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Daniel Fierros
Los Angeles County Dept. of Regional Planning
320 W. Temple Street, Room 1346
Los Angeles, CA 90012

Subject: Landmark Village Draft EIR (SP 00-198/VTM No. 53108/RCUP 200500112/OTP 00196/CUP 00-196)

Dear Mr. Fierros:

David Magney Environmental Consulting (DMEC) is providing these comments on behalf of the Friends of the Santa Clara River, a California nonprofit corporation, and the California Native Plant Society, which is a member organization of the Friends.

DMEC herein provides comments on the Draft Environmental Impact Report (DEIR) for Newhall Land and Farming Company's proposed Landmark Village project, located along the Santa Clara River just upstream of the Ventura County line. DMEC is focusing its review on the biological resources of the project site and how the proposed project will impact those resources.

Issues raised in this letter:

1. Natural Vegetation mischaracterized (e.g. use of term "non-native grassland") and Improper assessment of impacts to natural vegetation;
2. Many locally rare (rare in Los Angeles County) not considered;
3. Mitigation for impacts to rare plants NOT fully mitigatable;
4. Impacts to wetland functions not adequately assessed; and
5. Impacts of pesticide use in suburban areas on biological resources.

Numerous additional issues need to be raised; however, there is insufficient time without a time extension to discuss them adequately in this letter.

Issue 1: Natural Vegetation Mischaracterized

The DEIR and Biota Report mischaracterizes the natural vegetation present onsite and the subsequent impact assessment because it uses a seriously outdated classification that has not been used by the resource and regulatory agencies for years now. For example, the DEIR refers to grassland vegetation as "Non-native Grassland", which is both inaccurate and misleading. Anyone not familiar with the nature and ecological importance of grasslands in California is easily misled by the use of the term "Non-native Grassland". Why would anyone want to protect or think Non-native Grassland is important? The California Department of Fish and Game currently uses, and has used for years, the National Vegetation Classification system, which is basically described in the California Native Plant Society's (CNPS's)

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Manual of California Vegetation (Manual) (Sawyer & Keeler-Wolf 1995¹). Sawyer and Keeler-Wolf (1995) describes grasslands and herbaceous vegetation based on the dominant species, regardless of the nativity of the dominant species, as was done by in Robert Holland's "Preliminary Description of the Terrestrial Natural Communities of California" (Holland 1986²). The *Manual* follows the standards set forth by a collaboration of federal, international, and state governments and scientists to provide consistency worldwide and nationally as well as be more accurate scientifically. It is for these reasons that the use of the old "Holland" system should not be used, as it is both inaccurate and not consistent with statewide and national, and international, standards. The descriptions of plant communities in the DEIR should be revised and updated to follow the standards adopted by the CDFG and CNPS and the impact assessment revised accordingly.

It is clear that the grassland/herbaceous plant communities present at the project are much more varied and complex than as described in the DEIR and supporting documents. However, the DEIR takes the position that these habitats are not valuable and impacts to them are less than significant and no mitigation is required. This is untrue. Grassland habitats, regardless of their dominant species composition, are quite valuable as habitat, particularly to birds and small mammals. Annual grassland habitats have been shown to be quite important to birds compared to other plant communities, including perennial grasslands according to Jones & Stokes Associates (1989³). In fact, that study found that bird use of annual grasslands was almost equal to that of perennial grasslands, and both grassland types had higher bird species use (just in numbers of species) than other plant communities in California. This fact was ignored and not assessed in the DEIR.

Issue 2: Locally Rare Plants Not Considered

A review of the list of plants observed at the project site finds several problems, some of which are easily rectified, and others requiring significant revisions. First, a large number of vascular plants were not fully identified to subspecies or variety, which is necessary to understand which taxon is present, and if that taxon is a rare species meeting the intent and definition of rare under CEQA.⁴ Second, no consideration or discussion or assessment is given to species that are rare regionally or within Los Angeles County. DMEC's preliminary assessment of the species present found several plant taxa that should be considered as significant resources, and assessed accordingly.

Below is a list of vascular plants that are not fully identified and may be rare in the region and/or Los Angeles County of which some subspecies or varieties are rare:

- Chaenactis glabriuscula* – which variety?
- Chrysothamnus nauseosus* – which subspecies?
- Heterotheca sessiliflora* – which subspecies?
- Lessingia glandulifera* – which variety?
- Stephanomeria exigua* – which subspecies?

¹ Sawyer, J.O., and T. Keeler-Wolf. 1995. *Manual of California Vegetation*. California Native Plant Society, Sacramento, California.

² Holland, R.F. 1986. Preliminary Description of the Terrestrial Natural Communities of California. California Department of Fish and Game, Sacramento, California.

³ Jones & Stokes Associates, Inc. 1989. Sliding Towards Extinction: Reassembling the Pieces. Sacramento, California. Commissioned by The Nature Conservancy, San Francisco, California.

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Pectocarya linearis – which subspecies?
Plagiobothrys collinus – which variety?
Lepidium virginicum – which variety?
Lonicera subspicata – which variety?
Symphoricarpos – which species?
Atriplex canescens – which subspecies?
Dudleya cymosa – which subspecies?
Astragalus trichopodus – which variety? uncommon in Ventura County (Magney 2007)
Lathyrus vestitus – which subspecies?
Trifolium albopurpureum – which variety?
Trifolium gracilentum – which variety?
Ribes aureum – which variety?
Ribes malvaceum – which variety?
Nemophila menziesii – which variety?
Phacelia cicutaria – which variety? Rare in Ventura County (Magney 2007)
Phacelia ramosissima – which variety?
Stachys ajugoides – which variety?
Camissonia boothii – which subspecies?
Clarkia purpurea – which subspecies?
Oenothera elata – which subspecies?
Leptodactylon californicum – which subspecies?
Rumex salicifolius – which variety?
Calyptridium – which species?
Claytonia parviflora – which subspecies?
Ceanothus tomentosus – which variety?
Galium angustifolium – which subspecies?
Antirrhinum coulterianum – which subspecies?
Castilleja densiflora – which subspecies?
Cordylanthus rigidus – which subspecies?
Linaria canadensis – which subspecies?
Juncus balticus – which variety?
Eragrostis mexicana – which variety?
Scirpus acutus – which variety? Rare in Ventura County (Magney 2007)

If any of these taxa have ten or fewer populations in Los Angeles County, they should be evaluated as potentially locally rare, and losses to one or more populations should be considered significant, and appropriately mitigated.

Below is a list of 55 vascular plants listed in the DEIR or supporting documents that are rare in the region and/or Los Angeles County but were not evaluated as sensitive biological resources pursuant to CEQA:

Juniperus californica – While this species is relatively common in the desert portions of Los Angeles County and southern California, this occurrence on Newhall Ranch represents the southwestern-most occurrence of this species. The limits of a species range, and a disjunct population such as on Newhall Ranch, represents a significant botanical resource that should be assessed.

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Amaranthus palmeri - uncommon in Ventura County (Magney 2007); there are only 11 vouchered records for this species in Los Angeles County (Consortium of California Herbaria 2007¹), representing 8 populations of which only 2 are extant, plus the Newhall Ranch populations, meaning that this taxon should be considered rare in Los Angeles County.

Amaranthus powellii - uncommon in Ventura County (Magney 2007); rare in Los Angeles County with 7 vouchered populations, all but one of which were made over 80 years ago (Consortium of California Herbaria 2007) and most are likely extirpated. The Newhall Ranch population is possibly the only extant population and should be treated as rare in Los Angeles County.

Sanicula bipinnata - rare in Ventura County (Magney 2007); there are only about 8 extant occurrences of this species in Los Angeles County, with many of the voucher collected found in the Consortium of California Herbaria (2007) from collections made over 60 years ago and are likely extirpated. This species should be treated as a locally rare species in Los Angeles County.

Achyrochaena mollis - rare in Ventura County (Magney 2007); rare in Los Angeles County since there are less than 20 historic occurrences in the county with some historical and almost certainly extirpated and recent collection sites/populations are at development sites (Consortium of California Herbaria 2007). This species should be treated as a rare species.

Ambrosia confertiflora - rare in Ventura County (Magney 2007); of the 8 population historically known in Los Angeles County, the population at the project site is one of only 4 known occurrence in Los Angeles County (Consortium of California Herbaria 2007) and should be treated as a rare species.

Baccharis sarothroides - not in Ventura County; the only known population in Los Angeles County is on the project site (Consortium of California Herbaria 2007); therefore, it should be treated as a rare species.

Coryza coulteri - rare in Ventura County (Magney 2007); only 8 collections have been made of this species in Los Angeles County, representing 6 extant populations (Consortium of California Herbaria 2007). This species should be treated as rare in Los Angeles County.

Gnaphalium leucocephalum/species nova - rare in Ventura County (Magney 2007); rare in Los Angeles County based only 6 historic populations (Consortium of California Herbaria 2007), of which some have been extirpated. Based on Dudeck's research on this taxon, *G. leucocephalum* should be treated as an undescribed species, and assessed as a rare species.

Helianthus californicus - rare in Ventura County (Magney 2007); rare in Los Angeles County with only 3 known populations (Consortium of California Herbaria 2007). This species should be treated as a rare species.

Pluchea odorata - rare in Ventura County (Magney 2007); rare in Los Angeles County represented by only about 6 extant occurrences (Consortium of California Herbaria 2007); this species should be treated as a rare species.

Pluchea sericea - rare in Ventura County (Magney 2007); represented by only 5 extant populations in Los Angeles County (Consortium of California Herbaria 2007) and should be treated as a rare species.

Wyethia ovata - could this be misidentified? - *Balsamorhiza deltoidea* occurs in Ventura County and looks similar to *Wyethia ovata*. *Balsamorhiza* is uncommon in Ventura County (Magney 2007) but *W. ovata* is not known from Ventura County. This population represents an extralimital population well below its known elevational range and should be treated as a rare species.

¹ Consortium of California Herbaria. 2007. Database search of California public herbaria 22 January 2007. Jepson Herbarium, University of California, Berkeley. (<http://ucjeps.berkeley.edu/consortium/>)

Descurainia pinnata ssp. *halictorum* – rare in Ventura County (Magney 2007); represented in Los Angeles County by only 5 known extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Opuntia basilaris var. *ramosa* – not found in Ventura County; only known occurrence in Los Angeles County; this taxon should be treated as a rare species.

Opuntia californica var. *parkeri* – not found in Ventura County; Newhall Ranch site is the only other known occurrence in Los Angeles County (Consortium of California Herbaria 2007) and should be treated as a rare species.

Opuntia Xvaseyi – rare in Ventura County (Magney 2007); there are only 2 other known populations of this taxon in Los Angeles County (Consortium of California Herbaria 2007) and it should be treated as a rare species.

Atriplex serenana var. *serenana* – rare in Ventura County (Magney 2007); represented by only 7 populations in Los Angeles County (Consortium of California Herbaria 2007) and should be considered as a rare species.

Atriplex triangularis – uncommon in Ventura County (Magney 2007); represented in Los Angeles County by about only 7 extant populations at most (Consortium of California Herbaria 2007) and should be treated as a rare species.

Cuscuta pentagona – rare in Ventura County (Magney 2007); represented in Los Angeles County by about only 8 extant populations at most (Consortium of California Herbaria 2007) and should be treated as a rare species.

Stillingia linearifolia – rare in Ventura County (Magney 2007); represented in Los Angeles County by about only 9 extant populations at most (Consortium of California Herbaria 2007) and should be treated as a rare species.

Lupinus excubitus – uncommon in Ventura County (Magney 2007); represented in Los Angeles County by about only 9 extant populations at most (Consortium of California Herbaria 2007) and should be treated as a rare species.

Lupinus macrocarpus var. *densiflorus* [*L. densiflorus*] – rare in Ventura County (Magney 2007); represented in Los Angeles County by about only 8 extant populations at most (Consortium of California Herbaria 2007) and should be treated as a rare species.

Vicia hassei – rare in Ventura County (Magney 2007); represented in Los Angeles County by about only 8 extant populations at most (Consortium of California Herbaria 2007) and should be treated as a rare species.

Nemophila parviflora var. *quercifolia* – Only known occurrence in Los Angeles County (Consortium of California Herbaria 2007); not known from Ventura County.

Stachys ajugoides var. *rigida* – rare in Ventura County (Magney 2007); represented in Los Angeles County by about 5 populations, all of which are based on vouchers over 60 years old, except 1 (Consortium of California Herbaria 2007); this taxon should be treated as a rare species.

Malacothammus fasciculatus ssp. *laxiflorus* – rare in Ventura County (Magney 2007); represented in Los Angeles County by only 6 populations (Consortium of California Herbaria 2007); this taxon should be treated as a rare species.

Clarkia speciosa – not in Ventura County; Newhall Ranch collection represent the only known population in Los Angeles County (Consortium of California Herbaria 2007); this species is rare in Los Angeles County and should be treated as such.

Epilobium brachycarpum – uncommon in Ventura County (Magney 2007); represented in Los Angeles County by about 10 extant populations (Consortium of California Herbaria 2007) and should be considered rare.

Orobancha parishii ssp. *parishii* – rare in Ventura County (Magney 2007); represented by up to 4 populations in Los Angeles County, 2 of which are on Newhall Ranch (Consortium of California Herbaria 2007) and should be considered a rare species.

Eriastrum densifolium ssp. *mohavense* – rare in Ventura County (Magney 2007); represented in Los Angeles County by only 3 populations (Consortium of California Herbaria) and should be treated as a rare species.

Phlox gracilis – uncommon in Ventura County (Magney 2007); represented in Los Angeles County by about 10 populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Chorizanthe fimbriata – only record for Los Angeles County is on Newhall Ranch with no other known population in Los Angeles County (Consortium of California Herbaria 2007); not in adjacent Ventura County.

Eriogonum viridescens – uncommon in Ventura County (Magney 2007); represented in Los Angeles County by about 8 populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Lastarridea coriacea – rare in Ventura County (Magney 2007); represented in Los Angeles County by no more than 10 extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Polygonum punctatum – uncommon in Ventura County (Magney 2007); represented in Los Angeles County by no more than 8 extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Rumex maritimus – rare in Ventura County (Magney 2007); represented in Los Angeles County by no more than 8 extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Galium nuttallii ssp. *nuttallii* – CNPS List 4, uncommon in Ventura County (Magney 2007); represented in Los Angeles County by no more than 8 extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Parthenocissus vitacea – Rare in California and in Los Angeles County, not found in adjacent Ventura County; represented in Los Angeles County by no more than 3 extant populations (Consortium of California Herbaria 2007), all on Newhall Ranch, and should be treated as a rare species.

Cyperus odoratus – rare in Ventura County (Magney 2007); represented in Los Angeles County by no more than 8 extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Eleocharis rostellata – rare in Ventura County (Magney 2007); represented in Los Angeles County by no more than 7 extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Scirpus americanus – uncommon in Ventura County (Magney 2007); represented in Los Angeles County by no more than 2 extant populations (Consortium of California Herbaria 2007) and should be treated as a rare species.

Scirpus robustus – rare in Ventura County (Magney 2007); represented in Los Angeles County by only one other extant population in the Liebre Mountains (Consortium of California Herbaria 2007) and should be treated as a rare species.

Juncus acutus ssp. *leopoldii* – CNPS List 4; represented by about 10 extant populations in Los Angeles County with about half those on Santa Catalina Island (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Juncus longistylis – not found in Ventura County; only 2 populations in Los Angeles County other than Newhall Ranch (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Juncus torreyi – rare in Ventura County (Magney 2007); represented by about 7 extant populations in Los Angeles County, including Newhall Ranch (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Juncus triformis – rare in Los Angeles County; not found in Ventura County; represented by only 1 extant populations in Los Angeles County on Newhall Ranch (Consortium of California Herbaria 2007); loss of this one Los Angeles County population or individuals of this taxon should be considered a significant impact.

Lemna minuscula – rare in Ventura County (Magney 2007); represented by only 6 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Lemna valdiviana – uncommon in Ventura County (Magney 2007); represented by only 8 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Brodiaea terrestris ssp. *kernensis* – rare in Ventura County (Magney 2007); represented by only 5 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Yucca schidigera – rare in Los Angeles County; not found in Ventura County; represented by only 1 extant population in Los Angeles County on Newhall Ranch (Consortium of California Herbaria 2007); loss of this one Los Angeles County population or individuals of this taxon should be considered a significant impact. Is this planted onsite and not native on the ranch?

Panicum capillare – rare in Ventura County (Magney 2007); represented by only 9 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Paspalum distichum – rare in Ventura County (Magney 2007); represented by only 7 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Sporobolus airoides – rare in Ventura County (Magney 2007); represented by only 9 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Vulpia microstachys var. *microstachys* – rare in Ventura County (Magney 2007); represented by about 7 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

Potamogeton foliosus – rare in Ventura County (Magney 2007); represented by about 10 historic populations in Los Angeles County (Consortium of California Herbaria 2007); loss of one or more populations of this taxon should be considered a significant impact.

The loss of any of these 55 plant taxa should be analyzed for significance. There is no doubt as to their rarity in Los Angeles County, the only area in California in which the County has any jurisdiction, but these plants that are rare in Los Angeles County were not considered in the DEIR as significant biological resources. As is practiced in other jurisdictions, such as Ventura County, the loss of a population of any of these taxa would be considered a significant impact, and appropriate mitigation proposed, if feasible. This was not done in the DEIR, rendering it inadequate in this area.

Issue 3: Mitigation for Impacts to Rare Plants Not Fully Mitigatable

Below are specific and general comments about the adequacy of the proposed mitigation for rare plants in the DEIR.

Page 4.4-2, last paragraph, Line 9: "Implementation of measures contained in Specific Plan RMP...would reduce some, but not all, Specific Plan impacts to special-status plant and wildlife species,...". This basically states that after mitigation measures, impacts to at least some special-status plants will still remain significant.

Page 4.4-3, Table 4.4-1, Row 4: Table states "It is acknowledged that any loss of plant species listed as Rare, Threatened, or Endangered is considered a significant impact." This contradicts their "not significant" "conclusion after mitigation" for several plant species in Table 4.4-1. The "conclusion after mitigation" for most of these Rare, Threatened, or Endangered species should at least be potentially significant since the plants are known onsite even though they were supposedly never observed during the Newhall surveys reported on in this EIR. Furthermore, Table 4.4-1 does not include a significance summary for all "observed" special-status plant species discussed in Section 7a.(1) beginning on Page 4.4-29. Table 4.4-1 also does not include a significance summary (i.e. potentially significant) for all "special-status plant species known in the project area" discussed in Section 7a.(2) and included in Table 4.4-4 on Page 4.4-33.

Page 4.4-33, Paragraph 1, Lines 1-4: When referring to Table 4.4-4, Special-status Plant Species Documented in the Project Area but Not Observed on or Adjacent to the Project Site, the DEIR states, "Given the thoroughness of the survey efforts, it is unlikely that any of the species identified below are present on the project site, though the potential of some of these species to occur on the site in future seasons cannot be entirely ruled out." Table 4.4-4 provides very general habitat requirements, no elevation requirements, and no species-specific likelihood of occurrence based on whether suitable habitat is present onsite or other known and reported occurrences nearby. To say "it is unlikely that any of the species identified are present on the project site" does not accommodate the potential for any plant species (special-status or otherwise) to inhabit the project site based on specific environmental conditions or requirements, or microhabitat changes. The DEIR needs to provide a specific likelihood of occurrence, at the very least, based on the presence or absence of required habitat onsite, not on the assumption that their

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surveys are thorough enough. Any special-status plant species with a likely potential of occurring onsite, which should have been the case for species such as Nevin's Barberry, Plummer's Mariposa Lily, Late-flowering Mariposa Lily, Southern Tarplant, Slender-horned Spineflower, *Dudleya* spp., Davidson's Bushmallow, etc. A separate impact analysis should have been conducted for each species to assess the potential for significant impacts, to these and similar species, resulting from the proposed project.

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Page 4.4-64, Section 9b.(1)(f), Paragraph 1: Again, 36 special-status plant species with potential of occurring onsite (known or reported nearby) are completely disregarded solely on the basis of the DEIR's assumption that the floristic surveys conducted onsite are adequate enough to account for every living plant existing onsite or that may exist in the future onsite, and for all propagules that exist dormant in the soil. Again a separate impact analysis should have been conducted for each species to assess the potential for significant impacts to these species resulting from the proposed project.

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Section 9b.(1)(f) (beginning on Page 4.4-64):

Everlasting (undescribed): The level of significance changes from potentially significant to less than significant solely based on the Mitigation Measure JV 4.4-20, which suggests that conducting seasonal surveys prior to construction and, if found, collecting and planting seeds in a receiver site in the preserved open space is adequate enough to reduce the level of significance to a less-than-significant level. This assumption is flawed because:

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- (1) Seasonal surveys are not adequate mitigation. This activity simply locates individuals and populations; however, this activity does not compensate for the potential loss of individuals and/or populations of this species.
- (2) An analysis of the residual impacts to this and other special-status plant species needs to be included in the impact analysis section.
- (3) All mitigation sites for each impacted or potentially impacted special-status plant species needs to be indicated on a map, and needs to be designated on a species-specific basis; therefore, simply seeding the ephemeral drainages of the High Country chaparral habitats to be preserved onsite with salvaged seeds of this *Gnaphalium* will not ensure the success of this species that requires floodplain habitats.
- (4) Since no attempt at avoidance has been made, avoidance measures should be implemented to the maximum extent possible.
- (5) The mitigation ratio for impacts to special-status plant species should be raised to a 10:1 ratio to ensure survival and to better accommodate any residual impacts resulting from the proposed project.
- (6) Seed collection and propagation methods, final mitigation site determination, and a mitigation plan and monitoring program preparation should all be defined in the mitigation measures provided for this and all special-status plant species impacted by the project.

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Slender Mariposa Lily: Since no attempt at avoiding this species onsite has been made, at least 887 aboveground individuals will be lost as a result of the project. Avoidance should be analyzed to a greater extent to minimize impacts to this species to the maximum extent possible. A discussion of Numbers 2, 3, 5, and 6 from the discussion above for Everlasting should be included in the analysis for Slender Mariposa Lily. Mitigation Measure 4.4-19 proposes to plant these 887 bulbs within the "high sustainability" areas of

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the High Country preserve onsite. No mitigation should be conducted with already pristine or high-quality habitats preserved onsite to ensure no additional impacts occur to these areas. Mitigation should only occur in areas that are already somewhat disturbed in an effort to enhance these areas concurrently with special-status plant species mitigation.

Peirson's Morning-glory: No indication as to the number of individuals to be impacted onsite is provided. No impact analysis can even be made without determining this impact number (or at least an estimate). Once the amount of individuals impacted is determined, in order to fully understand the impacts to this species, a Los Angeles County regional distribution analysis needs to be conducted. Stating that this species is common throughout the Newhall Ranch Specific Plan area does not begin to demonstrate the range of this species locally or regionally, particularly since there appears to be no attempt to avoid any impacts to this species. Furthermore, to state that the CNPS List 4 status is not considered rare in the statewide perspective does not automatically preclude that no further population studies are warranted, and that this project can impact this species as much as needed with no consequence or mitigation requirements. Recommended Mitigation Measures 4.6-27, 4.6-34, 4.6-35, and 4.6-53 generally state that impacts to this species can be mitigated by (1) reducing grazing in the High Country areas, (2) fencing in impact areas, (3) having biologist to ensure no impacts outside of fenced areas, and (4) conducting seasonal surveys if a subdivision map is proposed, respectively. While potentially reducing the impacts to additional individuals, these mitigation measures do nothing to mitigate for the actual loss of the many individuals and the residual impacts of this species as a result of this project. An analysis of the residual impacts to this and other special-status plant species needs to be included in the impact analysis section. Since no attempt at avoidance has been made, avoidance measures should be implemented to the maximum extent possible.

Southern California Black Walnut: Walnut is treated as the Peirson's Morning-glory is treated based on its status of CNPS List 4. Therefore, much of the discussion above for Peirson's Morning-glory applies to this species as well. The only mitigation measure recommended for impacts to 10 trees of walnut is 4.6-48, which is the Oak Resources Replacement Program, stating that replacement trees shall be planted in conformance with the oak tree ordinance in effect at that time. This mitigation measure simply includes walnut trees in the mitigation of oak trees. Walnut-specific mitigation requirements need to be presented as mitigation for the loss of the 10 walnut trees. The mitigation ratio should be 10:1, specifically, and the mitigation measure should include, at a minimum, seed collection methods and timing, planting methods, the need for a mitigation plan and monitoring program, and a map indicating appropriate mitigation sites. An analysis of the residual impacts to this and other special-status plant species needs to be included in the impact analysis section. Simply because this species is common locally does not mean that impacts to this species will not have any adverse impacts to the continuing existence of this species in the region.

Issue 4: Impacts to Wetland Functions Not Adequately Assessed

First, the DEIR states that URS's wetland delineation was verified by the U.S. Army Corps of Engineers (Corps) on 4 February 2004. This means, that unless there has been a reverification, that delineation is no longer valid as the Corps' verifications are only valid for a period of two (2) years. Furthermore, the floods of January 2005 caused significant changes in many streams and rivers in southern California, which often resulted in expansion of areas under Corps jurisdiction. DMEC believes that the wetland delineation will need to be updated to show current conditions, per Clean Water Act regulations and Corps policy before impacts to jurisdictional waters of the U.S., including wetlands, can be made for this project.

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The DEIR's "(c) Setbacks from Riparian Resources" section starting on page 4.4-60 provides a basic explanation of what the proposed project setbacks are from riparian wetlands along the Santa Clara River; however, there is no evidence that what is proposed is based on any real objective analyses. Rather, what is proposed is more speculation and justification than a true consideration of what and where buffers should be for this project to protect all the wetland functions and biological resources present onsite and downstream.

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Only an objective analysis, starting with baseline conditions, will provide an adequate determination of how wide the buffers need to be to protect wetland functions. The Corps' Hydrogeomorphic approach (HGM) (Smith et al. 1995¹) to determining and measuring wetland functionality is probably the best, and most objective method available to provide an objective assessment of project-related impacts to wetland functions, which can also be very useful in identifying specific actions that can be taken to develop appropriate mitigation measures to avoid, minimize, or compensate for those significant impacts. DMEC has used the HGM approach routinely on projects occurring within or adjacent to riparian wetland habitats, with the results acceptable to the Corps and other regulatory agencies. Two recent examples can be examined on DMEC's website (Reinke Wetland Assessment (DMEC 2000² -- [<http://www.magney.org/pdfs/Reinke%20HGM%20Report.pdf>], and Camarillo Regional Park Wetland Assessment (DMEC 2004³) [<http://www.magney.org/pdfs/CamRegParkHGMReport-final.pdf>]). The HGM approach was recently used by DMEC to determine objectively whether a small development within Ventura County's 100-foot wetland buffer zone would result in significant (10 percent) changes in any of the fourteen wetland functions identified by the HGM riverine models (DMEC 2006⁴). The results of the application of the HGM model on that small project was accepted by the Ventura County Planning Division because of its objectivity, satisfying the County's General Plan policy.

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Issue 5: Impacts of Pesticide Use in Suburban Areas on Biological Resources

Pesticides are known to both bioaccumulate in sediments and animals and cause significant adverse affects on organisms. The DEIR mentions pesticides as an important issue, but inadequately identifies the sources, types, vectors, and sensitive receptors onsite and downstream.

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The DEIR addresses pesticide use in Chapter 4.4 Biota, Section b. Impact Analysis, 2) Indirect Impacts, (b) Landscaping Irrigation and Stormwater Runoff (page 4.4-87). It states that pesticides, fertilizers, and other contaminants in stormwater runoff could adversely impact biological resources in aquatic habitats.

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¹ Smith, R.D., A. Ammann, C. Bartoldus, and M.M. Brinson. 1995. An Approach for Assessing Wetland Functions Using Hydrogeomorphic Classification, Reference Wetlands, and Functional Indices. (Wetlands Research Program Technical Report WRP DE.) Waterways Experiment Station, U.S. Army Corps of Engineers, Vicksburg, Mississippi.

² David Magney Environmental Consulting. 2000. Wetland Functional Assessment of the Reinke Development Mitigation Plan, Thousand Oaks, California. November 2000. (PN 00-0131.) Ojai, California. Prepared for Rudy Reinke, Thousand Oaks, California.

³ David Magney Environmental Consulting. 2004. Wetland Functional Assessment of the Camarillo Regional Park Wetlands and Golf Course Projects, Ventura County, California. June 2004. (PN 02-0121-2.) Ojai, California. Prepared for California State Coastal Conservancy, Oakland, California.

⁴ David Magney Environmental Consulting. 2006. Wetland Functional Assessment of the Gramckow Property Project, Rancho Matilija, California. 15 June 2006. (PN 06-0041.) Ojai, California. Prepared for Ventura County Planning Division, Ventura, California, on behalf of Martin Gramckow, Ojai, California.

The DEIR refers to Project Design Features (PDFs) and Best Management Practices (BMPs) described in the Landmark Village Water Quality Technical Report (LVWQTR)¹ that are expected to minimize the presence of pesticides in runoff. Proposed pesticide management practices include source control, removal with sediments in infiltration basins, and advanced irrigation controls. The potential for legacy pesticides currently existing onsite to move with sediments from erosion in areas where they occur is expected to be reduced due to stabilization of the site by the project.

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According to the State of California², pesticides, fertilizers, and soil from landscaping are among the most common pollutants in urban runoff and stormwater. The LVWQTR presents a discussion of contamination of urban streams by the organophosphate insecticides chlorpyrifos and diazinon (page 102), and points out that their sale and use in urban areas is now prohibited or severely restricted. This can certainly be expected to minimize the potential for contamination from these materials, though it is possible that existing stocks could be used by uninformed residential users to a limited extent. Chlorpyrifos and diazinon have been replaced in large part by pyrethroid insecticides for urban use. There is strong evidence³ that pyrethroids are persistent in the environment, particularly in aquatic sediments, and that they adversely impact aquatic organisms. Neither the DEIR nor the LVWQTR specifically address the potential for pyrethroid contamination.

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The LVWQTR on Page 103 states that "Source control measures such as education programs for owners, occupants, and employees in the proper application, storage, and disposal of pesticides are the most promising strategies for controlling the pesticides that will be used post-development. For common area landscaping in commercial areas, multi-family residential areas, and parks, an Integrated Pest Management (IPM) Program will be incorporated." DMEC could find no reference in the DEIR or in the LVWQTR to such educational and IPM programs and the parties responsible for implementing them.

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Page 104 of the LVWQTR supporting the DEIR refers to BMPs related to the SUSMP requirements; however, the DEIR lacks any specific mitigation measures that are to be implemented other than a reference to the SUSMP. The DEIR needs to clearly identify the impact, the sensitive resources at risk, and specific measures that will be implemented to avoid, minimize, or compensate for those adverse impacts. For example, there is nothing about educating homeowners or renters about appropriate pesticide use or how to prevent offsite contamination. This needs to be rectified.

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In conclusion, DMEC believes that the DEIR is lacking in several areas, and is sufficient to meet CEQA requirements. The DEIR mischaracterizes and understates the complexity and importance and sensitivity of several plant communities, including grassland habitats. The DEIR does not adequately assess impacts to a large number of rare plants. The DEIR does not provide adequate feasible mitigation for impacts to rare plants. The DEIR does not assess impacts to wetland habitats and/or functions adequately or objectively, and fails to adequately mitigate for those impacts. And, the DEIR fails to address, much less mitigate for, the cumulative impacts to native plant communities and locally rare plants.

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¹ GeoSyntec Consultants. September 2006. *Landmark Village Water Quality Technical Report*. (DEIR Appendix 4.3)

² California Environmental Protection Agency and Regional Water Quality Control Board 8. June 2001. *Urban Runoff and Water Pollution*. www.swrcb.ca.gov/rwqcb8

³ Urban Pesticide Pollution Prevention Project. July 2006. *Status Report: Bay Area Municipal Urban Runoff Management Agencies' Pesticide-Related Activities*.

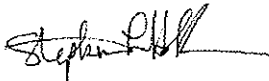
For these reasons, DMEC believes the DEIR must be significantly rewritten and put back out for public review before it can be considered adequate. In its current state, it understates project-related significant impacts and overstates proposed mitigation.

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Respectfully,



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President



Stephen Hoskinson
Environmental Scientist, Licensed Agricultural Pest Control Adviser

cc: Ron Bortorff – Friends of the Santa Clara River
Amanda Jorgenson – California Native Plant Society

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