

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



8-21-09

Attn: Donald Bedford
 Re: Newhall EIR/EIS
 California Dept. of Fish and Game
 4949 Viewridge Ave.
 San Diego, CA 92123

Attn: Aaron Allen
 Re: Newhall EIR/EIS
 US Army Corp
 2151 Alessandro Dr. Suite110
 Ventura, CA 93001

Emailed to: newhallranch@dfg.ca.gov

Aaron.O.Allen@usace.army.mil

Re: Newhall Ranch EIR/EIS Request for Missing Documents and short additional time to review those documents

Dear Sirs:

It has come to our attention that an important referenced document:

Updated Water Supply Assessment for Landmark Village, April 2009

is not actually available either in the Valencia Library or on the circulated disc of the DEIR/DEIS. We request that we be provided with this report.

1

Since this document purports to contain the most updated water information for the first tract of the project that this 404 Permit and Streambed Alteration Agreement will enable, it is vitally important that this report be made available to both ourselves and the public for review.

We do not understand why it was not included with the circulated material, but due to its obvious importance, we request that we be allowed an extension of ten days after the receipt of this report to review it and include our review in our comments.

2

We do not believe this request is onerous in light of the size and extent of both the project and the environmental documents.

Further, we object to the extent of the reference documents that may be reviewed only at libraries in or near the Santa Clarita Valley. This is a project of both regional and statewide importance. Several organizations that wish to comment have been unable to review these reference documents. We wonder why these additional documents were not provided in the appendices and circulated on disc or available on line. Please explain this decision.

3

We request that the documents currently only available at the library be made available for general review so that individuals and organizations who cannot readily travel to these libraries due to distance can access them. We request that an extension of the review period be granted to anyone for whom these documents were previously unavailable.

4

In the alternate, these documents should not be included as part of the administrative record, since they are not available for review to many organizations and individuals.

5

Thank you for your attention to these issues.

Sincerely,



David Lutness
Secretary

039. Letter from Santa Clarita Organization for Planning and the Environment (SCOPE), dated August 21, 2009

Response 1

The commentor requested a copy of the document entitled, Landmark Village Revised Water Supply Assessment (Revised WSA), dated April 2009. In response to the request, the Revised WSA was placed in the Los Angeles County Library, Valencia branch, and the Corps (Aaron O. Allen, Ph.D.) sent an email to SCOPE, along with an attached copy of the Revised WSA. For additional information regarding the public review opportunities of the Draft EIS/EIR, please also see **Topical Response 1: EIS/EIR Public Review Opportunities**.

In addition, the Draft EIS/EIR provided a comprehensive, complete, and up-to-date project-specific and cumulative analysis of the proposed Project's impacts on local and regional water supplies, including build-out of the Newhall Ranch Specific Plan as a whole (see Draft EIS/EIR, **Section 4.3**, Water Resources, and **Section 6.0**, Cumulative Impacts). The Draft EIS/EIR's water analysis is not dependent upon the Landmark Village Revised WSA. The Revised WSA also is not required for the proposed actions addressed in the Draft EIS/EIR, nor is it necessary to evaluate the adequacy of the water supply information provided in the Draft EIS/EIR. The Revised WSA was provided as one of several reference documents used in preparing the stand-alone Draft EIS/EIR, **Section 4.3**, Water Resources. For further responsive information, please see Final EIS/EIR, revised **Section 4.3**, including **Appendix F4.3** (containing the latest version of the Revised Landmark Village WSA, January 2010).

Response 2

The comment questions why the Landmark Village Revised WSA was not included in the materials circulated with the Draft EIS/EIR. The Revised WSA was listed and referred to in the Draft EIS/EIR as one of several reference documents used in preparing the stand-alone Draft EIS/EIR. (Draft EIS/EIR, **Section 4.3**, Water Resources.) The California Environmental Quality Act (CEQA) does not require every document cited in an EIR to be included in or attached to the EIR. (State CEQA Guidelines § 15148.) Moreover, the Corps and CDFG provided the commentor with the document upon request, as discussed in **Response 1**. Please also see **Response 1**, above.

The comment requested an additional ten days to review the Revised WSA. The Revised WSA was provided to SCOPE on August 24, 2009. In providing the reference document to SCOPE, the Corps (Aaron O. Allen, Ph.D.) explained that because neither the Corps nor CDFG received SCOPE's request for a copy of the Revised WSA until four days before the close of the 120-day public comment period no formal extension of the public comment period was appropriate for review of a single reference document. For that reason, the Corps, through Dr. Allen, requested that SCOPE submit its comments on the Draft EIS/EIR by August 25, 2009. However, Dr. Allen also stated that if SCOPE would like to supplement its comments after completing its review of the Revised WSA, then both the Corps and CDFG would ensure that SCOPE's supplemental comments on that document be included in the record. SCOPE has not provided any additional comments to the Corps or CDFG since receiving the Revised WSA.

Response 3

The Corps and CDFG have made every effort to facilitate public review of the Draft EIS/EIR, including reference documents. For additional information regarding the public review opportunities of the Draft EIS/EIR, please also see **Topical Response 1: EIS/EIR Public Review Opportunities**.

On Monday, April 27, 2009, the Draft EIS/EIR reference documents were hand-delivered to the Valencia library. The reference documents consisted of eight 5-inch binders containing 82 documents. A table of contents of the reference documents was provided in the first binder. The documents were shelved below the Draft EIS/EIR at the Valencia Library.

The comment questions why the reference documents were only made available for review at libraries in or near the Santa Clarita Valley. In assembling the reference documents, and making them available at the above-referenced library locations, CDFG complied with the requirements of State CEQA Guidelines, section 15150, subdivision (b), which states that when a part of another document is incorporated by reference, that document "shall be made available to the public for inspection *at a public place or public building.*" (Italics added.) In addition, section 15150, subdivision (b), provides that "the incorporated documents *shall be made available to the public in an office of the lead agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the lead agency does not have an office in the county.*" (Italics added.) Documents incorporated by reference were specifically called out throughout the Draft EIS/EIR and documents cited but not specifically incorporated by reference are listed in Draft EIS/EIR **Section 10.0**, References Cited, in compliance with State CEQA Guidelines, section 15148. The Draft EIS/EIR, **Subsection 1.10**, Project Area Documents Incorporated by Reference, provided a list of documents that are incorporated by reference into the Draft EIS/EIR. As stated:

"All documents described below, and summarized throughout the EIS/EIR, are incorporated by reference and are available for public inspection and review during normal business hours at the County of Los Angeles Public Library, Valencia Branch, 23743 West Valencia Boulevard, Santa Clarita, California 91355-2191. *In the alternative, if a reader is interested in reviewing one or more of the documents incorporated by reference below, or any of the documents incorporated by reference throughout this EIS/EIR, please submit your request to one of the e-mail addresses identified above for commenting purposes.*" (Italics added.)

The State CEQA Guidelines were followed by providing copies of the Draft EIS/EIR reference documents at the Valencia library location in Santa Clarita Valley, where the Project site is situated. As indicated above, if a reader wanted to review one or more of the documents incorporated by reference other than at a library, the reader was provided the option of emailing a request to the addresses provided in the Draft EIR, **Section 1.0**, Introduction. Because the documents were provided in the referenced library, consistent with applicable law, and because the documents could be accessed at the library location, it was not necessary to append the reference documents to the Draft EIS/EIR itself.

Response 4

Please see **Responses 1 through 3**, above for a response to this comment. See also **Topical Response 1: EIS/EIR Public Review Opportunities**.

Response 5

Contents for an administrative record are set forth in Public Resources Code section 21167.6, subdivision (e), and include "copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project." (Pub. Resources Code, § 21167.6, subd. (e)(10).) Therefore, these documents must remain part of the administrative record. Furthermore, the public has had ample opportunity to review the Draft EIS/EIR, including the appendices, and the reference documents as discussed above in **Responses 1** and **3**. All documents referenced in the Draft EIS/EIR will remain part of the administrative record associated with the proposed Project.