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**United States Department of Defense, et al., "Notice of Intent, Notice of Preparation, Scoping Meeting Sign-In Sheet, Scoping Meeting Transcript, and Related Comment Letters" (February 2000)**



*File 404-ACOE  
CE Pat Mitchell  
Mark Deillon  
Tom W  
Deane C  
SAC  
2/1/03*

# PUBLIC NOTICE

LOS ANGELES DISTRICT

## NOTICE OF INTENT

TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PROPOSED FUTURE 404 PERMIT ACTIONS FOR THE NEWHALL RANCH SPECIFIC PLAN AND ASSOCIATED FACILITIES ALONG PORTIONS OF THE SANTA CLARA RIVER AND ITS SIDE DRAINAGES, LOS ANGELES COUNTY, CALIFORNIA

**PUBLIC SCOPING:** Federal, state, and local agencies as well as the general public are invited to participate in the local scoping process by submitting written comments to the following address:

U.S. Army Corps of Engineers  
CESPL-CO-R, Ventura Field Office  
Attn: File no. 97-50042-BAH  
2151 Alessandro Drive, Suite 255  
Ventura, California 93001  
(email: bhenderson@spl.usace.army.mil)

Public Notice No. 97-50042-BAH  
Comment Period: January 10, 2000 through February 11, 2000

## SUPPLEMENTARY INFORMATION

### 1. Background

The Newhall Ranch Project is located in northern Los Angeles County and encompasses approximately 12,000 acres. The Santa Clara River and State Route 126 traverse the northern portion of the Specific Plan area. The river extends approximately 5.5 miles east to west across the site. In March 1999, the Los Angeles County Board of Supervisors approved the Specific Plan which establishes the general plan and zoning designations necessary to develop the site with residential, commercial, and mixed uses over the next 20 to 30 years. The Newhall Ranch Specific Plan also includes a Water Reclamation Plant at the western edge of the project area. Individual projects, such as residential, commercial, and industrial developments, roadways, and other public facilities would be developed over time in accordance with the development boundaries and guidelines in the

approved Specific Plan. Many of these developments would require work in and near the Santa Clara River and its side drainages ("waters of the United States").

The Newhall Ranch Company would develop most of the above facilities. However, other entities could construct some of these facilities using the approvals or set of approvals issued to The Newhall Ranch Company. The proposed 404 permit would also include routine maintenance activities to be carried out by Los Angeles County Department of Public Works using the 404 permit issued to The Newhall Ranch Company. Any party utilizing a 404 permit issued to The Newhall Ranch Company would be bound by the same conditions in the 404 permit.

## 2. Proposed Action

The project proponent and landowner, The Newhall Ranch Company, has requested a long-term 404 permit from the Corps of Engineers. The project to be addressed in the EIS consists of those facilities associated with the Newhall Ranch Specific Plan that would require a 404 permit including the following:

- Bank protection comprised of buried soil cement or buried riprap with native vegetation planted in the overlying soil in areas proposed for land development, and grouted riprap and gunite placed near bridge abutments;
- Two new bridges constructed across the Santa Clara River at Potrero Valley Road and Long Canyon Road;
- Modifications of several side drainages (i.e., San Martinez Grande, Chiquito, Potrero, Long, and Middle canyons) for drainage and flood control purposes (larger drainages noted above are proposed to be modified and reconstructed as open soft-bottom channels with grade control structures; buried storm drains are proposed for smaller drainages with peak flows of less than 2,000 cfs);
- Two wastewater lines placed across the river at Potrero Canyon and upstream of Long Canyon Road;
- Potentially other utility line crossings for water, oil, and gas lines;
- Numerous storm drain outlets, most of which are anticipated to empty into water quality control facilities prior to discharging to the river;
- Several bridges or drainage facilities associated with the Magic Mountain Parkway and Valencia Boulevard extensions;
- Bank protection associated with the Water Reclamation Plant;
- Various trails and observation platforms for recreational, educational, and wildlife viewing purposes; and
- Routine maintenance of the above flood control facilities by removal of sediment or vegetation to preserve hydraulic design capacity and protect property.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) as implemented by the regulations of the Council on Environmental Quality (CEQ), 40 CFR 1500-1508, the Corps of Engineers intends to prepare a Draft Environmental Impact Statement (DEIS) to evaluate the potential effects of the proposed action on the environment. *To eliminate duplication of paperwork, the Corps of Engineers intends to coordinate the DEIS with the Draft Environmental Impact Report (DEIR) being prepared by the California Department of Fish and Game. The document will meet the requirements of NEPA as well as enable the Corps to analyze the project pursuant to the 404(b)(1) Guidelines and assess potential impacts on various public interest factors.*

## 3. Scope of Analysis

The DEIS will be a project-level document which addresses a number of interrelated actions over a specific geographic area that (1) would occur as logical parts in the chain of contemplated actions, and (2) would be implemented under the same authorizing statutory or regulatory authorities. The information in the EIS will be sufficient for the Corps to make a decision on the issuance of a long-term 404 permit for the Newhall Ranch Specific Plan.

The document will be a joint Federal and state document. The California Department of Fish and Game (CDFG) will prepare an Environmental Impact Report (EIR) in accordance with the California Environmental

Quality Act for the same project. The Corps and CDFG will work cooperatively to prepare a joint DEIS/DEIR document, and to coordinate the public noticing and hearing processes under Federal and state laws.

The impact analysis will follow the directives in 33 CFR 325 which requires that it be limited to the impacts of the specific activities requiring a 404 permit and only those portions of the project outside of "waters of the United States" over which the Corps has sufficient control and responsibility to warrant Federal review. The Corps will extend the geographic scope of the environmental analysis beyond the boundaries of "waters of the United States" in certain areas to address indirect and cumulative impacts of the regulated activities, and to address connected actions pursuant to NEPA guidelines (40 CFR 1508(a)(1)). In these upland areas, the Corps will evaluate impacts to the environment and identify feasible and reasonable mitigation measures and the appropriate state or local agencies with authority to implement these measures if they are outside the authority of the Corps. In evaluating impacts to areas and resources outside the Corps' jurisdiction, the Corps will consider the information and conclusions from the Final Program EIR for the Specific Plan prepared by Los Angeles County Department of Regional Planning. However, the Corps will exercise its independent expertise and judgment in addressing indirect and cumulative impacts to upland areas due to issuance of the proposed 404 permit.

#### 4. Scoping Meetings

A public scoping meeting to receive input on the scope of the EIS will be conducted on February 9, 2000 at 7:00 p.m. at the Valencia High School Auditorium, located at 27810 North Dickason Drive, Valencia, California. Participation in the scoping meeting by Federal, state, and local agencies, and other interested private citizens and organizations is encouraged.

#### 5. Alternatives

Various alternatives will be addressed in the EIS that would avoid or lessen any significant impacts associated with the proposed facilities, and/or that would reduce impacts to the aquatic environment, while still meeting the overall project purpose and need. The applicant has identified the project purpose and need as providing facilities for drainage, flood control, transportation, water and wastewater treatment, and utilities, as well as maintenance activities necessary to implement the approved Specific Plan. Alternatives to be considered include modifications (e.g., size, location, etc.) to the proposed facilities, or alternative designs for these facilities. Alternatives will focus on alternative methods to achieve the required flood control, river crossings, and drainage within the context of the Specific Plan. Specific alternatives will be developed after public scoping is completed, but will include the following types of alternatives:

- Alternative bridge locations or designs including changes in the precise alignments of the proposed bridges within specified corridors across the river, and the use of alternative bridge pier and embankment designs to reduce impacts to riparian resources.
- Alternative bank protection designs including use of environmental (biotechnical) or non-traditional bank protection methods, such as geotextiles.
- Complete avoidance of encroachment where bank protection would not be placed within the banks and channel of the mainstem of the Santa Clara River and flood control improvements would not be implemented along side drainages.
- Reduced encroachment along the mainstem where the proposed encroachment along the mainstem of the Santa Clara River for bank protection would be reduced by relocating certain reaches of bank protection to upland areas, outside the banks of the Santa Clara River.
- Reduced encroachment along side drainages where the proposed number of side drainages converted to storm drains or uniform flood control channels would be reduced.

12/17/2003 WED 17:33 FAX →→→ DOWNEY BRAND SEYMOUR ROH  
12/12/2003 FRI 09:52 FAX →→→ URS CORP SANTA BARBARA

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6. Schedule

Comments pertaining to the scoping process should be received in this office no later than February 11, 2000. The current schedule estimates that the DEIS/EIR will be available for public review and comment in summer of 2000.

7. Additional Information

The Notice of Intent to Prepare an EIS is expected to be published in the Federal Register in mid-January 2000. Questions can be directed to Mr. Bruce Handerson, Corps of Engineers, Regulatory Branch, at (805) 641-1125. This Public Notice is issued by the Chief, Regulatory Branch.

12/17/2003 WED 17:28 FAX →→ DOWNEY BRAND SEYMOUR ROH  
12/12/2003 FRI 09:51 FAX →→ JOHN GRAY - URS CORP

002/018

002/018

*FMP to  
Pat Mitchell*

JAN 3 / 2004

California Department of Fish and Game  
Region 5--South Coast Region  
4949 Viewridge Avenue, San Diego, CA 92123

## NOTICE OF PREPARATION of a DRAFT ENVIRONMENTAL IMPACT REPORT

TO: Distribution List

FROM: California Department of Fish and Game, Region 5

DATE: January 3, 2000

RE: Notice of Preparation of a Draft Environmental Impact Report

PROJECT: Newhall Ranch Specific Plan - River Management Plan  
1601/1603 Streambed Alteration Agreement and 2081 Endangered Species Permit

Portions of the Santa Clara River and Selected Side Drainages  
Northern Los Angeles County

APPLICANT: Newhall Ranch Company

The California Department of Fish and Game (CDFG), acting as Lead Agency, has determined that the above referenced project may have a significant impact on the environment, and that an Environmental Impact Report (EIR) should be prepared. A summary of the proposed project is attached. A joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be prepared with the Corps of Engineers. The proposed State action is the issuance of a long-term 1603 Streambed Alteration Agreement and 2081 Endangered Species Incidental Take Permit for the construction of various facilities associated with the Newhall Ranch Specific Plan.

We request the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR prepared by CDFG when considering your permit or other approval for the project. An Initial Study is not attached to the NOP because CDFG has determined that an EIR is required based on applicable portions of Los Angeles County's Final EIR for the Specific Plan, as allowed by the CEQA Guidelines (Section 15063).

Pursuant to time limits under Public Resource Code 21080.4(a), your written response must be sent at the earliest possible date, but no later than 30 days after receipt of this notice. Please send your response to Ms. Morgan Wehrje at the address shown above. We will need the name of a contact person at your agency.

12/17/2003 WED 17:29 FAX →→ DOWNEY BRAND SEYMOUR ROH  
12/12/2003 FRI 09:51 FAX →→ JOHN GRAY - URS CORP

003/018

003/018

A public scoping meeting to receive input on the scope of the EIR will be conducted on Wednesday, February 9th, at 7 PM at the Valencia High School Auditorium, located at 27810 North Dickason Drive, Valencia, California.

Information on the proposed project being addressed in the EIR is available at the Corps of Engineers' office in Ventura, California, at 2151 Alessandro Drive, Suite 255, Ventura, California, and at the Valencia Public Library, 23743 Valencia Boulevard, Santa Clarita, California. This information includes the Specific Plan and the Final EIR for the Specific Plan.

If you have any questions, please contact Ms. Wehtje at 805-491-3571, or the EIR preparer, Mr. John Gray of Woodward Clyde at 805-964-6010.

Sincerely,

*ISI Morgan Wehtje*

Attachment:

Overview of the Project and Environmental Issues

## OVERVIEW OF PROJECT AND EIR SCOPE NEWHALL RANCH SPECIFIC PLAN RIVER MANAGEMENT PLAN

November 1999

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### 1.0 PROPOSED PROJECT

The Newhall Ranch Specific Plan is located northern Los Angeles County and encompasses about 12,000 acres (Figure 1). The Santa Clara River and State Route 126 traverse the northern third of the site. The river extends about 5.5 miles across the site (Figure 2). In March 1999, the Los Angeles County Board of Supervisors approved the Specific Plan, which establishes the general plan and zoning designations necessary to develop the site with residential, commercial, and mixed uses over the next 20 to 30 years. The Newhall Ranch Specific Plan also includes a Water Reclamation Plant.

Individual projects, such as residential, commercial, and industrial developments, roadways, and other public facilities will be developed over time in accordance with the development boundaries and guidelines in the approved Specific Plan. Many of these developments will require work in and near the Santa Clara River and its side drainages. The project proponent and landowner, Newhall Ranch Company, has requested a long-term 1603 Streambed Alteration Agreement and 2081 Endangered Species Incidental Take Permit from the California Department of Fish and Game (CDFG) for this work.

Prior to issuing these approvals, CDFG must complete an Environmental Impact Report (EIR) pursuant to CEQA. CDFG has decided to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) with the Corps of Engineers for the proposed project. The project to be addressed in the EIS/EIR consists of those facilities associated with the Newhall Ranch Specific Plan that will require a 1603 Agreement and 2081 Permit including the following:

- Bank protection – Bank protection is planned for less than half of the riverbanks in the Specific Plan area. Most of the bank protection will consist of buried soil cement or buried rip-rap with native vegetation planted in the overlying soil. Grouted rip-rap and gunite will be placed near bridge abutments. Bank protection will only be placed near areas proposed for land development near the river, or at bridges. Banks without protection generally occur adjacent to open space corridors in the Specific Plan.
- Bridges – Two new bridges across the Santa Clara River will be constructed: Potrero Valley Road and Long Canyon Road.



- Side drainages – Side drainages to the river, including San Martinez Grande, Chiquito Creek, Potrero, and Long and Middle canyons will be modified for drainage and flood control purposes. The larger drainages (noted above) will be modified and reconstructed as open soft bottom channels while smaller drainages will be placed in buried storm drains. Grade control structures will be required on many of the open soft-bottom channels.
- Utility lines – Two wastewater lines will be placed across the river – one near Potrero Canyon and the other upstream of Long Canyon Road. Other utility line crossings for water, oil, and gas lines may also be required.
- Storm drain outlets – There will be numerous storm drain outlets; however, it is anticipated that most outlets will empty into water quality control facilities prior to discharging to the river.
- Recreational facilities – Various trails and observation platforms for recreational, educational, and wildlife viewing purposes.
- Other facilities - Bridges or drainage facilities associated with the Magic Mountain Parkway and Valencia Boulevard extensions (part of the Newhall Ranch Specific Plan), and bank protection associated with the Water Reclamation Plant to be located at the western end of the project site.
- Maintenance – Routine maintenance of the above flood control facilities by removal of sediment or vegetation to preserve hydraulic design capacity and protect property.

The objectives and purpose of the project is to provide drainage, flood control, transportation, and water and wastewater facilities; utilities; and maintenance activities necessary to implement the approved Specific Plan.

Most of the above facilities will be developed by The Newhall Ranch Company. However, some of these facilities may be constructed by others, using the approvals or set of approvals issued to The Newhall Ranch Company. The proposed 1603 Agreement would also include routine maintenance activities to be carried out by Los Angeles County Department of Public Works using the 1603 Agreement issued to The Newhall Ranch Company. Any party utilizing a 1603 Agreement issued to The Newhall Ranch Company would be bound by the same conditions in the 1603 Agreement.

## 2.0 KEY ENVIRONMENTAL ISSUES

The EIS/EIR will be a "project level" CEQA document which addresses a number of inter-related actions over a specific geographic area that: (1) will occur as logical parts in the chain of contemplated actions; and, (2) will be implemented under the same authorizing statutory or regulatory authorities. The information in the EIS/EIR will be sufficient for the CDFG to make a decision on the issuance of a long-term 1603 Agreement and 2081 Permit for the project.

The project area for the EIS/EIR consists of the mainstem of the Santa Clara River from its confluence with Castaic Creek to the Los Angeles County line, and all side drainages in the Specific Plan area.

The key environmental impacts to be addressed in the EIS/EIR are listed below:

- Hydrology, flooding, and sedimentation - a description of the potential impacts of bank protection and bridges; analysis of the change in river hydrology and hydraulics, particularly related to flood frequency and location, peak discharge, bank and channel bed erosion, water velocity, scouring potential at bridges, and alteration of sediment deposition patterns.
- Water quality - potential effects on quality of surface and ground water due to construction activities in the riverbed, and due to urban stormwater runoff associated with adjacent upland development. The effect of any discharges of treated wastewater from the proposed Water Reclamation Plant on surface and groundwater will be addressed.
- Wetlands and riparian vegetation - potential effect on the nature and amount of wetland and riparian vegetation within the river channel; potential changes in successional patterns in the riverbed due to altered river hydrology and sedimentation patterns.
- Threatened and endangered species - potential adverse impacts on listed and other sensitive species including, but not limited to, the unarmored three-spine stickleback, arroyo chub, Santa Ana sucker, least Bells' vireo, arroyo toad due to habitat loss, changes in hydrology, and/or human encroachment.
- Fish and wildlife, in general - potential changes in populations of the native fauna due to reduction or alteration of the wetland and adjacent upland habitats along the Santa Clara River and its side drainages.
- Air quality - potential impact of construction emissions associated with the facilities to be permitted on local and regional air quality. Conformity with South Coast Air Quality Management Plan.
- Cultural Resources - potential impacts on archeological, ethnographic, paleontologic, and historic resources located in or adjacent to the river.
- Visual Resources - potential changes in the natural and man-made visual settings due to new bridges, bank protection, and urban development.
- Cumulative impacts - combined impacts of the proposed project and other ongoing and future projects affecting the Santa Clara River within both Los Angeles and Ventura counties, in relation to the Newhall Ranch Specific Plan.

### 3.0 ALTERNATIVES

Various alternatives will be addressed in the EIS/EIR that would avoid or lessen the identified significant impacts associated with the proposed facilities, and/or that would reduce impacts to the aquatic environment, while still meeting most of the project objectives (14 CCR 15126.6) and purpose (14 CCR 15124[b]). Alternatives to be considered include modifications (e.g., size, location, etc) to the proposed facilities, or alternative designs for these facilities. Alternatives will focus on alternative methods to achieve the required flood control, river crossings, and drainage within the context of the Specific Plan. Specific alternatives will be developed after public scoping is completed, but will include the following types of alternatives:

- Alternative bridge locations or designs. This alternative would include changes in the precise alignments of the proposed bridges within specified corridors across the river, and the use of alternative bridge pier and embankment designs to reduce impacts to riparian resources.
- Alternative bank protection designs. This alternative would include the possible use and environmental benefits of non-traditional bank protection designs, such as the use of geotextiles and biotechnical bank protection.
- Complete avoidance of encroachment. Under this alternative, no bank protection would be placed within the banks and channel of the mainstem of the Santa Clara River nor would the flood control improvements be implemented along the side drainages.
- Reduced encroachment along the mainstem. Under this alternative, the proposed encroachment along the mainstem of the Santa Clara River due to bank protection would be reduced by relocating certain reaches of bank protection to upland areas, outside the banks of the Santa Clara River.
- Reduced encroachment along side drainages. Under this alternative, the proposed number of side drainages converted to storm drains or uniform flood control channels would be reduced.

#### 4.0 RELATIONSHIP TO THE NEWHALL RANCH SPECIFIC PLAN EIR

A program EIR was prepared and certified by Los Angeles County for the Newhall Ranch Specific Plan. It addressed environmental impacts of the entire project, including the Water Reclamation Plan. In the previous EIR, the impacts of bank protection, bridges, and drainage facilities on the Santa Clara River and its side drainages were addressed at a programmatic level. The CDFG's EIR will be a project-level EIR with a focus on the impacts of facilities within CDFG's authority under Fish and Game Code Sections 1603 and 2081. The EIR will represent a new and separate environmental assessment based on CDFG's independent analyses. It will provide a detailed analysis of the direct, indirect, and cumulative impacts of the bridges, bank protection, and drainage facilities to be permitted. Resource information and certain analyses from the previously certified program EIR will be incorporated directly or by reference in the new EIR. Analyses and conclusions related to indirect and cumulative impacts on resources outside the jurisdiction of the

CDFG (e.g., upland areas outside watercourses) will be incorporated from the Newhall Ranch Specific Plan program EIR. These analyses will be supplemented and refined to the extent that there is new information on the proposed regulated activities and/or on the affected resources that was not available during the preparation of the County's program EIR.

#### 5.0 PUBLIC SCOPING AND EIR SCHEDULE

A public scoping meeting to receive input on the scope of the EIR will be conducted on February 9<sup>th</sup>, at 7 PM at the Valencia High School Auditorium, located at 27810 North Dickason Drive, Valencia, California.

A Draft EIR is expected to be issued for public review in mid-2000. A Final EIR is planned to be issued in late-2000. Final decisions about the requested 1603 Agreement and 2081 Permit are anticipated to be made in early 2001.

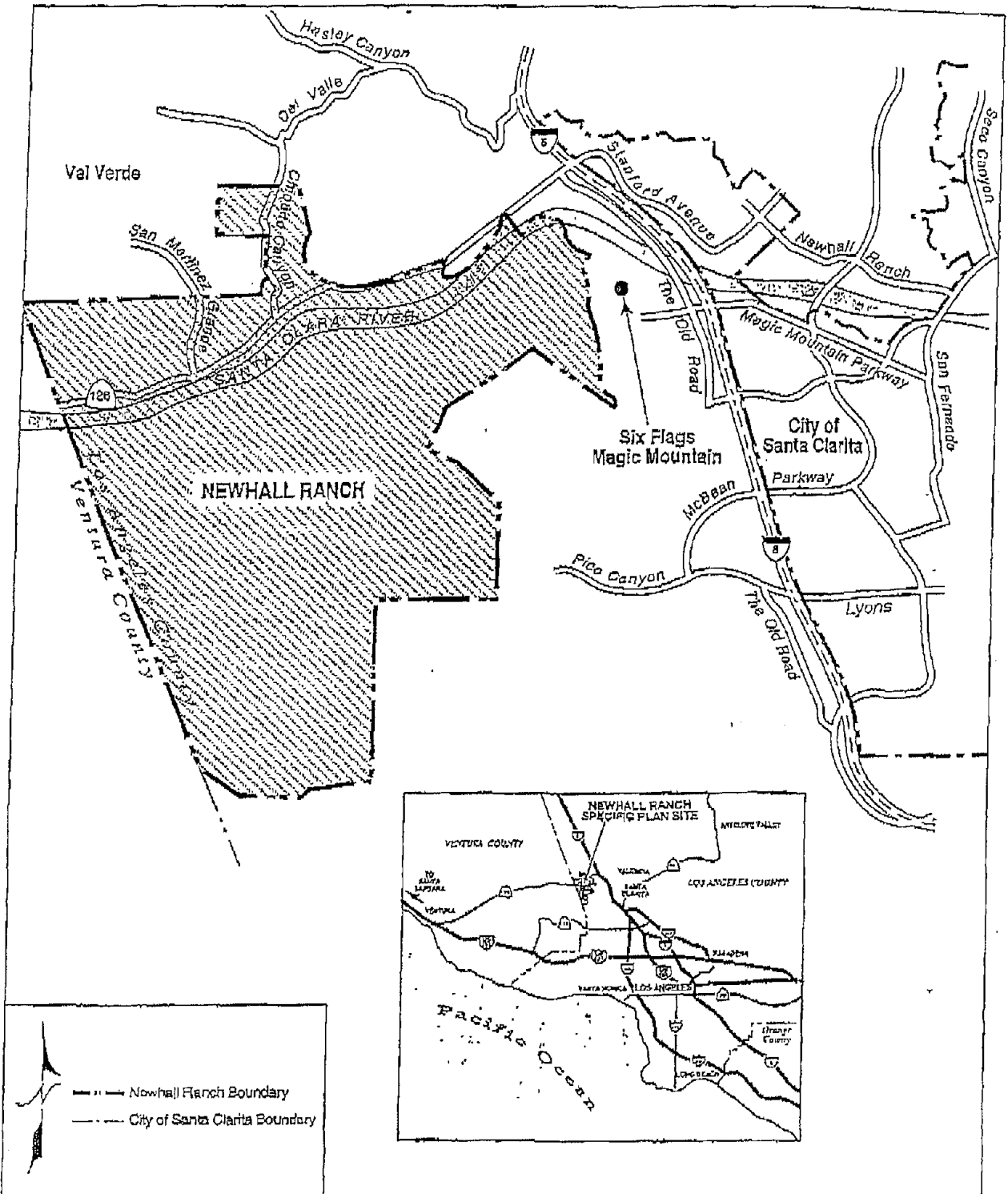
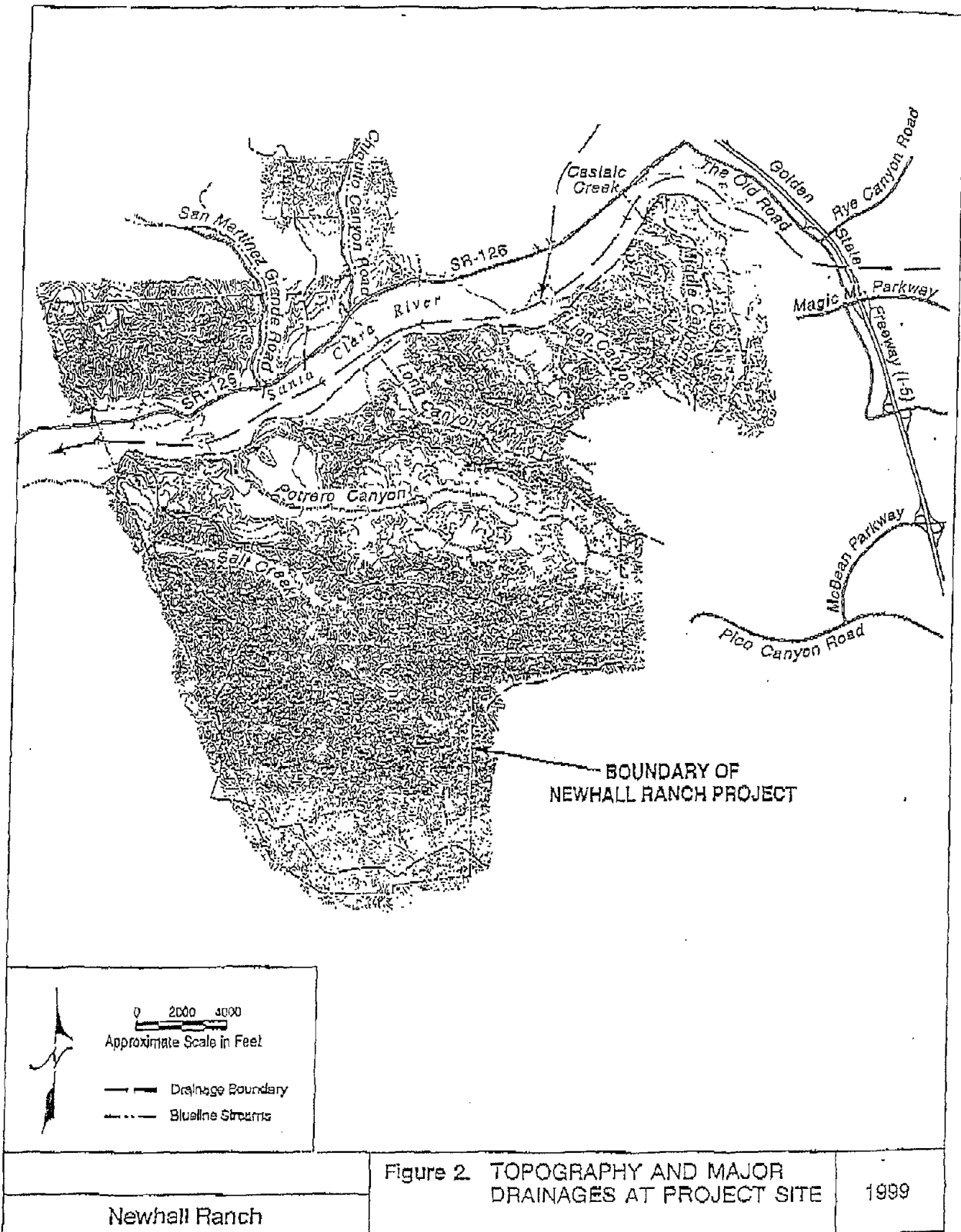


Figure 1. VICINITY MAP

Newhall Ranch

1999



**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

Name	Representing	Phone Number	Address (Optional)
Alan Miklovich	SAVE The <sup>Santa Clara</sup> River	661 252-3393	20096 North Cliff Dr, Lanyon Country CA 951
Dorey Nelson	<del>SA</del> Self	/ /	24700 MC Broom Pkwy <sup>Box 18</sup>
Trudi AEGY	SELF	254.4233	
Isaac Lieberman	SCV of Indst Growth	296-3904	27517 WHEISLEY 91354
STEVE HIGHTER	L.A. COUNTY SANITATION DISTRICTS	(562) 699-7411 x 2711	WHITTIER, CA
Lynn Feldman	Self	661 296 8406	27042 Littlefield Dr Valencia 91354
ALAN TIKKA	SELF	661 2636263	23325 INGRAM CT. VALENCIA, CA. 91354
Kendry Feldman	SELF	661 <del>296</del> 296-8406	
Lauren Feldman	Self	(661) 296-8406	

**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

Name	Representing	Phone Number	Address (Optional)
Jennifer Lofstrom	Scope	(661) 297-7220	22476 Tula Dr. Saugus, 91350 CA
Roger + Judy McClure	—	(661) 252-6187	29111 Lotusgarden Canyon Country 91351
TERESA GRANIK	SELF & Audubon	661 263-9161	26724 North DR SAUGUS CA 91350
RANDY BIDDLE RITA BROWN	SELF SCOPE NATIVE CONSERVANCY AUDUBON SIERRA CLUB	661 263 6250	
Ryan Adam Palant	CAL Arts	661-803-8259	24700 McBean Pk. # 10-29 Valencia CA, 91355
Jeremy Harris	CAL ARTS	661-799-2709	
Rob Bergman	CAL ARTS	661-799-2833	
LINDA LOU	Forest Preservation Society of So Ca	661 296-4635	
David James	Forest Preservation Society of So Ca		



**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

Name	Representing	Phone Number	Address (Optional)
Marilyn Stout		(818) 349-6738	
Rick Robb	Valencia TRAVEL Village	(661) 257-3333	27946 Henry Mayo Castaic 91384
Kathy Barris	FAMILY	(661) 286-1216	27105 NORTH TETON TRAIL #96 VALENCIA CA 91354
Kathleen Lally	students everywhere in Santa Clarita	661 7990816	
Chris Menin		661-257-7927	
Jim Churchill	Community Alliance w/ Family Farmers	805 646 4212	POB 426 OJAI 913024
Mr & Mrs Jerry Thomas	US	661-2599003	23842 Daisetta Dr Newhall CA 91321
MELANIE WINTER	FOLAR	323 223 0585	PO BOX 292134 LA CA 90029
RYAN PAPPAS	JESUS!	661 255 1050	CALARTS BF-01
Keren Pearson	Sierra Club	661 296 4438	26617 Gavilan Santa Clarita 91350

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**NEWHALL RANCH PROJECT SCOPING MEETING - FEBRUARY 9, 2000**

Name	Representing	Phone Number	Address (Optional)
COPY WILKERSON		661-7990346	28008 N. CARNEWIE SAUGUS CA 91350
Jennifer Wilkerson		661-799-0346	<del>##</del>
JERRY HALL	SANTA CLARITA VALLEY	661 297 5451	27446 ARRIOLA AV SANTA CLARITA CA. 91350
George Ruppri	myself		
DIANE TRAUTMAN		661-297-1962	P.O. Box 801084 Santa Clarita 91380-1084
BAYARD TAYLOR	SELF	805 643-6968	167 HOLT ST. VENTURA, CA 93001
NICKOLAS FRANGOS	SELF	818-560-8069	28425 JERRY PL. SAUGUS, CA 91350
Lynne Plarbeck	SCOPE	818 845-7651	PO Box 1182 Canyon Country 91351
LAREN HESSELTINE	The Hiner long-time resident	661 298 6152	19509 Babington St. 91351
Sandra Cattell	self	259 0433	21648 Oak Orchard Rd Newhall CA 91321

**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

Name	Representing	Phone Number	Address (Optional)
VICKY FRANGOS		NIKNIK@ earthlink.net	
SKIP NEWHALL	SELF	259-9999 sn@sn.to	25913 CARILLO DR VALENCIA 91355-2147
Virginia Soohoo-Baxter	self	(661) 257-2129	—
MICHAEL LOWE	EVERYBODY	661 252 4876 NO LARYNX	19549 Cedarbrook CANYON COUNTRY
Nancy Carder	"	294-3606 (818)551-2863	<del>3000</del> <del>3001</del>
LLOYD CARDER	"	294-3606 618 896 9556	CASTAIC CA 91384
GREG MINER	"	297 7927	
Ellen Mackey	FOLAR	(818) 504-2196	8300 Valleycrest Dr. Sun Valley, CA 91352
Anne McEvany	EDC	805-643-647	
Carol Clark	SCV Citizen	661-254-2756	26062 Balera Court Valencia, 91335

SIGN-IN SHEET  
 NEWHALL RANCH PROJECT SCOPING MEETING -- FEBRUARY 9, 2000

Name	Representing	Phone Number	Address (Optional)
Jill Klajic	City of Agate Santa Clarita	661-259-4906	21217 J. Impson Way Santa Clarita, CA 91357
ANNE SMITH	WILD LIFE SANTA CLARITA	661 255 2930	23927 CADILLAC CT SANTA CLARITA CA
Peter O'Neil	Myself	<del>818</del> 661- 799-8709	24700 McKEVIN WAY VALLEJO, CA 90. BOX CE-23
STACEY NICKELS	Natural History Club OF ACTON/AGUA DULCE	661 268-0556	P.O. Box 965 ACTON CA 93510
Brian Nickels	Nickels Family	(661) 268-0955	P.O. Box 965 ACTON CA 93510
Angela Lenoir	LA Daily News	(661) 257-5252	
BRAD GERSTEIN	exopolis.org	(626) 777-2685	518 Herbert St. Suite 100 Pasadena, CA. 91104
Laszlo Sziklosy	Sienna Club	805-278-9818	2034 N. Marina St OKeary CA 91303
Jeanne Brenney	self	661 254-1062	
SALLY CHASE CLARK	self	818-890-0159	18205 LITTLE TULUNGA SANTA CLARITA CA 91350

**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

Name	Representing	Phone Number	Address (Optional)
STEPHEN O'NEILL	CANYON VILLAGE H.O.A.	661-250-0149	
Dora P. Crouch	Santa Paula citizens	933-1140	
CLARENCE FREEMAN P.E.	Himself (Consulting Engineer)	524-2141	822 Central Ave, Fillmore CA 93015
Betty Barris	Family	513-9725	28357 N Mayfair Dr Valencia CA 91354
LINDA D. CIERAN	member SIERRA CLUB & Anderson Society	(310) 367-3126	
Eric Johnson	member sierra club concerned citizen	818 554 1462	
MARSHA McLENN	MYSELF	661 255-1259	24519 Breckinridge S.C. 91321 PL.
MEL HARRIS	MYSELF	(661) 297-6734	21714 CHESWOLD LN SAUGUS 91350
Juanita McFarland	myself	661 297-1005	22629 Copper Hill #101 Saugus, CA 91350
Kris Schmidt	myself	88.892.4611	10354 Danube Granada Hills, CA 91344


**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING - FEBRUARY 9, 2000**

Name	Representing	Phone Number	Address (Optional)
Maria Nissen	Boy Scout Troop 497	2544254	
Sydell Stokes	Sierra Club	254-6750	25715 W Hogan Val.
Lori, Emily, Sam & Katie McDade	our family	222-2359	23619 Real Ct Val 91355
Marla Vezeley Sherni Stolarik	From (Riding Don E. B. Wood (Trails)	296-8389 255-5012	23033 Mustang Ct 25841 West Larson Way
JOHN SKELLEY	SIERRA CLUB	661-252-0152	
HENRY SCHULTZ	SIERRA CLUB	661-284.5613	21827 PARVIN DR. SANTA ANA, CA, 91350.
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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING - FEBRUARY 9, 2000**

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Tana Lampton	N.H.C./A.C.N./A.P.	661 268-1136	31851 WINDPUSHL RD AGUA DULCE 91350
Antonette Corden	Co. of Ventura	(805)654-2578	County Government Center Ventura, CA
Matthew Lax	SCOPE	661-252-2383	27617-5 NUGGET DR Canyon County 91351
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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

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Stephanie Sapper	Caltrans	(213) 897-5446	120 S. Spring St. LA CA 90012

**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

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Gracie Bottorff	"	"	
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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

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Alexandra Florimonte	self & <sup>member of</sup> SCOPE	253-0790	25376 Avenida Cappella Valencia, CA 91355
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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING -- FEBRUARY 9, 2000**

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**SIGN-IN SHEET**  
**NEWHALL RANCH PROJECT SCOPING MEETING – FEBRUARY 9, 2000**

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ORIGINAL

PUBLIC HEARING RE NEWHALL RANCH EIS/EIR

VALENCIA, CALIFORNIA

FEBRUARY 9, 2000

**Reported By:**

VICKI NIKOLA, CSR 3351

*Karyn Abbott & Associates, Inc.*

*Certified Shorthand Reporters*

*Transamerica Center*

*1150 S. Olive Street, Suite GL-29*

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PUBLIC HEARING RE NEWHALL RANCH EIS/EIR

VALENCIA, CALIFORNIA

FEBRUARY 9, 2000

VICKI NIKOLA, CSR 3351

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PUBLIC HEARING RE NEWHALL RANCH EIS/EIR

Hearing proceedings re Newhall Ranch  
EIS/EIR, taken at Valencia High School, Valencia,  
California, commencing at 7:20 p.m., Wednesday,  
February 9, 2000, before Vicki Nikola,  
CSR No. 3351.

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I N D E X

A P P E A R A N C E S :

Morgan Wehtje, Department of Fish and Game  
Scott Harris, Department of Fish and Game  
Bruce Henderson, Army Corps of Engineers  
John Gray, Woodward Clyde

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1 VALENCIA, CALIFORNIA; WEDNESDAY, FEB. 9, 2000

2 7:20 P.M.

3 -000-

4 \*\*\*

5 MS. WEHTJE: Good evening. We are going  
6 to get started now so we can get out of here this  
7 evening sometime before the dawn breaks because I  
8 need my sleep so I can look just as lovely for  
9 tomorrow's set of meetings, whatever they might be.  
10 There is a speaker box in the back. If you want to  
11 speak, you need to fill out a speaker slip and put  
12 it in the box sometime in the next twenty minutes.

13 Also there is a mailing list to sign  
14 up. You don't need to do that right now. You can  
15 do that at the end, being that this isn't going to  
16 go anywhere. Remember, before you leave if you  
17 want to be on the mailing list, to sign it.

18 I would like to thank everybody for  
19 coming tonight and attending this public process.  
20 It's an informational process. It's a two-way  
21 street for you to receive information and for you  
22 to give information back. So what we are going to  
23 do here tonight is we are going to receive public  
24 input and give you information, hopefully find out  
25 what are the environmental issues that are of most

1 concern and what alternatives should be evaluated  
2 and then we are going to try to answer questions  
3 about what the role is for the Corps of Engineers  
4 and Department of Fish and Game.

5 I'm Morgan Wehtje and I'm from the  
6 California Department of Fish and Game and I'm the  
7 supervisor for the Region 5 and that's Santa  
8 Barbara County, Ventura County and L.A. County  
9 north of Interstate 10. To my left is Scott  
10 Harris. He is the wildlife biologist for the open  
11 county area and does much of the CEQA review. To  
12 his left is Bruce Henderson from the Army Corps of  
13 Engineers and he will speak to the Federal issues  
14 tonight, and to my right is John Gray from Woodward  
15 Clyde and he is the environmental consulting firm  
16 that will be compiling the response to comments and  
17 actually preparing the environmental documentation  
18 for this project.

19 A little bit about the agenda and  
20 format. First we are going to review the meeting's  
21 purpose, which we just did, and then John will give  
22 an overall view of the Newhall Ranch and Natural  
23 River Management Plan, including the required  
24 permits and the scope of the EIS/EIR. At the end  
25 of the meeting we will take public comments and

1 everyone who signs up to speak will have about  
2 three minutes to speak.

3                   So first a little bit about who are  
4 the lead agencies. As I said, one of the lead  
5 agencies for the Federal government is the Army  
6 Corps of Engineers, the regulatory branch, and  
7 that's Bruce over there and they are the Federal  
8 lead agency under the Natural Environmental Policy  
9 Act otherwise known as its acronym is NEPA.

10                   The other lead agency is the  
11 California Department of Fish and Game. We are the  
12 State lead agency and that's under the California  
13 Environmental Quality Act and its acronym is CEQA.  
14 Permit requirements for the State to work in the  
15 river, Santa Clara River and its tributaries, it  
16 will require a streambed alteration agreement.  
17 That is Section 1600 of the Fish and Game code.  
18 This is a private project. It's under Section  
19 1603. Those numbers again just refer to code; and  
20 also there will be required an endangered species  
21 2081 incidental take permit from the State for any  
22 affected listed species that occur in these  
23 habitats.

24                   Bruce?

25                   MR. HENDERSON: Good evening. Federal



1 responsibilities in this particular situation  
2 relate to Section 404 Clean Water Act. Section 404  
3 is fairly narrowly focused and it specifically  
4 regulates the discharge of natural fill material  
5 into water in the United States. In this  
6 particular case we have got the Santa Clara River,  
7 obviously, plus all the tributaries to it that meet  
8 definitions that we have within our jurisdiction.

9                   Some of those things is in the case  
10 of non-wetland situations you simply have to have  
11 an ordinary high water mark. You know it's a  
12 (inaudible) force. You know it's an original  
13 feature. You know it has definition and other  
14 characteristics that you recognize in the field and  
15 establish by jurisdiction.

16                   Wetlands happen to be another  
17 criteria, including (inaudible) vegetation.  
18 Vegetation is adapted to the growth and type of  
19 soil conditions. We have got (inaudible) as well  
20 as hydrology. As such, it's a special site and  
21 special sites have elevated higher levels of view  
22 under our program.

23                   In this particular case we are  
24 looking at the project's potential impacts on water  
25 to the United States. We are not necessarily

1 trying to determine land use issues, but we are  
2 looking to identify the propriety of the proposed  
3 actions on the waters in the United States with the  
4 intention of protecting them and to have the steps  
5 practical and that's pretty much our primary focus.

6 MS. WEHTJE: For the specific permits  
7 that will be required and practiced by Newhall for  
8 the project we want to look at long-term 404,  
9 Streambed Alteration Agreement for all the  
10 facilities and the construction work in the river  
11 and its tributaries and there are some examples  
12 listed below of what some of those might be.

13 This is somewhat similar to another  
14 project that was known for the Valencia area as the  
15 Natural River Management Plan where a similar type  
16 long-term 404 1600 was developed.

17 The form the permits will take will  
18 be master permits. They will be issued for twenty  
19 years or more. The permits will include limits of  
20 work in the river and its tributaries. The permits  
21 would include standard mitigation measures, but  
22 individual projects must be approved by the agency  
23 to ensure compliance with the master permits. So  
24 before any particular project goes forward there is  
25 still a level of review.

1                   The environmental review  
2 requirements to issue permits is a major action  
3 that requires detailed review by NEPA and CEQA. So  
4 in order to make things flow better and make sure  
5 both the State and Federal government are  
6 coordinating well together and that we are not  
7 issuing conflicting areas or leaving things out, it  
8 will be a joint EIS/EIR and the EIS/EIR will  
9 include alternatives to avoid and minimize the  
10 impacts and mitigation benefits to reduce the  
11 impacts and the EIS/EIR will be used by the lead  
12 agencies when making the permit decisions. So that  
13 means it needs to be very, very detailed and  
14 address everything in full.

15                   Now, John will speak to a view of  
16 the Newhall Ranch Specific Plan as it pertains to  
17 the permits.

18                   MR. GRAY: Thank you, Morgan. I'm going  
19 to give about a ten-minute overview of the Newhall  
20 Ranch project and the activities that will be  
21 included under the permit and also talk about the  
22 scope of the environmental report that we are  
23 preparing and then I will end that presentation and  
24 I will open it up for public comment, but I do  
25 think some background would be useful for all of us

1 here to understand what is being proposed and what  
2 we intend to study in the EIR. So we have about  
3 another ten or twelve minutes of presentation.

4                   As many of you know, the Newhall  
5 Ranch Specific Plan is a mixture of industrial,  
6 residential and commercial land uses. It  
7 encompasses about twelve thousand acres, half of  
8 which would be open space and the other half  
9 developed. It's, of course, in Los Angeles County,  
10 unincorporated area, and in March of last year L.A.  
11 County Board of Supervisors approved the Specific  
12 Plan which basically specifies zoning for that area  
13 and, of course, as individual projects are  
14 developed there by the landowner and developers  
15 they have to go through another environmental  
16 review process and, of course, the Specific Plan  
17 usually implies a very long build-out period of  
18 twenty or thirty years.

19                   For those of you not familiar, the  
20 project is located on the Santa Clara River and the  
21 hills on both sides of it, downstream I-5. There  
22 is some more detailed view showing the floodplain  
23 as well as hills. There are a number of side  
24 drainages that flow into the river. Most of this  
25 is undeveloped land being used either for oil

1 production or for range land. There is some  
2 limited residential in this area.

3 Pardon me while I adjust the  
4 computer here.

5 Some of you have noticed we have a  
6 couple posters here. This is a slide of one of  
7 those posters. It's the land use plan that was  
8 approved by L.A. County. I don't expect you to  
9 understand all the symbols, but it basically shows  
10 that about half of the project area would be open  
11 space and that's represented by green. That  
12 includes the river and the High Country and the  
13 colored areas represent a mixture of residential,  
14 commercial and industrial.

15 UNIDENTIFIED SPEAKER: What's the black?

16 MR. GRAY: It's actually green. It  
17 doesn't show up very well. This is another map  
18 showing where the Open Space areas are. The river  
19 would actually be dedicated in a conservation  
20 easement and the High Country in the mountains  
21 would also be put into protected status. The  
22 remaining areas would be developed.

23 This is a map showing the drainages  
24 of the project area and, of course, the Santa Clara  
25 River is the main feature because it runs through

1 the center of the project area, but there are also  
2 side drainages. I will give you an example of a  
3 couple of them. This is Potrero Valley. That's  
4 Chiquito Canyon, San Martinez Grande and if you  
5 have a copy of the notice of preparation that I  
6 have on the table, there is a map showing where  
7 these are and they were important because that's  
8 where the Corps and Fish and Game have to make  
9 their permits to.

10 This is showing the proposed bank  
11 reduction. There is some type of protection of the  
12 banks to keep them from eroding so that the land  
13 development can occur nearby. I know it's a little  
14 bit hard to read, but I want to show you where the  
15 proposed bank protections and bridges are.

16 There are two bridges being proposed  
17 across the Santa Clara River. One is right here  
18 called Potrero and one is here called Long. The  
19 bank protection is located on both sides of the  
20 river and it's represented by a color band. It's  
21 discontinuous and I can give you a little bit of  
22 history about what's being proposed. Approximately  
23 49 percent of the Santa Clara River would have no  
24 bank protection. About 12 percent of it would have  
25 bank protection, but it would be placed in upland

1 areas away from the river, and about 39 percent of  
2 the river is being proposed of having bank  
3 protection either on the existing banks or into the  
4 river itself. That gives you some kind of order of  
5 magnitude of what is being proposed on the main set  
6 of the river.

7                   The type of bank protection is  
8 similar to what is being used upstream in the city  
9 of Santa Clarita. It's called a buried bank  
10 stabilization in which instead of having  
11 conventional rip-rap or concrete placed on the  
12 river banks, instead the bank protection is placed  
13 underground and it's buried with soil on top of it  
14 so you don't see it and you can plant on top of it.  
15 That's what is being proposed for this project and  
16 that allows you to have riparian vegetation or  
17 landscaping and trails on top of the bank  
18 protection and so you don't have an exposed rip-rap  
19 or concrete. This type of bank protection is  
20 currently being installed as part of the Valencia  
21 Natural River Management Plan.

22                   This indicates what will occur on  
23 the side drainages. I mentioned several different  
24 tributaries to the Santa Clara River. The larger  
25 ones would be basically converted to flood control

1 channels with soft bottom and some type of bank  
2 protection on the side and that would include  
3 Potrero, San Martinez, Chiquito, Long Canyon and  
4 Lyon Canyon. Five major drainages would be  
5 converted to open soft bottom channels. All the  
6 other tributaries are being proposed as being  
7 placed in the storm drain systems. This gives us a  
8 summary of what would occur on the side drainages.  
9 Half would be put into open channels and the other  
10 half would be in storm drains.

11 This is the type of open channels  
12 that would typically be approved by L.A. County  
13 Department of Public Works and be applied to the  
14 tributaries. It would be soft bottom so vegetation  
15 could grow in the base of the channel, but there  
16 would be bank protection on the side. It may be  
17 exposed bank protection or it may be buried bank  
18 protection depending on the sides of the canyon.

19 The project also includes water  
20 quality facilities. As many of you know, there is  
21 a requirement to protect the river and other  
22 tributaries from stormwater from urban areas and  
23 L.A. County has a permit. Cities within the County  
24 and development in unincorporated areas must meet  
25 certain requirements to manage stormwater quality.



1 Those are specified by the County and they are  
2 called best management practices and they usually  
3 include some type of (inaudible) to catch the  
4 stormwater or some type of infiltration such as  
5 grassy areas so the water can percolate before it  
6 gets to the river and remove any pollutants. This  
7 project, of course, will include a water quality  
8 management program because that is required by law.

9                   The project would involve a loss of  
10 riparian habitat and the proposal by Newhall Land  
11 is where there is unavoidable loss of riparian  
12 habitat or wetland, that that would be replaced by  
13 portions of the river or the floodplain and  
14 establishing new riparian habitat. The floodplain  
15 has a lot of agricultural areas that could be  
16 converted to riparian habitat and I will show you  
17 an example of how that proposal would work.

18                   The other mitigation we proposed is  
19 to remove what is called giant reed. It's an  
20 invasive, non-native plant which is becoming more  
21 common on the river and displaces native habitat  
22 and removing that does have benefits for the native  
23 species.

24                   At this point we are beginning to  
25 prepare the EIS/EIR and the main reason we are

1 having this meeting is to get your input on what  
2 should be studied there. I'll tell you what we  
3 believe is necessary to be addressed.

4                   At a minimum we are looking at what  
5 are the environmental impacts of this proposal?  
6 What are the types of impacts to habitat, water  
7 quality, the land use? We have to look at the  
8 permitted activities. That's the bank protection,  
9 the bridges, what the Corps and Fish and Game would  
10 be permitting. We have to understand what the  
11 impacts of those permitted activities and the  
12 implications are. We have to look to indirect and  
13 cumulative impacts. Building the bank protection  
14 and the bridges and the flood control facilities  
15 can lead to other impacts and can provide other  
16 development in the area to create what we call  
17 cumulative impacts. So we have to look beyond the  
18 immediate impact of the bank protection; and  
19 lastly, the EIS/EIR has to address compliance with  
20 whatever State and Federal laws apply to this type  
21 of project.

22                   The heart of the EIS/EIR, of course,  
23 is the alternatives because the Corps and Fish and  
24 Game want to look at a range of alternatives so  
25 when they make a decision they can pick one that

1 best meets the requirements of the law and balances  
2 different needs.

3                   The proposed project, of course,  
4 will be studied in the document because that is  
5 what Newhall is asking to be permitted, but there  
6 will be other alternatives. One similar one would  
7 be what would the project look like if you  
8 completely avoided the river and tributaries? Was  
9 it something I said?

10                   A third basic alternative is some  
11 type of a hybrid between complete avoidance of the  
12 proposed project and one that would minimize  
13 impacts to avoid or somehow compensate for impacts.  
14 So the alternatives will be given fairly intense  
15 scrutiny and we are anxious to hear if you have any  
16 specific ideas about alternatives.

17                   I will give you an example of the  
18 proposed project and how part of the project does  
19 incorporate avoidance. This is the example of bank  
20 protection that is being proposed north of the  
21 river and you can see that the bank protection,  
22 which is represented by that band of color, is  
23 actually going through an agricultural field. So  
24 the proposal there is to put the bank protection in  
25 the upland area. That is outside the Corps and

1 Fish and Game jurisdiction. That's an avoidance of  
2 the river itself. That's an example of avoiding  
3 impacts to the river; but the project also involves  
4 areas of encroachment and obviously we will be  
5 looking at that. This is an example of where bank  
6 protection would be encroaching some riparian  
7 habitat, again on the north side of the river.

8                   There are endangered species issues  
9 associated with this project. The ones that are of  
10 primary consideration are the unarmored three-spine  
11 stickleback, which is a resident fish in the river.  
12 There is the least Bells' vireo which is a migrant  
13 bird that returns to the river, the willow fly  
14 catcher which occasionally comes in the area. It's  
15 more common on the coast. There are two other  
16 fish, Santa Ana Sucker and Arroyo Chub. Some of  
17 these are endangered. Some of these are considered  
18 sensitive species.

19                   The Corps and Fish and Game will be  
20 looking at all the sensitive species. There are  
21 more than I listed here, but that is one of the  
22 primary issues that will have to be studied and, of  
23 course, the water quality issue. I alluded to the  
24 fact that the project will have to have a  
25 stormwater quality management plan and the

1 environmental document will address how adequate  
2 that is and how we can further protect water  
3 quality because there will be runoff. We want to  
4 make sure there is no adverse impact because of  
5 higher runoff or pollutants in the stormwater and  
6 that will be addressed in the EIS/EIR.

7                   Last thing I want to mention are the  
8 indirect impacts. Fish and Game and the Corps  
9 recognize that acting on this project and issuing  
10 permits for the bank protection and the bridges  
11 does have a connection to the larger Specific Plan  
12 and that does have to be considered in the  
13 environmental document. In terms of schedule, we  
14 hope to have a draft environmental document out by  
15 the end of the year. It would be issued and there  
16 would be a public review period. So you will all  
17 have an opportunity to read the document. There  
18 will be a public meeting just like this to receive  
19 comments on that document. So there is further  
20 opportunity for input. Then there will be some  
21 type of permit decision that will be completed by  
22 the end of next year and there will be a final  
23 environmental document issued associated with that  
24 decision.

25                   In addition, Fish and Game and the

1 Corps obviously makes separate independent  
2 decisions. They have different laws and different  
3 requirements, but they are coordinating the timing  
4 so this will all come together by the end of next  
5 year.

6 I want to end by just focusing on  
7 the purpose of the meeting here. We really want to  
8 hear your comments on what should be addressed in  
9 the environmental documents. You tell us what you  
10 think is important, what you think we should pay  
11 special attention to from your perspective and we  
12 are going to take note of that and make sure that  
13 we can address that in the document. We don't want  
14 to work in a vacuum. So the more specific you can  
15 be, that's great for us because it gives us  
16 direction.

17 The other purpose of the meeting is  
18 if you have some questions about the process,  
19 especially the role of Fish and Game and the Corps,  
20 you have got representatives here and they can  
21 answer that question. It's not often that the  
22 Corps and Fish and Game are conducting these kinds  
23 of hearings or preparing these documents. So if  
24 you have something specific you would like to  
25 clarify, feel free to ask that, but keep in mind

1 that what we really want to do tonight is hear your  
2 opinions and I will give you a little bit of ground  
3 rules for the rest of this meeting.

4                   We have speaker slips. Because  
5 there are so many people here, we really need to  
6 move along in a uniformed fashion here and keep  
7 things on track. So we are going to ask speakers  
8 to limit your comments to three minutes so everyone  
9 has a chance and we don't go into the wee hours of  
10 the morning. We would like you to come to the  
11 podium and state your name and if you are  
12 representing a special interest or a group or just  
13 yourself, let us know. We have a court reporter  
14 here. Speak clearly and slowly and don't feel  
15 rushed and if she can't understand something, she  
16 will stop you and ask you to repeat it, but it's  
17 helpful for us to have a transcript of the hearing  
18 so we understand exactly what you said.

19                   We are going to take the comments  
20 just in random order unless there are any elected  
21 officials that have come tonight to ask to speak.  
22 In deference to them I would take their comments  
23 first. So you can be the first up as soon as I get  
24 done here.

25                   I think what we'll do is -- Bruce

1 and Morgan, do you have anything else to say? If  
2 not, I will sort of facilitate the speakers here.  
3 Please listen to everyone. Give them a chance to  
4 speak. We appreciate you coming out here tonight  
5 and appreciate the interest and are ready to  
6 listen.

7                   So, ma'am, if you want to come up  
8 and introduce yourself.

9                   MS. KLAJIC: Thank you very much. I am  
10 very happy to be here. My name is Jill Klajic and  
11 I'm a member of the City of Santa Clarita City  
12 Council. I want to thank you again for allowing me  
13 an opportunity to voice my concerns regarding the  
14 scoping of the environmental document to be  
15 prepared as part of the pending 404 permit.

16                   First of all, I have just a few  
17 little comments to make. I don't know how many of  
18 you read the newspaper this morning. Although I do  
19 not read the local newspaper that had this comment  
20 in it, someone called me this morning and quoted it  
21 to me that the Newhall Land and Farming was quoted  
22 this morning in the paper by saying that they  
23 always get their permits.

24                   Now, I'm hoping that that is not  
25 always true and if it is true, then I guess my next



1 request or my question to you is if this is true  
2 and they always get their permits, my question is  
3 by what authority, then, do we have any assurances  
4 that if we go through this whole process and we  
5 come up with all these rules and regulations on how  
6 they are going to do this, assuming they get their  
7 permit, who is going to enforce mitigations? Who  
8 is going to follow through to make sure that after  
9 we finish this whole entire process and we put all  
10 the rules down that they are actually going to  
11 prevail and they are going to do them the right  
12 way?

13                   That's my question. You said you  
14 could answer it. That's my first question.

15                   MR. HENDERSON: I think what that phrase,  
16 they always get their permits, refers to is they  
17 get their permits as required by law before they  
18 conduct work where those permits --

19                   MS. KLAJIC: I don't think that's what  
20 she meant, but that's kind of you and I hope that  
21 that is true. Okay. So they always get their  
22 permits? Who is going to enforce it?

23                   MR. HENDERSON: Well, the Corps and Fish  
24 and Game do have a responsibility of compliance.  
25 We can revisit situations on an as-needed basis.

1                   In the case of the Natural River  
2 Management Plan they are providing to the Corps,  
3 Fish and Game, Fish and Wildlife Service annual  
4 reports as to projects anticipated, mitigation  
5 requirements, input, actually initiated in the  
6 ground and the status of those mitigation areas.  
7 So there is an ongoing review of their actions.

8                   MS. KLAJIC: This is twenty years we are  
9 talking about. Are you guys going to be around  
10 this whole twenty years and make sure they do it  
11 correct?

12                  MS. WEHTJE: As far as what happens, as  
13 best as we can, we check compliances. The  
14 Department is divided into several divisions. One  
15 is Wildlife Protection Division which is wardens.  
16 They carry guns and they are licensed peace  
17 officers and they are responsible for enforcing the  
18 Fish and Game code which Section 1600 is part of  
19 it.

20                  They go out. They drive around and  
21 look at things and, believe me, in an area such as  
22 this I receive a lot of calls from the general  
23 public who ask, "What is going on?" I have had  
24 several calls about, "What is going on on the 126?  
25 What is going on in San Francisquito Canyon," and

1 if it's not a question I can answer, if it's not  
2 something I know that was permitted under an  
3 agreement, I will call the warden and send a warden  
4 out to investigate.

5                   Now, whenever anyone is doing work  
6 out there they are supposed to have a copy of the  
7 permit on them at all times. If the Warden goes  
8 out and finds there isn't a copy of the permit and  
9 they don't have one, a case is filed with the DA  
10 and goes through the court system. We have one now  
11 somewhere in L.A. County -- I'm not sure where it  
12 is, but I know a warden is investigating. Our  
13 staff is meeting with L.A. County DA, the  
14 Environmental Crimes Division, tomorrow to deal  
15 with it.

16                   So that's how it goes. The general  
17 public does a lot of kind of watchdogging and we  
18 try to respond to it as best we can.

19                   MS. KLAJIC: When you are considering  
20 these permits do you also consider their history,  
21 for instance, the history of they are concreting  
22 one of the creeks in the middle of the night, that  
23 type of thing? Those are the reasons why we are  
24 very concerned about a twenty-year permit to a  
25 company that really doesn't have a super-good

1 reputation of following the rules.

2 MS. WEHTJE: Believe me, the Department  
3 of Fish and Game is suspicious of everyone. We try  
4 to protect the public trust and we try. So yes, we  
5 do look at things. We try to be fair to people,  
6 but we try very much to look -- we are only human.  
7 We do as best we can.

8 MS. KLAJIC: Well, I think everyone here  
9 in Santa Clarita would be more than happy to help  
10 in any way we can.

11 I would also like to state right up  
12 front that we are recommending the alternative that  
13 would avoid any encroachment into the river. The  
14 following are issues that must be addressed through  
15 these documents in order to ensure adequate  
16 information to the public and an opportunity for  
17 full disclosure on the issues. How will  
18 recreational uses such as bike and equestrian  
19 trails be introduced into the area and how will  
20 these uses impact the existing environmental  
21 resources?

22 Two, how will existing wildlife  
23 areas be maintained and protected? Significant  
24 wildlife protection of this resource is very  
25 important to the future of Santa Clarita Valley.

1                   The issue of stormwater runoff and  
2 pollution has great potential for significant  
3 impacts to the environmental resources of the Santa  
4 Clara River.

5                   The issue of sufficient watertable  
6 recharge is another issue that must be addressed.  
7 Additional sewage discharge must thoroughly be  
8 investigated in the EIR.

9                   The Newhall Ranch project includes  
10 several bridges over the river. These bridges have  
11 the greatest potential to impact the riparian  
12 habitat. How can they be designed to eliminate any  
13 impacts?

14                   How will the rails to trails  
15 infrastructure be accommodated to use a pristine  
16 rail right-of-way?

17                   Upstream mitigation must be  
18 included, otherwise any downstream mitigation  
19 measures will be undermined by inadequate upstream  
20 mitigation protection.

21                   What kind of bank stabilization is  
22 included? The County Supervisors insist on buried  
23 bank stabilization for obvious environmental  
24 preservation reasons. How can we make sure that  
25 the development is eliminated from the floodplain?

1 We would like to see it out of there.

2                   How will future public ownership be  
3 addressed? Will this issue impact the mitigation  
4 measures and the responsible party for these  
5 mitigation measures?

6                   As you can see by the people who  
7 have turned out here this evening, they are from  
8 all over southern California. The Santa Clara  
9 River is an extremely important natural resource to  
10 all of us and it's very important that we maintain  
11 it in its absolute natural environment. This is  
12 the last river we have and it's important for all  
13 of us to keep it that way.

14                   We strongly object to any master  
15 permit. We would prefer that we do it the way we  
16 have always done it. You go into the river. You  
17 get a permit. We talk about it. We try to make it  
18 as least impacts as possible.

19                   Then I have one last question.  
20 Could you please tell us how and to whom we need to  
21 address these concerns about changing the whole  
22 idea of master permit? Who brought it up, where  
23 did it come from, and how do we get it taken care  
24 of? It was not discussed.

25                   MR. HENDERSON: Essentially it's our two

1 agencies, Morgan and myself. We are doing this as  
2 a matter of addressing everything as it's  
3 envisioned to unfold over time which allows  
4 everybody to address these things in a  
5 non-piecemeal fashion. If you have, let's say, a  
6 master plan that you know what the parameters will  
7 be, you know what the extent of the process will  
8 be, if you look at everything case by case, you  
9 could find that you are achieving more impacts over  
10 long periods of time than you anticipated by  
11 looking at this as one unit. Piece by piece review  
12 does not necessarily lead to greater protection of  
13 resources.

14 MS. KLAJIC: I could certainly understand  
15 that because we have a General Plan and that's what  
16 a General Plan is for, but still you can do a  
17 master plan, but not a master permit. There is a  
18 difference. Let's do a master plan of where all  
19 the impacts are coming from. The permits should be  
20 done on an individual basis.

21 MR. GRAY: Thank you.

22 MS. KLAJIC: Thank you.

23 MR. GRAY: I'm going to start calling  
24 people up random one by one and I do want to remind  
25 you that you can send in written comments. We have

1 the address here and you can always talk to Morgan  
2 or Bruce afterwards. You can submit written  
3 comments until the 19th. That's ten days after  
4 today. I would like you not to read written  
5 comments, if you can. You can summarize them when  
6 you come to the podium. You can give us the  
7 written comments tonight; but given the number of  
8 speakers that I got, we need to restrict your  
9 comments to three minutes.

10 The next person --

11 UNIDENTIFIED SPEAKER: Wait. We have one  
12 more elected official who would like to speak.

13 MR. GRAY: I'm sorry. Who is the other  
14 elected official?

15 MS. PLANBECK: I'll just wait my turn.

16 MR. GRAY: Following Ms. Planbeck will be  
17 Clarence Freeman.

18 MS. PLANBECK: Thank you. My name is  
19 Lynne Planbeck and I'm not here in my official  
20 capacity of a water district director, but I do, of  
21 course, have water concerns about what we are doing  
22 to the tributaries up there. We would particularly  
23 like you to address the impacts of downstream  
24 erosion and also scouring.

25 You mentioned endangered species,



1 but you didn't mention steelhead and if there is  
2 scouring that occurs, then that would affect  
3 downstream endangered species as well and we would  
4 want to be sure that those impacts are addressed.

5                   My special concern is also a concern  
6 of the Sierra Club and that is the paving of 95  
7 percent of the tributaries. So we would, of  
8 course, want to see the total avoidance alternative  
9 implemented in this case and the development moved  
10 as much out of the floodplain as possible. There  
11 is no excuse in this day and age for development in  
12 a floodplain where we know what happens when FEMA  
13 has paid seven million dollars to move the  
14 elementary school out of the Castaic dam area and  
15 we are building things in the floodplain  
16 downstream.

17                   Not only for the benefit of the  
18 river, the benefit of future generations in open  
19 space, but the benefit of the taxpayers we should  
20 not be building in the floodplain and we need to  
21 maintain a natural river system.

22                   In addition to that, we believe the  
23 loss of recharge should be analyzed and if it's too  
24 great, then no concrete should be allowed in the  
25 tributaries. This supplies water for the community

1 here. The community here, of course, is upstream  
2 from the project. So it's downstream communities  
3 that would be most affected by this. It's really  
4 important not to lose that groundwater recharge.

5                   We did write comments. We are also  
6 turning in the comments that were given by NEPA,  
7 Fish and Game and the Army Corps of Engineers on  
8 the Newhall Ranch EIR and in that set of comments  
9 I'm sure Mr. Henderson remembers this, but the  
10 Corps said at that time that it was early in the  
11 planning stage and the total avoidance alternative  
12 was possible and would most likely be something the  
13 Corps would expect since there was plenty of time  
14 to plan for that and there would be no reason to  
15 have it not feasible when it was very early in the  
16 planning stages and I just wanted to remind you of  
17 those comments and hope as you go through the  
18 permitting process you won't forget what you told  
19 them three years ago, that it was feasible and they  
20 should do it. Thank you very much.

21                   MR. GRAY: You guys must want to stay  
22 here late. The clapping does delay things. I  
23 appreciate your enthusiasm, but we have a lot of  
24 speakers to hear tonight. So if we could refrain  
25 from that, that would move us through quicker.

1                   Mr. Freeman and he will be followed  
2 by Stacey Nickels.

3                   MR. FREEMAN: My name is Clarence  
4 Freeman. I'm an engineer and I have been involved  
5 in the study of riverbeds for over sixty years,  
6 longer than most people have been alive, and if you  
7 believe that age and wisdom go together -- I'm over  
8 eighty and perhaps I have something that you might  
9 want to hear.

10                   The Santa Clara River is the last  
11 free-flowing river in southern California. It's a  
12 brain stream overloaded with sand and gravel and  
13 keeps plugging its own channel so the flow has to  
14 shift around in those bars that are formed in the  
15 streambed. (Inaudible) streams occur in semi-arid  
16 areas like we have here and they are not compatible  
17 with development in the floodplain.

18                   The planning of the Newhall Ranch  
19 project shows an unrecognition of the very geologic  
20 process that is going on. The mountains north and  
21 south of the Santa Clara River are washing into the  
22 sea and they are being uplifted by tetanic action  
23 at the same time. The main river and its  
24 tributaries act as conveyor belts to deliver the  
25 sediment to the seas. At low flows it appears to

1 meander back and forth, but that's merely the  
2 footprint of the last flood and at each side  
3 tributary entries sediment bars form. So this  
4 river is very hard to predict the action of it.

5                   Now, I would like to introduce this  
6 report to you which seems to be something that must  
7 have been lost in the archives of the people who  
8 planned this, "Factors controlling the size and  
9 shape of stream channels in coarse non-cohesive  
10 sands." This is a figure from that report and  
11 these people studied this in 1961 and if you look  
12 at the top, you start out and you have a  
13 non-cohesive sand channel and you start to allow  
14 water to flow through it and as the velocity and  
15 slope are increased, there becomes a phenomenon  
16 that might be very similar to flowing through a  
17 woodwind instrument. There gets to be a residence  
18 between the surface waves as the velocity increases  
19 and the sand that is in the bedflow of the river  
20 and you eventually get these meanders which the  
21 experiment is called pseudo-meanders because they  
22 are not meanders like you get down in Louisiana  
23 underneath the moss trees. This is a high-velocity  
24 river that is flowing as a mountain torrent and  
25 these meanders cannot be suppressed.

1                    Now, apparently the plan now is to  
2 build -- I notice they don't like to use the words  
3 levee, but you have a soil cement core levee and  
4 about two-thirds of that levee is going to be soil  
5 to cover it up, besides the fact that in order to  
6 place it, you have to dig deep trenches and  
7 backfill them. That backfill material is more  
8 erodible than the original material that is in the  
9 river and you cannot suppress these meanders. The  
10 only way you can suppress these meanders is to  
11 concrete the river in.

12                    So what this amounts to is if you  
13 have high floods that start to approach a hundred  
14 year flood, say, you are going to erode, you are  
15 going to get these waves and meanders,  
16 pseudo-meanders to start. They have bank-eroding  
17 velocities. They will erode all the material back  
18 to this soil cement core. There is no way you can  
19 suppress it. The only way you can suppress it is  
20 to concrete the channel in like the Los Angeles  
21 River and as you know now, they are trying to  
22 restore the Los Angeles River.

23                    What you are taking is the first  
24 step in the concreting in of the Santa Clara River  
25 because as you have development and protecting

1 property and lives, you start to concrete in the  
2 river.

3                   Now, that's not the only problem.  
4 The problem is you can dig a pilot channel. In  
5 this report you will see why a pilot channel  
6 doesn't work. The pilot channel will eventually in  
7 flood revert to these pseudo-meanders and the way  
8 the river is studied through computer program,  
9 which was originally developed by the Corps of  
10 Engineers, the Heck Two (phonetic) program has no  
11 time-dependant terms. So it cannot model this  
12 phenomenon that we are talking about. The flow  
13 must be gradually varied in the Heck Two program.  
14 The flow is one dimensional -- it doesn't curve --  
15 and the slope of the channel must be small.

16                   So the Santa Clara River meets none  
17 of these conditions and as a result, the engineers  
18 are reduced to guessing about its flood behavior.  
19 So what you have done is you have taken the first  
20 step to concrete in the Santa Clara River because  
21 once the property is built, you have to protect it.

22                   MS. NICKELS: Okay. I'm Stacey Nickels  
23 and I'm representing the Natural History Club of  
24 Acton/Aqua Dulce.

25                   We are very upstream from this

1 project, very upstream from this project. Our  
2 concern is that we know once the cementing of the  
3 Santa Clara River starts downstream, it's going to  
4 backlash upstream. We know there is development  
5 and mining projects in the works. We are very  
6 opposed to the cementing.

7 My question tonight, though, would  
8 be to the lead agencies to ask why is this project  
9 even being considered at this time when it is being  
10 litigated?

11 MR. HENDERSON: We do not pair the two  
12 up. We know that litigation may affect their  
13 ultimate proposals. We don't see that as a reason  
14 why we shouldn't analyze what they are proposing at  
15 this time.

16 MS. NICKELS: Wouldn't that be a valuable  
17 waste of our resources and taxpayer dollars to go  
18 forward with something that might not happen  
19 because of litigation?

20 MR. HENDERSON: The litigation is still  
21 speculative and the Applicant has a legitimate  
22 proposal on the table at this time and I still  
23 don't see how we have a legitimate reason not to  
24 address their proposal.

25 MS. NICKELS: Thank you.

1 MS. WEHTJE: Also, the State did look at  
2 that because the NEPA is involved in the  
3 litigation, but there is not anything really in the  
4 law that says that we can't address something. So  
5 if they put it forth to us, we have to go forward  
6 and address it and that's the way permits and laws  
7 are written.

8 So we do have to look at all the  
9 things. It is part of the process. We know that  
10 that is going on. We are aware of it, but this is  
11 still a process that we have to address it.

12 MS. NICKELS: Thank you.

13 MS. CLARK: Thank you. I've been sitting  
14 here looking at the sign. It says "Newhall Ranch  
15 Natural River Management Plan." I think it's the  
16 nature that manages the river and I don't see why  
17 this is being brought up. The real concern of  
18 environmental issues, apart from the very obvious  
19 of percolation and being the people who would be  
20 proud to say that "We channeled the last river in  
21 Los Angeles County," I think a real concern I have  
22 is concern of safety. Los Angeles River every time  
23 there is a heavy rain somebody has to go look at it  
24 and check out the river and the ground around it  
25 and I have a vision here in the Santa Clarita



1 Valley of a big strip of concrete cutting us in  
2 half and then chain link fence all around it  
3 purported to keep the children out, which we know  
4 won't work. We'll have this big ugly eyesore.  
5 We'll have removed a source of a beautiful  
6 meandering riverbed site and to no purpose  
7 whatsoever except for Newhall Land and Farming to  
8 build in a place where they have no business  
9 building. They have no business building in the  
10 floodplain and you have no business saying that  
11 they can do it.

12                   The alternative to evaluate, how  
13 about not building in the floodplain. I think  
14 that's a real good alternative and I think it's the  
15 only one that can be considered.

16                   MR. GRAY: If you can remember to state  
17 your name and who you are representing.

18                   MS. CROUCH: I'm Dora Crouch. I come  
19 from Santa Paula and I'm a private citizen. I'm  
20 also a water expert and I prepared for you a  
21 detailed statement, one for the Fish and Game and  
22 one for the Engineers and in the interest of time  
23 I'm not going to attempt to say that in three  
24 minutes. Even I couldn't do that and I talk fast  
25 sometimes, but I would like to make only one point.

1                   The draft EIR shows a strange lack  
2 of awareness of existing and on-going studies of  
3 waterflow machines and their problems in the Santa  
4 Clara River Valley. I have provided in the packet  
5 there copies of articles that are precisely about  
6 that, papers from the U.S. Geological Service and  
7 from people working with the Geological Service.  
8 Those studies have been ongoing in cooperation with  
9 the United Water Conservation District in Ventura  
10 County for more than ten years and it was  
11 interesting to me to go through the Newhall  
12 proposal and see that their water experts had not  
13 consulted anything more recent than 1986. They  
14 didn't seem to know this other work was going on  
15 and even after I had spoke about this in public  
16 meetings, there was no change in the final EIR.  
17 Newhall chose to ignore these other claims.

18                   I would also like to submit for your  
19 consideration a map which has just been done  
20 recently in 1997 by the Division of Mines and  
21 Geology which shows -- this is the eastern edge of  
22 the new project. The Val Verde quadrangle, which  
23 would show most of the project, is considered not  
24 likely to be developed in the near future, so they  
25 haven't done that one yet; but what this does show

1 you is all the dotted places are lands subject to  
2 liquefaction and all the crosshatchings are the  
3 lands subject to landslides which is everything in  
4 this project.

5 I think you are going to have a hard  
6 time pleasing both sides in this issue.

7 MS. BARRIS: Hi. My name is Kathy Barris  
8 and I'm representing myself here. I'm a native  
9 Californian and I love this state.

10 I also want to mention that I grew  
11 up in West Los Angeles. I actually had to cross  
12 Biota Creek to get to school and just having to do  
13 that going over a total concreted riverbed and  
14 stream is a horrible way to see how the natural  
15 environment has been transformed.

16 I know everybody here is talking  
17 about the actual impact on the river itself, but I  
18 would like you to address the other issues as well  
19 and that's traffic and air quality. I travel down  
20 the 5. I cannot imagine the amount of traffic that  
21 will be hitting the 5 freeway, much less impacting  
22 the river and the wildlife that is there. I want  
23 to see a whole balance of the environment, not just  
24 specifically the river and the river itself because  
25 it is all interconnected and affects each other and

1 that's what I want you to all take into  
2 consideration.

3                   Also I guess I can get this from  
4 other sources, but I would like to know which Board  
5 members of the Board of Supervisors approved this.  
6 I don't know if you guys -- was it a unanimous  
7 vote? I assume one of them is Mike Antonovich; is  
8 that right? Is that represented by his Deputy Jody  
9 Darcy? She is a City Council member in Valencia.

10                   Then I just want to also mention  
11 that -- well, I guess that's it. There is other  
12 issues that I can follow through on.

13                   MR. GRAY: Put them in a letter and  
14 submit them.

15                   MS. VOGLEY: My name is Marla Vogeley  
16 and I'm a student at Saugus High School and this is  
17 Sherri and we represent the riding community. We  
18 are, of course, concerned with all the  
19 environmental issues, but probably other people  
20 will be talking about that. So we are worried  
21 about riding trails.

22                   It's a great place to ride. It's  
23 flat, it's open, it's beautiful and, you know,  
24 sometimes when they build these proposed bridle  
25 paths, they are fenced in on both sides and they

1 are flat and straight and boring. We need open and  
2 natural spaces where we can just wander around and  
3 there is a lot of horse people around and we need  
4 trails. Thank you.

5 MS. STOLARIK: My name is Sherri Stolarik  
6 and I represent Don and Brook Farms and I do agree  
7 with everything she was saying and that's all I  
8 have to say. I just wish that they would not build  
9 in the floodplain.

10 MR. GRAY: Thank you for coming.

11 MR. SHUMAN: My name is Todd Shuman. I  
12 live in Glendale, but I grew up in this area. I'm  
13 also a Sierra Club member. Some of my comments are  
14 for the Central Group of the Angeles Chapter of the  
15 Sierra Club.

16 First of all, I would like to echo  
17 my comments. We are concerned about the cementing  
18 of all the tributaries and the eliminating of  
19 riparian habitat in all those areas and the impact  
20 of increased water velocity volume on the  
21 downstream habitat of the Santa Clara River. It is  
22 the affirmative duty of both of these agencies to  
23 investigate who will be overseeing the geological  
24 changes that will be taking place. So we expect to  
25 see a very good job of that in this report.

1                   Second, this project has a number of  
2 golf courses and ponds that are being structured  
3 into its design. There is a problem with these.  
4 Under certain conditions these ponds tend to  
5 overflow and the water can then flow down into the  
6 Santa Clara River. When that happens there is a  
7 very strong likelihood that non-native and nuisance  
8 fish species will be introduced into the river and  
9 damage native species there. We want to know what  
10 are the methods that will be used to ensure that  
11 only native species will be maintained in the Santa  
12 Clara River and that non-native and nuisance  
13 species will be controlled or limited and be  
14 prevented from being accessed. As you are quite  
15 well aware, there are State penalties for  
16 introduction of nuisance species into a public  
17 trust waterway.

18                   Third, we believe that both Fish and  
19 Game and especially the Army Corps of Engineers  
20 need to consult immediately with the U.S. Fish and  
21 Wildlife Service and Natural Marine Fishery Service  
22 concerning the southern steelhead. This fish has  
23 been listed as an endangered species. (Inaudible)  
24 provisions are already in place and there is no  
25 option that does not exist and we hope we do not

1 even see that coming down the road.

2                   Also you should be aware that even  
3 though some people will say this whole area has no  
4 relevance to the southern steelhead, the agencies  
5 have not stated that so far. They have not made a  
6 formal declaration of critical habitat designated  
7 for this area. So this area is relevant to the  
8 future survival of an endangered species, the  
9 southern steelhead. That is why you need to start  
10 consulting with these agencies immediately.

11                   Last, the Santa Ana sucker needs  
12 to -- both of these agencies need to start  
13 consulting with Fish and Wildlife concerning the  
14 Santa Ana sucker. It has been seen in the vicinity  
15 in this area and it is a threatened species under  
16 the Environmental Species Act and a final ruling is  
17 due momentarily.

18                   So we would like to prevent the  
19 Corps and the Fish and Game from having to start  
20 this process all over again. You start immediate  
21 consultation with Fish and Wildlife concerning this  
22 and act as if the sucker was listed already as if  
23 because the listing is expected momentarily.

24                   MS. KILPATRICK: My name is Jennifer  
25 Kilpatric. I live in Santa Clarita. I'm here

1 representing myself tonight. I have been an  
2 attorney for twenty-three years. I have worked on  
3 environmental projects involving the Corps and  
4 wetlands during the course of my career in  
5 Massachusetts, in New York, in Maryland, in Florida  
6 and in California and I make the following simple  
7 political comment.

8 I have represented probably fifteen  
9 corporations that have tried their darndest and  
10 throughout the United States have been denied  
11 permits. What is offensive to me in California --  
12 and in particular involving this project -- is the  
13 foregone conclusion that some permit is going to be  
14 issued that will change the natural condition of  
15 the upland streams as well as the main channel of  
16 the river. I guaranty you that in Florida the  
17 developers are not getting the permits they want.  
18 I guaranty you that in Massachusetts the developers  
19 are not getting permits to fill in wetlands. I  
20 guaranty you that in New York State the industrial  
21 companies are not getting the permits they want to  
22 fill in the wetlands around the Great lakes.

23 So I ask what are we? Are we  
24 chopped chicken liver that the only stream in its  
25 natural condition left in southern California is



1 going to be bargained away? That is simply from an  
2 institutional decision-making point of view  
3 inappropriate in comparison with what other  
4 taxpayers in the United States are obtaining.

5                   Now, I understand that Newhall Land  
6 and Farming thinks they have property rights.  
7 Well, if you read every single Army Corps of  
8 Engineers' permit case that has been decided by the  
9 Federal Court of Appeals in the United States,  
10 which I have because I have to read them for my  
11 job, and if you read the California Supreme Court  
12 decisions relating to taking, when you have twelve  
13 thousand acres of land you are not entitled to  
14 develop twelve thousand acres of land and boohoo if  
15 you can only develop three thousand acres of land.  
16 It's not a taking.

17                   So you as decision makers do not  
18 have an obligation to give these people any permit  
19 at all other than a permit that creates no negative  
20 impacts.

21                   Now, let's just look at one negative  
22 impact. I live in Santa Clarita. Right now the  
23 people living in Santa Clarita get a large  
24 proportion of their water out of the Santa Clara  
25 River. We do not have a state water allocation

1 that is big enough to water all of Santa Clarita.  
2 Santa Clarita is booming. It's not your fault, but  
3 what's happening is our water supply is finite. So  
4 we are drinking the river dry.

5                   On top of that the use of the water,  
6 our water supply is contaminated with prechloric.  
7 Three major water developments have been shut down  
8 because a defense contractor contaminated the water  
9 and the Federal and State governments have not  
10 gotten their act together to come and clean up and  
11 contrary to what this nice lady had to say, they  
12 have not had the balls to enforce the Clean Water  
13 Act or to enforce the State laws against this  
14 particular defense contractor to force them to  
15 clean up our water.

16                   So what does that mean? It means  
17 that we are sucking the water dry in Santa Clarita.  
18 What does that do for the people downstream in  
19 Ventura County who are using well water and yes,  
20 indeed, there are lots of water wells in Ventura  
21 County. It means that this Newhall Ranch project  
22 is the essential key to recharge the groundwater  
23 for the people in Ventura County and I guaranty you  
24 if you cement over the tributaries, if you cement  
25 over the flat lands or the hilly lands that will

1 soon be flat where there is housing and you narrow  
2 the riverbanks, you are going to lose a substantial  
3 amount of recharge. What does that mean for the  
4 people in Ventura County? Suddenly their water  
5 supply is gone. You are obligated to look at  
6 cumulative impacts and you don't have to issue the  
7 permit.

8                   So the point that I'm making simply  
9 is do the right thing. Do what your peers are  
10 doing throughout the United States. Don't be  
11 pushed around. Thank you.

12                   MR. LIEBERMAN: Hi. My name is Isaac  
13 Lieberman. I'm representing myself and a new group  
14 of Santa Clarita, Citizens for Smart Growth.

15                   Wow! I'm really impressed by the  
16 preparation of these speakers. I would like to  
17 have been better prepared, but I have been working  
18 nights and days the last week and a half or two,  
19 putting together a website for this new group to  
20 connect everybody.

21                   I have been doing polling around the  
22 town in the course of the last month and about 85  
23 percent of the people I have talked to are fed up  
24 with the pace of growth here. Now, the fact that  
25 L.A. County approved this project last year I think

1 is a crime. If it's not a crime, it's a sin. The  
2 people here don't want it and what John McCain is  
3 talking about and what Bartlett & Steel are talking  
4 about and Time Magazine about money controlling  
5 process is going on here. It's real obvious. The  
6 people don't want it. Don't build in the  
7 floodplain. Our target is to have 50,000 people  
8 connected by E-mail to help you guys say no. So  
9 please just say no. Thank you.

10 MS. STOKES: Hi. My name is Sydell  
11 Stokes. I'm from Valencia, California and I just  
12 want to comment that I have a new neighbor who is  
13 from Washington state and I was telling her about  
14 tonight's event here in hopes that she would come  
15 and she couldn't come, but she is telling me that  
16 in Washington state where she worked with the  
17 Forestry Service that they hold rivers in very high  
18 esteem and that in Washington state they have laws  
19 that would never allow such as is happening or is  
20 requesting to be happening here tonight. Thank  
21 you.

22 MR. FLORIMONTE: Hi. My name is Louis  
23 Florimonte, representing myself and the river  
24 behind my house.

25 First, a couple of things you guys

1 said when you were asked earlier about who would  
2 follow up. We asked the same question to the Army  
3 Corps representatives and the State Water Resources  
4 Control Board people after the County was given  
5 permission to poison and scrape the river behind  
6 our house. We were told there was not enough  
7 manpower or time to go and check up on everything  
8 that was done. So I have serious questions about  
9 what kind of follow-up there will be. Almost  
10 everything I was going to say has been said, so I  
11 will be a little brief here.

12                   When we moved here eighteen years  
13 ago there was a riparian area behind our house. In  
14 1997, having filled out all the proper permits, the  
15 County came in and took about six feet of earth out  
16 of it and since then they have gotten approved  
17 certificates to continue doing that. In so doing  
18 not only are they doing it this year -- we asked  
19 the Army Corps of Engineers why they were able to  
20 do it and we asked the Water Resources Control  
21 Board why they were able to do it. The answer was,  
22 "Because they filled out the right forms." When we  
23 ask them what chemicals they were using, they sent  
24 us Monsanto's description of the chemicals they  
25 were using to kill the plant life because they

1 didn't want to slow down the growth.

2                   When we got an analysis from an  
3 independent agency in Arizona they said those  
4 chemicals break down into carcinogens in  
5 nitrogen-rich soil. If you are going to put in  
6 golf courses and development and fertilize them,  
7 you will have nitrogen-rich soils. You will have  
8 chemicals breaking into carcinogens in the river  
9 and I know from watching what happened to me behind  
10 my house that as soon as flooding becomes an issue  
11 for the people in the area -- and it will be --  
12 when we were asked why the County was allowed to do  
13 this behind our house, the Army Corps  
14 representative and Water Resources Control Board  
15 said, "They went behind our backs. They went  
16 around us to the public and frightened them with  
17 stories of El Nino and flooding and got the  
18 necessary permits and nobody has checked up on them  
19 as yet to see if they are complying."

20                   They have now convinced people in  
21 the neighborhood that taking out willows and grass  
22 is necessary. So where we once saw an incredible  
23 amount of wildlife we have, in effect, a muddy  
24 storm drain behind our house and as soon as you get  
25 houses in this area and people start hearing scare

1 stories about flooding and El Nino they will be  
2 coming in with the same pesticides and they will be  
3 scraping it clean because they are sure in hell  
4 aren't going to move the houses. It just isn't  
5 going to happen.

6 MS. FLORIMONTE: I'm Alexandra Florimonte  
7 and I represent myself. I also happen to be a  
8 member of SCOPE.

9 Anyone who is going to make millions  
10 of dollars in any kind of project should not have  
11 anything about the project made easy for them and  
12 it is the duty of all the public agencies involved  
13 to make sure that from those who stand to make a  
14 dollar they are receiving the most stringent of any  
15 kind of measures possible, including the option of  
16 no impact. That didn't come out right.

17 The second thing I want to say is  
18 that our Santa Clara River is first and foremost a  
19 watershed and as such, there is some proposed  
20 Senate legislation that I'm going to read a little  
21 bit from which says that "land and water uses in  
22 coastal zones and coastal watersheds may  
23 significantly affect the quality of coastal waters  
24 and habitat and efforts to control coastal water  
25 pollution from activities in these areas must be

1 improved," and there is a need to enhance  
2 cooperation and coordination among states and local  
3 communities to encourage local community-based  
4 environmental protective solutions that address the  
5 impacts and the pressures on the coastal resources  
6 and on public facilities and public service caused  
7 by continued coastal population growth, etc.

8                   It's clear that any kind of concrete  
9 channelization affects negatively the coastal  
10 habitat. We have already seen that. My husband  
11 just spoke about what is happening in our  
12 neighborhood and it didn't happen all at once. It  
13 happened over a period of time as the valley became  
14 more and more populated and now we have this dead,  
15 barren, horrible mud hole behind our house and this  
16 is what is going to happen in the future and any  
17 person who has lived in this valley already knows  
18 that people who stand to make money end up having  
19 the power here and it is our obligation as public  
20 citizens and yours as a public agency to make sure  
21 that that does not happen here. We can't afford  
22 any more degradation of our coastal waters from  
23 this river and its tributaries.

24                   The third comment that I wanted to  
25 make is that we have already broken up all the



1 corridors in our valley. We have already degraded  
2 the water. We have already put in so many  
3 pollutants into the water and taken out vegetation  
4 that would filter them, the toxins out, and we no  
5 longer preserve and value the habitat that our  
6 children could be enjoying right now and instead,  
7 as my husband says, we fill people's minds with  
8 scare stories and the County is simply an arm of  
9 the developers that have money. Thank you.

10 MS. WINTER: I'm Melanie Winter,  
11 Executive Director of Friends of the Los Angeles  
12 River. We are going to be submitting written  
13 comments here. They will be much more articulate  
14 because when I'm not writing it down, I tend to get  
15 a little emotional. Are these written comments due  
16 not on the 10th, but on the 17th? 19th? That's  
17 officially been extended?

18 MR. HENDERSON: Yes.

19 MS. WINTER: We are obviously going to  
20 recommend complete avoidance here. This is a  
21 resource that is far too valuable to mess with.  
22 There is nothing you can do to, quote/unquote,  
23 mitigate for these impacts here beyond complete  
24 avoidance.

25 A lot of these green features that

1 are being proposed here are really merely cosmetic  
2 and greenwashing, so to speak. They are designed  
3 and doomed to fail and cause much more problems  
4 than even dreamed possible.

5                   You have to take a look at Los  
6 Angeles, really, really take a look at what we did  
7 in Los Angeles. We had an opportunity in 1930 to  
8 do the right thing. There was a plan submitted by  
9 Bartholomew in 1930 which recommended that we stop  
10 and prohibit development in the floodplain. We  
11 chose not to do that. It also suggested we don't  
12 develop in the hills because the hills are designed  
13 to burn. We need to recognize and appreciate the  
14 natural systems function. You cannot control  
15 floods. Flood control is a joke. You cannot  
16 control floods. You can control development so  
17 that you could protect -- You can protect flood by  
18 controlling development and I think that is what  
19 needs to happen here.

20                   Just to reiterate and to acknowledge  
21 what Mr. Florimonte said about the oversight. In a  
22 meeting with Secretary Westfall of the Corps  
23 December 16th we spoke about the maintenance that  
24 has been going on since the El Nino scare in '97  
25 with the Corps' emergency permit that the County

1 has been carrying out with virtually no oversight.  
2 The devastation, the unneeded devastation herein  
3 has been horrific and the photographs are stacked  
4 this high and this wide in binders at the County.  
5 We have been allowed to see them. Much of what was  
6 done was completely unjustified.

7                   When we spoke about this -- and my  
8 concern about the next round is what happened this  
9 year. They honestly did say, "We do not have  
10 sufficient staff to provide sufficient oversight  
11 and we encourage you all to get out there and tell  
12 us what's going on and take pictures and you guys  
13 can be our eyes and ears."

14                   Well, that's not acceptable. You,  
15 the Corps, if you are going to issue a permit, you  
16 are responsible for what happens there; not us.  
17 This is truly willful madness and anything other  
18 than complete avoidance is suicide for this river,  
19 for this County and for this watershed and for  
20 these people.

21                   MR. SCHULTZ: Thank you for the chance to  
22 appear here. My name is Henry Schultz. I'm Chair  
23 of the local Santa Clarita group Sierra Club. A  
24 lot of good points have been made here, so I will  
25 just make a couple.

1                   One is you have a couple of bridges  
2 going in here and right now according to the EIR  
3 plan they jut into the main flow of the river.  
4 Those should be set back. Obviously the reason you  
5 want to put a bridge in is because you want to save  
6 money. The shorter the bridge, less the cost. It  
7 should be put out a ways and that way you don't  
8 have to worry about so much concrete to protect the  
9 flow. You have constriction of flow from these  
10 bridges and so certainly one of the things that we  
11 hope to do if you are going to have the bridges,  
12 they should be set back.

13                   Also the river boundaries, there is  
14 all kinds of discussion about 100 year, 200 year,  
15 50 year. Basically a lot of the projects,  
16 especially on the south side of the river, go back  
17 and they are going to do a lot of fill, maybe  
18 twelve, fifteen feet of fill where they are going  
19 to have stuff right up to the river and then they  
20 are going to put a boundary on it. None of that  
21 should be developed. That all runs up to the  
22 little cliffs. That should all be part of what  
23 should be the natural flow of the river.

24                   The same is true along the north  
25 bank which runs along 126. Because of the way the

1 river runs there and because of the riparian  
2 habitat and beautiful trees, it should probably  
3 keep the area between 126 and the river free of  
4 development. Right now there are commercial  
5 development, things like that. It will ruin not  
6 only the recharge of the water, but also just the  
7 beauty of the area is going to be impacted. It's a  
8 tremendously pretty area and it's very beautiful.

9 I should probably add something that  
10 has always irritated me and people have brought up  
11 is the County's clearing of the river and I agree  
12 100 percent with the folks that are here. It's  
13 terrible. There is absolutely no reason for  
14 scraping the river. They claim it's going to  
15 protect you from the flood. Anybody who reads the  
16 standard text on the flow of rivers knows that's  
17 not true here. It isn't true where we are. The  
18 brush is not going to be an impact. You are not  
19 going to have people dying of floods. So why are  
20 we clearing this beautiful natural riparian area?  
21 So I encourage you as you get permits from the  
22 County, deny any permits. They shouldn't be  
23 scraping anything in our river or any other  
24 tributary.

25 Also on this project for Potrero

1 Canyon, we went up there and looked at that area  
2 and you have this little creek. It's not much  
3 because the area has been grazed down. There is no  
4 habitat in there, but what they are going to do is  
5 they are going to take the stream and put it up in  
6 a little culvert. It's going to be a concrete  
7 thing and that's what is proposed for most of these  
8 side tributaries. They should get better than  
9 that. They need a chance to regenerate their  
10 normal riparian area. Right now they are just  
11 grazed down. When the grazing goes away it's going  
12 to be mostly housing. If you can keep away from  
13 the river, that's the main thing. Stay out of the  
14 encroachment of the river area. Give a buffer  
15 zone, whatever you do there. Don't just go by the  
16 silly fifty year, hundred year floodplains. Those  
17 are insufficient for that part of the river. It's  
18 the best part of the river, the best habitat and  
19 the best plans. So whatever you do, protect that  
20 part of the river. Thank you.

21 MR. BUSE: I'm John Buse for the  
22 Environmental Defense Center. We have had a little  
23 bit of involvement with the EIR for the Specific  
24 Plan. We hope that that involvement can give you  
25 some useful insight on how to proceed with your

1 environmental review for your activities that you  
2 propose to permit.

3 My comments are really directed just  
4 informally to the Corps tonight. I didn't get a  
5 notice of preparation from the Department of NEPA.  
6 That's okay, but I just got this out of the jargon  
7 of NEPA. I want the comments to apply to the  
8 Department, as well, but my apologies for that  
9 particular jargon.

10 Mr. Henderson pointed out some of  
11 the problems inherent with piecemealing, but we  
12 think that the piecemealing has already occurred.  
13 It's already occurred before today. You have the  
14 proposed permit activities which are really an  
15 integral part of the Specific Plan; not a future  
16 phase, but an integral part of the whole thing,  
17 taking out and separated into a segment and subject  
18 to later environmental review, something that you  
19 are going to have to deal with. It's not your  
20 fault. You are going to have to deal with the  
21 consequences. It's not a trivial matter.

22 I think another fact is that the  
23 piecemealing makes it so much more difficult now to  
24 look at the avoidance which you must consider, how  
25 to avoid the impacts which should have been

1 considered in light of the entire Specific Plan.  
2 In a practical sense it's going to be tough. There  
3 are going to be pressures that make it difficult to  
4 do so, but we urge you to do so and I think the  
5 solution to get to that point is rigorous adherence  
6 to the Corps' 404 guidelines in defining and  
7 evaluating the alternatives to the proposed action  
8 and what this means is not just an evaluation of  
9 the avoidance alternative, but an absolute  
10 prioritization in the EIS/EIR of alternatives to  
11 avoid the encroachment and the impacts within the  
12 river corridor and certainly to fully consider  
13 those alternatives without the constraints that  
14 might appear to be imposed by the already approved  
15 Specific Plan. That's the key.

16                   We certainly think you need to  
17 consider the indirect impacts on the river  
18 modification and on the floodplain and the river  
19 processes within the entire Corps' jurisdictional  
20 area, not just the direct impacts of the fill.  
21 There should be a thorough consideration of the  
22 effects of channelizing most of the minor drainages  
23 within the Specific Plan sites including full  
24 evaluation and, as I said, a prioritization of  
25 avoidance through the maintenance of these minor



1 streams and drainages in a natural state without  
2 channelization even if that dictates fundamental  
3 changes in the design of the Specific Plan. It's  
4 been approved. It's a drainage concept. It's not  
5 set in stone, as far as your view is concerned, and  
6 that has to be a principal guiding feature of your  
7 review.

8                   There needs to be recognition of the  
9 proposed action. It is a necessary component of  
10 the overall development and as the Corps previously  
11 noted in its comments, the impacts associated with  
12 the proposed action are (inaudible)by development.  
13 In the Specific Plan EIR the Corps made comments.  
14 The Corps commented that some of the features of  
15 the Specific Plan were potentially inconsistent  
16 with the Corps' 404 guidelines and, therefore, may  
17 be inappropriate solutions to the project's induced  
18 problem. I think it was an accurate summation of  
19 the problem you face and are posed with now because  
20 of the effect of the piecemealing.

21                   As far as the wildlife resources  
22 that are going to be affected by these actions, I  
23 think you need to take a close look at the surveys  
24 that have already been done. I really doubt that  
25 the surveys that provide the basis for the Specific

1 Plan EIR will be of any use whatsoever. They are  
2 extremely limited in scope. We strongly recommend  
3 performing entirely new biological surveys for the  
4 four endangered species that may occur within the  
5 area affected by the direct and indirect effect of  
6 the proposed action.

7                   In this light I think you will find  
8 the comments to the Specific Plan EIR much more  
9 enlightening than the Specific Plan EIR itself. In  
10 particular, I refer you to comments submitted by  
11 the California Native Plant Society and others  
12 regarding the inadequacy of surveys in that EIR for  
13 that Specific Plan project and these comments  
14 should at least serve as a guide for surveying.

15                   The surveys themselves should be  
16 under the direction of the agencies involved here,  
17 not the Applicant, and it's essential that there be  
18 public accessibility to the survey information and  
19 not be constraints imposed by the Applicant on that  
20 availability for the public and other agencies that  
21 need to access it for their permitting purposes.

22                   There was some mention of the  
23 endangered species and threatened species that  
24 occur within the area. I don't mean to talk about  
25 those again, but one thing that hasn't been

1 mentioned is this river corridor includes  
2 designated critical habitat for the least Bill's  
3 viroo that needs to be considered as well. It also  
4 includes proposed critical habitat for the  
5 unarmored three-spine stickleback. With twenty  
6 years you need to ask the Fish and Wildlife Service  
7 and you need to consult with them; but  
8 nevertheless, that issue should also be factored  
9 into your consideration.

10                   As far as consulting with the Fish  
11 and Wildlife Service, we really think the NEPA  
12 process and CEQA process need to be coordinated  
13 with the Service's Section 6 consultation under the  
14 Endangered Species Act as early in the process as  
15 possible. In fact, I think the potential for a  
16 take of listed species under the proposed action is  
17 significant; and frankly, I think a prudent course  
18 would be to look at some overall habitat  
19 conservation plan. It seems to be better than the  
20 alternative of having nothing, so sort of overall  
21 fish and wildlife planning for this particular  
22 proposed action and again that needs to be  
23 coordinated with the Fish and Wildlife Service as  
24 early as possible with the Fish and Wildlife  
25 Service being potentially a joint agency for this

1 document.

2                   A couple other really brief notes,  
3 one detailed comment in particular. For areas that  
4 are proposed within the site for riparian  
5 restoration areas, one thing that we noted from the  
6 Specific Plan EIR was that there didn't seem to be  
7 a fair consideration of the effects of a water  
8 injection and extraction alternative that was part  
9 of the Specific Plan proposal on the suitability of  
10 the river corridor for restoration or even for  
11 supporting existing riparian habitat. Potentially  
12 you can have rapid fluctuations of the alluvial  
13 aquifer level. That truly got shortshift in the  
14 Specific Plan EIR and I hope you look in more  
15 detail at that issue in your EIR.

16                   Finally, I hope that this EIS/EIR  
17 won't persist in the Specific Plan EIR.  
18 Development within the floodplain would be good for  
19 the floodplain by elevating the floodplain, that's  
20 almost a (inaudible) concept.

21                   That concludes the comments. Thank  
22 you.

23                   MS. ANDERSON: I'm Ileene Anderson and  
24 I'm here representing the California Native Plant  
25 Society and the significant impact to the riparian

1 and the alluvial scrub vegetation is of grave  
2 concern to us. We certainly do not support any  
3 rip-rap or concreted channels because of the  
4 displacement of native vegetation and its  
5 associated ecological processes.

6                   What we would like to see is a full  
7 analysis of the feasibility of providing onsite  
8 mitigation, including water availability to support  
9 the increased riparian vegetation. I'm assuming  
10 it's going to be a greater than one-to-one  
11 replacement ratio.

12                   We also would like to have the  
13 analysis include a maintenance of these riparian  
14 and alluvial scrub communities because those  
15 really, in order to maintain health, need to be  
16 inundated and scoured at frequent intervals and  
17 particularly if the mitigation sites are elevated  
18 above the channel flows. We would be really  
19 interested to see how those will be maintained over  
20 the long term.

21                   We would also like to see a creative  
22 restoration plan that preserves the bio-diversity  
23 of the natural environment.

24                   I would be very interested to  
25 understand how you are going to keep those soils in

1 place during scouring events where you have the  
2 barriers placed back away from the aqua channel  
3 that is covered with soil.

4 I also want to remind you that any  
5 effective arrundo (phonetic) embankment should  
6 start at the top of the watersheds, not just be  
7 localized; and lastly, we request that current  
8 surveys pertaining to plant species be done within  
9 the permit project area. Thank you.

10 MR. WICKERSON: My name is Cory  
11 Wickerson. I have lived in this area since I was  
12 little. In 1985 my parents moved from the West  
13 L.A. area up to this area to get away from concrete  
14 and just city and when they moved here, they were  
15 trying to save that and growing up I got to  
16 enjoy -- I remember an area just like this that I  
17 could walk to from my house. I could get on my  
18 bike and ride there. Me and all my friends did it  
19 probably four days a week, during the summers seven  
20 days a week. It's gone now. It's all cement.  
21 There were areas just like hills and places for us  
22 to run around and ride our bikes and whatever and  
23 those are gone now. There are houses now. I have  
24 to get in a car to drive. I have to drive down the  
25 126 just to see that and I used to be able to see

1 it every day. It's sad. It makes me want to cry.  
2 It's really depressing; and now, you know, I'm an  
3 adult and I wish it was back the way it was.

4 I just ask that you think about that  
5 when you decide, if you do decide, to give Newhall  
6 Land and Farm a permit. There are kids that grew  
7 up in these beautiful environments that their kids  
8 aren't going to get to enjoy. There are kids now.  
9 Where are the kids? They won't get to enjoy that  
10 and that's really sad. So just keep that in mind.

11 MR. SCHMIDT: I'm Kris Schmidt. I'm from  
12 the Southern California Steelhead Recovery  
13 Coalition. We are a group of about twenty-five  
14 environmental organizations, including Sierra Club,  
15 Cal Trout, Trout Unlimited Natural Resources,  
16 Center for Biological Diversity, among others, and  
17 we would like to state clearly that we recommend  
18 complete avoidance of the river channel and its  
19 tributaries. The Santa Clara River channel is  
20 critical habitat for the endangered southern  
21 steelhead.

22 There are a couple of issues I would  
23 like to talk about around that. Steelhead need --  
24 they migrate upstream after storm events. So they  
25 need a slow gradual decrease of the waterflow and

1 they need to have eddies in which to rest as they  
2 go upstream. If you channelize the river, you are  
3 not going to have these eddies and the velocity of  
4 the water will be too high for the fish to make it  
5 upstream. They need these eddies to rest in and  
6 the lower natural velocity of the water. So if you  
7 have paved open space around the river, that's  
8 going to increase the rate of runoff and decrease  
9 the runoff period that these fish need to swim  
10 upstream. It's going to make it that much more  
11 difficult to swim upstream with the high velocity  
12 of the water and there will be less time for them  
13 to do that. So I believe that the project should  
14 be developed so that this natural gradual decrease  
15 of the flow is maintained and that the natural  
16 velocity of the river is maintained after these  
17 storm events.

18                   Similarly, bridges and channels  
19 should be designed such that they do not increase  
20 the water velocity and retain the features that  
21 provide these eddies for fish. Also underneath the  
22 bridges the bottom of that armored area should be  
23 designed so that it mimics the river bottom where  
24 the velocity of the river is slower so the fish  
25 swim along the river bottom and where the velocity



1 is slower. So that feature needs to be maintained.  
2 The area underneath these bridges need to be wide  
3 enough so the river isn't constricted so much that  
4 the velocity is too high for these fish to swim  
5 upstream. Again, natural eddies need to be  
6 designed into the system so that fish can swim up  
7 and rest before they continue upstream.

8 I notice in your description of the  
9 project it says -- one of the things here is it  
10 says "routine maintenance of the above flood  
11 control facilities by removal of sediment or  
12 vegetation to preserve hydraulic design capacity  
13 and protect property." Well, it seems to me that  
14 if you need to remove sediment and vegetation to  
15 preserve the hydraulic design capacity of the  
16 river, the hydraulic design capacity hasn't been  
17 great enough and the plan should be written such  
18 that this type of maintenance is expressly  
19 forbidden and the river channel is designed wide  
20 enough so that this type of maintenance isn't  
21 required.

22 I think that's about it for my  
23 comments. I just want to encourage you to just  
24 keep development out of the river channel and its  
25 tributaries.

1 MS. MC LEAN: Good evening. My name is  
2 Marsha McLean and I have been involved in open  
3 space issues for quite some time. I won't bore you  
4 with many details, but way back in 1989 our Santa  
5 Clarita Valley was threatened with the world's  
6 largest landfill, Elsmere Canyon in Angeles  
7 National Forest. So we fought for seven years and  
8 finally saved the large portion of the forest due  
9 to the fact that 5,000 people showed up at this  
10 school and the Forest Service finally got behind us  
11 and so did the government officials so that we  
12 saved part which has an impact on this because that  
13 saved the riparian wetland area which was the  
14 source of the water coming down into this portion  
15 of the Santa Clara River.

16 I would like to state that best  
17 management plans are sometimes ignored by Mother  
18 Nature and there is a couple of things in here that  
19 alarmed me as I was reading it for the proposed  
20 actions.

21 One of them was two wastewater lines  
22 placed across the river at Potrero Canyon and  
23 upstream at Long Canyon Road and potentially other  
24 utility line crossings for water, oil and gas lines  
25 crossing the river where the water is needed in

1 order to rejuvenate and recharge underground water  
2 supply for Ventura County. How do you monitor  
3 that? How do you prevent leakage and cracking of  
4 those during an earthquake or just from age?

5 If you do okay this project in that  
6 way and in that manner, I would suggest you have a  
7 full-time State agent paid for by the developer on  
8 site to monitor to make sure that this doesn't  
9 happen.

10 I won't go through -- I have many of  
11 the same concerns that you have already heard, so I  
12 won't repeat those; but I certainly do concur in  
13 what you should do in order to protect this river  
14 and it's okay to say no sometimes. There comes a  
15 point when a developer should be allowed to develop  
16 if it can develop without encroaching upon the last  
17 natural wild river in southern California. So tell  
18 them, "Yes, you can develop," but use the  
19 alternative to have complete avoidance of  
20 encroachment on the river. You can do the right  
21 thing. Thank you.

22 MR. KORTUM: My name is Frank Kortum.  
23 I'm a member of the North Valley Coalition.

24 The Corps and the other agencies  
25 represented here today have already submitted

1 comments, concluding this project causes harm to  
2 the Santa Clara River. Newhall Land ignored those  
3 comments, but I hope you will not forget them. For  
4 example, February of 1997 the Corps stated that  
5 development in the floodplain was inappropriate  
6 because alternatives are available. The Corps  
7 pointed out that Newhall had an ample opportunity  
8 because of the long time anticipated -- this was  
9 back in 1997 -- to create a plan that would avoid  
10 impacts to the river, but Newhall never did that.  
11 Instead comments reflected that Newhall developed  
12 its plan without any input from the Corps at all.

13                   The (inaudible) also submitted  
14 comments and the Corps' responsibility for  
15 enforcing the velocity gauges. They urged Newhall  
16 ranch to consider other alternatives that would  
17 avoid the impacts to the river, but they found that  
18 the project would cause degradation of the river  
19 and, for example, it found that the massive grading  
20 of the project of 95 million cubic yards of soil  
21 movement and relocation would harm the river and it  
22 found that over 55 percent of the developed area  
23 with impervious soils and that this would likely  
24 create changes in surface water hydraulic and  
25 potential water impacts. Newhall ignored those

1 comments.

2                   The NEPA found Newhall had failed to  
3 serve cumulative impacts of anticipated  
4 developments of all Newhall Land's adjacent  
5 properties and holdings. Newhall Ranch ignored  
6 those comments.

7                   The Federal Fish and Wildlife  
8 Service described the project as largely  
9 inconsistent. It stated that the EIR was fraught  
10 with so many uncertainties regarding water supplies  
11 that the Service had no confidence in its  
12 assessment of the effects of the project and the  
13 Service concluded these uncertainties precluded an  
14 accurate assessment of the discharge volumes  
15 presented in the EIR in terms of water. Newhall  
16 Ranch ignored those comments.

17                   Department of Fish and Game  
18 submitted similar comments. Newhall Ranch ignored  
19 them as well.

20                   Now, earlier there was a comment  
21 that the Corps is protecting the environment in  
22 other parts of the country and I would like to  
23 submit some articles into the record that reflect  
24 that, just a few examples of where the Corps has  
25 taken action to protect the environment. I was

1 able to find no examples of where the Corps has  
2 protected the environment in the Los Angeles area  
3 and I would like to ask the Corps' representative  
4 how you would account for that discrepancy.

5 MR. HENDERSON: It's interesting to note  
6 that a lot of the projects that you may be  
7 referring to -- for instance, in south Florida  
8 there is a major effort underway to restore the  
9 Everglades' ecosystem. There has been major  
10 channelization of the waterflow which is  
11 essentially a giant river. It's certainly slow  
12 moving, but a river, nonetheless, and they  
13 recognize their errors of their ways and they are  
14 attempting to do something similar like that.  
15 There has been recent legislation to look at five  
16 projects -- two of which are local, one is northern  
17 California and two a couple other states -- to  
18 address flood protection issues (Inaudible) rather  
19 than looking at the protection methods of  
20 channelization like they had done in the past to  
21 use significant technology methods as well as  
22 properties and getting businesses, getting homes  
23 out of floodplains.

24 Those things are occurring. They  
25 are still in the planning stages essentially in

1 that last proposal; but as far as the regulatory  
2 movement goes, it's true we don't stop a lot of  
3 projects, but we modify most of them and we do  
4 lessen impacts.

5 MR. KORTUM: Well, you stop them in other  
6 parts of the country. Why not stop them here?

7 MR. HENDERSON: That has happened.

8 MR. KORTUM: I have a question and he was  
9 in the process of answering.

10 MR. HENDERSON: Big Tujunga Wash. It  
11 didn't stop the project, but they got the  
12 jurisdiction.

13 MR. KORTUM: One example. Also in  
14 Sunshine Canyon along the entire canyon to be  
15 destroyed, even though we called that to your  
16 attention, nothing was done to stop that. So there  
17 are many more examples where you allow development  
18 to occur.

19 MR. HENDERSON: That's very true.

20 MR. KORTUM: I think the Corps' action in  
21 this district really bears scrutiny or won't stand  
22 up to scrutiny when you compare it to what is done  
23 in other parts of the country.

24 MR. HENDERSON: It should be noted, State  
25 laws of Massachusetts are much stronger than

1 Federal laws. They do not allow encroachment.  
2 They just don't do it.

3 MR. KORTUM: Well, this is Federal law.  
4 The Corps enforces Federal law.

5 MR. HENDERSON: Federal law is pretty  
6 flexible here. It really is. If Massachusetts did  
7 not have State laws that protect them to a much  
8 greater extent than the Clean Water Act does, those  
9 areas would have potential impacts. That's just a  
10 fact of life.

11 MR. KORTUM: Well, I put you on notice we  
12 will be watching what the Corps does here and I  
13 will submit these articles into the record here.

14 MR. BOTTARFF: Good evening. I'm Ron  
15 Bottarff, Chair of the Friends of the Santa Clara  
16 River. First question is, Commerce Center Drive  
17 Bridge, is that no longer a part of Newhall Ranch?  
18 In other words, is that going to be built  
19 independently?

20 MR. GRAY: It has a permit with Fish  
21 Game. It's independent of this proposed action.

22 MR. BOTTARFF: So it's totally out of the  
23 picture?

24 The scope of the EIS/EIR must  
25 include the effect of urban encroachment near the



1 riparian zone of the river which is increased --  
2 could be increased over what it would be if no  
3 permit were granted. Recent studies by Steven  
4 (Inaudible) of Stanford's Department of Biological  
5 Studies have shown that placement of urban uses in  
6 the area of riparian zones have major impacts on  
7 the species. Here is a quote from his abstract. I  
8 have the whole paper here. I will give you a copy.  
9 "Whereas previous studies have demonstrated  
10 substantial effects on urbanization on birds and  
11 habitat indirectly, this study indicates that  
12 urbanization on lands adjacent to intact riparian  
13 wetlands has substantial impacts."

14                   This paper shows these effects are  
15 present out to a distance of 1500 meters; meters,  
16 not feet. So this should put the idea of a hundred  
17 foot riparian buffer as being okay, that should put  
18 that to bed permanently.

19                   Friends of the Santa Clara River's  
20 main concern is cumulative impacts to the river due  
21 to the combined impacts of the Newhall Ranch  
22 project not become well understood for several  
23 years. River modifications that allow the Valencia  
24 Company permit could have unforeseen and unintended  
25 consequences which only later become evident.

1 These will be cumulative with Newhall Ranch. Since  
2 it says most of these effects are unknown at this  
3 time, we continually believe a permit process  
4 renewable at five-year intervals and subject to  
5 public review is much preferred over long-term  
6 permitting.

7                   We further continue to believe that  
8 much needs to be done before the success of  
9 mitigation measures for large projects can be  
10 relied upon. Mitigation efforts need to be  
11 monitored over a longer time period to be certain  
12 of the outcome which might not be evident for ten  
13 or more years. Even the Newhall Ranch EIR, in  
14 spite of its many shortcomings, identified impacts  
15 to biota (inaudible) even after mitigation. Here  
16 are my complete written comments and a copy of the  
17 paper.

18                   MS. MC DADE: Hi. I have never done this  
19 and it will become evident in just a minute, but  
20 I'm here representing only me and my family and I  
21 don't really understand a lot of what is being said  
22 only because I'm just new to the area and new to  
23 this whole process, but I am confused in many  
24 regards.

25                   I just attended an overcrowding

1 meeting about the schools and the whole population  
2 of this area and I don't know how this whole  
3 development is going to prevent anymore  
4 overcrowding in that regard. That's minimal  
5 compared to the natural effect that this is just  
6 going to reek havoc on the river.

7                   Also, I don't get the arrogance that  
8 "Okay. We are going to move this wetland and make  
9 a better one here." I don't understand that whole  
10 process; and the reputation of California -- I'm  
11 from the East Coast and I was born and raised in  
12 Atlanta and it was always labeled a bleeding heart  
13 over there. They said, "Oh, you are going to live  
14 in California." It's based on the reputation that  
15 California protects their wildlife and protects  
16 their natural resources and I don't see that  
17 happening here. I find all these people protecting  
18 it and I don't see where the government is -- where  
19 that reputation came from is now confusing to me.  
20 I always thought, "Oh, yeah. They are really  
21 great," but you have educated me on the issue about  
22 the Federal laws being weaker than the State laws  
23 and that kind of thing which is out there for me.

24                   I do hope you take into  
25 consideration everything that has been said and

1 much more fluently than I, but I do hope that you  
2 understand that your decision affects a lot more  
3 generations than we represent here and I hope you  
4 take that into consideration.

5 MR. NEWHALL: Thank you for having me. I  
6 just have a couple of remarks.

7 First of all, do you have E-mail  
8 addresses or websites that we can use to kind of  
9 keep track of all this?

10 MR. HENDERSON: Mine is on our public  
11 notice.

12 MR. NEWHALL: It's there? Fine.

13 Next, to what extent -- this is a  
14 Fish and Game state, I understand. How will the  
15 two agencies work together? Are you going to work  
16 separately and confer occasionally or will it be  
17 ongoing cooperation like sharing the same office  
18 kind of thing?

19 MS. WEHTJE: Well, a lot of conversations  
20 back and forth.

21 MR. NEWHALL: So there is some degree of  
22 ongoing cooperation and not too much repetition?

23 MS. WEHTJE: Well, they are two different  
24 processes and the Corps has different jurisdiction  
25 than the Department. One very important thing is

1 that the Corps' process is a permitting process.  
2 The 1600 agreement is an agreement. It's not a  
3 permit.

4 MR. NEWHALL: They can't hear you.

5 MS. WEHTJE: We coordinate to make sure  
6 that we are not covering the same areas and that we  
7 are not, like I said before, issuing conflicting  
8 statements. They are two different processes.  
9 NEPA and CEQA are somewhat similar, but the 404  
10 process is different from the 1600 process, one  
11 being the Corps process is actually a permit. 1600  
12 process is not a permit. It's an agreement. So  
13 it's different.

14 We do do a lot of coordinating back  
15 and forth because one thing is we want to try to  
16 make our processes also a time line at the same  
17 time.

18 MR. NEWHALL: Fine. Just a couple more  
19 items, then.

20 Obviously people have talked about  
21 worst-case scenarios, floods. I have two for you  
22 to consider. One is 1969, January. It was  
23 unbelievable. It caused an awful lot of damage all  
24 over southern California. So if you need a  
25 benchmark year to see actually what happened, the

1 records for that year would be very good as would  
2 also 1978. So just a good point to keep in mind.

3                   The last thing I would like to say  
4 is endangered species. A cynic might say, "Well,  
5 who cares about a funny-named fish or today if they  
6 get wiped out, it's too bad for them, but it's not  
7 going to bring the earth to a stop," and the answer  
8 is, "No, it won't. Here we are. Our species will  
9 go on."

10                   On the other side of the coin I  
11 think that's a destructive attitude because -- and  
12 our governments are slowly realizing that because  
13 the gentleman from the Corps said that the  
14 Everglades, they are working very hard to improve  
15 that and I think they are requiring new lands and  
16 things like that. That is a very good refreshing  
17 attitude. I would like to see that same kind of  
18 energy brought to the Santa Clara River and if we  
19 ignore endangered species and allow perhaps one  
20 permit -- I think it's called the K permit, if I'm  
21 not mistaking -- that is going to metastasize into  
22 two permits and then four and then pretty soon this  
23 cancer of permits is going to overtake us and we  
24 are going to lose the river. I don't want to see  
25 that. If that happens, ultimately that will start

1 us down the dreary road down to the time which our  
2 descendants will have no wildlife except for dogs,  
3 cats, sparrows and flies and that's not a good  
4 future to look forward to. So give the endangered  
5 species every concern that you can. Thank you.

6 MS. TRAUTMAN: My name is Diane Trautman.  
7 I'm speaking as a private citizen. I'm a resident  
8 of Santa Clarita and a candidate for the City  
9 Council. You have heard so much expert testimony.  
10 I have one separate issue concerning this project.  
11 Apparently it hasn't been heard often enough  
12 because the project moved ahead and it was approved  
13 despite all this. I'm concerned about loss of  
14 biota. I have been looking through EIR's for other  
15 projects in this area and there are massive  
16 projects in Santa Clarita right now. If you look  
17 through the columns where it says these are the  
18 things that are going to happen and these are the  
19 things we are going to do to mitigate, some of them  
20 there is no mitigation, irreversible damage.

21 I'm not going to stand here and most  
22 of the people in this community are not going to  
23 stand here and let this continue. I hope that  
24 Ventura County can get a lawsuit to stop this  
25 project, but if they don't, I hope you have the

1 courage to choose the complete avoidance  
2 alternative because let me tell you there is no  
3 political will here. The current politics here are  
4 not going to do anything about it. Our Congressman  
5 removed the Santa Clara River from American  
6 heritage river consideration. He said he believed  
7 in local control, local development control, not  
8 local control of people who are going to have to  
9 live with the effects of this down the line and as  
10 the lady said a few minutes ago, we are talking  
11 about generations and generations. If that  
12 encroachment occurs, this valley is dead and  
13 Ventura is heaven.

14                   What about agricultural in the State  
15 of California? What is happening to that where we  
16 can just wipe out whole areas? There are major  
17 water concerns here that are not being taken into  
18 consideration and you talk about piecemeal, talk  
19 about individual developments happening here and  
20 here. Again, look at the cumulative impacts all of  
21 those on water use in this area let alone the biota  
22 that is being destroyed.

23                   So I hope again that you will choose  
24 complete avoidance.

25                   MR. MULLALHY: Good evening. My name is



1 Don Mullalhy and I'm one of the people representing  
2 the Sierra Club of Santa Clarita chapter group and  
3 I bring your attention to the fact that we have had  
4 no rainy season this year. We have had less than  
5 one inch of rain. Perhaps there is not even a half  
6 an inch of rain. We are talking about water from  
7 this river which takes care of the community out  
8 here, this whole valley, one of the principal water  
9 supplies.

10                   We are in the global warming phase  
11 caused by man. We have wild fluctuations in  
12 precipitation from year to year. This is one of  
13 those years that is extremely dry. We have got to  
14 protect what little water we do get and we do  
15 obtain from the runoff in this basin. We cannot  
16 allow it to be polluted or wasted in other ways and  
17 part of the waste comes from confining the river  
18 with rock and concrete so that the channel is too  
19 narrow and the water rushes to the ocean and it  
20 makes it not only unsuitable habitat for the  
21 steelhead trout, but also unsuitable for  
22 percolation into the ground. You need a wide area  
23 for percolation.

24                   I might also suggest that a lot of  
25 borders for the river, even though you can't see

1 it, there is water on the ground. We have  
2 earthquakes around here. Our earthquakes are  
3 famous all over the world. If we have an  
4 earthquake and we have development on the borders  
5 of the river, the buildings would be lost.

6                   When I was a young fellow I came out  
7 here to see the rivers and travel around and  
8 finally went to UCLA and majored in zoology and I  
9 would like to tell you a few memories of the Santa  
10 Clara River how it used to be in the late 1930s,  
11 1940s, 1950s, what I saw, at least. I will give  
12 you some idea of what it was at one time.

13                   The red-legged frogs were frequent  
14 along the Santa Clara River and in the ponds on the  
15 periphery of the main river channel. There were  
16 pools and ponds off to the side of the main  
17 channel, kind of marshy situations. This is where  
18 these red-legged frogs were. I didn't think  
19 anything about them. There were muskrats. When I  
20 was in high school I would come out here and shoot  
21 my .22 rifle and shot a muskrat just for the heck  
22 of it, just typical young lads who liked to get out  
23 and do a little hunting. There were large salmon  
24 or rainbow trout which were at the mouth of the  
25 Sesapeke Creek where it comes into the Santa Clara

1 River. I remember those great big fish, and in the  
2 woodlands along the riverside there were a lot of  
3 hawks. Eventually I went into falconry, so I know  
4 my hawks very well indeed. Coopers hawks  
5 frequently nested in groves of the fremont  
6 cottonwood trees. Red shoulder hawks also nested  
7 in some of the fremont cottonwoods and the  
8 red-tailed hawks nested in the very tallest trees,  
9 either sycamores or real old cottonwoods. Sparrow  
10 hawks, of course, made their nests in the dead and  
11 hollow areas of the dead limbs of these trees. All  
12 of the birds are, of course, very special to us  
13 today.

14                   Tell you something about we compare  
15 this river as it is now with good old Los Angeles  
16 River down there, the concrete channel. When I was  
17 in junior high school and high school I used to  
18 come up out of West Hollywood where I was raised,  
19 come over the pass and go down with my friends to  
20 the Los Angeles River near Barham Boulevard which  
21 is just to the east of the Cahuenga Pass and there  
22 was a very broad riverbed that was actually 125  
23 feet in width, very gently sloping edges except the  
24 river skirted a hill or a steep bank. That's where  
25 the deep pools usually where. There were some

1 fish. Fish life was present and there were some  
2 people who even fished the river with their poles.  
3 Ponds were common and we explored the banks of the  
4 river. We could sometimes pick up these pond  
5 turtles that were out there on the sand. I suppose  
6 they went out there to probably lay their eggs  
7 somewhere.

8                   Anyway, that's what the L.A. River  
9 used to be and recreation wise, it was a wonderful  
10 place. We would come over as kids, come out of  
11 Hollywood and spend a whole day on the river just  
12 sunbathing, swimming, enjoying the beauty of nature  
13 and the various ducks and other birds.

14                   MR. GRAY: Thank you for your comments.

15                   MR. MULLALHY: That it?

16                   MR. GRAY: Yes.

17                   MR. RUPPI: My name is George Rупpi. I'm  
18 here representing myself. I'm a member of the  
19 Sierra Club, though. I'm not representing them.  
20 Pretty much what I was going to say has been said.

21                   I would like to make a comment that  
22 I saw a park -- I forgot where it was, Cypress,  
23 someplace like that. It was a rather nice park,  
24 but they had put concrete, about a foot and a half  
25 wide and these little streams. I don't know what

1 the rationale was for it, but I remember these  
2 concrete conduits with these streams through this  
3 nice-looking park and I thought how terrible it was  
4 to see this concrete foot and a half wide strips  
5 where the water is supposed to run down. How  
6 unnatural can you get.

7                   Also, I just ask one question.  
8 Where is a lot of money coming from to pay for all  
9 this channelization and the bridges and everything  
10 else? Is that public money? Is that going to be  
11 private money? Can you give me an idea, maybe some  
12 rough estimate of how much money is going to come  
13 from the public?

14                   MR. GRAY: This is a private development  
15 proposal.

16                   MR. RUPPI: So all of it will be paid by  
17 private? I'm just curious.

18                   MR. GRAY: I can't give you a percentage,  
19 but it is a private endeavor.

20                   MR. RUPPI: Because I have seen so many  
21 situations where public money is spent for certain  
22 things and it benefits one particular group or  
23 person and I was wondering. Thank you.

24                   MR. GRAY: We still have a large number  
25 of speakers. I would like you to try to be as

1 concise as possible so we are not here way late  
2 into the night.

3 MS. WAMPOLE: My name is Barbara Wampole.  
4 I live in Saugus and I'm a friend of the Santa  
5 Clara River.

6 Thank you very much for giving us  
7 this opportunity to speak and I would like to  
8 excuse myself and thank everyone who showed up here  
9 tonight. I really appreciate everybody being here.

10 We are concerned with impacts to the  
11 Santa Clara River and its tributaries and that they  
12 would be adequately addressed and all alternatives,  
13 including complete avoidance, be analyzed. Any  
14 mitigations related to the impact should be  
15 mitigated on the river within the project  
16 (unintelligible)

17 The fact that the bridge proposal  
18 of this project would not necessarily otherwise be  
19 needed makes us concerned that it be analyzed in  
20 this permitting process.

21 Long-term maintenance of the  
22 channels would be in the hands of L.A. County  
23 Public Works given the clearing of the channels due  
24 to El Nino (unintelligible) are completely  
25 unnecessary.

1                   It is our understanding that the  
2 Valencia River Plan references vegetation removal  
3 (unintelligible). Given the channel's high flood  
4 capacities, we should be assured that there indeed  
5 would be no clearing of (unintelligible).

6                   The recent Applicant's work in the  
7 vicinity of the work along Highway 126 leads us to  
8 believe that special attention should be given to  
9 holding this Applicant to the same standards that  
10 other Applicants are held to. The widening of  
11 Highway 126 required Caltrans to stay well outside  
12 the river's floodplain, even required extra expense  
13 for grading massive hillsides; public expense, of  
14 course. We want to see analysis of this and see  
15 the same standards applied for avoidance to this  
16 Applicant.

17                   There should be analysis of wildlife  
18 corridors that will be needed due to changes in  
19 habitat and due to bridges and changes to the  
20 tributaries in the river.

21                   We would like to have a Clean Water  
22 Act kept in mind and used as a guide to be certain  
23 that requirements to protect the beneficial uses,  
24 maintain high quality waters and protect  
25 outstanding natural resource waters. We would like

1 to see these adhered to.

2                   We consider this to be an  
3 outstanding natural resource. We believe that the  
4 Santa Clarita Valley is greatly jeopardized by an  
5 attitude of proposed projects and the cumulative  
6 impacts that would be sustained. We seriously  
7 distrust the Valencia River Plan to serve its  
8 purpose where it applies and do not see it adequate  
9 to address the needs of this river.

10                   In observing work done adjacent to  
11 McBean Parkway, during the installation of the  
12 riparian habitat it included loud odd simulated  
13 animal sounds to dissuade the least Bell's vireo  
14 from nesting. The harassment of this environmental  
15 species does not, in our opinion, serve as a well  
16 analyzed mean to mitigate for recovery of this  
17 species.

18                   Along with questionable legal  
19 grading of the floodplain in the Santa Clara --  
20 (unintelligible) must be reanalyzed, if not all  
21 together dismissed. We would like to be certain  
22 that complete avoidance of any channelization  
23 consider as a way to mitigate and as well, the  
24 cultural impacts of the area are rich given the DNA  
25 of twenty ancestral burials found during Caltrans'



1 widening of Highway 126 adjacent. The impacts of  
2 their potential and recognized ancestries  
3 (unintelligible) and ought to be addressed and  
4 monitored by them.

5                   Thank you. I would also like to  
6 emphasis that the best and least expense is  
7 avoidance. No encroachment in the floodplain best  
8 protects life and property besides avoidance. I  
9 should have probably no need to say now we will  
10 probably request more than sixty days for a project  
11 of this size for our comments.

12                   Also, I would like to submit to you  
13 the address and phone number and E-mail of the  
14 Attorney General's office who would like to be on  
15 the mailing list for this in the L.A. office. We  
16 have these for you. Thank you very much for this  
17 opportunity to comment and thank you both agencies  
18 for efforts to make the best of a bad situation for  
19 the Santa Clara River. Thank you.

20                   MR. CARON: I'm Paul Caron, lead district  
21 biologist with Caltrans and I'm going to try to  
22 stay very focused on what Caltrans' mandate is  
23 which is transportation, but basically our  
24 experience in the Santa Clara River floodplain has  
25 been that during the widening of the 126 and during

1 the alternative analysis we had probably three  
2 alternatives put into the floodplain and one that  
3 took us out. The one that took us out would have  
4 put us in the mountains and it cost a heck of a lot  
5 of money. The cost benefit was basically to go  
6 into the floodplain, but we went outside the  
7 floodplain at the direction of the agencies. So if  
8 we can do it, I think that other Applicants should  
9 be held to the same standards.

10 Another thing is that we had several  
11 mitigation sites within the Newhall Ranch plan at  
12 Castaic Creek, at San Martinez Grande and amongst  
13 other things we would like to see the mitigation,  
14 since they were guaranteed in perpetuity, to not be  
15 affected by the various tributary action that the  
16 Applicant is proposing, including putting riparian  
17 habitat in a very narrow confined channel with no  
18 bank to allow water to flow over the top, thus  
19 increasing scour potential and wiping out our  
20 mitigation site. We feel they should be  
21 responsible as an application given out upstream  
22 that conflicts with what we are trying to do  
23 downstream.

24 One final point would be that the  
25 126 runs parallel to the Santa Clara River and in

1 several spots, especially in Ventura County, we  
2 have a consistent problem with rock slope  
3 protection right at the edge of the river. Our  
4 engineers have looked at the planning. We can't  
5 believe that the river is not going to increase  
6 speed downstream and thus effect the 126 in the way  
7 that it does. These things need to be taken into  
8 account by the Applicant and shown to our engineers  
9 to their satisfaction that State facilities will  
10 not be impaired.

11 MR. LAURITZEN: I'm John Lauritzen. I'm  
12 a resident of Chatsworth. I'm a member of the  
13 Sierra Club. I'm a member of the North Valley  
14 Coalition and the Santa Susana Mountains Park  
15 Association, just to name a few. I'm also a  
16 candidate for the 38th Assembly District. The 38th  
17 Assembly District would encompass all of this  
18 projected development and is of the utmost concern  
19 to myself and other individuals in the 38th  
20 Assembly District. The downstream fallout or  
21 runoff in this case of this river will affect not  
22 only this project, but all of the river all the way  
23 to the very mouth. So it's very important that the  
24 decision you make here at this juncture, that all  
25 of that river be considered.

1                   As one part of the river is  
2 developed, it affects every other part of the river  
3 until we reach a point where the entire river has  
4 to be mitigated in one form or another. So again,  
5 the best solution here is no solution and simply to  
6 back off.

7                   Let me tell you my own experience.  
8 When I moved to California I moved to the banks of  
9 the Santa Susana Creek, a nice little creek about  
10 eight feet wide and six feet deep. It was dry most  
11 of the year, but it was a beautiful little stream  
12 for a couple months in the year. The County flood  
13 Control Commission said -- the Los Angeles County  
14 Flood Control Commission in there all-knowing  
15 wisdom decided to replace that little creek with a  
16 twenty-foot wide by twenty-foot deep concrete  
17 channel so that what was a beautiful little  
18 streambed with oaks and sycamores and some form of  
19 watershed where the water could filter into the  
20 underground aquifer became this rushing river  
21 subject to mosquitoes and moss and trash thrown  
22 into it and most of all a very unsightly situation.

23                   What you have here, ladies and  
24 gentlemen, is an opportunity to stand with people  
25 throughout history who have stood for nature and

1 for nature's causes. You have a chance to stand  
2 with Theodore Roosevelt as he created the National  
3 Parks System. You have a chance to stand with John  
4 (Inaudible) as he protected the Redwoods and much  
5 of what has gone on to conserve California's  
6 natural resources. You have a chance to stand with  
7 the community members here who are indicating that  
8 what they want is not a concrete channel, but a  
9 wild river that will remain wild throughout the  
10 lifetime of those of us here and of our children  
11 and of our grandchildren.

12 As a prospective State Assembly  
13 person I would do all that I can to make sure that  
14 whatever enforcement funding and agencies to help  
15 provide for this are made available. So stand up  
16 and be counted. Let's stop this river. Let's make  
17 sure that California has one remaining wild river  
18 in southern California.

19 MR. SZIKLAY: My name is Lazlo Sziklay.  
20 I'm representing myself. I'm also a member of the  
21 Sierra Club and I'm from Oxnard and I'm a biologist  
22 also.

23 It's a long night tonight and I  
24 think you people are pretty tired and I'm not going  
25 to say much new except everyone has talked about

1 the significant aspects. Something needs to be  
2 done to keep the river from getting channelized.

3 I just want to point out the  
4 stickleback populations that communicate between  
5 San Francisquito and the river along next to the  
6 Highway 5 and all studies -- the biologists have  
7 studies that essentially wipes that population out  
8 if it comes to a flood because they cannot survive  
9 a flood with a channelized river.

10 So that's one of the things and I  
11 think this community will back you up. So I think  
12 you can go ahead and try to do what you can. There  
13 is enough support here and I just want to maybe  
14 want you to consider possibly looking at Los  
15 Angeles, San Gabriel and Santa Ana rivers which are  
16 the rivers down from here that have been damaged  
17 greatly and just count the number of issues that  
18 there are from that area. I would appreciate it.  
19 Thank you.

20 MR. JAMES: Yes. Thank you. My name is  
21 David James and I'm Chairman of the Forest  
22 Preservation Society of Southern California and I  
23 would like to take this opportunity to join in the  
24 comments of Lynne Planbeck, Clarence Freeman, Ms.  
25 Kilpatrick, Melanie Winter and John Buse of EDC.

1 We think those comments are well taken.

2 We oppose the project in favor upon  
3 no action alternative and request that you good  
4 people require strict conformance with the 404  
5 guidelines.

6 Just one quick comment and we are  
7 going to submit our technical objections in  
8 writing, but from our perspective this is yet  
9 another project which we find very near or  
10 encroaching upon the national forest and the  
11 impacts of this project are far-reaching. They  
12 extend into national forest system lands in both  
13 the Angeles National Forest and also in the Los  
14 Padres National Forest and it is unfortunate, but  
15 very true, that these impacts will not be mitigated  
16 by the Federal government. So since this is a  
17 joint NEPA CEQA project we take the opportunity to  
18 encourage the Corps to be mindful of that and  
19 address these issues in their assessments.

20 We would oppose also any effort by  
21 the Corps which would result in increased stream  
22 velocities. Water issues in southern California  
23 are ever so important and particularly in the Santa  
24 Clarita area and the Santa Clara River is an  
25 important source of recharge. Increased river

1 velocity will result in lower recharge rates and  
2 that is something that the community can't  
3 tolerate. We ask that you deny these applications  
4 and we oppose the project. Thank you very much.

5 MR. GOLD: I'm Sid Gold, a resident of  
6 Granada Hills. I'm the candidate, Democrat  
7 candidate for the 25th Congressional District. I'm  
8 also a physician and when I hear these issues of  
9 the danger to wildlife, to the environment, to the  
10 river itself, to downstream dangers, the highways,  
11 the natural beauty, it makes me think of the first  
12 rule of medicine. That first rule of medicine is  
13 do no harm. This is a dangerous undertaking. It  
14 seems quite clear to me the only choice here is to  
15 take the direction of do the least danger, the  
16 least harm.

17 It seems to me what price are we  
18 imposing upon our community at the betterment of  
19 some organization that wants to encroach and  
20 endanger our environment? It seems to me as a  
21 physician that this is not only physically but  
22 psychologically dangerous to the entire community  
23 and I hope you as a body will consider this when  
24 you come to a decision about this project and take  
25 the safest route and that is no encroachment.



1 Thank you very much.

2 MR. CHURCHILL: Hi. I'm representing the  
3 Community Alliance with Family Farmers which is a  
4 statewide organization headquartered in Davis. We  
5 represent farmers and those trying to sustain farms  
6 and cultural impacts.

7 First we would say complete  
8 avoidance. That would be one thing we would say.  
9 I would like to see that in your evaluation of  
10 alternatives that you evaluate the alternative of  
11 keeping agricultural lands and agricultural use.  
12 There is a substantial quantity of cultivated land  
13 in the area. The site is within fifteen minutes of  
14 one of the largest population centers in the  
15 country and we think that a case could be made that  
16 agricultural is feasible there.

17 CAFF also objects to the transfer of  
18 water from another agricultural area in the state  
19 to provide water for this project and as a guide  
20 from Ventura County, we are concerned also about  
21 the impacts of increased water velocity and volume  
22 on downstream availability of water for the animals  
23 and the plants. Thank you.

24 MS. PEARSON: I'm Karen Pearson. I'm the  
25 founder of the local Sierra Club and we talked a

1 little while ago about the Newhall Land and Farming  
2 always getting permits except we know they did the  
3 channelization at Bouquet Creek and didn't get a  
4 permit for that and they indeed were fined. I was  
5 told by somebody that I respect very much that they  
6 never paid that fine and I'm wondering how we find  
7 out whether it indeed was paid and where those  
8 records are.

9 MS. WEHTJE: Is it a State fine or  
10 Federal fine?

11 MS. PEARSON: It was Fish and Game.

12 MS. WEHTJE: It's run through the County  
13 court system. Fish and Game fines are tried by  
14 your counties or cities in which they occur. So if  
15 the County didn't collect it --

16 MS. PEARSON: So it's up to the County of  
17 Los Angeles to collect the fine from Newhall Land  
18 and Farming. Okay. Well, there you go. That's an  
19 interesting thing that I hope we find out because,  
20 like I say, the rumor is out there and I have heard  
21 it from somebody who was pretty reputable.

22 The other thing that I'm concerned  
23 about -- and I'm not going to go into too long  
24 detail, but I also care about endangered species.  
25 In fact, I notice that we just really honor man's

1 creations like the Mona Lisa and we just work hard  
2 to make sure those are preserved and to me  
3 something like an unarmored three-spine stickleback  
4 is much more amazing than the Mona Lisa. I'm  
5 concerned and the question I would ask for your  
6 scoping is what impact, potential impact, would  
7 seventy thousand people have on the endangered  
8 species? I know there is a concern on Soledad that  
9 if people knew where they were burying those little  
10 sticklebacks, that people would be crowding and  
11 stomping on top of their little burrows and  
12 wrecking them and killing them. So isn't the  
13 population itself a threat for the endangered  
14 species that are involved here? Seventy thousand  
15 people, children marching along the rivers, etc.  
16 etc., how do we factor that into your environmental  
17 impact report? So that's something I would like  
18 you to add to your scoping report.

19 I, too, am concerned about the  
20 velocity of the river. I won't go on and on about  
21 that except that I am concerned that when a  
22 channelized creek hits the main creek that is not  
23 channelized, that the flow will be going faster  
24 than usual and when it hits the dirt area it tends  
25 to have an impact which in other areas developers

1 have said, "Oh, look at what that has done. The  
2 fast-flowing creek is wrecking the dirt part.  
3 We'll have to cement the next part and the next  
4 part and the next part," as the quick flowing water  
5 wrecks the natural river.

6                   So I would like you to take a look  
7 at that. That's one of the games developers play  
8 to get everything cemented and when we analyzed  
9 Bouquet Creek we found out Newhall Land and Farming  
10 saving the land with their cement saved much more  
11 money than they paid in their fines. So it was  
12 just a business decision for them, but it's not a  
13 business decision for us. We need that natural  
14 river and when I hear about the word called bank  
15 protection, I think the best form of bank  
16 protection is to leave it in its natural state.

17                   So I want to thank you and I won't  
18 go on anymore.

19                   MR. JONSEN: Thank you. My name is Bob  
20 Jonsen. I'm a resident of Santa Clarita. I do  
21 have some concerns about this project. Primarily  
22 my wife and I moved here from San Fernando Valley  
23 in 1985 and one of the reasons we moved here was to  
24 avoid the overcrowded conditions that exist there  
25 and now we are facing some of those conditions out

1 here.

2                   You ask about alternatives. I have  
3 to agree with some of the people that spoke earlier  
4 is that one alternative I hope you don't forget is  
5 that you do have the ability just to say no to the  
6 entire permit process.

7                   Just to read a little bit out of the  
8 law that exists that gives us this option is the  
9 law reads that "no public agency shall approve or  
10 carry out the project for which environmental  
11 impact report has been certified that identifies  
12 one or more significant effects on the environment  
13 unless the public agency makes a specified finding.  
14 Under existing law that specified finding may  
15 include a finding that specific overriding  
16 economic, legal, social, technological or other  
17 benefits of the project outweigh the significant  
18 effects of the environment."

19                   Well, in your handout you listed  
20 nine key environmental issues alone. I think that  
21 is something to be considered.

22                   The impact you asked about earlier  
23 to this project is significant. I don't think  
24 anyone in here would disagree that the Newhall  
25 Ranch project would have tremendous impacts on the

1 City of Santa Clarita and the Santa Clarita valley.  
2 We are already so far behind in regards to schools,  
3 parks and roads. This project would absolutely, in  
4 my opinion, cripple the Santa Clarita valley;  
5 something to consider.

6                   When you look at the plan that  
7 developed this project, the County General Plan, I  
8 have to question whether it was adequate to begin  
9 with in the first place because if you look at the  
10 projections that were given when that plan was  
11 designed in 1987, it estimated that our valley  
12 would have a population of approximately 270,000  
13 people by the year 2010. Well, in just the last  
14 ten years alone we have increased dramatically to  
15 the population of nearly 190,000 already. We were  
16 the fastest growing city in 1998 with a growth rate  
17 of 9.7. If we continue at that rate to increase in  
18 population, we are going to well exceed the 270,000  
19 that was projected without considering the Newhall  
20 Ranch project.

21                   When you look at that and in regards  
22 to the Santa Clara River, threats have already been  
23 addressed earlier to that river, but I would like  
24 to leave you with remembering one thing and that  
25 that is one of five significant ecological systems

1 in the Santa Clarita valley, but an even more  
2 important thing is to recheck criteria. The Santa  
3 Clara River did not just meet one of the qualifying  
4 criteria. It met five out of the eight that are  
5 required by law. That is very significant and that  
6 by itself should be reason enough to leave it  
7 alone.

8                   In regard to the traffic issue that  
9 was addressed earlier as another environmental  
10 issue, I find it very interesting that Newhall Land  
11 is willing to concrete rivers, yet not concrete the  
12 freeways to accommodate the traffic. In 1998, as a  
13 matter of fact, the Transportation Planning  
14 Department County of Public Works suggested that  
15 Newhall Ranch, because of its significant impact  
16 that it would have on Interstate 5, actually  
17 contribute to the widening of that freeway.  
18 Newhall Land's response was, "No, we would never  
19 agree to that. There is no precedent for it in the  
20 County and the County is not requiring that of  
21 other developers."

22                   Well, I don't know of too many other  
23 developers that are bringing in the projects of the  
24 size and the magnitude that will change the whole  
25 valley in one project. I think it is something we

1 need to consider reaching outside the box as far as  
2 considerations. It is something that the County  
3 should be requiring developers who bring in  
4 projects of this size.

5                   It amazes me the arrogance of  
6 Newhall Land, especially with what was said earlier  
7 about their statement in the paper. It was not  
8 really addressed correctly. What they stated was  
9 that Newhall Farm and Land has never been turned  
10 down for these types of permits. It's a very  
11 arrogant statement. It also implies that no matter  
12 what we say here tonight, it's not going to matter.

13                   I hope you take all those things  
14 into consideration because it really should be  
15 looked at for the most important people in our  
16 valley and that's our kids. Thank you very much.

17                   MR. OHLENKAMP: I'm Kris Ohlenkamp and  
18 I'm Conservation Chair for the San Fernando Valley  
19 Audubon Society.

20                   Needless to say, we are opposed to  
21 the entire project, but particularly the impact  
22 upon the river and we would like to see it all out  
23 of the floodplain or at the very least 500 foot  
24 buffer zone.

25                   I also want to re-emphasize that the



1 California office of the National Audubon Society  
2 is also strongly opposed to this project and I just  
3 today got a fax, a four-page list of reasons that  
4 they are opposed to the project and that is being  
5 sent to the Corps of Engineers.

6 I want to thank you for being here  
7 and for asking for our input on what we think your  
8 concerns should be. I have got several.

9 Two primary concerns that I feel you  
10 need to address in this process is the history and  
11 reputation of the Applicant and not just through a  
12 review of the fines that have been assessed in the  
13 past or violations that have occurred in the past  
14 and not just this Applicant but all the other  
15 various entities of this Applicant, but you have  
16 already stated that you have inadequate resources  
17 to monitor most of these projects and the way that  
18 you are monitoring them is mostly through review of  
19 paperwork and you ask them if they are doing it and  
20 they tell you they are doing it and that's as far  
21 as you go. Well, I don't think that is adequate.

22 In one day I spent two hours out on  
23 San Francisquito Creek a couple of weeks ago and I  
24 saw evidence myself, obvious evidence, that an  
25 untrained person such as myself that they have been

1 filling in wetlands, that they have impacted upon  
2 the hundred-foot buffer zone that is there, that  
3 they have filled in that hundred-foot buffer zone,  
4 the obvious embankment. If you spent one day just  
5 walking up San Francisquito Creek, you could cite  
6 them for numerous violations, I'm sure.

7 Another thing that I feel you need  
8 to consider -- I don't want to tell you what to  
9 do -- is if you have a lack of resources to  
10 adequately and properly monitor these programs,  
11 then you need to deny the permit or the agreement  
12 in the first place because that needs to be  
13 considered and if you don't have those resources,  
14 then you cannot give a permit. It's just as simple  
15 as that. It's just simple.

16 Those are my primary areas that I  
17 feel are of concern, but you also need to address  
18 the time of year that these impacts are going on.  
19 You need to avoid the breeding season for the  
20 birds, the potential threatened birds that use that  
21 area which is basically February through September.  
22 You need to avoid any of the periods of expected  
23 heavy rainfall which is basically November through  
24 April. So that leaves you the month of October to  
25 do all this work; and if they will agree to that,

1 then okay.

2                               That's just the impact on the river.  
3 If I have an opportunity, I will try to provide  
4 written comments as well. Thank you.

5                               MS. MACKEY: Good evening. My name is  
6 Ellen Mackey. I'm a certified ecologist with the  
7 Ecological Society of America and a representative  
8 of Friends of the L.A. River. I'm going to  
9 restrict my comments to about four this evening.

10                              The Notice of Intent states that  
11 some of the impacts to riparian habitat are related  
12 to the long-term maintenance within these channels  
13 with the responsibility passed over to the L.A.  
14 Flood Control. Impacts associated with long-term  
15 channel maintenance as well as impacts related to  
16 the elimination and boxing of the Santa Clara  
17 tributaries were not disclosed in the Specific  
18 Plain EIR.

19                              One: For channel clearance it's as  
20 if someone, Newhall or Flood Control, went in as an  
21 afterthought and threw in long-term maintenance.  
22 Due to the recent rather contentious process we  
23 have going through with L.A. County Flood Control  
24 and the issues that continue to arise with regard  
25 to the insensitive maintenance program in the Santa

1 Clara River, we think that the Army Corps and Fish  
2 and Game should not include the maintenance of  
3 flood control structures in their EIS and EIR  
4 analysis especially as it relates to the activities  
5 to be carried out by the Department of Public  
6 Works. The Specific Plan EIR states that "the  
7 flood corridor will allow the passage of Los  
8 Angeles County Capital Flood without the permanent  
9 removal of natural vegetation." The hydraulic  
10 design for the Natural River Management Plan is  
11 based on the concept that "the river is naturally  
12 vegetated rather than cleared." The plan further  
13 states that the channels "carry the design  
14 discharge even if the stream becomes heavily  
15 vegetated in the future." Therefore, both plans  
16 clearly state that there will be no requirement for  
17 "vegetation maintenance for flood control purposes,  
18 achieving economy as well as significant habitat  
19 benefit," and no need for heavy equipment in the  
20 river channel itself. Why then is there a request  
21 for long-term maintenance for this EIS?

22                   Two: With regard to the  
23 channelization of the tributaries, Newhall plays a  
24 shell game with the disclosure process by stating  
25 that specific impacts associated with each

1 development project will be quantified in  
2 subsequent EIRs. This is unacceptable and  
3 unevenhanded. The delineation and impacts  
4 disclosure for the Santa Clara main stem was  
5 conducted and quantified. Channelization of the  
6 tributaries is mapped in the Specific Plan EIR;  
7 therefore, the wetland delineation and  
8 quantification of impacts could easily be  
9 accomplished. If not, why not? Both the request  
10 for inclusion of the boxing of the Santa Clara  
11 tributaries as well as impacts associated with  
12 long-term channel maintenance should be eliminated  
13 from further analysis in the EIS since these issues  
14 were not discussed in the Specific Plan EIR.

15                   Three: Wildlife corridors create  
16 vital links between large areas of contiguous  
17 habitat. Wildlife predictably concentrates and  
18 moves through these areas that contain essential  
19 resources for the animals as they migrate. One  
20 category of these predictable areas of movement is  
21 riparian zones that contain the food and water  
22 animals need during their migrations. The  
23 destruction of five of the Santa Clara tributaries,  
24 San Martinez Grande, Chiquito, Potrero, Long, and  
25 Lion canyons through modification as soft bottom

1 channels and the preservation of the Salt Creek  
2 Corridor alone restricts animal movement and  
3 destroys their value to wildlife. Wildlife is not  
4 known for their ability to read maps and signals to  
5 find the safe movement pathway through this section  
6 of the Santa Susannas. In fact, bringing  
7 development to the stream edge encourages  
8 unfortunate encounters with wildlife accustomed to  
9 using these riparian areas as highways. Boxing and  
10 channelizing the tributaries is unacceptable and we  
11 request as part of the downsizing of this project  
12 that Melanie alluded to earlier that development be  
13 set back at least 500 feet from each side of the  
14 tributaries and main stem. This setback as well as  
15 the need for secure fencing adjacent to the  
16 riparian habitat ensures continued safe use by  
17 wildlife without the predictable consequences when  
18 development moves into the path of wildlife.

19                   Four: We understand -- and this is  
20 for clarification -- we understand that the Big  
21 Tujunga Wash mitigation bank located in Sunland at  
22 the base of the San Gabriel Mountains may be used  
23 as compensation for riparian impacts. Is that  
24 possible?

25                   MR. GRAY: We have never heard of that.

1 MS. MACKEY: If that's a possibility, I'm  
2 going to go ahead and suggest now this could be  
3 associated with long-term maintenance. This sounds  
4 like an excellent idea; however, this site is  
5 located within the L.A. River watershed.  
6 Compensation mitigation to wetlands and riparian  
7 vegetation usually occurs in the same watershed.  
8 Restoration of an area in the L.A. River watershed  
9 leaves the Santa Clara River watershed short on  
10 riparian habitat acreage. This mitigation option  
11 is unacceptable for the Santa Clara River. In  
12 addition, there is as yet, as far as I know, no  
13 mitigation bank set up at Big Tujunga Wash.  
14 Additionally, upstream from this bank is the  
15 proposed Red Tail Golf Course. Pesticides,  
16 sediment and propagules from non-native species  
17 will move downstream compromising this area as a  
18 mitigation bank for this project.

19 Lastly I want to say that I want to  
20 join my voice with the rest of the chorus of voices  
21 encouraging avoidance of riparian impacts and force  
22 Newhall Ranch into a Section 10a permit process  
23 with Fish and Wildlife and out of the shorter  
24 Section 7 process.

25 Our detailed comments will be

1 submitted. We thought on Friday, but apparently  
2 there has been an extension?

3 MR. HENDERSON: To the 19th.

4 MS. MACKEY: Is that published somewhere?

5 MR. HENDERSON: You can submit the  
6 comments.

7 MS. MACKEY: Thank you very much.

8 MS. BRADY: My name is Terie Brady. I  
9 represent the Santa Susanna Mountains Parks  
10 Association. Our focus is to protect wildlife  
11 corridors through our mountains from Los Padres to  
12 the Santa Monica Mountains. We oppose paving the  
13 tributaries in the Santa Clara River and we feel a  
14 500-foot buffer is the minimum and we recommend a  
15 1,000-foot buffer of protected habitat around the  
16 river for the protection of the southwestern pond  
17 turtles.

18 Because this is the last unpaved  
19 river in L.A. County, it's essential that it have  
20 your protection. We do not need to pave this river  
21 or its tributaries. The L.A. River in most places  
22 is dead. It is sad to see a trickle of water on  
23 pavement across the San Fernando Valley. This  
24 river had a precious life resource for many  
25 species.



1                   As the last unpaved river in L.A.  
2 County, it has become more important. As habitat  
3 becomes more and more rare as riparian areas in  
4 L.A. County has, it becomes critical to protect it  
5 as habitat protected endangered wildlife.

6                   MS. MC ELHATTON: I'm Karin McElhatton  
7 and I represent myself and my company Studio Animal  
8 Service and I am an animal trainer and animal  
9 lover. I want to say I have my business on the San  
10 Martinez Grande Canyon Road which is one of the  
11 areas that they want to concrete in.

12                   We keep talking about endangered  
13 species and I think everything is going to be  
14 endangered before long. I have been reading a book  
15 about exploration by (Inaudible). He keeps talking  
16 about blue whales and I think the blue whales are  
17 just about extinct on earth right now and so in  
18 that area in San Martinez Grande Canyon we have  
19 thrashers and meadow larks, bluebirds, quail. I  
20 don't see any quail at Stevenson Ranch anymore. I  
21 go there. There is no quail living up there and  
22 there is no meadow larks living up there. They  
23 can't because they need the brush.

24                   There is also an area -- as you are  
25 coming down 126 and you want to go south on 5 there

1 used to be a little clearing there and there used  
2 to be a little low-lying area that was a moist area  
3 and that recently just in the last year buildings  
4 were put there and they took that little low area  
5 and they put a concrete ditch this wide and there  
6 used to be hawks there all the time hunting. There  
7 used to be all kinds of birds in that little low  
8 area and I would see them and I knew they were  
9 nesting in there because they need that moisture.  
10 Well, that is all gone now and along the freeways  
11 you will see where the little ditches are put and  
12 they are concreted in. The bird life is gone as  
13 soon as that's done.

14                   That's what they want to do. There  
15 will be no wild animals. There will be no bobcats  
16 and that's what lives on my road, bobcats, badgers,  
17 cougars. They live in that creek. If they cement  
18 that in, it will be robbing the homes. We will be  
19 robbing the homes of these animals and I think that  
20 this area is irreplaceable. I go to Yosemite every  
21 year and I think this is just as precious as  
22 Yosemite. Is it unique or not? Is this the last  
23 of it or is it? This is a unique area. We need to  
24 save it.

25                   When we talk to Newhall Land and

1 Farm I feel like we are talking to deaf ears. When  
2 we talk to the L.A. County Supervisors are we  
3 talking to deaf ears? We are hoping that you are  
4 hearing us.

5 MR. GRAY: Is there anyone else that  
6 wants to make comments after this gentleman?

7 UNIDENTIFIED SPEAKER: I live in Canyon  
8 Country. I could say that I do represent somebody.  
9 I represent the spear carriers, the extras and the  
10 cannon fire. We do oppose complete avoidance of  
11 this strategic area here. We can't forget that the  
12 EPA endorsed the MTBA. It's been a long time  
13 trying to turn that mistake around. I think those  
14 are in the process of suspecting should also  
15 suspect themselves. We do know that according to  
16 the geographic atlas there is severe coastal  
17 pollution and its very deep lines start at Point  
18 Dume and goes to the south and that is exactly  
19 where the Army Corps of Engineers two-thirds of a  
20 century ago began cementing and concreting the  
21 flood control and all those brave individuals back  
22 in those days were of a different ilk and we can  
23 see things differently now. I just kind of wonder  
24 why some of the words have been couched to say  
25 drainage versus flood control and the way they

1 perceive this as being a different way of doing  
2 things, but it's still treating the flood control  
3 process as a sewage. That carries toxins and we do  
4 have a fishery out there. This is going to affect  
5 the Santa Barbara channel and I wish I lived in  
6 Ventura or the Ventura County would annex us  
7 because we have right now a fifth supervisor who is  
8 not being challenged and I have lived here for  
9 forty years. I moved here in 1960. So I have seen  
10 like the news reports and stuff like that, the  
11 little PR quips and things like that that come out  
12 of the Newhall Land and Logging Company and the  
13 problem here is we have like the representation --  
14 we have a council member for the City of Santa  
15 Clarita who was a secretary for Michael Antonovich  
16 and at one time the City of Santa Clarita  
17 challenged what was called the power center, a big  
18 shopping center over there in Stevenson Ranch  
19 alongside I-5 and Newhall Land and Logging Company  
20 went down there and they cut down a lot of oak  
21 trees before they had a permit on that one and they  
22 have since then sold that center. It's the Sports  
23 Chalet. It's all these big power centers over  
24 there. Then they are moving on. They are even  
25 selling the Towne Center and they are moving on.

1 Why? Do they need the funding to build a project  
2 that they are not totally funded on or are they  
3 moving out of state and do they even care what is  
4 going on here? Thank you.

5 MS. LUFF: My name is Linda Luff and I'm  
6 a resident of Santa Clarita Valley and I have been  
7 for several years.

8 First of all, I would like to ask if  
9 you have a copy of the 404 forms, permit  
10 application.

11 MR. HENDERSON: I can get one to you. I  
12 don't have them here, obviously. They are also  
13 available on the internet various websites. Just  
14 talk to me afterwards and I will give you  
15 additional information.

16 MS. LUFF: Thank you.

17 I'm just going to talk now as a  
18 human being who is very much affected by the rate  
19 of growth and density and development in the Santa  
20 Clarita Valley.

21 Santa Clarita Valley used to be a  
22 beautiful place to live in. The area was clean.  
23 There was very little traffic. There was a lot of  
24 access to natural habitat. Santa Clarita Valley is  
25 now, even now without the seventy thousand homes

1 which are going to be multiplied by maybe at least  
2 four people per home -- the traffic in the area,  
3 the air pollution, the lack of schools, the lack of  
4 roads, it's getting to be really a nightmare for  
5 human beings and I would like to talk about perhaps  
6 we as human beings may be endangered species in  
7 terms of what is our relationship to life. Are we  
8 only concerned about money, business, having  
9 shopping centers? Is that what we want for  
10 ourselves and for the children? We need the  
11 nature. We are a part of nature and if we destroy  
12 a river, we are not just destroying a river, but we  
13 are destroying ourselves. Thank you very much.

14 MR. GRAY: Thank you. That concludes the  
15 meeting. I do appreciate your patience and all the  
16 comments that you have made. We recorded them, so  
17 we'll have this record to help guide the  
18 preparation of the environmental document. We will  
19 be taking written comments through the 19th. You  
20 can address it to either Bruce or to Morgan.

21 Thanks again for attending.

22 (The hearing proceedings were  
23 concluded at 10:20 p.m.)

24 \*\*\*

25

1 STATE OF CALIFORNIA )  
 ) SS:  
2 COUNTY OF LOS ANGELES )

3

4 I, Vicki Nikola, CSR No. 3351, a certified  
5 shorthand reporter in and for the State of  
6 California, County of Los Angeles, do hereby  
7 certify:

8 That said hearing proceedings were taken down  
9 in stenograph writing by me to the best of my  
10 ability and thereafter transcribed into typewriting  
11 under my direction.

12 I further certify that I am neither counsel  
13 for nor related to any party to said action, nor in  
14 anyway interested in the outcome thereof.

15 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

16

\_\_\_\_\_  
CERTIFIED SHORTHAND REPORTER  
THE COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

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1 STATE OF CALIFORNIA )  
2 ) SS:  
3 COUNTY OF LOS ANGELES )

4

4 I, Vicki Nikola, CSR No. 3351, a certified  
5 shorthand reporter, hereby certify that the  
6 attached transcript is a correct copy of the  
7 original transcript of the hearing proceedings  
8 taken before me on the 9th day of February, 2000,  
9 as thereon stated.

10 I declare under penalty of perjury that the  
11 foregoing is true and correct.

12 Executed at Los Angeles, California, this  
13 \_\_\_\_\_ day of February, 2000.

14

15

16 \_\_\_\_\_  
17 CERTIFIED SHORTHAND REPORTER  
18 THE COUNTY OF LOS ANGELES  
19 STATE OF CALIFORNIA

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
Office Of  
**AGRICULTURAL COMMISSIONER**

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(805) 647-5931  
FAX: (805) 525-8922

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**MEMORANDUM**

**TO:** Joseph Eisenhut  
Ventura County Planning Division

**FROM:** Julie Bulla   
Senior Planner

**DATE:** January 28, 2000

**SUBJECT:** Notices of Preparation of Draft EIR for Newhall Ranch River  
Management Plan; Draft EIS for Newhall Ranch 404 Permit Actions  
(RMA Reference Nos. 002 and 009)

I have reviewed the Notices of Preparation for the Draft EIR and EIS, and have discussed the proposals with Scott Ellison of your office. Based on our discussion, it appears that the proposals would not directly impact agricultural resources. If the Draft EIR or EIS proposes mitigation measures to address potential impacts to biological and water resources that result in secondary effects to agricultural resources, then the documents should address these impacts.

Thank you for the opportunity to review these documents.

**PUBLIC WORKS AGENCY  
WATER RESOURCES AND DEVELOPMENT DEPARTMENT  
WATER RESOURCES DIVISION**

**Date:** January 25, 2000

**To:** Joseph Eisenhut 2464  
RMA/Planning Division

**From:** Lowell Preston,  
Manager

**Subject:** **NOP- NEWHALL ranch Specific PLAN-RIVER MANAGEMENT PLAN**

The scope and content of the proposed plan does not include addressing the environmental impacts to water quantity. Specifically, the potential impacts of the quantity of discharge from the Water Reclamation Plant appear to be associated with the 1603 Agreement and the 2081 Permit. In as much as the quantity of discharge to the river impacts many of the key issues, as well as, the ability of the river to support in stream uses, inclusion of water quantity impacts appears to be an appropriate issue for the EIS/EIR.

Should you have additional questions, please contact me at 805-648-9204.

**RLP:**

**cc:** Rich Guske, Development & Inspection Services Division

FEB 02 2000

VENTURA COUNTY  
AIR POLLUTION CONTROL DISTRICT  
Memorandum

TO: Joseph Eisenhut, Planning

DATE: February 2, 2000

FROM: Molly Pearson *MP*

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for Newhall Ranch Specific Plan – River Management Plan, California Department of Fish and Game, Region 5 (Reference No. 00-002)

Air Pollution Control District staff has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the subject project. The proposed project involves the issuance of a long-term "1603 Streambed Alteration Agreement" and a "2081 Endangered Species Incidental Take Permit" from the California Department of Fish and Game. These permits would be issued for the construction of the following activities associated with the Newhall Ranch Specific Plan:

- Bank protection - Bank protection is planned for less than half of the riverbanks in the Specific Plan area. Most of the bank protection will consist of buried soil cement or buried rip-rap with native vegetation planted in the overlying soil. Grouted rip-rap and gunite will be placed near bridge abutments.
- Bridges - Two new bridges across the Santa Clara River will be constructed: Potrero Valley and Long Canyon Road.
- Side drainages - Side drainages to the river, including San Martinez Grande, Chiquito Creek, Portrero, and Long and Middle Canyons will be modified for drainage and flood control purposes.
- Utility lines - Two wastewater lines will be placed across the river – one near Potrero Canyon and the other upstream of Long Canyon Road. Other utility line crossings for water, oil, and gas lines may also be required.
- Storm drain outlets - There will be numerous storm drain outlets; however, it is anticipated that most outlets will empty into water quality control facilities prior to discharging to the river.
- Recreational facilities - Various trails and observation platforms for recreational, educational, and wildlife viewing purposes.
- Other facilities - Bridges or drainage facilities associated with the Magic Mountain Parkway and Valencia Boulevard extensions (part of the Newhall Ranch Specific Plan), and bank protection associated with the Water Reclamation Plant to be located at the western end of the project site.
- Maintenance - Routine maintenance of the above flood control facilities by removal of sediment or vegetation to preserve hydraulic design capacity and protect property.

J. Eisenhut  
February 2, 2000  
Page 2

Ventura County's air quality. Therefore, the District recommends that the EIR include an analysis of the impacts that the project activities will have on air quality in Ventura County, with specific attention to impacts on agricultural resources in the Santa Clara River Valley. The analysis should present the estimated air pollutant emissions [reactive organic compound (ROC) and oxides of nitrogen (NO<sub>x</sub>)] associated with the use of motor vehicles, heavy-duty construction equipment, and portable engines. In addition, the analysis should address fugitive dust emissions associated with clearing, excavation, grading, and construction activities, as well as travel on unpaved roads. The analysis should discuss how fugitive dust emissions would impact agricultural resources in the Santa Clara River Valley. Mitigation measures should be presented for any significant air quality impacts.

Because the project activities have the potential to generate significant amounts of fugitive dust over an extended period of time, the District recommends that a Fugitive Dust Mitigation Plan be developed and implemented as part of the project. Attached is a "Model Fugitive Dust Mitigation Plan" with recommended dust control measures.

If you have any questions, please call me at 645-1439.

### Model Fugitive Dust Mitigation Plan

1. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
2. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate to the depth of the proposed cuts.
3. Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
  - a) All trucks exporting fill from the site shall use tarpaulins to cover the load in compliance with State Vehicle Code §23114. Material transported in trucks off-site shall comply with State Vehicle Code §23114, with special attention to Sections 23114(b)(2)(F), (e)(2), and (e)(4) as amended. Material transported on-site shall be sufficiently watered or secured to prevent fugitive dust emissions.
  - b) All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
  - c) Graded and/or excavated inactive areas of the construction site shall be monitored (indicate by whom) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.
4. Signs shall be posted on-site limiting traffic to 15 miles per hour or less.
5. During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with the APCD in determining when winds are excessive.
6. Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
7. Employees involved in grading operations should be advised to wear facemasks during dry periods to reduce dust inhalation.

COUNTY OF VENTURA  
PUBLIC WORKS AGENCY  
FLOOD CONTROL DEPARTMENT

Memorandum

February 2, 2000

TO: Fred Boroumand  
VIA: Tom Travis  
FROM: Vicki Musgrove *VM*  
SUBJECT: NPDES Review of RMA 00-002, California Fish and Game  
CC:

FEB 2 '00 PM 4:09

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The stormwater quality section has reviewed the subject notice of preparation for a draft EIR and has the following comments that should be included in the Flood Control comments.

*In the notice of preparation, water quality is listed as a key environmental impact to be addressed in the draft joint EIS/EIR. Ventura County Flood Control District recommends the draft EIS/EIR evaluate and address the water quality impacts of the entire project. Evaluation and development of Specific Plan-wide mitigation measures is the only way to ensure that the development will implement controls to "reduce the discharge of pollutants to the maximum extent practicable..." as required by law. Without a detailed Specific Plan-wide water quality impact evaluation there is no assurance that the project will implement all "practicable" measures or that such measures will reduce impacts from urban runoff contaminants to a less than significant level.*

If you have any questions please call me at extension 5051 or Jayme Laber at extension 6737.

CC: Joseph Eisenhut, RMA Planning

February 3, 2000

TO: JOSEPH EISENHUT, PLANNING

FROM: SCOTT ELLISON, PLANNING

SUBJECT: REVIEW OF FISH AND GAME NOTICE OF PREPARATION OF EIR/EIS  
ON NEWHALL RANCH RIVER MANAGEMENT PLAN DATED JANUARY 3, 2000

I have reviewed the subject Notice of Preparation (NOP) and have the following comments:

1. Since this is a "project level" EIR/EIS, it needs to ensure that the project description clearly shows the specific location and design of NPDES facilities, what specific areas in the Santa Clara River and tributaries will require flood control facilities, and exactly what those facilities are. It is important that soft bottom drainage swales, NPDES detention basins, debris basins, and flood control facilities etc. be clearly identified at this stage rather than wait for individual tract designs. Creating detailed Specific Plan-wide NPDES and flood control plans at this stage potentially allows for the construction of large facilities serving more than individual tracts. However, if the final NPDES and flood control designs are delayed until each tract is submitted, facilities serving multiple projects may be infeasible given the size of the individual tracts, or because the best location for a facility is already occupied by an earlier project. Proposing and evaluating detailed flood control and NPDES programs now allows for maximum flexibility in developing the type and placement of such facilities, and provides maximum flexibility in changing the designs if they are not adequate, or if they create adverse environmental effects.
2. A recalculation of site flood discharge volumes is needed which considers the "existing environment" as the existing vegetated, non-burned state of the site, rather than modeling a maximum "existing" discharge scenario of bulk and burn. This new scenario is necessary for purposes of calculating pre-project and post-project flood flows to downstream areas. The "worst case" bulk and burn scenario in the existing EIR is appropriate for evaluating the design of flood control facilities to protect development in the floodplains. However, a scenario assuming a typically vegetated site as the "existing environment" should be used in calculating how urbanizing approximately 5 square miles on the ranch will change the volume, timing, and peak discharge off the site compared the existing discharge from current operations. If the inappropriate bulk and burn scenario is used for "before" and "after" flood discharges, then an answer is obtained which



shows that urbanizing five square miles reduces flood discharges compared to the existing ranch operation. This is not reasonable on its face, and should not be accepted in the EIR/EIS.

The earlier EIR only considered flood impacts to the Santa Clara River. The EIR/EIS should require additional studies for the major tributaries on the project site. These analyses need to avoid the bulk and burn scenario since the tributaries only have a fraction of the flood carrying capacity of the Santa Clara River and any error in calculating the "before" and "after" flows and their frequencies could do significant damage to biological communities.

3. The earlier EIR also found no significant project specific impacts occurring off the project site. This conclusion ignored the Fish and Game (Exhibit 1 pages 23 and 24) and County of Ventura concerns (Exhibit 2 pages 156 to 162) about the impacts to the Salt Creek corridor in Ventura County. The EIR/EIS should fully evaluate indirect impacts to upland species due to the focusing of wildlife movement into Ventura County, whether Salt Creek in Ventura County can accommodate this increased use, and whether, given the lack of protection to natural habitats provided by the Ventura County Zoning Ordinance (Exhibit 2 pages 158 to 161), additional protection and/or mitigation is required in our jurisdiction.
4. The NOP places primary emphasis on impacts due to construction in the Santa Clara River and its tributaries. However, upland habitats, as well as upland rare and endangered species, need to also be considered. It is generally not appropriate to evaluate riparian habitats in isolation from impacts to upland habitats. Since species of different communities interact with each other during different phases of their life cycles, an impact to a riparian habitat can create impacts to upland habitats and visa versa. The EIR/EIS should not ignore potential impacts outside the waterways simply because these habitats are not physically disrupted by development. Loss of water sources, migration routes, food sources, and/or shelter can be significant impacts to species and habitats which are not directly impacted by development.
5. More detailed biological surveys should be undertaken, particularly along the tributaries to the Santa Clara River. Commentors to the previous EIR noted significant deficiencies in the existing biological studies (Exhibit 3, Letter of 11/23/96 pages 521 to 524, letter of 3/31/97 pages 548 to 551). These should be corrected in the EIR/EIS. Particular emphasis is needed in three areas:
  - a. Rare and endangered species: Given the recent finds at the Ahmanson Ranch, the large acreage of Newhall Ranch, and the deficiencies noted in



Exhibit 3, focused, multiseasonal species inventory programs beyond those previously conducted are warranted. These should be conducted under the direction of Fish and Game and/or the Corps of Engineers rather than by consultants under contract to Newhall Land and Farming.

- b. Biological Studies in Ventura County: In evaluating the "existing biological environment" in Ventura County the previous EIR used only isolated, limited studies which were done for other projects. No specific ground-level studies were conducted in Ventura County for this project. This should be corrected in order to assist in implementing Comment 3 regarding an in-depth analysis of the Salt Creek watershed in Ventura County. These studies should focus on rare and endangered species and their habitats, since no such studies have been undertaken for this project.
- c. Adequate setbacks: In commenting on the earlier EIR, Fish and Game requested certain setbacks which were not accepted by the EIR authors (Exhibit 1 page 22). The EIR/EIS needs to carefully evaluate what setbacks are required to protect waterways for indirect impacts of development. This analysis should apply to the Santa Clara River and its tributaries, as well as adequate setbacks from upland habitats.

In considering these setbacks, the EIR/EIS should take a broad definition of "development". The term "development" should be defined as any land use or activity that can significantly disrupt natural biological communities. While urbanization is clearly "development", less obvious disruptions can occur from the presence of humans and pets, and certain agricultural land uses and agricultural practices such as row crops and cattle grazing. These uses should be kept in mind when considering if land in Ventura County should receive addition protection, or if removal of agriculture or cattle grazing would feasibly provide significant mitigation for project specific or cumulative impacts.

6. To encourage providing equal baseline studies, impact assessments, and mitigation measures for resources in both LA and Ventura Counties, the EIR/EIS maps should be revised from those used in the earlier EIR in at least two ways:
  - a. The project should be placed in the center of the maps rather than on the left side of the maps. Placing the project on the left largely cuts off Ventura County from being represented on the map. Figure 1 of the NOP places the project on the left side of the page, so that Ventura is only really represented in the insert map, but not on the large scale map itself. This is particularly appropriate for the EIR/EIS, since the document is

focusing on natural resources, most of which are located on the site and to the west rather than to the east.

- b. Maps of the project showing natural features, biological communities, etc. should include these features for large areas outside the project boundaries in order to provide the larger context of the project. This is particularly true for natural resources which cross the project limits, property lines, and jurisdictional boundaries. This does not occur in NOP Figure 2 which limits the map topography and drainages to the project site itself and for the area only approximately 1,000 feet outside the project. This occurs even though the map itself shows areas several miles outside the project boundaries (but not into Ventura County since the map places the project on the left side of the page).
7. Alternative mitigation measures should be developed. The earlier EIR stopped all the mitigation measures at the project boundary. Only measures on the project site itself were considered feasible, while all potential measures outside the project site were found to be infeasible. This occurred even though the habitats subject to the impacts and mitigation measures cross property and jurisdictional boundaries.

The EIR/EIS should evaluate implementing biological mitigation measures based on following natural boundaries rather than man-made boundaries such as project limits, property lines and jurisdictional boundaries. Rather than being limited to such man-made boundaries, mitigation measures should follow the resources and be applied to entire blocks of habitat, or limited only by natural boundaries such as watersheds. Exhibit 4 page 2701 is an example of the type of mitigation measure that should be evaluated in the EIR/EIS. Mitigation measures should be applied wherever they are feasible and where they make sense from a biological perspective -- they should not be artificially limited because of some line on a map. This concept should be extended to Salt Creek in Ventura County, as well as to other areas such as along the Santa Clara River and to portions of the Salt Creek watershed which are in Los Angeles County but outside the project site.

9. Mitigation measures should only be rejected as infeasible based on substantial evidence that they are in fact infeasible. The earlier EIR found mitigation measures applied to habitats on one side of the County line as feasible, but found that the same mitigation measures applied to the same habitats were infeasible when those habitats crossed into Ventura County. The EIR never explained why mitigation was always feasible for the LA portions of habitats but never feasible for the Ventura portions of the same habitats.

Particular attention should be given to potentially feasible mitigation measures for cumulative impacts. The earlier EIR simply concluded that no such measures exist, but provided no substantiation of that conclusion. The EIR/EIS should explore if the same types of mitigation measures which are feasible for project specific impacts (i.e. protection and enhancement of habitat not directly lost to development) would also be feasible for cumulative impacts. The same types of mitigation measures should be feasible for both impact categories. If that is the case, then the EIR/EIS should consider where in the region the cumulative impacts should be mitigated. Trying to mitigate both project specific and cumulative impacts on the project site itself may not result in added mitigation compared to just mitigating project specific impacts. Something as simple as removal of cattle grazing from large acreages off the project site could feasibly result in providing significant and feasible mitigation for cumulative impacts.

10. The NOP discusses project conformity with the South Coast Air Quality Management Plan. This plan stops at the Ventura County line. However, some of the resources being evaluated in the EIR/EIS cross into Ventura County. These resources, which are outside the South Coast Air Quality Management District, should be evaluated using standards used by the Ventura County Air Pollution Control District and its Air Quality Management Plan. Any impacts would be occurring in Ventura County, and as such, should be subject to our standards.

Please contact me at extension 2495 if you have any questions.

**DEPARTMENT OF FISH AND GAME**

Region 5

330 Golden Shore, Suite 50  
Long Beach, California 90802  
(310) 590-5113

December 5, 1996

Mr. Lee Stark  
 Los Angeles County Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012

Dear Mr. Stark:

**Draft Environmental Impact Report (DEIR)  
 Newhall Ranch Specific Plan and Water Reclamation Plant  
 SCH# 95011015, Los Angeles County**

The Department of Fish and Game (Department) has reviewed the above-referenced DEIR. The project as proposed would impact approximately 5,237 acres of existing habitats including two Significant Ecological Areas (SEA) as designated by the County of Los Angeles (County). In addition to impacts in the SEAs, the proposed project would also impact wildlife movement areas within the region as well as endangered species and the habitats on which they depend. The Newhall Ranch Specific Plan (Plan) calls for development of 24,680 dwelling units, 598 acres of mixed-use development, 91 acres of commercial uses, 256 acres of business park, 37 acres of visitor-serving uses, 1,089 acres of open space (including 274 acres of community park and 818 acres in other open areas), 4,763 acres in special management areas (permanent open areas), 12 neighborhood parks, public trail systems, a golf course, 2 fire stations, 1 library, the reservation of 5 elementary school sites, 1 junior high school, and 1 high school; a 2-acre electrical substation, a 7.7-million gallons per day water reclamation plant within a new sanitation district, and other associated community facilities such as roads and bridges. Due to inadequacies in the DEIR, and the lack of credible mitigation measures to offset significant project impacts, the Department recommends against certification of this DEIR.

**SECTION 4.0 - CUMULATIVE IMPACTS**

The DEIR is flawed in its evaluation of cumulative impacts. The DEIR fails to provide any information about past present or reasonably foreseeable projects as required by the California Environmental Quality Act (CEQA). The project proponents

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are currently pursuing a general permit from the U.S. Army Corps of Engineers (Corps) for flood control improvement upstream of the project area and are participating in a master planning effort for the Santa Clara River. Also, the project proponents have planned additional developments immediately adjacent to this proposed project site. The impacts of the flood control project and associated development are not discussed nor are the impacts on local fish and wildlife resources. Since the project proponents own the lands surrounding the project site, a detailed cumulative impact analysis should be completed. Also, the failure to discuss any impacts which would occur within adjacent properties, controlled by the project sponsor in Ventura County, makes the DEIR flawed. The document also needs to address mitigation for the cumulative impacts associated with a development of this magnitude.

1

#### SECTION 4.2 - FLOOD

Section 4.2 of the DEIR discusses the flood control concerns and what is referred to as the Santa Clara River Corridor Concept. This concept would allow natural vegetation to remain within the River. However, the proposed fill of the floodplain adjacent to the river corridor will cause a significant adverse effect on this habitat. The fill is necessary to accomplish development within the floodplain but will cause increased velocities within the River through the narrowing of its channel. Although the Department supports preservation of this corridor, the impacts associated with the floodplain fill and bank stabilization measures must be fully discussed and mitigated.

2

The Department recommends the project be redesigned to include, at a minimum, a 500-foot buffer from the outermost edge of the riparian habitat. In addition, detailed hydrology information must be provided for Department review. The hydrology information must demonstrate that the river corridor and its associated buffer are of sufficient size to preclude loss of vegetation during flood flows. The ultimate channel design must be of sufficient size to convey at least a 100-year flood event without causing significant reductions in the riparian habitat. As stated in the DEIR, the permanent river vegetation shall not be subject to removal and the only vegetation removal to be allowed is for routine maintenance activities except as otherwise specified. The only maintenance activities acceptable to the Department would be that necessary to maintain bridges or bank stabilization features.

3

The DEIR discusses requiring debris basins where debris volumes are expected to exceed 250 cubic-yards. However, the DEIR fails to discuss where the debris, which is removed from the basins, would be disposed and also the frequency for which debris removal would be necessary. The DEIR also fails to discuss how the reduction in debris flows would affect the River within the project boundaries and downstream in Ventura County. Reduction in debris flow could have a significant effect on listed species because valuable escape cover could be prevented from entering the River during flood periods.

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The DEIR states that the proposed project will increase flood volumes through increased runoff from impervious surfaces. This increase in flood volumes will result in velocity changes that could cause a "take" of the State- and Federally-listed endangered unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*). Also, these increases will cause riparian habitats to be lost which will result in a loss of nesting opportunities for endangered bird species. The proposed project must be redesigned to provide an adequate floodway which will not cause an increase in velocities to such an extent that would result in a take of State and Federally listed species. The inclusion of a 500-foot buffer from the edge of the riparian habitat to where the rock slope protection begins would likely accomplish this objective and likely avoid the need for obtaining an endangered species permit and/or memorandum of understanding (MOU). Additionally, this 500-foot buffer would help mitigate impacts to Southwestern pond turtles (*Clemmys marmorata pallida*). The pond turtle is likely to be listed prior to initiation of this project and could necessitate further modification if adequate buffers are not included. Buffer for the pond turtle is necessary as they are known to nest over a 1/4 of a mile from the water edge. The Department will agree that inclusion of a 500-foot buffer will be adequate and will not recommend that a full 1/4 mile buffer be protected if it is included in the final EIR.

5

#### SECTION 4.6 - BIOTA

As stated previously in our comments, the DEIR fails to adequately identify the impacts to biological resources within the project boundaries. The Department is concerned with impacts to all plant communities but will focus our comments on a few of the most sensitive species. The loss of 35% (1,820 acres) of coastal sage scrub is considered significant by the Department and the potential for the utilization of this habitat by listed species was not discussed. The Department is also concerned with the loss of 64 acres of valley/coast/savannah oak woodland. This habitat provides extremely valuable foraging and nesting sites for most raptors. Also, these areas are heavily used by deer, mountain lions and a variety of other small mammals. Another habitat of concern is the mainland cherry forest. The removal of 61% of the existing habitat is extremely significant and justifies modification of the project design to ensure the long-term viability of all the existing cherry forest. In general, impacts to riparian and wetland habitats are significant and must be avoided to the greatest extent possible. The proposed road crossings and flood control improvements will cause a degradation of the existing habitats and will necessitate the compliance with both the State and Federal endangered species acts. The DEIR must include specific mitigation measures which will offset or reduce these impacts to a level of insignificance. This can be accomplished through avoidance, creation of new areas, or enhancement of existing resources. Mitigation areas must be capable of supporting an increase of at least 25% in wildlife use. Therefore, mitigation areas must be, at a minimum, four times the size of any impacted habitat.

6

The DEIR fails to adequately identify direct and indirect impacts to the endangered unarmored threespine stickleback. Direct impacts will occur as road construction and flood control improvements are implemented. Indirect impacts would occur as a result of narrowing the River channel and causing an increase in velocities and removal of vegetative cover during flood events. Also, the proposed continued grazing of the River will cause additional degradation of the habitat resulting in a "take" of this endangered species. If the proposed flood control facilities are modified, including the buffer zones recommended by the Department, the potential for "take" of this listed species can be greatly reduced. Other listed or sensitive species which are likely to be listed prior to implementation or completion of this project could also be mitigated by these modifications to the project design. This includes the arroyo southwestern toad, southwestern pond turtle, Santa Ana sucker, and two-striped garter snake.

7

The DEIR fails to adequately identify impacts to listed species such as least Bell's vireo (*Vireo bellii pusillus*), State- and Federally-listed endangered; southwestern willow flycatcher (*Empidonax traillii extimus*), State-listed endangered; and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), State-listed endangered. Also, the mitigation measures are not specified, as they rely on future plans and permits to develop detailed mitigation measures for impacts. The DEIR does not contain focused survey data for other listed species such as California gnatcatcher and western yellow-billed cuckoo.

8

Impacts to mountain lions, which are a fully protected species, and their habitat are only given a cursory discussion in the DEIR. The Department is aware of numerous sightings on and adjacent to this property. It is, therefore, reasonable to expect that the proposed project will significantly increase mountain lion sightings and human-mountain lion encounters. In addition, the introduction of domestic pets into this existing wild habitat will cause pets to be killed by mountain lions and force the Department to destroy the offending lion. The DEIR must include mitigation measures which require notification to all subsequent property owners of the fact that they are within mountain lion habitat. An educational program which informs the property owners of how to prevent encounters with wildlife on their property should be developed. Also, it is recommended that the estate lots located within the boundaries of the open space area be eliminated. These estate lots are currently proposed within sensitive areas identified in the DEIR.

9

The project, as currently designed, does not ensure an adequate wildlife movement corridor between the Santa Clara River and other large natural open space areas. The designation of Salt Creek as the main wildlife corridor is inadequate because the corridor is fragmented by proposed development. Also, the proposed Salt Creek corridor extends outside the project boundary, with no assurances that it will remain undisturbed and exist in the future. At least one primary corridor which is a thousand feet wide must be identified and incorporated into the DEIR. This corridor

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must be the connection between the River and the natural open space areas. Secondary corridors are to be designed with widths of 500 to 700 feet across and tertiary corridors shall be 250 - 500 feet in width. Secondary and tertiary corridors must connect to the primary corridor, and either the River or other open space areas.

10

The Department is concerned that grazing would still be allowed to continue in remaining habitats, with the implementation of this project. Grazing activities can result in further adverse impacts to these remaining habitats. The Department is especially concerned with adverse impacts to the sensitive habitat within the river corridor. The DEIR must require that grazing will be eliminated within the river corridor. Furthermore, the DEIR does not provide guidelines for grazing activities. The document must require that guidelines for grazing activities, which diminish adverse impacts, be established.

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#### SECTION 4.8 - TRAFFIC

In Section 4.8 of the DEIR, impacts associated with traffic and access to the property is discussed. A detailed analysis of site specific impacts associated with the construction of the bridges over the Santa Clara River is not provided. These bridges will impact significant riparian habitats and will cause a "take" of State and Federally listed endangered species listed above. The impacts to listed species require a mandatory finding of significance pursuant to CEQA Guidelines, § 15065. The mitigation measures identified in this section are not adequate as they rely on the issuance of future permits and fail to discuss any impacts which would result from implementation of the proposed project. The courts have ruled that agencies cannot rely on mitigation measures of unknown efficacy to conclude that impacts have been reduced to a level of insignificance (Kings County Farm Bureau et al. v. City of Hartford (5th Dist. 1990) Cal. App. 3d. 692, 727-728 [270 Cal. Rptr. 650]).

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#### SECTION 4.9- NOISE

In Section 4.9 of the DEIR, impacts associated with noise are discussed, however, there is no discussion of noise related impacts on wildlife within the project site. Studies have shown that noises above 60db adversely affect wildlife behaviors such as breeding, nesting and foraging. Based on the limited information of the DEIR, it appears that noise levels within the Santa Clara River may be sufficiently high as to disrupt the breeding activities of State and Federally listed species such as least Bell's vireo, southern willow flycatcher, and western yellow-billed cuckoos. The DEIR fails to discuss any mitigation measures that would offset these impacts, and fails to comply with the court decisions cited above. In addition, the impacts to listed species require a mandatory finding of significance pursuant to CEQA Guidelines, § 15065.

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#### SECTION 4.11- WATER RESOURCES

Section 4.11 discusses water resources and states that the total water demand for the Plan will be 19,345 acre-feet per year, of which 10,094 acre-feet must be potable and 9,251 acre-feet would be required for non-potable/landscape irrigation uses. The project proponents are relying on flood flows of up to 5,400 acre-feet per year for a portion of their potable water supply. At this time, the Department is unaware of any water rights appropriations which have been given to the project sponsors, Castaic Lake Water Agency, or the Valencia Water Company for the use of these flood flows. The current property owner may have a riparian right for this water but this does not guarantee that water would be available for development. In addition, the reliance on the proposed 19 extraction wells for the potable water supply for this project is questionable. Since these wells will be extracting from the subsurface flows of the Santa Clara River, a water rights appropriation will be required. The Department is also concerned with the lack of information in the DEIR regarding changes which would occur in the River as a result of these extractions. It is possible and likely that these extractions would reduce the groundwater basin and flows within the River. Reduction in groundwater basin levels and river flows would have a significant effect on the unarmored threespine stickleback and can result in a "take" of this State- and Federally-listed endangered species. As stated above, the DEIR has failed to identify this significant impact or any mitigation measures to offset these impacts as required by CEQA. The cumulative impacts identified in this section do not discuss the current groundwater extraction upstream of the project site. CEQA requires that all past, present, and reasonably foreseeable future impacts be discussed and mitigated.

#### SECTION 4.18 - FIRE SERVICES AND HAZARDS

Section 4.18 of the DEIR discusses the fire services for and hazards relative to this project. The DEIR refers to a wildfire modification plan that is not found within the document. In order to determine the extent of impacts on wildlife and its habitat due to fuel modification zones, a draft of a wildfire fuel modification plan must be included in the DEIR for review and comment. The submittal of a future plan at the time of the construction of the subdivisions is not acceptable. Fire is an important part of natural ecosystems. The Department is concerned that due to the proposed urbanization of this area, fire suppression would most likely be encouraged. However, there is no discussion of the effects of a fire suppression strategy on the natural/open space areas. Furthermore, the DEIR does not include a discussion of controlled burns as a means to lessen fire hazards nor its potential benefit to the natural open space areas.

#### SECTION 4.20 - PARKS, RECREATION AND TRAILS

In the discussion of parks, recreation, and trails, the DEIR fails to discuss the impact of parks that are adjacent to sensitive wildlife resources such as the proposed community park along the river corridor. There is no description of the level of use

which is anticipated within these sites, or any discussion of the layout of the recreational opportunities within the site. The layout of the park has the potential to have significant adverse effects on adjacent sensitive habitats. As proposed, the Mesas Community Park will be located within the banks of the Santa Clara River and would have a significant impact on the adjacent riparian habitat. These impacts shall require an agreement with the Department pursuant to Fish and Game Code § 1603. In addition, construction of this park may require compliance with State and Federal endangered species acts, as this proposal will likely result in the "take" of one or more listed species.

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The 15-acre community lake is a concern to the Department as it may cause the introduction of exotic species into the Santa Clara River. If these species do enter the River by discharges from the lake or through transplants by residents, it will likely result in the elimination of listed species.

18

The DEIR fails to discuss the impacts associated with the designation of the 3,949.9 acres of land in the High Country Special Management Area (HC) as regional parkland. The DEIR also does not discuss the impacts of facilities that would be constructed to accommodate recreational uses nor the level of use expected.

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The unavoidable significant impacts discussion within this section states that there would be no unavoidable significant impacts to local parks and recreation facilities by incorporating the HC and River Corridor Special Management Area (RC) for recreational use. The Department disagrees that no significant impacts to other regional parks would occur. The increase in visitor use of Castaic Lake (Lake) would be significant because of the demand associated with residents of the proposed development. This use by local residents could preclude the use of the Lake by out-of-area visitors. In addition, the Department is concerned that uncontrolled recreational use within the HC and RC would significantly affect wildlife and their habitat.

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The use of trails as "transition areas" between development and natural areas has also been proposed under this project. There, however, is no discussion of trail design nor the establishment of buffer zones between the trails and the natural areas that contain sensitive resources. There is also the potential for human-wildlife interactions along trails that are adjacent to natural areas. Since wildlife, such as mountain lions, by nature follow well-established trails, the use of these trails by pedestrians, equestrians, and bicyclists will significantly increase the likelihood of human-lion interactions. The DEIR must address this issue and recommend specific mitigation measures which will reduce the potential for these interactions. The introduction of domestic animals, such as cats and dogs, into these natural areas would also significantly disrupt the behavior and use of these areas by local wildlife. The DEIR identifies these areas as mitigation for other portions of the development and as such, the establishment of trails and the impacts associated with their use would significantly reduce the mitigation values of these sites.

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## SECTION 5 - WATER RECLAMATION PLANT

The Department has serious concerns about the impacts to biological resources and water quality if the proposed water reclamation plant is constructed. As proposed, the plant is located immediately upstream and adjacent to high quality riparian habitat which supports nesting least Bell's vireo. The vireo is a State- and Federally-listed endangered species. Also, the proposed discharge of treated effluent into the Santa Clara River may have a significant adverse effect on the endangered unarmored threespine stickleback as well as the soon to be listed Santa Ana sucker. The impacts to these species are not discussed in this section of the DEIR. Impacts will occur from plant construction as well as plant operations. Impacts to the vireo, southern willow flycatcher and other listed and sensitive species will occur as a result of installation of the proposed rock slope protection and by removal of high quality habitats located adjacent to the River. In addition, lighting within the plant and noise associated with the plant operation will make the adjacent areas not suitable as nesting habitat for these listed bird species.

Impacts to the unarmored threespine stickleback and Santa Ana sucker will occur in several ways. Increases in water volumes being discharged into the River will cause an increase in velocity which will make many areas within the River not suitable for these species. As velocities increase, the potential for finding suitable breeding sites decreases and causes a reduction in the number of stickleback within the river. In addition, the potential for discharge of untreated effluent or partially treated effluent has not been discussed nor have the impacts been identified. Also, with increases in flow within the River, the potential for establishment of a continuous water surface down to Piru Creek is likely. This issue has not been addressed. Currently, the flows within the Santa Clara River become subsurface before reaching Piru Creek. A continuous flow of water to the confluence with Piru Creek could cause hybridization between the unarmored stickleback in the Santa Clara River and partially armored forms of stickleback found in Piru Creek. This hybridization would be a "take" of this species and subject to applicable State and Federal endangered species laws. The potential of hybridization between Santa Ana suckers in the Santa Clara River and Owens sucker found in Piru Creek exists if a continuous water surface is maintained by the discharges from this treatment plant.

Potential impacts to southern steelhead is not mentioned or discussed. The steelhead is likely to be listed as a Federally endangered species soon. The full extent of potential impacts to this species must be discussed and mitigated. Since water quality and flows influence steelhead migration, the extent to which this project will change water quality below Piru Creek must be addressed. If the flows are sufficient, the steelhead may migrate up into the Santa Clara River in search of suitable habitat on which to spawn. If none is available, the steelhead will not reproduce and will likely abort its reproduction efforts for that year. This would result in the "take" of a potential Federally listed species. In the event that steelhead are attracted upstream of Piru

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Creek by the increased water volume associated with the plant, the project proponent would be responsible for ensuring that suitable habitat for reproduction is provided and that adequate stream flows are maintained until such time as the smolts have migrated back down to the ocean.

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All impacts to listed species and biological resources must be fully evaluated and mitigated within the DEIR; reliance on the issuance of permits, MOUs, and/or agreements from state and federal agencies is inappropriate. The County as lead agency must require that detailed mitigation measures and plans be prepared and submitted for public review in the DEIR.

#### SECTION 8.0 - ALTERNATIVES

The Department does not concur with any of the alternatives discussed in the DEIR. It is our position that a project which protects the River with an adequate buffer and maintains wildlife movement corridors is possible.

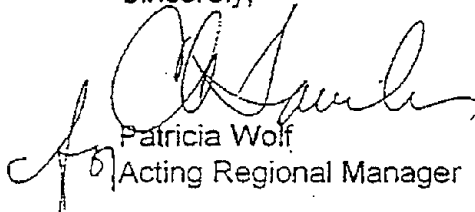
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Due to the inadequacies of the DEIR, the lack of substantial mitigation measures and the significant environmental impacts which would occur, the Department recommends that approval be denied. Furthermore, the County of Los Angeles and the project proponents should meet with the Department and other resource agencies to modify the proposed project and develop appropriate mitigation measures. Once completed, a revised DEIR should be submitted for public review and comment.

The Department requests the County of Los Angeles notify us immediately upon the approval of this project. We request the County to provide us with a copy of any CEQA administrative appeal processes or procedures which they have enacted. Furthermore, we request a copy of the Notice of Determination be mailed to the above address and be faxed to the Department within 24 hours of its issuance by the County of Los Angeles. Please fax a Notice of Determination to Ms. Lilia I. Martinez at (310) 590-5192 and to Ms. Chanelle Davis at (909) 597-0067.

If you have any questions, please contact Ms. Chanelle Davis, Wildlife Biologist, at (909) 627-1613, Mr. Ray Ally, Associate Fisheries Biologist, at (310)590-5147, or Ms. Lilia I. Martinez, Environmental Specialist III, at (310)590-4830.

Sincerely,

  
Patricia Wolf  
Acting Regional Manager

cc: See attached list

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cc: Mr. Ray Ally  
Mr. Juan Hernandez  
Ms. Leslie McNair  
Department of Fish and Game  
Long Beach, California

Ms. Chanelle Davis  
Department of Fish and Game  
Chino, California

Ms. Mary Meyer  
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U.S. Army Corps of Engineers  
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Ms. Rebecca Tuden  
Environmental Protection Agency  
75 Hawthorne Street (W-3)  
San Francisco, California 94105-3901

## SECTION 4.6 BIOLOGICAL RESOURCES

### SUMMARY

Major comments to EIR Section 4.6 include:

1. The EIR stops the biological resources analysis at the Ventura County line, although biological resources, impacts, and mitigation measures extend into Ventura County.
2. The EIR does not consider downstream impacts due to changes in water quantity or quality.
3. The EIR does not determine the effectiveness of the Salt Creek wildlife corridor given existing land uses, or how that effectiveness could change under future uses which are allowed as a matter of right (i.e., with no discretionary permits required from the County of Ventura).
4. The EIR delays defining the limits of the Salt Creek wildlife corridor in Ventura County until additional studies are undertaken by unspecified future projects.
5. Proposed mitigation measures are inadequate and should be expanded.

### SPECIFIC ISSUES

#### BIOLOGICAL RESOURCES ISSUE 1

The EIR inappropriately stops the biological resources analysis at the County line, although the biological resources, impacts and mitigation measures extend into Ventura County.

#### COMMENT

The primary objection to Section 4.6 is that the analysis and proposed mitigation measures fail to adequately address the biological resource impacts which extend beyond the project boundary into Ventura County. CEQA requires that the project impacts be fully disclosed and mitigated, where feasible (see General Issue 2). As discussed in General Issue 2, CEQA requires that the full environmental impact of a project be considered, even if the impact or environmental resource being affected crosses jurisdictional boundaries.

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### EXHIBIT 2

In Section 4.6, the EIR fails to adequately address downstream (i.e., Ventura County) impacts with respect to altered hydrology and degraded water quality impacts on plant and animal life, and the discussion of sensitive species on the Newhall Ranch site occurs without reference to their regional context. Additionally, the principal wildlife mitigation (dedication of a protected wildlife corridor along Salt Creek) ends abruptly at the County boundary, despite the fact that Salt Creek Canyon extends into Ventura County prior to connecting to the Santa Clara River wildlife habitat area. Based upon review of aerial photographs of the area, discussions with staff of the US Fish and Wildlife Service and direct observation, there are no apparent physical reasons for ending the wildlife corridor at the Ventura County boundary. We request that the EIR be revised to more fully address off-site project and cumulative biological impacts to aquatic, riparian and terrestrial communities in Ventura County. The following comments will explain our concerns regarding the above noted issues in greater detail.

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#### BIOLOGICAL RESOURCES ISSUE 2

The EIR stresses the importance of the Salt Creek wildlife corridor, but incorrectly assumes that the Ventura County portion is currently suitable for such a purpose and fails to propose any way to preserve the area even if it is suitable. The failure to assess the suitability of, and provide protection for, this corridor in Ventura County potentially reduces or eliminates the effectiveness of this mitigation measure.

#### COMMENT

On page 4.6-48, the EIR states:

“On the landscape scale, the primary effect of the proposed development will be to narrow the access for wildlife species between the Santa Susana Mountains and the Santa Clara River. Wildlife movement through the property will be focused toward the west side down Salt Creek.”

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The real effect, which the EIR fails to adequately acknowledge, is that an existing five-mile wildlife connection between the Santa Susana Mountains and the Santa Clara River corridor will be eliminated by the proposed development. As mitigation, the EIR accepts the proposed diversion of wildlife via Salt Creek Canyon into Ventura County. This Salt Creek Canyon corridor is proposed as the primary mitigation measure and linkage connecting the important Significant Ecological Areas (SEA) 20 and 23 or Special Management Areas (SMA) as the almost identical areas are called in the EIR mitigation measures.

On page 4.6-48, the EIR states:

“Access for wildlife between the River and the High Country SMA would continue to be available along the proposed Salt Creek corridor.”

Again on page 4.6-133, the EIR states:

"A critical component of the open area system within the Newhall Ranch property is the connection between the High Country and the River Corridor along Salt Creek. The corridor will provide continuity between the habitats and the wildlife populations within the property, as well as forming a permanent regional linkage between the Santa Clara River and the Santa Susana Mountains."

The EIR finds that impacts to upland biological communities is significant and unavoidable (page 4.6-151), and that the Salt Creek wildlife corridor which crosses into Ventura County is a "critical component" (page 4.6-133) of the program proposed to partially mitigate this impact. However, the EIR incorrectly assumes that the Salt Creek area provides a continuous wildlife corridor which connects the High Country SEA with the Santa Clara River Corridor SEA. In fact, what the project proposes is a corridor that diverts wildlife from the Newhall Ranch development area onto private, unprotected lands in Ventura County without assessing whether the corridor in Ventura County would be suitable for such purposes.

Salt Creek may successfully function as a wildlife corridor in Los Angeles County but it may not be successful in Ventura County. In Los Angeles County the wildlife corridor has a number of protections which do not exist in Ventura County:

1. Although Salt Creek and surrounding areas have been subject to dry land grazing, its habitat value is relatively high compared to Ventura County which is subject to greater disruption through planting of irrigated row crops.
2. Salt Creek will be protected through limitations in the Specific Plan from agricultural and other potential land use conflicts.
3. The corridor will retain its SEA designation by the County of Los Angeles, which is specifically designed to protect natural ecological systems.
4. The area will be subject to habitat enhancement and active management by the SEA/SMA caretaker organization in order to increase and protect its habitat values.

The primary purpose of Salt Creek in Los Angeles County will be for wildlife mitigation and will be actively managed and protected for that use. However, once the "wildlife corridor" enters Ventura County, its entire purpose and situation changes. The Ventura County portion of Salt Creek is zoned "A-E" (Agricultural Exclusive) and "A-E/MRP" (Agricultural Exclusive, Mineral Resources Protection Overlay Zone). Per Section 8104-1.2 of the County of Ventura Zoning Ordinance, the purpose of the "A-E" zoning designation is as follows:

"The purpose of this zone is to preserve and protect commercial agricultural lands as a limited irreplaceable resource, to preserve and maintain agriculture as a major industry in

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Ventura County and to protect these areas from the encroachment of nonrelated uses which, by their nature, would have detrimental effects upon the agricultural industry."

Protection of non-agricultural animals, plants, wildlife corridors, habitats or activities is not part of the purpose of this zone. Given its current zoning and land use designation, any conflict between agricultural and wildlife uses within the Salt Creek area may give Ventura County little choice but to allow extensive agricultural activities even if it is detrimental to wildlife.

For example, within the "A-E" zone the County of Ventura allows a wide range of agriculturally related uses by right (i.e., no permit or other approval is required from Ventura County) which could greatly compromise the value of Salt Creek as a wildlife corridor. These include such things unlimited crops, orchards, and animal husbandry (which must be fenced, thereby creating a barrier for movement of non-commercial animals), as well as limited greenhouses, wineries, agricultural offices, farm worker housing, barns, water storage facilities, etc. While these uses are designed to support the agricultural industry consistent with the purpose of the "A-E" zone, these uses could greatly detract from the wildlife mitigation value of this area.

While Newhall Land and Farming may indicate that they have no plans for any intensification of land uses within the corridor, the EIR does not propose any assurances that the position of the Company will not change in the future. If this position does change, the property owner could undertake a wide variety of activities which would not require any discretionary actions by the County of Ventura but which could effectively shut down the use of Salt Creek as a wildlife corridor in Ventura County.

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However, it may not require future actions to limit the value of the Ventura County portion of Salt Creek as a wildlife mitigation measure. Even the existing uses of the Salt Creek area in Ventura County may not make it adequate to function effectively as the primary mitigation measure for loss of wildlife movement due to the proposed project. While the non-agricultural areas of Salt Creek in Ventura County appear from aerial photos to be similar to the areas of Salt Creek in Los Angeles County, when the creek enters Ventura County it narrows down into a confined channel which is bounded for much of its length by irrigated agriculture on one or both sides. This is completely unlike the Los Angeles portion of Salt Creek which is not subjected to the influence of irrigated agriculture, or any other intensive land uses. The proposed joint use of the Salt Creek area by irrigated agriculture, potential cattle grazing, and as a wildlife corridor may be inappropriate for a number of reasons:

1. Inherent conflicts exist between intensive irrigated agriculture and native animals, including the existence of large unprotected open spaces, dust, noise, lights, smells, machinery, and the presence of humans which results in the reluctance of at least some non-commercial animals to live or pass through such areas;
2. The control of "weeds" by farmers which in fact may be non-agricultural plants which provide food and shelter to non-commercial animals;

3. Use of agricultural chemicals which can damage non-commercial plants and animals;
4. The possibility of unrestricted cattle grazing on non-irrigated areas within the Salt Creek area. Such cattle can consume what plants may be available, disrupt the natural plant communities, and can intimidate non-commercial animals trying to cross the site.

The current and potential future land uses of Salt Creek in Ventura County provides no assurance that this area will in fact function as the major travel link between the two Los Angeles County SEAs, as well as become the major mitigation measure designed to reduce the loss of movement opportunities between these two biologically significant areas. Given existing land uses, the County of Ventura recommends that additional studies be included in the EIR to demonstrate that Salt Creek would in fact act as an effective corridor all the way to the Santa Clara River.

Even if the Salt Creek corridor in Ventura County is a suitable corridor, the EIR fails to propose any measures to ensure that it will remain so. On Page 4.6-49 the EIR states:

“Any future project in Ventura County that would fragment this corridor would significantly impact the connection of the High Country SMA and Santa Susana Mountains with the Santa Clara River and the Los Padres and Angeles National Forests located to the north. Therefore any future action taken in this portion of Ventura County should strongly consider this important ecological feature.”

In other words, the EIR relies entirely upon Ventura County to protect the corridor in the future. As indicated above, there are many things the landowner might do to destroy the effectiveness of the corridor that the County of Ventura could not prevent because no discretionary permit is required for such activities. Moreover, there is no guarantee that future governing bodies of the County of Ventura will act to protect this corridor even where discretionary permits are required.

Upon review of this project and Ventura County ordinances, the Ventura County Planning Division concludes the local zoning and other land use regulations alone are not adequate to ensure that any potential wildlife corridor in Ventura County can be protected from conflicts either from existing land uses or potential future uses. Additional protections should be considered to enhance the usefulness of the Salt Creek area in Ventura County as a wildlife corridor. These additional protections include:

1. Officially changing the current purpose of the area (i.e., to protect agriculture) to one of protecting of natural biological communities and mitigating the impacts of the Newhall Ranch Specific Plan.
2. Conveying an open space easement for wildlife corridor purposes to an open space management agency;
3. Active management and enhancement of the area to support natural biological communities.

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These or similar mitigation measures were found feasible for the Los Angeles portion of the Salt Creek area. Since the Ventura County portion of the corridor is owned by the same property owner, these measures should be feasible with respect to the Ventura County portion as well. Since impacts to upland biological communities are considered significant and unavoidable (page 4.6-151), CEQA requires that every effort be made to adopt feasible mitigation measures. Toward this end, the County of Ventura requests that the above measures be evaluated for application in Ventura County. If they are not considered feasible, the EIR should provide substantial evidence in the record supporting that conclusion.

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### BIOLOGICAL RESOURCES ISSUE 3

The EIR inappropriately relies on future projects to define a mitigation measure required by this project

#### COMMENT

On page 4.6-133, the EIR states:

“Future land use decisions will be required to define the corridor’s final configuration in areas that occur outside the County of Los Angeles.”

The EIR inappropriately delays the determination of the geographic extent of the wildlife corridor until unspecified future projects are undertaken by public and private entities in Ventura County. CEQA does not permit mitigation measures to be defined or implemented by other projects, or to be put off to the indefinite future. The geographic extent of the wildlife corridor must be defined, and protected, as part of this EIR, or else the mitigation measure is inadequate.

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Although the EIR makes no attempt to define the boundaries or acceptable land uses for this corridor in Ventura County, it assumes that the specifications of the corridor are clearly defined. As noted above in Biological Resources Issue 2, page 4.6-49 recommends that any future discretionary permits issued by the County of Ventura within the wildlife corridor should “strongly consider this important ecological feature”. Such a proposal can only be implemented if the County of Ventura and the future property owner know where the limits of the corridor are. Without such information a project could be implemented either through a discretionary permit approved by the County of Ventura, or through a use allowed by right (see Biological Resources Issue 2) which would encroach into the corridor simply because: (1) the limits of the corridor are “assumed” not to include the project location when in fact the project is inside the corridor, or; (2) the knowledge of the corridor is simply forgotten over time as the staff at the County of Ventura and the property owner change, and no written notice of the corridor is included on any planning documents or permanent records regarding the property.

The County of Ventura recommends that the Newhall Ranch EIR discuss the geographic extent of the Salt Creek wildlife corridor in Ventura County, specify the land use protections the corridor will require to function effectively, and propose mitigation measures to implement said protections (see also Biological Resources Issue 11).

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#### BIOLOGICAL RESOURCES ISSUE 4

The EIR inappropriately fails to consider downstream impacts due to altered hydrology.

#### COMMENT

Page 4.6-47 indicates that the project will increase the low flow condition of the Santa Clara River. The EIR compares the increase in water flow caused by the water reclamation plant and increased urban runoff to the total average volume in the Santa Clara River. The result of this analysis is that the increased flow is determined to be a small percentage increase of the river volume, and thus the EIR dismisses the increased water flow as less than significant. The reference to average annual river flows, as well as comparing the impact to a 50-Year Capital Flood on the same page seems to imply that the EIR is using a flood control type methodology to assess biological resource significance. This type of methodology would greatly underestimate the level of biological resource impacts. The precise methodology used is not given in the EIR, since Section 4.6.4(a) (Significance Threshold Criteria) simply lists the questions to be answered, but does address how those questions are to be answered.

Neither yardstick discussed on page 4.6-47 is relevant to the assessment of biological resource impacts, because biological resources are generally more sensitive to low flow conditions than to average flows (i.e. annual river flows) or maximum flows (i.e., 50-Year Capital Floods). The increase in water flow should be compared to an average low flow condition, as well as conditions during multi-year droughts. Even when such comparisons are performed, a percentage change by itself is not an appropriate standard of significance without substantiation (*Kings County Farm Bureau et al v. City of Hanford* ((1990) 221 Cal.App.3d 692). Per *Hanford*, the EIR needs to use a significance criteria which is tailored to the specific impact under study, rather than simply select an arbitrary percentage change as being significant or not significant. Even if a given percentage change is the appropriate threshold of significance, an EIR that simply states that conclusion without providing supporting facts and analysis is inadequate (*Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d.818, 831)

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Comparing the additional surface flow to average or maximum flows ignores the actual impact of increasing year-round surface water flows. For example an increase in surface flow in the Santa Clara River may result in extended dry season flows, thus encouraging strictly hydric species at the expense of species which rely on ephemeral flow conditions. Well established mature vegetation resulting from artificially induced inflows during drought periods becomes very resistant to being dislodged by higher flood flows, resulting in restricted capacity and meandering flows with associated flooding and beach erosion. As a result, this additional vegetation may

require additional flood channel maintenance, resulting in ongoing disturbed conditions within the Santa Clara River channel.

The County of Ventura recommends that the EIR be revised to use a significance criteria more appropriate for assessing impacts to downstream biological resources and that this criteria be based on low flow and drought conditions.

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#### BIOLOGICAL RESOURCES ISSUE 5

The EIR is inconsistent regarding the water quantity impact of the project on the Santa Clara River. This inconsistency makes it impossible to determine the project impacts on downstream biological communities.

#### COMMENT

As noted in Biological Resources Issue 2, page 4.6-47 concludes that the project will slightly increase the volume of water during low flow conditions in the Santa Clara River. However, Section 4.11 (Water Resources) seems to indicate that the project will increase groundwater pumping under any water supply scenario considered in the EIR; such pumping in turn will result in water volume decreases in both the Saugus and Alluvial Aquifers, and by extension the volume of surface water in the Santa Clara River (see our comments regarding Section 4.11).

The most complete analysis of the impacts to quantities of surface water and the underlying Alluvial Aquifer from the project are addressed in the discussion regarding the Aquifer Storage and Recovery (ASR) alternative. Page 4.11-45 of that discussion states under "the ASR Alternative maximum pumping scenario, essentially all of the portion of the Alluvial Aquifer that extends approximately 1.5 Miles upstream and 2 miles downstream of Castaic Junction may experience drawdowns up to approximately 10 feet". While the EIR concludes that the 10 foot figure overestimates the impact (page 4.11-46), it does not provide a more accurate estimate for this scenario or any other pumping scenario considered in the EIR. The EIR uses this 10 feet drawdown figure as the impact to the Alluvial Aquifer throughout Section 4.11.

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In Section 4.6 the EIR concludes that surface water volumes (and by extension the underlying Alluvial Aquifer) will increase as a result of the project, while Section 4.11 provides an estimate that the water level of the Alluvial Aquifer could drop as much as 10 feet. Although water quantity impacts at the location of the wastewater treatment plant due to increased groundwater pumping would be less than 10 feet, any decrease would conflict with the conclusion drawn on page 4.6-47. Since the roots of most riparian and wetland plants only extend a few feet into the ground, they are much more sensitive to changes in groundwater levels than are 50-Year Capital Floods or water wells drilled into aquifers hundreds (i.e., the Alluvial Aquifer) or even thousands of feet deep (i.e., the Saugus Aquifer). As such, an accurate determination of the likely changes in water elevations in the Santa Clara River and the Alluvial Aquifer water elevations is critical in assessing downstream biological impacts. As currently written the EIR does not provide either a

consistent answer to that question, or an answer with enough detail to assess the project impacts to biological communities.

The County of Ventura recommends that the EIR be amended to: (1) clearly determine the net change in water elevations in the Santa Clara River and the Alluvial Aquifer due to the project; (2) use a methodology with enough accuracy to assess the impacts of these changes on downstream communities given the limited depth of the root zones of most plants; and (3) implement mitigation measures which fully mitigates those impacts. Without such changes, the current EIR does not contain enough information to draw the conclusion on page 4.6-119 that the project has no significant impacts to downstream riparian areas.

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### BIOLOGICAL RESOURCES ISSUE 6

The EIR inappropriately fails to document the effectiveness of measures to mitigate downstream biological impacts due to potentially degraded water quality

#### COMMENT

Page 4.6-77 indicates that downstream biological communities could be impacted due to water quality degradation from a large number of urban sources created by the project. The EIR then proposes 63 mitigation measures to reduce biological impacts (pages 4.6-134 through 4.6-147), and concludes that these measures are adequate to reduce impacts to "riparian, wetland and aquatic resources (located along the Santa Clara River Corridor) to below CEQA thresholds of significance" (page 4.6-119).

However, of the 63 mitigation measures, only one measure, Mitigation Measure 4.6-58, relates directly to mitigating water quality impacts. This impact states as follows:

"To limit impacts to water quality the Specific Plan shall conform with all provisions of the required NPDES permit and water quality permits that would be required by the State of California Regional Water Quality Control Board."

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The NPDES permits and permits issued by the RWQCB can, and do, allow pollutant discharges into surface and groundwater. The EIR does not provide any documentation that this mitigation measure, or any combination of proposed mitigation measures, will reduce water pollutants from the project to such an extent that downstream biological communities will not be significantly effected. Without an understanding of the residual pollution coming off the project site after implementation of Mitigation Measure 4.6-58 and other measures, a conclusion of no significance cannot be drawn.

The County of Ventura recommends that the EIR be amended to: (1) provide documentation of the likely types and magnitudes of residual discharges from the project after implementation of the mitigation measures, and; (2) perform an assessment of the significance of those residual

discharges on downstream biological communities. Only then can a finding of significance or no significance be found (page 4.6-119).

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#### BIOLOGICAL RESOURCES ISSUE 7

The EIR does not have an adequate basis for concluding that changes in sediment loading and scouring will have no impact on downstream fish populations.

#### COMMENT

On page 4.6-47 the EIR states:

“...because the Specific Plan would not have significant sedimentation or scouring impacts on the Santa Clara River, implementation of the Specific Plan is not expected to affect fish movement anywhere along the River.”

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This conclusion is not supported by adequate data in the EIR (see Flood Issues 2 and 3). As noted in Flood Issues 2 and 3, it is likely that the project will in fact have an impact on downstream sedimentation loads and scour. As currently written the project does not provide enough information to draw the conclusion that it will not impact downstream fish populations. The County of Ventura recommends that realistic sediment and scour studies be undertaken, then the impact to downstream fish communities reassessed.

#### BIOLOGICAL RESOURCES ISSUE 8

The EIR fails to address impacts associated with introduction of non-native ornamental plants.

#### COMMENT

Construction of a project of the magnitude proposed on the Newhall Ranch site will result in the addition of many species of ornamental landscape plants. Some species are very aggressive, and may overwhelm native plants both on-site and off-site (including Ventura County). The introduction of aggressive non-native species would be most serious along the urban interface with the two proposed Special Management Areas. This impact should be addressed and mitigated. See also Biological Resources Issue 11 regarding a proposed mitigation measure for this impact.

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#### BIOLOGICAL RESOURCES ISSUE 9

EIR fails to analyze the regional context of sensitive species found on the Newhall Ranch site.

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COMMENT

The EIR discusses a number of sensitive species which may potentially be found on the project site. However, the EIR treats these impacts as stand-alone populations. The EIR fails to consider these sensitive species in their regional context as members of larger populations which extend beyond the boundaries of the project and Los Angeles County. These sensitive species currently move freely between the Newhall Ranch and adjacent habitats. The EIR should disclose each species range and indicate how significant the habitat on the Newhall Ranch is in the regional context. The EIR should indicate how the loss of habitat on the Newhall Ranch will affect populations off-site (e.g., in Ventura County).

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BIOLOGICAL RESOURCES ISSUE 10

The proposed mitigation measures are inadequate.

COMMENT

The EIR indicates the project will result in the loss of up to 648 oak trees and disturbance of 129 acres of riparian community. The EIR requires compliance with the County's Oak Tree Ordinance and replacement of riparian resources on an acre for acre basis. However, no assurance is provided that the restoration/enhancement areas will be maintained over the long run, once the developer has completed his individual subdivision. Once the developer has completed his initial planting, there does not appear to be any requirement to require remedial planting in the event of poor survival. We suggest that the EIR and/or Specific Plan be revised to include a long-term mitigation monitoring program which would include the development of success criteria, remediation, as necessary, and periodic reporting.

The EIR fails to acknowledge that it will be many decades, if ever, before the restored oak tree and riparian woodland resources attain the habitat value of the resources which have been destroyed.

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In addition to loss of oak trees and riparian community, the EIR indicates that 1,921 acres of Coastal Sage Scrub, Great Basin Scrub, Elderberry Scrub and Alluvial Scrub community, 202 acres of chaparral community, 1,480 acres of non-native grassland, and 64 acres of oak savanna and oak woodland community, 11 acres of cherry forest and 7 acres of cottonwood oak woodland will be destroyed. There are no mitigation measures identified for these resources. The EIR fails to disclose that the loss of these resources is a residual impact which will not be mitigated.

Most importantly, from Ventura County's perspective, the mitigation measures in the EIR fail to address off-site biological resource issues in Ventura County. Thus we request that the Final EIR



be revised to include, at least in substance, the mitigation measures identified in Biological Resources Issue 11; below.

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## BIOLOGICAL RESOURCES ISSUE 11

Consideration should be given to additional mitigation measures.

### COMMENT

In addition to mitigation measures discussed previously, the County of Ventura recommends that the EIR consider the following mitigation measures:

1. The Newhall Ranch developer should be required to fund a comprehensive Urban Runoff Management Program to control and manage runoff during construction and after buildout. At minimum this program should include the following:
  - a. An Erosion Control Plan should be prepared by a certified erosion and sediment control professional and designed to reduce erosion and trap sediments to achieve pre-development levels. The Plan should include structural and source controls for the construction phase (including re-vegetation, sandbagging, de-silting basins, filter fabrics, and soil stabilization treatments) and post development controls. The permanent structural controls (including permanent desilting basins and sedimentation traps) should be constructed by the developer and maintained in perpetuity by a responsible public entity. Parking lots should be constructed with lot perimeter infiltration trenches and roads should utilize median strip trenches. Roof drains should be diverted to dry wells or grass swales.
  - b. A Golf Course Management Plan should be required to be submitted by the golf course operator. The Golf Course Management Plan should be designed to minimize off-site contaminates. This plan should require application of fertilizer by use of slow-release forms or in light, frequent applications of soluble forms, to limit excess nutrients that could leach into groundwater or surface runoff. Pesticides should be applied to cure a positively identified pre-emergent situation, not as a preventative measure. The Golf Course Management Plan should require golf course tee boxes, landing areas and greens to be designed to collect and slowly drain irrigation and storm water runoff. The golf course operator should be required to incorporate testing of soil and turf conditions at regular intervals to allow for minimizing application rates of fertilizer and pesticide applications and for determining excess buildup of salt.
  - c. A Water Quality Monitoring Plan as specified on Flood Issue 4.

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2. Invasive exotic species identified by the California Native Plant Society should be prohibited within the Newhall Ranch project area (see Exhibit 1 to these comments). The Newhall Ranch developer or his successor should be required to distribute the list of invasive exotics to all individual owners and tenants. In addition, the CC&Rs should prohibit the use of these invasive exotics.
  
3. The Newhall Ranch developer should be required to fund the development of a Wildlife Management Program. This program should be prepared by a qualified independent wildlife biologist and should include the following elements:
  - a. The wildlife biologist should survey and recommend the geographical limits of the Salt Creek and Santa Clara River corridors. Additionally, the biologist should survey and recommend the preservation of at least one additional north/south wildlife corridor through the Newhall Ranch project to augment the applicant proposed Salt Creek and Santa Clara River wildlife corridors. Each corridor should be sufficiently wide to accommodate wildlife needs as recommended by the biologist. The corridors should remain undeveloped except for footpaths and any necessary road crossings and infrastructure which should be designed to avoid creating any barriers to wildlife movement. Any road which must cross a designated wildlife corridor shall be designed with oversized under-crossings to enhance wildlife movement.
  
  - b. The wildlife biologist should prepare an enhancement plan for each corridor to ensure that any existing barriers are removed, appropriate cover vegetation is provided, and wildlife guzzlers installed at 1,000 foot intervals.
  
  - c. The Newhall Ranch developer should be required to fund construction of a wildlife underpass or overpass across Highway 126 for each north/south wildlife corridor. The location and design should be approved by the wildlife biologist, in addition to Caltrans.
  
4. Each wildlife corridor should be dedicated to an appropriate public agency to be maintained in perpetuity for the benefit of wildlife. The Salt Creek Corridor dedication area should extend to its confluence with the Santa Clara River in Ventura County. The Newhall Ranch developer should be required to provide sufficient surety to guarantee the implementation of the wildlife corridor enhancement requirements and to assure perpetual maintenance of the wildlife corridors.

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# California Native Plant Society

LA COUNTY

PLANNING DEPARTMENT

320 W. TEMPLE STREET  
LOS ANGELES, CALIF. 90012

November 23, 1996

County of Los Angeles  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles, Ca. 90012  
Att: Mr. Lee Stark

Dear Mr. Stark:

Attached are the comments of the Channel Islands Chapter of the California Native Plant Society (CNPS) relative to the Draft EIR on the Newhall Ranch Specific Plan and Water Reclamation Plant.

As you may be aware, CNPS is a State-wide organization comprised of professional botanists and laymen brought together by a common interest in the preservation of the flora and vegetation which make California such a wonderful place in which to live. On a local level, CNPS is organized into regional chapters which represent specific localities. The Channel Islands Chapter encompasses Ventura and Santa Barbara Counties.

Before discussing specific sections of the EIR, I would like to make some general statements regarding growth inducing impacts of the proposed project.

## Growth Inducing Impacts

The Newhall Ranch Specific Plan, upon buildout, would result in a City the size of Camarillo being constructed in a non-urban, primarily agricultural valley. The project straddles the Santa Clara River which has been called Southern California's last major wild river and will significantly affect a number of rare plant communities and sensitive species.

The fact that approval of the proposal would require major modifications to the Los Angeles County General Plan, the Santa Clarita Valley Area Plan, and the Los Angeles County Zoning Ordinance indicates that the project will generate a great deal of growth which was unanticipated by any of the planning documents which guide development within the County. The expansion of State Highway 126 to six lanes, the construction of a 7.7 million gallon per day water reclamation plant and the infrastructure necessary to support such a large mixed use development will be heavily growth inducing. This represents a significant adverse impact that cannot be reduced to a level of

EXHIBIT 3



APPENDIX A. NON-NATIVE INVASIVE PLANTS IN THE SANTA MONICA MOUNTAINS

SCIENTIFIC NAME	COMMON NAME
<i>Acacia cyclops</i>	Acacia
<i>Acacia longifolia</i>	Sidney Golden Wattle
<i>Acacia melanoxylon</i>	Blackwood Acacia
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Aptenia cordifolia</i>	Red Apple
<i>Arundo donax</i>	Giant Reed or Arundo Grass
<i>Avena fatua</i>	Wild Oats
<i>Avena barbata</i>	Slender Oat
<i>Brassica nigra</i>	Black Mustard
<i>Brassica rapa</i>	Field Mustard
<i>Bromus diandrus</i>	Ripgut Grass
<i>Bromus mollis</i>	Brome Grass, Soft Chess
<i>Bromus rubens</i>	Foxtail Chess
<i>Carduus pycnocephalus</i>	Italian Thistle
<i>Carpobrotus edulis</i>	Hottentot Fig
<i>Centaurea melitensis</i>	Yellow Star-Thistle, Tecolote
<i>Centaurea solstitialis</i>	Barnaby's Thistle
<i>Chenopodium album</i>	Pigweed, Lamb's Quarters
<i>Chenopodium murale</i>	Goosefoot
<i>Chrysanthemum coronarium</i>	Annual chrysanthemum
<i>Cirsium vulgare</i>	Bull Thistle
<i>Conium maculatum</i>	Poison Hemlock
<i>Cortaderia atacamensis</i>	Pampas Grass
<i>Cynara cardunculus</i>	Artichoke Thistle or Cardoon
<i>Cynodon dactylon</i>	Bermuda Grass
<i>Descurainia sophia</i>	Flaxweed
<i>Erodium cicutarium</i>	Filaree
<i>Eupatorium (Ageratina) adenophorum</i>	Eupatory
<i>Eucalyptus globulus</i>	Eucalyptus
<i>Foeniculum vulgare</i>	Fennel
<i>Hirschfeldia incana</i>	Perennial Mustard
<i>Hordeum leporinum</i>	Foxtail Barley, Mouse Barley
<i>Lactuca scariola</i>	Prickly Lettuce
<i>Lobularia maritima</i>	Sweet Alyssum
<i>Malva parviflora</i>	Cheeseweed
<i>Marrubium vulgare</i>	Horehound
<i>Mesembryanthemum crystallinum</i>	Common Ice Plant
<i>Myoporum laetum</i>	Myoporum
<i>Nicotiana glauca</i>	Tree Tobacco
<i>Oryzopsis miliacea</i>	Smilo Grass
<i>Oxalis pes-caprae</i>	Bermuda Buttercup
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Pennisetum setaceum</i>	Fountain Grass
<i>Phalaris aquatica</i>	Harding Grass
<i>Picus echinoides</i>	Bristly Ox-tongue
<i>Raphanus sativus</i>	Wild Radish
<i>Ricinus communis</i>	Castor Bean
<i>Rumex conglomeratus</i>	Creek Dock
<i>Rumex crispus</i>	Curly Dock
<i>Salsola australis</i>	Russian Thistle
<i>Schinus molle</i>	California Pepper Tree
<i>Schinus molle</i>	Florida Pepper Tree
<i>Senecio mikanioides</i>	German Ivy
<i>Silybum marianum</i>	Milk Thistle
<i>Sisymbrium irio</i>	London Rocket
<i>Sisymbrium officinale</i>	Hedge Mustard
<i>Sisymbrium orientale</i>	Eastern Rocket
<i>Sonchus oleraceus</i>	Sow Thistle
<i>Sorghum halepense</i>	Johnson Grass
<i>Sparganium angustifolium</i>	Spanish Broom
<i>Taraxacum officinale</i>	Dandelion
<i>Tribulus terrestris</i>	Puncture Vine
<i>Tropaeolum majus</i>	Nasturtium
<i>Viola major</i>	Periwinkle
<i>Xanthium spinosus</i>	Cocklebur

insignificance and will lead ultimately to the urbanization of much of the Santa Clara Valley. In addition, the type of "leap-frog" development proposed by the applicant represents bad planning.

2

#### Effects on Ventura County

Throughout our review of the EIR, we were surprised by the lack of analysis of the many significant impacts that will occur in Ventura County as a result of project approval. Significant density-dependent impacts to Ventura County resulting from project construction will include Flood Control issues, biotic impacts, increased traffic, degradation of scenic resources, increased noise, increased air pollution (particularly ozone and PM10), degradation of water resources, wastewater disposal, increased recreation impacts on Ventura County beaches, increased need for police and fire services. All of these impacts will have a direct effect on Ventura County resources. In addition, growth-inducing impacts mentioned above will result in greatly increased development pressure in Ventura County. Land prices will skyrocket as they always do in proximity to urban development, resulting in the eventual elimination of agriculture in the Santa Clara Valley; an impact that would be devastating to Ventura County. In short, all of the significant impacts identified in the EIR for Los Angeles County will affect Ventura County, yet the EIR is totally inadequate in addressing significant impacts to Ventura County. The only way to remedy this serious omission is to require that the EIR be withdrawn, expanded to include these impacts and recirculated for public review.

3

#### Effects on Endangered Rare or Sensitive Plant Species (EIR pp 4.6-50 through 4.6-73).

Information on sensitive plants should include the overall range of the taxon and the closest known population to the subject property. This would serve to curtail the pages of boiler plate discussion found in this section of the EIR and make it easier for the reviewer to understand the reason for including the plant. Many of these species occur in very close proximity to the study area examples include late-flowered mariposa lily (*Calochortus weedii* var. *vestus*) which occurs in adjacent portions of the Los Padres National Forest and Lyon's pentachaeta (*Pentachaeta lyonii*) which occurs on the south side of the Santa Susana Mountains.

4

Latin names should be included for each sensitive plant species. Common names are not standardized for plants and the use of them without reference to the scientific name can be misleading.

Sensitive plant species which should be added to the list based on proximity of known populations or suitable habitat include the following:

late flowered mariposa lily (*Calochortus weedii* var. *vestus*) CNPS List 1B.

Ojai fritillary (*Fritillaria ojaiensis*) CNPS List 1B.

Southern California black walnut (*Juglans californica* var. *californica*) CNPS List 4

Fish's milkwort (*Polygala cornuta* var. *fishiae*) CNPS List 4

salt spring checkerbloom (*Sidalcea neomexicana*) CNPS List 2

Some of the information included within the individual sensitive plant species descriptions is erroneous or misleading and should be corrected. Specific examples are cited below:

Braunton's milk vetch (*Astragalus brauntonii*). For clarification, it should be stated that Braunton's milk vetch is a short-lived perennial which requires environmental disturbance, often in the form of a wildfire or landslide, to cause it to germinate and begin growth. Consequently, the plant may be present in seed form even when it cannot be detected on the soil surface. However, the species is a substrate endemic and I concur that the geology is not appropriate for it on site.

dune larkspur (*Delphinium parryi* ssp. *blochmaniae*) It states in the EIR that "these plants have been assigned a low probability of occurrence on the Newhall Ranch site because the taxon is generally associated with maritime chaparral and dune habitat that is not present on the site." It should be noted, however, that the species has been collected in coastal sage scrub in the City of Thousand Oaks which is approximately 10 miles inland. Consequently, it does not require "maritime chaparral and dune habitat" and could potentially occur on site.

Blochman's dudleya (*Dudleya blochmaniae* ssp. *blochmaniae*) It states in the EIR that "this plant has been assigned a low probability of occurrence on the Newhall Ranch site because it requires rock outcrops that are not common on the site, and because it is generally associated with coastal bluffs and coastal chaparral." This species does not "require" rock outcrops. Although it often occurs on rock outcrops, it is also found on thin gently sloping soils. Again, the species occurs in arid ecotonal grassland on the Seventh Day Adventist property in the City of Thousand Oaks.

ocellated Humboldt lily (*Lilium humboldtii* ssp. *ocellatum*) The habitat information for this species is taken directly from the Jepson Manual. While the Jepson Manual is the accepted reference for the plants of California, its habitat information is too

general for use in this context. In this part of California, Ocellated Humboldt lily occurs in riparian or oak woodland along narrow stream drainages. Since such habitat does occur on the subject property, the presence of the plant on site cannot be ruled out. It is not associated with openings in yellow pine forests or oak canyons as stated in the EIR unless there is a riparian component present.

5

Effects on Endangered Rare or Sensitive Wildlife Species (EIR pp 4.6-73 through 4.6-114)

As noted in the EIR, the proposed development will result in significant impacts to twenty-nine sensitive wildlife species and eight declining butterfly species. When combined with all of the other significant impacts associated with this project, the regional damage that the project will result in is clearly unacceptable.

This section of the EIR includes many of the same problems noted above, except that here the use of cookie-cutter boiler-plate information results in some serious mistakes. For example in the sections dealing with both the vermilion flycatcher and the summer tanager it states that "Observations indicate that this species may be common on the Newhall Ranch site ..." This is the same boiler-plate that occurs in all of the descriptions, yet the biotic appendix indicates, as any birder knows, that these species are extremely rare in the region. What other mistakes and erroneous comments occur because of the use of "pre-packaged" information?

6

Again, throughout the EIR, sensitive species are listed as if they are static occurrences on the Newhall Ranch, rather than members of larger populations which extend beyond the boundaries of the ranch and Los Angeles County. Species move between the Newhall Ranch and adjacent habitats. How will project impacts affect populations in Ventura County and further down the Santa Clara River drainage? How significant is the habitat on the Newhall Ranch? For example, does it represent the only regional nesting site for a rare species of bird, fish, etc.? Information on adjacent populations must be included.

Several sensitive species were omitted in the EIR but should be added to the discussion. These are listed below, together with the rationale for discussing them.

California gnatcatcher - The California gnatcatcher is a small inhabitant of coastal sage scrub which until last year was not known to occur in Ventura County. Surprisingly, last year a population of this species was found in Moorpark in arid coastal sage scrub, a habitat of which there are 5,183 acres on site. The fact that the species is not mentioned in the EIR indicates that it was not looked for by project biologists. It is very

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difficult to identify in the field and could easily be overlooked by biologists not expecting to find it. Because there is suitable habitat on site and the species has been found in Ventura County, it should be discussed.

Steelhead trout - This anadromous relative of the rainbow trout is found in Sespe Creek and lower portions of the Santa Clara River. The species is in serious decline and will soon be added to the endangered species list. The effects that water quality impacts will have on the remnant steelhead run in the Santa Clara River need to be discussed, particularly since development is planned within the Santa Clara River flood plain.

Effects on Sensitive Habitats (EIR pp. 4.6-114 through 4.6-126)

The EIR notes that the project will have negative impacts to at least seven sensitive habitats considered by the California Department of Fish and Game (CDFG) to be threatened. While such techniques as restoration and revegetation are laudable and worthwhile mitigation measures, they do not replace natural habitat, which is, after all, what the CDFG is concerned about. Comments on sensitive habitats are as follows:

To the list of sensitive habitats, I would add Great Basin Scrub which the EIR admits is "regionally important because it is at the extreme edge of its distribution".

Southern Oak Woodland should also be added to the list. The EIR states that project implementation will involve impacts to 553 coast live oaks of which 109 are heritage oaks. This is clearly a sensitive habitat that needs to be discussed as such.

Southern Oak Woodland and Valley Oak Woodland Savannah

The EIR states that the project will result in impacts to 648 oak trees (553 coast live oak and 95 valley oak) or four percent of the trees on site. This is an unacceptable impact that cannot be mitigated. What is the percentage of impacted oaks when only those covered by the Los Angeles County Oak Tree Ordinance are used to derive the percentage?

Planting of replacement trees cannot mitigate destruction of these large majestic trees, many of which are designated as heritage trees. The planting of a 36" boxed specimen oak does not begin to mitigate the removal of a 300 year old heritage oak. In addition, oak tree replacement programs merely replace individual trees. The community of plants and animals that make up the habitat are destroyed. The project should be redesigned to eliminate all impacts to oak trees.



Riparian Scrub, Riparian Woodland, Valley Freshwater Marsh,  
Cottonwood/Oak Woodland Vegetation, Alluvial Scrub Vegetation,  
Mesic Meadow Vegetation

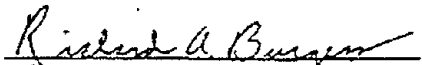
The EIR indicates that significant losses to all of these wetland/riparian communities will result from project construction. As noted in the EIR, these wetland plant communities provide critical habitat for a host of endangered or sensitive species. This represents a significant impact to the endemic vegetation of the Santa Clara River system which will extend far beyond the boundaries of the project. Development should be pulled entirely out of the flood plain, which would result in the elimination of many of these impacts.

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This concludes our comments on the Newhall Ranch Specific Plan EIR. As you can see, the CNPS has a number of serious concerns about this proposed development and we feel that it is the wrong project in the wrong area.

Thank you for allowing us the opportunity to comment on this important development. We look forward to reviewing your response to our comments.

Sincerely,

  
Richard A. Burgess  
Rare Plant Chairperson  
Channel Islands Chapter  
221 Juneau Place  
Oxnard, Ca. 93030

A:NEWHALL.EIR

# California Native Plant Society

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3/31/97

Lee Stark  
County of Los Angeles  
Dept. of Regional Planning  
320 West Temple Street  
Los Angeles, CA 90012

Ref.: Newhall Ranch Draft EIR, Draft Specific Plan  
Project # 94087  
SCH # 95011015

Dear Mr. Stark:

The California Native Plant Society (CNPS) is a statewide conservation organization with over 10,000 members. CNPS is represented in the area affected by the proposed Newhall Ranch project by 3 local chapters. The mission of the California Native Plant Society is to increase understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation.

We appreciate that the comment period has once again been extended. This final extension has allowed CNPS to acquire additional documents, to further review the documents, and to provide additional comments. On a project of this size and importance we believe that everyone benefits from the opportunity to examine the proposal as thoroughly as possible, and to provide substantial input to the decision makers.

There have been 3 previous comment letters from CNPS, two from local Chapters and one from the CNPS state office in Sacramento. Those letters will be incorporated by reference into this letter, and a brief summary listing of those comments will be included below. Following that, several additional comments not previously addressed will be offered, including comments addressing the Biota Report, just recently acquired by CNPS. The final portion of this letter will discuss why the California Native Plant Society can only support the "No Project" alternative at present and what CNPS might consider to be an acceptable alternative to the project, if failings in the Biota Report were corrected.



<sup>1</sup>  
Dedicated to the preservation of California native flora

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## Review of previous comment letters

### Los Angeles/Santa Monica Mountains Chapter comments

#### 1. Oil and gas operations:

- potential to continue after plan implementation not clear.
- potential to move into additional sensitive habitats not clear.

2. Potential for development leading to river channelization, increased flow downstream, scouring of wetlands and adverse impacts to beach and marsh vegetation.

#### 3. Community lake impacts:

- no discussion of habitat displacement.
- no discussion of potential use for drinking water, irrigation.
- no discussion of effect of lake evaporation and seepage on surrounding vegetation and wildlife.
- fails to address the costs of water lost from lake due to evaporation.

#### 4. Master Trails Plan:

- no apparent connection to public trails system (including regional trail system to the south of site).
- no apparent regional recreation element.
- will parking and trail use be allowed for public visitors?
- parking at trail head not adequately discussed.

#### 5. Need for landscaping constraints:

- on trail system where adjacent to river or natural lands.
- on lots developed adjacent to sensitive habitats.
- against using non-natives in Trail Plan or Resource Mgmt. Plan.

6. Failure to include CalEPPC list of non-native invasive plants in Specific Plan (supplied by CNPS on several occasions).

7. Convergence of 2 or 3 major drainage outlets in one area may cause severe erosion of river banks and vegetation during storm runoff.

8. Potential for Chaquita Canyon leachate to be funneled into river from underground drain north of river.

9. Potential for destruction of water tanks in seismic disturbance and associated impacts not addressed.

10. Plan fails to require use of reclaimed water for residential landscape irrigation.

11. Plan fails to require use of drought tolerant native plants for golf course landscaping.

12. Plan fails to address use of native vegetation as far superior to irrigated exotics on major slopes and open areas as a water saving measure.

13. Choice of wildlife corridor path not suitable (better alternative dismissed).

14. Grading plan shows destruction of areas which Specific Plan claims to preserve.

15. Revegetation Plan fails to adequately discuss removal of invasive exotic plants, and does not give adequate priority to removal of highly invasive species such as *Arundo donax*.

16. *Ambrosia psilostachya* should not be included in restoration plant list for river corridor for public health reasons.

17. Plan fails to adequately address negative impacts of grazing animals on natural plant communities (spread of invasive exotics, destruction of native plants, etc.)

18. Residential units planned immediately adjacent to wildlife corridor will limit its effectiveness.

19. Use of specific native species in inappropriate locations within Enhancement Areas of High Country SMA questioned.

20. Inadequate detail on choice of mitigation areas within open country:

- should specify "in-kind" mitigation, to be carried out only in areas which are in need of restoration.
- oak tree replacements should not be planted in existing healthy oak woodlands.

• restoration/mitigation requirements need to be much more detailed and specific to ensure that mitigation is effective and scientifically valid.

21. Impacts of transmission towers, wildlife rehabilitation station, telephone repeater towers permitted in High Country SMA excessive, not adequately addressed.

1

#### Channel Islands Chapter comments

1. Growth inducing impacts of project will lead to urbanization of Santa Clara Valley:

- expansion of State Route 126.
- construction of water reclamation plant.
- other infrastructure needed at buildout.

2. Impacts on Ventura County not adequately discussed.

3. Information on sensitive plant species is not adequate. Should include:

- overall range of the taxon.
- closest known population to the project site.

4. Latin names should be used for all species. Use of common names is unprofessional and not scientifically defensible.

5. Sensitive plant species which could occur on site and should be discussed:

- Ojai fritillary (*Fritillaria ojaiensis*)
- So. Calif. black walnut (*Juglans californica* var. *californica*)
- Fish's milkwort (*Polygala cornuta* var. *fishiae*)
- salt spring checkerbloom (*Sidalcea neomexicana*)

6. Information on specific sensitive plant species is misleading or erroneous:

- Braunton's milk vetch (*Astragalus brauntonii*)
- dune larkspur (*Delphinium parryi* ssp. *blochmaniae*)

- Blochman's dudleya (*Dudleya blochmaniae* ssp. *blochmaniae*)
  - ocellated Humboldt lily (*Lilium humboldtii* ssp. *ocellatum*)
7. Use of "boilerplate" information on wildlife species results in some serious mistakes which may be indicative of overall inaccuracies; calling into question the scientific validity of the entire biological section of the DEIR.
8. Additional wildlife species which could occur on site and should be discussed include the California gnatcatcher and steelhead trout.
9. Failure to adequately address impacts to 2 sensitive habitats:
- Great Basin Scrub
  - Southern Oak Woodland
10. Impacts to oaks on the site are unacceptable and unmitigable. Project should be redesigned to eliminate all impacts to oaks.
11. Impacts to wetland/riparian communities are excessive. Development should be pulled entirely from the flood plain.

#### CNPS state office comments

1. Mesic meadow is not adequately described, and should be included in Sensitive Habitats section. 100% loss is unacceptable.
2. The plan fails to discuss the implications which future development in Ventura County would have on the proposed Salt Creek wildlife corridor.
3. The condition of the underground aquifers is not adequately addressed, nor is there adequate discussion of the Aquifer Storage and Recovery Alternative.
4. Conflicting data is presented about the existing water supply available to the proposed project.
5. Inadequate discussion of effects of increased clear runoff downstream.
6. Inadequate discussion of beach sand starvation cumulative effect.
7. No impact analysis of debris basin cleaning.
8. Inadequate discussion of effects of reduced sediment load downstream.
9. No discussion of potential indirect impacts associated with accidental introduction and dispersal of invasive exotics into area surrounding project site.
10. No discussion of indirect impacts associated with introduction or spreading of pioneer (opportunistic) species by construction activities.
11. No discussion of indirect impacts to neighboring Ventura County of proposed wildlife corridor "funneling" animals into County, private property, or the state highway.
12. No discussion of impacts associated with building estate homes in the High Country SMA.
13. DEIR fails to address potential impacts associated with Aquifer Storage and Recovery Alternative on native plant communities.
14. Loss of prime agricultural lands not adequately mitigated.

15. Mitigation value is claimed for the Salt Creek wildlife corridor without any provisions for its completion or protection across the county line.
16. Language for mitigation of riparian habitats and oak woodlands is unacceptably weakened by not requiring assurances for proper native plant materials and sources.
17. Plant palettes are too "species poor" for high quality restoration.
18. Language for restoration material to be used in "supplemental plantings" is too weak, and would allow non-locally-native genetic plant materials to be used.
19. Non-native plant species should not be included in the Fuel Modification Plant List, especially highly flammable species.
20. Specific Plan fails to guard against the use of invasive exotic landscape plantings.

(Note: Responses need not be given to the above comments, but may be limited to responding to the original 3 letters submitted, and to the remainder of this letter).

### Additional comments

SMA conservation easements contingent on total buildout  
 CNPS is uncomfortable with language (e. g. Specific Plan pp. 2-100 and 2-108 : "Long-Term Management Plans" ) which seems to premise responsible conservation acts on the allowance and completion of total project buildout. This implies that if for any reason the entire project is not completed, there will be no conservation easements for the High Country SMA or the River Corridor SMA.

Project approval should be conditional on a formal commitment to conservation by Newhall Land and Farming Company, so that the two SEAs on the property are given conservation easements prior to start of construction. Other mitigation and restoration activities should be linked to specific phases of construction, so that these activities keep abreast of damage to the natural environment resulting from construction activities.

### Mitigation should not disturb undisturbed habitat

It is inappropriate to direct mitigation efforts to habitat areas which are being conserved and which are not in need of any restoration and enhancement. For example, mitigation for losses to oak resources (Specific Plan pp. 2-112, sec. 3.b.) should NOT include planting new oak trees in existing undisturbed oak woodland in the High Country. Nor should any mitigation be directed at "enhancing" areas not in need of enhancement. Mitigation should be "in-kind", and should be directed to target areas on site which are 1.) disturbed. 2.) have good restoration potential, and

3.) will be actively managed, preserved, and/or monitored. If no appropriate areas exist on-site, then mitigation should be directed off-site.

(Note: CNPS does not support restoration as a means of justifying habitat losses. Avoidance and minimization should be the tools of choice for preserving habitat.)

3

Discrepancies in the Vegetation Community Analysis

There are several problems with how the vegetation communities are dealt with in the DEIR. Referring to page 4.6-38, the statement that "...vegetative communities with the highest percentage of area impacted are of relatively low habitat value..." is false. The following examples of "Vegetation Community Types", which have high habitat value (or are sensitive in their own right) and a high "percentage of area impacted", show how inaccurate this statement is:


Non-Native Grassland (Davis 1995)	78% impacted
Mainland Cherry Forest (Davis 1995)	61%
Arrow Weed Scrub (Reed 1988)	69%
*Alluvial Scrub (Davis 1995)	54%
Scalebroom Scrub (Magney 1992)	85%
*Mesic Meadow (CDFG 1996)	100%

\* It is uncertain what reference has been used in naming vegetation communities in the DEIR. Some nomenclature seems to fit within the Holland system of classification, but not all. Alluvial Scrub is assumed to equate to Holland's Riversidian Alluvial Fan Sage Scrub, while Mesic Meadow is synonymous to Cismontane Alkali Marsh. Both are ranked S1.1 by NDDB, which is the highest priority for conservation (CDFG 1996). The problems associated with everyone using a different classification system for plant communities could be overcome if consultants and agencies would begin to utilize the recently published "A Manual of California Vegetation" (Sawyer, Keeler-Wolf 1995) for classification of California's plant communities.

4

The failure to include the [Southern] California Walnut Woodland community in the vegetation community analysis is a major oversight. It is acknowledged to be on the site and has been observed and photographed by the author (on a Newhall guided field trip) on the property. This is unacceptable and must be remedied. This community is listed by NDDB as a S2.1 in rarity (CDFG 1996) and is also a threatened community according to Davis' gap analysis (1995).





### Adequacy of plant survey techniques

CNPS never received a copy of the Biota Report from the appropriate agency, in spite of numerous requests to the Los Angeles County Dept. of Regional Planning. We were, however, able to acquire a copy from a third party recently and have done an analysis of it. We believe that there are a number of specific shortcomings which we will address below. In general, CNPS would like the Final EIR to verify that the surveys were conducted in accordance with the following guidelines (CNPS 1991).

1. Botanical surveys that are conducted to determine the environmental effects of a proposed development should be directed to all rare and endangered plants and plant communities. Rare and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare and/or endangered.

Rare plant communities are those communities that are of highly limited distribution. These communities may or may not contain rare or endangered species. The most current version of the California Natural Diversity Data Base's Outline of Terrestrial Communities in California may be used as a guide to the names of communities.

2. Field surveys should be conducted in a manner that will locate any rare or endangered species that may be present. This includes:

- conducting surveys at the appropriate time of year.
- adequate identification of every species noted in the field to determine whether it is rare or endangered.
- collecting voucher specimens and depositing them at public herbaria for future reference whenever that will not jeopardize the continued existence of a sensitive species.
- taking photographs to document plant identification and habitat whenever possible, especially when voucher samples are not practical.
- conducting field surveys using systematic field techniques in all habitats of the site to ensure a reasonably thorough coverage of potential impact areas.

3. The following information should also be made available to the public:

- a detailed description of the survey methodologies utilized.
- dates of all surveys conducted.
- results of surveys, including detailed maps of all survey paths.
- a list of all species identified.

5

- copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms (samples attached).
- references cited, persons contacted, herbaria visited, and disposition of all voucher specimens.

5

Specific shortcomings in the Biota Report

Oak surveys are inadequate- Although there were 2 oak surveys conducted on the property (Appendix I), they do not adequately address the vast oak resources on the property. The results indicate that the surveys may have overlapped, included trees not on the property, and relied on distant visual images and estimates instead of a direct count of trees. Trees apparently were not tagged, as is customary in oak surveys, and only a few were measured. Indeed, the report states the survey crews were unable even to reach GROVES of trees, much less all of the individual trees for counting, measuring, etc. Much of the count relied on aerial photos as a result.

6

Misrepresentation of resources- There is discussion in the Oak Survey of the possibility of confusing various other vegetation types with oaks, as well as the difficulty of performing counts when stands are too dense to discern individual trees in the aerial photos. This calls into question the accuracy of the oak surveys.

7

Oak Forests. Stands this dense beg the question of why there are no Oak Forests identified in the DEIR. Henrickson has stated that coast live oaks form dense [100%?] canopies in some locations on the property, and although he did not specifically address the issue, it is our opinion that some of these must qualify as Oak Forest. Oak Forest is a very limited resource in LA County according to CDF's "Forest and Rangeland Resources Assessment Program", and these forests should be identified and recognized as such in the DEIR.

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California Walnut. The oak surveys also mention that "The region with Valley Oaks also contained scattered California walnut (*Juglans californica*)...", and further stated that these locations were "noted on the field maps". There is no evidence of this in the Biota Report that we could find. This is an omission of some importance, since both Valley Oak Woodland and California Walnut Woodland are considered sensitive habitats (Davis 1995). The maps depicting California walnut should be made available to the public and there should be specific discussion of this as a sensitive habitat type. (Valley Oak Woodland and California Walnut Woodland are both ranked S2.1 by CDFG's Natural Heritage Division.)

9

Mixed Valley/Coast Live Oak Woodlands. Oak woodlands which contain both valley oaks and coast live oaks were labeled as Coast Live Oak

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Woodlands unless the valley oaks are the only or most dominant oak in the stand. This is misleading and should be corrected so that these mixed woodlands are accurately portrayed as such, especially since Valley Oak Woodland is considered more sensitive than Coast Live Oak Woodland both in Davis' Gap Analysis (1995) and by CDFG's Natural Heritage Division (ranked S2.1 vs. S4 respectively).

Mainland Cherry Forest. In addition, Mainland Cherry Forest should be identified separately in the habitat vegetation maps, rather than being identified only as part of Coast Live Oak Woodlands, since Mainland Cherry Forest is also a very important and rare vegetation type. As above, listing this vegetation type with one of lesser rarity tends to diminish the importance of the more sensitive habitat in the impact analysis. (Mainland Cherry Forest is ranked S1.1 and Coast Live Oak Woodland S4 by CDFG's Natural Heritage Division.)

Failure to provide survey maps- As stated previously, field surveys should be done in a systematic way to ensure adequate coverage of the area being surveyed. The Biota Report should contain field maps which indicate survey routes taken. The most intensive surveys, performed by Recon in 1995, do not include such maps. The only map which they included is the Photo Key Map (Appendix B). Looking at this map would lead one to believe that they did not survey (or at least took no photographs) in Portrero Canyon and significant areas in the northeast portion of the property.

Failure to perform focused rare plant surveys- Based on information in Appendix N of the Biota Report, it appears that Recon did not do any focused rare plant surveys. Most of the sensitive species on their list are not easily spotted unless survey techniques are specifically designed to focus on the species in question (e. g. they are not easily spotted from ridge tops). There is no evidence to suggest that appropriate focused rare plant survey methodologies were utilized. There also was no apparent effort to focus on analyzing or surveying rare plant habitats. Surveys of a general nature, such as might be described by "General Botany/Wildlife" and "General Botany/Wildlife/Butterfly" are not considered adequate to rule out the existence of sensitive plant species on the site. Thorough surveys which are focused on each specific rare plant species and its associated habitat requirements must be performed before the "existing biological conditions" criterion for this EIR can be met.

Failure to describe criteria for Habitat Value Analysis- The Biota Report consistently describes various portions of specific habitats as being of "lowest" habitat value, etc. based on a four level habitat value system. This

would appear to be a description of the relative health or condition of a given portion of the habitat. There does not appear to be any objective basis for the assignment of these values, however. If habitats such as Coastal Sage Scrub are to be severely impacted on the basis of their "value", or lack thereof, the criteria for these decisions must be clearly spelled out, preferably in the EIR itself. If such objective criteria do exist, please inform us where they can be found, and include them in the EIR.

We were also troubled by one type of comment which could easily be misinterpreted. On page 130 of the Biota Report, for example, in the Project Impacts section, under Mainland Cherry Forest it says that "...the large majority of vegetation to be lost was assigned to the lowest habitat value rank, with small amounts being assigned to [the two next lowest ranks]". This type of statement is common, and seems to imply that the losses to habitat were already decided, and then needed to be "justified" by the field analysis.

Biota Report conclusions- It is possible that constraints were placed on the consultants who did the biological surveys by the project proponent, for financial or other reasons. We believe that a project of this immense size and scope should support detailed and thorough biological field surveys, and should be required to produce a top quality Biota Report which is thorough, complete, and based on better than average field studies.

There are concerns about the quality of the biological surveys as well as their extent. One example of failure to utilize accepted scientific methodology can be seen in the small mammal trapping surveys, where the standard protocol of "3 consecutive nights" of trapping in a single trap location was violated by moving the traps each night to cover more ground. This defeats the purpose of the protocol by disregarding the standard scientific methodology.

This failure to follow accepted scientific methods and practices may be pervasive throughout the biological studies, and is cause for concern. Certainly, it is not acceptable to request a General Plan amendment which would redefine the boundaries of SEA #23 based on this level of field survey work.

## Conclusions and Alternatives

### No Project Alternative

At the present time, because of what is perceived by CNPS to be serious inadequacies in the Biota Report, and indeed in the very scientific foundation of the DEIR, we strongly support the "No Project" alternative. It is the lead agency's responsibility to ensure that the DEIR is based on

scientific data which can withstand the rigors of peer review. This clearly can not.

### An Acceptable Alternative

As stated previously, we believe that this project is too big, in the wrong place, at the wrong time. We do not believe that a project of this size is needed or can be justified in the Santa Clarita area at present. CNPS would like to offer guidelines for what we consider to be an acceptable alternative to the proposed project. We offer the following suggestions as the basis for designing an environmentally sensitive project which would fit within the project area, allow the applicants a financial return on their investment, and reduce the impacts to the natural features of the area significantly.

Reduce size and acreage of development-CNPS would recommend that development be restricted to the number of dwelling units allowed by the current zoning. (2070 dwelling units, and 47,372 sq. ft. of commercial/industrial space) with the caveat that the development acreage be reduced and restricted to less sensitive, already disturbed areas as outlined below. We believe that it would be far preferable to have higher density housing with greatly reduced acreage.

Place no development within the 500 year floodplain-Many of the problems associated with the present proposal are the result of infringing on the river and/or confining it. Many sensitive species and habitats would benefit by the river being allowed to remain a dynamic entity. Allowing a wider corridor for a largely unrestrained river and its associated fluvial and hydrological processes makes sense.

Limit losses to sensitive habitats-The project site contains very important land from a biological perspective and losses to rare and sensitive habitat types should be limited. CEQA seeks to "...preserve for future generations examples of all plant and animal communities"(PRC sec. 21001[c]). CNPS would recommend that disturbance to certain sensitive communities be limited to no more than 10%, and that those losses be mitigated at a ratio of 2:1 in kind, either on or off site. Other habitat types are sufficiently rare that no losses to them are acceptable.

Communities where losses should be limited to no more than 10%:

- Coastal Sage Scrub
- Mixed Chaparral
- Great Basin Scrub
- Non-Native Grassland
- Southern Willow Scrub
- Southern Willow Riparian Woodland

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Southern Cottonwood-Willow Riparian Forest  
 Arrow Weed Scrub  
 Valley Freshwater Marsh and Ponds  
 Cottonwood/Oak Woodland

Communities where NO losses should be allowed:

- Coast Live Oak Woodland
- Valley Oak Woodland
- Valley Oak Savanna
- Mainland Cherry Forest
- Alluvial Scrub
- Scalebroom Scrub
- Mesic Meadow
- \*California Walnut Woodland

15

*\* not discussed in DEIR*

16

All of the above habitat types in both categories should be actively managed and protected from encroachment by invasive exotic plant and animal species as well as from excessive human traffic, inappropriate uses, etc.

According to the information provided in Table 4.6-6 (DEIR pg. 4.6-38) this would still allow for development which would impact or disturb over 2900 acres in the habitats discussed (2051 acres in habitats which are less sensitive and 872 acres in Habitats where no more than 10% disturbance would be allowed. Development in this alternative would be restricted to 1) areas of less sensitive habitat, 2) areas which are already disturbed and 3) areas away from the river's floodplain. We believe that this is a sensible alternative which should be discussed.

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Limit losses to sensitive plant species-Losses to sensitive plant species or their habitat as a result of this project should be avoided. Sensitive plant species includes all State and Federally listed species, species proposed for listing, Federal Candidate species, Federal "Species of Concern", and species on CNPS lists 1 and 2 (Skinner, Pavlik 1994). Losses to other species, including CNPS lists 3 and 4 species (Skinner, Pavlik 1994), species which are extralimital (i. e. at or near the edge of their range), representative of disjunct populations, or representative of sensitive habitats (e. g. Mainland Cherry Forest, Southern California Walnut Woodland) should be minimized to whatever extent possible, and mitigated when avoidance and minimization are impossible.

Closing Comments

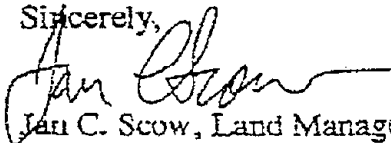
As stated in this and previous letters and public comments, CNPS is opposed to this project as it is proposed. We feel that it adds to urban sprawl and destroys too much valuable and rapidly diminishing natural

land. Further study has also revealed substantive errors and omissions in the biological studies and in the Biota Report. At this time we support the No Project Alternative, and based on the need for additional biological data, it is the ONLY alternative which can be supported. If the biological data can be amplified, and the Biota Report amended as suggested, we might support a much smaller and more environmentally sensitive project, as described above.

We do not believe that any of the proposed Project Alternatives can be justified under CEQA. Regardless, it is imperative that the issues raised above and in our previous letters be adequately addressed in order for the EIR to satisfy the legal standard. It is possible that new information added to make the Biota Report complete will be substantial enough to warrant the recirculation of the EIR for additional commentary and consultation prior to its final certification, pursuant to PRC 21092.1. We would appreciate the opportunity to review and make additional comment if the EIR is recirculated, and look forward to seeing all of our concerns addressed in a revised final EIR. We also request to be informed and supplied with the necessary documents for a full review if the EIR is recirculated, including any revisions to the Biota Report.

17

Sincerely,



Jan C. Scow, Land Management Analyst

CC: Supervisor Michael Antonivich  
Ron Bortoff, Friends of the Santa Clara River  
CNPS Sacramento office  
CNPS San Gabriel Mountains Chapter  
CNPS Los Angeles/Santa Monica Mountains Chapter  
CNPS Channel Islands Chapter

Attachments: 1) Calif. Native Plant Species Field Survey Form (NDDB)  
2) California Natural Community Field Survey Form (NDDB)



MEMBERS OF THE BOARD  
SUSAN K. LACEY  
FRANK SCHILLO  
KATHY L. LONG  
JUDY MIKELS  
JOHN K. FLYNN

**BOARD OF SUPERVISORS  
COUNTY OF VENTURA**

GOVERNMENT CENTER, HALL OF ADMINISTRATION  
500 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

July 14, 1998

Members, Board of Supervisors  
c/o Ms. Joanne Sturges, Executive Officer  
Clerk of the Board of Supervisors  
Room 383, Kenneth Hahn  
Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: Newhall Ranch Project, Hearing Date July 28, 1998

Dear Members, Board of Supervisors:

The Ventura County Board of Supervisors requests that you condition the Newhall Ranch Project as set forth below. These issues are identifiable at this time and may be supplemented as our analysis of project impacts on Ventura County continues. The Ventura County Board of Supervisors considers these conditions very significant to Ventura County and intends to pursue all litigation necessary to require that these impacts on Ventura County are properly addressed and mitigated.

Each of the proposed conditions is summarized below. A detailed statement of each condition is attached as a separate exhibit.

1. Groundwater Resources: The project applicant agrees to make a public disclosure which will become a condition of the project that the project as proposed will rely on imported State water for the project water supply and will not use any groundwater such that the amount of groundwater flowing into Ventura County will not be reduced in any amount at any time. Any changed conditions during the 20 to 25-year build out resulting in a probable use of groundwater will require a subsequent EIR, subject to

EXHIBIT 4



Ventura County review, to quantify and evaluate the impacts on Ventura County's water supply.

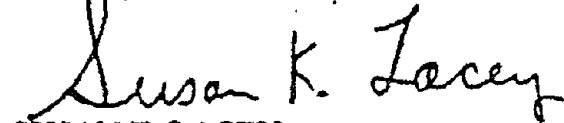
2. Flood Control: An engineering analysis is to be done determining the frequency of exceedance of the 2, 5, 10 and 25-year storms as compared with predevelopment conditions. If such a study indicates a significant impact on Ventura County, such as bank erosion and related impacts, then appropriate facilities are to be built in the project area to mitigate the impacts.
3. Traffic: The project shall be conditioned to provide for payment in the approximate amount of \$850,000 as traffic mitigation fees to the County of Ventura.
4. Air Pollution: Pursue all mitigation measures proposed by the Ventura County Air Pollution Control District as set forth in the attached exhibit.
5. Biology: Adopt a specific mitigation plan for the Salt Creek Watershed in Ventura County.
6. Housing: In order to reduce air and traffic impacts caused by the project, mitigate the potential growth inducing impacts on neighboring communities, and provide opportunities for future workers within the Newhall Ranch community to live in the community, the Newhall Land and Farming Company and its successors shall be required to adopt an affordable housing plan meeting the housing needs for all income levels generated by the Newhall Ranch Project.
7. Agricultural Buffer: The project shall be conditioned to maintain an agricultural buffer of a minimum of 1,000 feet between the development and the agriculture use in Ventura County.

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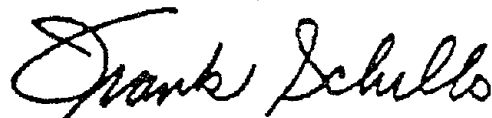
Members, Board of Supervisors  
July 14, 1998  
Page 3

Thank you for your consideration and cooperation.

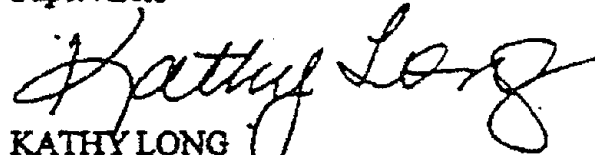
Sincerely,



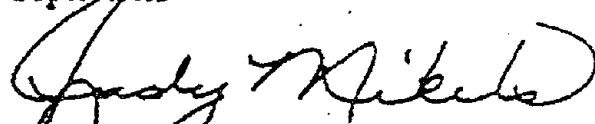
SUSAN K. LACEY  
Supervisor, District 1, Ventura County Board of  
Supervisors



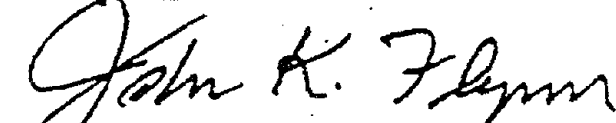
FRANK SCHILLO  
Supervisor, District 2, Ventura County Board of  
Supervisors



KATHY LONG  
Supervisor, District 3, Ventura County Board of  
Supervisors



JUDY MIKELS  
Supervisor, District 4, Ventura County Board of  
Supervisors



JOHN K. FLYNN  
Supervisor, District 5, Ventura County Board of  
Supervisors

DLS:ld  
Enclosures  
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cc: List Attached

**NEWHALL RANCH BIOLOGICAL MITIGATION MEASURE**  
Ventura County Planning Division 6/1/98

1. Prior to approval of the Newhall Ranch Specific Plan, the Newhall Land and Farming Company shall agree in writing to an Upland Migration Mitigation Plan which consists of the following:

- A. Remove from the Salt Creek watershed located in Ventura County the following:
1. Irrigated agriculture.
  2. Cattle grazing and any other activities deemed by the US Department of Fish and Wildlife (USDFW) as detrimental to wildlife or non-agricultural biological communities. This may require fencing all or portions of the boundary of the watershed as determined necessary by the USDFW. Exempt from this requirement are existing oil field activities and electrical transmission facilities.
- B. The requirements outlined in Paragraph "1A" shall remain in effect until such time as the County of Ventura approves a discretionary action which includes all or part of the Salt Creek watershed in Ventura County. Upon issuance of said discretionary approval, the conditions of that approval shall supersede the requirements of Paragraphs "1A" in those areas in which the approval applies. Areas outside the area subject to the discretionary approval shall continue to be subject the limitations outlined in Paragraph "1A" above.
- C. A qualified consultant or other organization ("monitoring organization"), shall be appointed by the County of Ventura. This monitoring organization shall make recommendations to the County of Ventura on the issues outlined in Paragraph "2" below. Said monitoring organization may be replaced as deemed appropriate by the County of Ventura. The County of Ventura shall have the final decisions regarding the following issues, subject to the limitations outlined below.

2. Prior to issuance of the first occupancy permit for this project the following shall occur:

- A. Management of the Salt Creek watershed within Ventura County shall be turned over to the same open space organization which will manage the High Country portion of the Newhall Ranch project. The Salt Creek watershed shall be modified, maintained, and operated for the sole purpose of developing high quality, non-agricultural ecological communities such that non-agricultural animals will be attracted to the area, and which can readily use the Salt Creek watershed to move between the Santa Clara River and the High Country. This management shall not include cattle grazing unless recommended by the USDFW.
- B. Moneys to pay for the tasks described in paragraph "2C" below shall be paid by the developer to the open space organization. The amount of funds transferred from the developer to the open space organization shall not exceed a total of \$ \_\_\_\_\_ (1998 dollars) to implement paragraph "2C."

Except as noted below, all costs associated with this mitigation measure shall be included within the above limitation. Costs not included within this limitation include land and associated costs, and costs directly or indirectly incurred by the developer (i.e., developer staff costs, material costs, developer hired consultants, etc.)

- C. The management of the Salt Creek watershed shall include moneys paid by the developer to the open space organization adequate to meet the following purposes:
  1. Develop and implement a habitat enhancement plan to increase the biological carrying capacity of the watershed. This shall include removal of invasive foreign (i.e., nonnative) plants and animals as appropriate, planting of plants as appropriate for food and shelter for animals expected to occur in the area, modification of land forms, and establishment of water sources, or other features (e.g., salt licks etc.) as may be deemed appropriate by the monitoring organization.

licks etc.) as may be deemed appropriate by the monitoring organization.

2. Establishment of a trust fund adequate to maintain the watershed and the habitat enhancement plan for its intended purpose into perpetuity. These funds shall also be adequate to monitor the effectiveness of the watershed in achieving its purpose.

- D. Development and monitoring of the habitat enhancement plan shall be under the direction and approval of the County of Ventura. Agency or organization staff, or consultants hired by said agencies, may be paid through the accounts established in Paragraph "2C" and shall be subject to the \$\_\_\_\_\_ limitation outlined in paragraph "2B" above.

Agreement and implementation of this mitigation measure shall be considered by the County of Ventura to be an adequate response to the concerns of the County of Ventura regarding impacts to existing biological communities in and around the Newhall Ranch project.

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EXHIBIT 5

Page 3 of 3

RESOURCE MANAGEMENT AGENCY  
**county of ventura**

Planning Division

Keith A. Turner  
Director

February 3, 2000

M. Wehtje  
California Fish and Game 5

FAX #: 491-3571 (press start key after message)

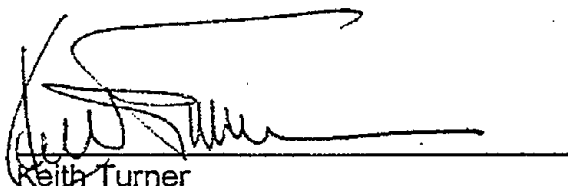
Subject: Newhall Ranch River Management Plan

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document.

Your proposed responses to these comments should be sent directly to the commentator, with a copy to Joseph Eisenhut, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Joseph Eisenhut at (805) 654-2464.

Sincerely,



Keith Turner  
County Planning Director

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Attachment

County RMA Reference Number 00-002

