

TOPICAL RESPONSE 11: RIVER CORRIDOR SMA/SEA 23 CONSISTENCY

The purpose of this response is to address comments expressing concern that the proposed Project would be incompatible with Los Angeles County Significant Ecological Areas (SEAs). This response provides a general description of the process Los Angeles County (County) undertook in 2003 to find that the Newhall Ranch Specific Plan, as approved, was consistent with the County General Plan with regard to SEAs.

Overview of Significant Ecological Areas

As background, the "Significant Ecological Area" designation is one of several land use classifications set forth in the Land Use Element of the County General Plan.¹ The SEA classification generally identifies lands containing important biological resources. SEAs are not preserves; development that is compatible with the County's SEA design compatibility criteria is permitted, including residential, minor commercial uses, and public and semi-public uses essential to the maintenance of public health, safety, and welfare where no alternative site is feasible. Because the County's original SEA identification process was based on limited field verification of actual resources, the General Plan also has acknowledged that future additions or deletions to identified SEAs may be appropriate, based on more detailed and updated biological surveys.² The County's Zoning Code has further acknowledged that it is not the purpose of the SEA designation to preclude development within SEAs, but rather to ensure, to the extent possible, that such development maintains and, where possible, enhance the SEA biological resources while allowing limited controlled development within SEAs.³

Pursuant to the County's Zoning Code, an applicant must obtain a conditional use permit (CUP) "prior to the issuance of any building or grading permits, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel, which is in or partly in an area designated in the County General Plan and related maps as a significant ecological area."⁴ An applicant's SEA CUP must adequately substantiate that the proposed development within an SEA is designed to comply with six "design compatibility criteria" found in the County Zoning Code.⁵ In addition, the County General Plan requires that an SEA CUP application undergo a "SEA Performance Review."⁶ This process involves review by an appointed advisory group called the Significant Ecological Area Technical Advisory Committee (SEATAC). The SEATAC reviews the application and accompanying biological resources report for its adequacy, and makes recommendations concerning final project design.⁷ The Los Angeles County Regional Planning Commission considers the

¹ Examples of other Land Use Element classifications include "Low Density Residential," "Medium Density Residential," "Major Commercial," and "Open Space." See, General Plan Background Report, p. LU-i.

² See, General Plan Background Report, p. OS-28. See also, England and Nelson, Los Angeles County Significant Ecological Area Study, 1976, pp. 33-34.

³ See, Los Angeles County Zoning Code, ch. 22.56, section 215(B)(1).

⁴ See, Los Angeles County Zoning Code, ch. 22.56, section 215(A)(1).

⁵ See, Los Angeles County Zoning Code, ch. 22.56, section 215(F)(2).

⁶ See, General Plan, pp. LU-A13-A14.

⁷ See, General Plan, p. LU-A14.

SEATAC recommendations, and takes action upon the proposed development plan.⁸ Pursuant to the General Plan, the Commission's recommendation for approval of proposed development within an SEA must be accompanied by a finding that the proposed development is sensitive to, and compatible with, the sensitive biological resources identified in the SEA CUP application materials.⁹ If the Commission cannot make such a finding, it may deny the project, call for revisions, or approve and forward the proposal, together with a statement of overriding considerations, to the Board of Supervisors for further review and action.¹⁰

County Approval of Newhall Ranch General Plan Amendments and SEA CUP

The Specific Plan encompassed property located within the County's SEA 20 (Santa Susana Mountains) and SEA 23 (Santa Clara River). The Specific Plan proposed to establish a "special management area" (SMA) designation over the SEA boundaries within the Specific Plan site. The SMA designation was used to assist in implementing the provisions of the "Resource Management Plan" section of the Specific Plan. The Specific Plan designated these areas as SMAs; however, the County retained the underlying, existing SEA number designations.

As part of the County's General Plan and Specific Plan process for Newhall Ranch, on May 27, 2003, the County approved the applicant's requested General Plan Amendment revising the existing boundaries of SEA 20 and SEA 23 to correspond with the boundaries of the Specific Plan's High Country SMA/ SEA 20 and River Corridor SMA/SEA 23 as shown on the Specific Plan Land Use Plan. This plan designated the High Country SMA/SEA 20 as "HC," and the River Corridor SMA/SEA 23 as "RC."¹¹ (A copy of the approved Specific Plan Land Use Map is found in the Draft EIS/EIR, **Section 2.0**, Project Description, **Figure 2.0-7**.) At the same time, the County approved the applicant's requested SEA CUP authorizing limited development at the program level within the two SMAs/SEAs.¹²

Changes to SEA 20 and SEA 23 Adopted by County Board of Supervisors

High Country SMA/SEA 20

As to the High Country SMA/SEA 20, the Board of Supervisors determined that the Specific Plan was consistent with the goals and policies of the General Plan with respect to the SEAs, because the Specific Plan substantially complied with the general conditions for development in SEAs, and because the applicant satisfied the "design compatibility criteria" for limited development within SEAs.

⁸ See, General Plan, p. LU-A14.

⁹ See, General Plan, p. LU-A14.

¹⁰ See, General Plan, p. LU-A14.

¹¹ See, Resolution of the Board of Supervisors of the County of Los Angeles, relating to adoption of Los Angeles County General Plan Amendment 94-087-(5), Santa Clarita Valley Area Plan Amendment 94-087-(5) (Sub-Plan Amendment), Newhall Ranch Specific Plan, dated May 27, 2003, which is incorporated by reference and available for public review upon request to the U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG).

¹² See, Findings of the Board of Supervisors and Order, Conditional Use Permit No. 94-087-(5), dated May 27, 2003, which is incorporated by reference and available for public review upon request to the Corps and CDFG.

In determining that proposed development within existing SEA 20 had been designed to be compatible with the biotic resources present (first design compatibility criteria), the Board adopted several findings, including the following:

- The proposed SEA 20 boundary adjustment resulted in an area that was approximately 237 acres larger than the original SEA 20 on the Specific Plan site. The boundary adjustment provided a beneficial impact by creating an SEA/High Country SMA that contained larger amounts of higher-quality habitat when compared to the original, existing SEA 20 boundary.
- The boundary adjustments increased the net acreage of sensitive habitats by 195 acres, which included an additional 166.1 acres of coastal sage scrub habitat and 28.9 acres of live oak woodland.
- The general effect of the boundary change was to add approximately 237 acres at the northeast edge of the existing High Country SMA/SEA 20 boundary. In response to the Board's motion, the applicant also agreed to permanently dedicate to the public, in fee and/or by conservation easement, approximately 1,500 acres of land in the Salt Canyon watershed in Ventura County, adjacent to the Specific Plan. This land enhanced the compatibility of the Specific Plan with the biotic resources present in the existing High Country SMA/SEA 20.
- Upon approval of the Specific Plan, the provisions of the Specific Plan's Resource Management Plan become effective. The Resource Management Plan required that a conservation agreement be established over the High Country SMA/SEA 20 and that a detailed program be developed for its long-term management and ownership. The 1,500 acres of land in Ventura County was subject to the same requirements. As a result, the High Country SMA/SEA 20 and the adjacent 1,500 acres in Ventura County are to be preserved in perpetuity, managed, and maintained.
- The land uses shown on the Land Use Plan and Specific Plan within High Country SMA/SEA 20 consist of unimproved hiking/equestrian trails. In addition, the Permitted Uses Matrix of the Specific Plan permitted a range of low-intensity land uses, which could be proposed in the future.
- With the exception of the unimproved hiking/equestrian trails, at the time the Board of Supervisors approved the Specific Plan, it was not known which of the uses described in the Specific Plan's Permitted Uses Matrix may be proposed in the future or whether any would be proposed. However, the Permitted Uses Matrix provided that each of the uses permitted in High Country SMA/SEA 20 be reviewed under the County General Plan SEA criteria and section 22.56.215 of the Los Angeles County Zoning Code, which implements the County General Plan provisions regarding SEAs. This section requires a CUP for any use that is the subject of a building permit, grading permit, or a minor land division or subdivision within a SEA. Under section 22.56.215, a review to determine the need for such a CUP must be undertaken for all the permitted uses with the exception of the unimproved hiking and equestrian trails and existing uses.
- The Specific Plan limited public recreational access in the High Country SMA/SEA 20 to day use by hikers and equestrians. Trail bikes and motorized dirt bikes were prohibited. Therefore, the intensity of recreational uses do not exceed that described in the General Plan. The proposed

management and maintenance of High Country SMA/SEA 20 also would help to prevent deterioration of SEA resources, which might result from public recreational use; and

- The High Country SMA/SEA 20 and the adjacent 1,500 acres of land in the Salt Creek watershed in Ventura County are required to be dedicated to a joint powers authority consisting of the County, the City of Santa Clarita, and the Santa Monica Mountains Conservancy, and managed by the Center for Natural Lands Management, a non-profit conservancy. Recreation and conservation activities are to be funded through an open space financing district and an endowment by the applicant and, therefore, would be at no cost to the general public.

In addition, the Board determined that the proposed Specific Plan development was designed so that the proposed Specific Plan development within existing SEA 20 would maintain water bodies, watercourses, and their tributaries in a natural state (second design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- All drainage courses within the existing High Country SMA/SEA 20 would be retained in a largely natural state; however, culverts were to be provided where needed to protect access roads or trails. In addition, inlet devices were proposed in certain specified locations within the existing High Country SMA/SEA 20, as shown on Specific Plan Exhibit 2.5-1, Conceptual Backbone Drainage Plan. The inlets were required to develop property outside of the existing High Country SMA/SEA 20.
- The associated inlets also would be reviewed under the County's SEA design compatibility criteria, consistent with section 22.56.215 of the Zoning Code. Furthermore, all impacts to drainage courses in the existing High Country SMA/SEA 20 would be fully mitigated under the Specific Plan's Resource Management Plan, which requires restoration and/or enhancement as mitigation of impacts to riparian vegetation.

The Board also determined that the proposed Specific Plan development within SEA 20 was designed so that wildlife movement corridors within that area were left in a natural and undisturbed state (third design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- Retention of the existing High Country SMA/SEA 20 in a largely natural and undisturbed state would preserve the major wildlife movement corridors and migratory paths, which currently exist in the SMA/SEA. Access for wildlife between the existing High Country SMA/SEA 20 and the Santa Clara River would continue to be available through the Salt Canyon corridor, which is the most significant wildlife corridor on the property.
- The connection of the existing High Country SMA/SEA 20 to the River through the Salt Creek corridor would provide a regional open area system and remain in a natural and undisturbed state. (The Salt Creek corridor drainage joins the Santa Clara River off site in Ventura County.)
- As a condition of approval, the applicant agreed to permanently dedicate to the public in fee and/or by conservation easement the approximately 1,500 acres of land encompassing the Salt Creek watershed in Ventura County, adjacent to the Specific Plan.

Further, the Board determined that the proposed Specific Plan development within SEA 20 was designed to retain sufficient natural vegetative cover and/or open space to buffer critical resource areas (fourth design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- Virtually all of the existing High Country SMA/SEA 20 was retained in a natural state;
- The existing High Country SMA/SEA 20 was further enhanced through the off-site project condition requiring the 1,500-acre dedication of land in the Salt Creek watershed in Ventura County, adjacent to the Newhall Ranch Specific Plan.

The Board also determined that, where necessary, fencing and walls were provided to buffer important habitat areas within existing SEA 20 from Specific Plan development (fifth design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- In virtually all areas where the existing High Country SMA/SEA 20 adjoins residential areas to be developed under the Specific Plan, the interface between development and natural area is composed of steep slopes, which minimizes or eliminates access to the existing High Country SMA/SEA 20 by people and pets. The interface is controlled by the standards of the Wildfire Fuel Modification Zones, which includes a plant palette compatible with the adjoining natural vegetation of the existing High Country SMA/SEA 20.
- Walls or view fences typically are provided at the rear or sides of residential land uses, and these would separate residents from the existing High Country SMA/SEA 20, although the steep slopes between the lots and the existing High Country SMA/SEA 20 make fences and walls unnecessary for buffering purposes.
- Recreational access to the existing High Country SMA/SEA 20 occurs primarily through the Visitor Serving land use designation, which is shown on the Land Use Plan in a location immediately adjacent to the existing High Country SMA/SEA 20. This area is the control point for residents and visitors to access hiking and equestrian trails in the existing High Country SMA/SEA 20.

Finally, the Board determined that the Specific Plan did not propose any specific projects at the program level within the existing High Country SMA/SEA 20; therefore, it conditioned the Specific Plan on obtaining the required SEA CUP in the event that future Specific Plan road and/or utility construction would occur within the High Country SMA/SEA 20 (sixth design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- At the Specific Plan level it was not possible to accurately assess the impacts that future road and/or utility construction would have because the Specific Plan did not propose any such projects within the existing High Country SMA/SEA 20.
- However, under Section 22.56.215 of the Zoning Code, an SEA CUP would be required for any such construction or subdivision, and this permit would require an evaluation of the project's conformity with the design compatibility criteria for SEAs. Environmental review also would be required and define the anticipated impacts and necessary mitigation.

River Corridor SMA/SEA 23

As to the River Corridor SMA/SEA 23, the Board of Supervisors determined that the Specific Plan was consistent with the goals and policies of the General Plan with respect to the SEAs, because the Specific Plan substantially complied with the general conditions for development in SEAs, and because the applicant satisfied the "design compatibility criteria" for limited development within SEAs.

In addressing the changes to existing SEA 23 and the associated boundary adjustments, the Board adopted several findings, including the following:

- Approximately 1,290 acres of land was located within the existing SEA 23 boundaries on the Specific Plan site. The Specific Plan proposed changes in the boundaries existing SEA 23 resulting in a reduction of land area to 975 acres, or a net reduction of 315 acres. Approximately 23 acres of the total redesignated area involved sensitive habitat (14 acres were added to the SEA, eight acres were redesignated Open Area, and one acre was redesignated for development).
- The proposed adjustments to the existing boundaries of SEA 23 were consistent with General Plan policies requiring the protection of natural resources within SEAs. As discussed in the Newhall Ranch Final Additional Analysis (Volume VIII, May 2003), the Specific Plan was designed to avoid sensitive resources within the existing SEA 23 boundaries to the greatest extent possible.
- The redesignation of one acre of sensitive habitat for development and the eight-acre redesignation to Open Area was found not to affect the County's ability to preserve the existing SEA 23 in a viable and natural condition. After redesignation of the one acre, the existing SEA 23 area would contain approximately 385 acres of sensitive riparian habitat, which was five more acres of sensitive riparian habitat than presently existed in the SEA. Moreover, the one acre redesignated for development consisted of small patches of fragmented and disconnected habitat distributed throughout the Specific Plan area, and the acreage was required for public roads, utilities, and development. Such small, isolated habitat patches were considered to have a lower biological value than large areas of contiguous sensitive habitat. Consequently, redesignation of the one acre from existing SEA 23 did not pose a legitimate threat to the continued viability of the sensitive resources with the existing SEA 23 boundary.
- The acreage within the existing SEA 23 boundary was found to remain in a viable and natural condition in terms of other important ecological functions, even with implementation of the Specific Plan. The acreage within the existing SEA 23 boundary would continue to function as an east/west wildlife movement corridor and as habitat for the unarmored threespine stickleback, because the Specific Plan had retained both the riparian vegetation in the Santa Clara River and the natural flow of the water without the need for periodic vegetation clearing.
- The Specific Plan's Resource Management Plan had included an extensive mitigation and habitat management program for the River Corridor SMA/SEA 23. The Resource Management Plan was considered a significant benefit to the River Corridor. The River Corridor SMA/SEA 23 also would be dedicated to the public and managed. Neither dedication nor management generally occur in SEAs (*i.e.*, lands under the County's SEA designation remain under private control and are not typically managed for resource protection).

In determining that the proposed Specific Plan development within existing SEA 23 had been designed to be compatible with the biotic resources present (first design compatibility criteria), the Board adopted several findings, including the following:

- The Specific Plan was considered highly compatible with the biotic resources present within the existing boundaries of SEA 23 for the following reasons:
 - the Specific Plan had set aside appropriate and sufficient undisturbed sensitive habitat areas within the existing boundaries of SEA 23;
 - the Specific Plan had retained SEA 23 in a largely natural state;
 - only a relatively small amount of sensitive habitat (*i.e.*, one acre, or 0.08 percent of the existing SEA) had been redesignated for nonresidential land uses;
 - the impacted area would be fully mitigated;
 - the River Corridor would still be sufficiently wide (and in certain locations widened) to accommodate the County's Capital Flood and still retain the sensitive riparian vegetation;
 - winter storm runoff would still continue to open its own channels through the river vegetation, flowing in a natural, non-invasive manner and preserve the meandering characteristics of the streambed;
 - the tributary canyons and bluffs on the south side of the river would still be preserved and provide an additional 444 acres (including 415 acres of undisturbed land), which would be dedicated to Open Area adjacent to the river; and
 - due to implementation of the Specific Plan, the amount of sensitive riparian habitat found in the existing SEA 23 would increase by approximately five acres and an additional 192 acres of additional sensitive habitat areas adjacent to the River Corridor SMA/SEA 23 would be permanently preserved.

In addition, the Board determined that the proposed Specific Plan development was designed so that the proposed Specific Plan development within existing SEA 23 would maintain water bodies, watercourses, and their tributaries in a natural state (second design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- The Specific Plan had been designed to maintain water bodies, watercourses, and their tributaries in a natural state. No significant increases in velocity, erosion, or sedimentation would occur in the Santa Clara River because of the Specific Plan. During most storm events, the velocity and depth of the river would remain unchanged from current conditions, since the course of the river was found to be able to meander, and it was only in the infrequent 50- to 100-year event where small increases in depth or velocity would occur at certain locations along the river. However, no significant increases in velocity, erosion, or sedimentation were found to occur in the river based on the analysis found in the Newhall Ranch Final Additional Analysis (Volume VIII, May 2003); therefore, such increases were found not to significantly affect the water flow in the river.

The Board also determined that the proposed Specific Plan development within SEA 23 was designed so that wildlife movement corridors within that area were left in a natural and undisturbed state (third design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- Under the Specific Plan, SEA 23 would continue to function as a wildlife movement corridor because the plan had retained both the riparian vegetation in the river and the natural flow of the water without the need for periodic vegetation clearing; the Specific Plan had a substantially reduced level of impact to sensitive riparian habitat along the Santa Clara River (the originally proposed 103 acres of impact has been reduced to approximately one acre); and the Specific Plan had resulted in an increase of five acres in the amount of sensitive riparian habitat along the river.
- As a condition of approval, the applicant had agreed to conserve in perpetuity approximately 1,500 acres of the Salt Creek watershed in Ventura County, adjacent to the Specific Plan site, which enhanced the Specific Plan's compatibility with animal movement in the region.
- As part of the Caltrans widening project, major north/south animal movement undercrossings were installed under SR-126 at three locations. In addition, three additional larger undercrossings exist along SR-126 within the Specific Plan area at locations where bridges and culverts were constructed over secondary tributary stream courses. Because the Ventura County undercrossings were designed to facilitate north/south wildlife movement, and because the three undercrossings within the Specific Plan site were found to be of sufficient size to accommodate north/south wildlife movement, the north/south connectivity across the Santa Clara River was found not to be significantly impacted.

Further, the Board determined that the proposed Specific Plan development within SEA 23 was designed to retain sufficient natural vegetative cover and/or open space to buffer critical resource areas (fourth design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- The Specific Plan had retained sufficient natural vegetative cover and open space to buffer critical resources found in SEA 23 from the proposed Specific Plan development. Implementation of the Specific Plan also resulted in preservation of 1,390 acres of land along the Santa Clara River Corridor within the boundaries of the Specific Plan area. The Specific Plan also incorporated an extensive buffer area to protect critical resources within SEA 23.

The Board also determined that, where necessary, fencing and walls were provided to buffer important habitat areas within existing SEA 23 from Specific Plan development (fifth design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- The discussion of design compatibility criterion 4, above, described how the Specific Plan had incorporated vegetative cover and open space to buffer critical resources from proposed uses. In addition to these features, the Specific Plan had buffered habitat from proposed uses through development regulations and design guidelines. As indicated in Chapter 4 of the Newhall Ranch Specific Plan (May 2003), future residential, subdivisions, and commercial development constructed within the Specific Plan area must include fences or walls that will preclude access to sensitive resources within SEA 23. As each tract or parcel map is submitted to the County, it will be reviewed to determine whether proposed uses substantially comply with the standards,

regulations, and guidelines of the Specific Plan, including those pertaining to fencing and walls to ensure that they buffer important SEA 23 habitat areas from development.

- As a condition to the SEA CUP, the applicant must work with the County's biologists to enhance and increase the effectiveness of animal movement protections within the Salt Creek corridor, including the possible use of fencing.

Finally, the Board determined that the bridges, roads, and utilities serving the Specific Plan development were located and designed so as not to conflict with critical resources, habitat areas, or migratory paths within SEA 23 (sixth design compatibility criteria). Specifically, the Board adopted several findings, including the following:

- The Specific Plan's proposed construction of three bridges, utility lines, and utility crossings across the Santa Clara River were found to conform to the County's design compatibility criterion 6.
- Recognizing the resource values within existing SEA 23 and the constraints imposed by competing priorities and objectives, the bridge, road, and utility crossings were found not to conflict with critical resources, habitat areas, or migratory paths in the existing SEA 23 boundary, particularly when considered in the context of the SEA design compatibility criteria (discussed above) and other relevant General Plan policies (discussed above).

The Proposed Project's Compatibility with SMAs/SEAs

The proposed Project (RMDP/SCP) does not propose any new or unanticipated development within the High Country SMA/SEA 20 or the River Corridor SMA/SEA 23 when compared to the Specific Plan approved by the County in May 2003. In addition, while the County's above findings were considered, the Corps and CDFG conducted an independent assessment in the Draft EIS/EIR (April 2009) of the direct, indirect, and secondary impacts associated with the proposed Project, including limited development within the two SMAs/SEAs. The Draft EIS/EIR recommended additional mitigation beyond the Specific Plan mitigation measures adopted by the County. In addition, the Draft EIS/EIR analyzed alternatives which were designed to avoid or minimize impacts on waters of the United States, the San Fernando Valley spineflower, and other sensitive habitats and plant and animal species. Each of the "build" alternatives (Alternations 3-7) further avoided or minimized significant impacts to such resources when compared to the proposed Project (Alternative 2).

Further, the Final EIS/EIR includes the identification of the draft "least environmentally damaging practicable alternative" (Draft LEDPA),¹³ which further avoids or minimizes impacts, including impacts to both the High County SMA/SEA 20 and River Corridor SMA/SEA 23. Based on the above analysis, the Corps and CDFG have determined that the proposed Project would be compatible with the High Country SMA/SEA 20 and River Corridor SMA/SEA 23.

¹³ See the Corps' draft 404(b)(1) alternatives analysis, which is found in **Appendix F1.0** of the Final EIS/EIR, for a discussion of the process utilized to identify the Draft LEDPA, and for the Corps' evaluation of the Draft LEDPA.

