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**United States Department of Defense, et al., "Notice of Intent, Notice of Preparation, Scoping Meeting Sign-In Sheet, Scoping Meeting Request to Speak/Written Comment Forms, and Related Comment Letters"  
(February 2004)**

Category	Twelve-month limit <sup>1</sup>
Group I 200-220, 224, 225/ 317/326, 226, 227, 300/301, 313-315, 360-363, 369-S <sup>2</sup> , 369-O <sup>3</sup> , 400-414, 469pt <sup>4</sup> , 603, 604, 611, 613/614/615/ 617, 618, 619/620, 624, 625/626/627/ 628/629 and 666pt <sup>5</sup> , as a group.	226,731,409 square meters equivalent.
Group III Sublevel in Group III 845 .....	360,273 dozen.

<sup>1</sup>The limits have not been adjusted to account for any imports exported after December 31, 2003.

<sup>2</sup>Category 369-S: only HTS number 6307.10.2005.

<sup>3</sup>Category 369-O: all HTS numbers except 6307.10.2005 (Category 369-S); and 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.48.1020, 5702.48.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302.51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 8406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505 (Category 369pt.).

<sup>4</sup>Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

<sup>5</sup>Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

The limits set forth above are subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,  
James C. Leonard III,  
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 04-1933 Filed 1-28-04; 8:45 am]

BILLING CODE 3510-DR-S

**DEPARTMENT OF DEFENSE**

**Department of the Army; Corps of Engineers**

**Intent To Prepare a Draft Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) for Proposed Future Permit Actions Under Section 404 of the Clean Water Act for the Newhall Ranch Specific Plan and Associated Facilities Along Portions of the Santa Clara River and its Side Drainages, in Los Angeles County, CA**

AGENCY: U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Intent (NOI).

**SUMMARY:** The project proponent and landowner, The Newhall Land and Farming Company, has requested a long-term section 404 permit from the Corps of Engineers for facilities associated with the Newhall Ranch Specific Plan. 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 joint 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.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and Draft EIS/EIR can be answered by Dr. Aaron O. Allen, Corps Project Manager, at (805) 585-2148. Comments shall be addressed to: U.S. Army Corps of Engineers, Los Angeles District, Ventura Field Office, ATTN: File Number 2003-01264-AQA, 2151 Alessandro Drive, Suite 110, Ventura, CA 93001. Alternatively, comments can be e-mailed to: [Aaron.O.Allen@usace.army.mil](mailto:Aaron.O.Allen@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**  
1. *Project Site and Background Information.* 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. On March 27, 2003, 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 adjacent to the Santa Clara River and its side drainages ("waters of the United States").

The Newhall Land and Farming 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 Land and Farming Company. The proposed Section 404 permit would also include routine maintenance activities to be carried out by Los Angeles County Department of Public Works using the Section 404 permit issued to The Newhall Land and Farming Company. Any party utilizing a Section 404 permit issued to The Newhall Land and Farming Company would be bound by the same conditions in the Section 404 permit.

2. *Proposed Action.* Newhall Land has identified various activities associated with the Newhall Ranch Project that would require Corps permitting. Many of the proposed activities would require a 404 permit because the activities would affect the riverbed or banks within the jurisdictional limits of the Corps in San Martinez Grande, Chiquito, Potrero, and Long canyons, and smaller drainages with peak flows of less than 2,000 cubic feet per second, as well as the Santa Clara River. These activities are listed and described in further detail below:

- Bank protection to protect land development projects along water courses (including buried soil cement, buried gunite, grouted riprap, ungrouted riprap, and gunite lining);
- Drainage facilities such as storm drains or outlets and partially lined open channels;
- Grade control structures;
- Bridges and drainage crossings;
- Utility crossings;
- Trails;
- Building pads;

- Activities associated with construction of a Water Reclamation Plant (WRP) adjacent to the Santa Clara River and required bank protection;
- Water quality control facilities (sedimentation control, flood debris, and water quality basins);
- Ongoing maintenance activities by the LACDPW; and
- Temporary haul routes for grading equipment.

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 DEIS will be sufficient for the Corps to make a decision regarding the issuance of a long-term Section 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 regarding a state streambed alteration agreement and state endangered species permit. 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 part 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 part 1508). 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 Section 404 permit.

4. *Issues.* There are several potential environmental issues that will be addressed in the DEIS/DEIR. Additional issues may be identified during the scoping process. Issues initially identified as potentially significant include:

- (a) Surface Water Hydrology, Erosion and Sedimentation;
- (b) Groundwater;
- (c) Water Quality;
- (d) Biological Resources;
- (e) Land Use;
- (f) Cultural and Paleontological Resources;
- (g) Air Quality;
- (h) Noise;
- (i) Traffic;
- (j) Visual Resources;
- (k) Parks, Recreation and Trails.

5. *Alternatives.* Alternatives initially being considered for the proposed improvement project include the following:

- (a) Alternate locations and configurations of various proposed facilities such as buried bank stabilization, bridges, and grade control structures, along each of the major side drainages including Chiquito Canyon, Potrero Canyon, San Martinez Grande, and Long Canyon, as well as the Santa Clara River;
- (b) No Federal action (no construction of facilities within "Waters of the U.S.");
- (c) No Project (no physical changes).

6. *Scoping Process.* A public scoping meeting to receive input on the scope of the DEIS will be conducted on February 19, 2004 at 6:30 p.m. at Castaic Middle School, located at 28900 Hillcrest Parkway in Castaic, California.

Participation in the scoping meeting by Federal, state, and local agencies, and other interested private citizens and organizations are encouraged.

7. *Availability of the Draft EIS/EIR.* The joint lead agencies expect the Draft EIS/EIR to be made available to the public in the summer of 2004. A public hearing will be held during the public comment period for the Draft EIS/EIR.

Dated: January 7, 2004.

**John V. Guenther,**  
Lieutenant Colonel, U.S. Army, Acting District Engineer.

[FR Doc. 04-1671 Filed 1-28-04; 8:45 am]  
BILLING CODE 3710-92-P

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 29, 2004.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

*California Department of Fish and Game  
Region 5--South Coast Region*

*4665 Lampson Ave.  
Los Alamitos, CA 90720  
Attention: Padmini Elyath*

## **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT**

TO: Distribution List

FROM: California Department of Fish and Game, Region 5

DATE: January 27, 2004

RE: Notice of Preparation of a Draft Environmental Impact Report

PROJECT: Newhall Ranch Specific Plan:  
Long-term Streambed Alteration Agreement and Endangered Species  
Incidental Take Permit

LOCATIONS: Portions of the Santa Clara River, Selected Side Drainages and some Upland  
Areas  
Northern Los Angeles County

APPLICANT: The Newhall Land and Farming 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 CDFG should prepare an Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA) and the state CEQA Guidelines (CEQA Guidelines). A summary of the proposed project and its probable environmental effects is attached. The proposed State action is the issuance of a long-term Streambed Alteration Agreement issued pursuant to Fish and Game Code section 1605 and an Endangered Species Incidental Take Permit issued pursuant to Fish and Game Code section 2081 for the construction of various facilities associated with the Newhall Ranch Specific Plan approved by the Los Angeles County Board of Supervisors in May 2003. A joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be prepared with the U.S. Army Corps of Engineers. The joint EIS/EIR will be prepared in accordance with the National Environmental Policy Act (NEPA), CEQA and the CEQA Guidelines.



We request public agency and general public views as to the scope and content of the environmental information that is germane either to an agency's statutory responsibilities in connection with the proposed project, or to address the general public's concerns with the proposed project. Agencies may need to use the EIR prepared by CDFG when considering their permits or other approvals 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 (14 CCR Section 15063).

Pursuant to time limits under CEQA (Public Resources Code 21080.4(a)), your written response must be sent at the earliest possible date, but no later than Friday, March 5, 2004. Please send your response to Ms. Morgan Wehtje at the address shown above or by e-mail at [mwehtje@dfg.ca.gov](mailto:mwehtje@dfg.ca.gov). We will need the name of a contact person at your agency.

**A public scoping meeting to receive input on the scope of the EIR will be conducted on Thursday, February 19th, at 6:30 PM at the Castaic Middle School Multipurpose Room, located at 28900 West Hillcrest Parkway, Castaic, 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 Newhall Ranch Specific Plan, Final EIR and the Final Additional Analysis for the Specific Plan.

Sincerely,

*/S/ Morgan Wehtje*

Attachment:

Overview of the Project and Environmental Issues

**OVERVIEW OF PROJECT AND EIR SCOPE  
NEWHALL RANCH SPECIFIC PLAN  
LONG-TERM STREAMBED ALTERATION AGREEMENT  
ENDANGERED SPECIES INCIDENTAL TAKE PERMIT**

January 2004

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**1.0 PROPOSED PROJECT**

The Newhall Ranch Specific Plan is located in northern Los Angeles County and encompasses about 12,000 acres (Figure 1). The Santa Clara River and State Route 126 ("SR-126") traverse the northern third of the site. The river extends about 5.5 miles across the site (Figure 2). In May 2003, 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, mixed use, and open space (Figure 2) 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, bridges, roadways, and other public facilities will be developed over time in accordance with the development regulations and guidelines in the approved Specific Plan. Many of these project-level developments will require work in and near the Santa Clara River, its side drainages, and some upland areas. The project proponent and landowner, The Newhall Land and Farming Company (Newhall Land), has requested a long-term Streambed Alteration Agreement issued pursuant to Fish and Game Code section 1605 (1605 Agreement) and an Endangered Species Incidental Take Permit issued pursuant to Fish and Game Code section 2081 (2081 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 approved Newhall Ranch Specific Plan that will require a 1605 Agreement and 2081 Permit, including the following:

- Bank stabilization to protect land development projects along water courses (including buried soil cement, buried gunite, grouted riprap, ungrouted riprap, and gunite lining)
- Drainage facilities such as storm drains or outlets and partially lined open channels
- Grade control structures
- Bridges and drainage crossings
- Utility crossings

- Trails
- Building pads
- Activities associated with construction of a Water Reclamation Plant (WRP) adjacent to the Santa Clara River and required bank protection
- Water quality control facilities (sedimentation control, flood debris, and water quality basins)
- Ongoing maintenance activities by the Los Angeles County Department of Public Works (LACDPW)
- Temporary haul routes for grading equipment

Newhall Land or its designee will develop most of the above facilities. However, others, using the approvals issued to Newhall Land, may construct some of these facilities. The proposed 1605 Agreement would also include routine maintenance activities to be carried out by LACDPW using the 1605 Agreement issued to Newhall Land. Any party utilizing a 1605 Agreement issued to Newhall Land would be bound by the same conditions in the 1605 Agreement.

## 2.0 PROBABLE ENVIRONMENTAL EFFECTS

The EIR will be a “project level” CEQA document that 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 EIR will be sufficient for the CDFG to make a decision on the issuance of a long-term 1605 Agreement and 2081 Permit for the project.

The project area for the EIR consists of the mainstem of the Santa Clara River from its confluence with Castaic Creek to the Los Angeles County line, all side drainages in the Specific Plan area and some upland areas (Figure 3).

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

- Hydrology, Flooding, and Sedimentation – A project-level description of the potential impacts of bridges, bank protection and related uses and facilities, described above, including an 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, water depth, 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 Regional Water Quality Control Board will address these impacts through the Waste Discharge Requirements they will issue for the project.
- 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 and their habitats including, but not limited to, the unarmored three-spine stickleback, arroyo chub, Santa Ana sucker, least Bell's vireo, arroyo toad, and the San Fernando Valley spineflower due to potential 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, its side drainages and some upland areas.
- Air Quality – Potential impact of construction emissions on local and regional air quality associated with the facilities to be permitted. Conformity with South Coast Air Quality Management Plan.
- Cultural Resources – Potential impacts on archeological, ethnographic, paleontologic, and historic resources.
- Visual Resources – Potential changes in the natural and human-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 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 EIR that would avoid or lessen the identified significant impacts associated with the proposed facilities, and/or that would reduce impacts to the 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, building pads, 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:

- Alternate locations and configurations of various proposed facilities such as buried bank stabilization, bridges, and grade control structures, along each of the major side drainages including Chiquito Canyon, Potrero Canyon, San Martinez Grande, and Long Canyon, as well as the Santa Clara River.
- No Federal Action Alternative (no construction of facilities within “Waters of the U.S.”)
- No Project Alternative (no physical changes).

#### **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 the environmental impacts of the entire project, including the Water Reclamation Plant. In the previously certified program 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 EIR to be prepared by CDFG will be a project-level EIR with a focus on the impacts of facilities within CDFG's authority under Fish and Game Code sections 1600 et seq., specifically, section 1605, and 2081. This project-level EIR will represent a new and separate environmental review based on CDFG's independent analyses. It will provide a detailed analysis of the direct, indirect, and cumulative impacts of the proposed project. Resource information and certain analyses from the previously certified program EIR may 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 and not involving threatened or endangered species) may be incorporated from the 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 were 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 19<sup>th</sup>, at 6:30 PM at the Castaic Middle School Multipurpose Room, located at 28900 West Hillcrest Parkway, Castaic, California (figure 4).

A Draft EIR is expected to be issued for public review in late-2004. A Final EIR is planned to be issued in 2005. Final decisions about the requested 1605 Agreement and 2081 Permit are anticipated to be made in 2005 after the Final EIR is certified.

February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
Barbara Wampole	28006 San Martinez Grande Rd CASTAIC 91384	barbara@wampole.com	✓	
TOM BARRON	10900 VENTURA BLVD SNOLO CIM	barron@image6.com	✓	
L.G. KASSNER	19701 Terri Dr Cyn Country 91351-4815			
CASTAIC AREA TOWN COUNCIL	please email Phil Hof to obtain info or PHILHOF2002@YAHOO.COM	please see addresses on CASTAIC.ORG website	✓	

February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
Matt Hengel	24668 Montevista Cir Valencia CA 91354	mmhengel@aol.com	✓	
John Buse	Environmental Defense Center 2021 Sperry Ave. Suite 18 Nevada CA 93003	jbuse@edcnet.org	✓	
Henry Schultz	21827 PARVIN DR. SANTA CRUZ, CA	HENRY50@PACBELL.NET	✓	
Nancy Andrews	27819 Park View Rd Castaic, 91394	napadba1 @earthlink.net	✓	
Shelley Luce	3220 Nebraska Cir Santa Monica CA 90404	sluce@healthobay.org	✓	
Judy McClure	29111 Lotusgarden Dr Canyon Country	r-j_mclure@msn.com	✓	
Regina			✓	

February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
David Pendley	1955 Workman Mill Rd Whittier, CA 90601	DPENDLEY@LACSD.ORG	✓	
Joe DeCuyperese	LA County Dept. Regional Planning			
Jim Hunter	CH2M HILL 3 Hutton Center Dr. #200 Santa Ana, CA 92707	james.hunter@ch2m.com	✓	
STUART KOZIOL	27800 McBEAN #372 VALENCIA CA 91354	STUARTKOZIOL@MSM.COM	✓	
Kristeen Penrod South Coast Wildlands	76 Bk 1102 Idyllwild, CA 92549	kristeen@swildlands.org	✓	
Johanna Zetterberg Sierra Club	3435 Wilshire #370 LA, CA 90010	Johanna.Zetterberg@sierraclub.org	✓	
SEAN CHRISTIAN	1955 WORKMAN MILL RD WHITTIER, CA 90601	SCHRISTIAN@LACSD.ORG	✓	



February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
Dwight Hawkins	28060 Bridlewood Dr CASTAIC, CA 91384	debbiedwight @ earthlink.net	✓	
ERIC HOFFMAN	26815 MARLOWE CT. STEVENSON RANCH, CA 91381	ERHOFFMAN @ NA, CORREGE.COM	X	
LARRY KANNER	26035 BOUQUET CANYON RD #359 SANTA CLARITA CA 91350	LARRYKANNER @ SBCGLOBAL.NET	X	
Tim Willoughby	HCR 79 Box 140 Crowley Lake CA 93546	redmtu @qnet.com	X	
Lynne Planbeck	SCOPE PO Box 1182 Santa Clarita, Ca 91386		X	
ROBERT MARINO	30532 N. Beige Pl CASTAIC, CA 91384		✓	
Lila Campuzano	30000 Sand Canyon #16 Canyon Country Ca. 91387	lila.campuzano@hotmail.com	X	

February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
JIM & DIANE SOUTHWELL	26357 Rainbow Glen PR. Newhall 91321		✓	
John Gonzalez	26604 Gavilan Dr Saugus CA 91350	jorgon@aol.com	✓	
Karen Pearson	26617 Gavilan Dr Saugus, CA 91350	kareymp@ aol.com		
PHIL HOF	32748 RIDGETOP LANE CASTAIC 91384	PHILHOF2002@ YAHOO.COM	✓	
ALAN GARBER	28333 FOOTHILL RD CASTAIC, CA 91384		✓	
CAROLE L. COLE	28351 HAWKS RIDGE DR SANTA CLARITA, CA 91351	—	✓	
M.M. Sunker	24823 Southern Oaks Dr. Stevenson Ranch CA 91381	e.mmm.sunker @sbcglobal.net	✓	

February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
David Morrow	26920 Valencia Mentroy Ave Valencia, CA 91355		X	
Leslie Willoughby	HR 79 Box 40 Crowley Lake, CA 95546	rdmountain@aol.com		X
Damon Wing	3600 S. Harbor Blvd., Suite 222 Orland, CA 93035	VCK@WISH1010.ORG	X	
Maria GUTZEIT	24453 Shade land Dr. Newhall, CA 91321	momdoggie@hotmail.com	X	
Jacob Margalit	<del>00000</del>	JMargalit@sbcglobal.net		
Shannon Barry	25258 STANBECK #6 Stevenson Ranch CA 91381	bronster@earthlink.net	X	
ROBERT FLECK	27363 SAND CYN Santa CLARITA 91387	R.FLECK@SICAL.RR- COM	X	

February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
CHARLOTTE LUKEZICH	24644 EISELLEN AV NEWHALL CA	Charx2webb @sbcglobal.net	✓	
JOHN QUIGLEY	16321 PCH #118 PACIFIC PALISADES, CA 90272	SPECTRALG@ AOL.COM	✓	
JEFF MORRISON	28838 Shadow Valley Ln. SANTA CLARA CA 91350	Bdbeerut@hotmail.com	✓	
anna P Schindler	27922 meadowcreek Rd Canyon Country, CA 91351	Schindler73@cs.com	✓	
TOM HANER	26532 BANNERWAY Newhall CA 91321		✓	
JOHN WILKIN	24078 AVE. CRESCENTA VALENCIA, CA 91355	WILKIN_JF_MG@MSA.COM	✓	
Jerry Murphy	26923 Placete Drive Santa Clarita, CA 91354	Jerry@Murphyshome.org	✓	

February 19, 2004

**PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
2003-01264-AOA**

**SIGN-IN SHEET**

NAME	ADDRESS	E-MAIL	Do you want to be on the mailing list for any future public notices about the Newhall Ranch project?	
			YES	NO
Oleene Anderson CNPS	2733 Cardwell Place Los Angeles, CA 90046	leanderson@earthlink.net	✓	
TERESA SAVAIKIE	26724 Mocha Dr., Saugus CA	<del>ts</del> Bigbad mean@aol.com	—	
Rieth MAGRAM	2040 N. CATALINA ST. LA 90049	ROMAGRAM @Earthlink.net		
Tim & Sue Shates	408 Willow St. Ojai, CA 93023	tim@shates.net	✓	
Joe Montoya	28033 memory Lane Valencia, CA 91354		✓	
Lynne Winner	31202 Quail Valley Castaic, CA 91384	lynnesbee@comcast.net	✓	
LISA FIMIANI	12615 GILMORE AVE LA, CA 90066	LISA.FIMIANI@PARAMOUNT.COM	✓	

**U.S. ARMY CORPS OF ENGINEERS  
PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
REQUEST TO SPEAK/Written COMMENT FORM**

NAME (Please print): David Morrow  
DO YOU WISH TO SPEAK AT THIS MEETING?     YES     NO  
DO YOU WISH TO PRIVATELY GIVE VERBAL COMMENTS TO A COURT REPORTER?     YES     NO  
ADDRESS (Street and Number): 26920 Monterey Ave  
CITY: Valencia    STATE: CA    ZIP CODE: 91355  
TELEPHONE NO.: 661-254-5245    EMAIL ADDRESS: DLRCH MORROW@JUNO.COM

REGARDLESS OF WHETHER YOU PROVIDE VERBAL COMMENTS TODAY, IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT, YOU MAY RESPOND BELOW AND SUBMIT THIS SHEET TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY MARCH 5, 2004 AT: U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; REGULATORY BRANCH - VENTURA FIELD OFFICE; ATTN: CESPL-CO-RN-2003-01264-AOA; 2151 ALESSANDRO DRIVE, SUITE 110; VENTURA, CA 93001. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: [Aaron.O.Allen@usace.army.mil](mailto:Aaron.O.Allen@usace.army.mil) by March 5, 2004.

**COMMENTS**

The Santa Clara River is a rare entity in Southern California - a free flowing river supporting a large diversity of wildlife.

The initial phase of the Newhall Ranch project - River Village - would severely impact this great natural resource. The current development plan needs to be reworked to give maximum protection to river resources. The 500 year flood plain needs to be protected

**DATA REQUIRED BY THE PRIVACY ACT**

**AUTHORITY:** 33 CFR 327

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**U.S. ARMY CORPS OF ENGINEERS  
PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
REQUEST TO SPEAK/Written COMMENT FORM**

NAME (Please print): Mary Margaret Sunker (McKeon)  
DO YOU WISH TO SPEAK AT THIS MEETING?  YES  NO  
DO YOU WISH TO PRIVATELY GIVE VERBAL COMMENTS TO A COURT REPORTER?  YES  NO  
ADDRESS (Street and Number): 24823 Southern Oaks Dr.  
CITY: Stevenson Ranch STATE: CA ZIP CODE: 91381  
TELEPHONE NO.: 661/2545345 EMAIL ADDRESS: mmm.sunker@stglobal.net

REGARDLESS OF WHETHER YOU PROVIDE VERBAL COMMENTS TODAY, IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT, YOU MAY RESPOND BELOW AND SUBMIT THIS SHEET TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY MARCH 5, 2004 AT: U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; REGULATORY BRANCH - VENTURA FIELD OFFICE; ATTN: CESPL-CO-RN-2003-01264-AOA; 2151 ALESSANDRO DRIVE, SUITE 110; VENTURA, CA 93001. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: [Aaron.O.Allen@usace.army.mil](mailto:Aaron.O.Allen@usace.army.mil) by March 5, 2004.

**COMMENTS**

As a concerned voter & resident of the sev, my family and I are concerned about the future growth plans & development of Newhall Ranch. Among our many issues, are the potential destruction of species: fish & amphibians. We don't want another concrete river & are concerned about the respect for Native American sacred sites. The other environmental impacts such as increased traffic & air pollution!

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**U.S. ARMY CORPS OF ENGINEERS  
PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
REQUEST TO SPEAK/Written COMMENT FORM**

NAME (Please print): Bronwen Bronster  
 DO YOU WISH TO SPEAK AT THIS MEETING?  YES  NO  
 DO YOU WISH TO PRIVATELY GIVE VERBAL COMMENTS TO A COURT REPORTER?  YES  NO  
 ADDRESS (Street and Number): 23258 Steiner Ave  
 CITY: Stevenson Ranch STATE: CA ZIP CODE: 91381  
 TELEPHONE NO.: \_\_\_\_\_ EMAIL ADDRESS: bronster@earthlink.net

REGARDLESS OF WHETHER YOU PROVIDE VERBAL COMMENTS TODAY, IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT, YOU MAY RESPOND BELOW AND SUBMIT THIS SHEET TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY MARCH 5, 2004 AT: U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; REGULATORY BRANCH - VENTURA FIELD OFFICE; ATTN: CESPL-CO-RN-2003-01264-AOA; 2151 ALESSANDRO DRIVE, SUITE 110; VENTURA, CA 93001. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: Aaron.O.Allen@usace.army.mil by March 5, 2004.

**COMMENTS**

~~Deny the permit? Population, traffic congestion  
 will be uncontrollable, in addition, there is no  
 10' water source~~  
 Deny the permit -  
 Leave the river natural

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PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
REQUEST TO SPEAK/Written COMMENT FORM**

NAME (Please print): Jerry Murphy  
DO YOU WISH TO SPEAK AT THIS MEETING?  YES  NO  
DO YOU WISH TO PRIVATELY GIVE VERBAL COMMENTS TO A COURT REPORTER?  YES  NO  
ADDRESS (Street and Number): 26923 Palacete Drive  
CITY: Santa Clarita STATE: CA ZIP CODE: 91354  
TELEPHONE NO.: 661-297-7999 EMAIL ADDRESS: Jerry@MurphysHome.org

REGARDLESS OF WHETHER YOU PROVIDE VERBAL COMMENTS TODAY, IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT, YOU MAY RESPOND BELOW AND SUBMIT THIS SHEET TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY MARCH 5, 2004 AT: U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; REGULATORY BRANCH - VENTURA FIELD OFFICE; ATTN: CESPL-CO-RN-2003-01264-AOA; 2151 ALESSANDRO DRIVE, SUITE 110; VENTURA, CA 93001. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: [Aaron.O.Allen@usace.army.mil](mailto:Aaron.O.Allen@usace.army.mil) by March 5, 2004.

**COMMENTS**

With all the open space in our state, Why  
Destroy the Santa Clara River to put houses!?  
The destruction of the River AND the  
tributaries also destroys the HABITATE for  
our Wildlife! I hike along the  
River AND see what is HAPPENING.  
Just who are the stewards of our River?  
Newhall Land, The City of Santa Clarita, The County  
of LA, California Fish & Game. They all are FAILING!

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PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
REQUEST TO SPEAK/WRITTEN COMMENT FORM**

NAME (Please print): John M Gonzalez  
DO YOU WISH TO SPEAK AT THIS MEETING?     YES     NO  
DO YOU WISH TO PRIVATELY GIVE VERBAL COMMENTS TO A COURT REPORTER?     YES     NO  
ADDRESS (Street and Number): 2664 Gauban Dr  
CITY: Saugus    STATE: CA    ZIP CODE: 91350  
TELEPHONE NO.: 661 297-0537    EMAIL ADDRESS: jongon@aol.com

REGARDLESS OF WHETHER YOU PROVIDE VERBAL COMMENTS TODAY, IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT, YOU MAY RESPOND BELOW AND SUBMIT THIS SHEET TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY MARCH 5, 2004 AT: U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; REGULATORY BRANCH - VENTURA FIELD OFFICE; ATTN: CESPL-CO-RN-2003-01264-AOA; 2151 ALESSANDRO DRIVE, SUITE 110; VENTURA, CA 93001. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: [Aaron.O.Allen@usace.army.mil](mailto:Aaron.O.Allen@usace.army.mil) by March 5, 2004.

**COMMENTS**

I feel developers have a strangle hold on the community. They are destroying the beauty of the area as well as endangering the wildlife and environment with overdevelopment. I have been here since 1960 and I AM APPALLED! I know longer know the area and my son CAN'T BREATHE!! The overdevelopment MUST STOP & respect for our natural resources must START.

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PUBLIC SCOPING MEETING  
FOR THE NEWHALL RANCH SPECIFIC PLAN (DEIS/EIR)  
REQUEST TO SPEAK/Written COMMENT FORM**

NAME (Please print): Leslie Wilbuahby  
DO YOU WISH TO SPEAK AT THIS MEETING?  YES  NO  
DO YOU WISH TO PRIVATELY GIVE VERBAL COMMENTS TO A COURT REPORTER?  YES  NO  
ADDRESS (Street and Number): HCR 79 Box 140  
CITY: Crowley Lake STATE: CA ZIP CODE: 93546  
TELEPHONE NO.: (760) 935-4892 EMAIL ADDRESS: rdmountain@aol.com

REGARDLESS OF WHETHER YOU PROVIDE VERBAL COMMENTS TODAY, IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT, YOU MAY RESPOND BELOW AND SUBMIT THIS SHEET TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY MARCH 5, 2004 AT: U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; REGULATORY BRANCH - VENTURA FIELD OFFICE; ATTN: CESPL-CO-RN-2003-01264-AOA; 2151 ALESSANDRO DRIVE, SUITE 110; VENTURA, CA 93001. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: [Aaron.O.Allen@usace.army.mil](mailto:Aaron.O.Allen@usace.army.mil) by March 5, 2004.

**COMMENTS**

*Imprisoned streams are costly in terms of property values; they silt up increasing maintenance costs; concrete structures inhibit recharge of precious aqueduct water and threaten our coexistence with riparian species; channelizing stream structures and bridges redirect or control natural water flow, inhibiting natural flooding that recharges stream beds with fertile silt wash to support the growth of native California plants and interdependent species. Development must stay out of stream beds, wetlands, aquatic habitat and allow a safe*

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*'known' belt distance from stream beds.*

**U.S. ARMY CORPS OF ENGINEERS  
PUBLIC SCOPING MEETING  
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REQUEST TO SPEAK/Written COMMENT FORM**

NAME (Please print): Lynne Winner  
DO YOU WISH TO SPEAK AT THIS MEETING?     YES     NO  
DO YOU WISH TO PRIVATELY GIVE VERBAL COMMENTS TO A COURT REPORTER?     YES     NO  
ADDRESS (Street and Number): 31202 Quail Valley Rd  
CITY: CAS TALE    STATE: CA    ZIP CODE: 91384  
TELEPHONE NO.: 661 257 2090    EMAIL ADDRESS: \_\_\_\_\_

REGARDLESS OF WHETHER YOU PROVIDE VERBAL COMMENTS TODAY, IF YOU WOULD LIKE TO PROVIDE WRITTEN COMMENTS ON THIS PROJECT, YOU MAY RESPOND BELOW AND SUBMIT THIS SHEET TO A CORPS REPRESENTATIVE OR WRITE TO THE CORPS BY MARCH 5, 2004 AT: U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT; REGULATORY BRANCH - VENTURA FIELD OFFICE; ATTN: CESPL-CO-RN-2003-01264-AOA; 2151 ALESSANDRO DRIVE, SUITE 110; VENTURA, CA 93001. ALTERNATIVELY, YOU MAY EMAIL COMMENTS TO THE FOLLOWING ADDRESS: [Aaron.O.Allen@usace.army.mil](mailto:Aaron.O.Allen@usace.army.mil) by March 5, 2004.

**COMMENTS**

I am deeply concerned that our river will be cemented in - groundwater displaced and polluted as it is channeled and ~~that~~ polluted on its way to the ocean. I am also worried about traffic but even more about our water supply. Vasquez ~~well~~ wells are drying up. Where will the water come from?

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Mr. Aaron O. Allen  
United States Army Corps of Engineers  
Los Angeles District Regulatory Branch  
Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

Dear Mr. Allen:

A few years ago, a meeting such as this last one was held regarding the whole project. Again the same concerns are being addressed with over pollution of the Santa Clara River, the traffic, and the valley being impacted by more and more cars, people, lack of sufficient water to be provided for all of these homes, the quality of life and diversified lifestyles eroded by the greediness of developers to supply large quantities of homes and move on to the next development that again over runs our roads, depletes our water reserves, pollutes our air and overburdens our school system. We need schools to provide for the excess of children today, recreation areas, open space, and a very large setback from the Santa Clara River.

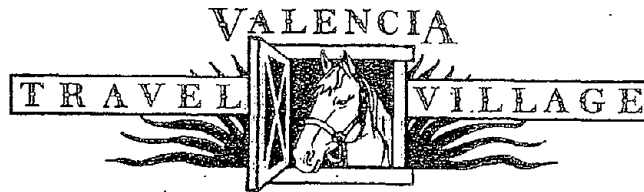
As a concerned person within the equestrian lifestyle, we see more and more higher density housing and less and less horse owned property or lower density with 2 acre minimum which would greatly enhance the area with less density and provide running, walking and equestrian trails and lower the impacts to traffic and the river. All in all, lower density and more acreage per house and river trails within the appropriate buffer zones or setbacks.

The California Regional Water Quality Board determined that the TMDL of pollutants from horses is less than 1 % or insignificant.

The Newhall Ranch Project is a massive project hurdling down our highways with way too many homes. This project needs severe downsizing and again a portion of equestrian zoned homes placed with larger acreage to accommodate the lower density levels required which in turn allows for development but a slowed down rate with more open space, less impacts on the environment. A win win. Developers get to develop, provide for a more diversified lifestyle, provide less homes which do not impact the area as much.

I realize no one wants this project at all. Yes, it would be nice if the Santa Monica Mtns. Conservancy would purchase all of it as one great open space park, but in reality, a more reasonable solution is a greatly downsized project with more land per housing unit. Thank you for your attention to this letter.

Sherrie Stolarik  
Trails Coordinator of Corral 77 of Equestrian Trails Inc.  
And member of Santa Clarita Trails Advisory Committee



Ms. Morgan Wehtje  
California Department of Fish and Game  
Region 5 – South Coast Region  
4665 Lampson Avenue  
Los Alamitos, CA 90720

Re: **Notice of Preparation of Draft Environmental Impact Report**  
**Newhall Ranch Specific Plan – Long-term Streambed Alteration Agreement**  
**and Endangered Species Incidental Take Permit**

Dear Ms. Wehtje:

The Valencia Travel Village (the "Village") appreciates the opportunity to provide the following comments with respect to the Notice of Preparation of an Environmental Impact Report ("EIR") for the above-referenced Project.

#### **BACKGROUND / LOCATION OF VALENCIA TRAVEL VILLAGE**

Valencia Travel Village is a travel destination in Valencia, California serving primarily recreational vehicle enthusiasts. The approximately 63 acre site lies just south and west of the confluence of State Route 126 and Interstate 5. The southern boundary of the Village abuts the Santa Clara River. The Village provides spaces and utility hook-ups for approximately 500 recreational vehicle tenants, and includes an onsite market, and various other facilities. The Village also includes a dry storage area that accommodates over one hundred recreational vehicles.

Given its location adjacent to the Santa Clara River and Castaic Creek, Valencia Travel Village is in a unique location to suffer impacts associated with the Project. In addition, the Village is a business dependent entirely on travel and tourism. Any impacts of the Project negatively affecting local tourism or the desirability of the Valencia area as a travel destination will acutely impact Valencia Travel Village.

#### **COMMENTS ON NOTICE OF PREPARATION**

##### *1) Hydrology, Flooding, and Sedimentation*

Perhaps the most important issue to be addressed in the draft EIR from the Village's perspective is hydrology and flooding. The Village lies on the northern bank of the Santa Clara River, and is therefore at risk of flooding in the event of significant precipitation. The risk is particularly acute for the Village's recreational vehicle storage area which lies at the southern boundary of the site and at a lower elevation, closer to the level of the riverbed.

The Village requests that the draft EIR clearly and specifically describe all changes that may be made to the course of the Santa Clara River as a consequence of the Project. In addition, the draft EIR should explain all changes to be made to the flow, bed, bank, or channel of the river, and any potential flooding impacts those changes may cause or exacerbate. In addition, the draft EIR should include evaluation of potential changes to sediment deposition patterns, and mitigation as necessary.

The Village also requests that the draft EIR include comprehensive flood control mitigation measures to ensure that improvements made in conjunction with the Project do not contribute to an increased risk of flooding in the area.

2) *Water Quality*

The draft EIR should include a detailed discussion of potential impacts of the Project associated with surface and ground water. The draft EIR should include a detailed discussion of storm water pollution and runoff mitigation measures that will be undertaken. The Village expects that a storm water pollution prevention plan will be developed for any applicable facilities and improvements associated with the Project.

3) *Threatened and Endangered Species; Fish and Wildlife*

The Village is concerned that any impacts to native flora or fauna may have a detrimental effect on travel and tourism in the area. The draft EIR should include evaluation and mitigation of impacts to wildlife resources, as well as evaluation of the potential long term impacts of the Project on wildlife resources.

4) *Air Quality*

According to the NOP, the Project will include the construction of several improvements in the area of the Santa Clara River. These improvements have the potential to degrade air quality in the area through construction emissions and fugitive dust, operation emissions once the improvements are complete, and emissions associated with increased vehicular traffic once the improvements are complete.

The draft EIR should include evaluation of air quality impacts from all three sources, as well as mitigation measures to ensure that local air quality is at least maintained.

5) *Traffic and Circulation / Noise*

The Village is a destination primarily for those wishing to escape more crowded and congested urban areas. Significant increases in traffic and noise associated with the Project will diminish the appeal of the Village as a travel destination. The draft EIR should include analysis, including long term projections, of shifting traffic patterns in the area. The draft EIR should also examine and offer mitigation for noise created by increased traffic, construction, and operation of improvements built for the Project.

6) *Visual Resources / Cumulative Impacts*

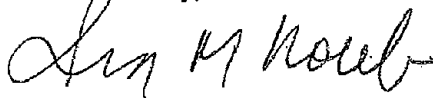
The Santa Clara River and surrounding area provide a beneficial visual context for travelers visiting the Village. The draft EIR should include mitigation measures to mask the visual impact of improvements made in the area and provide greater harmony with the natural surroundings. Rather than introducing a starkly contrasting look of concrete and other materials, the structures and improvements contemplated with the Project should provide a "natural" look when possible.

The Project appears likely to contribute to the urbanization of the area, a result of which may be a decline in travel interest and business for the Village. The draft EIR should include analysis of all foreseeable cumulative impacts associated with the Project, as well as related and unrelated development in the area. The draft EIR should include evaluation of a range of project alternatives that may achieve the Project's goals with more limited impacts.

### CONCLUSION

Valencia Travel Village looks forward to reviewing the draft EIR for the Project. Pursuant to Public Resources Code section 21092.2, Valencia Travel Village requests that the California Department of Fish and Game, as lead agency, provide to the Village copies of all notices prepared pursuant to CEQA relative to the Project. All notices should be sent to the attention of Rick Robb. Thank you for your cooperation.

Sincerely,



Ira Robb



bcc: Jeremy K. Brust, AALRR



February 19, 2003

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch - Ventura Field Office  
ATTN: CESPL-CO-2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

RE: Scoping Comments for Application No.: 2003-01264-AOA, Newhall Ranch Specific Plan

Dear Mr. Aaron O. Allen,

Good evening representatives of the ACOE and thank you for this opportunity to offer comments for this scoping hearing.

It is with a disturbing feeling that ~~I realize that~~ although my comments and everyone else's will be considered valuable to whomever must create the EIR/EIS, they are ultimately irrelevant.

Why? because a representative of the ACOE has told me that this agency's primary concern is issuing permits, not enforcement. We stood on the illegally filled banks of the SC River and watched trucks dump fill illegally in an upper reach in the NRMP area and that was the reply I was given when I pointed out that this was, though undesignated, critical habitat for the threatened arroyo toad.

I am here not to simply urge you but to demand that you take this river as seriously as if life depended on it. Why? Because it does.

You are here representing decision makers and law and we want all of you to hear us and be quite sure that our voices are heard by others like ripples on a river.

Never again do we want to see such lavish waste of one million dollars to cover up the disgrace it is to destroy a 400 year old oak tree. This river can't be moved.

This river can't be transplanted to save Newhall Land and Farming from a public relations disaster that destroying this river would represent. This river is the Mother of Old Glory.

We would like to continue to vehemently remind this body that we are concerned here with the last major nearly wild river in Southern California; that is, between here and Mexico. This is a very serious deliberation for the future of our region as well as our continent.

1. There need for independent biological surveys.

Recent surveys by independent biologists along the Santa Clara River have resulted in the discovery of threatened or endangered species where previous Newhall-hired biologists have found none or failed to report their findings. This surely calls into question the choice of biologists and the thoroughness and veracity of Newhall Land Company's surveys. Therefore, Friends of the Santa Clara River requests season timely surveys of the project area by independent biologists be ordered, and that such surveys be provided to the general public.

No doubt, these agencies are aware of public concern regarding the Los Angeles County District Attorney's investigation into destruction of the San Fernando Valley Spineflower on lands immediately adjacent to the river and illegal streambed alteration. This case was settled out of court, with settlement terms that lead the public to assume that there were serious impacts to

the biological resources. In light of this situation, it is critical to have independent surveys and close oversight for the resources

2. Adequate buffer zones for wildlife movement in and across the Santa Clara River and its tributaries;

Friends of the Santa Clara River has never been satisfied that there is substantial evidence justifying anyone's findings that development in Newhall Ranch was located and designed so as not to conflict with critical resources and habitat. We believe it is urgent that these documents provide protection to produce a project that is highly compatible with biotic resources and that sufficient natural cover or open space be retained to buffer critical resources from proposed uses. There is no doubt that this river and its tributaries are a precious, rare critical resource. We urge you to protect them as such.

There are two scientific references in the open literature which provide information relevant to the serious incompatibility of projects such as this one with biotic resources.

The first paper is "Buffer Zones for Ecological Reserves in California:

Replacing

Guesswork with Science" by two University of California Riverside scientists. This paper looks at the impacts of such factors as domestic cats, equestrian, human and ORV intrusion into an Orange County Reserve. Impacts were evident at the center of the one mile wide reserve. A second reference by Stanford's Department of Biological Studies shows that the placement of urban uses in the vicinity of riparian zones has substantial impacts on riparian bird communities out to a distance of 1500 feet. Essentially no buffer exists between the project and the river corridor and its sensitive biological areas. The Stanford paper's concluding paragraph contains the following statement: "The single most important step that can be taken to conserve riparian communities in the face of urbanization is to minimize development in and along floodplains by maintaining broad buffers of undeveloped land between developed areas and riparian habitats."

It is beyond question, based on the above scientific studies, that the integrity of the Santa Clara River depends on the establishment of adequate buffer zones .

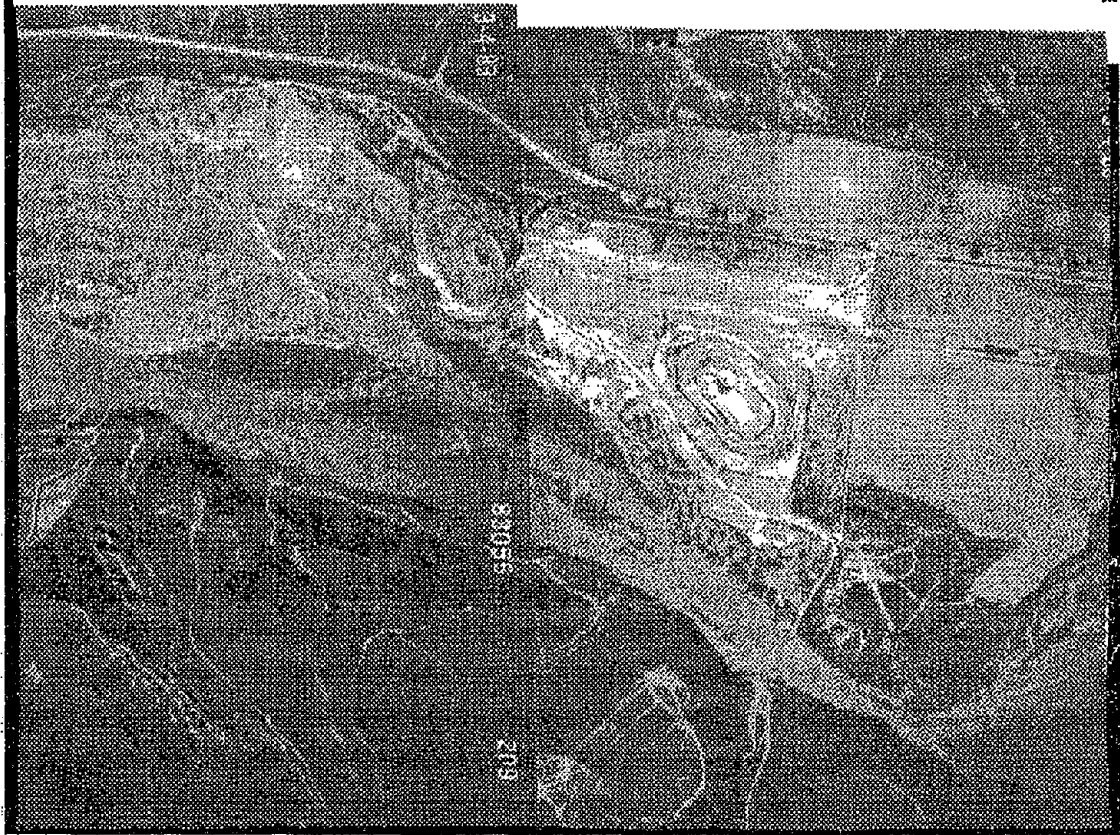
This EIR/EIS therefore must evaluate impacts and propose adequate mitigation. Mitigation, it appears, would almost certainly involve a much larger buffer area between the river, its tributaries and developed areas.

We thank you for your time and attention to the concerns of the community that we present here today.

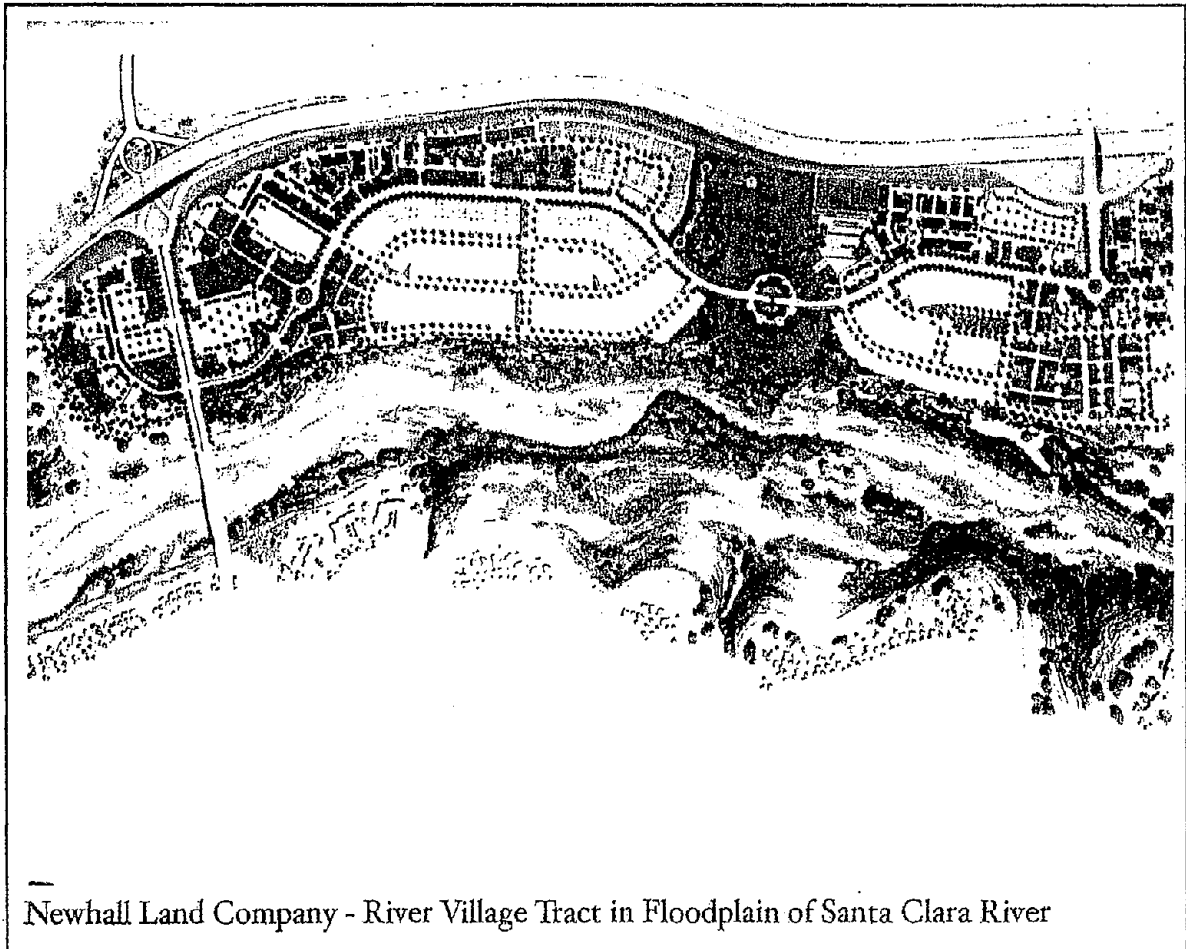
Barbara Wampole  
Vice chair FSCR

Com

*Aerial Photos of aggressive grading (past fire) are attached*



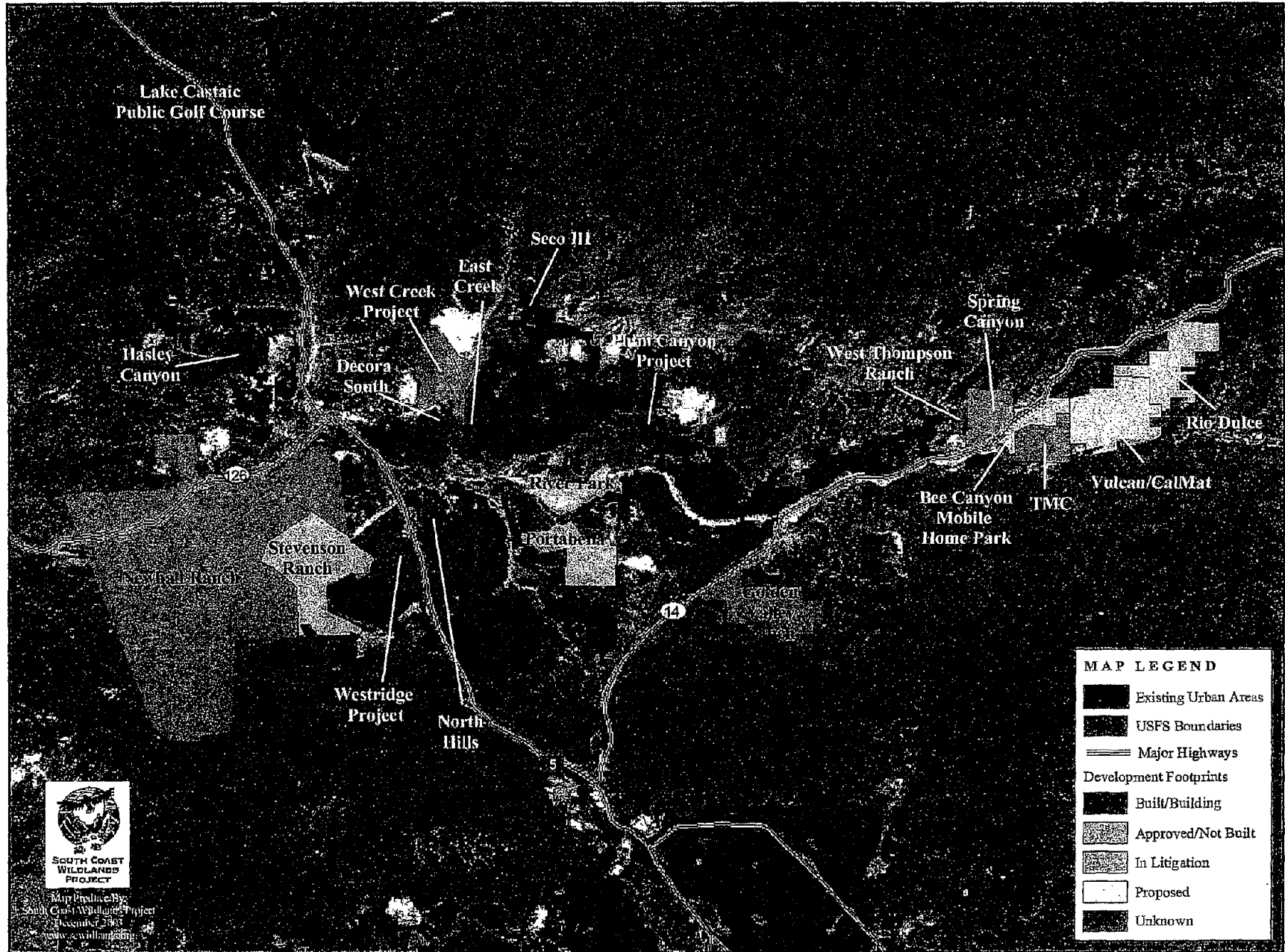
Los Angeles County Public Works aerial photo of 1993 flooding River Village area



Newhall Land Company - River Village Tract in Floodplain of Santa Clara River

# Upper Santa Clara Watershed Development Impacts

Note: There are still several development footprints that we have not acquired.

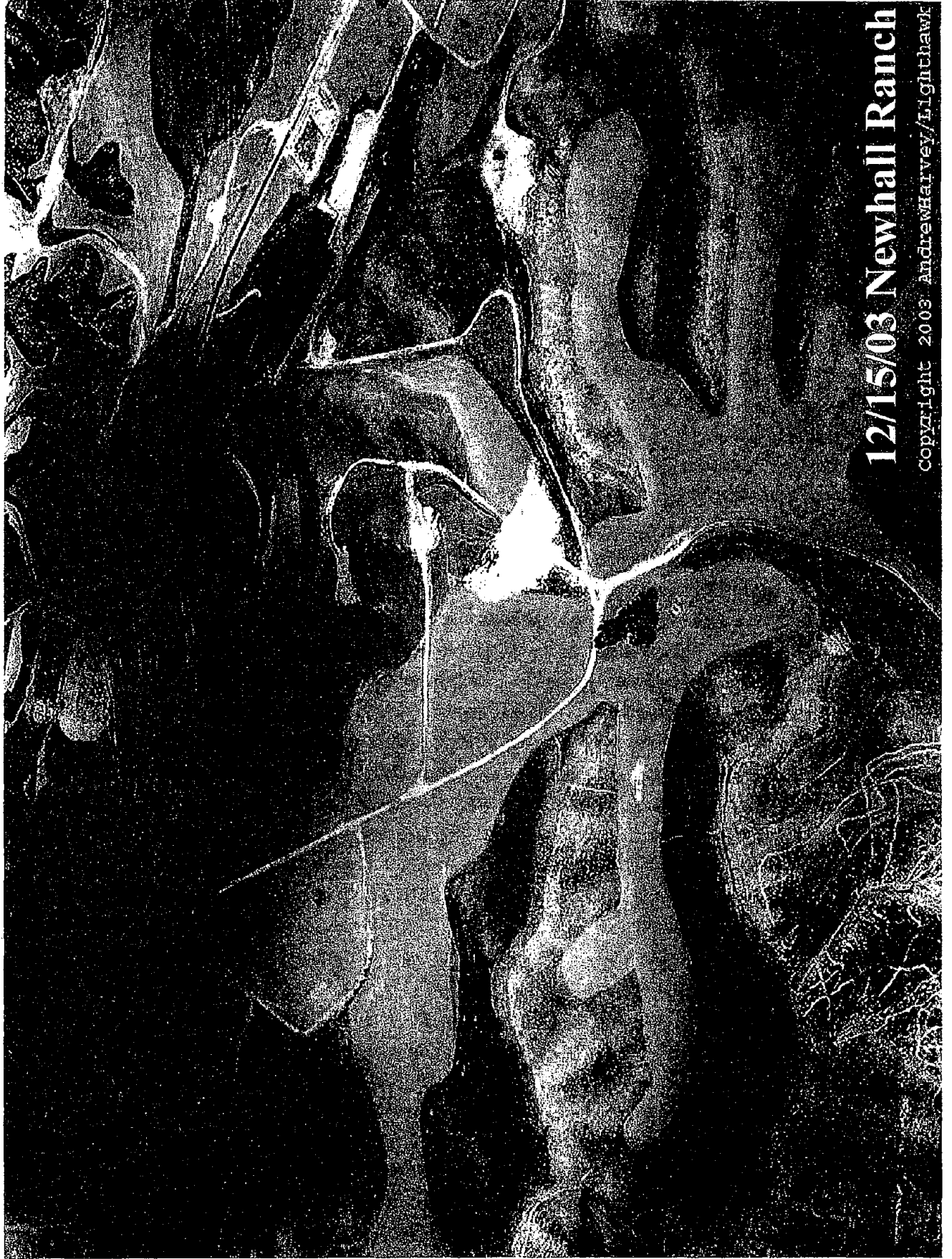


**SOUTH COAST WILDLANDS PROJECT**

Map Produced By:  
South Coast Wildlands Project  
December 2003  
www.southcoastwildlands.org

12/15/03 Newhall Ranch





12/15/03 Newhall Ranch

Copyright 2003 AndrewHarvey/Lighthawk

**Allen, Aaron O SPL**

---

**From:** aka321@juno.com  
**Sent:** Friday, January 23, 2004 5:55 PM  
**To:** Allen, Aaron O  
**Subject:** Newhall Ranch Project

To: US Army Corps of Engineers

The permit being considered for wetland and floodplain development in the Newhall Ranch Project on the Santa Clara River could adversely affect several endangered species. The least Bell's vireo, unarmored threespine stickleback and arroyo toad may be further threatened by this permit.

We must make every effort to preserve all endangered species, for their sake, and for ours.

Thanks for your attention,

Amy Anderson

---

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# South Coast Air Quality Management District

21865 E. Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)



January 30, 2004

RECEIVED

FEB 05 2004

Regulatory Branch

Mr. Aaron O. Allen  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – Ventura Field Office  
Attn: CESPL-CO-2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Dear Mr. Allen:

**Notice of Preparation of a Draft Environmental Impact  
Statement/Environmental Impact Report for The Newhall Land and  
Farming Company Application No. 2003-01264-AOA**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR).

**Air Quality Analysis**

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the CARB Website at: [www.arb.ca.gov](http://www.arb.ca.gov).

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips



should be included in the analysis. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

### **Mitigation Measures**

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

### **Data Sources**

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.  
Program Supervisor, CEQA Section  
Planning, Rule Development and Area Sources

SS:CB:li

LAC040128-02LI  
Control Number



**DEPARTMENT OF THE ARMY**  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
VENTURA FIELD OFFICE  
2151 ALESSANDRO DRIVE, SUITE 110  
VENTURA, CALIFORNIA 93001

REPLY TO  
ATTENTION OF:

February 4, 2004

Office of the Chief  
Regulatory Branch

Newhall Land and Farming Company  
Attention: Mark Subbotin  
23823 Valencia Boulevard  
Valencia, California 91355-2103

Dear Mr. Subbotin:

Reference is made to your letter (No. 2003-01264-AOA) dated September 24, 2003 for a long-term Department of the Army Permit for proposed discharges of fill material in waters of the United States associated with the Newhall Ranch Specific Plan and associated facilities in the Santa Clara River and several side drainages, including Chiquito Canyon, Long Canyon, San Martinez Grande Canyon, Potrero Canyon and Lion Canyon, near the City of Santa Clarita, Los Angeles County, California.

On December 15, 2003, you submitted a Jurisdictional Delineation Package for the Newhall Ranch Specific Plan for our review and approval. The above information was modified several times based on observations made by the Corps during site visits on August 7, August 19, September 29 and October 27, 2003. Based on our review of the Jurisdictional Delineation Package dated December 15, 2003, the Corps hereby concurs that the project area supports a total of 493 acres of waters of the United States, including wetlands, consisting of 316.1 acres in the Santa Clara River, 13.9 acres in Chiquito Canyon, 5.7 acres in Long Canyon, 2.5 acres in San Martinez Grande Canyon, 36.7 acres in Potrero Canyon, 6.8 acres in Lion Canyon, 77.9 acres in Salt Creek and 33.3 acres in unnamed minor tributaries to the above waters of the United States.

Based on the information furnished in your letter and several site visits, we have determined that your proposed project does discharge dredged or fill material into a water of the United States. Therefore, the project is subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is required from our office.

Within the Santa Clara River, moderate to large storm flows can scour and deposit sediment, which can alter the extent and location of the braided stream channel from year to year. The extent of the morphological channel change is dependent on the magnitude of the peak storm flows. One would reasonably expect that storm flows greater than or equal to the 15-year event would have the ability to alter channel morphology and possibly change the ordinary high water mark within the Santa Clara River. Based on the above, if a 15-year or greater storm event occurs during the review of the proposed project, an updated jurisdictional

determination will be required for the Santa Clara River. The updated jurisdictional determination for the Santa Clara River must be reviewed and approved by the Corps of Engineers prior to any discharge of fill material in or adjacent to the Santa Clara River.

If you have any questions, please contact Dr. Aaron O. Allen of my staff at (805) 585-2148.

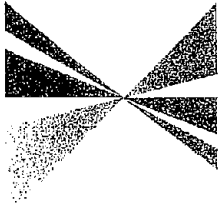
Sincerely,

David J. Castanon  
Chief, North Coast Section  
Regulatory Branch

*DC 2/4*  
CASTANON  
CESPL-CO-R

ALLEN, Aaron 2-2-2004  
CESPL-CO-R

SOUTHERN CALIFORNIA



**ASSOCIATION OF GOVERNMENTS**

**Main Office**

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

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Riverside County: Marion Ashlev, Riverside County • Ron Loweridge, Riverside • Jeff Miller, Corona • Greg Pettis, Cathedral City • Ron Roberts, Temecula • Charles White, Moreno Valley

San Bernardino County: Paul Blane, San Bernardino County • Bill Alexander, Rancho Cucamonga • Edward Bugnon, Town of Apple Valley • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Longville, San Bernardino • Gary O'Neil, Ontario • Deborah Robertson, Rialto

Ventura County: Judy Mikels, Ventura County • Glen Beceira, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneine

Orange County Transportation Authority: Charles Smith, Orange County

Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

RECEIVED

FEB 11 2004

Regulatory Branch

February 9, 2004

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – Ventura Field Office  
ATTN: CESPL-CO-2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

**RE: SCAG Clearinghouse No. I 20040055 Application No. 2003-01264-AOA**

Dear Mr. Allen:

Thank you for submitting the **Application No. 2003-01264-AOA** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Application No. 2003-01264-AOA**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **January 16-31, 2004** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

**JEFFREY M. SMITH, AICP**  
Senior Regional Planner  
Intergovernmental Review

February 9, 2004

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF TRANSPORTATION PLANNING, MS-32  
1120 N STREET  
P. O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 653-0808  
FAX (916) 653-4570



*Flex your power!  
Be energy efficient!*

February 11, 2004

US Army Corps of Engineers, Los Angeles District  
Regulatory Branch - Ventura Field Office  
ATTN: CESPL-CO---2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Subject: PN 2003-01264-AOA, Newell Ranch Specific Plan

Dear Mr. Allen:

The California Department of Transportation (Department) expects to be involved in the review of all developmental components of the Newhall Ranch Specific Plan.

For the activity of discharging fill material in U.S. waters, due to the high volume of through traffic on I-5 and I-405 during the peak commute periods, we advise that truck trips be limited to off-peak hours as much as possible.

In addition, we would like to remind the applicant that any transportation of heavy construction equipment and/or materials that require the use of oversized-transport vehicles on the State Highway System will require a Department Transportation Permit.

Thank you for the opportunity to comment on the subject notice. If you have any questions, please contact Steve Buswell, District 7 IGR/CEQA Branch, at (213) 897-4429.

Sincerely,

A handwritten signature in cursive script that reads "Betty Miller".

Betty Miller  
IGR Coordinator  
Office of Community Planning

c: S. Buswell  
E. Alvarez

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax



February 11, 2004

Ms. Morgan Wehtje  
Department of Fish and Game, Region 5  
South Coast Region  
466 Lampson Ave.  
Los Alamitos, CA 90720

RE: SCH# 2000011025 – Newhall Ranch Specific Plan: Long-term Streambed Alteration Agreement and Endangered Species Take Permit, Los Angeles County

Dear Ms. Wehtje:

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above project. To adequately assess and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **Check Completed with negative results**
  - A list of appropriate Native American Contacts for consultation concerning the project site and to assist in the mitigation measures.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5 (e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Wood".

Rob Wood  
Environmental Specialist III  
(916) 653-4040

CC: State Clearinghouse

**NATIVE AMERICAN CONTACTS  
Los Angeles County  
February 11, 2004**

Charles Cooke  
32835 Santiago Road  
Acton , CA 93510  
(661) 269-1244

Chumash  
Fernandeno  
Tataviam  
Kitanemuk

Randy Guzman - Folkes  
3044 East Street  
Simi Valley , CA 93065-3929  
traditional75@hotmail.com  
(805) 579-9206  
(805) 797-5605 (cell)

Chumash  
Fernandeno  
Tataviam  
Shoshone Paiute  
Yaqui

Beverly Salazar Folkes  
1931 Shadybrook Drive  
Thousand Oaks , CA 91362  
805 492-7255

Chumash  
Tataviam  
Fernandeno

LA City/County Native American Indian Comm  
Ron Andrade, Director  
3175 West 6th Street, Rm. 403  
Los Angeles , CA 90020  
(213) 351-5308  
(213) 386-3995 FAX

**San Fernando Band of Mission Indians**

John Valenzuela, Chairperson

P.O. Box 221838  
Newhall , CA 91322

tsen2u2@msn.com  
(661) 753-9833 Office  
(760) 885-0955 Cell  
(760) 949-2103 Home

Fernandeno  
Tataviam  
Serrano  
Vanyume  
Kitanemuk

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regards to cultural resources assessment for the following proposed SCH# 2000011025 - Newhall Ranch Specific Plan: Long-term Streambed Alteration Agreement and Endangered Species Take Permit, Los Angeles County.

**Allen, Aaron O SPL**

---

**From:** Sullivan, T.J. [TSullivan@venturacountystar.com]  
**Sent:** Thursday, February 12, 2004 11:35 AM  
**To:** 'Aaron.O.Allen@usace.army.mil'  
**Subject:** DEIS/DEIR for Newhall Ranch

Dear Dr. Allen,

My name is T.J. Sullivan and I'm a reporter for the Ventura County Star.

I would like to request that my e-mail [tsullivan@venturacountystar.com](mailto:tsullivan@venturacountystar.com) be placed on your media/notification list with regard to meetings, actions, rulings, etc... that involve the DEIS/DEIR for Proposed Future Permit Actions Under Section 404 of the Clean Water Act for the Newhall Ranch Specific Plan and Associated Facilities Along Portions of the Santa Clara River and its Side Drainages, in Los Angeles County, CA.

Thank you.

tj

> T.J. Sullivan  
> Senior Staff Writer  
> Ventura County Star  
> P.O. Box 6711  
> Ventura, CA 93003  
> (805) 496-8119 work  
> (310) 309-9425 cell  
> (805) 379-3251 fax  
> Website: <http://www.VenturaCountyStar.com>  
> E-mail: [tsullivan@VenturaCountyStar.com](mailto:tsullivan@VenturaCountyStar.com)  
>  
>



# Ventura County Watershed Protection District



PUBLIC WORKS AGENCY  
**RONALD C. COONS**  
*Agency Director*

**Jeff Pratt**  
*District Director*

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FEB 25 2004

Regulatory Branch

**Lawrence Jackson**, Deputy  
*Water Quality/Environmental*

**Peter Sheydayi**, Deputy  
*Design/Construction*

**Sergio Vargas**, Deputy  
*Planning/Regulatory*

**Tom Lagier**, Manager  
*Operations/Maintenance*

February 17, 2004

U.S. Army Corps Of Engineers, Los Angeles District  
Regulatory Branch – Ventura Field Office  
Attn : CESPL – CO – 2003-01264-AOA  
Mr. Aaron O. Allen  
2151 Alessandro Drive  
Suite 110  
Ventura, California 930014

**SUBJECT: Newhall Land and Farming Company Application for Section 404 Permit  
For Portions of the Santa Clara River & Selected Side Drainages  
In Northern Los Angeles County, Application No. 2003-01264-AOA  
Notice of Intent to Prepare Draft EIS/EIR**

Dear Mr. Allen :

This letter is in response to the request for review of the above mentioned project. The District has reviewed the notice of preparation for a draft EIS/EIR and has the following comments that should be included in the Watershed Protection comments.

1. 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 Watershed Protection 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 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.

2. The report should address the impact of increases in peak stormwater runoff and erosion from the project and the cumulative impact of future development within the Santa Clara River watershed. The report needs to show the impacts of an increased peak runoff from 10, 25 and 100 year frequency storms. The report should also address necessary mitigation measures and development's affect on potential for downstream flooding.

If you have questions regarding this review, please call the undersigned at 654-2906.

Very truly yours,



Kevin Keivanfar, P.E.  
Manager, Permit Section  
Watershed Protection District

KK/tt

C: Mark Subbotin, Newhall Land and Farming Company, Santa Clarita  
Padmini Elyath, California Dept of Fish and Game, Los Alamitos, CA



*Los Angeles County*  
*Department of Regional Planning*  
*Director of Planning James E. Harll, AICP*



February 18, 2004

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FEB 25 2004  
Regulatory Branch

Dr. Aaron Allen  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – Ventura Field Office  
Attn: CESPL – CO – 2003 – 01264 – AOA  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

**SUBJECT: Long Term Section 404 Permit for the Newhall Ranch Specific Plan**

Dear Dr. Allen:

Thank you for the opportunity for Los Angeles County to comment on the environmental document for the far-reaching and forward thinking application by Newhall Land and Farming to address the implementation of the County approved Newhall Ranch Specific Plan.

Los Angeles County applauds the Army Corps and the Department of Fish and Game (DFG) for their proactive decision to consider the whole of the potential impacts by the implementation of the Newhall Ranch Specific Plan. The County considers itself as the lead agency for the CEQA review of the Specific Plan implementation. Aside from the approval of a wastewater treatment facility, the County has not yet authorized any entitlements for development of the Specific Plan. The County does not know at this time the specifics of the magnitude of the biological impacts that will be associated with the 20-30 year build out of the Specific Plan. The County cautions the Corps that any permit approved for the Specific Plan should include sufficient flexibility to accommodate the County's discretionary authority in granting entitlements to a large property possessing considerable biological sensitivity. The County is willing to work closely with both the Corps and the DFG to assure that the County retains its full authority in discretionary actions while allowing the Corps and DFG their complete roles as trustee agencies for protection of biological and wetlands diversity.

In regard to the specifics of the environmental document for this action, Los Angeles County is particularly interested in the nature of riparian buffers. The analysis in the environmental document should be based on the "best science available" from empirical studies in western North American watersheds of the suburban/riparian interface. The placement of bank stabilization should be decided on such results with the stabilization alignment simulating the curvilinear boundaries of existing floodplains.

The nature of hydrological scouring downstream of bridge footings and floodplain narrowing should be fully analyzed. Any change to scour areas will affect the distribution of riparian vegetation and the nature of aquatic ecosystems.

Careful consideration should be included for the nature of and impacts to sensitive mainland cherry woodland, best represented on-site in Long Canyon. This habitat type has been lost in considerable amounts during the past few decades and cumulative impacts appear to be significant. Special attention also should be given to the placement of trails for recreational use. These trails should be located outside of the existing floodplain areas in order to minimize potential impacts to riparian resources.

Los Angeles County requests to be fully apprised of, and occasionally directly involved with, the drafting of the mitigation measures, especially if the County, as CEQA lead agency, is likely to utilize the resulting NEPA/CEQA environmental document in awarding future entitlements to the property owner. The County urges that the Corps consult and involve the Flood Maintenance Division of the Department of Public Works (DPW) in an effort to include and be cognizant of the public safety component of the County's obligations. The Department of Regional Planning (DRP) biology staff in the Impact Analysis section should be invited and encouraged to participate in all aspects of the deliberative process in drafting the conditions of any subsequent permit issued by the Corps. The DRP's Land Division section should also be contacted because this section will be charged with the processing of the subsequent development applications proposed by the applicant.

We thank you for this chance to open a cooperative dialogue between Army Corps and Los Angeles County in what should become a progressive and forward looking effort to protect the rich biological diversity occurring within the Newhall Ranch Specific Plan.

If you have any questions concerning this matter, please contact Daryl Koutnik, Supervising Regional Planner of the Impact Analysis Section at (213) 974-6461, Monday through Thursday between 7:30 a.m. and 6:00 p.m. Our offices are closed on Fridays.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING  
James E. Hartl, AICP  
Director of Planning



Daryl Koutnik  
Supervising Regional Planner  
Impact Analysis

JEH:DLK:dlk

C: Supervisor Michael Antonovich  
Judith Fries, County Counsel



Friends of the Santa Clara River  
660 Randy Drive Newbury Park, California 91320 (805) 498-4323

February 19, 2004

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California Native Plant  
Society

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Organization for  
Planning the  
Environment (SCOPE)

Sierra Club,  
Angeles Chapter

Sierra Club,  
Los Padres Chapter

Surfrider Foundation

Ventura Audubon  
Society

Wishoyo Foundation

Ventura Coast Keepers

To: U.S. Army Corps of Engineers  
California Department of Fish and Game

From: Friends of the Santa Clara River

Re: Scoping Comments on EIS/EIR for Newhall Ranch Specific Plan

It would be difficult to overestimate the concern of Friends of the Santa Clara River regarding the ecological integrity of the Santa Clara River riparian corridor within the Newhall Ranch Specific Plan. It is vital that the scope of the EIS/EIR include a thorough analysis of the overall effects on the river corridor over the past 5 years of the 404 Permit and 1603 Streambed Alteration Agreement issued under the Natural River Management Plan (NRMP). Impacts to the river over the 5-mile reach of the Specific Plan will be additive to those along the 15 miles of the river and tributaries covered by the NRMP just upstream of Newhall Ranch. Cumulative impacts are a major concern and should be given special weight in the analysis.

Impacts to many riverine species under the NRMP, including endangered species such as the arroyo toad, have been substantial. Mitigation done under the 404/1603 permits has not been adequately monitored. Riparian vegetation planting done for mitigation purposes has in some cases either died or been allowed to degrade. It is essential to understand what has happened to the river and its biota under the NRMP in order to arrive at proper permitting conditions for the Newhall Ranch Specific Plan.

Friends has, in the past, stressed the fact that adequate studies on the effects of urbanization on riparian corridors fall far short of what is required. Many more such studies are needed. Given this fact, we strongly urge a conservative approach be taken in scoping analyses and in all permitting for this section of the Santa Clara River. We note that the Newhall Ranch section of the river received a Conservation Rating of 5 (highest possible) in the Biological Resources Report done for the Santa Clara River Enhancement and Management Plan. Two studies on the impacts of urbanization on nature reserves are:

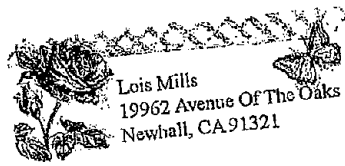
(1) Kelly, Patrick A. and Rotenberry, John T., "Buffer Zones for Ecological Reserves in California: Replacing Guesswork with Science", Southern California Academy of Sciences, 1993; (2) Rottenborn, Stephen C., "Predicting the impacts of urbanization on riparian bird communities", Biological Conservation 88 (1999) pp 289-299.

The Draft EIS/EIR for the NRMP mentioned several areas of concern (pageES-8), including storm water runoff effect on the unarmored threespine stickleback, effect of bank protection on sediment dynamics of the river, degree of success of riparian restoration, effect of bank protection on groundwater recharge, and why is encroachment into the river necessary when there exist large undeveloped uplands in the area. These issues remain significant concerns and should be analyzed in the EIS/EIR.

Respectfully  
Ron Bottorff  
Chair, Friends of the Santa Clara River

RECEIVED

FEB 20 2004



February 19, 2004  
Newhall Branch

To all if Concerns,  
Re: Newhall Ranch by 126

You have not ever driven  
Freeway 5, Freeway 14,  
Sierra Highway and  
San Fernando Road South  
in the AM have you?

Try it for a week or so  
at different times 5 AM,  
6 AM 7 AM etc and only  
where in between.

I live in Scenic Hills.  
Since 2000. just in that short  
time my drive has gone from  
20 mins to 40 mins on a  
good day. I used to be  
able to turn right on the  
Rainbow Glen side street,  
into Sierra Highway.

-2-

on a red light. Now,  
even if I have the  
green light the cars  
block the intersection,  
trying to beat their  
red light.

And this is before  
all the new housing will  
be going in around here.  
Come look for yourselves,  
by car of course; in the AM  
Friendly Valley is building  
41 homes; across from them  
on Sierra Hg. is more  
being built, not including  
Golden Valley subdivision &  
others, south of scenic hills  
another 200 are planned by  
high school.

Did I ask? you haven't  
seen ~~it~~ nothing like it yet!  
2015 miles

Allen, Aaron O SPL

---

From: Sullivan, T.J. [TSullivan@venturacountystar.com]  
Sent: Thursday, February 12, 2004 11:35 AM  
To: 'Aaron.O.Allen@usace.army.mil'  
Subject: DEIS/DEIR for Newhall Ranch

Dear Dr. Allen,

# California Native Plant Society

February 19, 2004

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch - Ventura Field Office  
ATTN: CESPL-CO—2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

## **RE: Scoping Comments for Application No.: 2003-01264-AOA, Newhall Ranch Specific Plan**

Dear Mr. Aaron O. Allen,

The California Native Plant Society (CNPS) is a non-profit organization of more than 10,000 laypersons and professional botanists organized into 32 chapters throughout California. The mission of the California Native Plant Society is to increase understanding and appreciation of California's native plants and to conserve them and their natural habitats, through education, science, advocacy, horticulture and land stewardship. The CNPS has been very involved in Santa Clara River Valley plant issues for years. Based on our experience, we offer the following comments on Application for Permit.

The CNPS supports the need for an Environmental Impact Statement (EIS) in conjunction with an Environmental Impact Report (EIR) with the California Department of Fish and Game (DFG) as the lead agency on the California Environmental Quality Act (CEQA) documentation. We also strongly support the US Army Corps of Engineers (Corps) to "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." (Page 2, last paragraph, 2<sup>nd</sup> and 3<sup>rd</sup> sentences of the Notice of Intent). Many of our specific concerns involve the impact to sensitive and regionally rare plant taxa and rare plant communities as follows:

The most recent sensitive plant species surveys on the project site have continued to locate previously undetected rare plant species, despite years of previous surveys and studies. Therefore, the CNPS requests that thorough new seasonal surveys be performed for sensitive plant species and vegetation communities under the direction and supervision of the Corps and CDFG. Full disclosure of survey results to the public and other agencies without limitations imposed by the applicant must be implemented to assure full NEPA/CEQA compliance. Confidentiality agreements should not be allowed for the surveys in support of the proposed permitted activities. These surveys should follow CNPS and CDFG floristic survey guidelines and should be documented as recommended by CNPS and California Botanical Society policy guidelines. Attached are the most current CNPS floristic survey guidelines (Attachment 1) and the CNPS policy on documentation (Attachment 2).

The CNPS requests that the vegetation maps be at a large enough scale to be useful for evaluating the impacts. The 1"=9000 meter scale of the Vegetation Map in the Newhall



*Dedicated to the preservation of California native flora*



# ATTACHMENT 2

# California Native Plant Society

## COLLECTING GUIDELINES AND DOCUMENTATION TECHNIQUES - CNPS POLICY

Adopted 4 March 1995

**Problem Statement:** *Little or no botanical data are being gathered or supported by voucher collections on California's flora while more and more of California's botanical heritage is being lost to urban and agricultural development*

### Policy

**The California Native Plant Society recommends that voucher specimens be collected and stored appropriately to document floristic data included in environmental review projects and scientific studies, and that scientific documentation methods and needs should be included in academic curricula, as outlined in the following 14 recommendations.**

**Recommendation 1:** Environmental review projects (e.g., environmental impact reports [EIRs] and statements [EISs], environmental assessments [EAs], initial studies and negative declarations, natural environmental studies) that are conducted in the State of California and that include botanical field observations should also include voucher specimens, and/or photographic documentation consistent with existing standards, deposited in one or more herbaria listed in *Index Herbariorum, Ed. 8* (Holmgren et al. 1990) or subsequent editions.

**Recommendation 2:** The thoroughness of documentation for a particular project should be commensurate to the importance of the study, but in any case should include collection of voucher specimens for target species studies and noteworthy botanical observations (e.g., range extensions; state and county records; rediscoveries).

**Recommendation 3:** Clients (e.g., private or public permit applicants) for whom environmental studies are conducted should be held financially responsible for the collection, identification, and curation of botanical vouchers; otherwise, there is little chance that documentation will improve.

**Recommendation 4:** Collection of botanical vouchers and the deposition of them in formal herbaria should be a requirement of the CEQA and NEPA processes. CNPS recommends that the responsible agencies and legislative bodies undertake a review of state and federal legislation and make appropriate amendments that will result in the collection and preparation of botanical vouchers becoming a formal part of the environmental review process.

**Recommendation 5:** Preparation of botanical voucher specimens should be encouraged as an important part of the scientific process. Institutions and departments that support herbaria should develop policies regarding the deposition of vouchers by students, staff, and faculty. Support for herbaria should come not only from the host institution or department, but also from the users who deposit specimens. Agencies or corporations that fund research should be made aware of the importance of voucher specimens and should request that the preparation and curation of vouchers be included as a regular part of proposals and budgets.

**Recommendation 6:** Academic institutions should include in their curricula opportunities to expose students to the importance of scientific documentation and the need to prepare and preserve botanical and other biological voucher specimens. There is an urgent need to educate students in the importance and functions of systematic collections, whether these students anticipate a future in academic or applied science or want to be well-rounded citizens with understanding of experimental processes or California's natural resources.

**Recommendation 7:** Herbarium specimen collectors and label preparers should take every opportunity to include a wide range of hierarchical geographic and habitat data on specimen labels, consistent with





COLLECTING GUIDELINES AND DOCUMENTATION TECHNIQUES - CNPS POLICY PAGE 3

To remedy this lack of data collection and providing substantive supporting evidence, the California Native Plant Society (CNPS) Board of Directors adopts the recommendations of the workshop. CNPS actively encourages that data collection methods be improved as recommended in order to protect California's botanical heritage. The full text of the workshop proceedings is published by the California Botanical Society (CBS) in *Madrono* 42(2).

California Native Plant Society  
1722 J Street, Suite 17  
Sacramento, CA 95814  
(916) 447-2677

**Allen, Aaron O SPL**

---

**From:** Robert Fleck [rfleck@socal.rr.com]  
**Sent:** Friday, February 20, 2004 6:48 PM  
**To:** Allen, Aaron O  
**Subject:** Newhall Ranch Application # 2003-01264-AOA

Aaron:

Thanks for conducting such an orderly hearing last night.

Per my promise, here is the contact information for Bioengineering Associates.

[www.bioengineers.com](http://www.bioengineers.com)

With as extensive a track record as they have compiled, they should definitely be included in all future considerations of "least impact" alternatives for the Newhall Ranch project.

I look forward to future opportunities to offer comments about this application.

Best,

Robert Fleck

City of Santa Paula Planning Commissioner,  
Ventura College Design Instructor and Urban Planning Consultant for Santa Paula's for  
Quality Neighborhoods,

John A. Turturro

The planning and approval process Newhall Land has chosen for the Newhall Ranch Project is obsolete. The archaic practice of a large developer seeking approval for a project of this scale without public, municipal and stakeholder involvement is now all but unacceptable in smart urban planning.

The city of Santa Paula has recently been engaged with two separate development models in two canyons adjacent the city. The first developer, The Pinnacle Group of Arizona, employed a public smear ad campaign in an attempt to gain public approval by SOAR vote for a conventional urban sprawl project of over 2000 homes. In this case, the city was asked to approve a project without public input, without a clearly defined plan and without any guarantees. Voters rejected The Adams Canyon Project by nearly a 70% majority.

The second developer, Centex Homes one of the top three homebuilders in the nation, experienced a very different outcome. The organized citizen groups of Santa Paula held preliminary meetings with Centex Homes and convinced the developer to proceed with a method new to Centex, the Charrette process of Traditional Town Planning or The New Urbanism.

The Charrette process is a compressed series of educational workshops and design studios conducted by the developer and qualified urban planning consultants in which the city, the community and project stakeholders are present and participant in the planning process.

The result has been a win-win situation for all involved. The project will likely go forward under a binding Developer Agreement between Centex Homes and the City of Santa Paula in which the comprehensive, intelligently designed community will be built to meet the criteria of the community wide Charrette process.

For the developer this process will mean a building allocation near the number requested, a streamlined entitlement process, a high amenity/high market value product, good press (unusual for a developer), limited opposition and little or no litigation.

Issues of traffic mitigation, pollution, open space, water shed, wildlife corridors and habitat, recreation, affordability, connectivity, affordable housing, pedestrian friendly urban planning and more have all been addressed in the Preferred Plan which resulted from the Charrette Process.

The Santa Clara River Valley is among the most valuable resources in our region. If anything at all is to be built here then it must respect and reflect the wishes of all those impacted by the result.

Newhall Land now has a unique opportunity to join smart developers like Centex Homes and lead the industry by example. I invite Newhall Land on behalf of Santa Paulan's for Quality Neighborhoods to initiate this inclusive planning process by contacting myself John Turturro @ (805) 525-3052 to discuss further the Charette Process of Traditional Town Planning, and further, to contact your peers at Centex Homes (Rick Bianchi) @ [www.fagancanyon.com](http://www.fagancanyon.com).

This act, this process, will prove the most successful, the most inclusive and the smoothest path Newhall Land has ever taken towards a development.

Thank you for your consideration in this matter,  
John A. Turturro

19701 Terri Drive  
Canyon Country, CA 91351-4815  
2/24/04

U.S. Army Corps of Engineers  
L.A. District  
Regulatory Branch - Ventura Field Office  
Attn.: CES PL-CO-RN-2003-01264-AOA  
2151 Alessandro Dr. #110  
Ventura, CA 93001

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FEB 27 2004

Regulatory Branch

DC  
Aaron

Re: Newhall Ranch Devt.

To Whom It May Concern:

"A thing of beauty is a joy forever"... up until it is plowed down by developers in the name of progress.

I am writing to you as a member of the silent majority of the residents who live in the greater Santa Clarita Valley (SCV) area. We were attracted to this area because of the quality of life here, including the inspiring beauty of this place.

I am writing to urge you to completely decline the permit for the proposed Newhall Ranch devt. project.

I believe that, at the 2/19/04 public comment meeting, we heard you say that the public good is of utmost concern to you. I sincerely hope that this is the case.

So then the question is: where is the greatest public interest related to this project?

↓ over, please

There are many, many people here who are opposed to this project. What are our concerns? The air quality, the traffic (which is already seriously slowing), the noise. The protection of protected endangered species, the visual beauty of our hillsides + trees, + The saving of the last beautiful wild river in so. California (our only one) with its tributaries + estuaries. And the protection of our water supply. Surely these are all of importance + significance to the public good.

And there is something else, something which cannot be quantified + is not on your list of things to comment on. It is our sense of awe, our inspiration, our sense of the beauty + wildness of God's creation. This is something sacred + valuable, & something which you have the power to destroy, or to protect for us + future generations who deserve this just as much as we. It is a loss that fences & concrete channels cannot mitigate.

We must then ask if the Newhall Ranch project as proposed, + ~~project~~ environmental protections as currently enforced are in the public good.

I myself have serious concerns when I hear of environmental protections enforcement

that is lax or non-existent, when I hear of developers grading before getting permits, + when I hear of developer-chosen biologists "unable to find" the <sup>existing</sup> endangered species on land projected for development.

Maybe it's not the developers' job to care about these things. But it is yours.

And this is why we appeal to you:

Can we count on you to help us protect these factors in our quality of life (noted above) that are so important to us, + to vote no on the permit for this project?

Or will you turn aside + let this project continue in the name of progress?

Please let "our thing of beauty" be "a joy forever." We in the silent majority are depending on you.

Sincerely,

*Lisa Kassner*

Lisa Kassner

P.S. Ahmanson Ranch in the Agoura / Thousand Oaks area was preserved (rather than developed) + made into a <sup>(wild)</sup> park. Could you propose this instead?



RESOURCE MANAGEMENT AGENCY  
**county of ventura**

Planning Division

Christopher Stephens  
Director

February 24, 2004

US Army Corps of Engineers  
2151 Alessandro Drive Suite 110  
Ventura, CA 93001

RECEIVED  
FEB 26 2003  
Regulatory Branch

LR  
Aaron

SUBJECT: NOTICE OF INTENT TO PREPARE AN EIS FOR RIVER VILLAGE,  
NEWHALL RANCH SPECIFIC PLAN

Dear Sirs:

Thank you for the opportunity to comment on the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the River Village Project, application 2003-01264-AOA. The major concern of Ventura County as it relates to this EIS is that the surface water hydrology, groundwater, and water quality studies listed in the NOI should explicitly consider the project specific and cumulative impacts to Ventura County related to downstream flooding, water quantity, and water quality.

Please put us on the distribution list to receive a copy of the EIS when it is available. If you have any questions, please contact Scott Ellison, Senior Planner, at (805) 654-2495, fax at 2509 or e-mail [scott.ellison@mail.co.ventura.ca.us](mailto:scott.ellison@mail.co.ventura.ca.us)

Sincerely,



Chris Stephens, Director  
Planning Division

C:  
Ventura County Board of Supervisors  
Johnny Johnston, CEO  
Tom Berg, RMA  
Dennis Slivinski, County Counsel



**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7, OFFICE OF PUBLIC TRANSPORTATION  
AND REGIONAL PLANNING  
IGR/CEQA BRANCH  
120 SOUTH SPRING STREET  
LOS ANGELES, CA 90012  
PHONE (213) 897-4429  
FAX (213) 897-1337



*Flex your power!  
Be energy efficient!*

February 25, 2004

Ms. Morgan Wehtje  
Department of Fish and Game, Region 5  
South Coast Region  
4665 Lampson Ave  
Los Alamitos, CA 90720

Re: *Long-Term Streambed Alteration Agreement  
Newhall Ranch Specific Plan*  
IGR/CEQA No. 040103/EA  
Vic. LA-126-PM 4.00  
SCH No. 2000011025

Dear Ms. Wehtje:

Thank you for including the California Department of Transportation in the environmental review process for the proposed streambed alteration project of Santa Clara River through the Newhall Ranch Specific Plan area. We understand the project includes bank stabilization to protect land developments, drainage facilities, grade control structures, bridges, drainage, utility crossings, trails, building pads, and more.

After a review of the information received, this Department is concerned about any impact to nearby Caltrans' bridge structures and substructures. Streambed modifications and physical changes to existing conditions may disturb flow and create excessive local and general scouring and/or lateral movement of the channel, which in-turn, may undermine foundations of bridge structures.

Generally, an encroachment permit is needed for streambed modifications upstream from river over-crossings. For an encroachment permit, the applicant should expect to address the following:

1. Cumulative impacts in conjunction with all other existing and any foreseeable future operations,
2. Monitoring measures planned to detect channel degradation,

3. Mitigation measures which will be employed by the applicant if the riverbed degrades,
4. A monitoring plan to include surveyed channel sections on a semi-annual basis, prior to the onset of extraction operations and after extraction is completed but before the winter rains begin each year. Also, an annual "thalweg" profile (River channel depth, surface water velocity and size of rock moved) should be surveyed to verify the actual degree of long term channel degradation or aggradation.

If you have any questions regarding our comments, you may reach me at (213) 897 - 4429 and refer to IGR record number 040103/EA.

Sincerely,



STEPHEN J. BUSWELL  
IGR/CEQA Program Manager  
Caltrans, District 7



# San Gabriel & Lower Los Angeles RIVERS AND MOUNTAINS CONSERVANCY

CALIFORNIA RESOURCES AGENCY

## Governing Board of the Conservancy

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Orange County Division of the League of  
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Resources Agency

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US Army Corps of Engineers

Al Wright  
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Wildlife Conservation Board

Thomas M. Stetson  
San Gabriel River Water Master

Jim Noyes  
LA County Public Works

Jack Blackwell  
Angeles National Forest  
US Forest Service

Vicki Wilson  
Orange County Executive Office

Belinda V. Faustinos  
Executive Officer

February 26, 2004

Mr. Aaron Allen, Project Manager  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – Ventura Field Office  
Attn: CESPL-CO-2003-01264-AOA  
2151 Alessandro Drive, Suite 255  
Ventura, CA 93001

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MAR 02 2004

Regulatory Branch

Dear Mr. Allen:

The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) has strong concerns regarding the granting of a long term Section 404 permit application, reference number 2003-01264-AOA. This is because disparate activities within the watershed can impact its functioning on many levels and the cumulative effects of minor negative impacts can result in significant repercussions for the watershed as a whole. Protection of the natural resources in the Upper Santa Clara River Watershed has been a focus for the RMC for some time. Preservation of the natural hydrology and biodiversity of the watershed is part of the RMC work program. We see changes such as are proposed in the reference application to threaten the viability of these sensitive resources.

There appear to be quite a few tributaries to the Santa Clara River that are not preserved. Ensuring the geomorphologic functions of the Santa Clara River and all of the tributary drainages are preserved, including the 100 year floodplain, is crucial to the health of the system. The use of appropriate stormwater and urban runoff treatment controls are encouraged to keep new pollution from entering Waters of the State, as well as keeping the current hydrologic regime intact. Most of the drainages are intermittent in nature, and should be hydrologically protected so they do not turn into perennial features. The public notice indicates that bank stabilization is proposed to protect proposed developments. This practice is highly disruptive to the river system, and creates long term instability. Development should be placed outside of the floodplain to ensure both structures and river function are protected. Additionally, ensuring the development does not increase the total discharge (Q) by mitigating any increases with in-development BMPs, the channel will not require further "improvements" to prevent eroding and downcutting which often results from unmitigated, increased development Qs.

900 S. Fremont Ave., Annex, 2<sup>nd</sup> Floor • P.O. Box 1460 • Alhambra, CA 91802-1460  
Phone: (626) 458-4315 • Fax: (626) 979-5363 • E-mail: [bfaustinos@rmc.ca.gov](mailto:bfaustinos@rmc.ca.gov)  
[www.rmc.ca.gov](http://www.rmc.ca.gov)

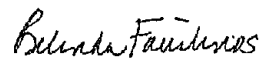
February 26, 2004

Concerns over lighting from the development impacting the use of the Santa Clara River and its tributaries as a wildlife corridor need to be addressed. The Santa Clara River, Santa Susana Mountains, as well as Castiac Creek are all included on the Los Angeles County's Significant Ecological Area list (existing and proposed). These sensitive areas should be protected from indirect as well as direct impacts from any development.

The RMC is involved in efforts to ensure wildlife connectivity between areas of open space remain viable. Ensuring ample room is left to accommodate wildlife at all street/freeway crossings is imperative to ensure fragmented islands of habitat are not created.

We look forward to hearing from you on these critical issues. Please contact Kelly Schmoker (626) 458-7187, of my staff with any questions. Thank you for your attention in this matter.

Sincerely,



Belinda Faustinos,  
Executive Officer

Enclosure

c.c. Betty Courtney, California Department of Fish and Game  
Dennis Dickerson, Executive Officer, Regional Water Quality Control Board  
Los Angeles Office  
Valerie Carrilo, Regional Water Quality Control Board – Los Angeles Office  
Kate Symonds, U.S. Fish and Wildlife Service – Ventura Office  
Kristin Dellith, U.S. Fish and Wildlife Service – Ventura Office  
Julie Lowry, Los Angeles Regional Planning Department

Tim Shates  
P.O. Box 223  
Ojai, CA 93024-0223  
805-640-3201 x237

February 27, 2004

*via email: aaron.o.allen@usace.army.mil*

Mr. Aaron O. Allen, Project Manager  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – Ventura Field Office  
ATTN: CESPL-CO—2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

RE: Public Notice/Application No. 2003-01264-AOA

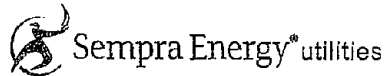
Dear Mr. Allen:

My wife and I attended the public hearing on February 19, 2004. This letter is to express my concerns regarding the issuance of a long-term Section 404 permit for the Newhall Ranch Specific Plan.

First, listening to the testimony at the public hearing made me realize that there may be an enforcement issue. Who is responsible for enforcing the long-term Section 404 permit? And will enforcement occur in a timely manner so that serious environmental impacts are avoided before irreparable harm can be done? If neither of these questions can be adequately addressed, then I respectfully suggest that alternatives b) and c) are appropriate choices.

Second, assuming the enforcement issue is appropriately addressed, my primary area of concern is with the project impacts on the river. Paved streets, parking lots, and rooftops will increase water runoff and, combined with bank stabilization, cause changes in surface water hydrology, erosion and sedimentation, groundwater, and water quality. These changes may affect the downstream agricultural areas in Ventura County and will certainly affect the many species that inhabit the river ecosystem. For example, the life cycle of the arroyo toad (*Bufo californicus*) requires the deposit of sandy banks adjacent to vernal pools to support reproduction. Any changes to the river may seriously jeopardize this and other endangered species. I respectfully suggest that the project's footprint is too large and should be downsized to minimize these impacts to the river. The setback of land development projects should be sufficient to require very little bank stabilization. At least the river's 100-year floodplain should be kept in its natural state, with buried bank stabilization allowed only beyond the 100-year floodplain. In addition, I believe it would be appropriate to develop a Habitat Conservation Plan in connection with this project, as there are several endangered species in the area.

Thank you for allowing me to express my deeply felt concerns about this important project.



Jae S. Yi  
Environmental Specialist

San Diego Gas & Electric  
555 West Fifth Street  
GT16G3  
Los Angeles, CA 90013

Tel: (213) 244-5817  
Fax: (213) 244-8046  
Mobile: (213) 216-6572  
Jaeyi@SempraUtilities.com

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MAR 04 2003

Regulatory Branch

February 27, 2004

Mr. Aaron O. Allen  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – Ventura Field Office  
ATTN: CESPL-CO-2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

**RE: Newhall Ranch Specific Plan Long-Term Section 404 Permit.  
Public Notice/Application No.: 2003-01264-AOA**

Mr. Allen:

Sempra Energy Utilities on behalf of the Southern California Gas Company would like to thank the U.S. Army Corps of Engineers (ACOE) for the opportunity to comment on the proposed application.

SoCalGas (SCG) previously experienced wetland issues related to extending natural gas utilities to a residential development project in the City of Hemet (ACOE Case No. 200300937-RRS), and is interested in avoiding similar wetland issues in the implementation of the Newhall Ranch Specific Plan.

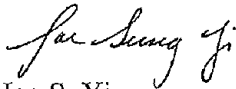
In light of our previous experience in the City of Hemet, we remind the ACOE that it has the responsibility to consider potential wetland impacts for the “whole” of a project’s action. This consideration includes all project improvements, including natural gas utility extensions, required for the project both on and off the immediate project site.

The extension of natural gas facilities to a project often requires that natural gas utility lines be extended from off site, to the proposed development. In the case of the previous project in Hemet noted above, the off-site natural gas line extensions to the development were placed underground within the road shoulder. The ACOE found that the gas line extension within the road shoulder created an unauthorized discharge of fill material into waters of the U.S. As a result, SCG was required to contribute to a vernal pool management fund.

In its permit process, we encourage the ACOE to consider all natural gas and other utility facilities required for the “whole” of the proposed project action. The ACOE should include the potential wetland and/or other resource impacts of the utility facilities, and any mitigation for those impacts, in the conditions of the permit as the responsibility of the applicant, The Newhall Land and Farming Company.

Again, thank you for the opportunity to review this Notice. We look forward to reviewing the Draft EIS when it is prepared. Please call me at (213) 244-5817 if you have any questions.

Sincerely



Jae S. Yi  
Environmental Specialist

Cc: Mark Chomyn, SDG&E Land Planning Team Leader  
Bill Huleis, SCG Field Environmental Specialist  
Mary Hale, SCG Field Environmental Team Leader





## Friends of the Santa Clara River

660 Randy Drive, Newbury Park, California 91320-3036 • (805) 498-4323

March 1, 2004

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch - Ventura Field Office  
ATTN: CESPL-CO-2003-01264-AOA  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

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MAR 02 2004

Regulatory Branch

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### Surfrider Foundation

Audubon Society  
*Ventura Chapter*

Ventura County  
Environmental  
Coalition

Wishtoyo  
Foundation

Re: EIS/EIR for Newhall Ranch Specific Plan

Dear Mr. Allen,

Friends of the Santa Clara River is pleased to provide the following comments on the scoping document for the proposed EIS/EIR.

It would be difficult to overestimate the concern of Friends of the Santa Clara River regarding the ecological integrity of the Santa Clara River riparian corridor within the Newhall Ranch Specific Plan. It is vital that the scope of the EIS/EIR include a thorough analysis of the overall effects on the river corridor over the past 5 years of the 404 Permit and 1603 Streambed Alteration Agreement issued under the Natural River Management Plan (NRMP). Impacts to the river over the 5-mile reach of the Specific Plan will be additive to those along the 15 miles of the river and tributaries covered by the NRMP just upstream of Newhall Ranch. Cumulative impacts are a major concern and should be given special weight in the analysis.

Impacts to many riverine species under the NRMP, including endangered species such as the arroyo toad, have been substantial. Mitigation done under the 404/1603 permits has not been adequately monitored. Riparian vegetation planting done for mitigation purposes has in some cases either died or been allowed to degrade. It is essential to understand what has happened to the river and its biota under the NRMP in order to arrive at proper permitting conditions for the Newhall Ranch Specific Plan.

Friends has, in the past, stressed the fact that adequate studies on the effects of urbanization on riparian corridors fall far short of what is required. Many more such studies are needed. Given this fact, we strongly urge a conservative approach be taken in scoping analyses and in all permitting for this section of the Santa Clara River. We note that the Newhall Ranch section of the river received a Conservation Rating of 5 (highest possible) in the Biological Resources Report done for the Santa Clara River Enhancement and Management Plan. Two studies on the

impacts of urbanization on nature reserves are: (1) Kelly, Patrick A. and Rotenberry, John T., "Buffer Zones for Ecological Reserves in California: Replacing Guesswork with Science", Southern California Academy of Sciences, 1993; (2) Rottenborn, Stephen C., "Predicting the impacts of urbanization on riparian bird communities", Biological Conservation 88 (1999) pp 289-299.

The Draft EIS/EIR for the NRMP mentioned several areas of concern (page ES-8), including stormwater runoff effect on the unarmored threespine stickleback, effect of bank protection on sediment dynamics of the river, degree of success of riparian restoration, effect of bank protection on groundwater recharge, and why is encroachment into the river necessary when there exist large undeveloped uplands in the area. These issues remain significant concerns and should be analyzed in the EIS/EIR.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Ron Bottorff". The signature is written in black ink and is positioned above the typed name.

Ron Bottorff, Chair



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"Enriching Lives"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: WM-4

March 4, 2004

Ms. Morgan Wehtje  
California Department of Fish and Game  
Region 5 - South Coast Region  
4665 Lampson Avenue  
Los Alamitos, CA 90720

Dear Ms. Wehtje:

### **RESPONSE TO NOTICE OF PREPARATION DRAFT ENVIRONMENTAL IMPACT REPORT NEWHALL RANCH SPECIFIC PLAN SANTA CLARITA**

Thank you for the opportunity to provide comments on the subject document which we received on February 4, 2004. The Santa Clara River extends about 5.5 miles across the 12,000 acre-site. The Specific Plan was approved in May 2003, which establishes the general plan and zoning designations necessary to develop the site with residential, commercial, mixed use and open space over the next 20 to 30 years. Also, the Newhall Ranch Specific Plan includes a Water Reclamation Plant. Many of these project-level developments will require work in and near the Santa Clara River, its side drainages, and some upland areas. Therefore, the project proponent and landowner has requested a long-term Streambed Alteration Agreement and Endangered Species Incidental Take Permit issued pursuant to Fish and Game Code. We have reviewed the submittal and offer the following comments:

#### Environmental Programs

As projected in the Los Angeles County Countywide Siting Element, which was approved in late 1997 by a majority of the cities in the County of Los Angeles with a majority of the population and by the County Board of Supervisors in January 1998, a shortfall in permitted daily landfill capacity may be experienced in the County within the next few years. The construction, demolition, and/or predevelopment activities

Ms. Morgan Wehtje  
March 4, 2004  
Page 2

associated with the proposed project and the postdevelopment operation over the life of this project will increase the generation of solid waste and may negatively impact solid waste management infrastructure in the County. Therefore, the proposed environmental document must identify what measures the project proponent plans to implement to mitigate the impact. Otherwise, the cumulative impact of solid waste generation from individual projects will negatively impact the solid waste management infrastructure in the County. Mitigation measures may include, but are not limited to, implementation of waste reduction and recycling programs to divert the construction and demolition waste and excavated material, from the landfills.

The existing hazardous waste management infrastructure in the County is inadequate to handle the hazardous waste currently being generated. The proposed project may generate hazardous waste and/or household hazardous waste, which could adversely impact existing hazardous waste management infrastructure. This issue should be addressed and mitigated measures provided. If any excavated soil is contaminated by or classified as hazardous waste by an appropriate agency, the soil must be appropriately managed and disposed.

If you have any questions, please contact Mr. Russell Bukoff at (626) 458-2186.

#### Flood Maintenance

On page 2, the statements, "Newhall Land or its designee will develop most of the above facilities. However, others, using the approvals issued to Newhall Land may construct some of these facilities," we would like the "designee" and "others" defined so that it is clear the County is not included as part of this definition.

Also, on page 2, it states that the proposed 1605 Agreement would include provisions for routine maintenance activities and that any party utilizing the agreement would be bound to it. Therefore, we request to be involved in the negotiations. If the final 1605 Agreement is not acceptable, we will not accept any facilities for maintenance. Also, if any type of mitigation is required and/or follow up, the developer must acquire all mitigation and set up and monitor programs until completion as required in the permit.

If you have any questions, please contact Mr. Jerry Burke at (626) 458-4114.

Ms. Morgan Wehtje  
March 4, 2004  
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#### Geotechnical and Materials Engineering

The proposed project will not have significant environmental effects from a geology and soils standpoint, provided the appropriate ordinances and codes are followed.

If you have any questions, please contact Mr. Amir M. Alam at (626) 458-4925.

#### Land Development

##### Hydrology and Standard Urban Storm Water Mitigation Plan (SUSMP) Review

Since this is a "project level" Environmental Impact Report, the following items should be analyzed and addressed at the appropriate project level.

Fluvial performance of the river should be analyzed both for full buildout and for phased portions of the project. The analysis should show any long term gradation/degradation that will occur as a result of the project and show the type and location of any proposed mitigation (grade control structures).

Specify the impacts of development proposed within County Adopted Floodways and FEMA flood zones, as it relates to compliance with regulatory requirements and effects on adjacent properties. Any affects on the County's community rating with FEMA should be addressed and mitigated.

Calculate the predicted volume of sediment to be entrapped in debris basins over the life of the project, and provide an analysis of the location and method of disposal of the sediment that will need to be removed from the basins.

Address the economic impacts to the Los Angeles County Flood Control District of any extraordinary maintenance resulting from placement of flood control facilities in sensitive areas. The economic impact must be mitigated.

If you have any questions, please contact Mr. Steve Burger at (626) 458-4943.

#### Transportation Planning

We have reviewed the subject document and have no comment.

If you have any questions, please contact Mr. Hubert Seto at (626) 458-4349.

Ms. Morgan Wehtje  
March 4, 2004  
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### Traffic and Lighting

The project will not have any significant impact to County and County/city roadways in the area. No further information is required.

If you have any questions, please contact Ms. Marian Guirguis at (626) 300-4848.

### Water Resources

The Draft Environmental Impact (EIR) Report for the Newhall Ranch Specific Plan, Long-term 1601 Streambed Alteration Agreement (SAA) and Endangered Species Take Permit should consider the following:

- Competing public objectives (CEQA Guidelines, Section 15021)
- Economic impacts and implementation feasibility for Public Works to comply with the new 1601 SAA requirements. The impacts upon Public Works long-term sediment management and flood control system maintenance program should be considered with respect to the proposed 1601 SAA (CEQA Guidelines, Section 15093 & 15126.6).
- Evaluation of up-front mitigation to be implemented by the developer.

The Draft EIR needs to take into account limitations in Public Works' maintenance budget with regards to the final 1601 SAA requirements for long-term maintenance, monitoring, and mitigation requirements. Public Works considers environmental compliance of paramount importance but is concerned that increased unfunded environmental regulations will hinder our ability to effectively provide flood control and water conservation services, especially those for existing residences and businesses throughout the Los Angeles County Flood Control District. The economic impact of the new 1601 SAA requirements to Public Works' maintenance budget is of great concern, especially since State law severely restricts Public Works' ability to increase assessments to keep up with rising costs.

With these factors in mind, the Draft EIR needs to evaluate the feasibility of requiring the developer to perform all mitigation associated with the construction and long-term maintenance of the flood control facilities needed for the proposed development. The Draft EIR needs to incorporate Public Works' need to implement necessary sediment removal and vegetation maintenance (i.e., clearance) activities in these new flood control facilities without requiring additional mitigation for areas that were previously denuded of vegetation during their construction. Restrictions in flood control facility routine maintenance activities have caused Public Works to implement mitigation activities and expenditure of taxpayer funds on a repeated basis for the same site.

Ms. Morgan Wehtje  
March 4, 2004  
Page 5

If you have any questions, please contact Ms. Pat Wood at (626) 458-6131.

#### Watershed Management

The proposed project should include investigation of watershed management opportunities to maximize capture of local rainfall on the project site, eliminate incremental increase in flows to the storm drain system, and provide filtering of flows to capture contaminants originating from the project site.

#### San Gabriel River/Santa Clara River Watershed

The report should discuss the project's impacts to the beneficial uses of the waters of the State and how these impacts are assessed. The report should indicate how these impacts may be mitigated, if necessary, and what monitoring procedures will be established to evaluate the effectiveness of any mitigation measures.

Also, the subject document should evaluate the impacts of any maintenance which is associated with any potential multiuse open space, habitat enhancement, or recreational uses that may be incorporated along the River's corridor.

If you have any questions, please contact Mr. Arfan Haidary at (626) 458-4329.

#### FEMA Section

Portions of the 12,000 acre-parcel are located in Special Flood Hazard Area, Flood Zone A, and within the County Adopted Floodways.

We recommend that any impact to the above be analyzed, addressed, and mitigated.

If you have any questions, please contact Mr. Geoffrey Owu at (626) 458-4317.

#### National Pollutant Discharge Elimination System

The proposed project should fully assess and incorporate all appropriate Best Management Practices to enhance quality of urban runoff and stormwater. The project shall comply with all the requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit issued by the Los Angeles Regional Water Quality Control Board to the County of Los Angeles and local Agencies, including, but not limited to, Parts IV.D. and IV.E, Development Planning and Development Construction.

Ms. Morgan Wehtje  
March 4, 2004  
Page 6

The following should be reviewed to assure your project is in compliance with the NPDES Permit.

The NPDES Municipal Storm Water Permit can be viewed on the web at [http://www.swrcb.ca.gov/rwqcb4/html/programs/stormwater/la\\_ms4\\_final/FinalPermit.pdf](http://www.swrcb.ca.gov/rwqcb4/html/programs/stormwater/la_ms4_final/FinalPermit.pdf)

The Standard Urban Storm Water Mitigation Plan Manual can be viewed or downloaded from the web at [http://www.ladpw.org/wmd/npdes/table\\_contents.cfm](http://www.ladpw.org/wmd/npdes/table_contents.cfm)

The 2002 list of Impaired Water Bodies can be found on the web at <http://www.swrcb.ca.gov/tmdl/docs/2002reg4303dlist.pdf> Coastal Los Angeles County and the Upper Santa Clara River Watershed are in Region 4. The Antelope Valley area of Los Angeles County is in Region 6B.

More information on Total Maximum Daily Loads can be found on the web at <http://www.swrcb.ca.gov/tmdl/tmdl.html><http://www.swrcb.ca.gov/rwqcb4/html/meetings/tmdl/tmdl.html>.

Handbooks that can offer a better understanding of Best Management Practices can be viewed or downloaded from the web at <http://www.cabmphandbooks.net/>

If you have any questions regarding the environmental review process of Public Works, please contact Massie Munroe at (626) 458-4359.

Very truly yours,

JAMES A. NOYES  
Director of Public Works



ROD H. KUBOMOTO  
Assistant Deputy Director  
Watershed Management Division

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## Allen, Aaron O SPL

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**From:** RonGin Bottorff [bottorffm@verizon.net]  
**Sent:** Thursday, March 04, 2004 11:06 AM  
**To:** Allen, Aaron O  
**Subject:** App. No. 2003-01264-AOA

Dear Mr. Allen,

The attached letter, also included below, is submitted by Friends of the Santa Clara River as relevant and valid comment on the EIS for the subject application.

Thank you for your attention to this matter.

Sincerely

Ron Bottorff, Chair  
Friends of the Santa Clara River

May 20, 2002

Director Robert Hight  
California Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814  
Phone: (916) 445-0411  
Fax: (916) 653-1856  
rhight@dfg.ca.gov

Re: Management of the Santa Clara River

Dear Director Hight,

We would like to thank you for the work of your department to protect the natural resources of the State of California and your attention to the concerns we express in this letter.

Ongoing degradation of the Santa Clara River valley is threatening the important ecological values of this rich and diverse area. On behalf of the undersigned organizations and their members, we submit these comments and concerns about the management of the Santa Clara River.

The Santa Clara River is important habitat for many endangered species, native birds, plants, amphibians, reptiles, and fish. We have monitored many unlawful violations and environmental abuses in this area. Thus far, regulatory agencies have failed to respond to these problems. Recognizing that the mission of the Department of Fish and Game (DFG) is to manage California's diverse fish, wildlife, and plant resources - and the habitats upon which they depend - for their ecological values and for their use and enjoyment by the public, we urge you to take action to protect the resources of the Santa Clara River. Specifically, we encourage the DFG to:

- . Revoke the streambed alteration agreement for Newhall Land and Farming/Valencia Company (ACOE404/CDFG1603). AKA; Valencia Company's Natural River Management Plan NRMP) The agreement, based on inadequate biological data, fails to consider important concerns. A new, amended agreement must be adopted subsequent to a careful environmental impact review.

- . Withhold approval on any permits or agreements for the proposed Newhall Ranch project until an unbiased, scientific review, guided by applicable federal and California environmental statutes, can inform necessary protection and mitigation measures for endangered and threatened species. As an important part of California's natural heritage the Santa Clara River should be a high priority for conservation measures and protection from degradation. The California Department of Fish and Game has a responsibility to uphold the Public Trust by protecting wildlife and its habitat. We appreciate your consideration of this letter that describes our concerns about the ongoing Natural River Management Plan, the proposed

Newhall Ranch project, and the context for those concerns.

#### The Santa Clara River

The Santa Clara River, southern California's last truly dynamic big river, boasts one of the largest watersheds in the South Coast region at 1,600 square miles. The Santa Clara River is the longest free-flowing river in southern California, and is the only one that extends from the desert to the coast. The river is of critical biological importance linking several major ecoregions: Coastal Plain, Coast Ranges, Transverse Ranges, and Mojave Desert. The 116-mile-long river rises on the northern slope of the San Gabriel Mountains in Los Angeles County, traverses Ventura County, lined by riparian habitat featuring willow, mulefat, and cottonwood forests - habitats so rare that they still exist in only three to five percent of their original range in the western United States. These streamside habitats are home to 12 federally endangered species among other sensitive native wildlife. Unfortunately, the Santa Clara River and its tributaries are within one of the most rapidly urbanizing watersheds in the state. This makes the area a high priority for monitoring and enforcing environmental regulations.

#### Wildlife

The Santa Clara River is a key wildlife corridor that connects the Los Padres and Angeles National Forests.

The habitat along the Santa Clara River supports the largest community of riparian-obligate birds between the Santa Ynez River in Santa Barbara County and the Prado Basin in Riverside County. The Audubon Society designated this area as an Important Bird Area. Some of the sensitive bird species that occur within this stretch of the Santa Clara River include: least Bell's vireo, southwestern willow flycatcher, yellow-billed cuckoo, Cooper's hawk, sharp-shinned hawk, merlin, prairie falcon, yellow breasted chat, yellow warbler, common yellowthroat, mountain plover, western burrowing owl, long-eared owl, ferruginous hawk, white-tailed kite, tri-colored blackbirds, many other sensitive raptors and songbirds.

Mammals observed or expected to occur in this area include: California leaf-nosed bat, small-footed myotis, long-eared myotis, fringed myotis, long-legged myotis, Yuma myotis, pale Townsend's big-eared bat, spotted bat, pallid bat, California mastiff bat, San Diego black-tailed jack rabbit, San Diego desert woodrat, Los Angeles pocket mouse, ringtail, mountain lion, bobcat, coyote, gray fox, American badger, and deer.

Reptiles include: western pond turtle, San Diego horned lizard, California horned lizard, coastal western whiptail, silvery legless lizard, rosy boa, San Bernadino ringneck snake, two-striped garter snake. Insects: riverside fairy shrimp, and San Emigdio blue.

Fish: unarmored threespined stickleback, arroyo chub, Santa Ana sucker, and steelhead trout.

Amphibians occurring include arroyo toad, western spadefoot toad, and California red-legged frog.

Many California native and rare plants are also present.

While this is not an exhaustive list of the remarkable wildlife that inhabits the Santa Clara River area, it exhibits the rich diversity and importance of preserving habitat for these species.

#### Streambed Alteration Agreement Requires Review and Amendment

Newhall Land and Farming Company (NLF) has been engaged in development activities in the Santa Clara River valley for decades. Such development poses a strong threat to the persistence of native wildlife and natural ecosystems. A Natural River Management Plan (NRMP) was created by Newhall Land and Farming to guide the development of the Santa Clara River valley. Since the plan was created, significant new scientific information has rendered the NRMP inadequate. Year after year, NLF has used an outdated agreement to continue development and inhibit environmental protection on hundreds of acres along the river. The NRMP streambed alteration agreement should be revoked and a comprehensive review of the Newhall Land and Farming Company's development in the Santa Clara River valley must be

conducted as mandated by the California Environmental Quality Act (CEQA).

Two key factors have demonstrated the inadequacy of the current NRMP. First, the biological inventories are inadequate and overlooked several important natural resources. And second, the approved Natural River Management Plan does not provide satisfactory mitigation for the negative impact that the development has on the ecosystem.

#### Inadequate Biological Inventories

The current NRMP was based on surveys conducted by scientists with a conflict of interest. The scientists conducting the surveys were employed by Newhall Land and Farming Company. The biological inventories were never reviewed by independent biologists and they failed to identify many important natural resources that need to be conserved.

Originally, the use of hazing machines during wildlife surveys may have precluded an accurate count of state and federally protected species. NLF installed more than 30 hazers to scare away nesting birds along sections of the river. Officials estimate that the hazers had been in place for as many as 2 to 5 years. The river provides suitable habitat for two endangered birds, the willow flycatcher and the least Bell's vireo. As federally protected species, the hazing machines may have excluded these birds from surveys and it is likely that the machines also harassed the birds.

Also, an endangered species, the arroyo toad (*Bufo microscaphus californicus*) was not accounted for in the NRMP despite the fact that it can be found within the boundaries of the area covered by the NRMP. The arroyo toad was listed as a federal endangered species in 1994. The State of California classifies it as a Species of Special Concern. The arroyo toad has been extirpated from approximately 75 percent of its previously occupied habitat. This amphibian is a habitat specialist to the dynamic climatic regime and drainages of the central and southern California coast, and a sensitive indicator to the quality of riparian habitats and stream systems. The major reason for their decline is human alteration and use of arroyo toad habitats that include water storage reservoirs, recreational facilities, flood control structures, agriculture and urbanization. Introduction of predatory non-native fish and wildlife has also impacted the arroyo toad. Studies conducted by Dan Holland on Camp Pendleton revealed that arroyo toads travel up to 1.5 miles from the edge of the riparian ecotone to utilize upland habitats for foraging and burrowing. In upland travel, these toads are vulnerable to predation, entrapment, and human-caused sources of mortality such as roadways. Burrowed toads are often situated a few inches below the soil surface, and can be easily crushed by pedestrian or vehicle traffic.

The first records of the arroyo toads within the vicinity of Newhall Land and Farming development were listed in the California Biodiversity Data Base in 1994. Biologists also reported presence of the arroyo toad in 1996, 1998 (egg cases), and 2000 (tadpoles). The toads in this area have been continuously overlooked by regulation agencies. The U.S. Fish and Wildlife Service failed to include land owned by NLF as critical habitat for the arroyo toad. This is a noteworthy omission since no other river system with arroyo toads lacks such designation. Subsequently, the Fish and Wildlife Service did not address impacts upon the arroyo toad in the Biological Opinions for the development projects.

In April of 2001, four adult arroyo toads were located in field surveys conducted by N.H. Sandburg along the Santa Clara River in the ongoing North Valencia 1 project. The riparian area and the river were incurring heavy impacts from trespassing off-highway vehicle (OHV) traffic, directly impacting burrow substrate in the area where the toads were located. In addition, a flowing tributary adjacent to the area where one toad was located was channeled by heavy equipment and denuded of riparian vegetation. While agencies concur that the arroyo toad exists in the Newhall development area, these agencies have failed to take appropriate regulatory action:

. Newhall Land and Farming disked arroyo toad upland habitat directly above the site location of four adult toads, which most likely caused take on the

arroyo toad. Again, the Fish and Wildlife Service and Army Corps declined to take regulatory action.

. Hundreds of acres of cottonwood and other vegetation types that comprised arroyo toad upland habitat has been removed and replaced by asphalt, parking lots, and roadways. Arroyo toads require and utilize upland habitats wherever accessible for foraging and burrowing. They cannot maintain populations where riparian systems have been lost.

. Large apartment complexes have been constructed directly on upland habitat of the arroyo toads most recently located. The creek directly downstream of the apartment complex has again been channeled by heavy equipment and denuded of riparian vegetation. This creek would have been an important water source and breeding habitat for the toad. The uplands continue to be developed with intensive land manipulations and roadways. Off-road traffic continues on top of breeding, foraging, and burrow habitat in the Santa Clara River bed.

Therefore, new measures must be included in an amended plan that protects the arroyo toad from harm or harassment.

Currently the implementation of the NRMP allows the "take" of endangered species that cannot be ignored. The CEQA, EIR, and NRMP documents did not acknowledge the arroyo toad, and subsequently failed to address impacts upon this endangered species with the result that irrevocable harm and take has undoubtedly occurred. Any new management plan should incorporate new biological surveys conducted by independent scientists.

#### Unsatisfactory Mitigation and a History of Violations

Second, the approved Natural River Management Plan does not provide satisfactory mitigation for the negative impact that the development has on the ecosystem. Newhall Land and Farming (NLF) has a history of unlawful activities along the Santa Clara River. It is imperative to monitor this company and uphold applicable environmental laws. Some of Newhall's most significant violations to-date include:

1. In 1992, NLF unlawfully channelized Bouquet Creek near the confluence of the Santa Clara River. The company illegally poured concrete in the creek and destroyed habitat along the banks. The concrete was never removed, Newhall paid a fine of only a small portion of the cost of the damage and their wetland mitigation measures have failed miserably.

2. Newhall widened the McBean Parkway Bridge over the Santa Clara River without a permit. As a result Newhall sidestepped laws that would have required them to mitigate for threats to endangered species and habitat destruction.

3. In 2001, Friends of the Santa Clara River reported that NLF dewatered wetlands that were not identified in the Natural River Management Plan or Streambed Alteration Agreement. In the last year, vital wetlands have been destroyed and in a single day hundreds of thousands of amphibian eggs, native fish, acres of cattail/willow habitat have been wiped out.

4. In violation of the Migratory Bird Treaty Act, there have been several incidents of NLF's activities harming colonies of migratory songbirds. Biologists reported that colonies of redwings, song sparrows, and common yellowthroats along San Francisquito creek were extirpated in June 1999. Without a permit, NLF has installed hazing machines to keep endangered birds such as the least Bell's vireo from breeding and nesting in areas planned for development. Such harassment could be considered a violation of the Endangered Species Act among other laws intended to protect endangered species.

The current NRMP has resulted in damage to the biological diversity of the Santa Clara River and its tributaries. A new management plan should account for these violations and incorporate mitigation for problems such as the lost wetlands. The NRMP must be pulled for CEQA review to address the problems described above.

#### The Newhall Ranch Project

Newhall Ranch is a "new town" proposed by the Newhall Land and Farming Company (also known as the Valencia Company). The project consists of 22,000 dwelling units on nearly 12,000 acres that will house approximately

68,000 people. The project features 323 acres of commercial and business uses, over 5,000 acres of high country and river corridor open areas, an 18-hole golf course, a 15-acre man-made lake, and a 6.9 million gallons-per-day water reclamation plant.

#### Potential Impacts of the Newhall Ranch Project

The development of the proposed Newhall Ranch will have many environmental impacts that must be addressed. The Newhall Ranch project plan that was created for this area has not provided adequate regulatory measures.

First, the Santa Clara River is a major wildlife corridor that will be fragmented by development. The Santa Clara River and its tributaries serve as major wildlife corridors. Newhall Land and Farming's development has substantially degraded the value of the Santa Clara River as a wildlife corridor. Already the development has hemmed in the Santa Clara River with thousands of homes, condominiums, apartments, drive through restaurants, retail stores, gas stations, car washes and various other commercial and industrial sites within no more than a 100 foot buffer zone from the river.

Second, development in the Santa Clara River valley will change water quality, flow, and may deplete water resources. The Newhall Ranch is being constructed in a flood plain. Such development requires massive alteration to the natural flow of the river. Changes to the river and the riparian habitat surrounding the river will inevitably result in changes in the flow, course, and cleanliness of the river water. This will negatively impact the wildlife in the area. Moreover, the use of water for the new town will deplete local aquifers and lower the water table upon which local vegetation depends. Increased storm runoff and channelization of the river's tributaries will result in higher water velocities and increase the likelihood of flooding. Runoff will also exacerbate water quality problems in the Santa Clara River. The proposed urban area is expected to release millions of gallons of treated sewage water into the river. Currently the water has a very high level of chemicals that have triggered an investigation by CA Regional Water Quality Control Board to determine whether treatment plant releases are responsible.

Third, endangered, threatened and other special status birds, fish, reptiles, and amphibians will be impacted from "take" and habitat destruction. The habitat along the Santa Clara River supports a large community of wildlife that is considered a high priority for protection. Several species that occur in the valley are listed as endangered or threatened pursuant to the federal Endangered Species Act. There are other imperiled species with habitat in this area that are protected under California laws. The Newhall Ranch will threaten these species through habitat destruction and direct "take" of species—that means to harass, harm, hunt, shoot, wound, kill, trap, capture, or collect.

For example, the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), an endangered species, is at risk. The unarmored threespine stickleback is protected both under the federal Endangered Species Act and California law. The stickleback is a small, scaleless, freshwater fish that inhabits the slow and quiet waters of streams and rivers. The stickleback depends on clean, clear water with a good diversity of algae and other plants. Historically, the stickleback was found throughout Southern California, but by 1985 it only remained in a small portion of the upper Santa Clara River drainage in Los Angeles County and the San Antonio Creek drainage in Santa Barbara County. The decline of the stickleback is attributed to urbanization in the Los Angeles area.

The cumulative impacts of the development permitted by the current Natural River Management Plan and the proposed Newhall Ranch will seriously and adversely impact the stickleback population in the San Francisquito Creek. The overall impacts of development on lower San Francisquito Creek are likely to increase the isolation of this population of the unarmored threespine stickleback. This will increase the risk of extirpation of this population. Isolation prevents genetic exchange and the stickleback requires upstream movement in its life strategy. The second potential

adverse impact is from water extraction. If the frequency, magnitude and length of time water flows are present in this area are reduced this could harm the stickleback population. Deviation from historical hydrological conditions creates greater impacts on natural ecosystems.

The impacts upon the arroyo toad and unarmored threespine stickleback have not been adequately addressed within the Natural River Management Plan and the proposed Newhall Ranch plan. This is a serious regulatory and legal failing of federal and state jurisdictional agencies. The continuing unregulated impacts of this project may cause the loss of the remaining and increasingly isolated population of arroyo toads and stickleback within the Santa Clara River valley.

Fourth, existing measures have not adequately considered or mitigated for environmental impacts. Unregulated actions by Newhall Land and Farming continue and have significant negative impacts. These actions include: habitat destruction, take of endangered species, violation of the Migratory Bird Treaty Act, paving, construction, disking, draining of wetlands, channeling streams, introduction of non-native predators, sewage run-off, and pollution. The EIR, CEQA, and NFMA documents are seriously deficient and fail to address many of these critical issues and their cumulative effects.

#### Newhall Ranch Is Already Moving Ahead Prior to Official Approval

Newhall Land and Farming destroyed the Spineflower, an important plant that was once thought extinct. Although the San Fernando Valley Spineflower was once assumed to be extinct, it has been properly identified on the proposed site of the Newhall Ranch. The San Fernando Valley Spineflower is listed as Endangered under the California Endangered Species Act and is a candidate under the federal ESA (Endangered Species Act). Recently, biologists have observed that the activities of NLF have systematically destroyed the habitat and threatened the survival of this rare species. Impacts to rare species, especially rare plants, are extremely difficult and expensive to mitigate. A study by Dr. Peggy Fiedler demonstrated that mitigation measures for rare plant species, such as the Spineflower, have failed over 90 percent of the time.

Major alterations were made to the Santa Clara River prior to preparing the required Environmental Impact Report. In 1992 NLF engaged in major alterations to the Santa Clara River at the proposed Newhall Ranch site. Some controversy exists over whether these alterations took place prior to completing measures required by law. Photos of the streambed alterations compared with overlays of the proposed Newhall Ranch project substantiate that the alterations happened before an adequate environmental review.

#### Responsibilities of the California Department of Fish and Game

The mandate of the California Department of Fish and Game requires the DFG to uphold environmental laws and ensure that California's diverse wildlife, plants, and their habitat are preserved for their ecological values. As a part of this commitment the Department of Fish and Game must take action to ensure that the Santa Clara River Valley is protected as a part of California's natural heritage. Additionally, due to the sensitive issues around the Newhall Ranch project we are concerned that employees may face retaliatory actions or may be reprimanded for reporting violations. DFG employees who take proactive steps toward assuring that the DFG complies with environmental laws and its mission should be commended. As an interested party in the protection of the Santa Clara River we intend to monitor the actions of the Department of Fish and Game and its compliance and enforcement of environmental laws.

#### Conclusion

The Newhall Land and Farming's Natural River Management Plan has failed to protect the diversity and natural resources in the Santa Clara River valley. The plan was approved before important natural resources were

identified. These poor management practices are a precursor to the destruction the Newhall Ranch project may impose on the Santa Clara River if approved. The Natural River Management Plan has permitted the destruction of portions of the Santa Clara River and will continue the devastation up the San Francisquito Creek and down the river through the proposed Newhall Ranch project area unless the Department of Fish and Game requires further CEQA review and depends upon sound, unbiased scientific studies to ensure adequate mitigation measures. The Department of Fish and Game needs to take proactive measures to monitor the actions of Newhall Land and Farming Company and must uphold the strictest environmental regulations to protect the biologically important Santa Clara River valley.

We urge the Department of Fish and Game to revoke the streambed alteration agreement until the Natural River Management Plan accounts for the impacts described above and withhold new permits until adequate CEQA reviews and mitigation measures can protect the ecological values in this region.

Thank you, again, for your attention to this letter and the concerns expressed above.  
Sincerely,

Kris Ohlenkamp  
Audubon Society / San Fernando Valley Chapter

David Magney  
California Native Plant Society

Peter Galvin  
Center for Biological Diversity

Ron Bottorff, Chairman; Barbara Wampole, Vice chair; Teresa Savaike  
Friends of the Santa Clara River

Lynne Plambeck  
SCOPE (Santa Clarita Organization for Planning and the Environment)

Gordon Labedz  
Sierra Club / Angeles Chapter

Henry Schultz  
Sierra Club / Santa Clarita Valley Group

Cc:  
Barbara Boxer CA Senator fax 213-894-5012  
Rick Farris USFWS  
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Peter Galvin  
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Center for Biological Diversity  
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"First, they destroyed the Carolina parakeet,  
and I did not speak out because I was not a Carolina parakeet.  
Next, the Florida red wolf was made extinct, and I said nothing because I  
am homo sapien, not Canis rufus floridanus.  
Then they took the habitat of the silver trout, the Santa Barbara song  
sparrow, and the Wisconsin cougar, but I inhabited elsewhere and had no  
concern and did not get involved.  
Then my environment began to deteriorate and decay -  
and there were no other species to whom I could look for protection."

-Adapted by Judge Fred Biery

Email: [pgalvin@biologicaldiversity.org](mailto:pgalvin@biologicaldiversity.org)  
Website: [www.biologicaldiversity.org](http://www.biologicaldiversity.org).

The Center for Biological Diversity protects endangered species and wild  
places through science, policy, education, and environmental law.



## SCOPE

**Santa Clarita Organization for Planning and the Environment**  
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY  
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY

POST OFFICE BOX 1182, SANTA CLARITA, CA 91386

3-5-04



Attn: CESPL-CO-2003-01264-AOA  
US Army Corps of Engineers  
Regulatory Office - Ventura Branch  
2151 Alessandro Dr. Suite 110  
Ventura, Ca. 93001

Attn: Padmini Elyath  
Cal Dept. of Fish and Game  
Region 5, South Coast Region  
4665 Lampson Ave.  
Los Alamitos, Ca. 90720

Re: Notice of Preparation for the Newhall Ranch 404 Permit and Streambed Alteration Agreement

RECEIVED  
MAR 05 2004  
Regulatory Branch

Sirs:

We appeared and made comments at the public scoping hearing held on Feb 19th. We request that all comments made orally be received and addressed in the EIR. We also support and join in the group comments that will be presented to you by several environmental organizations. The following comments will outline in writing our statement made at the scoping session.

We request that the EIR evaluate the loss of species and habit that has occurred under the previous permit granted to Newhall Land in 1998. Many of the mitigations required by the biological opinion were not followed. Also, conditions which we were promised would ensure the survival of the endangered species and continued public input have not been forth coming. This has resulted in extreme loss of habitat and total elimination of the Three-spined Stickleback (a California fully protected species) in the project area, severe impact, if not elimination of the arroyo toad and loss of nesting area, therefore loss of Least Bell's Vireo.

These severe impacts, unanticipated in the permitting of the prior permit, occurred due to failure to comply with the permit and failure by the regulatory agencies to enforce the permit. Unpermitted actions which led to extinctions in this area included:

1. Indiscriminate channel clearing by the County in sensitive areas which destroyed species where they were known to exist. Biologists were often not on site as required. Areas that were not supposed to be cleared were mistakenly cleared. Clearing conducted when not needed. Even tree frogs that existed in the area no longer survive in most of the tributaries.
2. Hazing machines used to keep endangered birds from their nesting places.
3. Unpermitted off road vehicle use continues to destroy habitat. There is no enforcement.
4. Children with bb guns, air guns and paint ball pistols hunt and destroy habitat and species. There is no enforcement against this.
5. Required educational postings have not been made.

6. Further building incursions into the river have been allowed without public hearings.
7. Extensive concreting of tributaries has occurred. although public hearings have been requested, the Corps has NEVER allowed a public hearing.
8. Amendments to the permit were granted without notice or public input.
9. No public hearing or input occurred at the five year review period as promised.
10. Unpermitted banking projects have moved forward without public input and then merely been granted a back permit.
11. Mitigation is not tracked, so effectiveness or retention of the mitigation cannot be verified. Often mitigation plantings die and are not replaced (see area next the car dealerships).
12. It appears that mitigation areas are duplicated by various permits. Since mitigation is not tracked, the Corps cannot verify when it has already allowed mitigation in a certain area.
13. Substantial impacts to habitat and species has occurred from ground water pumping. This must be re-evaluated and addressed in the new document. Water discharged from treatment plants that have received ammonia waivers has also resulted in loss of species. Such water quality issues and any others that arise that are unknown to us at this time, must be addressed.

Although the previous permit was supposed to be built out in 20 years, most of the build out has already occurred, causing severe impacts that were not anticipated. We accepted a twenty year time table because we were told that there would be 5 year review periods and that this would allow time to assess whether the permit was working to protect endangered species. This did not occur and there has been substantial loss of species and habitat. A twenty year time table is not acceptable. If this permit is allowed, no more than a three year permit for projects in a specified area should be allowed.

Substantial concreting of tributaries has caused formidable cumulative damage to the watershed as a whole. Cumulative damage and impacts MUST be addressed in this document. The impact to wildlife corridors from loss of tributaries must be addressed.

We request that the Corps not allow confidentially agreements between the applicant and the biologists hired by the applicant in the preparation of the current document as such agreements have resulted in a failure to report or identify species present in the project area. (See criminal charges brought against Newhall Land for destruction of the spineflower.) The biologists should report directly to the Corps or Fish and Game. Their surveys should be available for public review.

In closing, the previous permit granted to Newhall in the central Santa Clarita Area should be reviewed for compliance and success. The above areas of failure should be addressed and rectified in any new document being proposed. The permit time line should be shortened to three years. The number of permitted projects should be reduced to a much smaller area so that unanticipated impacts can be rectified before the entire area is destroyed.

All recent studies (UCLA) and new requirements regarding TMDLs should be included and addressed in the proposed EIR document.

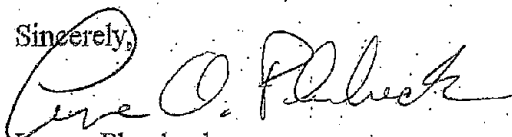
The verification process should be publicly noticed so that the community can provide an oversight function.

Channel clearing by County Flood control must be re-assessed and modified to protect endangered species.

We request that we receive copies of the environmental document in book form when it is released so that we may disseminate it to the members of the public who may not be able to access it on computer.

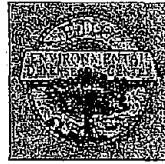
Thank-you for your time.

Sincerely,



Lynne Plambeck

Faxed 3-5-04, Hard copy to follow by regular mail.



SCOPE



Aaron Allen  
 U.S. Army Corps of Engineers, Los Angeles District  
 Regulatory Branch - Ventura Field Office  
 ATTN: CESPL-CO—2003-01264-AOA  
 2151 Alessandro Drive, Suite 110  
 Ventura, California 93001

Morgan Wehtje  
 California Department of Fish and Game  
 Region 5  
 4665 Lampson Avenue  
 Los Alamitos, CA 90720

RE: Scoping Comments for Application No.: 2003-01264-AOA/SCH No.  
 2000011025, Newhall Ranch Specific Plan

Dear Mr. Allen and Ms. Wehtje,

Please accept the following comments regarding the scope of the proposed EIS/EIR and addressing the factors for issuing a Section 404 permit, streambed alteration agreement, and California Endangered Species Act incidental take permit. These comments are submitted on behalf of the California Native Plant Society, the Center for Biological Diversity, the Environmental Defense Center, the Friends of the Santa Clara River, the Santa Clarita Organization for Planning the Environment, the Sierra Club, Heal the Bay, Wishtoyo Foundation, and Ventura Coastkeeper. These groups form a coalition of public interest organizations dedicated to conserving and restoring the Santa Clara River and its natural resources.

Proposed Activity

The Corps' Public Notice describes a variety of development activities that will require permitting. This list does not expressly include the fill and permanent destruction of approximately 141 acres of Santa Clara River 100-year floodplain. It is not clear if this

activity is omitted because it is considered outside of the Corps' jurisdictional area, but it appears that (1) some of the fill will occur in Corps and DFG jurisdictional areas; (2) the fill will have direct and indirect effects on jurisdictional areas; (3) the fill area includes areas that most likely were jurisdictional prior to earlier fill activities; (4) the fill will narrow the channel of the Santa Clara River; and (5) the fill will eliminate riparian mitigation and restoration opportunities. This activity must be considered as part of the permitted activity.

### Scope of Analysis

The Public Notice states that 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 as required by the CEQ NEPA regulations at 40 CFR § 1508.25(a)(1). We believe that it is both appropriate and necessary to extend the scope of your environmental analysis to upland areas of the Newhall Ranch Specific Plan area for the following reasons:

- The first phase of the Newhall Ranch project, which depends on extensive fill of the floodplain of the Santa Clara River and modification of tributary streams, will bring development and considerable human activity in contact with the river corridor. As documented in riparian edge studies submitted by Friends of the Santa Clara River, these activities threaten aquatic and riparian habitat. In addition, these activities will affect the success of mitigation and restoration measures conducted in the river corridor. For example, the habitat value and viability of revegetation of the buried bank stabilization areas will be affected by adjacent upland development. It is essential that the environmental review and permit conditions consider the effects of upland activities both in the first phase of development and throughout the Specific Plan area.
- The fill material required for the permitted activity will also apparently be obtained from upland areas of the Specific Plan site, including areas that may contain sensitive species, such as the state-listed San Fernando Valley Spineflower. The impacts of these borrow areas must be considered in the environmental review.
- The EIS/EIR must include the analysis necessary for DFG to incidental take permits under the California Endangered Species Act. Take authorization will be necessary for protected upland species, including the San Fernando Valley Spineflower.
- The Environmental Impact Report (EIR) for the Specific Plan expressly leaves both the analysis and mitigation of many impacts, including upland biological impacts, to the Corps and DFG. Full analysis of the effects of the permitted activities will require a careful review of the Specific Plan EIR to determine the nature and extent of the analysis of upland activities remaining to be performed.

- Throughout the Specific Plan area, tributary streams will be extensively modified. The hydrology of most of the Specific Plan area, aside from the High Country open space, will be greatly altered. These modifications are closely related to upland activities. Moreover, previous environmental analysis has not provided a detailed inventory or analysis of the tributary stream resources. Due to the extensive modification of tributaries subject to the Corps' jurisdiction throughout the Specific Plan area, "the regulated activities . . . comprise a substantial portion of the overall project." 33 CFR Part 325 App. B § 7(b)(3). Accordingly, the environmental review should be extended to the entire project.
- Consideration of upland activities is the only effective method for considering the full consequences of the proposed action. Upland activities in the Specific Plan area must be considered "connected actions" as defined by 40 CFR § 1508.25(a)(1). In addition, upland activities in and adjacent to the Specific Plan area, including the Natural River Management Plan, must be considered "cumulative actions" as defined by 40 CFR § 1508.25(a)(2).
- Failure to consider upland biological impacts will most likely necessitate a separate Habitat Conservation Plan to address the potential for take of federally-listed threatened and endangered species due to upland activities.

#### Cumulative Effects – Past Fill Activities

The permitting decision and environmental review should consider past unpermitted and permitted fill of Waters of the United States in and upstream of the Specific Plan area as part of the analysis of cumulative impacts. In particular, past unpermitted fill activities that may have affected the extent of the Corps' jurisdictional area and eliminated habitat should be considered based on historical aerial photos. We have previously submitted to the Corps and to the County of Los Angeles photos showing flood inundation and mature riparian habitat in the areas proposed for fill activities. We can provide additional copies of these photos on request.

#### Natural River Management Plan – Cumulative Impacts and Lessons Learned

The EIS/EIR should include a detailed analysis of the proposed activity's cumulative impacts in light of the impacts of the Natural River Management Plan (NRMP) on the Santa Clara River and its tributaries immediately upstream from the Newhall Ranch Specific Plan area. In particular, the EIS/EIR should evaluate the cumulative loss of riparian and aquatic habitat, elimination of wildlife movement corridors, increased human disturbance, and loss of biological diversity and productivity, among other factors.

Moreover, the NRMP, far from serving as a model for a permit for the Newhall Ranch project, provides many useful lessons as to what to avoid or do differently in permitting for the Newhall Ranch project. Specific observations of failings of the Natural River Management Plan include:

- Failed habitat mitigation (e.g. dead or dying riparian vegetation in mitigation areas) with no effective enforcement mechanism to address failure
- Dead or dying riparian habitat associated with loss of surface and/or subsurface flows with no adequate mechanism to address this problem
- The NRMP has facilitated vehicular access to and human disturbance of the River. Rampant and uncontrolled off-road vehicle use in the Santa Clara River, including areas containing unarmored threespine stickleback and arroyo toad habitat. Shooting of birds and wildlife by children from adjacent urban development is prevalent.
- Biological diversity has been greatly diminished. A recent report noted “marked reductions in total macroinvertebrate taxa and sensitive taxa, and increases in dominant taxa (frequently an indicator of stressed conditions) compared to reference sites” in the Santa Clara River below the Valencia treatment plant (Ambrose et al., 2003).

#### Water Quality

The Santa Clara River is southern California’s last truly dynamic big river. It boasts one of the largest watersheds in the South Coast region at 1,600 miles, is the longest free-flowing river in Southern California, and is the only one that extends from the desert to the coast. Unfortunately, the Santa Clara River and its tributaries are within one of the most rapidly urbanizing watersheds in the state of California, making the area a high priority for monitoring and enforcing environmental regulations. Over twenty Corps permits have been issued in the area, paving the way for extensive urbanization and degradation of this pristine river environment. Any alteration of this important area must be approached with the utmost caution so as not to destroy this ecologically and biologically important region.

Specifically, the permitted activities and the Newhall Ranch development threaten to severely degrade the water quality and habitat in the Santa Clara River by increasing the amount of impervious surfaces, thereby creating significant volumes of contaminated stormwater runoff from the construction to post-development stages. Stormwater pollution will significantly increase the pollutant load in the River, affecting the beneficial uses of the River, as well as the riparian species and wetland habitat. Furthermore, due to the amount of proposed impervious surfaces, the volume of stormwater runoff discharged into the River will increase and channelization of the River will become necessary to control the amount of runoff. This channelization will destroy both the River habitat as well as the wetlands.

If granted, the dredge and fill contemplated by the Newhall Ranch project and the instant 404 Permit application will facilitate the development of 21,000 homes, industrial, and commercial development. Therefore, an adequate analysis of water quality impacts of

the entire project, which address all of the above-mentioned issues from the construction to post-development stage, must be considered in the EIS/EIR. Each of these issues is discussed in further detail below.

A. Significant Degradation of the Waters of the United States from Urbanization and Stormwater Runoff

The Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. ("Clean Water Act" or "CWA") and its implementing regulations prohibit the Corps from issuing a permit where the project's discharge of dredged or fill material will cause or contribute to degradation of waters of the United States. 40 C.F.R. 230.10(e). Until the applicant can demonstrate that the project's discharges will not result in water quality degradation, the Corps may not issue this Section 404 Permit.

The impacts of urbanization resulting from large-scale development such as that occurring along the Santa Clara River are devastating from a water quality and habitat perspective. The Newhall Ranch project, with its proposed 21,000 homes, as well as commercial and industrial space, will turn swaths of natural vegetated areas into impervious surfaces such as houses, driveways, buildings, parking lots, sidewalks, and roads thus generating increased volumes of polluted stormwater runoff that will be discharged into the Santa Clara River.

Studies and research conducted by "[r]egional agencies, academic institutions, and universities have identified storm water and urban runoff as significant sources of pollutants to surface waters in Southern California... Development and urbanization increase pollutant load, volume, and discharge velocity" by converting natural pervious ground, which has the ability to absorb rainwater runoff and remove pollutants, to impervious surfaces such as roadways, which act as pollution highways. *California Regional Water Quality Control Board, Los Angeles Region, Order No. 01-182, NPDES Permit No. CAS004001, Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles, December 13, 2001* ("LA County MSWP"), p. 4.

Furthermore, the "increased volume, increased velocity, and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion and impair stream habitat in natural drainages. Studies have demonstrated a direct correlation between the degree of imperviousness of an area and the degradation of its receiving waters. Significant declines in the biological integrity and physical habitat of streams and other receiving waters have been found to occur with as little as 10 percent conversion from natural to impervious surfaces. Percentage impervious cover is a reliable indicator and predictor of potential water quality degradation expected from new development." LA County MSWP, p.5

Due to its sheer size, alone, the Newhall Ranch development virtually guarantees watershed and water quality degradation of the Santa Clara River. However, when the



Newhall Ranch project is considered together with the numerous other projects on the river, the fate of the river is set in stone. If approved, this Section 404 Permit will essentially authorize the intensive development of about 6000 acres of natural area (of approximately 12,000 acres in the Specific Plan area) and significantly increase the amount of impervious surfaces, and ultimately storm water and urban runoff into the Santa Clara River and its tributaries. As a result of the enormous Newhall Ranch Project combined with other development projects along its edges, the last free-flowing river in Southern California will suffer intense habitat and water quality degradation from urban and stormwater runoff. Therefore, both NEPA and Section 404 require that the potentially significant impacts caused by water quality and quantity changes associated with urbanization and stormwater from the Newhall Ranch project be considered. Additionally, an adequate review of environmental impacts must consider the combined effect of urbanization and stormwater runoff from all proposed development projects along the Santa Clara River and its tributaries.

#### 1. Violations of Water Quality Standards or Toxic Effluent Standards

CWA Section 404(b) Guidelines prohibit discharges from the permitted project that cause or contribute to violations of water quality standards or toxic effluent standards. 40 CFR. 230.10(g)(1-2). The Santa Clara River is listed as an impaired water body on the Clean Water Act's 303(d) list for the following pollutants: (1) Ammonia, (2) Chloride, (3) Coliform, (4) Nitrate/Nitrite, and (5) Organic enrichment. These pollutants are potentially discharged from storm water runoff associated with industrial activities, such as major construction, as well as the residential, commercial, and industrial facilities proposed by the Newhall Ranch Specific Plan. By definition, the River is not meeting water quality standards for these pollutants. Because the Section 404 Permit may not legally authorize the discharge of these impairing pollutants above water quality standards, the EIS/EIR must fully address the discharge and relative distribution of these impairing pollutants resulting from the development, and identify where and how the additional wasteload will be allocated. 40 CFR § 131.12. Furthermore, the River is not achieving water quality standards for the above-mentioned pollutants, and thus, by definition, is not supporting its designated beneficial uses. Therefore, an adequate environmental review must analyze the Project's impact on the River's beneficial uses, and identify how the additional wasteload will be managed so as not to further impair the River's beneficial uses.

Because the Section 404 permit will facilitate everything from the construction phase to post development, including landscape irrigation, street runoff, and sewage discharges, the EIS/EIR must address the pollutant loads at all phases of development, not merely the initial construction phases. The EIS/EIR must also consider the cumulative impact on water quality standards and beneficial uses resulting from the discharge of impairing pollutants from the Newhall Ranch project combined with other proposed development projects along the impaired Santa Clara River and its tributaries.

## 2. Chloride TMDL for Santa Clara River

The Santa Clara River has a Total Maximum Daily Load (“TMDL”)<sup>1</sup> for Chloride of 100 ppm in order to protect the downstream agricultural areas as well as the sensitive river habitat and species. The major source of chloride discharge into the River is the effluent discharged by the Saugus and Valencia Water Reclamation Plants (“WRP”). *Santa Clara Valley Joint Sewerage System Chloride Source Report* (October 2002), p. 1.<sup>2</sup> The two major sources of chloride flowing into the WRPs are (1) the potable water supply and (2) the residential sector that utilizes self-regenerating water softeners, detergents, and chlorine bleach. Surely the addition of 21,000 homes, not to mention the commercial and industrial facilities, will increase the sewage load, and therefore the chloride load, and must be taken into account in the EIS/EIR.

Chloride is also associated with storm water runoff. Because additional chloride loads will be facilitated by the proposed Newhall Ranch project, the EIS/EIR must take into account the effect of the chloride-laden stormwater on the water quality and habitat of the Santa Clara River. Additionally, an adequate environmental analysis must consider the cumulative impact of this project combined with the dozens of proposed development projects along the Santa Clara River, and address where and how the chloride pollutant load from sewage and stormwater discharges will be allocated.

## 3. Increased Water Quantity

As noted above, the Newhall Ranch project will turn natural permeable terrain into impervious surfaces such as streets, parking lots, buildings, etc. As a result, during the few but significant rain events in Southern California, the increased impervious surfaces will generate large amounts of water runoff. This water will not naturally absorb into the ground, but will be forced into storm drains, which eventually discharge into the River causing gully washes and River flooding. These floods will result in the inevitable requirement of additional River channelization to prevent the flooding. However, such channelization affects the temperature and velocity of the River, which in turn disturb migratory fish patterns. Because the naturally flowing Santa Clara River will not be able to assimilate the vast amounts of storm water without flooding and/or negatively impacting the River habitat, the significant expansion of impervious surfaces and its impact on the water quantity in the River in must be considered in the EIS/EIR.

### B. Cumulative Impacts Analysis – Water Quality

As discussed in each previous sections, a sufficient environmental impacts analysis must consider the cumulative impacts on water quality and water quantity from the Newhall

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<sup>1</sup> A TMDL is defined as the amount of a particular pollutant that a water body can receive and continue to meet water quality standards, or the “sum of the individual wasteload allocations for point sources and load allocations for non-point sources and natural background.” (40 C.F.R. 130.2)

<sup>2</sup> Available at [www.lacsd.org/chloride/images/chloride\\_Report.PDF](http://www.lacsd.org/chloride/images/chloride_Report.PDF). This study is hereby incorporated by reference and a copy will be provided to the Army Corps upon request.

Ranch Project combined with all other proposed development projects along the Santa Clara River. The impacts of the instant project threaten to be severe, but when combined with the numerous proposed projects along the River, the impacts threaten to completely devastate both the water quality and the habitat of the River. A responsible EIS/EIR requires a comprehensive analysis of these projects' combined effects on the Santa Clara River and its tributaries.

It is notable that the Corps has *never* undertaken an assessment of the cumulative impacts of *all* development projects and proposals on Santa Clara River and its tributaries. Instead, the Corps addresses cumulative impacts in each individual permit application. We recommend the Corps conduct a region-wide cumulative impacts analysis in order to better inform the Corps about the potential effects along the river, and reduce the amount repetitive analysis required by individual cumulative impact analyses.

### Wetland Destruction

The Santa Clara River extends across "approximately 5.5 miles east to west across the [Newhall Ranch project] site." Public Notice, p. 3. Wetland and riparian habitat line the River's edge, and the proposed Section 404 Permit would allow many of those areas to be filled, thus completely destroying the habitat. Additionally, wetland creation or mitigation projects are not practicable alternatives unless significant mitigation ratios are required.<sup>3</sup> Therefore, if the Army Corps is to even consider permitting the destruction of some of the most valuable remaining streams, drainages, and wetlands in the Santa Clara River basin, Section 404 requires that the EIS/EIR address the impact of such wetland destruction as well as the feasibility of achieving significant mitigation ratios. Furthermore, a complete EIS/EIR must address the cumulative effect on wetlands of the

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<sup>3</sup> In 1994, U.S. Fish and Wildlife Service ("FWS") completed a report evaluating thirty wetland creation projects authorized through the Corps section 404 program (DeWeese 1994). DeWeese, J. 1994. *An evaluation of selected wetland creation projects authorized through the Corps of Engineers section 404 Program*. U. S. Fish and Wildlife Service, Sacramento, California. 90 pp. plus appendices. Twenty-two of these projects ranged in age from three to five years old, and eight projects were greater than five years old at the time of the study. FWS found that the value of the habitat created, which included the local wildlife species that would be expected to use the habitat, was low. This was especially the case for seasonal wetlands that had a habitat value of only 40 percent of what existed previously. The study concluded that, of the 600 acres of proposed mitigation, half were meeting less than 75 percent of the mitigation conditions. Thus, the evidence suggests that creating healthy and productive wetlands is not as facile and straightforward as the applicant asserts.

In 2001, the National Research Council released a report entitled "Compensating for Wetland Losses Under the Clean Water Act." National Research Council 2001. *Compensating for Wetlands under the Clean Water Act*. National Academy Press. Available at <http://www.nap.edu/>. This study is hereby incorporated by reference and a copy will be provided to the Army Corps upon request. This study concludes that the goal of no net loss has not been achieved through the Corps regulatory program. The study points out that created wetlands are almost universally less valuable as wildlife habitat than naturally occurring wetlands. Finally, the study concludes that wetlands restoration and mitigation proposals often fail or are never carried out because the Army Corps lacks any enforcement or monitoring mechanism, so applicants often do not follow through on promised mitigation packages. Between 1986 and 1997, the nation continued to lose approximately 60,000 acres of wetlands per year. *Id.*

Newhall Ranch project combined with the increasing development pressure along the Santa Clara River.

### Wildlife Movement

The permitted activities would essentially sever meaningful habitat connectivity between the Santa Monica Mountains National Recreation Area and the Sierra Madre Range in Los Padres National Forest, which is one of the last remaining coastal to inland connections in the ecoregion. The permitted activities would also inevitably inhibit movement between the Santa Susana Mountains and the San Gabriel Mountains and Castaic Ranges. The EIS/EIR must address how the permitted activities would affect regional habitat connectivity issues for both plants and wildlife at a landscape level. The analysis window must include all large protected core areas (i.e., Los Padres National Forest, Angeles National Forest, and the Santa Monica Mountains National Recreation Area) that are functionally part of one ecological system. Specifically, all wildlife movement analyses must have targeted core areas. The EIS/EIR must also address how the permitted activities would affect the ecological integrity of these existing conservation investments.

The permitted activities would reduce landscape level connections to mere choke-points of natural habitat (Penrod et al. 2001). Therefore, to adequately evaluate impacts each analysis must be conducted for baseline conditions and build out, so that a quantitative comparison can be made. For instance, the EIS/EIR should compare the existing width of natural vegetation (km/mi) and the configuration and extent of habitat types to the width, configuration, and extent after build out with the permitted activities.

Wildlife movement analyses conducted for the EIS/EIR must address multiple taxonomic groups, and include aquatic and terrestrial species, not just large mammals. The EIS/EIR should first evaluate habitat suitability within the analysis window for multiple species, including all listed and sensitive species, in addition to target species, such as mountain lion (*Felis concolor*) and American Badger (*Taxidea taxus*). The habitat suitability maps generated for each species should then be used to evaluate the size of suitable habitat patches in relation to the species average territory size to determine whether the linkages provide both live-in and move-through habitat. The analyses should also evaluate if suitable habitat patches are within the dispersal distance of each species. The EIS/EIR should address both individual and intergenerational movement (i.e., will the linkages support metapopulations of smaller, less vagile species). The EIS/EIR should identify which species the wildlife movement corridors potentially function for under baseline conditions and after build out, and for which species they would not.

The National Park Service is currently conducting a mountain lion study, funded by the Department of Fish and Game, to determine mountain lion movement and space use in this region. They currently have 4 lions collared; a male and a female in the Santa Monica Mountains (P1 & P2 respectively); a young male in the Simi Hills (P3); and a female (P4) that was recently collared in the eastern Santa Susana Mountains. The

nearest source population of lions is in the Los Padres National Forest, highlighting the importance of maintaining a functional connection between Los Padres and the Santa Monica Mountains National Recreation Area. Dr. Seth Riley is the park ecologist leading this study; he can be reached at [seth\\_riley@nps.gov](mailto:seth_riley@nps.gov). This is hard data on the movements and spatial needs of the largest remaining carnivore in the region and this is our last chance for a functional coastal to inland connection. Therefore, the EIS/EIR must factor this information into the analyses.

Although a female puma was recently hit on State Route 126 west of the project area, neither State Route 126 nor Interstate 5 should be considered absolute barriers to movement. Structures designed for wildlife movement are becoming increasingly common (e.g., toad tunnels, vegetated land bridges) and research has shown the effectiveness of these efforts (Evink 2002, Foman et al. 2003). Therefore, the existing low permeability across State Route 126 and Interstate 5 should not be accepted as irreversible. Most importantly, the current lack of permeability should not be used as an excuse to develop lands adjacent to the freeway on the grounds that the freeway is a permanent and absolute barrier. Indeed, at least 2 pumas crossed bustling Interstate-15 near Temecula in the early 1990's (Beier 1996, and unpublished data), and another crossed SR-118 near Simi Valley in 2003 and in 2004 (Ray Sauvajot, National Park Service, unpublished data; Riley et al. 2004). In contrast to a road, an urban development creates a barrier that cannot be corrected by building crossing structures. Thus development along freeways creates significant new and more permanent obstacles to landscape connectivity, above and beyond that presented by a freeway alone (Penrod et al. 2003). Therefore, the EIS/EIR must evaluate habitat connectivity based on existing habitats on either side of these freeways, irrespective of whether existing crossing structures exist. Furthermore, the EIS/EIR should evaluate where and what type of crossing structures could be installed as part of mitigation.

Since what's happening in the matrix influences the functionality of any linkage, the EIS/EIR must also evaluate how edge effects will inhibit movement and habitat use of species analyzed in the EIS/EIR. For any linkage to remain a viable avenue of travel for plants and animals, habitat quality must be preserved even as surrounding areas develop. Therefore, the EIS/EIR must address the effects of artificial lighting, nest predation, use of irrigation and pesticides, pet ownership, and vegetation clearance on populations that live in adjacent natural areas. The best available data on edge effects for southern California habitats include: collapse of native ant population due the invasion of argentine ants up to 200 m (650 ft) from irrigated areas (Suarez et al. 1998), and predation by pet cats which decimate small vertebrate populations (Churcher and Lawton 1987, Hall et al. 2000) up to 100 m (300 ft) to 300 m (980 ft)(radius of 32 ha (79 ac) home range reported by Hall et al. 2000). In addition, fire safety concerns and insurance requirements at the wildland urban interface can cause homeowners to clear vegetation up to 61 m (200 ft) around their homes (Longcore 2000). The EIS/EIR should analyze whether the proposed wildlife movement corridors are wide enough to minimize edge effects and allow natural processes of disturbance and subsequent recruitment to function.

The EIS/EIR should also evaluate whether the proposed wildlife movement corridors would provide key resources for species, such as host plants, pollinators, or other elements. For example, many species commonly found in riparian areas depend on upland habitats during some portion of their cycle. Therefore, in areas with intermittent or perennial streams, upland habitat protection is needed for these species. Upland habitat protection is also necessary to prevent the degradation of aquatic habitat quality. Contaminants, sediments, and nutrients can reach streams from distances greater than 1 km (0.6 mi) (Maret and MacCoy 2002, Scott 2002), and fish, amphibians, and aquatic invertebrates often are more sensitive to land use at watershed scales than at the scale of narrow riparian buffers (Goforth 2000, Fitzpatrick et al. 2001, Stewart et al. 2001, Wang et al. 2001, Scott 2002, Willson and Dorcas 2003). Therefore, the EIS/EIR must address how the permitted activities will impact key resources for listed, sensitive, and targeted species, as well as aquatic habitat quality.

Furthermore, for animals associated with the Santa Clara River or its tributaries (e.g., southern steelhead trout, unarmored three-spine stickleback, arroyo toad, California red-legged frog) impediments are presented by road crossings, exotic species, scouring of native vegetation by increased runoff, water recharge basins, dams, dumping of soil and agricultural waste in streambeds, farming in streambeds, gravel mining, and concrete structures to stabilize stream banks and streambeds. Increased urban and runoff also can create permanent streams in areas that were formerly ephemeral streams; permanent waters can support aggressive invasive species such as bullfrogs and giant Reed, displacing native species. Bullfrogs in particular are known to make waters unsuitable for native amphibians (Penrod et al. 2003). Therefore, the EIS/EIR must address how the above will affect species living-in or moving-through riparian areas.

#### Threatened and Endangered Species – Fish and Wildlife

New, multi-season, and independent surveys are necessary for federally- and state-listed fish and wildlife species that are known to occur, or may occur, within and adjacent to the Specific Plan area. These species include least Bell's vireo, southwestern willow flycatcher, Western yellow-billed cuckoo, bank swallow, California thrasher, Swainson's hawk, arroyo southwestern toad, California red-legged frog, southern rubber boa, unarmored threespine stickleback, Santa Ana Sucker, and southern California steelhead. Because populations of California gnatcatcher have been expanding northward recently, this species should also be surveyed. It is essential that all survey data be made available to your agencies and to the public without the limitation of confidentiality agreements or other restrictions.

The Corps and DFG should consider direct and cumulative impacts to the unarmored threespine stickleback. Other projects and activities that may affect the stickleback, including the CEMEX mining project in Soledad Canyon should be considered as part of the proposed action's cumulative effects. Because remaining stickleback populations are isolated and threatened with elimination, an assessment of the cumulative take of

stickleback in the Santa Clara River should be undertaken, including an evaluation of all take authorization previously.

#### Sensitive Wildlife

The EIS/EIR must evaluate impacts to sensitive species based on new, independent, multi-season surveys. The sensitive wildlife species of concern include, but are not limited to:

- *Myotis thysanodes* (Fringed myotis bat) is a Federal Species of Concern, considered Sensitive by the Bureau of Land Management (BLM), and is a High priority for the Western Bat Working Group (WBWG) (CDFG 2001). While this species has not been observed in the Specific Plan Area (DEIR 1996), its roosting and foraging habitat (e.g., oak woodland, caves, rock crevices, cliff faces; Barbour and Davis 1969, Stephenson and Calcarone 1999, Wilson and Ruff 1999) is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Myotis yumanensis* (Yuma myotis) is a Federal and State Species of Special Concern, and is considered Sensitive by the BLM (CDFG 2001). Yuma myotis are threatened by loss of riparian habitats and the decline in permanent water sources (Bat Conservation International 2002). While this species has not been observed in the Specific Plan Area (DEIR 1996), its habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Euderma maculatum* (Spotted bat) is a Federal and State Species of Special Concern, BLM Sensitive, and a High priority for the WBWG (CDFG 2001). Habitats range from arid deserts and grasslands through mixed conifer forests; prefers roosting in rock crevices, with cliffs providing optional roosting habitat (Zeiner et al. 1990). While this species has not been observed in the Specific Plan Area (DEIR 1996), its roosting and foraging habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Corynorhinus townsendii pallescens* (Pale big-eared bat): Federal and State Species of Special Concern, considered Sensitive by the Forest Service (FS) and BLM, and a High priority for the WBWG (CDFG 2001). Typically found in scrub and forested habitats (Bat Conservation International 2002). While this species has not been observed in the Specific Plan Area (DEIR 1996), its roosting and foraging habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Eumops perotis californicus* (Greater western mastiff bat) is a Federal and State Species of Special Concern, BLM Sensitive, and a High priority for the WBWG (CDFG 2001). While this species has not been observed in the Specific Plan Area

(DEIR 1996), its habitat - deciduous woodlands, coastal scrub, annual and perennial grasslands, and chaparral (Zeiner et al. 1990, Stephenson and Calcarone 1999). - is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.

- *Antrozous pallidus* (Pallid bat) is a California Special Concern Species, considered Sensitive by the FS and BLM, and is a High priority for the WBWG (CDFG 2001). Occurs in low elevation grasslands, shrublands, woodlands, and forests (Stephenson and Calcarone 1999). Declining primarily due to loss of habitat, especially roost sites (Barbour and Davis 1969). While this species has not been observed in the Specific Plan Area (DEIR 1996), its roosting and foraging habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Lepus californicus bennetti* (San Diego black-tailed jackrabbit) is a Federal and State Species of Species Concern (CDFG 2001). Occurs in grasslands or sparse coastal scrub (Stephenson and Calcarone 1999). This species was observed at the mouth of Potrero Canyon (DIER 1996), and potentially occurs in other areas as over 6,000 acres of potential habitat is within the project boundary. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Perognathus longimembris brevinasus* (Los Angeles little pocket mouse) is a Federal and State Species of Special Concern, and is considered Sensitive by the FS (CDFG 2001). Restricted to low elevation grassland and coastal sage associations in the Los Angeles Basin (Stephenson and Calcarone 1999). Declining due to loss of habitat to urbanization and cultivation (Zeiner et al. 1990). While this species has not been observed in the Specific Plan Area (DEIR 1996), over 6,000 acres of potential habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Onychomys torridus Ramona* (Southern grasshopper mouse) is a Federal and State Species of Special Concern (CDFG 2001). Occurs in riparian, coastal scrub, mixed chaparral, sagebrush, low sage, and bitterbrush habitats. While this species has not been observed in the Specific Plan Area (DEIR 1996), over 3,000 acres of potential habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Neotoma lepida intermedia* (San Diego desert woodrat) is a Federal and State Species of Special Concern (CDFG 2001). Prefers rocky outcrops, cliffs, and slopes in coastal sage scrub and chaparral habitats (Stephenson and Calcarone 1999). This species was observed just west of Magic Mountain (DIER 1996), and potentially occurs in other areas as over 6,000 acres of potential habitat is within the project



boundary. Therefore, there is potential for this species to be impacted by the permitted activities.

- *Taxidea taxus* (American badger) Once a fairly widespread resident throughout open habitats of California, badger is now uncommon throughout the state and is considered a California Species of Special Concern (CDFG 1999, CDFG 2001). Badgers are largely considered habitat specialists, associated with grasslands and other open habitats (Banfield 1974; de Vos 1969, Sullivan 1996) but they may also be found in drier open stages of shrub and forest communities and riparian habitats (CDFG 1999, Long and Killingley 1983). The Applicants consultants haven't observed this species in the Specific Plan Area (DEIR 1996); however, this wide-ranging species has the potential to occur throughout the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Puma concolor* (Mountain lion) is a California Fully Protected species (CDFG 2001). The mountain lion is considered a habitat generalist, utilizing brushy stages of a variety of habitat types with good cover (Spowart and Samson 1986). Within these habitats, mountain lions prefer rocky cliffs, ledges, and vegetated ridgetops that provide cover when hunting prey (Spowart and Samson 1986, Chapman and Feldhamer 1982), which is primarily mule deer, *Odocoileus hemionus* (Lindzey 1987). Den sites may be located on cliffs, rocky outcrops, caves, in dense thickets or under fallen logs (Chapman and Feldhamer 1982). In southern California, most cubs are reared in thick brush (Beier et al. 1995). They prefer vegetated ridgetops and stream courses as travel corridors and hunting routes (Spotwart and Samson 1986, Beier and Barrett 1993). Diagnostic sign of this species was observed during additional surveys of the project site. This species has been recently recorded within the vicinity (Seth Riley, personal communication). This wide-ranging species has the potential to occur throughout the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Ardea herodias herodias* (Great blue heron) is associated with a habitat that is declining in California at an alarming rate (DEIR 1996). This species was observed in the Santa Clara River (DIER 1996), and potentially occurs in other areas within the project boundary, as over 900 acres of riparian habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Casmerodius albus* (Great Egret) is associated with a habitat that is declining in California at an alarming rate (DEIR 1996). This species was observed in the Santa Clara River (DIER 1996), and potentially occurs in other areas within the project boundary, as over 900 acres of riparian habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Egretta thula thula* (Snowy egret) is associated with a habitat that is declining in California at an alarming rate (DEIR 1996). This species was observed in the Santa

Clara River (DEIR 1996), and potentially occurs in other areas within the project boundary, as over 900 acres of riparian habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.

- *Nycticorax nycticorax* (Black-crowned night heron) is associated with a habitat that is declining in California at an alarming rate (DEIR 1996). This species was observed in the Santa Clara River (DEIR 1996), and potentially occurs in other areas within the project boundary, as over 900 acres of riparian habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Lxobrychus exilis* (Least bittern) is a State Species of Special Concern and is considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (USFWS) (CDFG 2001). While this species has not been observed in the Specific Plan Area (DEIR 1996), over 900 acres of potential habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Aquila chrysaetos* (Golden eagle) is a fully protected California Special Concern Species, and is considered sensitive by CDF and BLM (CDFG 2001). While this species has not been observed in the Specific Plan Area (DEIR 1996), potential habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Buteo regalis* (Ferruginous hawk) is a Federal and State Species of Special Concern; considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (USFWS); it is also on the Audubon Watch List and is considered Sensitive by BLM (CDFG 2001). Occur in grasslands, canyons, and open valleys. They may occur along streams or in agricultural areas in migration. While this species has not been observed in the Specific Plan Area (DEIR 1996), potential habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Circus cyaneus* (Northern harrier) is a California Special Concern Species (CDFG 2001). Utilizes open country such as tidal marshes, emergent wetlands, fallow fields, grassland, meadows, and agricultural areas. This species was observed in the grassland area near Potrero Canyon Pond (DEIR 1996), and potentially occurs in other areas within the project boundary, as over 3,000 acres of potential habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.

- *Elanus leucurus* (White-tailed kite) is California Fully Protected species and is considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (USFWS) (CDFG 2001). Favor agricultural areas, grasslands, marshes, savannas, and other open land or sparsely wooded areas (Peregrine Fund). This species was observed in the riparian habitat on site; a nesting pair in woodland north of the Santa Clara River near the confluence with Castaic Creek (DEIR 1996), and potentially occurs in other areas within the project boundary, as extensive potential habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Accipiter cooperii* (Cooper's hawk) is a California Special Concern Species (CDFG 2001). Occupies deciduous and mixed forests, such as riparian woodlands (Remsen 1978, Garrett and Dunn 1981, Zeiner et al. 1990, Johnsgard 1990, Small 1994). Elimination and degradation of riparian woodlands is the main threat (Remsen 1978, Johnsgard 1990). This species was observed in the riparian habitat on site; a nesting pair in woodland north of the Santa Clara River near the confluence with Castaic Creek (DEIR 1996), and potentially occurs in other areas within the project boundary, as extensive potential habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Accipiter striatus* (Sharp-shinned hawk) is a California Special Concern Species (CDFG 2001). Nests in riparian areas or on north-facing slopes in forested habitats (Remsen 1978, Zeiner et al. 1990, Johnsgard 1990, Small 1994). While this species has not been observed in the Specific Plan Area (DEIR 1996), potential habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Falco columbarius* (Merlin) is a California Species of Special Concern. These small falcons favor open country (Grove 1999). While this species has not been observed in the Specific Plan Area (DEIR 1996), potential habitat is still extant within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Falco mexicanus* (Prairie falcon) is a California Species of Special Concern and is on the Audubon California Watch List (CDFG 2001). Prefers open terrain including sagebrush, grassland, savannah and rangeland habitats (Garrett and Dunn 1981, Johnsgard 1990, Zeiner et al. 1990). While this species has not been observed in the Specific Plan Area (DEIR 1996), potential habitat occurs within the project boundary. Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.
- *Charadrius montanus* (Mountain plover) is a California Fully Protected Species of Special Concern (CDFG 2001). While this species has not been observed in the Specific Plan Area (DEIR 1996), potential habitat occurs within the project boundary.

Therefore, there is potential for this species to occur on the project site, and if present, to be impacted by the permitted activities.

- *Athene cunicularia hypogaeae* (Burrowing owl) is a Federal and State Species of Special Concern, and is considered Sensitive by BLM, and a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (CDFG 2001). Prefers open, dry grassland and scrub habitats (Small 1994). They may also occupy agricultural areas or other disturbed habitats (Millsap and Bear 2000, Haug and Oliphant 1990, USFS 2002). Nearly 60% of California burrowing owl colonies that existed in the 1980s were gone by the early 1990s (USFS 2002). While this species has not been observed in the Specific Plan Area (DEIR 1996), extensive potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.
- *Asio otus* (Long-eared owl) is a California Species of Special Concern (CDFG 2001). Inhabits dense riparian and live oak thickets near meadow edges or open spaces, and nearby woodland and forest habitats (Remsen 1978, Zeiner et al. 1990, Small 1994). While this species has not been observed in the Specific Plan Area (DEIR 1996), extensive potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.
- *Asio flammeus* (Short-eared owl) is a California Species of Special Concern, on the Audubon California Watch List and is considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (CDFG 2001). They prefer open country, such as wetlands, grasslands, savannas, and agricultural areas (Peregrine Fund). While this species has not been observed in the Specific Plan Area (DEIR 1996), extensive potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.
- *Pyrocephalus rubinus flammeus* (Vermilion flycatcher) is a California Species of Special Concern (CDFG 2001) dependent on riparian habitats (Remsen 1978). This species was observed along the Santa Clara River in 1993 (DEIR 1996), and potentially occurs in other areas within the project boundary, as over 900 acres of riparian habitat is within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Lanius ludovicianus* (Loggerhead shrike) is a Federal and State Species of Special Concern, on the Audubon California Watch List and is considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (CDFG 2001). Resident in open habitats including grasslands, fields, agricultural areas, but may also be found in oak woodlands, chaparral, and coastal sage scrub habitats (Remsen 1978, Stephenson and Calcarone 1999). This species was observed at the edges of grassland and scrub, in the Santa Susana Mountains in Potrero and Salt Creek Canyons (DEIR 1996), and potentially occurs in other areas

within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.

- *Dendroica petechia brewsteri* (Yellow warbler) is a California Species of Special Concern (CDFG 2001). Usually found in riparian deciduous; breeds in riparian woodlands in coastal and desert lowlands, montane chaparral, and open ponderosa pine and mixed conifer habitats with substantial amounts of brush. Once a common summer resident in riparian areas throughout California, populations are now seriously reduced (Remsen 1978, Zeiner et al. 1990, Small 1994). This species was observed in 1993 along the Santa Clara River between Castaic Creek and the Ventura County line; also observed in 1994 and 1995 (DEIR 1996), and potentially occurs in other riparian areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Icteria virens* (Yellow-breasted chat) is a California Species of Special Concern and is considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (CDFG 2001). Once a fairly common summer resident in riparian woodland throughout California, but has declined dramatically, especially in southern California (Remsen 1978). This species was also observed in 1993 along the Santa Clara River between Castaic Creek and the Ventura County line; also observed in 1994 and 1995 (DEIR 1996), and potentially occurs in other riparian areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Piranga rubra* (Summer tanager) is a California Species of Special Concern. Nests in riparian groves dominated by mature Fremont cottonwoods (Stephenson and Calcarone 1999). This species was also observed in 1993 along the Santa Clara River (DEIR 1996), and potentially occurs in other riparian areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Eremophila alpestris actia* (California horned lark) is a California Species of Special Concern (CDFG 2001). This species was observed in grassland habitats on the Ranch (DEIR 1996), and potentially occurs in other areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Aimophila ruficeps canescens* (Rufous-crowned sparrow) is a Federal and State Species of Special Concern, on the Audubon California Watch List and is considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (CDFG 2001). Optimal habitat is coastal sage scrub but also utilizes open chaparral (Stephenson and Calcarone 1999). This species was observed in several widely scattered areas of coastal sage scrub and chaparral on the Ranch (DEIR 1996), and potentially occurs in other areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.

- *Amphispiza belli belli* (Bell's sage sparrow) is a Federal and State Species of Special Concern, on the Audubon California Watch List and is considered a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (CDFG 2001). While this species has not been observed in the Specific Plan Area (DEIR 1996), over 6,000 acres of potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.
- *Agelaius tricolor* (Tricolored blackbird) is a Federal and State Species of Special Concern, on the Audubon California Watch List, is considered Sensitive by BLM, and a Migratory Nongame Bird of Management Concern (MNBMC) by the U.S. Fish and Wildlife Service (CDFG 2001). This species was observed in grassland habitat near the mouth of Potrero Canyon (DEIR 1996), and potentially occurs in other areas that support grassland habitat within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Spea hammondi* (Western spadefoot toad) is a Federal and State Species of Special Concern and is considered Sensitive by the BLM (CDFG 2001). Inhabits upland habitats including open chaparral, grassland, and occasionally woodlands; aquatic habitats include vernal pools, washes, alluvial fans, playas, or even alkali flats (Zeiner et al. 1988, Jennings and Hayes 1994). Declining due to loss of ephemeral breeding sites and the introduction of non-native aquatic species. Current data indicates that in southern California (from the Santa Clara River Valley, Los Angeles and Ventura counties, southward), > 80% of habitat once occupied has been developed or converted (Jennings and Hayes 1994). Tadpoles of this species were observed in Potrero Canyon Pond and Via Pond, and adults were observed in Salt Creek Canyon (DEIR 1996); this species potentially occurs in other areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Diadophis punctatus modestus* (San Bernardino ringneck snake) is a Federal Species of Special Concern. Restricted to mountains or moist woodlands and watercourses in open, relatively rocky areas within valley-foothill riparian, mixed chaparral, coastal sage scrub, and grassland habitats (Jennings and Hayes 1994). While this species has not been observed in the Specific Plan Area (DEIR 1996), extensive potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.
- *Salvadora hexalepis virgulata* (Coast patch-nosed snake) is a Federal and State Species of Special Concern (CDFG 2001). It is found in coastal chaparral, desert scrub, washes, sandy flats, and rocky areas (Zeiner et al. 1988, Jennings and Hayes 1994). While this species has not been observed in the Specific Plan Area (DEIR 1996), extensive potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.

- *Lichanura trivirgata roseofusca* (Coastal rosy boa) is a Federal Species of Special Concern and is considered Sensitive by the BLM (CDFG 2001). It occurs in rocky coastal sage and chaparral-covered hillsides, canyons, and washes; attracted to streams but does not require permanent water (Zeiner et al. 1988). While this species has not been observed in the Specific Plan Area (DEIR 1996), extensive potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.
- *Thamnophis hammondi* (Two-striped garter snake) is a Federal and State Species of Special Concern and is considered Sensitive by both the FS and BLM (CDFG 2001). One of the most aquatic of garter snakes, found in or near permanent and intermittent fresh water, often along pools in streams with rocky beds bordered by willow thickets or other dense vegetation in oak woodland, mixed oak, and chaparral habitats. During summer, snakes use streamside areas, and winter in coastal sage scrub and grassland areas adjacent to riparian areas (Zeiner et al. 1988, Jennings and Hayes 1994). One of the primary causes of decline is the extensive loss of wetland habitats in southern California. Other factors include loss of amphibians (food source), water pollution, urbanization, creation of large reservoirs, and concrete lining of stream channels for flood control (Jennings and Hayes 1994). This species was observed in Via Pond and in Salt Creek (DEIR 1996), and potentially occurs in other areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Clemmys marmorata pallida* (Southwestern pond turtle) is a Federal and State Species of Special Concern and is considered Sensitive by both the FS and BLM (CDFG 2001). Pond turtles typically occur in permanent ponds, lakes, streams, or permanent pools along intermittent streams (Morey 1988). Access to sandy banks is needed for nesting (Storer 1930, Rathburn et al. 1992). The Western pond turtle is the only native freshwater turtle remaining in California. It is an indicator of connections within and between aquatic and upland habitat. This species was observed in the Santa Clara River (DEIR 1996), and potentially occurs in other areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Cnemidophorus tigris multiscutatus* (Coastal western whiptail) is a Federal Species of Special Concern (CDFG 2001). This species was observed in coastal sage scrub and chaparral habitats on the Ranch (DEIR 1996), and potentially occurs in other areas within the Specific Plan Area. Therefore, there is potential for this species to be impacted by the permitted activities.
- *Phrynosoma coronatum frontale* (California horned lizard) is a Federal and State Species of Special Concern and is considered Sensitive by the BLM (CDFG 2001). Occurs in several habitat types, including clearings in riparian woodlands, dry chamise chaparral, and annual grassland (Zeiner et al. 1988, Jennings and Hayes 1994). *P. c. frontale* has disappeared from about 35% of its range and extant

populations are becoming increasingly fragmented with continued development. Negative effects of human disturbance such as domestic cats have eliminated horned lizards within a several km<sup>2</sup> area from a cat's home base (Jennings and Hayes 1994). This species was observed in 1992 surveys; four horned lizards were observed in 1995 but specific identification of the species was debatable (DEIR 1996). Therefore, there is potential for this species to be impacted by the permitted activities.

- *Phrynosoma coronatum blainvillei* (San Diego horned lizard) is a Federal and State Species of Special Concern and is considered Sensitive by the FS (CDFG 2001). Occurs in a wide variety of habitats including coastal sage, annual grassland, chaparral, oak woodland, riparian woodland, and coniferous forest; most abundant in riparian and coastal sage habitats (Zeiner et al. 1988, Jennings and Hayes 1994). *P. c. blainvillii* has disappeared from about 45% of its range in southern California due to extensive habitat loss from agriculture, flood control, and urbanization (Jennings and Hayes 1994). This species was potentially observed on-site; four horned lizards were observed in 1995 but specific identification of the species was debatable (DEIR 1996). Therefore, there is potential for this species to be impacted by the permitted activities.
- *Anniella pulchra* (Silvery legless lizard) is a Federal and State Species of Special Concern and is considered Sensitive by the FS (CDFG 2001). Occurs in areas with sandy or loose loamy soils with leaf litter in riparian, chaparral, coastal sage scrub, alluvial fan, and woodland habitats that grow on stream terraces (Jennings and Hayes 1994). Disappeared from about 20% of its known historic range due to habitat loss, fragmentation, and degradation (Jennings and Hayes 1994). While this species has not been observed in the Specific Plan Area (DEIR 1996), extensive potential habitat occurs within the project boundary. Therefore, if this species is present it could be impacted by the permitted activities.
- *Gila orcutti* (Arroyo chub) is a Federal and State Species of Special Concern and is considered Sensitive by the FS (CDFG 2001). Lives and spawns in slow-moving or backwater sections of warm to cool streams with mud or sand substrates and depths greater than about 40 cm (Stephenson and Calcarone 1999). The species is scarce within their native range because of habitat loss and degradation (Moyle et al. 1995). This species was observed in several areas of the Santa Clara River in 1992, 1993, and 1995 surveys (DEIR 1996). Therefore, there is potential for this species to be impacted by the permitted activities.

#### Rare Plants

The EIS/EIR should evaluate impacts to sensitive plant species of concern including, but not limited to:

- *Chorizanthe parryi* var. *fernandina* (San Fernando Valley spineflower) – CNPS list 1B, State-listed endangered and a Federal Candidate for listing. Locations of the San Fernando Valley spineflower are proposed as borrow sites for filling of the Santa



Clara River (Los Angeles County Initial Study 2003). Other impacts for activities connected to or related to activities covered under the requested permits may also impact this species.

- *Dodecahema leptocerus* (Slender-horned spineflower) – CNPS list 1B, State- and Federally listed endangered. While this species has not been reported recently within the Specific Plan area, its habitat - alluvial scrub - is still extant within the floodplain of the Santa Clara River in the project area. Therefore, there is still potential for this species to occur on the project site, and if present, to be impacted by the proposed activity.
- *Orcuttia californica* (California Orcutt grass) - CNPS list 1B, State- and Federally listed endangered. While this species has not been reported recently within the Specific Plan area, its habitat – vernal pools – may still be extant within the 1900 acres of grasslands on the proposed project. Therefore, there is still potential for this species to occur on the project site and if present, to be impacted by the proposed activity.
- *Calochortus clavatus* var. *gracilis* (Slender mariposa lily) - CNPS list 1B. The range of this rare species covers the Specific Plan area, which includes over 6000 acres of suitable chaparral and coastal scrub habitat. Therefore, there is still potential for this species to occur on the project site and if present, to be impacted by the proposed activity.
- *Calochortus plummerae* (Plummer's mariposa lily) - CNPS list 1B. The range of this rare species covers the Specific Plan area, which includes over 10,000 acres of suitable chaparral, cismontane woodland, coastal scrub and foothill and valley grasslands. Therefore, there is still potential for this species to occur on the project site and if present, to be impacted by the proposed activity.
- *Opuntia basilaris* var. *brachyclada* (Short-joint beavertail cactus) - CNPS list 1B. The short-joint beavertail cactus may also be affected by mining and transporting of fill, considering that seven million cubic yards of fill for only the first phase of the Specific Plan project will all come from within the Specific Plan area (Los Angeles County Initial Study 2003).
- *Helianthus nuttallii* ssp. *parishii* (Los Angeles sunflower) – CNPS list 1A. Locations of this Los Angeles sunflower are directly within the Santa Clara river floodplain. The EIS/EIR must address how the proposed activity will affect this taxa.
- *Berberis nevadensis* (Nevin's barberry) – CNPS list 1B, State- and Federally listed endangered. This species is an alluvial scrub inhabitant. Therefore, there is still potential for this species to occur within the Specific Plan area (including Corps and DFG jurisdictional areas) and if present, to be impacted by the proposed activity.
- *Deinandra minthornii* (Santa Susana tarplant) - CNPS list 1B, State listed rare. This species is a primarily known from the Santa Susana mountains in chaparral. Therefore, there is still potential for this species to occur within the Specific Plan area and if present, to be impacted by the proposed activity.
- *Navarretia fossalis* (Spreading navarretia) - CNPS list 1B, Federally listed threatened. This species is a vernal pool species has potential to occur in the grasslands within the

Specific Plan area. Therefore, there is still potential for this species to occur on the project site and if present, to be impacted by the proposed activity.

- *Senecio aphanactis* (Rayless ragwort) – CNPS list 2. Only one occurrence of this species is known from the general area. This annual species of the coastal sage scrub and chaparral has potential to occur within the Specific Plan area. If present, it could be impacted by the proposed activity
- *Juncus acutus* ssp. *leopoldii* – CNPS list 4. This species is known to occur within the Specific Plan area, including Corps and DFG jurisdictional areas, in the floodplain of the Santa Clara River. Therefore, there is potential to be impacted by the proposed activity.
- *Calystegia peirsonii* – CNPS list 4. This species is known to occur within the Specific Plan area. Therefore, there is potential for this species to be impacted by the proposed activity.

Although not all of these species are riparian, all may be affected by build-out of the Newhall Ranch Specific Plan project, which is dependent on acquiring the requested permits. We believe it is within the agencies jurisdictional mandates to evaluate all impacts from the proposed project requesting the permits.

The EIS/EIR should also consider the proposed activity's impact on locally rare species. The preservation of regional and local scales of genetic diversity is very important to maintaining species. Therefore, we request that all species found at the edge of their ranges or that occur as disjunct locations be evaluated for impacts by the proposed project. Such species include but are not limited to:

- *Bowlesia incana*
- *Yabea microcarpa*
- *Brickellia nevinii*
- *Paeonia californica*

These may not be the only rare plant species that have potential to occur within Corps/DFG jurisdictional areas and the Specific Plan area. Targeted species surveys need to include a complete floristic inventory of the Specific Plan area, to detect unexpected rare species.

#### Rare Plant Communities

According to previous reports (Impact Sciences 1999, Impact Sciences 2001, FLx2002) and the State of California (CNDDDB 2003), a suite of rare plant communities are also known from the site. We also request that current, agency-accepted plant community classifications be used to describe the communities.

Rare plant communities currently identified to occur on the Newhall Ranch in the more mesic areas of the project site:

- Southern Coast Live Oak  
Riparian Forest,
- Southern Cottonwood Willow  
Riparian Forest,

- Southern Riparian Scrub,
- Southern Willow Scrub,
- Southern Mixed Riparian Forest
- Mulefat Scrub, and Successional Mulefat Scrub
- Freshwater Marsh
- Alluvial Scrub, including Alluvial Scrub/Chaparral,
- Scalebroom Scrub and Riverwash
- Arrowweed Scrub,
- Cottonwood/Oak Woodland
- Southern Willow Riparian Woodland,
- Mesic meadows,
- Ponds, and
- Valley Freshwater Marsh

These rare plant communities directly depend on mesic sites and drainages, including the Santa Clara River channel and its tributaries. They will likely be directly impacted by the activities proposed in the permit application that are proposed to include

bank protection to protect land development projects along water courses (including buried soil cement, buried gunite, grouted riprap, ungrouted riprap, and gunite lining); drainage facilities such as storm drains or outlets and partially lined open channels; grade control structures; bridges and drainage crossings; utility crossings; trails; building pads; activities associated with construction of a Water Reclamation Plant (WRP) adjacent to the Santa Clara River and required bank protection; water quality control facilities (sedimentation control, flood debris, and water quality basins); ongoing maintenance activities by the LACDPW; and temporary haul routes for grading equipment.

In southern California, these communities are regionally rare due to our arid climate. That fact coupled with the removal of these regionally rare communities for flood control and other structures, which are similar or identical to those proposed in this application has further endangered many of these communities or significantly compromise their ecological functioning. Fifteen year ago, Bowler (1989) documented that over 98% of the wetlands in southern California have been extirpated. Undoubtedly more have disappeared in the last fifteen years, but more current studies are not available. The Santa Clara River and its tributaries are one of only two free-flowing rivers remaining in southern California that support these types of rare communities. The EIS/EIR should thoroughly document and evaluate the cumulative impacts to these plant communities.

Additionally other rare plant communities may be affected by changes in hydrology as a result of the permitted activities. These communities include:

- Valley Oak Woodland
- Valley Oak Savannah
- California Walnut Woodland, and
- Mainland Cherry/Coast Live Oak
- Native grasslands

Valley Oak Woodlands and Savannahs are a regionally rare community, especially in southern California. The project area contains stands of this rare community, adjacent to the riparian areas. The EIS/EIR should evaluate impacts to this community as a result of the proposed activity.

Walnut woodlands are another regionally rare community that is being further fragmented by urbanization (Quinn 1989). The project area contains stands of this rare community, adjacent to the riparian areas. The EIS/EIR should evaluate impacts to these locations as a result of the proposed activity.

Mainland Cherry/Coast Live Oak, while not a recognized plant community under any currently accepted classifications, suggests that stands of a currently thought-to-be-extirpated plant community – Mainland Cherry Forest – occurs on the project site. This community is dominated by mainland cherry (*Prunus ilicifolia*) and coast live oaks (*Quercus agrifolia*). Only three occurrences of this community were ever documented, all in the Castaic area (CNDDDB 2003), and all have been extirpated. On the project site, areas identified as this plant community are located upslope from the Santa Clara River, and may be affected by the proposed activity. The EIS/EIR should evaluate impacts to this community as a result of the proposed activity.

Previous environmental documents for the Specific Plan lumped native grasslands into “grassland” category, which presumably includes exotic species of annual grasses, but makes no distinction between those and native grasslands (species of which are recorded on site). We request that native grasslands be identified and that evaluation of impacts to that community be included in the EIS/EIR.

#### Fire Management

The EIS/EIR should identify and evaluate fire clearance/fuel modification management practices associated with the project, including impacts from vegetation management for fire (clearance, maintenance, fuel modification, etc). The proposed development for which permits are being sought are situated in plant communities that often require periodic, infrequent fire to persist. While periodic fire is not an integral part of riparian vegetation, the proposed permits will allow development that will need to be protected from fire. Therefore, “brush-clearance” will occur at the interface between development and any “open” spaces. Permit and streambed alteration agreement conditions should provide that all fuel modification zones occur as part of the “development” and not infringe upon the “open” space, and should address the impacts of management practices for fire.

#### Invasive Exotic Species

The EIS/EIR should identify and analyze the impacts to species and ecosystems from invasive exotic species. Many of these species invade disturbed areas, and then spread into wildlands. Fragmentation of intact, ecologically functioning communities further

aides the spread and degradation of plant communities (Bossard et al 2000). Additionally, landscaping with exotic species is often the vector for introducing invasive exotics into adjacent habitats. Invading landscape species displace native vegetation, degrade functioning ecosystems, provide little/no habitat for native animals, and increase fire danger and carrying capacity. All of these factors for wildland weeds are present in the proposed action, and their affect must be evaluated in the EIS/EIR.

### Cultural Resources

Regarding the protection of sacred, ceremonial, historical, and cultural resources of Native Americans – over and over again, throughout the development planning and reporting process, the burden has placed on the Native Americans to demonstrate the existence of archeological and historical sites by modern scientific means. Simultaneously, the Indians and their archeologists are often denied access to the area to conduct thorough surveys that would scientifically document their claims

There needs to be an actual good faith effort on the part of the Corps and responsible state agencies to consult with the local Native American leadership or membership. Merely allowing comment whether the proposed “mitigations” in a development plan will reduce significant impacts in a sacred area does not constitute a good faith consultation required by state and federal law. Native American claims and issues cannot be dealt with superficially as an afterthought.

The employment of a monitor to assess damage after it has occurred is not adequate by itself and does not protect the initial disturbance from occurring. Cultural resources in their entirety need to be considered. Beyond a sacred ceremonial site or a burial ground, the permitted activities and associated development would have significant impacts to an area that has cultural historical value. The impacts to these resources must be adequately addressed. There must be adequate public disclosure of findings.

There should be consultation with the Native American Heritage Commission, the federally recognized Tribe, local Gabrielino-Tongva and Chumash tribes and leaders, and there should be independent review of cultural resources in compliance with Section 106 of the Historic Preservation Act.

### Federal Conformity Analysis

The Corps must provide a full evaluation of the conformity of the proposed activity and the Newhall Ranch project with the State Implementation Plan pursuant to Section 176(c) of the Clean Air Act. 42 U.S.C. § 7506(c).

### Other Practicable Alternatives Exist

The Corps may not issue a Section 404 permit if there is “a practicable alternative to the proposed discharge which would have a less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse impacts.” 33 U.S.C. §

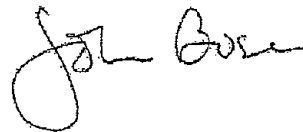
1344(b)(1), 40 CFR. § 230.10(a). The EIS/EIR must seriously consider practicable alternatives to the proposed action and the Newhall Ranch project, including alternate configurations and locations that do not impact the water quality or habitat of the last free-flowing river in Southern California.

### Economic Analysis

As part of its public interest analysis, the Corps should evaluate the economic advantages of keeping the Santa Clara River in its natural state versus the cost of "restoration" once the damage has been inflicted. The Corps and DFG are participants in expensive efforts that are now occurring along the San Gabriel and Los Angeles Rivers to try to "restore" the native mesic communities along those two rivers. This "restoration" is being implemented because those two rivers were subjected to the exact type of activities proposed in this permit request. Currently, the other two rivers and their tributaries in Los Angeles County require large costs to "put back" the exact type of vegetation and habitat that the Santa Clara River currently supports. Restoration biology has shown that "restored" habitats never support the diversity of species as undisturbed habitats (Longcore et al. 1997). Therefore, the benefits of maintaining current communities and habitat needs to be addressed.

Thank you for your consideration of these comments.

Sincerely,



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John T. Buse  
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Environmental Defense Center

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Michael Villegas  
Air Pollution Control Officer

March 15, 2004

RECEIVED

MAR 17 2004

Mr. Aaron O. Allen  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Branch – Ventura field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Regulatory Branch

Subject: Request for Review of Public Notice for Application for Permit, Notice of Intent to Prepare a Draft EIS/EIR and Notice of a Public Scoping Meeting for Newhall Ranch Specific Plan, CESPL-CO—2003-01264-AOA

Dear Mr. Allen:

Air Pollution Control District staff has reviewed the subject project Public Notice for Application for a Permit and Notice of Intent. The request is for a long-term Section 404 permit for proposed future discharges of fill material in waters of the United States for the Newhall Ranch Specific Plan and associated facilities along portions of the Santa Clara River and its side drainages. These activities include:

- Bank protection comprised of buried soil cement or buried rip-rap with native vegetation planted in the overlying soil in areas proposed for land development, and grouted rip-rap and gunite placed near bridge abutments;
- Two new bridges constructed across the Santa Clara River at Potrero Valley and Long Canyon Road;
- Modifications of several side drainages (i.e., San Martinez Grande, Chiquito, Portrero, Long, and Middle Canyons) for drainage and flood control purposes;
- 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;
- Routine maintenance of the above flood control facilities by removal of sediment or vegetation to preserve hydraulic design capacity and protect property.

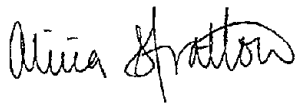
It appears that all of the proposed activities will be occurring within the South Coast Air Quality Management District. Therefore, the air quality assessment should be written in accordance with the South Coast Air Quality Management District Air Quality and CEQA Handbook, and adhere to all applicable requirements by that agency.

This project may be subject to the requirements of the federal General Conformity regulation. Conformity is defined in the Clean Air Act as conformity to an air quality implementation plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards, exacerbate existing violations, or interfere with timely attainment or required interim emission reductions towards attainment. Section 176(c) of the Clean Air Act requires the EPA to develop criteria and procedures for determining the conformity of transportation and nontransportation (general) projects that require federal agency approval or funding with the applicable air quality plan.

On November 23, 1993, a rule entitled "Determining Conformity of General Federal Actions to State or Federal Implementations Plans" was published in the Federal Register. This rule states that a federal agency may not "engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan." I have attached a summary of the federal General Conformity rule for your information. If you need information beyond that provided in the summary, the Federal Register notice contains background and explanatory material, and the Environmental Protection Agency has issued supplemental guidance on implementing the federal General Conformity rule.

Thank you for the opportunity to comment on this project. If you have any questions, please call me at (805) 645-1426 or email me at [alicia@vcapcd.org](mailto:alicia@vcapcd.org).

Sincerely,



Alicia Stratton  
Planning and Evaluation Division

## *OVERVIEW and OUTLINE of the* **FEDERAL GENERAL CONFORMITY RULE**

This rule was published in the Federal Register on November 30, 1993, and became effective on January 31, 1994.\* The purpose of the rule is to implement a portion of the Federal Clean Air Act Amendments of 1990, section 176(c): a Federal action must not adversely affect the timely attainment and maintenance of national air quality standards or emission reduction progress plans, cause or contribute to any new violations of an air quality standard, increase the frequency or severity of any existing violation, or delay the "timely attainment" of any standard or required interim emission reductions or milestones in any applicable area.

The rule covers emissions that result from a Federal action, are reasonably foreseeable, and can practicably be controlled by the Federal agency through its continuing program responsibility.\*\* All emissions related to the Federal action must be considered in the conformity analysis and determination, including direct emissions (such as those produced by aircraft or stationary sources such as factories), and indirect emissions, such as those produced by vehicles traveling to and from a facility.

The rule applies to Federal actions, including projects, approvals and funding, except:

- (1) *Those actions covered by the Federal transportation conformity rule;*
- (2) *Actions with associated emissions below specified "de minimis" levels; and*
- (3) *Certain other actions which are exempt or presumed to conform (a list is included).*

The conformity determination examines the impacts of all project emissions that are "reasonably foreseeable" to result from the Federal action, including any emissions that would not otherwise have occurred. The rule provides several options to satisfy air quality criteria, and also requires that the Federal action comply with any applicable SIP requirements and emission assumptions and/or milestones. Where a Federal agency has delegated its responsibility to take certain actions to a State or local agency, the action is considered to be a Federal action and the state must make a conformity determination on the Federal agency's behalf. (For example: community development "block" grants provided under Federal Housing and Urban Development (HUD) programs.)

Before an action is taken, the responsible Federal agency must make a determination that any actions covered by the rule are in conformity with the applicable State air quality implementation plan, budgets and emissions milestones. If no SIP has been approved by EPA after 1990, then the applicable baseline threshold is to be used. Mitigation measures that are identified as being needed in order for an agency to make a positive conformity determination must be committed to in writing before a determination is completed.

Federal agencies are required to notify the public that they are in the process of making a conformity determination, and must make such determinations available for public review. Notices of draft and final conformity determinations must be provided to air quality regulatory agencies and to the general public by publication in a local newspaper. Once a Federal agency has completed a conformity determination for a particular activity at a certain site, it will not expire for five years. However, if the project or activity changes so that the amount of emissions produced significantly exceeds the projections on which a conformity finding was based, the action must be re-analyzed to determine whether it is still in conformity with the rule.

The rule requires States to revise their State Implementation Plans (SIPs) to incorporate the rule, and to submit them to EPA by November 30, 1994. State criteria and procedures must be at least as stringent as the Federal rule. A State's rule may be more stringent, but only if it applies equally to Federal and non-Federal entities, or it covers other issues not addressed by the Federal rule.

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\* *Source: Federal Register, Vol. 58, No. 228, 40 CFR Parts 6, 51, and 93, "Determining Conformity of General Federal Actions to State or Federal Implementation Plans; Final Rule," November 30, 1993.*

\*\* *"Federal action means "any activity engaged in by a department, agency or instrumentality of the Federal government, or any activity that a department, agency of the Federal government supports in any way, provides financial assistance for, licenses, permits or approves," with certain exceptions that are listed in the regulation (see attached summary of the Rule).*

## -- APPLICABILITY

The Federal General Conformity rule applies to all areas that have been determined to be non-attainment for Federal health-based air quality standards, and in all air quality maintenance areas. Projects or activities that require a Federal permit, receive direct Federal funding, or are Federal facilities are covered by the rule, including (for example): passenger airports and expansions (requiring FAA approval), portions of marine port expansions, large Federal buildings, the leasing of Federal lands or facilities, and prescribed burning in national forests. Only activities that are under the control of a Federal agency are included in the analysis.

The General conformity rule applies to Federal activities that are not covered by the Transportation conformity rule, with several listed exceptions: stationary sources that require a permit under the New Source Review (NSR) or Prevention of Significant Deterioration (PSD) programs; actions in response to emergencies; research, demonstrations or training; mitigations specifically required by environmental laws; and actions carried out under the "Comprehensive Environmental Response, Compensation and Liability Act" ("SuperFund"). Other than the listed exemptions and presumptions of conformity, the rule applies to activities whose projected emissions would either exceed the applicable "de minimis" thresholds or fail to meet several other tests (see outline).

The rule covers all "direct" and "indirect" emissions that are "reasonably foreseeable" to result from a Federal action. "Direct" emissions are emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action. "Indirect" emissions mean those emissions of a criteria pollutant or its precursors that (1) could not occur without the Federal action, but may occur later in time and/or may be farther removed in distance from the action itself but are still "reasonably foreseeable," and (2) emissions which the Federal agency can practicably control and will maintain control due to continuing program responsibility. The term "indirect emissions" also refers to emissions from vehicles traveling to and from a facility (such as a passenger airport) -- these must also be included in the analysis. "Reasonably foreseeable" emissions are projected future emissions that can be identified at the time the conformity determination is made. If the total reasonably foreseeable emissions are projected to be lower than the "de minimis" thresholds, the activity is "in conformity."

The rule's minimum thresholds for ozone (that form from volatile organic compounds -- VOCs -- or nitrogen oxides -- NOx) and particulates (PM-10) vary according to the air quality classification of the attainment area. Thresholds are consistent for carbon monoxide, sulfur dioxide or nitrogen dioxide, and lead in all non-attainment areas. These thresholds determine the types and sizes of projects that will "trigger" a conformity analysis and the need for a conformity determination. If the total direct and indirect emissions from a Federal activity are projected to equal or exceed the "de minimis" thresholds, and it is not an exempt activity, then that agency must conduct an air quality conformity analysis. For example, a relatively small project that would be subject to General Conformity in the South Coast (Los Angeles) (with a 10 ton/year threshold for ozone) may not be subject to the rule in Sacramento (with a threshold of 50 tons/year). If the activity significantly changes or increases at a later date, a new conformity analysis would then be needed.

The rule lists activities that are presumed to result in insignificant emissions and that would fall below the thresholds, including: procedural and administrative activities; routine maintenance and repair; the movement of materiel, personnel and mobile assets; the granting of Federal leases, permits or licenses for activities that will be similar in scope to activities currently being conducted; planning studies; routine operations; transfers of ownership; banking actions; initial Outer Continental Shelf lease sales (generally, though not always); electric power marketing activities; and prescribed burning (if it is consistent with a conforming land management plan). (*Section 51.853*)

**FEDERAL GENERAL CONFORMITY RULE**  
**OUTLINE OF CONTENTS**

**Section 93.150 -- Prohibition**

- a) Federal actions must conform to applicable SIPs, including existing SIP requirements.
- b) A conformity determination must be made before an applicable Federal action is taken.
- c) A conformity determination is not needed if:
  - 1) A NEPA analysis was completed prior to January 31, 1994; *-or-*
  - 2) i) Prior to January 31, 1994, an environmental assessment was commenced or a contract awarded to develop the environmental analysis; *and*
    - ii) Sufficient environmental analysis is completed by March 15, 1994, to allow the Federal agency to determine whether the action is in conformity with this rule; *and*
    - iii) A written determination of conformity has been made by the Federal agency responsible for the Federal action by March 15, 1994 ("*grandfather clause*")
- d) Compliance with this rule does not exempt Federal agencies from other requirements of the applicable SIP, NEPA, or the FCAA.

**Section 93.151-- State implementation plan (SIP) revision**

- a) States must submit a SIP revision to EPA by November 30, 1994 incorporating this rule.
- b) The Federal rule applies until the SIP revision is submitted and has been approved by EPA. A State's conformity provisions must be *at least* as stringent as the Federal rule. A State may only establish more stringent conformity criteria and procedures only if they apply equally to non-Federal as well as Federal entities (or are not covered by Part 93 of the rule).

**Section 93.152 - Definitions**

Certain terms used in the rule are defined. Any terms that are used but not defined in the rule "shall have the meaning given them by the FCAA and EPA's regulations, in that order of priority."

**Section 93.153 - Applicability**

- a) Transportation plans, programs and projects subject to the Federal Transportation Conformity Rule are not covered by the Federal General Conformity rule.
- b), 1&2) "De minimis" thresholds are listed for ozone (from VOCs and NOx), carbon monoxide, sulfur and nitrogen dioxide, particulates and lead, for both nonattainment areas (moderate, serious, severe and extreme) and maintenance areas.
- c) The requirements of the rule do not apply to certain actions:
  - 1) emissions from the Federal action are below the "de minimis" threshold levels.
  - 2) actions which would result in no emissions increase or an increase in emissions that is clearly below the de minimis thresholds:
    - judicial, legislative and administrative proceedings; planning studies
    - continuing and recurring activities, if they are similar in scope and operation to those currently being conducted
    - routine maintenance and repairs
    - civil and criminal enforcement activities
    - the routine, recurring transportation of materiel and personnel
    - maintenance dredging and debris disposal if disposal will be at an approved disposal site and all necessary permits are obtained
    - actions at existing structures, properties and facilities where future activities will be similar in scope and operation to activities currently being conducted at the sites (several examples are provided)
    - the granting of licenses, permits and easements where activities will be similar in scope and operation to activities currently being conducted
    - routine operation of facilities, mobile assets and equipment
    - transfers of ownership, interests and titles in land, facilities and real and personal properties (including military bases but not necessarily their reuse)

- actions associated with transfers of land, facilities, title and real properties through an enforceable contract or least agreement and where the Federal agency does not retain continuing authority over those properties
- the designation of empowerment zones, enterprise communities, or viticultural areas
- actions by Federal banking agencies or the Federal Reserve Bank
- many initial outer continental shelf lease sales which are made on a broad scale
- electric power marketing activities involving the acquisition, sale and transmission of electricity
- actions which implement a decision to conduct or carry out a conforming program such as prescribed burning actions which are consistent with a conforming land management plan

d) Exempt actions:

- 1) new or modified stationary sources that require a permit under the new source review (NSR) or the prevention of significant deterioration (PSD) programs.
- 2) immediate actions in response to emergencies or natural disasters such as hurricanes, earthquakes, etc.
- 3) research, investigations, studies, demonstrations or training where no environmental detriment is incurred
- 4) alteration and additions of existing structures as specifically required by new or existing applicable environmental legislation or environmental regulations (e.g., hush houses for aircraft engines or scrubbers for air emissions)
- 5) direct emissions from remedial and removal actions carried out under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA - "Super Fund") and associated regulations.

e) Federal actions that are part of a continuing response to an emergency or disaster more than 6 months following the emergency are exempt (if the requirements that are listed are satisfied).

f) Actions specified by Federal agencies that have already met the criteria and procedures of the rule on a program-wide level are exempt (unless they would exceed the de minimis thresholds)

g) To establish activities that are presumed to conform on a program-wide level, a Federal agency must meet the following requirements --

- 1) clearly demonstrate that the total emissions from the type of activities which would be presumed to conform would be consistent with the rule (per 176(c)(1); - or -
- 2) provide documentation that the emissions from such future actions would be below the emission rates for a conformity determination based on similar actions taken over recent years.

h) The Federal Agency must also comply with the following additional requirements to presume that certain activities will conform with the rule:

- 1) publish its list of proposed activities presumed to conform in the *Federal Register* and the basis for the presumptions;
- 2) notify the appropriate EPA Regional Office, State and local air quality agencies and, where applicable, the MPO, and provide at least 30 days for public comment;
- 3) document its response to all the comments received and make the comments, response, and final list of activities available to the public upon request; and
- 4) publish the final list of activities in the *Federal Register*.

i) When the emissions from a Federal action do not equal or exceed the thresholds but do represent ten percent or more of a nonattainment or maintenance area's total emissions of a pollutant, the action is "regionally significant" and the requirements of this rule apply.

k) These provisions apply in all nonattainment and maintenance areas.

### **Section 93.154 - Conformity analysis.**

Federal agencies taking an action that is subject to this rule must make their own conformity determination. In doing so, the agency must consider comments from any interested parties. Where multiple Federal agencies have jurisdiction for various aspects of an activity, an agency may either adopt the analysis of another Federal agency or develop its own conformity analysis. (Refer to sections 93.158 and 93.159 below for a description of the actual conformity analysis criteria and process.)

### **Section 93.155 - Reporting Requirements**

***A Federal agency must:***

- a) provide a 30 day notice describing the proposed action and the agency's draft conformity determination to the appropriate EPA Regional Office, Land Managers, State and local air quality agencies, and the Metropolitan Planning Organization or otherwise designated agency.
- b) within 30 days after making a final conformity determination, a Federal agency must notify the appropriate EPA Regional Office, State and local air quality agencies and the MPO.

### **Section 93.156 - Public participation.**

***Federal agencies also must:***

- a) make available for review its draft conformity determination with supporting materials
- b) place an advertisement in a daily newspaper in the area that would be affected by a proposed action and provide 30 days for written public comment prior to taking any formal action on a draft conformity determination.
- c) document its response to all the comments received on its draft conformity determination and make the comments and responses available upon request within 30 days of the final conformity determination.
- d) make public its final conformity determination for a Federal action by placing a notice in a daily newspaper in the area affected by the action within 30 days of the final conformity determination.

### **Section 93.157 - Frequency of conformity determinations.**

- a) The conformity status of a Federal action automatically lapses 5 years from the date of the final determination, unless the action has been completed or a continuous program has commenced to implement that Federal action within a reasonable time.
- b) Ongoing Federal activities at a site showing continuous progress are not new actions and do not require periodic redeterminations so long as they are within the scope of the final conformity determination.
- c) If, after the conformity determination is made, the Federal action changes so that there is an increase in the total emissions above the threshold levels, a new conformity determination is required.

### **Section 93.158 - Criteria for determining conformity of general Federal actions.**

***The following provisions apply to all conformity analyses and determinations:***

- "Total emissions" are the total of direct and indirect emissions from the action;
- "Emissions Offsets" are emissions reductions that are quantifiable, consistent with applicable SIP attainment and 'reasonable further progress' demonstrations, surplus to reductions required by and credited to other applicable SIP provisions, enforceable and permanent;
- Areawide and/or local air quality modeling analyses must be performed per EPA requirements (- refer to section 51.859 of the general conformity rule outlined below);
- Air quality modeling analyses must show that the action does not cause or contribute to new violations of any standard or increase the severity or frequency of existing violations;
- All analyses must be completed for the conformity of an action to be determined;
- Requirements for different pollutants can be met in different ways, but a conformity determination is necessary for each pollutant or pollutant precursor generated by an action.



a) An action subject to this rule may be found to "conform" if the emissions are in compliance with all relevant SIP requirements and consistent with milestones and assumptions contained in the applicable SIP and it meets any of the following requirements for all years that must be analyzed (e.g., the attainment year, the year in which peak emissions are expected to occur, and any SIP budget or milestone years):

(1) For any criteria pollutant, the total emissions from the action are *specifically identified and accounted for* in the applicable SIP's attainment or maintenance demonstration;

- or -

(2) For ozone or nitrogen dioxide, the emissions from the action are fully offset within the same area through a revision to the applicable SIP or a similarly enforceable measure that creates emissions reductions so that there is no net increase in emissions of that pollutant;

- or -

(3) For particulates, carbon monoxide, lead and sulfur dioxide, the total emissions from the action meet the following (i or ii):

(i) the areawide and local air quality modeling requirements; -or-

(ii) the requirement for local air quality modeling analysis and the requirements in section 5 (below).<sup>1</sup>

- or -

(4) For carbon monoxide or particulates:

Where the State agency (or air district) primarily responsible for the applicable SIP determines that an areawide air quality modeling analysis:

(i) is not needed, the emissions from the action must meet the requirements of paragraph (b) of this section; -or-

(ii) is appropriate and that a local modeling analysis is not needed, the emissions from the action meet the areawide modeling requirements, or meet the requirements of paragraph 5 (below);

- or -

(5) For ozone or nitrogen dioxide and for options 3(ii) and 4(ii) above, the action meets any of the following requirements: (i, ii, iii, iv, or v)

(i) Where EPA has approved a SIP revision after 1990:

(A) and the State air agency determines that the total emissions from the action are within the emissions budgets specified in the applicable SIP; -or-

(B) Where the total emissions from the action will result in a level of emissions would exceed the emissions budget specified in the applicable SIP,<sup>2</sup> and the State makes a written commitment to EPA which includes:

(1) A specific schedule for revising the SIP which would achieve the needed emission reductions prior to the time emissions from the action would occur; *and*

(2) Identification of specific measures to be incorporated into the SIP to achieve the needed emissions reductions; *and*

(3) A demonstration that all existing applicable SIP measures are being implemented and that local authority to implement additional measures is being pursued; *and*

(4) A determination that the responsible Federal agency has required all reasonable mitigation measures associated with their action; *and*

(5) Written documentation including all air quality analyses supporting the conformity determination.

<sup>1</sup> Paragraph (b) requires that air quality modeling analyses show that the action does not cause or contribute to any new violation or increase the frequency or severity of any existing violation of any standard.

<sup>2</sup> as determined by the State air agency or its designee (such as air districts).

(C) Where the Federal agency makes a conformity determination based on a State commitment to revise its SIP, such commitment is automatically deemed a call for a SIP revision, automatically resulting in EPA "sanctions" if not fulfilled. The revision must be submitted to EPA within 18 months, or sooner if the State commits to do so.

(ii) Actions specifically included in a current transportation plan and transportation improvement program that has been found to conform to the SIP are exempt from the general conformity rule;

(iii) The action fully offsets its emissions within the same area through a revision to the applicable SIP or an equally enforceable measure so that there is no net increase in emissions;

(iv) Where EPA has NOT approved a revision to the relevant SIP since 1990, the total emissions from the proposed Federal action for the future years<sup>3</sup> do not increase emissions with respect to the baseline emissions:<sup>4</sup>

(A) Baseline emissions reflect the historic activity levels that occurred in the geographic area affected by the proposed Federal action during:

(1) Calendar year 1990; *-or-*

(2) The calendar year that is the basis for the classification (if a classification is promulgated in 40 CFR part 81); *-or-*

(3) The year of the baseline inventory in the PM-10 applicable SIP.

(B) The baseline emissions are the total of direct and indirect emissions calculated for the future years using the historic activity levels and appropriate emission factors for the future years;

*-or-*

(v) Where regional water and/or waste water projects are sized to meet only the needs of population projections that are in the applicable SIP.<sup>5</sup>

(b) Areawide and/or local air quality modeling analyses must:

(1) Meet the requirements of section 93.159 (below); and

(2) Show that the action does not:

(i) Cause or contribute to any new violation of any standard in any area; or

(ii) Increase the frequency or severity of any existing violation of any standard in any area.

(c) An action subject to this subpart may not be determined to be in conformity unless the total of direct and indirect emissions from the action is in compliance or consistent with all relevant requirements and milestones contained in the applicable SIP, such as: elements identified as part of the reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice requirements.

(d) Any analyses required under this section must be completed, and any mitigation requirements necessary for a finding of conformity must be identified, before the final determination of conformity is made by the Federal agency.

<sup>3</sup> Section 93.159(d) describes the emission scenarios expected to occur under each of the following cases: (1) The Act-mandated attainment year or, if applicable, the farthest year for which emissions are projected in the maintenance plan; (2) The year during which the total emissions from the action are expected to be the greatest on an annual basis; AND (3) any year for which the applicable SIP specifies an emissions budget.

<sup>4</sup> Many areas in California do not currently have SIPs approved by EPA after 1990; therefore this portion of the rule applies in analyzing and determining the conformity of proposed Federal activities in those areas.

<sup>5</sup> This requirement is primarily "triggered" by the use of direct Federal funding for facilities expansion projects.

### *Section 93.159 - Procedures for conformity determinations of general Federal actions*

- (a) (1) Analyses required by the rule must be based on the latest planning assumptions derived from estimates of population, employment, travel and congestion most recently approved by the Metropolitan Planning Organization (MPO) or other authorized agency.  
(2) Any revisions to the estimates used as part of a conformity determination must be approved by the MPO (or other authorized agency).
- (b) Emissions analyses must be based on the latest and most accurate emission estimation techniques available (unless they are inappropriate and EPA gives permission to use other techniques). Air quality modeling analyses must be based on applicable air quality models, data bases and other requirements.  
(1) For motor vehicle emissions, the most current version of the motor vehicle emissions model specified by EPA in that State must be used for the conformity analysis (e.g., the latest approved version of EMFAC in California).  
(2) For stationary and area sources, the emission factors specified in EPA's "Compilation of Air Pollutant Emission Factors (AP-42)" must be used unless more accurate data are available.
- (c) Air quality modeling analyses must be based on the applicable air quality models, data bases, and other requirements specified in the most recent version of EPA's "Guidelines on Air Quality Models" (unless the EPA Regional Administrator gives written approval for modifications or substitutions).
- (d) The air quality modeling analysis must include emissions expected to occur under each of the following scenarios:  
(1) The Act-mandated attainment year (in a nonattainment area), or the farthest year for which emissions are projected in the maintenance plan (for a maintenance area);  
(2) The year during which the total emissions are expected to be the greatest on an annual basis; and  
(3) any year for which the applicable SIP specifies an emissions budget.

### *Section 93.160 - Mitigation of air quality impacts.*

- (a) Measures that are intended to mitigate air quality impacts from the Federal action must be identified and the process for implementation and enforcement must be described, including an implementation schedule containing explicit timelines.
- (b) Prior to determining that a Federal action is in conformity, the agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to implement any mitigation measures which are identified as conditions for making conformity determinations.
- (c) Persons or agencies voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.
- (d) In instances where the Federal agency is licensing, permitting or otherwise approving the action of another governmental or private entity, approval by the Federal agency must be conditioned on the other entity meeting the mitigation measures set forth in the conformity determination.
- (e) When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. Any proposed change in the measures is subject to the reporting requirements of this rule.
- (f) The State implementation plan revision to incorporate this rule shall provide that written commitments to mitigation measures must be obtained prior to a positive conformity determination and that such commitments must be fulfilled.
- (g) After a State revises its SIP to adopt its general conformity rules and EPA approves that SIP revision, any agreements, including mitigation measures that are necessary for a conformity determination will be enforceable by any party. Commitments to implement measures to mitigate emissions associated with a Federal action so that a conformity determination can be made may be enforced through the applicable SIP.