

3435 Wilshire Boulevard  
 Sierra Club comments1  
 Suite 320  
 Los Angeles, CA 90010-1904



(213) 387-6528 phone  
 (213) 387-5383 fax  
 www.sierraclub.org

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U. S. Army Corps of Engineers  
 Ventura Field Office  
 Attn: Aaron O. Allen  
 2131 Alessandro Drive, Suite 110  
 Ventura, CA 93001

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

#### TITLE

### **Newhall Ranch Resource Management and Development Plan (RMDP) And the Spineflower Conservation Plan (SCP)**

#### COMMENTS

As both residents of the Santa Clarita Valley and members of the Sierra Club, we are extremely concerned about the ramifications of the “Newhall Ranch Resource Management and Development Plan.” The proposed build-out of 21,000 homes along the Santa Clara River near Piru, California is absolutely shocking when one considers the economic, environmental, and societal pressures of the times. The same also applies to the “Spineflower Conservation Plan;” all of which applies to the “Newhall Ranch Specific Plan” area and the proposed development. The proposed Newhall Ranch project will substantially degrade the quality of the environment in northern Los Angeles County. It will substantially reduce the habitat of numerous plant and wildlife species. It will also threaten and/or eliminate species from the area due to loss of habitat. This is because the proposed development will drastically interfere with the movement of wildlife species within the Santa Susana watershed. The proposed development area is part of a major wildlife linkage corridor.

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A recent trend of development corporations consists of attempts (and many have been successful) to redefine southern California by creating new cities and large developments in the midst of our most beautiful remaining open spaces. The proposed Newhall Ranch development area is one of these open spaces. It is situated between the Santa Clarita Valley (Los Angeles County) and Ventura County. If the proposed Newhall Ranch development plan succeeds, our part of the state will lose much of its natural charm and beauty, qualities that continue to attract tourists and the citizens of our own country.

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When one speaks to members of the general public about this development plan, residents are appalled at the lack of foresight and feel that this project should have died a natural death years ago when it was first suggested and met with immediate dislike. The long life of the project to date indicates the project's weakness and the public's general disapproval. Unfortunately, it persists. Therefore, we now submit new comments concerning the project.

- **Water Resources**

**Water Resources Section 4.3**

In 2003 the Sierra Club, along with two other organizations, signed a settlement agreement to abandon its appeal of the approval of the Newhall Ranch Specific Plan<sup>1</sup>. However, the terms of this agreement specifically stated<sup>2</sup> that:

"This settlement is a compromise of disputed claims, and neither this settlement nor any term thereof shall be construed as any type of admission on the part of any party to this settlement."

The Sierra Club had and continues to have serious concerns over the ability of local water agencies to serve this project in addition to the approximately 30,000 units already approved but unbuilt in the Santa Clarita Valley.

**Compliance with the Settlement Agreement**

Both the Conditions of Approval of the Specific Plan<sup>3</sup> and the Settlement Agreement require the production of various reports and data. Since this information is vital to a discussion of whether sufficient water supplies exist to provide for these projects, this information should be included in the EIR/EIS for review.

Information that is required but not found in this document includes:

- Annual Reports of Water in the Semitropic Ground Water Banking and Storage Facility

The Plan depends on this water for supplies in future drought years. It is logical for the project proponent to provide documents proving the availability of this water.

- Water Quality Reports for Alluvial Wells used to serve the project.

The Specific Plan requires agricultural wells used to serve the project to meet drinking water standards. The Settlement Agreement requires that those reports be provided to the petitioners.

A water quality report appears in the appendix but most of the data is from 2004 "pending" wells. The only recent report (2008) is for Well E-15. E-15 appears to serve

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<sup>1</sup> Signed Agreement attached

<sup>2</sup> Settlement Agreement Pg. 2, Purpose - Section 2

<sup>3</sup> EIR/EIS p. 4.3-4

current customers in the Valencia Commerce Center. Please provide the required water quality reports for the wells that will serve this project. Also, please indicate which wells will serve the project.

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- The amount of water that will be provided from fallowing of farmland. This information should indicate which crops will be fallowed from which areas and how much water will be available from each of those crops specific to the area in which they were planted. Agricultural return water should be deducted from the total amount, as no return will occur once the area is urbanized.

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### **Ammonium Perchlorate Pollution**

In 1997 ammonium perchlorate contamination was discovered in the Saugus and alluvial aquifers of the Santa Clarita Valley. Since that time, six municipal drinking water wells have been closed down<sup>4</sup>, some of them permanently. Since the Saugus Aquifer is the drinking water supply long depended on in Santa Clarita as the emergency drought back up as well as a major source of daily supply, its contamination has been a blow to the reliability of local water supplies.

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Ammonium perchlorate adversely affects thyroid gland function, causing hypothyroidism. Reduced thyroid function in pregnant women may cause retardation in the fetus.

In 2000 the Castaic Lake Water Agency (CLWA) and other local purveyors filed litigation against the Whittiker Berrite project to force them to clean up the water supply or pay for the clean up. Several years later a settlement agreement was reached that provided for funding to clean up two of the Saugus wells polluted by this contamination and one of the Alluvial wells.

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In 2004, the Sierra Club and Friends of the Santa Clara River won an appellate court decision requiring disclosure of the ammonium perchlorate pollution and requiring a time line for the clean up in CLWA's Urban Water Management Plan<sup>5</sup>.

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Since then the Sierra Club has remained concerned that the facilities to provide this clean up continue to be delayed while thousands of additional housing units are approved. These facilities are still not operating as of the date of this letter.

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In addition to these delays, it was previously represented that the two wells designated to provide "capture" and clean up of the ammonium perchlorate (Saugus Well 1 and 2) would be returned to their previous production levels. However, CLWA found that production was significantly reduced by 50% in those two wells by the clean up process.<sup>6</sup>

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<sup>4</sup> Stadium Well, Valencia Well Q2, Valencia Well 157, Saugus 1 and 2, NCWD 11

<sup>5</sup> *Friends of the Santa Clara River v. Castaic Lake Water Agency et al.*, 2004, CalAp5

<sup>6</sup> See attached chart of Saugus Well Production Chart

Due to these significant delays and reductions in water supply, the Angeles Chapter of the Sierra Club passed a resolution<sup>7</sup> calling for the halt to housing approvals until the ammonium perchlorate treatment facilities are functioning to provide the community with its

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### **Transfer of Nickels Water for Newhall Ranch**

The EIR/EIS claims that Environmental Documents exist for this water transfer project and references a certified EIR from Kern County in its appendices<sup>8</sup>. Upon further review of this certified document, it is evident that this only refers to a Kern River Restoration Project, not a transfer of water to the Newhall Ranch project. Therefore, it appears that no environmental documentation has been produced, reviewed or certified for the Newhall Ranch water transfer. This fact should be disclosed in the EIS and the required studies should be conducted.

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Although Newhall Land and Farming has purchased an option for water from the Nickels family in Kern County, that water is only delivered to the Tubman turnout in Kern County.<sup>9</sup> The Department of Water Resources does not allow “wheeling” of private water in the state water aqueduct, a public facility. The EIR/EIS should discuss how this water would be delivered to Valencia Water Co.

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It is a well-know fact that Valencia Water Co. is wholly owned by Newhall Land and Farming, the project proponent. Additionally, Valencia Water Co. has managed the contracts for the yearly Water Supply Report since their inception in 1999, directing and paying the consultants. That fact creates a conflict of interest. We believe an independent source should provide the water supply information for this company’s projects in order to ensure their accuracy. All agencies should carefully review the water supply information for errors or omissions.

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The Sierra Club believes private ownership of water resources may create serious problems for our society. The potential unwanted outcome may lead to poor planning, direction of water resources to only certain projects or water hoarding that impedes communities in their efforts to fairly distribute this precious resource. Such serious ethical issues should be held in mind as this project is reviewed and addressed by the decision makers.

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### **• Agricultural Production in California**

The drought in the San Joaquin Valley and elsewhere has caused great losses of agricultural production in the state. California, the number one state in agricultural production, has started to lose billions of dollars of income annually from this sector of the economy. Nevertheless, agricultural land, both actual and potential, bordering the

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<sup>7</sup> Resolution approved 7-23-06, attached

<sup>8</sup> The EIS directs the reader to the Nickels Water Appendix in the Landmark EIR

<sup>9</sup> Landmark Village DEIR, Volume VI, Appendix 4.10f, Nickels water contracts, Pages 2 and 5 of Contract between Nickels and NLF pdf pages 121,124

Santa Clara River at the location of the project stands to be developed and placed under buildings, concrete, and asphalt. The project may even end up polluting river water and harming some of the states most valuable farmlands located down river from the project all the way to the Oxnard Plains and Ventura Valley.

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The almost continuous rich belt of agriculture serviced by the groundwater and rich soils of the Santa Clara River and its bordering lands have existed for decades from the Oxnard to Piru and beyond almost to U.S. Highway 5. Placing a town on the river in the midst of the agricultural belt will not be good for agricultural production or the scenic quality of California.

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### • Infrastructure

Since year 2007, California has not needed 21,000 new homes especially in newer towns such as Santa Clarita. If anything, people should be moving into homes in more urban areas where there are more jobs, public transportation, etc. Foreclosures, bankruptcies, and losses of adequately paying jobs have resulted in a surplus of unoccupied homes; including new homes. Many new homes and small businesses in the Santa Clarita Valley remain uncompleted and/or empty because of the recession, a sick economy, state and federal deficits, and a long-term lack of demand for more new homes. California has the worse debt and economy of any state in the country. Citizens have lost much income and savings over the last year and the project may soon be asking them to spend and buy in an isolated, remote area.

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Due to the troubling economic times, many schools in the Santa Clarita Valley have seen a huge drop in enrollment and thus have lost state A.D.A. monies in addition to the extremely detrimental budget cuts coming from both the state and federal government. This has meant that local school districts have had to halt the building of new schools, increase class-sizes, and have either pink-slipped and or let-go of qualified teachers. How would a new development of 21,000 homes make any of these problems better?

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### • Biology

Newhall Ranch is a major wildlife linkage corridor and the animals that exist on or utilize the property will be losing their habitat and foraging grounds. Native habitat will be destroyed and many of the few pockets of open space will be just that, "islands" within the development. How will this be of any use to the animal species that frequent this wildlife corridor? This makes no sense. Animals that transition through the area (looking for food and water, etc.) will have nowhere to go. Communities are scattered around so as to create obstructions to any wildlife corridors. Why is this?

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The proposed project would encroach on the floodplain of the last major wild river in Southern California and would therefore permanently transform the habitat of numerous endangered species. A notable example is the California condor (the United States most famous endangered bird species) which has been seen feeding on the proposed development site. If allowed to be built, this project would sever the natural transition

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zones in the area prohibiting animals from crossing through necessary wildlife corridors. It would also destroy portions of an irreplaceable eco-region. The upper stretch of the Santa Clara River is part of one of five areas in the world with a Mediterranean-type habitat. It includes more imperiled species than any other region in the continental United States and as such is biodiversity hotspot. This 12,000 acre project will irrevocably transform the habitat of many endangered species into row after row of urban sprawl.

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There are numerous significant impacts to mountain lions, burrowing owls, arroyo toads etc...(30 plus rare/endangered species who in many cases are already declining in numbers). However, the impacts always seem to be mitigated to non-significant levels by such things as: monitoring of property by a qualified biologist, relocation of animals (arroyo toad), and limitations on human and pet access. We ask who the biologist would be? How often would the biologist be checking the property? Is he/she going to walk in front of the bulldozers to see if arroyo toads are about to be squished? Where would these animals be relocated to? How would relocating an animal(s) effect the biology of the relocation area and its native species? How can the limiting of human and pet access be enforced?

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In other words, what the EIR promises in mitigations for endangered or rare species is basically not possible.

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One such example of an animal species in peril is that of the Black-tailed jackrabbit:

Years ago, one of our Sierra Club members, Don Mullally, was one of a group of people allowed on the land of the proposed project by Newhall Land and Farm to examine natural features and conditions. He was surprised to discover jackrabbits on land proposed for the housing project.

Apparently the hares existed on the part of the project located near the river due to much relatively level and gently sloping open land supporting brush, grasses, and herbs. Steep slopes of the Santa Susana Mountains with woodlands located a short distance south of the project are not inhabited by jackrabbits. In fact, jackrabbits have never been observed by myself or associates on the steep slopes and their canyons in the middle and upper parts of the Santa Susana Mountain Range of Los Angeles County. Similarly, equivalent parts of the Santa Monica Mountains, San Gabriel Mountains, and Verdugo Mountains are also devoid of jackrabbits. Tongues of large valleys such as the San Fernando Valley extend into foothill canyons were formerly habitat for jackrabbits. However, for the most part those have been developed, and jackrabbits are now absent from them. The Newhall project bordering the river is an exception because the level and gently sloping land has yet to be developed.

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Jackrabbits were formerly common in all the large valleys of southern California. Don Mullally knows this because he observed the animals. Unfortunately, the California Department of Fish and Game, the Army Corps of Engineers, and the

<p>United States Fish and Wildlife Service, and the systems of state and county parks stood by doing nothing while the jackrabbits went extinct in the Santa Clarita Valley, San Fernando Valley, Los Angeles Basin, and the San Gabriel Valley. A few may continue to survive in the low hills and canyons on the northern side of the Simi Valley and in undeveloped locations in valleys east of San Gabriel Valley. The once hare-infested area of Cucamonga also seems to now be devoid of jackrabbits.</p>	32
<p>Presently the question is – What will be the fate of the jackrabbits on and near the Newhall Ranch project? How far will the people of the Los Angeles greater area need to travel to see a common jackrabbit? Incidentally, the collapse of the noted populations of jackrabbits led to the disappearance of Golden eagles in the Los Angeles Basin and greater area.</p>	
<p>As mentioned above, the proposed project would result in the loss of suitable foraging habitat for a variety of species (including mammals such as mountain lions/mule deer, birds such as condors/raptors, reptiles, amphibians, etc.), and the direct loss of special status plant species. It is easy to see that the impacts on animal and plant species will be drastic.</p>	33
<p>However, the EIR is very inconsistent when describing potential mitigation measures and other solutions to the problem. When mitigation measures are mentioned they are weak or vague. Case in point, the EIR states repeatedly that the effects of development will be significant and ultimately unavoidable.</p>	34
<p>One such mitigation is referred to in SP 4.6-17 where it is stated that there will be “limitations on human and pet access.” How can this be monitored? Who will be checking on secondary impacts: the use of bird-feeders (which attract non-native species), domestic cats (which kill 1,000,000 birds a day), human disturbance (people off-trail), trash build-up, etc. (American Bird Conservancy).</p>	35
<p>In other Newhall Land and Farming projects that currently exist in the Santa Clarita Valley rodent bait is placed along trails. This is of course very harmful to the environment. Rodents that eat the bait eventually die and are eaten by scavenging birds, coyotes, bobcats, etc. and then these animals are poisoned. Also, non-rodents eat the bait as well. Along Bridgeport, American Coots have been singled out and eliminated because they are a “disturbance to the community.” When birds looking for a place to water and feed are not permitted to exist in open space how can anyone reading this EIR believe that the mitigations stated would or could ever be enforced.</p>	36
<p>Stating that the impacts to wildlife are unavoidable is not acceptable and the mitigation measures suggested are not enough.</p>	37

- Sprawl Development

The Newhall Ranch Project is a huge leapfrog development. Once completed it will be an urban town located in a riverside agricultural belt. Several miles to the east of the project the historic and famous Rancho Camulos, a Mexican land grant of the 1840s, once thrived and subsisted on various types of agriculture. Its grapes, wines and brandy were avidly sought by travelers; particularly during the years of the Gold Rush. If the proposed project succeeds, other developments will in time occur on vacant land located up and down the sides of the river. Agriculture will be phased out.

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- Traffic

People inhabiting the town potentially created by Newhall Ranch Development Plan will, for the most part, probably have employment at well paying jobs in distant cities. Each day many thousands of workers and their automobiles will be leaving or returning to the town from these cities. This proposed development will bring 357,000 additional car trips a day onto our freeways and surface streets and increase air pollution which is already some of the worst in the nation. Despite the claims of the Newhall Ranch developers to the contrary, most people who buy homes in the proposed development will simply not be able to work and live in the same community. Jobs in the service sector of local small towns will not yield sufficiently high salaries and wages to meet monthly house payments and other necessary costs. All highways leading to big cities offering high wages will become more crowded with automobiles than they are at present. Traffic congestion was much worse before the poor economy and recession. Traffic on surface streets and along Interstate 5, Highway 14, and along the 126 could become literally unbearable. A new town is not the answer to the needs and wishes of the people living in Santa Clarita Valley and neighboring areas. Traffic congestion is a major concern of the residents of the surrounding areas.

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### **EIR Section 4.8 Traffic**

The following DEIR quote is meant to show that trips going outside the project will be reduced.

#### **“4.8.6.2 Trip Distribution**

Future travel patterns in relation to the Project are a function of the Project land uses as described above for each of the Project alternatives, and the land uses surrounding the Project site, particularly centers of employment or commercial activity. This geographic context can be seen from Figure 4.8-11, which shows the major activity centers surrounding the Project area. In addition to the VCC, which is estimated to provide approximately 30,500 jobs upon build-out, making the VCC a major source of employment for Specific Plan and other area residents, just east of I-5 is the Valencia Industrial Center and the Valencia Corporate Center, which, together, are expected to provide approximately 27,500 jobs. The Six Flags Magic Mountain Amusement Park provides around 3,360 full-time and part-time jobs. Other centers in the vicinity of the Project site include California Institute of the Arts and the Valencia Town Center, the latter providing a major regional shopping center for the Valley.”

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The project proponent has been claiming for at least 15 years now that the project will reduce traffic because of local trips to local businesses replacing trips out of the area. This is just balderdash. The existing businesses and job distribution is such that lower wage jobs are local and better jobs are mostly out of the area. So low wage earners must commute in and higher wage earners must commute out. So we have more and longer trips creating more  $v/c > 1$  situations especially on I5.

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These false assumptions are placed into the traffic model and they soften the intersections with  $LOS = F$ . Another reason to be wary of the traffic model is that the project proponent basically built it themselves and can control what data goes in and what stays out.

On p.8-42 is the following curious statement: “As shown on Table 4.8-7, Alternative 2 Significantly Impacted Roadway Segments, although this alternative would result in significant impacts at multiple *off-site* locations, no *on-site* roadway segments were identified as significantly impacted under this alternative.

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Therefore, the on-site transportation network developed under Alternative 2 would provide adequate roadway capacity to accommodate the traffic generated under this alternative, and the RMDP component of Alternative 2 would not result in significant indirect on-site impacts.”

Are we therefore to conclude that cumulative negative impacts outside the project area are OK?

Knowing the huge impact on I5 caused by this project, mitigations are put in place. These consist mainly of HOV and truck lanes. Even with these improvements, traffic on the I5 will achieve more  $v/c > 1$  situations. To remove these traffic restrictions, the best project alternate is to reduce density.

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We also feel that Newhall Land must fund some of the improvements to the freeways that CalTrans would otherwise have to make since this proposed development will have such a huge impact on freeway traffic. These huge development projects should be paying for themselves, not putting it all on the tax payers.

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- Geology and Paleontology

The proposed development is situated in an area prone to extreme tectonic activity (at the same rate of uplift as that which created the Himalaya Mountains). The site is bordered on the south by layers of rock that are actually upside down due to the intense pressure and movement in that area. Directly south of the project is an area prone to landslides. Additionally, the proposed site is bordered by not one, but two, major earthquake faults including the San Cayetano Holser fault system to the north and the Santa Susana fault system to the south. Much of the area of the proposed development consists of ductile (i.e., easily deformed) siltstone and is sandwiched between the aforementioned two

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prominent tectonic features. The area is in a regional setting of demonstrable high seismic risk. Consider the aftermath of a major earthquake on the people that could potentially reside in the proposed 21,000 units.

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It is challenging for the reader to be more specific about the geology and paleontology of the area because Newhall Ranch has historically denied access to independent researchers wanting to do fault studies or paleontologic work in the area. Therefore, it is necessary to consult the few papers that discuss the area adjacent to the property. These reports include pertinent information and yet they have not been mentioned in the EIR. For example, there is a Towsley Formation fossil locality, F-17, of Winterer & Durham (1962:295, 360, and pl. 46) that has been completely missed. A follow-up study was conducted by Squires (1991) [i.e., *The Veliger*, vol. 34, no. 1, pp. 73-77] on new morphologic and stratigraphic data on the marine bivalve *Calyptogena (Calyptogena) gibbera*. This information is essential in any future study of the evolutionary history of this interesting genus, which can be an important faunal member of Recent deep-sea hydrothermal-vent communities. The point being, these fossils were collected prior to Newhall Land's control of the property. In the "Acknowledgment" section of Squires' paper, there is no mention of any cooperation by Newhall Land and Farm. That is because permission by Squires to visit the locality, even to only photograph it, was vigorously denied by Newhall Land and Farm. The failure to mention this scientific work shows how this EIR was not conducted thoroughly. Past research is not included in this EIR; what does that mean for the other components of the geology and paleontology sections...how many other localities exist? More research needs to be done before evaluating the "significance" of this project's ramifications.

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Overall, the EIR includes almost no information about fossil resources on the proposed site. The upper part of the Pico Formation represents the last marine incursion into the Ventura Basin, and, in adjacent areas in the Valencia area and in Simi Valley, this upper part is known for its rich deposits of whale remains, shark teeth (including the "Great White Shark"); and over 100 species of mollusks, sand dollars, barnacles, and other invertebrates. In addition, there is a rich diversity of micro-invertebrates (foraminifera, bryozoans, etc.) that can yield valuable information about paleoclimate, biostratigraphy, and chronostratigraphy. The EIR does not even mention an example of a current molluscan paleontological study in the Valencia area. This current study was by Squires, Groves, & Smith (2006) [Natural History Museum of Los Angeles County, Contributions in Science, no. 511: New Information on Molluscan Paleontology and Depositional Environments of the Upper Pliocene Pico Formation, Valencia Area, Los Angeles County, Southern California]. It is very likely that the upper part of the Pico Formation is also rich in marine fossils in the project area, but paleontologic knowledge of this stratigraphic unit in the proposed project area has been severely hampered by Newhall Land's long-standing policy that forbids any research that might jeopardize their development plans. This lockout of research has also hampered detailed stratigraphic analysis of the nonmarine Saugus Formation in the critical area of the proposed development.

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Another major concern is the misused stratigraphic nomenclature. The “strata vs. formations” terminology is not accurate and misleading (e.g., “5 distinct strata” should read “five distinct formations”). The term “intermingle” is not used by professional geologists. The proper term is “interfinger.” Also, cultural features (e.g., names of canyons) are not labeled, and the Google Earth features are too faint. The geologic map is nearly impossible for the reader to use because it does not show elevation contours nor section lines. The preparator(s) of the maps evidently were not aware that topographic map information can now be overlaid on the Google Earth features. The term “Sawtooth Ridge” is used as a label, but this is an unofficial in-house term. The Pico formation is misidentified as being lagoonal and the non-marine Saugus formation is deemed marine.

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That the magnetostratigraphy of the area was not mentioned is an unbelievable oversight, especially given the fact that Newhall Land and Farm allowed Levi and Yates (1993) [Tectonics, vol. 12, no. 3, pp. 688-702] to publish their very useful and important information dealing with the paleomagnetic signature of the Saugus Formation rocks in the vicinity of “Sawtooth Ridge.” This paleomagnetic analysis did not involve any fault studies nor any paleontological studies. Their type of paleo-magnetic work needs to be extended into the underlying upper Pico Formation rocks, thereby allowing better geologic age refinement of the Pico Formation. There is also a potential for finding volcanic ash layers in the area, and radiometric age dating of these layers would greatly refined our knowledge of the initiation of the uplift that formed the Santa Susana Mountains.

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On the northeast flank of the Newhall-Potrero Anticline next to the Santa Clara River (see Dibblee’s 1993 geologic map), there appears to be a continuous stratigraphic section between the shallow-marine (fossiliferous?) upper Pico Formation and the nonmarine Saugus Formation. A portion of this outcrop area must be left intact for future paleomagnetic studies by geologists. As their scientific tools improve with time, stratigraphic sections like the one proposed will be invaluable. This is Newhall Land’s opportunity to differ from the typical developer. They can leave a legacy that demonstrates they are a progressive corporation, much like the Tejon Ranch owners of the newly approved Tejon Ranch projects.

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The paleontologic part of the EIR is riddled with redundant and generalized non-informative statements. Details are sorely lacking, and these details are definitely needed before the merits of the EIR can be determined by the readers of this document. It is extremely self-serving to mention the rich diversity of fossils in the various stratigraphic units and then to provide no details because independent researchers have been denied access to the area for decades.

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The proposed project is excessively massive, and the impact on the geological and paleontological resources are permanent and unforgiving. Every effort must be made to preserve as much pristine area as possible.

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Where will the fossils that are found during grading be stored? It is stated in the EIR that fossils can be stored at the Natural History Museum of Los Angeles County. The

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developer should pay for the storage space and storage cabinets, or else do not destroy the original localities. Has the Natural History Museum of Los Angeles County been contacted about receiving the material? Do they, in fact, have the space?

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There needs to be a guarantee that the paleo-monitors have a degree in geology and have had a course in paleontology/paleontology lab whereby they have learned to recognize invertebrate fossils. Hiring untrained paleo-monitors who have never had a course in the identification of invertebrate fossils would be unacceptable.

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- Air Quality

Another serious concern with the EIR is the substantial effect the proposed development would have on the worsening air quality that we have in our area. It is obvious that the cumulative air pollutant emissions in the area would contribute to the degradation of local and regional air quality. The Santa Clarita Valley already has some of the worst air quality in the nation. Katherine Squires, a local teacher, sees the effects of poor air quality on the children in her Canyon Country classroom. Each year she sees more and more students who suffer from asthma. The SCV already exceeds Federal air pollution standards for particulate matter generated from dust and diesel pollution.

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Additionally, according to AQMD guidelines no residences should be built with 150' feet from the roadway. This means no development should occur directly on Highway 126 which is a major transportation corridor for truck and vehicle traffic. Also, where development begins (150 feet from roadway) there should be berms and landscaping to reduce pollution.

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In addition, there would be long term effects resulting from the additional traffic on our local roads and freeways. Climatologists agree that greenhouse gases are causing global warming and even the Supreme Court, in its decision several months ago, said that EPA must address Carbon Dioxide as a pollutant. These two facts alone suggest that further discussion of global warming should appear in this EIR. The project should not be approved without making public transportation available to its future residents.

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### **EIR Section 4.7 Air Quality**

Construction emissions have a finite lifetime – operational emissions will just keep increasing with significant unavoidable impacts. A doubling of truck traffic on I5 by 2020 will make things even worse. The DEIR does exhaustive analysis of the many impacts of emissions on air quality.

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The bottom line is summed up by the following quotes from the DEIR.

#### **“4.7.12 SIGNIFICANT UNAVOIDABLE IMPACTS**

Mitigation measures are recommended and/or have been incorporated to reduce the magnitude of construction and operational emissions to the extent feasible. No feasible

mitigation exists, however, that would reduce these emissions to below the SCAQMD's daily mass emissions thresholds. Therefore, the Project-specific construction and operational emissions would be significant and unavoidable under Significance Criterion AQ-2 for VOC, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>."

"The LST analysis shows that maximum 24-hour PM<sub>10</sub> and PM<sub>2.5</sub> concentrations and the maximum one hour NO<sub>2</sub> concentrations would exceed the localized significance thresholds established by the SCAQMD during each of the modeled development years. However, the one-hour CO and eight-hour CO concentrations would not exceed their respective localized significance thresholds during any of the modeled development years. The estimated PM<sub>10</sub> emissions already assume compliance with the requirements of SCAQMD Rule 403, which contain best available control measures for controlling fugitive dust from construction sites. No feasible mitigation measures exist that would provide a sufficient reduction in PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>x</sub> emissions to meet the respective LST thresholds. Under Significance Criterion AQ-2 and AQ-4, the PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>x</sub> impacts would be significant and unavoidable."

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A huge number of mitigations are developed to lessen these impacts but they do not come anywhere near meeting SCAQMD thresholds. All the tables show that the impacts FAR exceed the thresholds on all alternatives > 1. Because the problem is mobile sources, eliminating noxious emissions from them would be the way to go. However this project does not control the mobile sources. The best the project can do is to eliminate as many mobile sources as it can. It would do this by significantly reducing the project density. The detailed analysis shows that this would be the best alternative.

- Green Building Standards

The Sierra Club requests that green building standards be included as conditions of any approval that might be considered.

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- Parks, Recreation and Trails

#### **EIR Section 4.16 Parks, Recreation and Trails**

If we take away the high country area, the project planned parklands are exactly the Quimby law minimum of 3 acres per 1000 people. The adjacent city of Santa Clarita has a standard of 5 acres of parkland per 1000 people. This should be the indicator of how much parkland the project should generate.

66

A look at the largest planned community park shows that it is covered by power transmission lines and sits on a steep slope. Some community park! Furthermore the open area on the northwest part of the project is merely the placeholder for another power line.

67

A way to create more park space is to remove some of the development south of the river on the east end of the project and convert it to parkland. This would also eliminate the concomitant geological and water hazards which would be produced by development in that area. After the Northridge Earthquake the State geologists took aerial photos of the Santa Susanas which revealed a plethora of land slides. The geologists concluded simply, “Don’t build houses in the Santa Susana Mountains.”

68

Whatever trails are built (a number are planned) should not negatively impact the river, say by requiring more bank stabilization and/or removing the appropriate buffer areas.

69

- Protecting Spineflowers and Sage Scrub

Species of Spineflower typically exist and colonize hot, dry, well drained open land supporting minimal amounts of competing vegetation. To more or less preserve San Fernando Valley Spineflowers on the project site, an adequate acreage of such land on the site of the project needs to be reserved for the plant. Reserved land should not be altered by cultivating, bulldozing, irrigation, vegetation clearance, planting of any vegetation, reduction of sunlight or other disturbance of the soil and natural environment. Highest priority should be given to sites already colonized by Spineflower. Such areas should be fenced-off to prevent public access and usage. An employee should be assigned the tasks of monitoring the plants and maintaining their natural environment. After the town is situated alien plants and suffocating weeds could become a problem if not removed.

70

The “Jepson Manual of Higher Plants of California” edited by Hickman, and “A California Flora” by Munz state that Chorizanthe parryi Wats exists in dry sandy places in Coastal Sage Scrub. Our members have observed both of these environmental aspects on the site of the planned community. Loose, sandy soil is common near the river and in shallow ravines leading to the river. Coastal Sage Scrub represented by stands of California sagebrush exist outside the Riparian Zone of the river, on the banks of shallow, sandy ravines, and on hillsides. Hillsides frequently have firm surfaced soil rather than loose sand. Firm soils tend to shed rather than absorb rainfall. Firmness is due to the presence of much clay.

71

## CONCLUSION

The Sierra Club is concerned that if the proposed Newhall Ranch Resource Management and Development Plan succeeds with county government, the entire region between Santa Clarita (Los Angeles County) and Ventura County along much of Highway 126 will become nearly continuous urban and suburban development. The water situation could become unbelievably serious. Furthermore, many of the values of southern California will be forever lost (the last wild river, scenic open spaces, habitat for wildlife etc.). The Newhall Ranch Resource Management and Development Plan could set in place a dangerous precedent. The National Sierra Club has a policy against urban sprawl

72

projects such as this one due to their unsustainability and wasteful use of resources. It is requested that mitigation (including green building standards, a corridor for wildlife movement and public transportation for commuters that will live in the project) be provided that would reduce the disclosed impacts.

73

Unfortunately, the Newhall Ranch Company has a very poor track record regarding such mitigations. As of this point in time, 59 mitigation measures have been previously discussed and approved for other projects they have created but have yet to be acted-on. This is especially disconcerting considering the ramifications of this development and the necessity for many mitigations.

74

At this time the Sierra Club favors alternative 7. We want to ensure reduced density and to be guaranteed that our environmental concerns (lack of water and infrastructure, traffic, air quality, wildlife corridors, non-channelization of the river, etc.) are sufficiently addressed.

75

Sincerely,

Katherine Squires

Conservation Chair, Santa Clarita Group

The Sierra Club hereby includes by reference all comments and concerns by other environmental organizations.

several researchers contributed to this document including biologist Don Mullally and Dr. Richard Squires

Attachments:

1.Settlement Agreement Between Respondents, Newhall Land and Farming and County of Los Angeles and Petitioners, Sierra Club et al., 2003

2.Saugus Well Production Chart from information provided by Castaic Lake Water Agency

3.Sierra Club Resolution 7-23-06

-----Original Message-----

From: Katherine Squires [mailto:kat\_268@att.net]

Sent: Monday, August 24, 2009 5:27 PM

To: Allen, Aaron O SPL; newhallranch@dfg.ca.gov

Subject: Sierra Club EIR Comments--Newhall Ranch

Hello,

The attached files include the Sierra Club's EIR comment letter for the proposed Newhall Ranch project along with several additional attachments.

Thank you,

Katherine Squires  
Conservation Chair  
Santa Clarita Sierra Club



ORIGINAL  
IN THE

**Court of Appeal of the State of California**

IN AND FOR THE

**Fifth Appellate District**

COURT OF APPEAL  
FIFTH APPELLATE DISTRICT  
FILED

APR - 1 2004

KAY FRAUENHOLTZ  
CLERK/Administrator

By  Deputy

SIERRA CLUB et al.,  
Plaintiffs and Appellants,

v.

COUNTY OF LOS ANGELES et al.,

Defendants and Respondents,

THE NEWHALL LAND & FARMING COMPANY et al.,

Real Parties in Interest and Respondents.

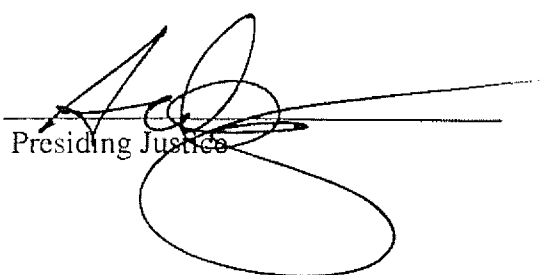
F044638

Kern County No. 239324

BY THE COURT:

Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED  
that the appeal in the above-entitled cause is dismissed.

- ☒ 1. Each party to bear his or her own costs.  
☒ 2. The remittitur shall issue forthwith.  
☐ 3. None of the above.

  
Presiding Justice

ORIGINAL

5TH CIVIL NO. F044638

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT

United Water Conservation District,

Petitioner,

v.

County of Los Angeles, *et al.*,

Respondents.

The Newhall Land and Farming Company, *et al.*,

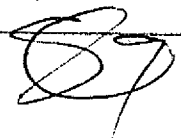
Real Parties in Interest.

And Related Cases.

COURT OF APPEAL  
FIFTH APPELLATE DISTRICT  
FILED

APR - 1 2004

KAY FRAUENHOLTZ  
CLERK/ADMINISTRATOR

By  Deputy

Appeal From The Judgment of The Kern County Superior Court  
The Honorable Roger D. Randall, Presiding  
(Kern County Superior Court No. 239324-RDR  
[Consolidated with Case Nos. 239325, 239326 and 239327-RDR])

NOTICE OF SETTLEMENT AND DISMISSAL OF APPEAL

Lloyd W. Pellman, County Counsel  
Peter J. Gutierrez, Sr. Deputy County Counsel  
652 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012-2713  
Telephone: (213) 974-1857  
Fax: (213) 617-7182  
Attorneys for Respondents, the County of Los Angeles and its Board of Supervisors

Mark J. Dillon (State Bar No. 108329)  
Michael S. Haberkorn (State Bar No. 159266)  
Heather S. Riley (State Bar No. 214482)  
Gatzke Dillon & Ballance LLP  
1921 Palomar Oaks Way, Suite 200  
Carlsbad, California 92008  
Telephone: (760) 431-9501  
Fax: (760) 431-9512  
Attorneys for Real Parties in Interest/Respondents,  
The Newhall Land and Farming Company, *et al.*

John T. Buse  
Environmental Defense Center  
2021 Sperry Avenue, Suite 18  
Ventura, CA 93003  
Telephone: (805) 677-2570  
Fax: (805) 677-2577

Jan Chatten-Brown  
Chatten-Brown and Associates  
3250 Ocean Park Boulevard, Suite 300  
Santa Monica, California 90405  
Telephone: (310) 314-8040  
Fax: (310) 314-8050

Attorneys for Petitioners/Plaintiffs, Sierra Club,  
Friends of the Santa Clara River, and Santa Clarita  
Organization for Planning the Environment

**NOTICE OF SETTLEMENT  
(APPELLATE COURT CASE NO. F044638)**

The parties to this settlement ("the Parties"), as defined below, through their respective counsel, have agreed as follows:

**I. THE PARTIES AND PURPOSE**

**A. THE PARTIES/EFFECTIVE DATE**

1. The Sierra Club, Friends of the Santa Clara River and Santa Clarita Organization for Planning the Environment ("Appellants") are represented by John T. Buse of the Environmental Defense Center and Jan Chatten-Brown of Chatten-Brown and Associates in the Newhall Ranch litigation and this appeal (*United Water Conservation District v. County of Los Angeles, et al.*, Case No. 239324-RDR [Consolidated with Case Nos. 239325, 239326 and 239327-RDR], 5th Civil No. F044638) ("Newhall Ranch Litigation").

2. The Appellants filed the "Notice Of Appeal From Order Granting Motion To Discharge Peremptory Writ Of Mandate" ("Notice of Appeal") on December 19, 2003 in connection with the Newhall Ranch Litigation. The Judgment appealed from disposed of all claims and causes of action between the Parties.

3. The County of Los Angeles and its Board of Supervisors ("the County") are represented in the Newhall Ranch Litigation by Lloyd W. Pellman, County Counsel, and Peter J. Gutierrez, Senior Deputy County Counsel. The County is not a party to this settlement, because there are no settlement provisions that require any action to be taken by the County to implement the settlement. Nonetheless, the County will benefit by this settlement due to the dismissal of this appeal, as discussed below. In addition, the counsel for the County has reviewed this Notice, and has no objection to the settlement.

4. The Newhall Land and Farming Company, a California limited partnership, Valencia Corporation, the Newhall Ranch Company, Newhall Management Limited Partnership and The Newhall Land and Farming Company, a California

corporation ("Newhall") are represented in the Newhall Ranch Litigation by Mark J. Dillon and Michael S. Haberkorn of Gatzke Dillon & Ballance LLP.

5. The effective date of this settlement will be March 29, 2004 ("Effective Date").

#### **B. PURPOSE**

1. The purpose of this settlement is to set forth the Parties' agreement, which shall result in the final settlement of the Newhall Ranch Litigation (*United Water Conservation District v. County of Los Angeles, et al.*, Case No. 239324-RDR [Consolidated with Case Nos. 239325, 239326 and 239327-RDR] 5th Civil No. F044638), the effect of which will be a complete dismissal, with prejudice, of the appeal, pursuant to Rule 20 of the California Rules of Court.

2. This settlement is a compromise of disputed claims, and neither this settlement nor any term thereof shall be construed as any type of admission on the part of any party to this settlement.

### **II. TERMS OF SETTLEMENT/DISMISSAL**

#### **A. AGRICULTURAL WATER SUPPLY**

1. As stated in the Revised Additional Analysis (Volume VIII; May 2003), the actual amount of groundwater pumped from the basin to irrigate Newhall's agricultural lands is calculated by utilizing Southern California Edison ("SCE") pump test data.

For pumps powered by electricity, SCE pump tests are used to calculate the actual amount of water pumped from the basin. The actual water pumping is calculated by multiplying the total kilowatt-hours (kwh) of energy used per well per year, by the kilowatt-hours per acre foot (kwh/AF), which is derived from the annual pump tests performed by SCE, Hydrologic Services Division. These pump tests are performed by SCE on an annual basis, which is customary in the agricultural industry. Newhall also requests that SCE perform these well pump tests for purposes of monitoring well efficiency and energy costs.

For pumps powered by diesel and natural gas, the actual water pumping is calculated by multiplying the actual running hours from engine hour meters by the acre-

feet pumped per hour. The acre-feet pumped per hour is determined by the gallons per minute that each unit is designed to pump.

The total water pumped from all Newhall agricultural wells, utilizing the SCE and other data, is summarized in Exhibit 1 to the letter report, dated March 7, 2003, from Underhill Engineering, Inc. The Underhill report, which was contained in **Appendix AB** in the Newhall Ranch Final Additional Analysis (Volume IV; March 2003) included Los Angeles County agricultural water use data over a five-year period (1996-2000). In addition, actual results of pump tests from SCE were included as **Appendix AQ** in the Newhall Ranch Final Additional Analysis (Volume VII; May 2003). At page 2.5-136 - 2.5-139, the Revised Additional Analysis (Volume VIII; May 2003) was revised to clarify the above information. In addition, at page 2.5-140, the Revised Additional Analysis included revised **Table 2.5-32**, which depicted Newhall's water use for its agricultural lands in Los Angeles County.

As shown on revised **Table 2.5-32**, using the actual SCE pump test data, a five-year annual average of 7,246 acre-feet of water per year was pumped by Newhall and utilized for irrigation of its crops in Los Angeles County. In addition, the County and Newhall used adjusted data from the California Irrigation Management Information System ("CIMIS"), which is provided by the University of California. The adjusted CIMIS data was used as a "cross check" to corroborate Newhall's allocation of the total amount of water actually pumped, as calculated from the SCE pump test and other data. Using the adjusted CIMIS data to compare to actual pumpage, a total of 7,038 acre-feet of water per year was determined to be the average amount of water used on Newhall's agricultural lands in Los Angeles County from 1996-2000. The revised Additional Analysis used the lower (and more conservative) of the two methods to determine the actual amount of groundwater pumped and delivered to Newhall's agricultural lands in Los Angeles County (*i.e.*, 7,038 AFY).

2. Newhall shall do the following:

- (a) **Groundwater Use/Limitations.** Groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan

site and elsewhere in Los Angeles County shall be made available by Newhall, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan. The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY. Newhall represents that this is the amount of groundwater pumped historically and presently by Newhall in Los Angeles County to support its agricultural operations, and that pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley.

- (b) **Reporting.** To monitor groundwater use, Newhall, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation. After submitting the annual report to the County, Newhall, or its designee, will promptly provide the Appellants with a copy of such report, provided that the Appellants make a written request to Newhall for a copy of such report.
- (c) **Verification.** For agricultural land located off the Newhall Ranch Specific Plan site in Los Angeles County, at the time agricultural groundwater is transferred from agricultural uses on that land to Specific Plan uses, Newhall, or its assignee, shall provide a verified statement to the County's Department of Regional Planning and Appellants that Alluvial aquifer water rights on that land will now be used to meet Specific Plan demand.
- (d) **On-Going Documentation.** Beginning with the filing of the first subdivision map allowing construction on the Specific Plan site and with the filing of each subsequent subdivision map allowing construction, Newhall, or its designee, shall provide documentation to the County of Los Angeles and Appellants identifying the specific portion(s) of irrigated farmland in the County proposed to be retired from irrigated production to make agricultural water available to serve the subdivision. This documentation shall include the location of the irrigated agricultural fields to be retired and the types of planted crops on such land for the baseline five-year period 1996-2000. As a condition of subdivision approval, Newhall, or its designee, shall provide proof to the County that the agricultural land has been retired prior to issuance of building permits for the subdivision. A copy of the information provided to the County shall also be provided to Appellants.

## **B. AGRICULTURAL WATER QUALITY**

1. The Newhall Ranch Final Additional Analysis (Volume IV; March 2003) included water quality data from one of Newhall's existing agricultural wells, along with a map depicting its location ("C-Well"). The water quality testing data was considered representative of Newhall's other existing agricultural wells. Additional agricultural water quality data was presented in the *2001 Update Report, Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, July 2002, prepared by Richard C. Slade & Associates. The *2001 Update Report* was included as **Appendix 2.5(I)** to the Newhall Ranch Revised Draft Additional Analysis (Volume II; November 2002).

In addition, in response to public comments, Newhall provided water quality sampling from six additional Newhall agricultural-supply wells. The data was taken from sampling that occurred in 2000 and 2001. The additional water quality data was included in the Newhall Ranch Additional Administrative Record (AAR 107:116214-276). The data was consistent with the prior sampling data from the C-Well location.

2. Newhall shall do the following:

- (a) **ASR Program.** The Saugus Groundwater Banking/ASR program injection water must meet the water quality requirements of the State Regional Water Quality Control Board, Los Angeles Region. The water extracted for use on the Specific Plan site shall meet the Title 22 drinking water standards of the State Department of Health Services.
- (b) **Title 22 Standards.** The agricultural groundwater used to meet the needs of the Specific Plan shall meet the drinking water quality standards required under Title 22 prior to use. As part of the CEQA review for the first tract map of Newhall Ranch, Newhall shall provide data showing that the agricultural groundwater will meet the Title 22 standards and describe the treatment measures, if any, necessary to meet these standards.

## **C. FEES/COSTS**

1. Newhall shall pay Appellants' counsel a lump sum in the total amount of \$43,000.00, provided that this notice of settlement and a separate notice of abandonment of this appeal is filed and served with the appropriate courts, which results in the

dismissal of the pending appeal in the Newhall Ranch Litigation, consistent with Rule 20 of the California Rules of Court, within three court days from the Effective Date of this settlement.

2. Newhall's payment to Appellants' counsel shall be made within thirty days of the court's Order dismissing the pending appeal.

3. The County shall not be responsible for the payment of any fees or costs of any kind whatsoever arising from this settlement.

**D. DISMISSAL**

1. Pursuant to California Rules of Court, Rule 20, the Appellants request that this Court (5th Civil No. F044638) enter the Order, below, dismissing the appeal and the entire action with prejudice. Remittitur to be issued forthwith.

**E. OTHER PROVISIONS**

1. The execution of this settlement shall not be construed by any party as an admission of liability or an admission as to the truth or falsity of any claim, allegation, defense or fact, which is the subject of this settlement.

2. This settlement shall have no force or effect unless and until the court issues an order dismissing the pending appeal in the Newhall Ranch Litigation.

3. All Parties to this settlement represent and warrant that they are the owner of the claims which are the subject of this settlement, and that such claims have not been assigned or transferred to any person or entity, whether voluntarily or involuntarily, by operation of law or otherwise. This representation and warranty shall survive execution and performance of this settlement.

4. All Parties further warrant and represent that the individual executing this settlement on behalf of each party has full authority to bind the party to the terms and conditions of the settlement. The governing bodies, boards of directors or officers of the Parties to this settlement have approved the terms set forth in this settlement, to the extent such approval is required by the rules, regulations, articles of incorporation, by-laws and any other governing documents of any party to the settlement.



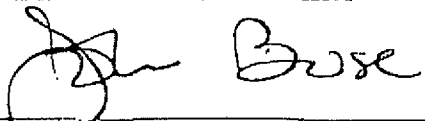
5. This settlement shall be construed and enforced in accordance with the laws of the State of California. The Kern County Superior Court shall be the appropriate venue for the resolution of any disputes arising from this settlement.

6. Except as provided in this settlement, the Parties shall bear their own attorneys' fees and costs in connection with the entire Newhall Ranch Litigation.

7. This settlement may be executed by facsimile signatures and in multiple counterparts, each of which shall be deemed to constitute an original, and all of which taken together shall constitute one in the same document. This settlement shall be effective on the Effective Date shown above.

March 18, 2004

Environmental Defense Center

By:   
John T. Buse

Chatten-Brown and Associates

March \_\_, 2004

By: \_\_\_\_\_  
Jan Chatten-Brown

Attorneys for Appellants, Sierra Club, Friends  
of the Santa Clara River and Santa Clarita  
Organization for Planning the Environment

Gatzke Dillon & Ballance LLP

March \_\_, 2004

By: \_\_\_\_\_  
Mark J. Dillon

Attorneys for Real Parties in Interest, The  
Newhall Land and Farming Company, *et al.*

5. This settlement shall be construed and enforced in accordance with the laws of the State of California. The Kern County Superior Court shall be the appropriate venue for the resolution of any disputes arising from this settlement.

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Environmental Defense Center

March \_\_, 2004

By: \_\_\_\_\_  
John T. Buse

Chatten-Brown and Associates

March 30, 2004

By:  \_\_\_\_\_  
Jan Chatten-Brown

Attorneys for Appellants, Sierra Club, Friends  
of the Santa Clara River and Santa Clarita  
Organization for Planning the Environment

Gatzke Dillon & Ballance LLP

March \_\_, 2004

By: \_\_\_\_\_  
Mark J. Dillon

Attorneys for Real Parties in Interest, The  
Newhall Land and Farming Company, *et al.*

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Environmental Defense Center

March \_\_, 2004

By: \_\_\_\_\_  
John T. Buse

Chatten-Brown and Associates

March \_\_, 2004

By: \_\_\_\_\_  
Jan Chatten-Brown

Attorneys for Appellants, Sierra Club, Friends  
of the Santa Clara River and Santa Clarita  
Organization for Planning the Environment

Gatzke Dillon & Ballance LLP

March 30, 2004

By:  \_\_\_\_\_  
Mark J. Dillon

Attorneys for Real Parties in Interest, The  
Newhall Land and Farming Company, *et al.*

## ORDER

THE COURT:

Pursuant to the above Notice of Settlement, the appeal in this action (5th Civil No. F044638) is dismissed, with prejudice, and without appeal costs to any party. Remittitur to issue forthwith.

\_\_\_\_\_, 2004

\_\_\_\_\_  
Associate Justice

ATTORNEYS:

Mark J. Dillon (State Bar No. 108329)  
Michael S. Haberkorn (State Bar No. 159266)  
Heather S. Riley (State Bar No. 214482)  
Gatzke Dillon & Ballance LLP  
1921 Palomar Oaks Way, Suite 200  
Carlsbad, California 92008  
Telephone: (760) 431-9501  
Facsimile: (760) 431-9512

Civil No. F 044638  
(Superior Court No. 239324-RDR)

**DECLARATION OF SERVICE BY OVERNIGHT MAIL**  
**(C.C.P. Sections 1013a and 2015.5)**

I am a resident of the County of San Diego; I am over the age of 18 years and not a party to the within entitled action; my business address: 1921 Palomar Oaks Way, Suite 200, Carlsbad, California 92008.

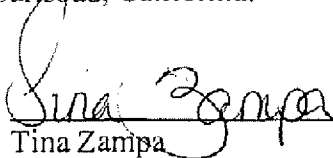
On March 30, 2004, I served the attached documents: **NOTICE OF SETTLEMENT AND DISMISSAL OF APPEAL** by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

**SEE ATTACHED SERVICE LIST**

Service of the attached document was accomplished in the following manner: I placed such envelope(s) addressed as shown on the attached service list for collection and delivery by Golden State Overnight with delivery fees paid or provided for in accordance with this office's practice. I am readily familiar with this office's practice for processing correspondence for delivery the following day by Golden State Overnight.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 30, 2004, at Carlsbad, California.

  
Tina Zampa

**ATTACHMENT TO DECLARATION OF SERVICE BY OVERNIGHT MAIL**

**Civil No. F 44638**

**(Superior Court No. 239324 - RDR)**

Lloyd W. Pellman, County Counsel  
Peter J. Gutierrez, Sr. Deputy County Counsel  
652 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012-2713  
Telephone: (213) 974-1857  
Fax: (213) 617-7182

Attorneys for Respondents, the County of Los Angeles and its Board of Supervisors

John T. Buse  
Environmental Defense Center  
2021 Sperry Avenue, Suite 18  
Ventura, CA 93003

Attorneys for Petitioners/Plaintiffs, Sierra Club, Friends of the Santa Clara River, and Santa Clarita Organization for Planning the Environment

**ATTACHMENT TO DECLARATION OF SERVICE BY OVERNIGHT MAIL**

**Civil No. F 44638**  
**(Superior Court No. 239324 - RDR)**

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Peter J. Gutierrez, Sr. Deputy County Counsel  
652 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012-2713  
Telephone: (213) 974-1857  
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Attorneys for Respondents, the County of Los Angeles and its Board of Supervisors

John T. Buse  
Environmental Defense Center  
2021 Sperry Avenue, Suite 18  
Ventura, CA 93003  
Telephone: (805) 677-2570  
Fax: (805) 677-2577

Attorneys for Petitioners/Plaintiffs, Sierra Club, Friends of the Santa Clara River, and Santa Clarita Organization for Planning the Environment

Jan Chatten-Brown  
Chatten-Brown and Associates  
3250 Ocean Park Boulevard, Suite 300  
Santa Monica, California 90405  
Telephone: (310) 314-8040  
Fax: (310) 314-8050

Attorneys for Petitioners/Plaintiffs, Sierra Club, Friends of the Santa Clara River, and Santa Clarita Organization for Planning the Environment

The Honorable Roger D. Randall  
Department 6  
Kern County Superior Court  
1415 Truxtun Avenue  
Bakersfield, California 93301-5216

3435 Wilshire Boulevard  
Suite 320  
Los Angeles, CA 90010-1904



(213) 387-6528 phone  
(213) 387-5383 fax  
[www.sierraclub.org](http://www.sierraclub.org)

## Resolution of the Executive Committee of the Angeles Chapter

The Angeles Chapter opposes additional land use approvals in Santa Clarita that rely on water from the contaminated Saugus aquifer until clean up facilities to remove the ammonium perchlorate, NDMA and other pollutants from this ground water source are functioning.

Approved unanimously  
7-23-06



# Saugus Formation Wells Actions

<b>Well</b>	<b>Lost Capacity (gpm)</b>	<b>Action Taken</b>	<b>Restored Capacity (gpm)</b>
<b>V-157</b>	<b>1,500</b>	<b>Replaced with Well V-206</b>	<b>1,500</b>
<b>NC-11</b>	<b>1,200</b>	<b>Taken out of service</b>	<b>0</b>
<b>Saugus 1</b>	<b>2,600</b>	<b>Rehabilitate well; install treatment</b>	<b>1,200</b>
<b>Saugus 2</b>	<b>2,600</b>	<b>Rehabilitate well; install treatment</b>	<b>1,200</b>
<b>Total</b>	<b>7,900</b>		<b>3,900</b>

**043. Letter from Sierra Club Santa Clarita Group (Katherine Squires), dated August 12, 2009**

---

**Response 1**

The comment states that the proposed construction of 21,000 homes is not appropriate given "economic, environmental, and societal pressures of the times." To clarify, build-out of the Newhall Ranch Specific Plan would not place 21,000 homes along the Santa Clara River. Please see the Draft EIS/EIR, **Executive Summary**, for information regarding project location; and see **Figures ES-2 through ES-7**, for graphic illustrations of the location of proposed development in relation to the Santa Clara River. The Draft EIS/EIR analyzes the environmental effects of the proposed Project and identifies mitigation measures to reduce the proposed Project's environmental impacts to the extent feasible. The comment does not specify the type of economic and societal issues to which it refers, but economic and social effects of a proposed Project need not be treated as significant effects on the environment in an EIS/EIR unless they cause or are related to a physical effect on the environment (see Cal. Code Regs., tit. 14, § 15131; 40 C.F.R. § 1508.14). 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.

**Response 2**

The comment states that the proposed Spineflower Conservation Plan (SCP) applies to the Newhall Ranch Specific Plan, and that implementation of the Specific Plan will substantially reduce plant and wildlife habitat and threaten and/or eliminate species from the areas due to habitat loss. To clarify, the proposed Spineflower Conservation Plan applies to the Valencia Commerce Center (VCC) and Entrada planning areas as well as the Newhall Ranch Specific Plan project area. Impacts to habitat and individual plant and animal sensitive species in each of these areas received extensive analysis in the Draft EIS/EIR, including **Section 4.5, Biological Resources**. The comment does not raise any specific issues regarding the analysis provided in the Draft EIS/EIR; therefore, no additional 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.

**Response 3**

The comment states that the proposed Project will interfere with wildlife movement in the Project region. The wildlife movement impacts of the proposed Project (Alternative 2) and Alternatives 3 through 7 are discussed in detail in the Draft EIS/EIR, **Subsection 4.5.5.2.4.3, Impacts to Wildlife Corridors**. The impacts to wildlife movement between the Santa Susana Mountain and watershed and the Tehachapi Mountains is reduced to less than significant for Alternatives 2 through 7, through the dedication of the High Country Special Management Area (SMA), the Salt Creek Corridor and the Santa Clara River SMA. Wildlife movement and linkage corridors are discussed in greater detail in **Topical Response 12: Wildlife Habitat Connectivity, Corridors and Crossings**.

In addition to preservation of these wildlife corridors, Mitigation Measure BIO-59 specifies that the wildlife crossing under Highway 126 across from the Salt Creek Corridor be enhanced through vegetation to provide wildlife with access to the Santa Clara River and the Salt Creek Corridor. In addition, a wildlife movement corridor plan be prepared and implemented to reduce vehicle collisions. The plan would include design criteria for road crossings and methods to encourage passage, such as lighting, bubblers, and vegetation planting. Signs also must be installed along roadways, indicating potential

wildlife crossings. Other road under-crossings, in addition to the Salt Creek crossing, would be built in accordance with current wildlife corridors used by wildlife; and, as such, would accommodate a variety of wildlife.

#### **Response 4**

The comment expresses concern regarding the use of open space areas for urban development and the resulting loss of "natural charm and beauty." The comment also expresses the opinion that the public does not support the proposed Project. The U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) appreciate the comment and it 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 address the content or adequacy of the Draft EIS/EIR, no further response is provided.

#### **Response 5**

The Corps and CDFG appreciate your comments and they will be made available to the decision makers prior to a final decision on the proposed Project. These comments do not address the adequacy of the information or impact analysis provided in the Draft EIS/EIR and no additional response is provided.

#### **Response 6**

The ability of local water agencies to provide water for the proposed Project and other cumulative development in the Santa Clarita Valley is addressed in the Draft EIS/EIR, **Section 4.3**, Water Resources, and **Section 6.0**, Cumulative Impacts. As demonstrated in those sections, an adequate supply of water exists to serve the proposed Project and other cumulative development in the Santa Clarita Valley. For additional responsive information, please refer to **Topical Response 4: Nickel Water; Topical Response 5: Water Litigation and Regulatory Action Update; Topical Response 6: CLWA's 41,000 AFY Water Transfer; Topical Response 7: Perchlorate Treatment Update; Topical Response 8: Groundwater Supplies and Overdraft Claims; and Topical Response 9: State Water Project Supply Reliability.**

#### **Response 7**

As noted in the comment, the water-related mitigation measures adopted by the County of Los Angeles (County) in connection with the Specific Plan require various reports and data, which are triggered based on each of the specified Specific Plan mitigation measures. (Please see the Draft EIS/EIR, pp. 4.3-120-4.3-125, for a listing of the mitigation measures adopted by the County as conditions of approval for the Newhall Ranch Specific Plan.) In addition, these Specific Plan mitigation measures are a part of the County-adopted Mitigation Monitoring Plans for both the Specific Plan and the Newhall Ranch Water Reclamation Plant (WRP); as such, the County is the agency responsible for ensuring implementation and enforcement of the adopted Specific Plan mitigation measures. Nonetheless, please refer to **Appendix F4.3** of the Final EIS/EIR for the referenced settlement agreement, letters from the applicant complying with the water-related Specific Plan mitigation measures, and two declarations from Steven D. Zimmer (applicant representative) regarding compliance with such measures, which were filed in connection with the applicant's bankruptcy proceedings.

As to the request in the comment for status reports of water stored in the Semitropic Water Storage District groundwater bank, the applicant has provided a status report to the County indicating that the amount of water placed in the Semitropic groundwater bank under the applicant's stored water account is 18,828 acre-feet as of December 31, 2009. The applicant's letter to the County, dated April 22, 2010, along with a letter, dated February 22, 2010, from the Semitropic Water Storage District, is found in **Appendix F4.3** of the Final EIS/EIR.

## Response 8

The comment requests water quality reports for Alluvial wells used to serve the proposed Project. The comment also indicates that such reports are required by a "Notice of Settlement and Dismissal of Appeal" (Notice of Settlement) filed on April 1, 2004, in the Newhall Ranch state court litigation. (A copy of the Notice of Settlement is found in **Appendix F4.3** of the Final EIS/EIR.) To clarify, the Notice of Settlement does not require that agricultural water quality reports for Alluvial wells be provided to the parties that settled the Newhall Ranch litigation. (See Final EIS/EIR, **Appendix F4.3** [Notice of Settlement, p. 5].)

Nonetheless, as stated in the Notice of Settlement, the Newhall Ranch Final Additional Analysis, Volume IV (March 2003), included water quality data from one of the applicant's existing agricultural wells, along with a map depicting its location ("C-Well"). The water quality testing data was considered representative of the applicant's other existing agricultural wells. Additional agricultural water quality data was presented in the 2001 Update Report Hydrogeologic Conditions in the Alluvial and Saugus Formation aquifer systems, prepared by Richard C. Slade and Associates (July 2002). The 2001 Update Report was incorporated by reference in the Draft EIS/EIR, **Section 4.3**, Water Resources, pages 4.3-6-4.3-7. The latest 2008 Santa Clarita Valley Water Report (April 2009), pages 3-14-3-18, also includes the following information:

### 3.5 Water Quality -- General

Water delivered by the Purveyors consistently meets drinking water standards set by the Environmental Protection Agency (EPA) and the California Department of Public Health (DPH). An annual Water Quality Report is provided to all Santa Clarita Valley residents who receive water from one of the four water retailers. There is detailed information in that report about the results of quality testing of the groundwater and treated SWP water supplied to the residents of the Santa Clarita Valley during 2008.

Please see the 2008 Water Report (April 2009), which is found in **Appendix F4.3** of the Final EIS/EIR.

In addition, the applicant provided further water quality sampling from six additional Newhall agricultural-supply wells in response to public comments on the Newhall Ranch Final Additional Analysis (May 2003). The additional water quality data was included in the Newhall Ranch Additional Administrative Record (AAR-107:116214-276), which is provided in **Appendix F4.3** of the Final EIR/EIR. See **Topical Response 8: Groundwater Supplies and Overdraft Claims**, for additional responsive information. The data shows that the agricultural groundwater will meet the drinking water quality standards required under Title 22 prior to use.

Further, the Draft EIS/EIR contained specific reporting of the quality of water (including groundwater) used in the Santa Clarita Valley. (Please see Draft EIS/EIR, pp. 4.3-56-4.3-67.) As stated in the Draft EIS/EIR, page 4.3-56:

"The groundwater quality of the Alluvial aquifer and the Saugus Formation consistently meets drinking water standards set by the USEPA and DPH. The water is delivered by the local retail purveyors in the CLWA service area for domestic use without treatment, although the water is disinfected prior to delivery. Existing water quality conditions for urban water uses in the CLWA service area are documented in the Santa Clarita Valley Water Quality Report (SCVWP 2005). That report provides the cumulative results of thousands of water quality tests performed in the Santa Clarita Valley area on CLWA's and the local purveyors' water supplies. The annual Santa Clarita Valley Water Report addresses water quality as well (see, for example, 2007 Santa Clarita Valley Water Report (April 2008), pp. III-13 - III-17 [EIS/EIR, **Appendix 4.3**])." (Draft EIS/EIR, p. 4.3-56.)

The Draft EIS/EIR also included a reporting of the quality of groundwater from wells near the Specific Plan site, which are expected to serve the Newhall Ranch Specific Plan. As stated in the Draft EIS/EIR, pages 4.3-64-4.3-65:

**"Groundwater Quality Near the Specific Plan Site.** *The quality of the groundwater available from the Alluvial aquifer near the Specific Plan site has been tested. Results from laboratory testing conducted for VWC wells expected to serve the Specific Plan site are provided in **Appendix 4.3** of this EIS/EIR. The wells expected to be used are approved by DPH and are located just northeast of the Specific Plan site in the Valencia Commerce Center. Laboratory testing indicates that all constituents tested were at acceptable levels for drinking water under Title 22. Tests conducted for perchlorate indicated non-detect.*

VWC also investigated the future risk of perchlorate contamination on its new wells. In summary, the approach used to investigate the potential capture of perchlorate-impacted groundwater by the new wells involved three sequential steps: identification of local and regional groundwater flow patterns in the Alluvium, the aquifer in which all four wells are located; application of a single layer groundwater flow model to examine the capture zone of the four-well "well field" under planned operating conditions; and interpretation of potential capture of perchlorate via examination of the wells' theoretical independent capture zone relative to the known occurrence of perchlorate in the Alluvium. The latter step was subsequently augmented by considering other factors, such as the locations and magnitude of pumping between the new wells and the known occurrence of perchlorate, which affect the potential capture of perchlorate by the new wells.

*Given that the groundwater resources from the Alluvial aquifer for the Specific Plan would be produced from wells located along Castaic Creek and over four miles west of the area known to be contaminated with perchlorate (i.e., the former Whittaker-Bermite facility), such supplies are not considered to be at risk as a result of perchlorate contamination released from the former Whittaker-Bermite facility." (Draft EIS/EIR, pp. 4.3-64-4.3-65, italics added.)*

As stated above, the Draft EIS/EIR, **Appendix 4.3**, included MWH Laboratories' results from lab testing of groundwater available from the Alluvial aquifer for Valencia Water Company. The lab testing was of the wells expected to serve the Newhall Ranch Specific Plan site (Wells E-14 through E-17). The lab testing data indicated that all constituents tested were at acceptable levels for drinking water under Title 22 and that the tests conducted indicated "non-detect" for perchlorate.

Additional water quality testing data was conducted at Well E-15 in July 2009. The data indicates that all constituents tested were at acceptable levels for drinking water under Title 22 and that tests conducted indicated non-detect for perchlorate. This additional lab testing data was from "CLWA - Water Quality Laboratory" for Valencia Water Company (July 2009). Please refer to **Appendix F4.3** of the Final EIS/EIR for this additional data.

### **Response 9**

The applicant has provided a letter and attachments from Alex Herrell, Director, Community Development, to Sam Dea, Supervising Regional Planner, Los Angeles County Department of Regional Planning, dated April 7, 2009. The letter and attachments were provided to the County in compliance with Newhall Ranch Specific Plan Mitigation Measure 4.11-15. The attachments included: (a) a chart entitled, "Los Angeles County Agricultural Water Use," showing the amount of irrigation water used on the applicant's Los Angeles County farm fields for crop seasons 2001-2008, using the same methodology that was used in the Newhall Ranch Revised Additional Analysis (May 2003); (b) Revised Table 2.5-32, page 2.5-140, from the Newhall Ranch Final Additional Analysis (May 2003), which shows the original information for the years 1996-2000, which served as the baseline for determining the estimated annual average usage of 7,038 acre-feet; and (c) a figure from FORMA entitled, "Newhall Land Historically Irrigated Agricultural Areas within Los Angeles County" showing the specific land in Los Angeles County where the groundwater was historically used. The April 7, 2009 letter and attachments are found in **Appendix F4.3** of the Final EIS/EIR.

In addition, the applicant has provided the County with additional reporting responsive to Specific Plan Mitigation Measure 4.11-22. This mitigation measure called for providing the County with documentation identifying the specific portion(s) of irrigated farmlands in the County proposed to be retired from irrigated production to make agricultural water available to serve each subdivision within the Newhall Ranch Specific Plan. In response to that mitigation measure, the applicant has provided three reports entitled, "Retired Irrigated Farmland" for Landmark Village, Mission Village, and Homestead Village within the Newhall Ranch Specific Plan. Each report is accompanied by two exhibits ("Exhibits A and B"). Exhibits A are figures depicting the Newhall Ranch irrigated farmland proposed to be retired for Landmark Village, Mission Village, and Homestead Village. Exhibits "B" are tables describing the irrigated farmlands to be retired for each village. These tables also describe the types of planted crops to be retired. Please refer to **Appendix F4.3** of the Final EIS/EIR for this data.

The comment also states that "agricultural return water should be deducted from the total amount, as no return will occur once the area is urbanized." For the reasons explained in **Topical Response 8: Groundwater Supplies and Overdraft Claims**, reduced recharge to the portion of the Alluvial aquifer directly underlying former agricultural land parcels will not have an appreciable effect on the water table elevation or the amount of Alluvial aquifer groundwater available for water supply .

### Response 10

The Draft EIS/EIR provided extensive information and analysis concerning the ammonium perchlorate (perchlorate) found in portions of the groundwater basin in the Santa Clarita Valley. (Please refer to the Draft EIS/EIR, pages 4.3-46-4.3-55.) The Draft EIS/EIR also included specific reporting of the quality of groundwater relative to perchlorate and other constituents. (See Draft EIS/EIR, pages 4.3-56 through 4.3-67.) For additional responsive information, please refer to **Topical Response 7: Perchlorate Treatment Update**; and **Topical Response 8: Groundwater Supplies and Overdraft Claims**.

### Response 11

Please refer to **Response 10**, above.

### Response 12

The comment describes litigation over the 2000 Urban Water Management Plan (UWMP) for the Santa Clarita Valley, which was replaced by the adopted 2005 UWMP. Following the referenced court decision in 2004, Castaic Lake Water Agency (CLWA) and the purveyors amended the 2000 UWMP, and the amendment addressed the perchlorate issue and the anticipated time for remediation. As stated, since that time, CLWA and the retail purveyors in the Santa Clarita Valley have adopted the 2005 UWMP.

As reported in the Draft EIS/EIR, the 2005 UWMP was the subject of litigation and an associated appeal; however, the parties to that litigation (California Water Impact Network and Friends of the Santa Clara River) settled with CLWA and the retail purveyors. The settlement resulted in a dismissal of the 2005 UWMP litigation in October 2008. As reported in the Draft EIS/EIR, page 4.3-13, the 2005 UWMP remains valid and is no longer subject to any litigation.

The court decision referenced in this comment, was reported in the following published decision, *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2004) 123 Cal.App.4th 1. A copy of this decision is provided in **Appendix F4.3** of the Final EIS/EIR. For further information generally responsive to this comment, please see **Response 10**, above.

### Response 13

The Draft EIS/EIR analyzed the groundwater quality of both the Alluvial aquifer and the Saugus Formation, including perchlorate contamination. The analysis did not identify any significant impacts to groundwater quality associated with the perchlorate-impacted wells in the Santa Clarita Valley. (See Draft EIS/EIR, pp. 4.3-57-4.3-65.) The Draft EIS/EIR also identified the perchlorate treatment technology, which is effective in treating perchlorate in water in order to meet drinking water standards. (See Draft EIS/EIR, pp. 4.3-63-4.3-64.) Based on the results of CLWA's investigation of perchlorate removal technologies, approval of ion exchange treatment technology in other settings by the California Department of Public Health (DPH), and the successful wellhead treatment installed at Valencia Water Company's Well Q2, CLWA is currently utilizing the ion exchange technology for the restoration of impacted capacity (wells) in accordance with the permitting, testing, and installation process as described in the 2005 UWMP and other published reports issued by CLWA. (See Draft EIS/EIR, p. 4.3-64.)

The Draft EIS/EIR analyzed the direct, indirect, and secondary impacts on water supplies associated with the proposed Project and alternatives based on the significance criteria, including the perchlorate criterion (Significance Criterion 3, discussed above). (See Draft EIS/EIR, p. 4.3-76-4.3-116.)

As detailed in the 2005 UWMP, the ongoing inactivation of one Alluvial well (the SCWD Stadium Well) due to perchlorate contamination does not limit the purveyors' ability to produce groundwater from the Alluvium in accordance with the groundwater operating plan set forth in the 2005 UWMP. In addition, the ongoing characterization and plan for control and cleanup of perchlorate in the local basin has focused on the Saugus Formation. On-site cleanup and control activities that began in 2006 and continued through 2008 include continuing soil cleanup on the former Whittaker-Bermite site, and continuing the pump and treatment program in the Northern Alluvium on site. This pump and treat program, intended to effect perchlorate containment in the Northern Alluvium, became operational in October 2007.

Work toward the ultimate remediation of perchlorate contamination, including the restoration of impacted groundwater supply continued to progress in 2008-2010, with the focus on construction of facilities to implement a jointly-developed plan to pump and treat contaminated water from two of the originally impacted wells to stop migration of the containment plume, and to deliver treated water to partially replace impacted well capacity. Construction of facilities and pipelines necessary to implement the pump and treat program and to also restore inactivated well capacity began in November 2007. Construction and operational start-up occurred in 2009-2010. (See Final EIS/EIR, **Appendix F4.3** [2008 Santa Clarita Valley Water Report, pp. ES-3-ES-4].) For additional responsive information, please refer to **Topical Response 7: Perchlorate Treatment Update**.

#### **Response 14**

The comment refers to perchlorate contamination in water wells referred to as "Saugus Well 1 and 2." Please refer to **Topical Response 7: Perchlorate Treatment Update** for additional information regarding the Saugus Formation municipal-supply wells and the status of ongoing perchlorate contamination remediation efforts.

#### **Response 15**

This comment indicates that water supplies have been reduced due to perchlorate contamination. Please refer to **Topical Response 7: Perchlorate Treatment Update**, for additional information regarding the status of ongoing perchlorate contamination remediation efforts and the effects of the contamination on local water supplies. As stated, the Draft EIS/EIR analyzed the groundwater quality of both the Alluvial aquifer and the Saugus Formation, including perchlorate contamination and did not identify any significant groundwater quality impacts associated with the perchlorate-impacted wells in the Santa Clarita Valley. (See Draft EIS/EIR, pp. 4.3-57-4.3-65.) The Draft EIS/EIR also identified the perchlorate treatment technology, which is effective in treating perchlorate in water in order to meet drinking water standards. (See Draft EIS/EIR, pp. 4.3-63-4.3-64.) Based on the results of CLWA's investigation of perchlorate removal technologies, approval of ion exchange treatment technology in other settings by DPH, and the successful wellhead treatment installed at Valencia Water Company's Well Q2, CLWA is currently utilizing the ion exchange technology for the restoration of impacted capacity (wells) in accordance with the permitting, testing, and installation process as described in the 2005 UWMP and other published reports issued by CLWA. (See Draft EIS/EIR, p. 4.3-64.)



The Draft EIS/EIR then analyzed the direct, indirect, and secondary impacts on water supplies associated with the proposed Project and alternatives based on the significance criteria, including the perchlorate criterion (Significance Criterion 3, discussed above). (See Draft EIS/EIR, p. 4.3-76-4.3-116.) That analysis concluded the Specific Plan would not result in net increase in groundwater use, and the basin known to be impacted by perchlorate is over four miles from the Specific Plan area. Therefore, no significant impact relative to the perchlorate-impacted groundwater would occur as a result of implementing the previously approved Specific Plan.

#### **Response 16**

The comment indicates that the Angeles Chapter of the Sierra Club passed a resolution calling for the suspension of housing approvals until perchlorate treatment facilities are functioning. The Corps and CDFG acknowledge the Sierra Club's resolution. Please refer to **Topical Response 7: Perchlorate Treatment Update**, for additional information regarding the status of ongoing perchlorate contamination remediation efforts.

#### **Response 17**

This comment claims that no environmental documentation has been completed addressing the transfer of Nickel water out of Kern County to serve the Newhall Ranch Specific Plan. As explained in **Topical Response 4: Nickel Water**, the Nickel water transfer was evaluated thoroughly in the previously certified Newhall Ranch Revised Additional Analysis (May 2003). As indicated in that analysis, Nickel acquired the Nickel water as a result of the Kern County Water Agency's (KCWA's) Restoration Program, which was approved by KCWA in September 2000. As part of the approved Restoration Program and the supporting contractual documents, the Nickel water will be transported in the California Aqueduct to the full extent of the KCWA's right to use the Aqueduct; and KCWA agreed to schedule deliveries with the Department of Water Resources (DWR) at the same time and in the same manner as KCWA schedules deliveries of its State Water Project (SWP) water to KCWA's Member Units. A copy of the Initial Study and Negative Declaration prepared for the Restoration Program, dated July 27, 2000, as well as the subsequent Negative Declaration addressing the transfer of water to Nickel, are included in the Newhall Ranch Revised Additional Analysis (May 2003), Appendix 2.5. The Newhall Ranch Revised Additional Analysis was incorporated by reference in the Draft EIS/EIR and was available for public review during normal business hours at the County of Los Angeles Public Library, Valencia Branch, 23743 West Valencia Boulevard, Santa Clarita, California 91355-2191. This environmental analysis concluded that no significant environmental impacts (*e.g.*, the de-watering of aquifers in Kern County) would occur.

#### **Response 18**

The transfer of water through DWR facilities is allowed under the California Water Code section 1810 and the Monterey Agreement/Amendments. As stated in the Newhall Ranch Revised Additional Analysis, Section 2.5, Water Resources (May 2003), page 2.5-141, the water would be delivered through KCWA/CLWA, utilizing the SWP system operated by DWR. As previously reported, a point of delivery agreement between DWR and CLWA would be required to transmit the water between the KCWA and CLWA service areas. Please see **Topical Response 4: Nickel Water**, for further responsive information.

**Response 19**

The Valencia Water Company provides water service to the western portion of the Santa Clarita Valley, including land other than that owned by the Project applicant. The Valencia Water Company is a water utility regulated by the California Public Utilities Commission (CPUC) and, therefore, is considered an independent reviewing entity. Based on this information and the oversight provided by the CPUC, no conflict of interest exists. The Final EIS/EIR reflects the lead agencies' independent judgment and analysis with respect to all issue areas, including water supply.

**Response 20**

Water supplies that serve development in the Santa Clarita Valley are provided by public water agencies (CLWA) and other entities regulated by the CPUC (Valencia Water Company). The Corps and CDFG appreciate your comments and they will be made available to the decision makers prior to a final decision on the proposed Project. Because the comments do not address the adequacy of the information or impact analysis provided in the Draft EIS/EIR, and no additional response is provided.

**Response 21**

The comment provides background information related to agricultural operations in the San Joaquin Valley and other locations in California, and the economic value of agricultural operations to the State of California. The comment does not address the adequacy of the environmental review provided in the Draft EIS/EIR, but will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

The comment also states that the proposed Project would result in the conversion of agricultural land located on the Project site. The impact of the proposed Project on agricultural resources received extensive analysis in Draft EIS/EIR, **Section 4.12**, Agricultural Resources. The analysis concluded that even with the implementation of feasible mitigation measures, infrastructure provided by the Project and urban development on the Project site would result in significant and unavoidable project-specific and cumulative impacts resulting from the loss of agricultural soils that have been classified as prime, unique and of statewide importance. The Corps and CDFG will consider this information in making a final decision on the proposed Project.

**Response 22**

The comment states that the Project may result in water quality impacts that may affect agricultural operations downstream of the Project site. The potential for water quality impacts received extensive analysis in Draft EIS/EIR, **Section 4.4**, Water Quality. The analysis provided in that section concluded that with implementation of feasible mitigation measures, the Project's on- and off-site water quality impacts would be reduced to a less-than-significant level, both on a project-specific and cumulative basis. As a result, the proposed Project would not result in significant adverse water-quality related impacts to downstream agricultural operations. The comment does not raise any specific issues regarding the analysis provided in the Draft EIS/EIR; therefore, no additional 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.

The comment also implies that the Project could affect groundwater supplies, which would result in impacts to surrounding agricultural operations. The proposed Project's effect on groundwater supplies received extensive analysis in Draft EIS/EIR, **Section 4.3**, Water Resources. The analysis concluded that adequate water supplies are available to meet the potable and non-potable water demands of the proposed Project without resulting in significant adverse environmental impacts to the Santa Clara River, the local groundwater basins, or downstream users in Ventura County. Therefore, the proposed Project would not result in significant adverse ground water supply impacts to downstream agricultural operations.

### **Response 23**

The comment addresses general concerns related to the proposed Project's impacts to agricultural resources and visual/aesthetic conditions. Both of these environmental issue areas received extensive analysis in the Draft EIS/EIR, including **Section 4.12**, Agricultural Resources; and **Section 4.15**, Visual Resources. The analysis of impacts to agricultural resources concluded that the Project-related loss of on-site agricultural soils would result in significant and unavoidable impacts; however, the Project would not result in significant impacts to agricultural resources or operations located *off* of the Project site. The analysis of the Project's impacts to visual resources concluded that the proposed Project would result in significant and unavoidable direct impacts associated with the construction of new bridges across the Santa Clara River, and significant and unavoidable indirect impacts resulting from the build-out of the previously approved Newhall Ranch Specific Plan. The Corps and CDFG will consider this information in making a final decision on the proposed Project. Because the comment does not raise any specific issues regarding the analysis provided in the Draft EIS/EIR, no additional 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.

### **Response 24**

The comment states that there is no longer any demand for the land use development contemplated by the previously adopted Newhall Ranch Specific Plan due to the current economic crisis. It also states that California has the worse debt and economy of any state in the country, and the commentor objects to the proposed Project because residents would spend and buy in an isolated, remote area.

Economic and social effects of a proposed Project need not be treated as significant effects on the environment in an EIS/EIR unless they cause or are related to a physical effect on the environment. (See Cal. Code Regs., tit. 14, § 15131 ["Economic or social effects of a project shall not be treated as significant effects on the environment."]; 40 C.F.R. § 1508.14.) The comment does not suggest, nor is there any evidence, that the proposed Project would result in economic or social effects that would have a physical effect on the environment.

Further, the development of residences on the Project site would be facilitated by implementing the proposed RMDP and SCP Project, and the new residences are intended to help meet the regional demand for housing in Los Angeles County caused by an increasing population base. For example, the California Department of Finance estimated that the population of Los Angeles County in April 2000 was 9,519,330, and by January 1, 2009, the County-wide population was 10,393,185. Population projections prepared by the Department of Finance indicate that by 2040, the population of Los Angeles County will grow to 12,491,606, an increase of 2,098,421 when compared to the County's 2009 population.

The subsequent development of residences on the previously approved Newhall Ranch Specific Plan site and in the Entrada planning area would be a long-term project, with an anticipated build out period of approximately 20 years, depending on economic and market conditions (Draft EIR at page 1.0-11). Over the anticipated Project build out period, short-term economic conditions will not substantially affect the long-term need for additional housing in Los Angeles County caused by population growth. Based on population projections prepared by the State, it is reasonable to anticipate that there will be a long-term need for additional housing in Los Angeles County.

The Corps and CDFG will consider relevant economic and social issues in making a final decision on the proposed Project.

As to the comment related to the Project site being located in an isolated and remote area, please note that the Project site is located adjacent to major transportation corridors and other urban areas, including the City of Santa Clarita, and development on the site would result in a mixed-use community comprised of residential, retail, commercial and other non-residential land uses. As such, the Project site is not considered isolated or remote. The Corps and CDFG appreciate your comment, and it 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 an environmental issue, no further response is provided.

#### **Response 25**

The comment indicates that many schools have experienced decreases in enrollment and a corresponding decrease in Average Daily Attendance (ADA) monies, and asks how the proposed Project would make any of these problems better. Declining student enrollments and ADA funding in the Santa Clarita area is not an effect of the proposed Project; however, the Corps and CDFG appreciate the comment, and it will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project. The proposed Project's school enrollment impacts were evaluated in the Draft EIS/EIR, **Section 4.18**, Public Services. That analysis concluded that the Project's impacts would be reduced to less-than-significant levels with the implementation of mitigation measures that were previously adopted by Los Angeles County in conjunction with the approval of the Newhall Ranch Specific Plan. Those mitigation measures require that specified school sites be reserved on the Specific Plan site (Mitigation Measure SP-4.16-1) and require compliance with funding agreements that were reached with local school districts (Mitigation Measures SP-4.16-2, SP-4.16-3, SP-4.16-4, and SP-4.16-5). As to the comment regarding area-wide declines in student enrollment and corresponding decreases in ADA funds, students generated by the proposed Project would be expected to offset those effects with a corresponding increase in ADA payments to school districts.

#### **Response 26**

The comment states that Newhall Ranch is a major wildlife linkage corridor and that wildlife will be losing habitat and foraging areas. The comment states that native habitat will be "islands" within a few pockets of open space and that development areas are scattered around to create obstructions, leaving wildlife "nowhere to go."

The Draft EIS/EIR addressed wildlife habitat connectivity and wildlife corridors at three separate scales, including wildlife landscape habitat linkages, local wildlife corridors, and site-specific wildlife crossings. As part of the analysis, wildlife species were assigned to different guilds based on their similar abilities to

move across the landscape, with the assumption that different guilds would interact differently with the habitat linkages, corridors, and crossings. These guilds are discussed in detail in **Subsection 4.5.5.2.4.1** on pages 4.5-261 through 4.5-271 of the Draft EIS/EIR. For example, coyotes and deer are highly mobile species that can move quickly through marginal habitat, while small rodents and most reptiles are low-mobility species that are mostly confined to small areas supporting suitable habitat. The analysis in the Draft EIS/EIR indicates that, for many species of wildlife, development would result in the direct loss of foraging and breeding habitat and concluded that impacts to landscape habitat linkages and wildlife crossings would be adverse but not significant under Alternatives 2 through 7. Impacts to wildlife corridors would be significant absent mitigation under Alternatives 2 through 7. The Draft EIS/EIR concluded that impacts to wildlife corridors would be reduced to less than significant under Alternatives 2 through 7 with the implementation of Mitigation Measures SP-4.6-1 through SP-4.6-17, SP-4.6-21 through SP-4.6-26, SP-4.6-29 through SP-4.6-32, SP-4.6-36 through SP-4.6-42, SP-4.6-56, SP-4.6-63, BIO-1 through BIO-16, BIO-19 through BIO-21, BIO-59, BIO-63, BIO-69, BIO-72 BIO-73, BIO-85, and BIO-87. These mitigation measures include the dedication and management of the approximately 6,300-acre High Country SMA, Salt Creek area, and River Corridor SMA.

The comment asserts that open space habitat will be "islands" within developed land. However, the Draft EIS/EIR analyzed the potential impacts of the proposed Project (Alternative 2) on wildlife landscape habitat linkages in **Subsection 4.5.5.2.4.2** on pages 4.5-574 through 4.5-576. While the proposed Project would constrain movement within the developed portions of the Project area (the "islands" of open space referred to in the comment), as shown in **Figure 4.5-40**, the contiguous and unfragmented High Country SMA, Salt Creek area, and River Corridor SMA, comprising approximately 6,300 acres, would remain functional after build-out of the proposed Project. The High Country SMA, Salt Creek area, and River Corridor SMA will provide both internal connectivity and connections to areas beyond the Project area, including the Angeles National Forest to the east, Ventura County SOAR open space to the southwest, the Santa Susana Mountains to the south, and the Los Padres National Forest and Angeles National Forest to the north. The combined High Country SMA and Salt Creek area provide a direct connection between the River Corridor SMA and large uplands areas south of the River (**Figure 4.5-22**) and are part of the eastern arm of the conceptual linkage design identified by Penrod *et al.* (2006), which is about 4.5 miles (23,760 feet) wide, with the narrowest portion of the High Country SMA and Salt Creek area approximately 4,000 feet wide (**Figure 4.5-22**). Post-development, this minimum 4,000-foot wide zone will provide adequate buffer and core habitat for wildlife species. Post-development, the River Corridor SMA floodplain would be 1,000 feet wide to 2,000 feet wide, providing substantial lateral buffer for wildlife moving through the River Corridor.

The comment also stated that wildlife moving through these areas would not have access to food or water. To evaluate potential impacts to wildlife, the analysis in the Draft EIS/EIR considered the life history characteristics of the wildlife present in the Project area, including the species requirements for food, water, and shelter. Although implementation of the proposed Project would adversely affect some species, these impacts would be mitigated through the dedication of the High Country SMA, Salt Creek SMA, and River Corridor SMA. These large contiguous parcels support perennial water, foraging, and sheltering habitat and mitigate impacts of the proposed Project. The Draft EIS/EIR concluded that these impacts would be less than significant under Alternatives 2 through 7 with implementation of the mitigation measures listed above. With the large, unfragmented open space system proposed, wildlife movement through the region would not be dependent on the constrained wildlife corridors within the urban development areas, and species would retain access to foraging, watering, and sheltering sites.

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. For additional information regarding the movement of wildlife, please refer to **Topical Response 12: Wildlife Habitat Connectivity, Corridors, and Crossings**.

## **Response 27**

The commentor states that the proposed Project would encroach on the floodplain of the last major wild river in southern California and would permanently affect the habitat of endangered species, citing the California condor.

The Draft EIS/EIR presented analyses of the potential impacts of the proposed Project and Alternatives on the Santa Clara River and associated floodplain. As described in **Section 4.2, Geomorphology and Riparian Resources**, the existing floodplain of the Santa Clara River in the Project area is a natural alluvial river system with multiple channels (braided channels). The analysis of the floodplain takes into consideration the episodic nature of the system. The River's morphology, stability, and character is almost entirely determined by "reset" events from large, El Niño-driven precipitation events that occur in the watershed every 5 to 15 years (see **Subsection 4.2.3.1.1, Erosion and Sedimentation**).

**Subsection 4.5.5.3, Impacts to Special-Status Species**, of the Draft EIS/EIR also evaluated potential impacts to the special-status species, including threatened and endangered species, known to inhabit or potentially inhabit the Santa Clara River and its associated floodplains. One species identified by the commentor is the California condor. The California condor has been observed foraging on the Project site and is known to routinely overfly the area. The Draft EIS/EIR concluded that impacts to potential condor foraging habitat would be less than significant due to a lack of prey and limited foraging opportunities in the Project development area. However, potential impacts to individuals and secondary impacts would be significant absent mitigation because individual condors may come into contact with humans during construction and post-development. The Draft EIS/EIR concluded that these potential impacts to California condor would be reduced to less than significant under Alternatives 2 through 7 with the implementation of Mitigation Measures SP-4.6-29 through SP-4.6-33, SP-4.6-36 through SP-4.6-42, BIO-19 through BIO-21, BIO-63, BIO-69, BIO-81, and BIO-82. While the loss of foraging habitat for California condors was determined to be less than significant, the dedication of the High Country SMA, Salt Creek area, and River Corridor SMA would provide suitable foraging habitat for the species.

**Section 4.2, Geomorphology and Riparian Resources**, of the Draft EIS/EIR concluded that the proposed Project would have permanent effects on the Santa Clara River and floodplain resulting from the construction of Project infrastructure, including buried bank stabilization and bridges. This would include habitat for a variety of special-status species, including threatened and endangered wildlife that were analyzed in **Subsection 4.5.5.3, Impacts to Special-Status Species**. However, the analysis in **Section 4.2, Geomorphology and Riparian Resources**, determined that impacts to geomorphic function and potential scour impacts to riparian resources in the River Corridor would be less than significant (see pp. 4.2-64 through 4.2-73 of the Draft EIS/EIR). The Draft EIS/EIR concluded that bank stabilization, bridges, and turf-reinforced mats would not cause significant scouring and would not alter the amount and pattern of riparian vegetation communities along the River within the Project area. In addition, there would not be a significant difference in flow depths or total shear in existing riparian communities post-development. The River Corridor would retain sufficient width to allow natural fluvial processes to continue in the Project area. In addition, in **Section 4.2, Geomorphology and Riparian Resources**, the Draft EIS/EIR determined that, with the implementation of mitigation, the construction of the proposed Project would

not result in significant impacts to water flows, velocities, depth, sedimentation, or floodplain and channel conditions within the Santa Clara River downstream of the Project area. Based on the geomorphology and riparian resource analyses presented in **Section 4.2**, Geomorphology and Riparian Resources, **Section 4.5**, Biological Resources analyzed the effect of these potential Project infrastructure impacts on special-status species. The Draft EIS/EIR determined that, because the mosaic of riparian habitats in the River that support special-status species would be maintained, the populations of the species within and immediately adjacent to the River Corridor would not be significantly affected (see **Subsection 4.5.5.3**, Impacts to Special-Status Species).

The Corps and CDFG appreciate the comment provided in your letter. Your opinion regarding the proposed Project and its effects on the River Corridor will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

### **Response 28**

The commentor states that the proposed Project would prevent wildlife from crossing through necessary wildlife corridors.

Thank you for providing comments regarding wildlife movement and corridors. As discussed in **Response 26**, above, the Draft EIS/EIR addressed wildlife landscape habitat connectivity, wildlife corridors, and wildlife crossings, and concluded that impacts to landscape habitat linkages and wildlife crossings would be adverse but not significant under Alternatives 2 through 7. Impacts to wildlife corridors would be significant absent mitigation under Alternatives 2 through 7. The Draft EIS/EIR concluded that impacts to wildlife corridors would be reduced to less than significant under Alternatives 2 through 7 with the implementation of Mitigation Measures SP-4.6-1 through SP-4.6-17, SP-4.6-21 through SP-4.6-26, SP-4.6-29 through SP-4.6-32, SP-4.6-36 through SP-4.6-42, SP-4.6-56, SP-4.6-63, BIO-1 through BIO-16, BIO-19 through BIO-21, BIO-59, BIO-63, BIO-69, BIO-72, BIO-73, BIO-85, and BIO-87. These mitigation measures include the dedication and management of the approximately 6,300-acre High Country SMA, Salt Creek area, and River Corridor SMA.

For further information related to wildlife corridors and wildlife movement, please see **Response 26** and refer to **Topical Response 12: Wildlife Habitat Connectivity, Corridors, and Crossings**.

For information describing the Project area and its location within a Mediterranean ecoregion, please see **Response 29** below.

### **Response 29**

The comment states that the proposed Project would destroy portions of an irreplaceable ecoregion, characterizing the upper Santa Clara River as part of one of the five areas in the world with a Mediterranean-type habitat and including more imperiled species than any other region in the continental United States. The commentor states that the proposed Project will affect the habitat of many endangered species. The comment does not address the adequacy of the environmental analysis provided in the Draft EIS/EIR.

Mediterranean type climates are characterized by modest annual precipitation, mostly falling in winter, with warm, often extended, dry summers and relatively mild winters.<sup>1</sup> These conditions are characteristic of five regions worldwide, exhibiting convergence in habitat types, high species diversity, and also high human populations and consequent land use conversions.<sup>2</sup> Thus, Myers and coauthors<sup>3</sup> designated the five Mediterranean ecosystem regions as "biodiversity hotspots" in a much-cited report identifying a total of 25 "biodiversity hotspot" regions worldwide with high species diversity and regional endemism as highest priorities for global conservation planning. The "California Floristic Province" (*i.e.*, the western part of California and parts of adjacent Oregon and Baja California<sup>4</sup>) was included among them.

The Santa Clara River is within the California Floristic Province and, therefore, is a part of the biodiversity hotspot Myers and coauthors<sup>5</sup> identified, though it is only a small portion of its total area. The California Floristic Province does support exceptionally high biodiversity, including many threatened and endangered plant and animal species, although only a small portion of these species are known or have potential to occur on or near the proposed Project site. Impacts of the proposed Project to biological resources on the Newhall Ranch site (*i.e.*, representative of the regional Mediterranean-type habitat), including potential impacts to rare, threatened, or endangered plants and animals of the region, were analyzed in the Draft EIS/EIR, **Section 4.5**, Biological Resources. The analysis in **Section 4.5** of the Draft EIS/EIR concluded that impacts to all biological resources except impacts to San Fernando Valley spineflower (federal candidate for listing, state-listed as endangered, CNPS List 1B.1), southwestern pond turtle (California species of concern) and San Emigdio blue butterfly (California special animal) of the proposed Project (Alternative 2) would be reduced to less-than-significant levels with implementation of the proposed mitigation measures. All biological resource impacts of Alternatives 3 through 7 would be reduced to less-than-significant levels with implementation of the proposed mitigation measures.

Please see **Response 73**, below, for a discussion of urban sprawl.

### Response 30

The comment expresses concerns regarding how significant impacts to numerous special-status species including mountain lions, arroyo toads, and burrowing owls would be mitigated to less-than significant levels. The commentor has requested information on who would be the monitoring biologist; how

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<sup>1</sup> Cody, M. L. 1986. "Diversity, rarity, and conservation in Mediterranean-climate regions." In *Conservation Biology: The Science of Scarcity and Diversity*, M.E. Soule (ed.), 122–152. Sunderland, Massachusetts: Sinauer Associates, Inc.; Minnich, R. A. 2007. "Climate, paleoclimate, and paleovegetation." In *Terrestrial Vegetation of California*, M. G. Barbour, T. Keeler-Wolf, and A. A. Schoneherr (eds.), 43–70. Berkeley, California: University of California Press.

<sup>2</sup> Cody, M. L. 1986. "Diversity, rarity, and conservation in Mediterranean-climate regions." In *Conservation Biology: The Science of Scarcity and Diversity*, M.E. Soule (ed.), 122–152. Sunderland, Massachusetts: Sinauer Associates, Inc.

<sup>3</sup> Myers, N., R. A. Mittermeier, C. G. Mittermeier, G. A. B. daFonseca, and J. Kent. 2000. "Biodiversity hotspots for conservation priorities." *Nature* 403:853–858.

<sup>4</sup> Hickman, J. C. 1993. *The Jepson Manual: Higher Plants of California*. Berkeley, California: University of California Press.

<sup>5</sup> Myers, N., R. A. Mittermeier, C. G. Mittermeier, G. A. B. daFonseca, and J. Kent. 2000. "Biodiversity hotspots for conservation priorities." *Nature* 403:853–858.



monitoring during construction would be conducted, where animals would be relocated to, and how the relocation of wildlife would affect the relocation area and the species that occur at that location; and how limiting human and pet access can be enforced.

The comment expresses skepticism that impacts would be mitigated to less-than-significant levels. The CDFG and Corps recognize that impacts associated with the development of large-scale land use projects are complex in both describing the context and intensity of the effect and demonstrating that the effects of the proposed Project can be adequately mitigated to less-than-significant levels through the application of mitigation. **Section 4.5**, Biological Resources, of the Draft EIS/EIR provided information and analysis regarding the potential impacts to biological resources from the proposed Project and Alternatives, including mountain lions, arroyo toads, and burrowing owls. **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR identified mitigation that would reduce impacts of the proposed Project to biological resources to less-than-significant levels for Alternatives 3 through 7. Furthermore, the Draft EIS/EIR concluded that impacts to mountain lions, arroyo toads, and burrowing owls would be less than significant with mitigation (see **Subsection 4.5.5.3**, Impacts to Special-Status Species). However, impacts under Alternative 2 remain significant and unavoidable even with the implementation of mitigation for three species: San Fernando Valley spineflower, southwestern pond turtle, and San Emigdio blue butterfly. However, impacts to these species would be mitigated to less-than-significant levels for Alternatives 3 through 7. As required under CEQA, these effects were disclosed and mitigated in the Draft EIS/EIR in **Subsection 4.5.5.3**, Impacts to Special-Status Species.

The commentor also questioned how the implementation of the proposed mitigation strategy would reduce impacts to species such as the arroyo toad. Although arroyo toads were not detected in the Project area, the Draft EIS/EIR concluded that impacts to this species may occur as the species is cryptic and has been recorded in portions of the Santa Clara River upstream of the Project area. For this and other species, **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR presented a mitigation strategy that included habitat conservation, habitat avoidance and restoration, pre-construction surveys, the capturing and relocation of specific wildlife, construction monitoring, and subsequent post-construction monitoring and reporting to determine success. For arroyo toads, the use of pre-construction surveys and biological monitors to capture and relocate the species prior to construction is a common method employed to reduce or avoid impacts. These types of measures are routine permit requirements used by state and federal wildlife agencies and require that only qualified biologists perform the fieldwork. The Draft EIS/EIR considers the implementation of pre-construction surveys and biological monitors to capture and relocate species prior to construction as a component of the overall strategy to reduce impacts to arroyo toads.

Each of these measures presented in **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR was developed as one component of the overarching mitigation strategy used to reduce effects to individual species. The intent of the measures is to provide several mechanisms to reduce or avoid impacts to the species and does not rely on monitoring or relocation alone. Analysis presented in **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR concluded that impacts to arroyo toads would be mitigated to less than significant for Alternatives 2 through 7.

Several measures that require the completion of pre-construction surveys and monitoring were presented in **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR. In some cases, mitigation measures are highly prescriptive and detailed. For example, the construction-related monitoring requirements for arroyo toad referenced in the comment are very specific, as illustrated in Mitigation

Measure BIO-17. These measures provide specificity regarding the qualifications of the biologists; the timing and location of the surveys; the actions required by the monitors; where and how the species would be collected; and the identification of potential relocation sites. In this mitigation measure, the applicant is required to develop a plan containing these elements subject to review and approvals by U.S. Fish and Wildlife Service (USFWS) and CDFG.

The commentor also expresses concern that relocation of wildlife (*i.e.*, arroyo toad, or other species) may affect populations of wildlife that occur within the proposed relocation site. As described in Mitigation Measure BIO-17 of the Draft EIS/EIR, "Any arroyo toads found during clearance surveys or otherwise removed from work areas will be placed in nearby suitable, undisturbed habitat. The authorized biologist will determine the best location for their release, based on the condition of the vegetation, soil, and other habitat features and the proximity to human activities. Clearance surveys shall occur on a daily basis in the work area". To ensure that diseases are not spread among populations, handling during relocation would be conducted according to the fieldwork code of practice developed by the Declining Amphibian Populations Task Force.<sup>6</sup> These actions would be conducted by a qualified biologist approved by the USFWS. In addition, the potential effects of specific mitigation on wildlife were considered in the evaluation of impacts presented in **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR.

The comment also questions the enforcement of restrictions on human and pet access to open space areas. In this case, analysis in **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR evaluated the effectiveness of mitigation measures previously adopted by the County of Los Angeles for the Newhall Ranch Specific Plan addressing restrictions on use of the trail system (*i.e.*, SP-4.6-17, SP-4.6-29 through SP-4.6-31, and SP-4.6-39). (Newhall Ranch Specific Plan mitigation measures are identified in the Draft EIS/EIR as "SP" measures.)

Although the performance standards of the mitigation measure are clear, the mechanics of enforcement would depend on the entity ultimately responsible for enforcement. In association with Mitigation Measure SP-4.6-17, Mitigation Measure SP-4.6-26 specifies the future disposition of the River Corridor SMA, including ownership and management. Mitigation Measure SP-4.6-38 specifies the future disposition of the High Country SMA, including ownership and management.

The actual plan for enforcement of the standards in SP-4.6-17 (*i.e.*, details of who will be responsible for enforcement and how it will be conducted), is an element of management, and must be provided to the County of Los Angeles prior to recordation of the River Corridor SMA Conservation and Public Access Easement. The County of Los Angeles would be responsible for enforcement of SP-4.6-17 within the River Corridor SMA. Mitigation Measure SP-4.6-41 states that recreation within and conservation of the High Country SMA will be the responsibility of a joint powers authority (JPA) of the County of Los Angeles, the City of Santa Clarita, and the Santa Monica Mountains Conservancy. The JPA would be responsible for enforcement of SP-4.6-41 within the High Country SMA. The Salt Creek area would be managed in conjunction with the High Country SMA (BIO-19).

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<sup>6</sup> DAPTF (Declining Amphibian Populations Task Force). "The Declining Amphibian Task Force Fieldwork Code of Practice." [http://www.fws.gov/ventura/speciesinfo/protocols\\_guidelines/docs/DAFTA.pdf](http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/docs/DAFTA.pdf) (accessed April 27, 2010).

Upon project approval, CDFG would also adopt a mitigation monitoring or reporting program, pursuant to Public Resources Code section 21081.6, to ensure that the mitigation measures and project revisions it has adopted to mitigate or avoid significant impacts of the project are implemented, consistent with CDFG's regulatory jurisdiction under the California Endangered Species Act (CESA) and California Fish & Game Code section 1600 *et seq.*

### **Response 31**

The comment states that mitigation measures identified in the Draft EIS/EIR for rare and endangered species are not possible.

As discussed in **Response 30**, above, the Draft EIS/EIR identifies adequate and feasible mitigation measures for endangered and rare species. The comment does not present any substantial evidence that these measures would not be feasible. The Corps and CDFG appreciate your concerns and 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.

### **Response 32**

The comment states that the San Diego black-tailed jackrabbit is an example of a species for which the commentor believes that the proposed mitigation is not possible. The commentor provides anecdotal information and observations about the black-tailed jackrabbit as supporting evidence for this statement, including reports from others of observations of jackrabbits in the flatter and gently sloping terrain in the Project area. The commentor also asserts that this formerly common species is now extinct in the Santa Clarita Valley, San Fernando Valley, Los Angeles Basin, and San Gabriel Valley (although the commentor acknowledges that a few may occur in the Simi Valley and undeveloped locations east of the San Gabriel Valley). The commentor asks what will happen to jackrabbits on and near Newhall Ranch. The commentor also attributes the disappearance of golden eagles in the Los Angeles Basin and greater area to a collapse of the jackrabbit population.

The black-tailed jackrabbit occupies diverse habitats, but the species is more commonly found in arid regions supporting short-grass habitats or open scrub communities. Black-tailed jackrabbits are common in grasslands that are overgrazed by cattle, and they are well adapted to using low-intensity agricultural habitats (Lechleitner 1959). This behavior and locations of reported observations are consistent with the low number of recorded sightings within the foothills and mountainous areas described by the commentor.

The commentor also indicated that regulatory agencies and local governments have not acted to prevent the decline of black-tailed jackrabbit. The CDFG monitors threats to this species and is aware that coastal populations of black-tailed jackrabbit have declined with urbanization. The black-tailed jackrabbit is not extinct in the Santa Clarita Valley, San Fernando Valley, Los Angeles Basin, and San Gabriel Valley; however, populations of this species, which were once more widespread, have declined and, in some areas, local populations have been extirpated. The subspecies San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), which is likely the subspecies occurring in the Project area (Impact Sciences 2005), has been designated a "Species of Special Concern" by the CDFG (CDFG 2008C). The goal of designating species as "Species of Special Concern" is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long term viability.

The commentor also expresses concern about effects of proposed Project or alternatives on this species in light of the commentor's belief that the proposed mitigation is not possible. The black-tailed jackrabbit is known to occur in the Project area and was observed by Impact Sciences on the proposed Project site in 2005 (Impact Sciences 2005). This species was also observed southeast of Castaic Lake less than a mile west of San Francisquito Creek in 2005 (CDFG 2007A). In order to evaluate potential effects to this species, **Subsection 4.5.5.3, Impacts to Special-Status Species**, of the Draft EIR/EIS presented information on the life history, ecology, and potential for black-tailed jackrabbits to occur in the Project area. The Draft EIS/EIR described the existing threats to black-tailed jackrabbits, their known/expected range, and evaluated how construction of the proposed Project would affect this species and its habitat. The Draft EIS/EIR identified feasible mitigation measures (including SP-4.6-1 through SP-4.6-16, SP-4.6-18, SP-4.6-19, SP-4.6-21 through SP-4.6-27, SP-4.6-36 through SP-4.6-42, SP-4.6-63, BIO-1 through BIO-16, and BIO-19 through BIO-21) that would result in a large, permanent open space system that would conserve habitat for this species. This open space will be conserved in three main interconnected areas: the River Corridor SMA, the High Country SMA, and the Salt Creek area (**Figure 4.5-3**). The analysis in the Draft EIS/EIR then concluded that, with mitigation, impacts to this species would be less than significant for Alternatives 2 through 7.

The commentor also attributes the decline of golden eagle to the "collapse" of black-tailed jackrabbit populations in the Los Angeles Basin and vicinity. The CDFG currently tracks the threats and status of golden eagles, and this species is designated a Fully Protected species by the State of California under Fish & Game Code section 3511. The decline of golden eagle populations has occurred for a variety of reasons, including the widespread conversion of foraging habitat, urbanization, and human disturbance of nest sites. **Subsection 4.5.5.3, Impacts to Special-Status Species**, of the Draft EIS/EIR presented detailed information regarding the status, threats, and ecology of golden eagles. While this species is known to forage on black-tailed jackrabbits; golden eagles prey on a variety of species, including other rabbits, hares, and squirrels, and it will also feed on reptiles, birds, and sometimes carrion (Olendorff 1976; Johnsgard 1990). Golden eagles were detected within the High Country SMA and are expected to forage in the proposed Project area. Analysis in the Draft EIS/EIR concluded that impacts to golden eagles and their foraging habitat would be mitigated to less-than-significant levels for Alternatives 2 through 7 (**Subsection 4.5.5.3, Impacts to Special-Status Species**).

### Response 33

The commentor states that the proposed Project would result in loss of suitable foraging habitat for a variety of special-status species and direct loss of habitat for special-status species.

**Section 4.5, Biological Resources**, of the Draft EIS/EIR provided an analysis of the potential impacts to biological resources that have the potential to occur in the proposed Project area, including rare plants, mountain lions, mule deer, condors, raptors, reptiles, amphibians, and other special-status species. The Draft EIS/EIR also presented mitigation to reduce these impacts. This analysis included an evaluation of how the proposed Project would affect species from the loss of foraging habitat to both common wildlife and special-status species. Impacts of habitat loss (including direct loss and indirect loss due to degradation) were assessed in a variety of ways, including the guild method, as well as consideration of the habitat needs of individual special-status species. For additional discussion regarding potential impacts to plants and wildlife, please see **Response 34**, below.

### Response 34

The commentor states that the Draft EIS/EIR is "very inconsistent" in describing potential mitigation measures and other solutions to a problem and that the mitigation measures are weak or vague. As an example, the commentor indicates that the Draft EIS/EIR states repeatedly that the effects of development will be significant and ultimately unavoidable.

This comment expresses a general concern about inconsistency and weakness or vagueness of the mitigation measures proposed in the Draft EIS/EIR and links this concern to statements in the Draft EIS/EIR that the effects of development will be significant and unavoidable as an example of this inconsistency, weakness, or vagueness.

Statements in the Draft EIS/EIR describing the significance of Project effects inform decision makers of the environmental consequences of the proposed Project. Generally, analysis in the Draft EIS/EIR considers whether various effects of the proposed Project would result in significant adverse effects and whether, with mitigation, significant adverse effects would be avoided or reduced to less-than-significant levels. In addition, please see discussion above in **Response 30** for an example of prescriptive mitigation measures identified in the Draft EIS/EIR. The Draft EIS/EIR identified feasible mitigation to reduce impacts of the proposed Project to special-status species, including endangered and rare species. **Comment 35** provides a specific example of the commenter's concern and is responded to in **Response 35**, below.

The commentor states that the Draft EIS/EIR repeatedly indicates that the effects of the proposed Project will be significant and unavoidable even with the implementation of mitigation. **Subsection 4.5.8**, Significant Unavoidable Impacts, of the Draft EIS/EIR identifies the significant and unavoidable impacts associated with the proposed Project. Only Alternative 2 (the proposed Project) would result in significant and unavoidable impacts to three species (listed below). However, while many potential impacts were found to be significant, the Draft EIS/EIR identifies feasible mitigation to reduce other impacts to biological resources to less than significant (see **Tables 4.5-72 through 4.5-75** in **Subsection 4.5.7**, Summary of Significance Findings). Significant and unavoidable impacts (*i.e.*, impacts that cannot be reduced, minimized, or mitigated to a level less than significant) under the proposed Project (Alternative 2) were found for only three species, of the more than 90 species analyzed in the Draft EIS/EIR. Impacts to San Fernando Valley spineflower, southwestern pond turtle, and San Emigdio blue butterfly would be significant and unavoidable under Alternative 2.

### Response 35

The commentor questions the feasibility of Mitigation Measure SP-4.6-17 that limits public access and pets in the River Corridor SMA and asks how this mitigation measure can be monitored with regard to secondary impacts, such as use of bird feeders (which attract non-native species), domestic cats, human disturbance, and trash build-up.

To clarify, Mitigation Measure SP-4.6-17 was previously approved and adopted by the County of Los Angeles for the Newhall Ranch Specific Plan Program EIR. These measures were incorporated into the proposed Project.

Upon project approval, CDFG would also adopt a mitigation monitoring or reporting program, pursuant to Public Resources Code section 21081.6, to ensure that the mitigation measures and project revisions it has adopted to mitigate or avoid significant impacts of the Project are implemented, consistent with CDFG's regulatory jurisdiction under CESA and California Fish & Game Code section 1600 *et seq.*

For additional discussion regarding enforcement, please see **Response 30**.

Regarding the monitoring of residential bird feeders, the measures identified in the Draft EIS/EIR do not directly address the commentor's concern about the use of bird feeders by individual homeowners. Although Mitigation Measure BIO-63 requires each HOA to supply educational information to future residents regarding wildlife, the intent of the measure is to ensure that homeowners have access to educational information that will include guidelines for how to avoid attracting nuisance and non-native species and how to minimize the chance of bird feeders (and bird baths) spreading diseases such as Trichomoniasis. It is highly unlikely that covenants, conditions and restrictions (CC&Rs) will place restrictions on homeowner's use of backyard bird feeders or bird baths. However, the analysis presented in the Draft EIS/EIR considered the impacts of the proposed Project from these effects and deemed that the existing mitigation was adequate to reduce impacts to less than significant from these secondary effects.

### **Response 36**

The comment states a concern about the effect of rodent bait on non-target species that may ingest the bait directly or consume contaminated prey, and states that other Newhall Land and Farming projects place rodent bait along trails. The commentor also states that American coots along Bridgeport have been eliminated because they are a disturbance to the community. The commentor restates the concern the mitigation measures would not be enforced.

The concern about the use of rodent bait (rodenticides) is addressed in the analysis of secondary impacts in the Draft EIS/EIR for many of the special-status species that may be vulnerable to direct poisoning or secondary poisoning from ingesting contaminated prey. Analysis in the Draft EIS/EIR concluded that these impacts would be less than significant with the implementation of Mitigation Measure BIO-64. This measure addresses the use of pesticides, including rodenticides, and requires the development of an integrated pest management (IPM) plan that addresses the use of pesticides (including rodenticides and insecticides) on site. The IPM will be prepared prior to the issuance of building permits for the initial tract map, and the preparation of the CC&Rs for each tract map shall include language that prohibits the use of anticoagulant rodenticides in the Project site. The removal of American coots has not been proposed as a component of this Project. The removal of any native bird species would require compliance with the Migratory Bird Treaty Act and Fish & Game Code sections 3503, 3503.5, and 3513. 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.

### **Response 37**

The comment suggests that birds will not be allowed to persist in open space and indicates that stating that impacts to wildlife are unavoidable is not acceptable and the proposed mitigation measures are not adequate.

**Section 4.5**, Biological Resources, of the Draft EIS/EIR considered impacts to both common and special-status species that have the potential to occur in the proposed Project area. With the dedication of the River Corridor SMA, Salt Creek area, and High Country SMA, large continuous open space areas would be preserved that would support a variety of wildlife, including American coots and other birds. As discussed in **Subsection 4.5.5.2.3.4**, Impacts to Common Wildlife, the Draft EIS/EIR analysis concluded that impacts to common nesting birds would be mitigated to less-than-significant levels. The analysis in **Subsection 4.5.5.3**, Impacts to Special-Status Species, concluded that impacts to special-status birds would also be mitigated to less-than-significant levels.

**Subsection 4.5.8** of the Draft EIS/EIR contains a detailed description of the significant and unavoidable impacts associated with the proposed Project (Alternative 2) or Alternatives 3 through 7. While many potential impacts were found to be significant, absent mitigation, almost all are either avoidable or can be reduced, minimized, or mitigated to a level less than significant with appropriate mitigation measures. Significant and unavoidable impacts (*i.e.*, impacts that cannot be reduced, minimized, or mitigated to a level less than significant) under the proposed Project (Alternative 2) were found for only three species: San Fernando Valley spineflower, southwestern pond turtle, and the San Emigdio blue butterfly. Significant and unavoidable impacts to these and other special-status species would not occur under Alternatives 3 through 7.

The Corps and CDFG appreciate your comments and they will be made available to the decision makers prior to a final decision on the proposed Project.

#### **Response 38**

The comment states that the Newhall Ranch Specific Plan is a "leapfrog development." The term "leapfrog development" is used to describe a development project that skips over land located adjacent to urban or other developed areas, and instead is located in an outlying area. When this occurs, urban infrastructure required to serve the new development, such as roads, sewer and water lines, must be extended from the existing urbanized area across undeveloped land. This type of development pattern is often considered to be "growth inducing" because infrastructure extensions required to serve the new development may also facilitate the development of properties located between the existing urban area and the new development site.

The proposed Project is adjacent to urbanized areas located to the east and northeast, including development that has occurred adjacent to the Interstate 5 (I-5) corridor and the previously developed portions of the Valencia Commerce Center adjacent to State Route 126 (SR-126). In addition, infrastructure required to serve the Project site would not be extended across any intervening undeveloped areas. Therefore, the proposed Project is not considered "leapfrog development." **Subsection 7.2** of the Draft EIS/EIR evaluated the growth inducing impacts of the proposed Project. That evaluation concluded that the Project would not result in significant growth inducing impacts that were not previously identified by the EIR prepared for the Newhall Ranch Specific Plan.

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.

**Response 39**

The comment notes that the Project site is several miles east of Rancho Camulos. As indicated by this comment, a small portion (approximately 40 acres) of the larger Rancho Camulos site is a designated historical landmark. This area is located over two miles east of Piru, and due to the distance that separates the Rancho Camulos and the Project site, the proposed Project would not result in any significant impacts to Rancho Camulos. The comment does not address the adequacy of the environmental review provided in the Draft EIS/EIR, but will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

The comment also expresses opinions regarding development patterns that may occur in the Project region if the proposed Project is approved, and states that such development would phase out agricultural uses. The Draft EIS/EIR, **Section 4.12**, Agricultural Resources, concluded that the Project-related loss of on-site agricultural soils would result in a significant and unavoidable impact; however, the Project would not result in significant impacts to agricultural resources or operations located *off* of the Project site. The Draft EIS/EIR, **Section 7.0**, Significant Irreversible Changes, Growth Inducing Impacts, and Federal Impact Considerations, also discussed the growth inducing effects of the proposed Project and alternatives. (See Draft EIS/EIR, **Section 7.0**, pages 7.0-1-7.0-8.) The potential for reasonably foreseeable development to result in impacts to agricultural resources was also evaluated in **Section 6.0**, Cumulative Impacts, of the Draft EIS/EIR. That analysis concluded the Project would contribute to a significant and unavoidable cumulative impact to agricultural resources. Because the comment expresses an opinion regarding the Project and does not address the adequacy or content of the Draft EIS/EIR, no additional response is provided. The opinions regarding the proposed Project will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

**Response 40**

The results of the traffic impacts analysis are consistent with the comment that most people who buy homes in the proposed development will not live and work in the same community. The analysis determined that 78 percent of the Project's residential home-to-work trips will be for external trips, *i.e.*, the destination will be off the Project site, while 22 percent of the Project's residential home-to-work trips will be for internal trips, *i.e.*, the destination will be on site. (See **Topical Response 10: Vehicle Trip Distribution Methodology**, for a detailed explanation of the trip distribution methodology utilized to conduct the traffic impacts analysis.)

**Response 41**

The Corps and CDFG recognize that traffic congestion is a major concern of the residents in the surrounding areas. In that regard, the Draft EIS/EIR determined that while the proposed Project would result in an increase in the amount of vehicle traffic on I-5, SR-126, and the surrounding roadways resulting in significant impacts, these impacts would be reduced to a less-than-significant level with implementation of the recommended mitigation measures, which include such measures as the design and construction of Magic Mountain Parkway west of Westridge Parkway as an eight-lane roadway, which will provide substantial additional vehicle capacity to the area. (Draft EIS/EIR, p. 4.8-104, Mitigation Measure TR-1.) (See also, *e.g.*, Draft EIS/EIR, **Subsection 4.8.8.2**, Impacts of Alternative 2 (Proposed Project); **Subsection 4.8.9**, Mitigation Measures; and, **Subsection 4.8.10**, Summary of Significance Findings.) As shown on Draft EIS/EIR **Tables 4.8-28** and **4.8-29**, implementation of the proposed



mitigation measures, in combination with implementation of other roadway improvements made necessary by cumulative development, would result in each of the impacted roadway segments operating at acceptable conditions as a result of the increased capacity attributable to the roadway improvement mitigation. The increased capacity would accommodate the increased traffic and, thereby, reduce impacts to a level below significant. (Draft EIS/EIR, pp. 4.8-107-111.)

#### **Response 42**

Please see **Response 40**, above.

#### **Response 43**

Please see **Response 40**, above. With respect to the comment regarding control of the traffic model data, the traffic model used for the Draft EIS/EIR traffic study is jointly maintained by the City of Santa Clarita and the County of Los Angeles. Inputs to the traffic model are conducted with the oversight of City and County transportation engineering staff. Please see **Topical Response 10: Vehicle Traffic Distribution Methodology**, for additional information regarding the traffic model.

#### **Response 44**

The purpose of the referenced excerpt is to explain that Alternative 2 would not result in significant impacts to the roadways within the *on-site* transportation network, to be distinguished from the *off-site* roadways, which the EIS/EIR determined would be significantly impacted by this alternative. (Draft EIS/EIR, pp. 4.8-46 - 47.) The excerpt neither states nor implies that "cumulative negative impacts outside the project area are OK." However, as noted in **Response 41**, above, the Draft EIS/EIR includes mitigation measures that would reduce the identified impacts to off-site roads to a less-than-significant level. (Draft EIS/EIR, **Subsection 4.8.10**, Summary of Significance Findings.)

#### **Response 45**

A reduced density alternative would result in fewer significant impacts to I-5, as analyzed in the Draft EIS/EIR. The Draft EIS/EIR analyzed five development alternatives, each of which would result in a reduced density relative to the proposed Project. As shown on Draft EIS/EIR, **Table 4.8-5**, the proposed Project (Alternative 2) would result in 22,610 residential dwelling units (DUs) and 9.4 million square feet (msf) of non-residential development. Alternatives 3 through 7 would result in a range of DUs between 17,323 (Alternative 7) and 21,846 (Alternative 4), and non-residential uses ranging between 3.8 msf (Alternative 7) and 9.3 msf (Alternative 3). Draft EIS/EIR, **Table 4.8-25** summarizes the significant impacts under the proposed Project and each alternative. As shown on the table, Alternative 7, the lowest density alternative, would result in substantially fewer significantly impacted segments of I-5 than the proposed Project.

However, the mitigation measures included in the Draft EIS/EIR relative to the I-5 are based on an improvement project designed and approved by Caltrans to reduce traffic congestion on the roadway. With implementation of the recommended improvements, the affected segments of I-5 would operate at acceptable levels of service. (See, Draft EIS/EIR, **Table 4.8-28** and **Table 4.8-29**.) As noted in the Draft EIS/EIR, page 4.8-38, under the No Action/No Project Alternative, I-5 would operate under deficient conditions as a result of cumulative background traffic unrelated to the proposed Project.

**Response 46**

As noted in the Draft EIS/EIR, pages 4.8-105 to 4.8-106, the mitigation measures proposed for the I-5 require that the Project applicant (*i.e.*, Newhall) contribute its fair-share of the costs to construct planned roadway improvements that would reduce the Project's impacts on I-5 to a less-than-significant level.

**Response 47**

The comment provides background information regarding the existing geological setting of the Project site and neighboring vicinity, and requests that the analysis consider the potential aftermath of an earthquake to Project-related residents within the Specific Plan area and Entrada planning area. The Draft EIS/EIR, **Section 4.13**, addresses the geology and geologic hazards. The section analyzes whether the proposed Project and alternatives would have the potential to expose people or structures to significant geological hazards, such as fault rupture, ground motion, liquefaction and landslides. The analysis concludes that, with implementation of previously adopted mitigation measures, all potential impacts would be reduced to less-than-significant levels.

Because the comment does not raise any specific issue regarding the analysis of geological impacts in the Draft EIS/EIR, no more specific response can be provided. In general, however, please note that the comment's characterization of the geological conditions in the Project area is of a general nature and could be applied to nearly all of southern California. Over time, areas within southern California have and continue to warp upwards (uplift) while other areas have and continue to warp downward (subsidence). Most of these changes in elevation occur slowly over long geologic time intervals (*i.e.*, such changes are not perceptible or measurable by a single lifetime) and over relatively broad areas. Except for offsets on active faults during earthquakes, these slow changes in elevation are only recorded by regional surveys and do not result in significant impacts to urban development.

The comment also states that the Project site is bordered on the south by layers of rock that are actually upside down due to the intense pressure and movement in that area. Some folds in the regional area have sequences of older strata that do have limbs that are tilted beyond vertical. The majority of this deformation is documented to have occurred prior to the Pleistocene age (*i.e.*, more than a million years ago). Therefore, it is unlikely that these geologic forces would have a significant effect on the proposed urban development on the Project site.

As noted in the comment, portions of the Project site are susceptible to landslides. The existing environmental conditions associated with landslides are addressed in the Draft EIS/EIR, **Subsection 4.13.4.6.3**, Slope Failure/Landslides, which provides in part:

"Areas susceptible to landslides are typically characterized by steep, unstable slopes with a history of previous slope failure. Numerous landslides, ranging from shallow surficial failures to large landslides are present in the Project area. The larger landslides are depicted on **Figures 4.13-1** through **4.13-3**. Many of the larger identified landslides are on the south side of Salt Creek Canyon, which is designated as open space. There are numerous existing landslides located on the eastern, southern, and northwest portions of the Project area. A total of 112 landslides were mapped on the Homestead portion of the Specific Plan site, including 20 at the proposed Chiquito Business Park, 20 at the Chiquito Estate lots, 20 at Homestead Central, 17 at Homestead West, nine at Potrero

Ridge, 15 at Long Canyon, and 11 at Mesa West. An additional 52 landslides were mapped on the Mission Village portion of the Specific Plan site. No landslides were found at the Landmark Village, WRP, or Onion Field areas of the Specific Plan site." (Draft EIS/EIR, p. 4.13-27.)

When assessing whether significant environmental impacts would result from the landslide prone areas within the Project site, the analysis concluded that:

"At least several hundred landslides have been mapped within the Specific Plan site. Numerous landslides were reactivated during the Northridge earthquake and during subsequent heavy winter rains. North of the River between the Project area's western boundary and Chiquito Canyon, extensive landslides have been mapped (**Figure 4.13-1**). These known landslide areas present a slope failure risk. This potential movement is considered a significant impact and would potentially result in damage to RMDP infrastructure, and people. These significant direct impacts would be reduced through the application of mitigation measures adopted for the Specific Plan because the landslides would be stabilized, removed, or avoided in compliance with Los Angeles County Department of Public Works codes and policies. The requirements of the Specific Plan mitigation measures are summarized in **Table 4.13-1** and presented in **Subsection 4.13.7** of this EIS/EIR. Therefore, landslide hazard impacts resulting from development on the Specific Plan site that is facilitated by proposed RMDP infrastructure improvements can be reduced to a less-than-significant level under Significance Threshold 1." (Draft EIS/EIR, p. 4.13-36.)

With respect to seismicity, the existing environmental conditions associated with earthquake-related events were addressed in the Draft EIS/EIR, **Subsection 4.13.4.6**, Geologic Hazards, and under the analysis of direct impacts for each Project alternative. The analysis provided in the Draft EIS/EIR concluded, in part:

"Within the Specific Plan area, there are several locales where potentially active faults occur; although no faults designated as active per Alquist-Priolo criteria have been identified. These faults include the potentially active Del Valle and Salt Creek faults, which are located on the western one-half of the Project area, and faulting associated with the Holser Structural Zone, which are located in the northeast corner of the Project area currently known as Mission Village (*i.e.*, designated as the Saddle and Airport Mesa lineaments). Movement along these faults would have the potential to result in significant adverse impacts to RMDP infrastructure and people. These significant direct impacts would be reduced through the application of mitigation measures previously adopted for the Specific Plan. The requirements of the Specific Plan mitigation measures are summarized in **Table 4.13-1** and are provided in **Subsection 4.13.7** of this EIS/EIR. These mitigation measures will reduce the significant ground rupture impacts of the Specific Plan to a less-than-significant level under Significance Threshold 1 because Specific Plan Mitigation Measures SP-4.1-51, 52, 53 and 54 require site investigations to locate fault-related features and to avoid placing structures on or near faults." (Draft EIS/EIR, pp. 4.13-38 - 4.13-39.)

Faults referred to by this comment are considered to be active by the U.S. Geological Survey (USGS), which can designate active or potentially active faults as being part of an Alquist-Priolo Zone. However, the eastern portion of the San Cayetano-Holser fault, east of Fillmore, is not considered to be active and is not subject to the building setback and other requirements of the Alquist-Priolo Act. The Holser fault does not have Pleistocene activity/ movement, as it does not cut Pleistocene older alluvium, Pleistocene-Recent alluvium, or landslides. The Santa Susana fault system is subject to the Alquist-Priolo Act. However, the Santa Susana fault system is well to the south of the Project site.

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.

#### **Response 48**

The comment states that it is challenging to provide specific comments regarding the geological and paleontological characteristics of the Project site because the applicant has denied access to independent researchers wanting to study conditions on the Project site. The Draft EIS/EIR addresses the referenced environmental topics in **Section 4.13**, Geology and Geologic Hazards, and **Section 4.11**, Paleontological Resources. Relevant geology and paleontology papers studying areas adjacent to the Project site, as well as regional papers, were consulted and used in the development of the paleontological resource mitigation measures presented in the Draft EIS/EIR. (See Draft EIS/EIR **Subsection 4.11.7**.) The geology of the Project area is well documented in the referenced geologic maps and scientific literature. All investigations of the Project site to assess geological conditions and related impacts to urban development, and to evaluate paleontological resources and potential impacts, were conducted by qualified professionals that had full access to the entire Project site. There is no requirement that site-specific studies prepared by appropriate professionals be confirmed by independent researchers. The analyses prepared as part of the Draft EIS/EIR and the certified Newhall Ranch Specific Plan Program EIR are complete and supported by appropriate field studies conducted by experts. Therefore, the analysis provided in the Draft EIS/EIR is adequate.

#### **Response 49**

The comment states that the Towsley Formation fossil locality was omitted from the Draft EIS/EIR. However, the Draft EIS/EIR, **Subsection 4.11.4.1**, Stratigraphy, provides the following information regarding the Towsley Formation:

**"Towsley Formation.** Exposures of the Towsley Formation are located in Salt Canyon and High Country areas in the southern portion of the Project area. The Towsley Formation is a late Miocene to early Pliocene (eight to four million years ago) marine deposit. The shales, sandstones, and conglomerates of the Towsley Formation were deposited in a gradually shallowing marine basin. Portions of this unit were deposited as submarine sediment flows, bringing sand and rocks (some as large as boulders) into the deep seas. Fossil marine vertebrates and invertebrates are known from exposures of this formation east of the Project area, along State Route 14. At these locations, the remains of fossil whales, sea cows (manatees), a distant relative of the walrus, and numerous invertebrates have been collected. These fossils occur in locally abundant concentrations or horizons. Although this unit has been examined in only a few locations, it appears that fossils occur throughout the deposit. Therefore, this formation is assigned a high

paleontological potential." (Draft EIS/EIR, p. 4.11-7; see also p. 4.11-9 [the Towsley Formation is not located within either the VCC or Entrada planning areas].)

The Draft EIS/EIR found that "[e]xposures of the Towsley Formation on the Specific Plan area are restricted to future open areas where no surface disturbance would occur." (*Id.* at p. 4.11-11.) Because no surface disturbance would occur, impacts were found to be less than significant within this formation. (*Id.*)

While not expected, in light of the avoidance of surface disturbance, if found on the Project site in the future, specimens of *Calypptogena (Calypptogena) gibbera* would be salvaged and made available for study as part of the mitigation measure presented in the Draft EIS/EIR, **Subsection 4.11.7**. Specifically, Mitigation Measures SP 4.3-4, PR-5 and PR-7 prescribe requirements for the treatment of fossils that may be found on the Project site.

Because the Towsley Formation is not located in an area that would be subjected to development activity, "[w]ith the implementation of proposed mitigation measures, potential impacts resulting from each Project alternative would be reduced to a less-than-significant level. None of the Project alternatives would result in secondary (off-site) impacts to paleontological resources." (See, Draft EIS/EIR, p. 4.11-27.)

#### **Response 50**

The comment claims that the applicant has denied researchers access to its property and that fossils were collected on the Project site prior to the time at which the applicant assumed control of the property. The applicant's control of its private property is not relevant to the analysis in the Draft EIS/EIR. RMW Paleo, the paleontological consultant for the Draft EIS/EIR, was provided complete access to the Project site, and the analysis of paleontological resources in Draft EIS/EIR, **Section 4.11** is supported by substantial evidence. Additionally, no fossils were collected prior to Newhall Land's control of the property as the applicant has controlled the Project site since before the referenced studies were conducted. Because the comment does not address the adequacy of the information or analysis provided in the Draft EIS/EIR, no additional response can be provided.

#### **Response 51**

The comment states that additional research needs to be conducted to better assess the significance of the proposed Project's impacts to paleontological resources. As described in **Responses 47 through 50**, above, appropriate and complete paleontological studies were conducted as part of the Draft EIS/EIR, **Section 4.11**, Paleontological Resources. The Draft EIS/EIR has provided adequate information to inform the public and decision-makers that paleontological resources exist on the Project site, the Project has the potential to result in impacts to those resources, and that the proposed mitigation measures would reduce the potential for significant impacts to paleontological resources to less-than-significant levels. CEQA does not require that an evaluation of the environmental effects of a proposed project be exhaustive (See Cal. Code Regs., tit. 14, § 15151 [Standards of Adequacy of an EIR]). As a result, the EIS/EIR is not required to review all past studies that may provide further detail regarding the paleontological resources of the Project site. The Draft EIS/EIR has described the Project's possible impacts to paleontological resources and has fulfilled its full-disclosure and impact analysis requirements. 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.

## Response 52

The comment states that the Pico Formation is known for its rich fossil deposits and that a current study was not mentioned in the Draft EIS/EIR. The Draft EIS/EIR, **Section 4.11**, Paleontological Resources, acknowledged the fossil resources on the Project site and, specifically, in the Pico Formation. As stated in the Draft EIS/EIR:

**"Pico Formation.** The Pico Formation is exposed along Potrero Canyon, Salt Canyon, Graves Canyon, Chiquito Canyon, and portions of San Martinez Grande Canyon. The Pico Formation was deposited in a shallowing marine basin. The base of the Pico Formation was deposited in deep waters, while the top of the formation was deposited in shallow marine or lagoonal waters. The top of the Pico Formation and the overlying Saugus Formation intermingle. The siltstones, sandstones, and conglomerates of this formation span the period from the early to the late Pliocene (four to two million years ago). This unit contains the remains of numerous invertebrates and occasional vertebrates. Extensive invertebrate fauna and at least one vertebrate have been recorded immediately adjacent to the Project area. Within the Project area, numerous invertebrates have been recovered from locations within Potrero Canyon, Long Canyon, and Chiquito Canyon. A fragmentary fossilized bone was discovered in the transition zone between the Pico Formation and the Saugus Formation, near the mouth of Long Canyon. Therefore, this formation is assigned a high paleontological potential." (Draft EIS/EIR, p. 4.11-7 - 4.11-8.)

The findings of the certified Newhall Ranch Specific Plan environmental documentation echoed this assessment:

"The Newhall Ranch Revised Draft EIR (March 1999) found that the Pico Formation and Saugus Formation within the development area of the Specific Plan site have a high potential to yield paleontological resources and that there is potential for the exposure of significant fossils in areas of these geologic units that are proposed for grading. Moreover, where Quaternary terrace deposits and Quaternary older alluvium exist in the development area, there is a moderate potential for yielding paleontological resources because there is potential for the exposure of significant fossils in areas of these geologic units. Therefore, the Specific Plan's grading activities could have significant impacts on the site's paleontological resources." (Draft EIS/EIR, p. 4.11-1.)

The Specific Plan environmental documentation also identified mitigation measures that would reduce the potential impacts to a level below significant. (Draft EIS/EIR, p. 4.11-2.) The Draft EIS/EIR recommended adoption of additional mitigation specifically pertaining to the Pico Formation to ensure that impacts remain less than significant:

- PR-1      A qualified paleontologist shall be retained to monitor and salvage scientifically significant fossil remains. The duration of these inspections depends on the potential for the discovery of fossils, the rate of excavation, and the abundance of fossils.

- (a) The Saugus and Pico Formations have a high potential to yield paleontological resources and will require continuous monitoring during all grading activities. This may require use of multiple paleontologists working on the site at the same time if simultaneous ground disturbing activities are occurring over an extensive area to assure all areas of excavation are being fully monitored for the presence of paleontological resources. The number of required monitors shall be determined by Project's monitoring paleontologist. . . . (Draft EIS/EIR, p. 4.11-25.)

The Squires study cited in the comment does not provide any information that contradicts the conclusions in the Draft EIS/EIR. 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.

### Response 53

Please see **Responses 48 and 50 through 52**, above, for responsive information. 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.

### Response 54

The comment states that the Draft EIS/EIR "misused stratigraphic nomenclature." However, the terms identified in the comment (*i.e.*, "strata vs. formations;" "intermingle;" "Sawtooth Ridge") are considered appropriate and not misleading because they are commonly used geological terms or terms commonly used to describe a prominent geographical feature of the Project site. Further, the Draft EIS/EIR's analysis of potential impacts to geology and geological resources is adequate and provides a sufficient level of detail to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. The EIS/EIR is intended as a public disclosure document, not a technical study. The comment also raises various concerns relating to the adequacy of figures presented in the Draft EIS/EIR. The illustrations in the Draft EIS/EIR (see **Figures 4.13-1 through 4.13-3**) were prepared to make them accessible to the general public. With respect to the identification of the Pico Formation, on the Oat Mountain Quadrangle<sup>7</sup>, Dibblee (1992) describes the Pico Formation as, in part, lagoonal. If the Pico Formation interfingers with the non-marine Saugus (as shown on Dibblee's map) then the Pico Formation has shallow water, shoreline, and possibly lagoonal environments. There are geologists that consider this transitional marine to non-marine strata as part of the Saugus Formation. The vast majority of the Saugus is non-marine and will continue to be shown as such. 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.

### Response 55

The comment states that the magnetostratigraphy of the area should have been discussed in the Draft EIS/EIR. As explained above, the Draft EIS/EIR's analysis of potential impacts to geology and geological resources is adequate and provides a sufficient level of detail to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. The EIS/EIR is intended as a public disclosure document, not a technical study. A discussion of magnetostratigraphy is

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<sup>7</sup> The Oat Mountain Quadrangle is a topographical map showing geological formations prepared by Thomas Dibblee, a renowned California geologist.

not required under CEQA or NEPA to permit meaningful evaluation of the proposed Project's significant effects to geology and geological resources, and the comment provides no information that contradicts or undermines the analysis in the EIS/EIR.

**Response 56**

The comment requests that the Project applicant leave a portion of the referenced outcrop area intact for future paleomagnetic studies. The gradational and inter-tonguing contact between the Pico and Saugus Formations stretches for many miles along the flank of the Santa Susanna Mountains, all the way from Towsley Canyon to the Santa Clara River and beyond. As mentioned above, Squires studied the contact in the Towsley Canyon area and geologists Levi & Yeats have studied the overlying Saugus Formation in the vicinity of "Sawtooth Ridge." **Response 52**, above, provides information regarding mitigation provided in the Draft EIS/EIR that requires procedures to follow in the event additional resources are found in the future. As discussed in **Section 4.13** of the Draft EIS/EIR, impacts to geologic resources would be less than significant with the mitigation identified in the EIS/EIR. Therefore, there is no requirement to identify additional mitigation measures or leave the requested portion of the outcrop area intact.

**Response 57**

As discussed above, the Draft EIS/EIR's analysis of potential impacts to geology and geological resources is adequate and provides a sufficient level of detail to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. The EIS/EIR is intended as a public disclosure document, not a technical study, and the level of detail in the analysis of geologic resources is appropriate for this type of document. Further, the analysis is supported by substantial evidence and reflects the independent judgment of the lead agencies.

**Response 58**

The comment states that the size of the proposed Project requires preservation of as much natural area as possible. As discussed in **Sections 4.11** and **4.13** of the Draft EIS/EIR, impacts to geologic and paleontologic resources would be less than significant with the mitigation identified in the EIS/EIR. Therefore, there is no requirement to preserve additional land. Because the comment does not address the adequacy of the information or impact analysis provided in the Draft EIS/EIR, no additional 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.

**Response 59**

The comment requests information regarding where fossils that may be discovered on the Project site would be stored. As provided by a mitigation measure recommended in the Draft EIS/EIR:

PR-5      Scientific specimens are to become the property of a public, nonprofit educational institution, such as the Los Angeles County Museum of Natural History (or similar institution). Most institutions are now requiring, as conditions for accepting the materials, that significant fossils be prepared, identified to a reasonable level, and catalogued before donation. Therefore, to meet these requirements, prior to the start of Project-related grading, an agreement shall be reached with a suitable scientific repository regarding acceptance of the fossil collection.



(Draft EIS/EIR, p. 4.11-26.) Because the comment does not raise any specific issue regarding the analysis provided in the Draft EIS/EIR, no more specific 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.

## **Response 60**

The comment states that there must be a guarantee that the paleontological resource monitors have a degree in geology and have taken a course in paleontology. The mitigation measures recommended in the Draft EIS/EIR require that a "qualified paleontologist" be retained to monitor and salvage significant fossil remains:

PR-1      A qualified paleontologist shall be retained to monitor and salvage scientifically significant fossil remains. The duration of these inspections depends on the potential for the discovery of fossils, the rate of excavation, and the abundance of fossils.

(a)          The Saugus and Pico Formations have a high potential to yield paleontological resources and will require continuous monitoring during all grading activities. This may require use of multiple paleontologists working on the site at the same time if simultaneous ground disturbing activities are occurring over an extensive area to assure all areas of excavation are being fully monitored for the presence of paleontological resources. The number of required monitors shall be determined by Project's monitoring paleontologist.

(b)          The older dissected Pleistocene formations have a moderate potential to yield paleontological resources and will require half-time monitoring during all grading activities by a qualified paleontologist(s).

Because of the large size and long duration of this Project, it will be necessary to periodically review the paleontological potential assigned to each rock unit. This shall be done at the end of each phase of grading. This reassessment of potential will be used to develop mitigation plans for future phases of development. If fossil production is lower than expected, the duration of the monitoring efforts should be reduced to less than continuous monitoring during all grading activities.

PR-2      The paleontologist, in consultation with the grading contractor, developer, and Los Angeles County inspector, shall have the power to divert temporarily or direct grading efforts in the area of an exposed fossil to allow evaluation and, if necessary, salvage of exposed fossils.

Accordingly, the comment's concerns regarding monitors are addressed in the Draft EIS/EIR. 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.

## **Response 61**

The Draft EIS/EIR presents a comprehensive analysis of air pollution, including its health effects, in **Section 4.7**, Air Quality, of the Draft EIS/EIR. (Please also see revised **Section 4.7** of the Final EIS/EIR.) A description of pollutants is presented in Draft EIS/EIR **Subsection 4.7.2.6**, Criteria Pollutants,

including the health effects of those pollutants. **Subsection 4.7.2.7**, Toxic Air Contaminant Emissions, provides a description of toxic air contaminants from both new and existing sources, and specifically the health effects of these contaminants (see **Subsection 4.7.2.7.3**, Health Effects from Toxic Air Contaminants). The Draft EIS/EIR also includes a Health Risk Assessment (HRA) in **Subsection 4.7.8**, which provides a detailed analysis of the health effects associated with air pollution, including toxic air contaminants.

The cumulative impacts associated with the Project are presented in **Subsection 6.5.7**, Air Quality. In **Subsection 6.5.7**, Air Quality, of the Draft EIS/EIR, an analysis of the Project's cumulative air quality impacts is provided using methodology recommended by the South Coast Air Quality Management District (SCAQMD). Based on this methodology, the Draft EIS/EIR determined that the Project would result in significant cumulative air quality impacts. In **Section 4.7**, Air Quality, of the Draft EIS/EIR, ambient concentrations of particulate matter for the Project area, based on data from monitoring stations operated by the SCAQMD, are reported. The data indicates that the ambient air quality standards for particulate matter have been exceeded in the local area. In addition, the Draft EIS/EIR states that the South Coast Air Basin, which includes the Project area, is designated as nonattainment for particulate matter.

With respect to asthma and air pollution levels, the California Air Resources Board (CARB) acknowledges that "air pollution plays a well-documented role in asthma attacks."<sup>8</sup> However, CARB also acknowledges that "the role air pollution plays in initiating asthma is still under investigation and may involve a very complex set of interactions between indoor and outdoor environmental conditions and genetic susceptibility."<sup>9</sup> CARB has conducted health-based research studies and continues to do so to understand the relationship between air pollution and asthma. According the CARB website:<sup>10</sup>

Most notably, the ARB-funded Children's Health Study at the University of Southern California found that children who participated in several sports and lived in communities with high ozone levels were more likely to develop asthma than the same active children living in areas with less ozone pollution. In another ARB-funded study, researchers at the University of California, Irvine found a positive association between some volatile organic compounds and symptoms in asthmatic children from Huntington Park. Additional ARB studies are underway and many will focus on the role of particulate matter pollution on asthma. In the Central Valley the ARB F.A.C.E.S. project is examining the role of particulate matter pollution in the exacerbation of childhood asthma.

Because the role of particulate matter in asthma is still under scientific research, it would be speculative for the Draft EIR/EIS to draw any conclusions regarding the incidents or severity of new cases asthma that may or may not arise due to the construction and operation of the proposed Project. Pursuant to the CEQA Guidelines, a physical change that is "speculative or unlikely to occur is not reasonably foreseeable." (Cal. Code Regs., tit. 14, § 15064, subd. (d)(3).) In evaluating the significance of a project,

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<sup>8</sup> California Air Resources Board, "Asthma and Air Pollution," <http://www.arb.ca.gov/research/asthma/asthma.htm> (last viewed April 28, 2010).

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

"lead agencies shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project." (Cal. Code Regs., tit. 14, § 15064, subd. (d).) Therefore, it is appropriate that the Draft EIS/EIR not speculate as to the incidents or severity of new cases asthma that may or may not arise due to the construction and operation of the proposed Project.

These comments do not address the adequacy of the information or impact analysis provided by the Draft EIS/EIR and no additional response is required.

## Response 62

The comment states that SCAQMD guidelines indicate that no residences should be built within 150 feet from a roadway, in particular SR-126. The comment also states that berms and landscaping should be used to reduce pollution. The comment does not provide a citation for the specific guidelines referenced in the comment. However, this topic has been addressed in CARB's "Air Quality and Land Use Handbook" (CARB Handbook)<sup>11</sup> and SCAQMD's "Guidance Document for Addressing Air Quality Issues In General Plans and Local Planning" (SCAQMD Guidance Document).<sup>12</sup> This response assumes that the comment is referring to the CARB Handbook and SCAQMD Guidance Document.<sup>13</sup>

The CARB Handbook addresses the siting of sensitive land uses, specifically schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals and residential communities, near specific sources of air pollution, including high traffic freeways and roadways. (CARB Handbook, pp. 1-2.) However, as noted in the CARB Handbook, the agency's "recommendations are advisory. Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues." (CARB Handbook, p. 4.) CARB also acknowledged that its "recommendations are only guidelines and are not designed to substitute for more specific information if it exists." (*Id.* at p. 3.)

With respect to the topic raised in the comment, the CARB Handbook recommends that lead agencies avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day." (CARB Handbook, p. 4.) This recommendation is based on: (i) findings from other reports summarized in the CARB Handbook, including a 1999 Knappe study showing that traffic-related pollutant concentrations declined with distance from the roadway, and primarily within the first 500 feet; and (ii) CARB staff's internal air quality modeling and risk analysis. (*Id.* at p. 9.) The CARB Handbook further states that while state law restricts the siting of new schools within 500 feet of

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<sup>11</sup> California Air Resources Board, "Air Quality and Land Use Handbook: A Community Health Perspective" (April 2005), which is incorporated by reference and available for public review at <http://www.arb.ca.gov/ch/handbook.pdf> (last visited April 28, 2010).

<sup>12</sup> South Coast Air Quality Management District, "Guidance Document for Addressing Air Quality Issues In General Plans and Local Planning" (May 6, 2005), which is incorporated by reference and available for public review at [http://www.aqmd.gov/prdas/aqguide/doc/aq\\_guidance.pdf](http://www.aqmd.gov/prdas/aqguide/doc/aq_guidance.pdf) (last visited April 28, 2010).

<sup>13</sup> The response also assumes that the comment incorrectly referred to a minimum separation distance of "150 feet," and intended to refer to 500 feet/150 meters, which is the separation distance discussed in the CARB Handbook and SCAQMD Guidance Document.

certain roadways, "no such requirements apply to the siting of residences, day care centers, playgrounds, or medical facilities." (*Id.* at p. 10.)

The SCAQMD Guidance Document was prepared by SCAQMD as a reference for cities and counties within its jurisdiction, and provides suggested policies that local governments may use to prevent or reduce potential air pollution impacts. "The use of this document by local governments is strictly voluntary." (SCAQMD Guidance Document, p. i.)

Similar to the CARB Handbook, the SCAQMD Guidance Document evaluates the relationship between sensitive receptors and toxic air contaminants (TACs), and notes that the "potential impacts of new facilities on sensitive sites will depend on a variety of factors including the amount and toxicity of pollutants emitted, the type of air pollution control equipment at the facility, design features of the facility, the distance from the source of emissions to the sensitive receptor, and local meteorology." (SCAQMD Guidance Document, pp. 2-3 - 2-4.) The SCAQMD Guidance Document specifically addresses the siting of public schools by local school districts, and identifies limitations on such siting established by the California Education Code and Public Resources Code. (*Id.* at p. 2-5.) Specifically, the SCAQMD Guidance Document notes that if a proposed school is located within 500 feet of the edge of a freeway or traffic corridor with minimum average daily traffic counts, "the school district is required to determine through specified risk assessment and air dispersion modeling that neither short-term nor long-term exposure poses significant health risks to pupils." (*Ibid.*)

The SCAQMD Guidance Document also sets forth general conclusions regarding the relationship between cancer risk and the distance from a pollution source:

"Generally, cancer risk will drop off with distance from a ground level pollution source, such as a freeway. Freeways and busy traffic corridors are defined as traffic volume of over 100,000 vehicles per day in urban areas and 50,000 vehicles per day in rural areas (Education Code Section 17312). CARB studies show that air pollution levels can be significantly higher within 500 feet (150 meters) of freeways or busy traffic corridors and then diminish rapidly. Actual concentration of diesel particulate matter will vary at a particular location depending on traffic volume, vehicle mix, prevailing winds and other variables."

(SCAQMD Guidance Document, p. 2-5.) Although SCAQMD notes that a minimum distance separating diesel emission sources from nearby receptors effectively reduces cancer risk, the agency also "recognizes that physical separation of the receptors from the pollution sources is not always reasonable or feasible." (*Id.* at p. 2-6.)

A portion of the residential development on the Project site would be situated near SR-126. Specifically, in the northernmost portion of the Landmark Village development within the Specific Plan, the minimum distance between the SR-126 roadway edge and the nearest residential property line would be approximately 75 feet; however, the average daily traffic would not exceed the advisory recommendations of either CARB or SCAQMD. These issues were disclosed and analyzed in the Draft EIS/EIR:

Portions of the proposed Project will be located adjacent to State Route 126 (SR-126), an east-west route traveled by heavy-duty transportation trucks as well as other motor

vehicles. These trucks are a source of diesel exhaust particulate matter, which CARB has designated as a TAC. In addition, motor vehicle emissions of criteria pollutants (primarily PM<sub>10</sub>, CO, NO<sub>x</sub>) can contribute to health effects, which have been found to be elevated near roadways. CARB's Air Quality and Land Use Handbook states, "Air pollution studies indicate that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas." The Air Quality and Land Use Handbook, which is intended to serve as a general reference guide for planning agencies to evaluate and reduce air pollution impacts associated with new projects that go through the land use decision-making process, contains general recommendations that may reduce potential health impacts by establishing a buffer zone or setback between sensitive land uses and sources of toxic air contaminants. Specifically with respect to land uses located near freeways and other heavily traveled roadways, CARB recommends the following:

- Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.

As SR-126 in the project vicinity would be categorized as an urban road when the project area is fully developed, the recommendation in the Air Quality and Land Use Handbook suggests that sensitive receptors sited within 500 feet of SR-126 may be exposed to higher than normal health impacts if motor vehicle traffic along the roadway would exceed the volumes mentioned above. However, the average daily traffic along SR-126 in the area adjacent the proposed project would not exceed 100,000 vehicles per day based on traffic levels associated with development of the Specific Plan, the VCC and Entrada planning areas, and neighboring areas. The maximum average daily traffic volume (*i.e.*, long-range cumulative volume) along SR-126 in the vicinity of the proposed Project is 85,000 vehicles per day, which is less than the level in CARB's recommendation (see Figure 14 and Appendix C of Newhall RMDP and SCP EIR/EIS Traffic Analysis, which is found in **Appendix 4.8**).

(Draft EIS/EIR, pp. 4.7-35 - 4.7-36.)

Moreover, **Subsection 4.7.8**, Health Risk Assessment, of the Draft EIS/EIR evaluated health impacts associated with the emissions of diesel exhaust particulate matter (DPM) that would occur during construction activities related to the proposed Project and the development facilitated on the Specific Plan site, VCC, and a portion of the Entrada planning area. The conclusions of that analysis follow below:

"Based on the SCAQMD's thresholds of significance, the HRA finds that the maximum anticipated cancer risks associated with the unmitigated project-related construction activities range from 0.7 to 4.6 in one million at maximally impacted residential, workplace, and sensitive receptors. These estimated cancer risks would not exceed the significance threshold of 10 in one million. The HRA also finds that the chronic hazard indices for noncancer health impacts are well below 1.0 (the SCAQMD threshold for noncancer health impacts) at the maximally exposed receptors under this construction scenario. The health impacts associated with construction are less than the significance criterion for cancer risk and noncancer hazard index and are, therefore, less than significant (Significance Criteria AQ-2 and AQ-4)."

(Draft EIS/EIR, p. 4.7-107.) Therefore, while certain development facilitated by Project approval would be in close proximity to roadways, the analysis provided in the Draft EIS/EIR determined that health-related impacts would not be significant. In addition, as recommended in the comment, residential areas located near SR-126 would be provided with buffer features, including walls buffering residential areas. (See Landmark Village Recirculated Draft EIR (SCH No. 2004021002), Section 1.0, Project Description, p. 1.0-85, and Section 4.8, Noise, pp. 4.8-43-4.8-45, including Figure 4.8-5.) The Landmark Village Recirculated Draft EIR is incorporated by reference and available for public review at <http://planning.lacounty.gov/lmv> (last visited April 28, 2010).

In summary, the comment's concerns regarding the siting of residential development in proximity to SR-126 have been disclosed and analyzed. As shown by the projected roadway traffic volume levels and health risk assessment results, environmental impacts would not be significant.

### Response 63

The comment states that the Project would have long-term effects resulting from the additional traffic on local roads and freeways. It also states that EIS/EIR should discuss global climate change as the U.S. Supreme Court ruled that USEPA must address carbon dioxide as a pollutant. Additionally, the comment states that the Project should not be approved without making public transportation available to its future residents.

The EIS/EIR provides an analysis of the long-term operational air quality impacts associated with the proposed Project in **Section 4.7**, Air Quality, which analyzes the criteria pollutant emissions due to additional motor vehicles traveling on local roads and freeways in accordance with the methodologies prescribed by SCAQMD.

**Section 8.0**, Global Climate Change, analyzed the greenhouse gas emissions, including carbon dioxide, that would be attributable to Project-related motor vehicles traveling on local roads and freeways and other sources (*i.e.*, vegetation; construction; residential and nonresidential buildings; municipal operations (*e.g.*, water transport and treatment); golf course operations; recreational pools; and miscellaneous area sources). **Section 8.0** specifically identified the existing state of science and regulatory setting; presents quantified emission inventories for the proposed Project and each alternative; assesses the significance of those emissions by considering whether achievement of the State of California's emissions reduction mandate -- as established by Assembly Bill 32 -- would be impaired; finds that project-specific and cumulative impacts would not be significant; and, recommends the incorporation of project design features that result in greenhouse gas emission reductions. In short, the Draft EIS/EIR included information and analysis, supported by substantial evidence, to facilitate meaningful review by the public and agencies, and informed decision making. For further information, please see **Topical Response 13: Global Climate Change Update**, and revised **Section 8.0** of the Final EIS/EIR.

Please note that **Section 8.0** described project design features that are consistent with other greenhouse gas mitigation measures that have been recommended by other state agencies and offices, such as the Office of the Attorney General and CARB. Several of these features include the development of public transportation facilities (*e.g.*, park-and-ride lot; bus stops; the regional trail network; right-of-way for Metrolink extension; paseos; etc.) that would serve Project residents, as well the development of bicycle and pedestrian facilities. Furthermore, consistent with the mitigation measures adopted in connection with the Newhall Ranch Specific Plan Program EIR, the Project would incorporate a variety of shuttle services

to and from residential, commercial, and business park land uses throughout the Specific Plan area. The City of Santa Clarita also provides demand-responsive service using a fleet of 16 ADA-compliant paratransit vans and small buses; and curb-to-curb services are available to the elderly, disabled, and general public every day of the week.<sup>14</sup> Refer to **Section 8.0** for additional information regarding transportation-related measures in the EIS/EIR and how these measures are a key element of the global climate change analysis.

#### Response 64

The commentor provides an opinion regarding potential impacts and states that the Draft EIS/EIR includes an exhaustive analysis of the many impacts of air emissions. The commentor states that the "huge number" of mitigation measures incorporated into the Draft EIS/EIR would not reduce the construction and operational impacts to a level that is less than the SCAQMD thresholds of significance. The commentor also states that reducing the project density would reduce emissions, particularly mobile source emissions. As stated in **Section 4.7**, Air Quality, feasible mitigation measures are recommended that would reduce construction- and operational-related emissions. However, as stated in **Section 4.7**, feasible mitigation does not exist to reduce these emissions to a sufficient degree, such that the construction- and operational-related emissions would be below the SCAQMD's emissions-based thresholds of significance. CEQA does not require that project's mitigate impacts to a less-than-significant level. Rather, CEQA requires all feasible mitigation measures to be applied. **Section 4.7** also provides an analysis of the emissions associated with the identified Project alternatives. As shown in the Draft EIS/EIR, Alternative 7 would generally result in the fewest emissions. However, it should be noted that the significant impacts identified for the proposed Project (Alternative 2) would remain significant under Alternative 7. **Section 5.0**, Alternatives, of the EIS/EIR summarizes the impacts associated with each alternative.

#### Response 65

The comment requests that green building standards be used to develop the proposed Project. Please note that **Section 8.0**, Global Climate Change, of the Draft and Final EIS/EIR provides numerous mitigation measures to reduce the environmental impacts of the proposed Project to the extent feasible. The mitigation measures include the following provisions that are required to reduce the Project's energy use and to further reduce its contribution to global climate change impacts:

- GCC-1 All residential buildings on the Project applicant's land holdings that are facilitated by approval of the proposed Project shall be designed to provide improved insulation and ducting, low E glass, high efficiency air conditioning units, and radiant barriers in attic spaces as needed, or equivalent to ensure that all residential buildings operate at levels fifteen percent (15%) better than the standards ~~presently~~ required by the version of Title 24 (2005) applicable at the time the building permit applications are filed.
- GCC-2 All commercial and public buildings on the Proposed applicant's land holdings that are facilitated by approval of the proposed Project shall be designed to provide improved insulation and ducting, low E glass, high efficiency HVAC equipment, and energy efficient

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<sup>14</sup> Refer to the City of Santa Clarita website: <http://www.santa-clarita.com/cityhall/admin/Transit/AAC.asp> (last visited April 28, 2010).

lighting design with occupancy sensors or equivalent to ensure that all commercial and public buildings operate at levels fifteen percent (15%) better than the standards ~~presently~~ required by the version of Title 24 (2005) applicable at the time the building permit applications are filed.

- GCC-3 The Project applicant or designee shall produce or purchase renewable electricity, equivalent to the installation of one 2.0 kilowatt photovoltaic (*i.e.*, solar) power system, when undertaking the design and construction of each single-family detached residential unit on its land holdings that is facilitated by approval of the proposed Project; or, at the applicant's option, prior to commencing construction of any new phase of any individual subdivision, the applicant shall secure offsets or credits for carbon dioxide equivalents from either the Climate Action Reserve of the California Climate Action Registry, the Chicago Climate Exchange, or similar reserve/exchange; or, alternatively, at the applicant's option, the applicant may pay to the South Coast Air Quality Management District (District) the equivalent amount of funds that would be due to buy credits from the Climate Action Reserve, Chicago Climate Exchange, or similar reserve/exchange for greenhouse gas emission mitigation purposes. In any case, installation of individual photovoltaic systems shall be considered when undertaking the design and construction of residential buildings on the Project site.
- GCC-4 The Project applicant or designee shall produce or purchase renewable electricity equivalent to the installation of one 2.0 kilowatt photovoltaic system on each 1,600 square feet of nonresidential roof area provided on the Project site; or, at the applicant's option, prior to commencing construction of any new phase of any individual subdivision, the applicant shall secure offsets or credits for carbon dioxide equivalents from either the Climate Action Reserve of the California Climate Action Registry, the Chicago Climate Exchange, or similar reserve/exchange; or, alternatively, at the applicant's option, the applicant may pay to the South Coast Air Quality Management District (District) the equivalent amount of funds that would be due to buy credits from the Climate Action Reserve, Chicago Climate Exchange, or similar reserve/exchange for greenhouse gas emission mitigation purposes. In any case, installation of individual photovoltaic systems shall be considered when undertaking the design and construction of nonresidential buildings on the Project site.
- GCC-5 Consistent with the Governor's Million Solar Roofs Plan, the Project applicant or designee, acting as the seller of any single-family residence constructed as part of the development of at least 50 homes that are intended or offered for sale, shall offer a solar energy system option to all customers that enter negotiations to purchase a new production home constructed on land for which an application for a tentative subdivision map has been deemed complete ~~on or after January 1, 2011.~~ . The seller shall disclose the total installed cost of the solar energy system option, and the estimated cost savings.
- GCC-6 The Project applicant or designee shall use solar water heating for each of the pools located at the recreation centers that would be facilitated by approval of the proposed Project (*i.e.*, the pools that would be located at the forty recreation centers within the Specific Plan area, and the two recreation centers within the Entrada planning area).



GCC-7 The Project applicant or designee, in accordance with Los Angeles County requirements, will design and construct all municipal facilities (*i.e.*, fire stations) facilitated by approval of the proposed Project so as to achieve LEED silver certification.

Therefore, the Draft EIS/EIR identifies green building standards as mitigation for the proposed Project. The comment will be included in the record and made available to decision makers prior to a decision on the proposed Project.

#### **Response 66**

This comment expresses the opinion that the Project should provide a five-acre per 1,000 person parkland area requirement, similar to the City of Santa Clarita, and that the on-site High Country SMA should not be counted towards this ratio. This comment does not address the adequacy of the information or analysis provided in the Draft EIS/EIR, but will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project. Additional information related to the comment is provided below.

The proposed High Country SMA would encompass 4,205 acres, which comprises approximately one-third of the 11,999-acre Specific Plan area. As such, the High Country SMA comprises a substantial portion of the Project site, and this substantial amount of open space and recreation facilities (hiking trails) that would be dedicated for public use is properly included when determining the Project's compliance with Quimby Act requirements.

The Specific Plan's Quimby Act requirements and land dedication/facility improvement credits are depicted on Draft EIS/EIR, **Table 4.16**, Estimated Specific Plan Quimby Act Parkland Dedication Credits. The table indicates that 2,093 acres of the 4,205-acre High Country SMA would be counted towards fulfilling the Specific Plan's Quimby Act requirements and that in total, 2,669 acres of parkland would be provided on the Specific Plan site. The table also indicates that based on the County's requirement of providing three acres of parkland for every 1,000 people residing on the Specific Plan site, at least 174 acres of parkland must be provided.

If, as the comment suggests, the High Country SMA parkland dedication credit of 2,093 acres was not counted towards fulfilling the Specific Plan's parkland requirement, the Specific Plan would still provide 576 acres of parkland (2,699 total acres of parkland provided minus the 2,093-acre credit allowed for the High Country SMA). The amount of parkland that would be provided under this scenario would be more than three times the County's Quimby Act requirement of 174 acres. For comparison purposes, if a 5-acre per 1,000 population parkland standard were to be applied to the Specific Plan, the Project's parkland dedication requirement would be approximately 298 acres (59,707 on-site population divided by 1,000 then multiplied by five). Even without consideration of the High Country SMA acreage, the Specific Plan parkland dedication of 576 acres would be almost twice the acreage required by the City of Santa Clarita's five acre per 1,000 population parkland dedication requirement.

#### **Response 67**

The comment provides an opinion that the proposed community park site located in the southwestern portion of the Specific Plan site is not appropriate because it is located in a sloping area and a transmission line corridor. This community park site would be developed within a large area designated

as "Open Area," which also accommodates right-of-way for Southern California Edison (SCE) transmission lines. This possible constraint to park development, along with site-specific grading plans, will be considered when detailed park improvement plans are proposed in conjunction with the permitting and review of the Potrero Canyon portion of the Specific Plan. Furthermore, the location of this park site was approved by Los Angeles County when the Newhall Ranch Specific Plan was approved. As indicated by the approved Newhall Ranch Specific Plan, each of the three community parks that would be provided on the Specific Plan site would provide a variety of active and passive facilities and amenities, including open turf areas, parking, restrooms, ball fields and sport courts, play equipment and accessory structures. Given the large size of the proposed Open Area in which the community park would be located, it is expected that the required community park components can be feasibly provided.

### **Response 68**

The comment expresses the opinion that a park should be provided south of the Santa Clara River in the eastern portion of the Specific Plan site, and that such a park location would minimize possible geological and water hazards. It is assumed that the comment is referring to geological hazards such as liquefaction.

Please note that Draft EIS/EIR, **Figure 2.0-7**, Specific Plan Land Use Plan, indicates that a community park site has been designated on the south side of the River in the eastern portion of the Specific Plan site. As to minimizing potential geological impacts that may affect this portion of the Specific Plan site, the Draft EIS/EIR has acknowledged that the Project site may be affected by fault rupture, ground shaking, liquefaction and landslides, and these hazards have been described in the Draft EIS/EIR, **Section 4.13**, Geology and Geologic Hazards. Specifically, these hazards are described in **Subsection 4.13.4.6.1** (Ground Rupture), **Subsection 4.13.4.6.2** (Ground Motion/Shaking), **Subsection 4.13.4.6.3** (Slope Failure/Landslides), and **Subsection 4.13.4.6.4** (Liquefaction). The effects of these hazards on the proposed Project were also evaluated in the Draft EIS/EIR, and it was determined that potentially significant impacts would be reduced to a less-than-significant level with implementation of mitigation measures previously adopted in connection with approval of the Newhall Ranch Specific Plan.

### **Response 69**

This comment states that proposed trails should not adversely impact the Santa Clara River by requiring bank stabilization or encroaching into buffer areas. The precise location of all trails located on the Specific Plan site will be determined when individual tract maps are prepared; however, bank stabilization would not be required to construct the trails. Further, trails would not negatively impact the required buffer areas because, in most cases, trails would be sited on top of bank between development and the transition area/buffer zone, as illustrated in Draft EIS/EIR, **Figure 2.0-26**, Conceptual Design/Soil Cement/Bank Stabilization, and **Figure 2.0-28**, Photo Depicting Soil Cement Installation and Revegetation. In these illustrations, the trails are sited between the natural vegetation buffer area and development, and actually provide additional buffer between the natural vegetation associated with the River and adjacent urban development, helping to prevent some of the potential adverse edge effects of development located adjacent to natural open space, such as irrigation runoff, invasive plant species, and domestic animals.

**Response 70**

The comment describes typical habitat for spineflower species and suggests that spineflower preserves should not be altered by disturbance, including cultivation, bulldozing, vegetation clearance, irrigation, and planting of vegetation, reduction of sunlight, or other disturbances. The comment suggests that spineflower preserves should be fenced off and monitored. The comment states that adequate acreage of appropriate habitat should be preserved for spineflower and that alien plants could become a problem for San Fernando Valley spineflower.

San Fernando Valley spineflower is a state-listed endangered species that occurs on the proposed Project site. The Draft EIS/EIR evaluates the direct impacts of implementing the applicant's proposed Spineflower Conservation Plan (SCP) in the context of the applicant's proposed development plan and a range of alternative development plans. The proposed Project (Alternative 2) would set aside 68.6 percent of cumulative occupied spineflower habitat occurring on the proposed Project site within a series of five spineflower preserves, to be managed in accordance with the SCP. Other alternatives (Alternatives 3 through 7) analyzed in the Draft EIS/EIR would set aside higher proportions of spineflower cumulative occupied habitat in preserves. Project impacts to spineflower and mitigation strategy are summarized in **Subsection 4.5.3.3** of the Draft EIS/EIR, and Section 8.0 of the Draft SCP includes a description of the proposed spineflower preserves under Alternative 2, the applicant's proposed Project, describing vegetation, soils, geology, slope, aspect, and elevation for each preserve.

San Fernando Valley spineflower habitat within proposed spineflower preserves would be managed and maintained for spineflower, as described in the Revised SCP (see Final EIS/EIR, **Appendix F1.0**). Preserve management activities are discussed below. SCE would continue to conduct routine and ongoing maintenance activities under the terms of its existing easement in the Entrada preserve. Examples of utility maintenance activities include vehicle access, minor grading to maintain the access road, and periodic cleaning of towers and power lines. No shade structures or other features that would reduce sunlight are proposed.

Vegetation clearing would not be permitted within spineflower preserves, with the exception of habitat management activities (see **Subsection 4.5.5.3** of the Draft EIS/EIR on page 4.5-1746), and SCE routine and ongoing maintenance activities. As the commentor notes, control of invasive alien plants will likely be necessary. Weed control would be implemented, for the purpose of improving spineflower habitat. Invasive weeds (mainly Eurasian grasses and herbs) cover much of the available habitat within proposed spineflower preserves. Detrimental effects of these invasive plants to rare native plants are well documented for numerous other species and are a primary threat to spineflower within the proposed preserves at the proposed Project site. Weed control would be an essential management activity in the spineflower preserves. The SCP (see Subsection 9.2.10 of the Revised SCP, and Appendix E of the Revised SCP) directs spineflower preserve managers to evaluate several methods of weed control, including herbicide use.

Fencing would be installed along the outside edge of spineflower preserves where adjacent to proposed development (see **Subsection 4.5.5.3** of the Draft EIS/EIR on page 4.5-1747).

Regarding irrigation in proximity to spineflower preserves, mitigation measures described in **Subsection 4.5.5.3** of the Draft EIS/EIR on page 4.5-1748 require that pre-development hydrology conditions must be maintained in the spineflower preserves, and irrigation of manufactured slopes adjacent to spineflower

preserves must be temporary and must be designed so that the pre-development hydrology of the spineflower preserves is not altered.

Regarding long-term monitoring and management of spineflower preserves, under the Draft SCP, a spineflower preserve manager would be contracted and funded to ensure that the long-term monitoring and management activities are carried out (see **Subsection 4.5.5.3** of the Draft EIS/EIR on page 4.5-1741; and Section 12.0, Funding, of the Revised SCP).

Regarding the preservation of adequate habitat for the spineflower, as described in **Subsection 4.5.5.3** of the Draft EIS/EIR on page 4.5-1741, 68.6 percent of the known spineflower cumulative occupied area would be preserved and managed on site under Alternative 2; however, analysis in the Draft EIS/EIR concluded that impacts to spineflower would be significant and unavoidable under Alternative 2. Alternatives 3 through 7 would set aside higher proportions of spineflower cumulative occupied habitat: Alternative 3 would set aside 77.5 percent; Alternative 4 would set aside 82.5 percent; Alternative 5 would set aside 84.2 percent, Alternative 6 would set aside 88.5 percent; Alternative 7 would set aside 98.2 percent. Analysis in the Draft EIS/EIR concluded that impacts to spineflower would be less than significant with mitigation under Alternatives 3 through 7. In addition, Section 8.0 of the Draft SCP includes a description of the proposed spineflower preserves for the proposed Project, describing the following spineflower ecological indicators for each proposed preserve: vegetation, soils, geology, slope, aspect, and elevation.

## Response 71

The comment cites descriptions of *Chorizanthe parryi* habitat published in regional floras and notes that both "dry sandy places" and "coastal sage scrub" occur on the proposed Project site. Furthermore, the comment provides brief descriptions of wash and upland soils.

The species *Chorizanthe parryi* includes two varieties, *C. parryi* var. *parryi* and var. *fernandina* (Parry's spineflower and San Fernando Valley spineflower, respectively). The habitat description quoted in the comment above is from Munz's *A California Flora* (1959, p. 329) and his *Flora of Southern California* (1974, p. 673). In both books, this description applies to *C. parryi* var. *parryi* (Parry's spineflower), a close relative of San Fernando Valley spineflower; Parry's spineflower is not known from the Santa Clarita Valley area. Munz did not provide a habitat description more specific to San Fernando Valley spineflower. Similarly, the *Jepson Manual* (Hickman 1993, p. 859) describes *Chorizanthe parryi* habitat as "sandy places, gen[erally] in coastal or desert scrub." The *Jepson Manual* does not provide more specific habitat description of San Fernando Valley spineflower except to say, "habitat of sp[ecies]."

Section 4.6 of the Draft SCP, pages 21 through 22, describes San Fernando Valley spineflower habitat at Laskey Mesa and Newhall Ranch (the two known extant locations). Spineflower is associated with a variety of soil types, including but not limited to sandy and gravelly silt and clay loams. Furthermore, the Draft SCP summarizes all information on spineflower habitat available in December 2007 when it was prepared. This information includes sources cited by the commentor (above) and numerous, more recent reports, including work contracted by the Ahmanson Land Company and Newhall Land and Farming Company. All of these information sources are cited in Section 18 of the Draft SCP. Analysis in the Draft EIS/EIR considered the habitat requirements for spineflower (var. *fernandina*), which cannot be assumed to be identical to the spineflower variety (var. *parryi*) identified in the comment.

During fieldwork for the Draft EIS/EIR, botanists surveyed upland and wash habitats throughout the proposed Project area for spineflower and other special-status plants (see **Subsection 4.5.3.2**, Methods, of the Draft EIS/EIR). Spineflower was found only at the locations mapped in the Draft EIS/EIR (see **Figures 4.5-25 through 4.5-30**), and were found at those locations in multiple surveys conducted from 2002 to 2007. Field surveys for spineflower and other special-status plants as described in the Draft EIS/EIR provide an adequate basis for evaluating impacts to spineflower, and to identify appropriate mitigation for those impacts.

## **Response 72**

The comment expresses a concern that implementation of the proposed Project would result in off-site urban development along the SR-126 corridor, and implies that the County will approve the RMDP. Whereas Los Angeles County approved the Newhall Ranch Specific Plan in 2003, the Corps and CDFG are the lead agencies for the RMDP. The Draft EIS/EIR, **Section 4.12**, Agricultural Resources, concluded that while the Project-related loss of on-site agricultural soils would result in a significant and unavoidable impact, the Project would not result in significant impacts to agricultural resources or operations located *off* of the Project site. The Draft EIS/EIR, **Section 7.0**, Significant Irreversible Changes, Growth Inducing Impacts, and Federal Impact Considerations, also discussed the growth inducing effects of the proposed Project and alternatives. That evaluation concluded that the Project would not result in significant growth inducing impacts that were not previously identified by the EIR prepared for the Newhall Ranch Specific Plan. (See Draft EIS/EIR, **Section 7.0**, pages 7.0-1-7.0-8.) Because the comment expresses an opinion regarding the Project and does not address the content or adequacy of the Draft EIS/EIR, no additional 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.

The comment also expresses a concern that additional off-site urban development would result in impacts related to water supply, "the last wild river," scenic open space, and wildlife habitat. As to the comment that the Santa Clara River is the "last wild river" in southern California, impacts of the proposed Project on water resources are addressed in Draft EIS/EIR **Section 4.3**, Water Resources. Please also refer to **Responses 5 through 20**, above, regarding water supply impacts, **Response 4**, above, regarding visual impacts, and **Responses 26 through 37**, above, regarding wildlife habitat. The potential for environmental impacts resulting from reasonably foreseeable off-site urban development was also evaluated in **Section 6.0**, Cumulative Impacts, of the EIS/EIR. The concern of the commentor that similar impacts could occur at off-site locations in the future will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

## **Response 73**

This comment states that the proposed Project would result in "urban sprawl." This comment does not address the adequacy of the information or impact analysis provided in the Draft EIS/EIR; however, the following response is provided regarding the urban sprawl concern expressed in the comment.

The environmental impacts of extending urban development onto the Newhall Ranch Specific Plan site were previously evaluated by the Newhall Ranch Specific Plan Program EIR, which was certified by the Los Angeles County Board of Supervisors in May 2003. The environmental effects of implementing the Specific Plan also have been evaluated by the Draft EIS/EIR. Through these review efforts, the

environmental effects of the proposed Project and the resulting extension of urban land uses onto the Project site have been analyzed and disclosed in a comprehensive manner.

There are many definitions of what constitutes "urban sprawl." A representative example comes from a 1998 Sierra Club Sprawl Report (<http://www.sierraclub.org/sprawl/report98/>), which defined urban sprawl as:

"Sprawl is low-density development beyond the edge of service and employment, which separates where people live from where they shop, work, recreate, and education -- thus requiring cars to move between zones."

As indicated by this definition, urban sprawl results in the development of low-density residential land uses, which in the Project region, has often consisted of single-family, suburban-type development patterns. As indicated on Draft EIS/EIR, **Table 3.0-10**, Development Facilitated by RMDP Component of the Proposed Project (Alternative 2), implementation of the proposed Project would facilitate the development of 9,081 single-family dwellings and 11,804 multi-family dwelling units on the Newhall Ranch Specific Plan project site. On the Entrada portion of the Project site, 428 single-family units and 1,297 multi-family dwelling units would be provided. As proposed, more than one-half (58 percent) of the residential units facilitated by the implementation of the proposed Project would be multi-family units. Since a majority of the residential units that would be provided on the Project site would be multi-family units, the development facilitated by the Project would not reflect the low-density development patterns that have been typically associated with urban sprawl in the past.

One of the objectives of the RMDP and SCP is to facilitate the development of the Newhall Ranch Specific Plan, and an objective of the Specific Plan is to meet the regional demand for housing and jobs. The demand for jobs created by the development of the Specific Plan would be partially met with the build-out of the Valencia Commerce Center portion of the proposed Project, and by new commercial development that would be provided on the Specific Plan and Entrada project sites. In addition to providing employment opportunities on the Project site, essential public services such as schools, shopping and recreation facilities would also be provided. By including employment centers and public service land uses in the design of the proposed Project, automobile trips and total vehicle miles traveled resulting from work-related commute trips and trips to access public services would be minimized.

The proposed Project site is located adjacent to I-5 and SR-126. Locating new urban development adjacent to these major transportation facilities eliminates the need for major roadway facility extensions, which has been a characteristic of urban sprawl in the past.

In conclusion, the proposed Project would facilitate development of the Newhall Ranch Specific Plan, which was previously approved by Los Angeles County. The proposed new development would incorporate design elements that minimize the adverse environmental effects that have been commonly associated with urban sprawl.

The comment also requests that the proposed Project include mitigation measures requiring the implementation of green building standards, a corridor for wildlife movement, and public transportation. Mitigation measures related to green building standards, wildlife movement have been included in the Draft EIS/EIR. Please refer to **Response 65**, above, regarding implementation of green building standards and the mitigation measures that have been required to reduce energy use by the proposed

Project. With implementation of project design features and mitigation measures, the proposed Project would not have a significant unavoidable impact on global climate change. (Draft EIS/EIR, **Section 8.0**, Global Climate Change.) Therefore, no additional mitigation measures are necessary. (Cal. Code Regs., tit. 14, § 15126.4, subd. (a).) As to a mitigation measure pertaining to wildlife corridors, please note that **Section 4.5**, Biological Resources, of the Draft EIS/EIR provided extensive analysis of wildlife corridor impacts and also provided proposed mitigation measures to reduce the Project's impacts to a less-than-significant level. For example, proposed Mitigation Measure BIO-19(a) includes provisions to enhance the existing wildlife habitat connectivity function of the Salt Creek area in relation to the Santa Clara River. Therefore, no additional mitigation measures are necessary.

The comment does not suggest any additional feasible mitigation measures for impacts to wildlife corridors. As to the request to provide mitigation for public transportation, the Draft EIS/EIR describes the Project's impacts on transit service. For example, the Draft EIS/EIR, **Section 4.8**, Traffic, provided the following analysis:

"Development of Alternative 2 would result in the need for additional transit services to serve the newly developed area. As discussed in **Subsection 4.8.4.2**, the study area is served primarily by two major transit carriers, the Santa Clarita Valley Transit System and Metrolink. SCT recently completed a Transportation Development Plan for the years through 2015. (See **Appendix 4.8**, December 2008 Traffic Report.) The Plan identifies the need to provide future services to the Project areas, and includes the following bus route recommendations for the medium-term timeframe, defined as five to 10 years in the future:

Routes 3/7: Extend route west on Magic Mountain Parkway and Valencia Boulevard; and

Route 11: Establish a potential hybrid route to serve the Newhall Ranch Landmark Village along Henry Mayo Drive/SR-126, Commerce Center Drive, and Magic Mountain Parkway.

As the Project site is developed further over the years, periodic adjustments to the availability of transit service will be required to serve the subsequently developed areas. Alternative 2 would not result in significant impacts relative to the provision of transit service." (Draft EIS/EIR, p. 4.8-47.)

In addition to providing transit services described above, the following text is from the "Mobility Plan" component of the Newhall Ranch Specific Plan (May, 2003) and describes the development of a MetroLink station on the Project site:

"The Mobility Plan anticipates the eventual extension of a MetroLink line along the SR-126 corridor, linking Los Angeles and Ventura Counties. A continuous transit corridor has been incorporated into the plan to permit future transit/rail options. A potential site for a future transit station has also been identified in Planning Area RW 36...which could be used a possible park-and-ride site as an interim use." (Newhall Ranch Specific Plan, page 2-70.)

Since impacts to on the provision of transit service were determined to be less than significant, no further mitigation is required. (Cal. Code Reg., tit. 14, § 15126.4, subd. (a).) 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.

**Response 74**

The comment asserts that the Newhall Land and Farming Company "has a very poor track record regarding such mitigations" and that 59 mitigation measures that apply to other Newhall Land and Farming projects "have yet to be acted-on." The comment does not describe these 59 mitigation measures or identify the specific projects to which they apply. Therefore, a detailed response to this comment is not provided. To the extent the comment may refer to the 57 proposed projects of the Natural River Management Plan (NRMP) and associated mitigation measures, please see **Topical Response 3: Natural River Management Plan Projects and Mitigation**.

**Response 75**

The comment indicates that the Sierra Club favors implementation of Alternative 7 as it would reduce density on the Project site, and minimize environmental concerns such as water supply, infrastructure impacts, traffic, air quality, wildlife corridors, and alterations to the River. All of these resources are analyzed in the Draft EIS/EIR. The Corps and CDFG appreciate the Sierra Club's comments, and they will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.