pile driving.
- Deployment of a bubble curtain, where feasible, to further reduce sound to levels below those known to cause injury or mortality to fish.
- Underwater sound monitoring during pile driving, with SPL and SEL measurements compared to the Interim Criteria for Injury to Fish; if levels are exceeded, additional steps should be taken to reduce underwater noise such as pausing pile driving activities.

## **Marine Mammal and Sea Turtle Monitoring**

**Comments:** Harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), Green sea turtle (*Chelonia mydas*), and other species of marine mammals, and sea turtles may be present or occur within the Project area. Construction activities that generate high underwater noise, vibration or physical disturbance, such as demolition activities, pile driving, and dredging within the Project area have the potential to impact these animals if they are present.

**Recommendations:** The IS/MND states, “implementation of biological monitoring and exclusion/avoidance measures,” will be implemented to avoid take of marine mammals. The Department recommends that the Harbor District include a mitigation measure in the Final IS/MND to formalize these measures in a marine mammal and sea turtle monitoring plan and include the following conditions:

- Establishment of an underwater exclusion zone as a designated focus area for species protection to allow animals to evacuate the area prior to commencement of construction activities.
- Pile driving activities should not occur while marine mammals or sea turtles are present within the exclusion zone.

- Monitoring of marine mammals and sea turtles by an experienced observer immediately prior to and during all construction activities that have the potential to impact marine mammals and sea turtles.

The Department recommends that the Harbor District consult with NMFS regarding the above recommendation and any other necessary avoidance and mitigation measures to reduce impacts on marine mammals and sea turtles.

### **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 IS/MND to assist the Harbor 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](mailto:R7CEQA@wildlife.ca.gov).

Sincerely,



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## **ATTACHMENTS**

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

## **REFERENCES**

Mari-Gold Environmental Consulting and Novo Aquatic Sciences. 2015. Stockton and Sacramento Deep Water Ship Channel Maintenance Dredging 2014 Fish Community, Entrainment and Water Quality Monitoring Report. Submitted May 2015.