

Wednesday, May 10, 2023

Attn: John Oquendo
Case Planner, County of Ventura
Planning Division
800 South Victoria Ave. L#1740
Ventura, CA 93009
john.oquendo@ventura.org.

RE: Agromin, Major Modification to Conditional Use Permit (CUP) 5001-1, Case Number PL13-0101

Dear Mr. Oquendo:

This letter constitutes the comments of the Ventura Audubon Society regarding the Major Modification to Agromin's Conditional Use Permit (CUP) 5001-1 to allow for the continued operation of the composting and soil amendment facility until December 31, 2030.

Our organization's mission is to protect birds and their habitat in Ventura County, and Ormond Beach is high on our priority list. The Ventura Audubon Society has a long history of working with listed species (western snowy plover and California least tern) at Ormond Beach. We have monitored nesting western snowy plovers and California least terns beginning in 2003, and the wintering population of the western snowy plover since the mid-1990's.

We have commented several times in the past 8 years regarding extensions for the continued operation of Agromin at the Arnold Rd. location. Now Agromin is requesting an extension of their permit yet again, and expansion of their footprint. So, we argue again that the County of Ventura should not approve the extension of the current CUP of Agromin activities as proposed.

We ask the County of Ventura to deny the extension of the Agromin CUP for the following reasons:

1. We disagree with the assertion that because Agromin no longer processes food scraps there is no impact to sensitive species.
2. Ormond Beach is part of a globally Important Bird Area. It is a critical layover and wintering ground for migratory birds that travel over the entire western hemisphere. It is also the nesting area for several species of birds that are either listed or have limited ranges. Mitigation measures such as those employed by the PBMP can never compensate for activities that have no place in such a sensitive area.
3. The project partners at Ormond Beach are in the process of planning an historic restoration that will encompass their currently owned 630 acres of property at

Ormond. The location of the Agromin operation adjacent to this area is in direct conflict with restoration objectives.

4. The project partners are in negotiation with the USFWS to transfer Ormond Beach into the National Wildlife Refuge system. The location of the Agromin operation adjacent to a National Wildlife Refuge is entirely inappropriate.

The Predatory Bird Management Plan (PBMP) and the Vector Control plans are poor compensation for undisturbed habitat. We contend that Agromin operations are not geographically linked to the coastal zone. They can and should be located to an area that does not impact sensitive species that rely on rare coastal wetlands. The time has long passed when these sorts of operations should have been located away from sensitive coastal habitats.

The PBMP employs the use of noisemaker shells, mylar flags, netting and lasers to discourage predators attracted to the facilities operations. All these activities are inappropriate near nesting areas and migration corridors. The Vector Control plan outlines measures for discouraging and controlling mesopredators and rodents within the boundaries of the Agromin facility. However, it does not address the problem that mesopredators may be attracted to the area then discouraged from staying on Agromin property. The home ranges of a coyote can be up to 18 square miles and a skunk 4 miles. Both predators have destroyed tern and plover nests in the past. There is no mention of these problems anywhere in the documents submitted to support the CUP extension.

The Predatory Bird Management Plan, submitted as Attachment 7 has the following statements that we take issue with:

Section 1.2 states *“It is also likely that ravens have predated on nests on Ormond Beach over the years, but have not done so recently, because all nests have enclosures to protect eggs from predators, such as ravens”*. This is incorrect and outdated information. In fact, ravens have caused the greatest losses of nests over the past 5 years at Ormond Beach. The presence of ravens has increased, and predation has become worse each year. The use of predator exclosures is always a last resort method for protecting snowy plover nests and they cannot be used on least tern nests at all. We only deploy them when raven or crow predation of snowy plover nests is severe. This is because other predators on Ormond Beach able to enter the cages use them to locate nests and kill adult birds or chicks as they hatch. Ravens have even recently figured out how to pull eggs out of the exclosures. The use of predator exclosures is not an excuse to allow Agromin to continue attracting corvids to Ormond Beach.

Section 3.1.2. Monitoring Avian Scavenger Activities Interactions with CLTs/WSPs states *“The PBMP states that biologists will maintain visual contact with harassed gulls/ravens as they depart the Agromin site to determine whether or not deterred scavengers visit colonies or interact with CLT or WSP eggs, nests or young.”* If this is in fact the case, we

were never informed of this occurring. It is hard to understand how this could have taken place, as it would require knowledge of the location of nests and chicks and our nest monitors have never been engaged regarding these activities.

“Biologists should also coordinate with the Navy, as gulls can fly the same distance and depredate nests at Point Mugu after being hazed from the Agromin site. It is recommended that Agromin coordinate with the NBVC Natural Resources Program Manager, Mr. Martin Ruane, (805) 989-3808, in advance of deterrent activities.” Nesting activity on Ormond Beach should not be overlooked. The nesting habitat on the south end of Ormond is closer to Agromin than the nesting beaches at Point Mugu. In the years since the PBMP has been initiated, monitors at Ormond Beach have never been contacted. It is in fact difficult to believe that the PBMP has been effectively executed.

The Ventura Audubon Board of Directors and membership urge the County of Ventura to better protect our coastal wetlands. Deny the request to extend the Agromin CUP and expand operations.

We thank the County of Ventura for the opportunity to comment on this issue.

Sincerely,

Cynthia Hartley

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