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August 24, 2009

U.S Army Corps of Engineers
Ventura Field Office
Attn: Aaron O. Allen
2151 Alessandro Drive, Suite 110
Ventura, California 93001
[facsimile: (805) 585-2154]

California Department of Fish & Game
Newhall Ranch EIS/EIR Project Comments
c/o Dennis Bedford
4949 Viewridge Avenue
San Diego, California 92123
[facsimile: (858) 467-4283]

Re: Public Comments on Newhall Ranch EIR/EIS

Dear Mr. Allen and Mr. Bedford:

I am submitting this letter on behalf of Save Open Space/Santa Monica Mountains (SOS). As you have recognized in preparing an EIS/EIR, developing Newhall Ranch with over 20,000 houses and an additional 1,000 acres of commercial and business uses, will result in tremendously damaging impacts to the environment, including the designated preservation areas. This letter focuses on deficiencies in the environmental studies of impacts related to traffic, biological resources, natural water courses, air quality, noise, global warming and night glare.

1

TRAFFIC IMPACTS HAVE BEEN UNDERESTIMATED.

The traffic generated by this project and its cumulative impact will not only be devastating for Los Angeles and Ventura County residents using I-5 and SR-126, it will have highly significant impacts on statewide commerce. Interstate 5 and its feeder/alternate road SR-126, are the only major roads by which truck traffic from San Diego, Orange, Los Angeles and Ventura Counties, including the port of Long Beach travel to northern California and beyond and vice versa. There will be a significant impairment to the timely movement of goods, produce and people along this corridor as a result of this project. Due to errors in the traffic section of the EIR/EIS, these impacts have not been correctly analyzed and disclosed.

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The EIR/EIS is predominantly premised upon Newhall's 10 year old traffic studies for the entire project. These studies pre-date the proposed development of Tejon Ranch with *more than 20,000 homes* in the Centennial project, a 1,450 acre industrial park, and the Tejon Mountain Village with 3,450 homes, 160,000 sq. ft of commercial facilities, hotel and golf courses (see www.

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tejonranch.com.; <http://www.co.kern.ca.us/planning/pdfs/eirs/TejonMountainVillageVolumeI.pdf>) and presumably other proposed developments as well. Consequently the EIR contains incorrect calculation for additional vehicles in the cumulative impacts sections of the report. For example, § 4.8-5 of the EIR/EIS states that Newhall Ranch will generate 86,561 additional vehicle trips per day, but all other known projects in the vicinity will generate 44,490 daily trips. The DEIR for the Tejon Mountain Village estimates 49,166 as its average daily traffic with 74% of such traffic utilizing I-5 (Tejon DEIR, p. 4.15-17.¹) When the Centennial project is built with an additional 20,000+ homes and a commercial center, the traffic volumes on I-5 will be exponentially far greater. Under these circumstances and due to the failure to include development of the Tejon Ranch in the cumulative traffic figures, the EIR/EIS numbers are grossly understated.

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The DEIR for Tejon Mountain Village, analyzes traffic volumes for the next 20 years (up to 2030). Conversely, this DEIR for Newhall Ranch is premised on 2010 traffic projections even though the project has not yet been commenced. There is no explanation in the EIR why the projections for traffic impacts are pegged on the year 2010, rather than when the project will actually be built. Does this mean that the projection of volume of vehicle trips for 2010 for the entire area totaling 2,029, 800 ADT's (4.8-6) does or does not include any of the traffic which will be generated from the Newhall Ranch and Tejon Ranch developments?

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It is essential that the EIR/EIS be revised to provide the public, including our elected officials and the trucking industry, with accurate up-to-date information regarding projected traffic volumes which will be added to the already overcrowded and dangerous conditions existing on I-5 and SR 126 as a result of this project both individually and cumulatively in order to effectuate informed and responsible decision making.

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Moreover, due to the vast undercounting of traffic which will be generated as a consequence of this project cumulatively, the correlative *air quality, noise, global warming and light/night glare impacts to the community and wildlife must also be reconsidered and revised.*

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IMPAIRMENT TO WILDLIFE LINKAGES/CORRIDORS AND THE SANTA CLARA WATERSHED ARE NOT ADEQUATELY ASSESSED.

As this EIR/EIS states, there will be significant impacts to wildlife and to wildlife linkages and corridors as a result of this project. SOS is concerned that these impacts have been undervalued due to the fact that the EIR/EIS is premised on Newhall Ranch's 1999 studies (4.5-19), rather than based on current studies and evidence. For example, while the impacts to the mountain lion are deemed significant (4.5-25), new evidence lends support to the conclusion that the project as proposed will have even greater impacts to local protected wildlife, including mountain lions, than set forth in the EIR/EIS.

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SOS specifically requests that a March 2008 study prepared by Science and Collaboration for Connected Wildlands (found at [scwildlands.org](http://www.scwildlands.org)) entitled South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion (<http://www.scwildlands.org/reports/SCMLRegionalReport.pdf>) be reviewed and considered in revising this EIR/EIS along with its June 2006 Report entitled "Wildlands of the Santa Clara Watershed" (<http://www.scwildlands.org/reports/WildlandsoftheSCRWatershed.pdf>.) The updated information in these reports presents not only the problems regarding developing in and adjacent to the Santa Clara

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¹ While this draft EIR is being referenced for the purpose of showing omissions in this draft EIR for Newhall Ranch, SOS does not concede that the Tejon Ranch DEIR is accurate in all respects.

watershed and existing wildlife corridors, but also proposes methods for decreasing such impacts. SOS is also very concerned that the headwaters of the Santa Clara River will not be adequately protected against significant impacts as a result of this project.

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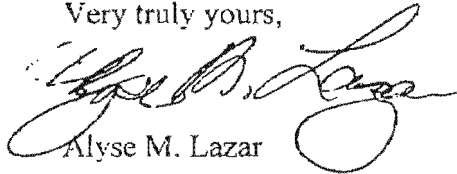
SOS requests that Fish and Game and the Army Corps uphold our important environmental laws by taking the steps necessary to actually preserve and protect our natural resources rather than simply agreeing that this project be allowed to proceed as proposed by the developer despite its very significant and permanent negative impacts on the environment and wildlife. Far greater mitigation measures must be imposed in order to accomplish this objective.

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We request that all of the above-referenced reports be incorporated by reference in this comment letter. It is also requested that the undersigned be added to any and all mailing/e-mail lists generated by the Army Corps of Engineers and the Department of Fish and Game for this project. Thank you for your consideration.

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Very truly yours,


Alyse M. Lazar

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Fax: 805-585-2154; 858-467-4203 (DFG) Pages: 4

Phone: Date: August 24, 2009

Re: Newhall Ranch EIS/EIR Project
Comments CC:

Urgent For Review Please Comment Please Reply Please Recycle

COMMENTS:

Please see attached comments on the proposed Newhall Ranch EIR/EIS and include them for consideration in this matter. Thank you.

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124. Letter from Law Office of Alyse M. Lazar, dated August 24, 2009

Response 1

The comment is an introduction to comments that follow. Please note that as described in Draft EIS/EIR, **Section 2.0**, Project Description, the Newhall Ranch Specific Plan's total number of permitted residential dwelling units is 20,885. Please see **Table 4.14-1** in **Section 4.14**, Land Use, for a complete breakdown of all land uses, by acreage, approved under the Specific Plan. The environmental impacts of the proposed Project were extensively evaluated in the Draft EIS/EIR, including the analysis of impacts related to traffic (**Section 4.8**); biological resources (**Section 4.5**); natural water courses (**Section 4.1**, Surface Water Hydrology, Erosion and Flood Control; and **Section 4.2**, Geomorphology and Riparian Resources); air quality (**Section 4.7**); noise (**Section 4.9**); global warming (**Section 8.0**); and night glare (**Section 4.15**, Visual Resources). In addition, for further responsive information, please see revised **Sections 2.0, 4.1, 4.2, 4.5, 4.7, 4.8, and 8.0** of the Final EIS/EIR.

Response 2

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. (See, *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.)

Response 3

The comment is an introduction to comments that follow. No further response is provided.

Response 4

The basis for the Draft EIS/EIR traffic impacts analysis is the December 2008 study prepared by Austin-Foust entitled "Newhall Ranch RMDP and SCP EIR/EIS Traffic Analysis;" a copy of the study is contained in the Draft EIS/EIR, **Appendix 4.8**. Traffic counts included as part of the preparation of the Austin-Foust report were conducted primarily in 2006; for counts taken before 2006, a two percent annual average growth rate was applied to approximate 2006 conditions. (Draft EIS/EIR, p. 4.8-14.) Moreover, the Santa Clarita Valley Consolidated Traffic Model (SCVCTM), which was used to conduct the impacts analysis, incorporates all future development included in the most recent General Plan updates and proposed General Plan amendments. (Draft EIS/EIR, p. 4.8-11.) While several other studies were referred to in preparing the analysis, including the original Newhall Ranch Specific Plan Traffic Study (1999), the 1999 Traffic Study was provided primarily for background purposes. The December 2008 traffic study was prepared specifically for the Draft EIS/EIR and represents a complete update to the original Newhall Ranch studies. Additionally, as further explained in **Response 5**, below, the year 2030 traffic forecasts prepared for the 2008 traffic study account for traffic generated by regionally significant planned developments, including Centennial and Tejon Mountain Village.

For further responsive information, please refer to revised **Section 4.8**, Traffic, including revised appendices (Final EIS/EIR, **Appendix F4.8**).

Response 5

The comment states that the Draft EIS/EIR states that Newhall Ranch will generate 86,561 additional vehicle trips per day, and that all other known projects will generate 44,490 daily trips, and that this is an "incorrect calculation" for cumulative projects. However, the comment is based on a misreading of the Draft EIS/EIR in that it is based on information contained in the Draft EIS/EIR summarizing an April 1990 EIR prepared for the Valencia Commerce Center (VCC), not the proposed Project. The referenced 86,561 additional trips applies to the 1990 analysis of the VCC project, not Newhall Ranch. (See Draft EIS/EIR, **Table 4.8-2**.) The proposed Project (Alternative 2) would generate approximately 409,000 daily trips. (Draft EIS/EIR, **Table 4.8-5**.) Likewise, the referenced 44,490 cumulative trips is from the same 1990 VCC EIR, and is not a reference to the current 2008 cumulative traffic study forecasts.

The Draft EIS/EIR cumulative impacts analysis was prepared utilizing the SCVCTM 2030 forecasts, and is based on build-out of the land uses identified in the Los Angeles and Ventura County General Plans, the City of Santa Clarita General Plan, and growth in the adjacent communities. (Draft EIS/EIR, p. 4.8-9.) The SCVCTM land use database includes all approved General Plan projects, as well as proposed General Plan amendments. Additionally, regional growth, which is traffic volume increases occurring outside of the SCVCTM area, also is incorporated into the SCVCTM. These outside or external trips take two forms, trips with one trip end internal to the SCVCTM area and the other trip end external to the SCVCTM area ("external" trips), and trips with both trip ends external to the SCVCTM area ("through" trips). The SCVCTM forecasts for 2030 traffic volumes at those points crossing the SCVCTM area boundary represent a 70 percent increase over 2004 volumes in external trips and a 111 percent increase in through trips. (See **Response 22** to the letter from TriCounty Watchdogs, dated August 22, 2009 (Letter 042), **Table 1**, SCVCTM Cordon Summary.) Thus, the SCVCTM long-range cumulative traffic accounts for traffic generated outside of the SCVCTM area that the model estimates will more than double by 2030. This regional traffic includes traffic generated by regionally significant planned developments, including Centennial, Gorman Post Ranch, Frazier Park Estates, Tejon Mountain Village, Tejon Industrial Complex, Northlake, River Park, and Gate-King.

For further responsive information, please refer to revised **Section 4.8**, Traffic, including revised appendices (Final EIS/EIR, **Appendix F4.8**).

Response 6

The comment states that the projections for traffic impacts are incorrectly "pegged" to the year 2010, rather than when the Project will actually be built. However, the comment mistakenly refers to information contained in the Draft EIS/EIR summarizing the April 1990 EIR prepared for the Valencia Commerce Center, and not on information relating to the proposed Project. The reference to 2,029,800 ADTs anticipated by year 2010 in the Draft EIS/EIR, p. 4.8-6, is a reference to the VCC project and the 1990 EIR; the table does not reflect the analysis conducted as part of the RMDP/SCP Draft EIS/EIR, released for public review in April 2009. As explained above, Project impacts were assessed against a long-range cumulative scenario, year 2030, not year 2010, and that scenario includes Tejon Mountain Village and other regionally significant planned development.

Response 7

The Draft EIS/EIR traffic impacts analysis includes accurate, up-to-date information regarding projected traffic volumes on the study area roadways, including I-5 and SR-126. Please see **Responses 4-6**, above. For further responsive information, please refer to revised **Section 4.8**, Traffic, including revised appendices (Final EIS/EIR, **Appendix F4.8**).

Response 8

For the reasons discussed above in **Responses 2-6**, the Draft EIS/EIR traffic impacts analysis was properly conducted and no revisions are necessary to the correlative air quality, noise, global warming, and light/night glare impacts. See Draft EIS/EIR **Section 4.7**, Air Quality; **Section 4.9**, Noise; **Section 8.0**, Global Climate Change; and **Section 4.15**, Visual Resources. In addition, for further responsive information, please refer to Final EIS/EIR, revised **Section 4.7**, Air Quality, including revised appendices (**Appendix F4.7**); and revised **Section 8.0**, Global Climate Change, including revised appendices (**Appendix F8.0**).

Response 9

The comment states that the proposed Project would result in significant impacts to wildlife and wildlife linkages and corridors. The comment further expresses the concern that potential impacts have been underestimated because the Draft EIS/EIR is premised on studies undertaken in 1999 (citing page 4.5-19 of the Draft EIS/EIR), rather than more current data.

Thank you for providing comments regarding wildlife movement and corridors. **Section 4.5** of the Draft EIS/EIR addressed wildlife habitat connectivity and wildlife corridors at three spatial scales, including landscape linkages, wildlife corridors, and wildlife passages. This analysis concluded that while the project would result in the functional loss of some wildlife movement, overall the impacts from the proposed Project would be less than significant with the implementation of project mitigation. This includes Mitigation Measures SP-4.6-23, SP-4.6-37, and BIO-19 that require the dedication of the River Corridor SMA, High Country SMA, and Salt Creek area, respectively. Further, the analysis in the Draft EIS/EIR in **Subsection 4.5.5.2.4.2** supports the conclusion that impacts to wildlife linkages (termed "wildlife landscape habitat linkages") would be adverse but not significant for Alternatives 2 through 7. For further information related to wildlife corridors and wildlife movement, please refer to **Topical Response 12: Wildlife Habitat Connectivity, Corridors, and Crossings**.

The comment suggests that the impacts to wildlife and wildlife linkages and corridors have been underestimated because the Draft EIS/EIR is premised on Newhall Ranch's 1999 document. To clarify, the impact analyses in **Section 4.5**, Biological Resources, of the Draft EIS/EIR are based on existing literature and biological studies conducted between 1988 to 2008. These studies are described in **Subsection 4.5.3.1**, Summary of Literature Review and Biological Studies Conducted in Project Area, of the Draft EIS/EIR. In addition, in response to this and other comments, additional surveys for a variety of biological resources were conducted in 2009 and 2010. The results of these surveys are included in the Final EIS/EIR. The reference to the Newhall Ranch Specific Plan Draft EIR (County of Los Angeles 1999) is one of the many sources that were reviewed prior to the completion of the Draft EIS/EIR.

The Corps and CDFG appreciate your concern regarding wildlife movement and connectivity 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 10

The commentor states that the Draft EIS/EIR disclosed that impacts to mountain lion would be significant, absent mitigation. The commentor also asserts that there is new evidence to suggest that the proposed Project would have even greater impacts to local wildlife, including mountain lions, than were identified in the Draft EIS/EIR.

Section 4.5, Biological Resources, of the Draft EIS/EIR analyzed the potential impacts to biological resources from the proposed Project and alternatives, including mountain lions. As discussed above in **Response 9**, the analysis provided in the Draft EIS/EIR was based on current scientific data and recent biological studies. The commentor also does not identify any new evidence regarding mountain lions that may suggest that impacts to this species would be greater than identified in the Draft EIS/EIR. Impacts to mountain lion, including potential effects to wildlife movement and connectivity, were thoroughly evaluated in **Section 4.5** of the Draft EIS/EIR. Based on this evaluation, the Draft EIS/EIR concluded that impacts to mountain lion would be less than significant with the implementation of Project mitigation measures. The Corps and CDFG appreciate the comment provided in your letter. Your opinion regarding 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.

Response 11

The commentor requests that the *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion* (2008) report be reviewed and considered in the Final EIS/EIR, along with the June 2006 report *Wildlands in the Santa Clara Watershed*. The commentor indicates that these reports address development in and adjacent to the Santa Clara watershed and existing wildlife corridors and propose methods for reducing such impacts. The commentor also expresses a concern that the headwaters of the Santa Clara River will not be adequately protected from significant impacts of the proposed Project.

South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion (2008) is a broad, ecoregion-scale study that directly incorporates the results of the Penrod et al. (2006)¹ study, which identified the linkage design for the Santa Monica Mountain–Sierra Madre Connection. The *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion* (2008) does not provide new or additional information relevant to the proposed Project; therefore, it is not necessary to incorporate this study into the Final EIS/EIR. However, the findings of the Penrod et al. (2006)¹ report were reviewed and considered in the analysis of wildlife movement identified in **Subsection 4.5.5.2.4** of the Draft EIS/EIR. This section presents an analysis of how implementation of the proposed Project and alternatives affects the ability of wildlife to disperse, forage, or move on a local and landscape scale. The Draft EIS/EIR

¹ Penrod, K., C. Cabanero, P. Beier, C. Luke, W. Spencer, E. Rubin, R. Sauvajot, S. Riley, and D. Kamradt. 2006. *South Coast Missing Linkages Project: A Linkage Design for the Santa Monica-Sierra Madre Connection*. Idyllwild, California: South Coast Wildlands, in cooperation with the National Park Service, Santa Monica Mountains Conservancy, California State Parks, and The Nature Conservancy.

identified three primary wildlife linkages in the Project area. These include the River Corridor SMA, High Country SMA, and Salt Creek area. The High Country SMA and Salt Creek area comprise an important part of the "least-cost" path linkage design identified by the Penrod *et al.* (2006) study. These areas were identified in the Draft EIS/EIR to provide a key part of the east to west linkage that crosses I-5 and connects to the Angeles National Forest in the San Gabriel Mountains to the east and to Ventura County "SOAR" open space to the southwest.²

The same general conceptual linkage figure identified by Penrod *et al.* (2006) is used in both the 2006 and 2008 reports and is reproduced as **Figure 4.5-22** in the Draft EIS/EIR; the only difference from the Penrod *et al.* (2006) report is that the *South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion* (2008) report figure excludes the linkage that crosses the southern portion of Newhall Ranch from west to east.

The protection of the High Country SMA and Salt Creek area would conserve the large majority of the conceptual habitat linkage within the proposed Project area, at the Ventura/Los Angeles County boundary identified by Penrod *et al.* (2006). Because the three main wildlife landscape habitat linkages -- High Country SMA, River Corridor SMA, and Salt Creek area would remain intact and functional following implementation of the proposed Project, the Draft EIS/EIR concluded that impacts to wildlife landscape habitat linkages would be adverse but not significant under the proposed Project (Alternative 2).

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

The 2006 *Wildlands in the Santa Clara Watershed* is a non-technical report containing general information about biological resources in the Santa Clara River watershed directed toward the general public. The description of biological resources in the *Wildlands in the Santa Clara Watershed* report is much more general than, although consistent with, the description in the Draft EIS/EIR regarding vegetation communities and special-status species. *The Wildlands of the Santa Clara Watershed* report, however, does not contain any substantive technical information for the Project area that was not already analyzed in the Draft EIS/EIR or that would need to be incorporated into the Final EIS/EIR. The species occurrence data used in the Draft EIS/EIR are much more detailed than those in the Santa Clara Watershed report and provide the decision makers with adequate information to take intelligent account of the impacts and recommended mitigation associated with the proposed Project or alternatives. For example, the Recorded Occurrences of Listed & Sensitive Amphibians, Reptiles & Fish figure in the *Wildlands in the Santa Clara Watershed* report includes species documented in the Project area but is not complete with respect to all documented occurrences (see **Figure 4.5-6** of the Draft EIS/EIR). Specifically, none of the documented occurrences of two-striped garter snake in the Project area shown on **Figure 4.5-6** of the Draft EIS/EIR are shown in the Recorded Occurrences of Listed & Sensitive Amphibians, Reptiles & Fish figure in the *Wildlands in the Santa Clara Watershed* report. Similarly, the occurrence data for special-status birds and mammals (**Figure 4.5-6** of the Draft EIS/EIR) are much more complete in the Draft EIS/EIR than in the *Wildlands in the Santa Clara Watershed* report figure entitled Recorded Occurrences of Listed & Sensitive Birds and Mammals.

² Save Open-Space and Agricultural Resources (SOAR) is a non-profit organization that seeks to maintain agricultural, open space, and rural lands within Ventura County and surrounding regions. Development activities within the SOAR boundaries are limited by Ventura County Ordinance.

The proposed Project is not located in the higher elevation headwaters (*i.e.*, sources) of the Santa Clara River watershed, and the commentor's specific concerns regarding potential impacts to headwaters of the Santa Clara River are unclear. Potential impacts to the Santa Clara River were analyzed as on-site and downstream impacts; however, greater impacts to the River were considered in the cumulative analysis of the Draft EIS/EIR.

Response 12

The commentor requests that CDFG and the Corps uphold environmental laws and requests that the lead agencies impose greater mitigation measures in order to protect natural resources that occur on the project site.

Consistent with the lead agencies' obligations under the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), this EIS/EIR fully evaluates the impacts of the proposed Project and identifies appropriate mitigation and alternatives to reduce or avoid impacts. As disclosed in the Draft EIS/EIR, the proposed Project, Alternative 2, would result in significant and unavoidable impacts to biological resources including San Fernando Valley spineflower, southwestern pond turtle, and San Emigdio blue butterfly. Impacts for Alternatives 3 through 7 would result in less-than-significant impacts to all biological resources with the implementation of mitigation measures identified in the Draft EIS/EIR.

Finally, CDFG is the State of California's trustee agency for fish and wildlife resources. (Fish & G. Code, §§ 1802, and 711.7 (a); Pub. Resources Code, § 21070; Cal. Code Regs., tit. 14, § 15386, subd. (a).) In that capacity, CDFG holds fish and wildlife resources in trust for the people of the state, exercising jurisdiction over the conservation, protection, and management of those species and their habitat. CDFG also administers various permitting programs under the Fish & Game Code, two of which are involved in the present case. (Fish & G. Code, §§ 1600 et seq., 2081; Cal. Code Regs., tit. 14, §§ 783.0 et seq., 15251, subd. (o).) Managing California's diverse fish, wildlife, and plant resources, and their habitat, for their ecological values and their use and enjoyment by the public is CDFG's core mission. CDFG is and will fulfill its trustee mandate in the present case.

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 13

The comment requests that reports referenced in the comment letter be incorporated by reference into the letter. The comment also requests that the undersigned be added to any all mailing/e-mail lists generated by the lead agencies for the proposed Project. As requested, the mailing list has been revised to add the author of the comment letter. In addition, 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.