

SANTA CLARITA WATERSHED RECREATION AND CONSERVATION AUTHORITY

*A PUBLIC ENTITY OF THE STATE OF CALIFORNIA EXERCISING JOINT POWERS OF THE CITY OF SANTA
CLARITA AND THE SANTA MONICA MOUNTAINS CONSERVANCY PURSUANT TO GOVERNMENT CODE
SECTION 6500 ET SEQ*

September 21, 2009

Dennis Bedford
California Department of Fish and Game, Region 5
4949 Viewridge Avenue
San Diego, California 92123

RECEIVED

SEP 25 2009

Regulatory Branch

Aaron O. Allen
U.S. Army Corps of Engineers
Ventura County Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

**Comments on Army Corps of Engineers and the California Department of Fish and Game
on the Draft Joint Environmental Impact Statement and Environmental Impact Report
for Newhall Ranch Resource Management and Development Plan and Spineflower
Conservation Plan (SCH No. 2000011025)**

Dear Mssrs. Bedford and Allen:

The Santa Clarita Watershed Recreation and Conservation Authority (SCWRCA) jurisdiction includes the majority of the upper Santa Clara River watershed. The Draft Joint Environmental Impact Statement and Environmental Impact Report (Draft EIS-EIR) is thorough and accurate. A project-wide section 404 permit, Candidate Conservation Agreement, CESA permit, and Master Streambed Alteration Agreement benefits all if impact avoidance drives the final decision making.

1

The public interest without question is best served by maximizing the protection of Santa Clara River 100-year flood plain, the amount of linear feet of tributary drainage, occupied San Fernando Valley spine flower habitat, and increasing the number bridges versus culverts. The SCWRCA concurs with the Draft EIS-EIR that the obvious environmentally superior alternative is Alternative 7. Alternative 7 requires avoidance of significant impacts. This avoidance will greatly reduce mitigation and infrastructure costs. With Alternative 7, two percent take of the State-listed San Fernando Valley spine flower is acceptable given the project's permanent open space benefits.

2

The key feature of Alternative 7 is its avoidance of wholesale drainage course impacts. All of the other alternatives would grade virtually all of the tributary drainages to make their grades match preferred development grades. Although the artificially created channels might be

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wider than the existing channels, they still all would require numerous drop structures and armoring. Only Alternative 7 would adequately implement sound geomorphological, ground water replenishment, and conservation biology practices by pulling all development and bank stabilization out of the 100-year flood plain of the Santa Clara River Tributary. Likewise, Alternative 7 employees a maximum number of bridges over drainages rather than artificial and constricting culverts.

3
(cont.)

The multi-thousand-acre development area should have enough room to allow for these prudent impact avoidance modifications and still easily result in an economically feasible project.

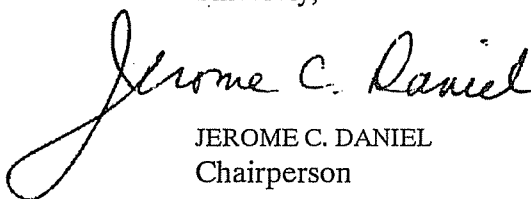
4

Because of the Draft EIS-EIR findings, the SCWRCA can support partial build-out of the prior Specific Plan approval only if a section 404 permit, Candidate Conservation Agreement, CESA permit, and Master Streambed Alteration Agreement are issued to permit the regulated activities under the much adjusted footprint of Alternative 7. We urge the Corps and CDFG to limit their actions and permits within the parameters defined by Alternative 7. By definition, alternatives in an EIR must be feasible to be considered.

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Please address any questions to Paul Edelman of our staff at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,



JEROME C. DANIEL
Chairperson

**146. Letter from Santa Clarita Watershed Recreation and Conservation Authority,
dated September 21, 2009**

Response 1

The comment describes the jurisdiction of the Santa Clarita Watershed Recreation and Conservation Authority, states that the Draft EIS/EIR is thorough and accurate, and expresses the opinion that Project-wide permitting should be driven by impact avoidance. The U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) appreciate the commentor's opinion regarding this matter. Please see **Subsection 2.3**, Requested Project Approvals, of the Draft EIS/EIR for a discussion of the permits required for the implementation of the proposed Project. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project. Because the comment does not raise a significant environmental issue, no further response is provided.

Response 2

This comment summarizes information contained in the Draft EIS/EIR related to the development characteristics of Alternative 7, such as maximizing protection of the Santa Clara River 100-year floodplain, increased preservation of on-site San Fernando Valley spineflower habitat, and increasing the number of bridges over tributaries rather than the use of culverts.

The comment also concurs with the Draft EIS/EIR's conclusion that Alternative 7 is the environmentally superior alternative, and that two percent take of San Fernando Valley spineflower is acceptable given the Project's permanent open space benefits.

The Corps and CDFG appreciate the commentor's opinions regarding Alternative 7. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project. Because the comment expresses an opinion regarding the Project and does not raise a significant environmental issue, no further response is provided.

Response 3

This comment summarizes information contained in the Draft EIS/EIR related to the development characteristics of Alternative 7, such as reducing impacts to the Santa Clara River and its on-site tributaries. The comment also expresses support for the Draft EIS/EIR's conclusion that Alternative 7 is the Environmentally Superior Alternative.

Section 4.5, Biological Resources, and **Section 4.6**, Jurisdictional Waters and Streams, of the Draft EIS/EIR evaluated impacts of the proposed Project and alternatives on the Santa Clara River and its tributaries. The Draft EIS/EIR concluded that with the implementation of mitigation measures, including SP-4.2-1 through SP-4.2-16, SP-4.2-63, and BIO-1 through BIO-16, impacts to jurisdictional streams and waters would be reduced to less-than-significant levels. While Alternative 7 would result in fewer impacts to biological and jurisdictional resources, the Draft EIS/EIR considered the range of reasonable alternatives as required by the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Alternative 7 was developed in part to minimize modification to the existing channel conditions along the major tributaries, however, as described in the Final EIS/EIR, Alternative 7 would include some channel modifications designed to maintain geomorphic equilibrium in

terms of stability and sediment transport under future conditions. Under Alternative 7, there would be significant erosion impacts due to post-development instabilities, thus requiring grade stabilization to mitigate those impacts to less than significant (Final EIS/EIR, **Section 4.2**). Although Alternative 7 would require this mitigation and make total avoidance infeasible in a post-development condition, the impacts to jurisdictional resources would still be substantially less than any of the other alternatives analyzed in the Draft EIS/EIR. A total avoidance alternative, including the necessary grade stabilization, was analyzed in detail in the Corps' draft 404(b)(1) alternatives analysis, and is included in the Final EIS/EIR (**Appendix F1.0**). The Corps and CDFG appreciate the commentor's opinions regarding Alternative 7. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project. Because the comment expresses an opinion regarding the Project and does not raise a significant environmental issue, no further response is provided.

Response 4

The comment expresses the opinion that Alternative 7 should be a feasible alternative to the proposed Project and states that a multi-thousand-acre development project should have enough room to implement the "prudent" impact avoidance modifications described in **Comment 3**.

As described above in **Response 3**, above, while Alternative 7 would result in fewer impacts to biological and jurisdictional resources, the Draft EIS/EIR considered the range of reasonable alternatives as required by CEQA and NEPA. Please see **Response 5**, below, for additional information on the feasibility of alternatives, including an evaluation of economic considerations included in the Corps' draft 404(b)(1) alternatives analysis (**Appendix F1.0**). In addition, although impacts to biological resources would occur under each of the alternatives, impacts to biological resources received extensive analysis in **Section 4.5**, Biological Resources, of the Draft EIS/EIR. The analysis provided in **Section 4.5** concluded that impacts to some biological resources (San Fernando Valley spineflower, southwestern pond turtle, and San Emigdio blue butterfly) associated with the proposed Project (Alternative 2) would be significant and unavoidable, and that under Alternatives 3 through 7, all impacts to biological resources would be reduced to less-than-significant levels with implementation of the proposed mitigation measures. Please also see revised **Section 4.5** of the Final EIS/EIR.

Response 5

The commentor asks the Corps and CDFG to limit their actions and permits within the parameters defined by Alternative 7. The Corps and CDFG appreciate the commentor's opinions regarding the proposed Project and Alternative 7.

As clarification in response to the comment that "by definition, alternatives in an EIR must be feasible to be considered," there are two stages in the CEQA process at which the feasibility of alternatives is considered. At the first stage, the EIR must consider a reasonable range of alternatives that are "potentially feasible" (CEQA Guidelines § 15126.6, subd. (a)). At project approval stage, the lead agency's decision makers must determine the feasibility of the proposed Project and alternatives in light of the entire record, including specific economic, legal, social, technological, and other considerations (Pub. Resources Code § 21002; CEQA Guidelines § 15091). In addition, the Final EIS/EIR includes the Corps' draft 404(b)(1) alternatives analysis, which analyzed the practicability of a reasonable range of alternatives, including Alternative 7. The practicability analysis also addressed the technological, logistical, and cost feasibility of each alternative. The Corps' draft 404(b)(1) alternatives analysis

evaluated the alternatives and identified the Draft LEDPA, which has been determined by the Corps to be the NEPA-preferred alternative. Because the comment expresses an opinion regarding the proposed Project and does not raise a significant environmental issue, no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.