

**COOPERATIVE AGREEMENT WP-1-2019-1 FOR HABITAT MITIGATION  
OF THE FRESNO CANYON DIVERSION PROJECT**

**Between the Ventura County Watershed Protection District and the  
Ojai Valley Land Conservancy**

This modification ("MODIFICATION NO. 1") is made and entered into by and between the Ventura County Watershed Protection District (hereinafter called "District") and the Ojai Valley Land Conservancy (hereinafter called "OVLC") (District and OVLC are hereinafter collectively called "Parties") for the Habitat Mitigation of the Fresno Canyon Diversion Project.

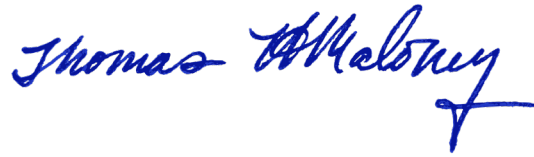
WHEREAS, there now exists a Cooperative Agreement WP-1-2019-1 ("Agreement") between the Parties originally dated August 6, 2019 for OVLC to provide for non-native plant removal, habitat restoration, and reporting during and following implementation of the project; and

WHEREAS, it has become necessary to amend the Agreement's original Scope of Work (Exhibit B) and Budget (Exhibit C) to cover additional unforeseen tasks, time, and costs;

NOW THEREFORE, the Parties hereto agree as follows:

1. All provisions of the original agreement dated 08/06/2019, including all modifications listed herein, shall remain in full force and effect unless expressly modified by this modification.
2. Exhibit B (Scope of Work) shall be modified as follows:  
Replace with attached Modification 1 Exhibit B.
3. Exhibit C (Budget) shall be modified as follows:  
Replace with attached Modification 1 Exhibit C.
4. All work at the Site required under this Modification shall be completed by June 30, 2025; the termination date of the Agreement is changed to August 31, 2025.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates opposite their respective signatures:



12/22/22

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Mr. Thomas H. Maloney                      Date  
Executive Director, Ojai Valley Land Conservancy

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Mr. Glenn Shephard, PE                      Date  
Director, Watershed Protection District

## **COOPERATIVE AGREEMENT WP-1-2019-1 MODIFICATION 1**

### **EXHIBIT B: SCOPE OF WORK**

## **COOPERATIVE AGREEMENT FOR HABITAT MITIGATION OF THE FRESNO CANYON DIVERSION PROJECT**

### **Between the Ventura County Watershed Protection District and the Ojai Valley Land Conservancy**

The Watershed Protection District (District) entered into Cooperative Agreement WP-1-2019-1 with Ojai Valley Land Conservancy (OVLC) to fulfill compensatory mitigation required by regulatory permits for compensatory mitigation the Fresno Canyon Diversion Project (Project). OVLC shall conduct habitat restoration of property (Site) along San Antonio Creek, located near Ojai, Ventura County.

The compensatory mitigation involves enhancement of one newly created parcel within San Antonio Creek. The recently purchased parcel (A.P. #035-0-120-255; Instrument #10,164.37F) totals approximately 2.182 acres. The Site is located immediately downstream (west) of SR 33 and abuts the northern boundary of the OVLC's Confluence Preserve land. To the north, the properties are developed ranches, which are not part of the mitigation restoration component. This new parcel will be transferred in fee to OVLC from the District by a separate transaction.

Enhancement comprises habitat restoration tasks at the Site, as described in the *Habitat Mitigation Plan for the Fresno Canyon Flood Mitigation Project and Addendum*, dated April 2018 (Plan). With grant funding, OVLC completed initial giant reed removal at the Site in early 2017, and these funds cover three to four herbicide treatments annually through 2019. Through this Cooperative Agreement (CA), the District will provide funding to OVLC for additional treatments throughout the Site during the restoration period of this CA. OVLC shall also remove other invasive species on the 2.182-acre Site. Natural recruitment of native plants is expected in most of the Site, except 0.38 acres on the north bank, where OVLC shall install native riparian and other plants per this scope of work. OVLC shall plant a minimum of 30 western sycamore trees (1-gallon container stock) along San Antonio Creek and within portions of the OVLC Confluence Preserve immediately to the south of the mitigation parcel to fulfill a specific mitigation component required by the California Department of Fish and Wildlife.

The work period for this Scope of Work begins on September 1, 2019, and all site work shall be completed by June 30, 2025. After this date, OVLC will continue to control giant reed washed into the Site from upstream areas and other non-native plants each year at their own expense as part of the long-term management of their properties. Work shall follow the Best Management Practices to avoid and minimize environmental impacts (Appendix 1). This Cooperative Agreement shall terminate on August 31, 2025, to allow two months for final cost accounting.

All work shall be conducted in accordance with the regulatory permits obtained for the

Project (Table 1). Questions about regulatory permits shall be directed first to the District, then if directed, OVLC may coordinate directly with the regulatory agencies.

**Table 1. Regulatory Permits**

Agency	Permit	Permit No.
U.S. Army Corps of Engineers	Section 404 Nationwide Permit	SPL-2017-00725-AJS
National Marine Fisheries Service	Biological Opinion	SWR-2009-4234
U.S. Fish and Wildlife Service	Biological Opinion	CON 8-8-09-F-60
Los Angeles Regional Water Quality Control Board	Section 401 Water Quality Certification	17-133
California Department of Fish and Wildlife	Streambed Alteration Agreement	1600-2017-0224-R5

## **PERFORMANCE CRITERIA AND REPORTING**

OVLC is responsible for taking all actions necessary to achieve the success criteria in the Plan at the habitat restoration Site, as well as conducting the monitoring and reporting.

### **Success Criteria – Native Plant Cover and Survivorship**

OVLC shall conduct enhancement efforts to increase the existing 5-10 percent native plant cover to at least 50 percent cover within the 0.38-acre north bank mixed riparian scrub restoration area by May 2025 (Plan Figure 4). OVLC shall ensure a total of 24 western sycamore trees survive of the initial 30 (minimum) planted; 80 percent survival rate of 30 trees by the end of the first monitoring year and 100 percent survival thereafter.

### **Success Criterion – Non-Native Plant Cover**

OVLC shall conduct enhancement efforts to reduce invasive non-native plant cover (excluding most non-native annual grasses and some annual legumes) in the 2.182 Site to 15 percent or less by May 2025. The goal is to kill all old giant reed rhizomes within the agreement time frame, and continually remove or treat new giant reed pieces washed in from upstream. Each year, propagules from non-native species upstream wash into the mitigation site, so complete control or eradication is not feasible. Intensive control methods shall be conducted within the time frame of the mitigation plan, giving the native plants a chance to establish.

## **Monitoring and Reporting**

OVLC shall conduct quantitative field measurements for vegetation cover in the 0.38-acre north bank area each May, and qualitative assessments shall be conducted each September. To measure percent cover in the north bank revegetation area, OVLC,

potentially with District assistance, shall collect data on relative and absolute cover of vegetation during monitoring events each May. Data may be collected using line-intercept or quadrat cover estimate transects at randomly selected locations. Detailed methodologies and a map of the transect locations shall be prepared and included in the annual monitoring reports.

In the rest of the Site, native and non-native plant cover shall be estimated during May and September monitoring visits. Fluctuations in vegetation cover in the creek channel are expected seasonally, especially following large storm events which can scour out or damage plants. OVLC shall track these events and report them.

OVLC shall track health, height, and survivorship of the planted sycamore trees each May and September.

OVLC shall take color photographs at established, permanent monitoring stations during the May and September monitoring visits. The time, date, location, direction of the photo, and a brief description shall be attached to each photograph. These photographs shall be used to document mitigation progress.

A thorough wildlife survey shall be conducted each May for the Site. Observations of wildlife shall be recorded in notes during OVLC site visits.

OVLC shall record weed control needs, erosion problems, and irrigation needs on a data sheet each time the site is visited. A summary of activities recorded on these data sheets shall be included in each annual report.

Annual reports covering each calendar year time frame shall be prepared for the District to submit to regulatory agencies in accordance with the Reporting Schedule set forth in Table 2 below. OVLC shall submit the draft annual report to the District by January 5 for review and comment. The final Annual Monitoring Report shall be submitted to the District by January 23<sup>rd</sup>, after OVLC incorporates District comments. A Mitigation Completion Report shall be prepared by OVLC documenting the site conditions and activities from January 2025 through May 31, 2025. This final report shall also summarize work conducted and performance results from September 1, 2019, through December 31, 2024. If, at any time during the CA period, the success criteria are not met or the annual monitoring reports do not meet the agencies' standards, the District will meet with OVLC to discuss corrective actions, and ultimately may terminate the CA.

OVLC shall retain a qualified biologist, and/or technician supervised by a qualified biologist, to prepare each annual report and the Mitigation Completion Report, which shall include the following for the reporting period:

- Color photographs from established photo stations. Photo-point locations shall be recorded with a GPS unit and included in reference maps that accompany the annual monitoring reports;

- Mitigation site maps;
  - Overview of restoration, maintenance and monitoring activities; data summary and survey results;
  - Determination of performance compared to success criteria;
  - Wildlife survey results;
  - Wildlife protection measures implemented;
  - Discussion of successes and problems encountered, including probable reasons success criteria were or were not met; and,
  - Contingency measures proposed or used to remediate problems, if applicable.
- OVLC shall assist the District in responding to comments from the regulatory agencies regarding the submitted reports.

## **YEAR 1: SEPTEMBER 1, 2019 – AUGUST 31, 2020**

### **Task 1.1: Project Management and Coordination**

Project management shall include contract administration and oversight of the day-to-day operations related to project implementation. OVLC shall attend meetings with the District and coordinate on site work, site visits and inspections. OVLC shall also coordinate with the District and regulatory agencies regarding procedures, site performance, and reporting.

### **Task 1.2: Active Revegetation**

Following qualitative monitoring and approval of draft planting plan by the District described in Task 1.4, OVLC shall commence revegetation activities on the north bank area. The north bank is approximately 550 feet long and 30 feet from top to toe. Existing broken concrete and rock on the slope will remain in place. More than 50 percent cover of large shrubs or trees increases fire risk for the adjacent equestrian property, so the cover shall be a combination of large and small plant species to minimize fuel loads.

Plant installation shall occur primarily in the winter season, October through March. A minimum of 330 plants shall be installed on approximately 5-foot centers. The lower portion of the bank area will be revegetated with willow species (*Salix* spp.), mulefat (*Baccharis salicifolia*), western sycamore (*Platanus racemosa*), coyote brush (*Baccharis pilularis*), black cottonwood (*Populus trichocarpa*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), and mugwort (*Artemisia douglasiana*). The top half of the slope will be planted with drought tolerant species such as black walnut, coyote brush, bush mallow (*Malacothamnus fasciculatus*), California buckwheat (*Eriogonum fasciculatum*), giant wild rye (*Elymus condensatus*), toyon (*Heteromeles arbutifolia*), and others. The planted native species shall consist of 2-inch or 1-gallon nursery stock and cuttings, except for black walnut, which grows best from directly sown seed. At least 30 western sycamore trees from one-gallon container stock shall be planted on portions of the south bank and within portions of the OVLC Confluence Preserve, immediately to the south of the Site. A portion of the planted stock will be grown at the OVLC Native Plant Nursery, and the rest will be purchased from a local native plant supplier. OVLC shall irrigate the planted stock

as needed, to minimize mortality.

Weed management on the north bank shall occur as needed to ensure success of the planted stock/seed. Mechanical, chemical, and hand weeding methods shall be employed as appropriate to prevent weed species from setting seed.

### **Task 1.3: Invasive Plant Control**

Year 1 work shall focus on controlling giant reed, castor bean, tamarisk, tree tobacco and fennel on the whole 2.182 Site. Site wide herbicide treatments of invasive plants shall occur using hand-held or backpack application equipment. Hand weeding and cutting methods may also be used if appropriate to minimize impacts and/or prevent seed set of these and other non-native species.

Herbicides approved for aquatic use shall be applied to giant reed regrowth when it is between 3-5 feet tall; all other target invasive species shall be removed or treated with herbicide before they set seed. Cut and daub herbicide treatments shall be used on stems growing near native trees to prevent overspray on non-target vegetation. Dead canes may be removed if it is determined the biomass will interfere with revegetation activities.

### **Task 1.4: Project Monitoring and Reporting**

OVLC staff and sub-contractors shall act as the primary biological monitors for all invasive plant removal and restoration work requiring monitoring.

OVLC staff shall review protective measures for sensitive habitats and species, and other applicable permit conditions prior to each field visit. OVLC shall provide a qualified biological and wildlife monitor for all invasive plant control activities in compliance with the relevant regulatory permits throughout the implementation period.

Prior to beginning invasive plant control and planting tasks (Tasks 1.2, 1.3), OVLC shall conduct qualitative monitoring of the Site, set up project photo points and take initial photos, and develop a planting plan for the 0.38-acre north bank planting area. OVLC shall submit preliminary monitoring results and a brief draft planting plan to the District for review and comment by September 27, 2019. The District shall submit comments to OVLC no later than October 11, 2019.

OVLC shall prepare the first Annual Monitoring Report for the period September 1, 2019, through February 2020. The report shall document work done during this period, and include the other pertinent information required and follow the schedule in "Performance Criteria and Reporting," above.

For the second Annual Monitoring Report, OVLC shall conduct the quantitative monitoring in May 2020 on the north bank, qualitative monitoring of the rest of the site,

and record the health, height, and survivorship of the western sycamore trees, according to “Performance Criteria and Reporting,” above.

## **YEAR 2: SEPTEMBER 1, 2020 – AUGUST 31, 2021**

### **Task 2.1: Project Management and Coordination**

Project management shall include contract administration and oversight of the day-to-day operations related to project implementation. OVLC shall attend meetings with the District and coordinate on-site work, site visits and inspections. OVLC shall also coordinate with the District and regulatory agencies regarding procedures, site performance, and reporting.

### **Task 2.2: Active Revegetation and Site Maintenance**

In Year 2, OVLC shall conduct additional planting needed to meet success criteria, as appropriate. Revegetation activities will occur during the winter and spring months and follow methods detailed in Year 1 Task 1.2. Plantings shall be maintained as necessary to improve survival and growth, including but not limited to, installing protective fencing to exclude herbivores, irrigation, and weeding.

### **Task 2.3: Invasive Plant Control**

Year 2 work shall focus on controlling giant reed, castor bean, tamarisk, tree tobacco and fennel plants in the same manner as Task 1.3. Other non-native plant species preventing the native plant recruitment or growth shall also be controlled.

### **Task 2.4: Project Monitoring and Reporting**

Monitoring shall occur according to the section “Performance Criteria and Reporting,” above. OVLC shall conduct annual qualitative native and non-native vegetation cover monitoring of the whole site in September 2020 for the second annual report, and record the health, height, and survivorship of the planted western sycamore trees. For the third annual report, OVLC shall conduct the quantitative vegetation monitoring in May 2021 on the north bank, qualitative vegetation monitoring of the rest of the site, and record the health, height, and survivorship of the western sycamore trees.

A draft second annual report for the restoration work conducted between January 1, 2020 and December 31, 2020, shall be submitted to the District by January 5, 2021. The final Annual Monitoring Report shall be submitted to the District by January 23<sup>rd</sup>, after incorporating District comments. The District will submit the report to the regulatory agencies for their review and approval by January 31, 2021.

## **YEAR 3: SEPTEMBER 1, 2021 – AUGUST 30, 2022**

### **Task 3.1: Project Management and Coordination**



Project management shall include contract administration and oversight of the day-to-day operations related to project implementation. Staff shall attend meetings with the District and coordinate on-site work, site visits and inspections. Staff shall also coordinate with the District and regulatory agencies regarding procedures, site performance, and reporting.

### **Task 3.2: Active Revegetation and Site Maintenance**

Year 3 work shall focus on north bank areas requiring additional planting to meet success criteria. Most revegetation activities will occur during the winter and spring months and follow methods detailed in Year 1 Task 1.2, above. Plantings will be maintained as necessary to improve survival and growth, including but not limited to installing protective fencing to exclude herbivores, irrigation, and weeding.

### **Task 3.3: Invasive Plant Control**

Year 3 work shall focus on controlling giant reed, castor bean, tamarisk, tree tobacco and fennel plants in the same manner as Task 1.3. Other non-native plant species preventing the native plant recruitment or growth shall also be controlled.

### **Task 3.4: Project Monitoring and Reporting**

Monitoring shall occur according to the section “Performance Criteria and Reporting,” above. OVLC shall conduct annual qualitative native and non-native vegetation monitoring of the whole site in September 2021 for the third annual monitoring report, and record the health, height, and survivorship of the planted western sycamore trees.

A draft third annual report for the restoration work conducted between January 1, 2021, and December 31, 2021, shall be submitted to the District by January 5, 2022. The final Annual Monitoring Report shall be submitted to the District by January 23<sup>rd</sup>, after incorporating District comments. The District will submit the report to the regulatory agencies for their review and approval by January 31, 2022.

## **YEAR 4: SEPTEMBER 1, 2022 – AUGUST 30, 2023**

### **Task 4.1: Project Management and Coordination**

Project management shall include contract administration and oversight of the day-to-day operations related to project implementation. Staff shall attend meetings with the District and coordinate on-site work, site visits and inspections. Staff shall also coordinate with the District and regulatory agencies regarding procedures, site performance, and reporting.

### **Task 4.2: Active Revegetation and Site Maintenance**

In Year 4, OVLC shall conduct additional planting needed to meet success criteria, as appropriate. Revegetation activities will occur during the winter and spring months and follow methods detailed in Year 1 Task 1.2. Plantings shall be maintained as necessary to improve survival and growth, including but not limited to, installing protective fencing to exclude herbivores, irrigation, and weeding.

#### **Task 4.3: Site Maintenance**

In Year 4, OVLC work shall conduct maintenance site wide to meet success criteria. Irrigation shall occur as needed to meet performance criteria. Plantings from previous years shall continue to be maintained as necessary to improve survival and growth, including but not limited to installing protective fencing to exclude herbivores and continued invasive species control.

#### **Task 4.3: Invasive Plant Control**

Year 4 work shall focus on controlling giant reed, castor bean, tamarisk, tree tobacco and fennel plants in the same manner as Task 1.3. Other non-native plant species preventing the native plant recruitment or growth, such as non-native annual grasses, shall also be controlled.

#### **Task 4.4: Project Monitoring and Reporting**

Monitoring shall occur according to the section “Performance Criteria and Reporting,” above. In May 2023 for the fifth annual monitoring report, OVLC shall conduct the quantitative vegetation monitoring on the north bank, qualitative vegetation monitoring of the rest of the site, and record the health, height, and survivorship of the planted western sycamore trees.

General information regarding the restoration work conducted between January 1, 2022, and December 31, 2022, shall be incorporated into the fifth annual monitoring report.

### **YEAR 5: SEPTEMBER 1, 2023 – AUGUST 30, 2024**

#### **Task 5.1: Project Management and Coordination**

Project management shall include contract administration and oversight of the day-to-day operations related to project implementation. Staff shall attend meetings with the District and coordinate on-site work, site visits and inspections. Staff shall also coordinate with the District and regulatory agencies regarding procedures, site performance, and reporting.

#### **Task 5.2: Site Maintenance**

Year 5 work shall focus on maintenance site wide to meet success criteria. Planting and/or irrigation shall occur with the District approval if the Site vegetation is failing to

meet performance criteria. Plantings from previous years shall continue to be maintained as necessary to improve survival and growth, including but not limited to installing protective fencing to exclude herbivores and continued invasive species control.

### **Task 5.3: Invasive Plant Control**

Year 5 work shall focus on controlling giant reed, castor bean, tamarisk, tree tobacco and fennel plants in the same manner as Task 1.3. Other non-native plant species, including non-native annual grasses, preventing the native plant recruitment or growth shall also be controlled.

### **Task 5.4: Project Monitoring and Reporting**

Monitoring shall occur according to the section “Performance Criteria and Reporting,” above. OVLC shall conduct annual qualitative native and non-native vegetation monitoring of the whole site in September 2023 for the fifth annual report, and record the health, height, and survivorship of the planted western sycamore trees. For the sixth annual report, OVLC shall conduct the quantitative vegetation monitoring in May 2024 on the north bank, qualitative vegetation monitoring of the rest of the site, and record the health, height, and survivorship of the planted western sycamore trees.

A draft fifth annual report for the restoration work conducted between January 1, 2022, and December 31, 2023 (covering work for 2022 and 2023) shall be submitted to the District by January 5, 2024, for review. The final Annual Monitoring Report shall be submitted to the District by January 23<sup>rd</sup>, after incorporating District comments. The District will submit the report to the regulatory agencies for their review and approval by January 31, 2024.

## **YEAR 6: SEPTEMBER 1, 2024 – June 30, 2025**

### **Task 6.1: Project Management and Coordination**

Project management shall include contract administration and oversight of the day-to-day operations related to project implementation. Staff shall attend meetings with the District and coordinate on-site work, site visits and inspections. Staff shall also coordinate with the District and regulatory agencies regarding procedures, site performance, and reporting.

### **Task 6.2: Site Maintenance**

Year 6 work shall focus on maintenance site wide to meet success criteria. Planting and/or irrigation shall occur with the District approval if the Site vegetation is failing to meet performance criteria. Plantings from previous years shall continue to be maintained as necessary to improve survival and growth, including but not limited to installing protective fencing to exclude herbivores and continued invasive species

control.

### **Task 6.3: Invasive Plant Control**

Year 6 work shall focus on controlling giant reed, castor bean, tamarisk, tree tobacco and fennel plants in the same manner as Task 1.3. Other non-native plant species, including non-native annual grasses, preventing the native plant recruitment or growth shall also be controlled.

### **Task 6.4: Project Monitoring and Reporting**

Monitoring shall occur according to the section “Performance Criteria and Reporting,” above. For the sixth annual report, OVLC shall conduct annual qualitative native and non-native vegetation monitoring of the whole site in September 2024, and record the health, height, and survivorship of the planted western sycamore trees. A draft sixth annual report for the restoration work conducted between January 1, 2024, and December 31, 2024, shall be submitted to the District by January 5, 2025. The final sixth Annual Monitoring Report shall be submitted to the District by January 23<sup>rd</sup>, after incorporating District comments. The District will submit the report to the regulatory agencies for their review and approval by January 31, 2025.

In May 2025, OVLC shall conduct the quantitative vegetation monitoring on the north bank, qualitative vegetation monitoring of the rest of the site, and record the health, height, and survivorship of the planted western sycamore trees.

A Mitigation Completion Report shall be prepared by OVLC documenting the site conditions, data collected, and activities from January 2025 through May 31, 2025. This final report shall also summarize work conducted and performance results from September 1, 2019, through December 31, 2024. A draft Mitigation Completion Report shall be submitted to the District by June 10, 2025. Any changes or revisions suggested by the District shall be incorporated in a final report submitted to the District no later than June 30, 2025.

**Table 2. Reporting Schedule**

<b>Annual Monitoring Reports</b>	<b>Time Periods</b>	<b>Draft Due Dates</b>	<b>Final Due Dates</b>
First Annual Report	Sept 2019-Feb 2020	March 31, 2020	April 30, 2020
Second Annual Report	Jan-Dec 2020	January 5, 2021	January 23, 2021
Third Annual Report	Jan-Dec 2021	January 5, 2022	January 23, 2022
Fourth Annual Report	Combined with 5 <sup>th</sup> Report	Combined with 5 <sup>th</sup> Report	Combined with 5 <sup>th</sup> Report
Fifth Annual Report	Jan 2022-Dec 2023	January 5, 2024	January 23, 2024
Sixth Annual Report	Jan-Dec 2024	January 5, 2025	January 23, 2025
Mitigation Completion Report	Sept 2019-May 2025	June 10, 2025	June 30, 2025

**APPENDIX 1.** Best Management Practices to be followed during the project.

**Herbicide Application**

- All herbicide usage will occur only as directed by the written label, California Department of Pesticide Regulation (DPR), or the County Agricultural Commissioner.
- Only herbicides registered for use in California by the U.S. Environmental Protection Agency (EPA) and the DPR will be used.
- Only herbicides approved for aquatic use may be used in any area where herbicide has the potential to contact open water.
- Only herbicides approved for aquatic use may be used within the banks of rivers and tributaries.
- All adjuvants will be registered by the EPA and approved for use by the relevant environmental regulatory agencies.
- Only adjuvants approved for aquatic use may be used within the banks of rivers and tributaries.
- Herbicide application will be conducted and/or supervised by an individual with a current California DPR Qualified Applicator License (QAL) or Qualified Applicator Certificate (QAC).
- Herbicide usage will be limited to the minimum amount required to be effective.
- Herbicides will be applied according to the manufacturer's label specifications.
- Herbicides will be colored with a biodegradable dye to facilitate visual control of application.
- Avoidance measures such as pulling back or temporarily tarping desired vegetation will be used to the extent feasible to prevent unintended herbicide impacts.
- Herbicides will be secured or removed from staging areas at night.
- Herbicide storage during application, and the fueling and lubrication of mechanical equipment will be confined to staging areas.
- Herbicide will not be left unattended unless it is locked in a secure container, vehicle, or structure.
- All containers containing herbicide formulations will be clearly labeled with the herbicide type and concentration of active ingredient.
- Herbicide will not be applied during rain events or when rain is forecast in the next 24 hours, or within 24 hours following a rain event of 0.25 inches or more.
- Foliar application of herbicide will not be applied when winds are greater than ten miles per hour.
- Herbicide will not be applied if air temperature exceeds vitalization limits of herbicide, unless adjacent native species are protected (e.g., tarped).

~END~

**COOPERATIVE AGREEMENT WP-1-2019-1 MODIFICATION 1  
EXHIBIT C: PROJECT BUDGET**

**COOPERATIVE AGREEMENT FOR HABITAT MITIGATION OF THE  
FRESNO CANYON FLOOD MITIGATION PROJECT**

**Between the Ventura County Watershed Protection District and the  
Ojai Valley Land Conservancy**

The Ventura County Watershed Protection District (District) entered into Cooperative Agreement WP-1-2019-1 with Ojai Valley Land Conservancy (OVLC) to fulfill regulatory permit requirements for compensatory mitigation for the Fresno Canyon Flood Mitigation Project. OVLC shall conduct habitat restoration of property along San Antonio Creek, located near Ojai, Ventura County.

**Habitat Restoration**

**\$200,736** for tasks “Active Revegetation and Site Maintenance” and “Project Management and Coordination”

**\$43,812** for task “Project Monitoring and Reporting”

**\$58,441** for task “Invasive Plant Control”

**Total Project Cost**

**\$302,989**

The District shall compensate OVLC with payments per the schedule below. The original agreement amount of \$84,260 has been paid in full with invoices thereto approved. A total of \$132,588 is due upon execution of Modification 1 to reimburse for work conducted and pre-fund expected work in 2023. Once OVLC has expended these funds via invoices approved by the District, OVLC shall invoice the District for the estimated funds of \$60,500 in January 2024 and \$25,641 in January 2025. If OVLC does not expend all funds paid, the unspent balance shall be returned to WPD by August 31, 2025.

<b>AMOUNT</b>	<b>PAY DATE</b>
\$27,805.80	Paid
\$27,805.80	Paid
\$28,648.40	Paid
\$132,588.00	Pay Upon Modification 1 Execution
\$60,500.00	Approximately January 2024
\$25,641.00	Approximately January 2025

~END~