



Los Angeles - Ventura Project
3639 Harbor Blvd., Suite 201
Ventura, CA 93001

tel [805] 642.0345, ext. 502
fax [805] 642.0343
nature.org

August 21, 2009

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

California Department of Fish and Game
Newhall Ranch EIS/EIR Project Comments
c/o Dennis Bedford
4949 Viewridge Avenue
San Diego, California 92123

Subject: Comments on Environmental Impact Statement/Environmental Impact Report for
Newhall Ranch Resource Management and Development Plan and the
Spineflower Conservation Plan

Dear Mr. Allen and Mr. Bedford:

The area encompassed by the Newhall Ranch Management and Development Plan (RMDP) and the Spineflower Conservation Plan (SCP) falls within the watershed of the Santa Clara River and intersects a large section of the river itself. The Santa Clara River is one of the most intact river systems remaining in Southern California. The river system supports important riparian habitat and numerous rare species. In fact, The Nature Conservancy (Conservancy) has identified the Santa Clara River and its watershed as an area of important biodiversity and has focused efforts over the last 10 years on conserving this biodiversity. These efforts include land acquisition, habitat restoration, and threat abatement.

With the help of many partners, the Conservancy now owns almost 2600 acres along the Santa Clara River encompassing more than 13 miles of the river. In addition, we are trying to acquire additional lands along the river and its tributaries and working with various partners to implement programs that encourage the protection and restoration of this important river system. Our goal is to manage and restore the river and its floodplain to ensure the long-term viability of the river system and the plants and animals that rely on it.

The Conservancy's work in the Santa Clara River watershed is guided by two conservation plans that we developed with the input from numerous partners and experts (Conservation Plan for the

1

2

3

Lower Santa Clara River Watershed and Surrounding Areas 2008 and Santa Clara River Upper Watershed Conservation Plan 2006). The plan for the upper watershed encompasses the Newhall land affected by the RMDP and SCP. The plan highlights the significant biodiversity found on this land, including substantial riparian, grassland, and coastal scrub habitat along with the many species these habitats support. The plan identifies incompatible development as a threat to these habitats and species. Incompatible development consists of residential or commercial development that adversely affects the functionality of a habitat or species. These adverse effects are a result of habitat destruction, fragmentation, and degradation. The Conservancy is particularly concerned about incompatible development that would alter the structure and function of the Santa Clara River both at the Newhall lands and downstream, making the river less viable.

3

As the U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) finalize the environmental impact statement/environmental impact report (EIS/EIR) for the RMDP and SCP, the Conservancy encourages you to consider alternatives that avoid incompatible development to the extent possible and that the alternative you select does not contribute to the destruction, fragmentation, or degradation of biodiversity along the Santa Clara River. The Conservancy encourages the Corps and CDFG to take appropriate action on the EIS/EIR to ensure that the Santa Clara River remains as intact and fully functioning as possible.

4

Thank you for this opportunity to comment on the EIS/EIR. If you have any questions about issues we raise in this letter or the conservation efforts of the Conservancy along the Santa Clara River, please feel free to call me.

5

Sincerely,

A handwritten signature in dark ink, reading "Catherine McCalvin". The signature is fluid and cursive, with the first name "Catherine" and last name "McCalvin" clearly distinguishable.

Catherine McCalvin
Project Director

041. Letter from The Nature Conservancy, dated August 21, 2009

Response 1

The comment provides background information regarding the Santa Clara River, the biological resources it supports, and conservation efforts implemented by The Nature Conservancy. The habitat and individual species located on the Project site, and impacts to those resources that would result from the implementation of the proposed Project and the alternatives received extensive analysis in the Draft EIS/EIR, **Section 4.5**, Biological Resources. The comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR; therefore, no additional response is provided. However, the comment will be included as part of the record and made available decision makers prior to a final decision on the proposed Project.

Response 2

The comment provides background information regarding Santa Clara River habitat conservation efforts that have been undertaken by The Nature Conservancy. The comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR; therefore, no additional response is provided. However, the comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response 3

The comment provides background information regarding the two conservation plans (*i.e.*, the Conservation Plan for the Lower Santa Clara River Watershed and Surrounding Areas (2008) and the Santa Clara River Upper Watershed Conservation Plan (2006)) relied upon by The Nature Conservancy with respect to the Santa Clara River watershed. The comment expresses concern regarding the potential impact of the proposed Project on the structure and function of the Santa Clara River within the confines of the Project site and at downstream locations.

Information regarding the habitat and individual species located on the Project site and impacts to those resources that would result from the implementation of the proposed Project and the Project alternatives received extensive analysis in the Draft EIS/EIR, including **Section 4.2**, Geomorphology and Riparian Resources; **Section 4.5**, Biological Resources; and **Section 4.6**, Jurisdictional Waters and Streams. Those sections also analyze the effects of habitat fragmentation, the effects of incompatible development, and the structure and function of riparian habitat located on and off the Project site. Please also see revised **Sections 4.2, 4.5**, and **4.6** of the Final EIS/EIR. The comment does not raise any specific issues regarding the adequacy of the analysis provided in the Draft EIS/EIR; therefore, no additional response is provided. However, the comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response 4

The comment recommends consideration of alternatives that avoid "incompatible development to the extent possible" and the "destruction, fragmentation, or degradation of biodiversity" along the Santa Clara River corridor. The Draft EIS/EIR analyzed an extensive selection of Project alternatives, as detailed in **Section 3.0**, Description of Alternatives. As summarized in the excerpt below:

"There are seven on-site alternatives described and analyzed in this EIS/EIR, including the No Action/No Project Alternative (Alternative 1), the applicant's proposed Project (Alternative 2), and five other "build" alternatives (Alternatives 3-7). Land use plans for six of the seven alternatives are shown graphically in the discussion of each alternative (there is no land use plan for the No Action/No Project Alternative). These alternatives are evaluated in **Section 4.0**, Environmental Impact Analysis of Alternatives and Mitigation, and **Section 5.0**, Comparison of Alternatives, of this EIS/EIR.

In general, the No-Action/No Project Alternative (Alternative 1) is a description of what would occur should the lead agencies (*i.e.*, the Corps and CDFG) decide not to approve the permits and other approvals associated with the proposed Project. Thus, the No Action/No Project Alternative would result in the inability to develop any of the RMDP infrastructure or facilitated development, none of the proposed spineflower preserves would be established, and none of the open space within the Project area would be dedicated and managed as contemplated by the proposed Project.

Alternative 2 (proposed Project) would implement the RMDP and SCP components of the proposed Project and facilitate development of the approved Specific Plan, the approved development in the VCC planning area, and the planned development in a portion of the Entrada planning area.

The five build alternatives (Alternatives 3-7) address a broad range of different configurations for the major RMDP infrastructure in or adjacent to waters of the U.S. (Santa Clara River and tributary drainages), which are necessary to facilitate development of the Specific Plan. These alternatives also focus on different configurations for the spineflower preserves, which, in turn, affect the conservation of sensitive biotic and aquatic resources within a managed open space/preserve system.

Combined, the five build alternatives focus on avoiding or minimizing impacts to jurisdictional waters and spineflower. As impacts to jurisdictional waters are primarily associated with construction of bridges, bank stabilization, the grading and realigning of tributary drainages to facilitate Specific Plan development, and the conversion of minor tributary drainages to buried storm drains, alternative configurations for the major RMDP infrastructure are reflected in each build alternative. Similarly, because the proposed Project could impact spineflower outside of designated preserves, a broad range of spineflower preserve design options and their connectivity to open space were evaluated. Each of the build alternatives (Alternatives 3-7) reduce the RMDP infrastructure and increase the size of spineflower preserves, resulting in reduced development facilitated in the Specific Plan and the VCC and Entrada planning areas, and, correspondingly, minimize or avoid jurisdictional waters and spineflower impacts. The build alternatives also have been designed so that the impact reduction characteristics of the preceding alternative are generally incorporated into the subsequent alternatives." (Draft EIS/EIR, pp. 3.0-46 through 3.0-47.)

As evidenced by the above excerpt, the Draft EIS/EIR considered a broad range of alternatives, and each of the "build alternatives" (Alternatives 3-7) would reduce the amount of development indirectly enabled

by Project approval. Please also see the Corps' draft 404(b)(1) alternatives analysis found in **Appendix F1.0** of the Final EIS/EIR.

The comment does not raise any specific issues regarding the adequacy of the analysis provided in the Draft EIS/EIR; therefore, no additional response is provided. However, the comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response 5

The comment expresses gratitude for being provided an opportunity to review and comment on the Draft EIS/EIR. The Corps and CDFG appreciate the comments provided; it will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.