

Dr. Mha Atma S. Khalsa
Martha Oaklander
1536 Crest Dr.
Los Angeles, CA 90035

June 7, 2009

California Department of Fish and Game
Newhall Ranch EIR/EIS Comments
Attn: Dennis Beford
4949 Viewridge Ave.
San Diego, CA 92123

Dear Mr. Beford,

We are long time California residents, taxpayers, voters, homeowners and business owners. We are extremely concerned about the threat to the Santa Clarita River posed by the Newhall Ranch project. We are outraged that Newhall Land and Farming is seeking to obtain a State Fish and Game alteration agreement in spite of being in bankruptcy. Newhall Land's last large river permit, granted in 1998, allowing projects along 15 miles of the Santa Clarita river, has NOT worked. Many of the endangered species it was supposed to protect have disappeared from the area, and some of the required mitigation measures have still not been completed.

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This area of the Santa Clara in question is unique and beautiful and wild, and is home to several endangered and threatened species found nowhere else in the world, and to birds, turtles, frogs, toads, mountain lions, bears and coyotes. It encompasses critical wildlife corridors and a rare oak valley woodland.

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We very strongly urge you to DENY any plan to bank the river or build in this floodplain area that is currently designated a Significant Ecological Area by L.A. County. Please protect our precious remaining wild places against inappropriate, unsustainable development. We will continue to follow this matter closely.

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Most sincerely,

Dr. Mha Atma S. Khalsa

Martha Oaklander

084. Letter from Dr. Mha Atma S. Khalsa and Martha Oaklander, dated June 7, 2009

Response 1

The first sentence in this comment is an introduction to comments that follow. The Corps and CDFG appreciate the comment provided in your letter. Your opinion regarding threats to the Santa Clara River and the proposed Project will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. However, because the comment does not address the content of the Draft EIS/EIR, no additional response is provided.

Response 2

As discussed in **Topical Response 2: Bankruptcy-Related Comments**, The Newhall Land and Farming Company is no longer in bankruptcy. All of its mitigation obligations under the NRMP were secured with letters of credit prior to and during the bankruptcy proceeding, in an amount exceeding \$2.3 million. Because the NRMP has a 20-year build-out schedule, many of the contemplated projects will be constructed in the future. The same is true of the mitigation measures that attach to each of the projects identified in the NRMP. Those measures are implemented only when the project to which they apply is actually initiated, which explains why some of the mitigation measures have not yet been completed. However, the Corps and CDFG are satisfied that the NRMP mitigation program is functioning and progressing consistent with the terms of the NRMP Mitigation Monitoring and Reporting Program (MMRP). Please see **Topical Response 3: Natural River Management Plan Projects and Mitigation**.

Response 3

With respect to the comment's assertion that endangered species have "disappeared" from the NRMP area, field data indicate that the MMRP and Incidental Take Permits provide adequate protection for the endangered species that use or reside in the NRMP area. The specific findings of the NRMP field surveys include the following: (1) of the five threatened or endangered species covered under the section 2081 permit and the Biological Opinion, only the least Bell's vireo (LBV) and the fully protected unarmored three spine stickleback (UTS) were routinely observed in the NRMP site prior to project approval; and (2) these species continue to reside within the NRMP area. As documented in surveys through 2007, LBV have been consistently observed and documented in the riparian portions of the Santa Clara River downstream of I-5. These survey data were presented in **Appendix 4.5** of the Draft EIS/EIR. In addition, project surveys near the I-5 crossing of the Santa Clara River (both upstream towards the San Francisquito Creek and downstream towards the Valencia Water Reclamation Plant (WRP) outfall) have consistently shown the presence of UTS in recent years. (See Final EIS/EIR, **Appendix F4.5**, Compliance Biology, Inc. letter, dated March 18, 2010, providing compendia of special status species survey information within Santa Clarita and the Natural River Management Plan Area.) In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR.

Response 4

The comment addresses subject areas such as species of concern found on the Project site and oak woodlands. These topics received extensive analysis in the Draft EIS/EIR, including **Section 4.5**, Biological Resources. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR. Project-related impacts to oak woodlands were evaluated and it was determined that with the implementation of proposed mitigation measures, impacts to oak trees would be reduced to a

less-than-significant level. In addition, the Draft EIS/EIR indicates that approximately 13,732 oak trees in the High Country area and 5,640 oak trees in the Salt Creek area would be preserved. Please also refer to **Topical Response 12: Wildlife Habitat Connectivity, Corridors, and Crossings**, for additional information regarding the Project's impacts to wildlife movement. The comment does not raise any specific issues regarding the analysis provided in the Draft EIS/EIR, therefore, no additional response is provided. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

Response 5

The Corps and CDFG appreciate the comment provided in your letter. Your opinion regarding building flood control banks and construction within the floodplain of the Santa Clara River and the proposed Project will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. However, because the comment does not address the content of the Draft EIS/EIR, no additional response is provided.

This comment also expresses concern related impacts to floodplain areas found on the Project site. The Draft EIS/EIR provided extensive analysis regarding the project's effects on floodplain areas and associated resources located on and off the Project site. This analysis is included in **Section 4.1**, Surface Water Hydrology and Flood Control; **Section 4.2**, Geomorphology and Riparian Resources; and **Section 4.6**, Jurisdictional Waters and Streams. The analysis provided in those sections indicates that Project-related impacts to the floodplain and its associated resources can be feasibly reduced to a less-than-significant level with the implementation of proposed mitigation measures. In addition, the Draft EIS/EIR evaluated an alternative to the proposed Project (Alternative 7) that substantially minimizes development in within the 100-year floodplain as it is delineated by the Federal Emergency Management Agency (FEMA). This alternative was identified by the Draft EIS/EIR as the environmentally superior project alternative. The Corps and CDFG will consider this information before taking action on the proposed Project. Please also refer to **Topical Response 11: River Corridor SMA/SEA 23 Consistency**, regarding the proposed Project's relationship to the on-site SEA area. In addition, for further responsive information, please see revised **Sections 4.1, 4.2, and 4.6** of the Final EIS/EIR.