

TRANSCRIPT OF PUBLIC HEARING
PROPOSED NEWHALL RANCH RESOURCE MANAGEMENT AND
DEVELOPMENT PLAN AND SPINEFLOWER CONSERVATION PLAN

THURSDAY, JUNE 11, 2009

6:30 P.M.

CERTIFIED COPY

REVISED

Rancho Pico Middle School
26250 West Valencia Boulevard
Stevenson Ranch, California

Reported By:

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Hearing Reporter

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1 APPEARANCES:

2 Lt. Col. Jon Hartwick,
3 U.S. Army Corps of Engineers

4 Dr. Aaron Allen,
5 Regulatory Project Manager,
6 Chief of the North Coast Branch

7 Dr. Edmund Pert, Regional Manager
8 California Department of Fish and Game

9 Mr. Jon Davidson,
10 Aspen Environmental

11 Mr. Dennis Bedford,
12 Newhall Project Manager,
13 California Department of Fish and Game

14 Mr. Jay Fields, A.C.O.E.
15 Public Affairs Office

16 Kirstin Macintyre, D.F.G.

17 COMMUNITY SPEAKERS:

18 Ileene Anderson Tom Barron

19 David Bossert Sally Chase-Clark

20 Sandra Cattell Bruce Campbell

21 Snowdy Dodson Arthur Flynn

22 Carol Lutness David Lutness

23 Larry Mankin Dave Morrow

24 Cam Noltemeyer Rudy Ortega

25 Laura Scott Sydell Stokes

Barbara Wampole Melody Winter

Jason Weiner

Stevenson Ranch, California

Thursday, June 11, 2009

6:30 P.M.

-oOo-

LT. COL. HARTWICK: My name is Lt. Col. Jon Hartwick. I am the Deputy Commander of the Los Angeles District of the U.S. Army Corps of Engineers. On behalf of the Corps of Engineers, I would like to welcome you all to this public hearing for the proposed Newhall Ranch Resource Management and Development Project.

T-1

As you know, the Newhall Land and Farming Company has applied to my agency for a permit to discharge fill materials in approximately 82 acres of waters of the United States for the construction of flood control and infrastructure facilities associated with the proposed project.

T-1

T-1


Under our federal permit program, the Corps of Engineers is responsible for regulating discharges of fill material in waters of the United States, and many of Newhall Land's proposed activities are regulated under Section 404 of the Clean Water Act.

1 Federal action, such as Section 404
2 permit decisions, are subject to compliance with a
3 variety of federal environmental laws.
4 Consequently, the Corps has the responsibility,
5 under the National Environmental Policy Act, to
6 evaluate the environmental impact that would be
7 caused by the proposed project prior to making a
8 permit decision.

9 In addition to evaluating the
10 direct, indirect, and the cumulative impact of the
11 proposed project, the Corps must determine whether
12 the proposed project is the least environmentally
13 damaging practical alternative that meets the
14 overall project purpose. Also, no permit can be
15 granted if we find the proposal is contrary to the
16 public interest.

17 The public interest determination
18 requires a careful weighing of those factors
19 relevant to the particular project. The project's
20 benefits must be balanced against its reasonably
21 foreseeable detriments.

22 Some of these relevant factors may
23 be: Conservation, economics, aesthetics, general
24 environmental concerns, historic properties,
25 recreation, water quality, safety, property




1 ownership and, in general, the needs and welfare
2 of the people.

3 For the purposes of the testimony I
4 will hear tonight, we should concentrate on the
5 issues specifically related to the proposed
6 project at the Newhall Ranch site. At this public
7 hearing, I'm requesting input from the general
8 public concerning specific environmental and
9 public-interest factors that should be evaluated
10 as part of the permit decision. I would like to
11 emphasize that my staff and I will carefully
12 consider all comments that we receive both orally
13 and in writing.

14 Some speakers will be opposed to
15 the project, while others might be in favor. I
16 hope and expect that you will respect opposing
17 views and allow speakers to make their statements
18 without interference.

19 We will begin tonight with a brief
20 presentation from Dr. Edmund Pert, the Regional
21 Manager for the California Department of Fish and
22 Game, followed by a 20-minute presentation that
23 provides an overview for the proposed project.

24 Following these two presentations,
25 we will take oral testimony. During the oral



1 testimony, section, speakers will be given three
2 to five minutes depending on the number of
3 speakers to make their comments. If you would
4 like to provide oral testimony, you must fill out
5 a speaker card and give it to one of the Corps
6 staff, identified by their Corps I.D. Badge,
7 before the oral testimony section begins. All
8 oral or written testimony will become a part of
9 the administrative records for this permit
10 application.

11 Once we have a written transcript
12 of the testimony, it will be published on our
13 website, which is listed in our public notice of
14 this hearing.

15 I would like to briefly introduce
16 some of my key staff who are present tonight:
17 Dr. Aaron Allen, who is the chief of the North
18 Coast Branch and is the Regulatory Project Manager
19 for this process; and Jay Field, from our public
20 affairs office (indicating). We also have Melody
21 Stauder (phonetic) from our regulatory branch
22 (indicating).

23 I will now ask Dr. Edmund Pert of
24 the California Department of Fish and Game to
25 provide a presentation that summarizes his

T-1


1 agency's responsibilities regarding the proposed
2 project.

3 DR. PERT: Thank you and good evening.
4 Welcome. And I want to thank you on behalf of the
5 Department for taking time out of your busy
6 schedules and coming out tonight. Again, my name
7 is Ed Pert. I'm the Regional Manager for the
8 California Department of Fish and Game, South
9 Coast Region. Can you hear me? Sorry about that.
10 Can you hear me now?

11 So my name is Ed Pert. I'm
12 Regional Manager for California Department of Fish
13 and Game, South Coast Region. And what I want to
14 do, really briefly here, is give you some
15 background and context regarding the Department's
16 role in this process.

17 And I want to start by reminding
18 folks that back on April 27th of this year, the
19 U.S. Army Corps of Engineers and California
20 Department of Fish and Game put out for public
21 review the Resource Management Development Plan
22 and Spineflower Conservation Plan and
23 EIS/EIR.

24 As I'm sure many of you are aware,
25 back in 2003, the Los Angeles County or the County



1 of Los Angeles approved the Newhall Ranch specific
2 plan. And when they did that, that was pending
3 two items from the Department -- two approvals for
4 permits. One was a Lake and Streambed Alteration
5 Agreement, and that's required under Fish and Game
6 Code 1600.

7 The other item is an Incidental
8 Take Permit for threatened and endangered species,
9 which is required under the California Endangered
10 Species Act. So I want --

11 (Interruption by community member speaking.)


T-1

12 (Pause in the proceedings.)

13 DR. PERT: Is that better? Can you hear
14 me now? Okay. I will try to speak more slowly
15 this time. And let me know if you can't hear me.
16 I apologize.

17 So the second item needed from the
18 Department, because of the Los Angeles County's
19 issuance of the specific plan that's required by
20 the Department, is an Incidental Take Permit,
21 which is required under the California Endangered
22 Species Act.

23 So for the first item, the Lake and
24 Streambed Alteration Agreement, the Department
25 will be preparing a master streambed agreement




1 that will condition the construction of the
2 infrastructure in the build-out of the Newhall
3 Ranch project. That will cover the Santa Clara
4 River and 23 tributaries.

5 For the Incidental Take Permit,
6 that will cover the state's listed endangered
7 least Bell's vireo, Southwestern Willow
8 Flycatcher, and Yellow-billed Cuckoo, as well as
9 the Spineflower -- the San Fernando Spineflower.

10 Now, for those of you who have
11 looked at the document, you probably recognize
12 that it's a long document. It's complex. There
13 are several alternatives. The applicant's
14 proposed project is alternative two. And we are
15 going to hear more about all these things in the
16 upcoming Power-Point presentation.

17 The Department's approach to this
18 was to look at the project in its entirety, as a
19 whole. And we think that this is a very
20 reasonable approach and the right approach. And
21 we can also look at the impact in their entirety.
22 Therefore, we can develop a comprehensive
23 conservation strategy that allows for avoidance,
24 mitigation, development of a management plan for
25 the Santa Clara River, for those listed species



1 that I just mentioned, and all the resources that
2 fall under the purview of the Department.

3 In addition, the Spineflower
4 Conservation Plan takes the same approach, where
5 we look at the total population of Spineflower on
6 Newhall Ranch property, and by doing that we can
7 come up a comprehensive management plan that
8 allows for the long-term persistence of the San
9 Fernando Spineflower.

10 So that hopefully gives you a more
11 general idea as to the Department's role and our
12 approach to this.

13 We've been working with a
14 consultant on this project, and that's Aspen
15 Environmental. And tonight we have Jon Davidson
16 here, from Aspen Environmental, who's going to be
17 giving a much more detailed Power-Point
18 presentation of the process and these plans that
19 we have been talking about, as well as, the
20 alternatives. And so with that, I want to
21 introduce Jon Davidson.

22 And I want to thank everybody,
23 again, for coming out tonight. I really
24 appreciate it, and I look forward to hearing your
25 comments. And I apologize for the technical

T-1

1 difficulties and speaking too quickly and you not
2 being able to hear me very well. Thank you.

3 MR. DAVIDSON: Well, what I would like to
4 do is provide a brief overview for you of the
5 project that is the subject of the Environmental
6 Impact Statement, EIS, and the Environmental
7 Impact Report, EIR -- It's a joint document -- and
8 then also talk about the alternatives that are
9 analyzed in the document a little bit, and just
10 briefly give you some information about some of
11 the major conclusions of the environmental
12 document.

13 (Interruption in the proceedings.)

14 MR. DAVIDSON: Well, the Colonel and then
15 Dr. Pert have already given you a little bit of
16 background on the project.

17
18 POWER-POINT PRESENTATION

19 (Not reported.)

20 MR. DAVIDSON: So with that, I would like
21 to turn the presentation back over to Lt. Col.
22 Hartwick.

23 LT. COL. HARTWICK: Jake, can you hear me
24 back there? Got it. Okay.

25 We are going to start the oral

T-1

1 testimony. Again, if you wish to present your
2 testimony to me directly, you must fill out a
3 speaker card and hand it to one of my staff
4 members before we start the session. If you make
5 your comments, please note that on the table there
6 is a speech timer. It's that little black box in
7 front of Aaron.

8 When you have approximately 30
9 seconds left, the light will turn yellow. When
10 your time is up, the light will turn red. Please
11 respect the time limits, so all who desire to may
12 have an opportunity to speak. Also, please state
13 your name clearly and spell it out, so the
14 transcriber can get your name.

15 As of right now, I have seven.
16 Bring it on up. We have cards, please bring them
17 up.

18 What I would like to do here, I
19 would like to, basically, have the first three
20 people up, ready to speak: One at the podium, two
21 beside the podium in chairs.

22 The first individual up -- if I
23 mess your name up, please forgive me. State your
24 name out loud, and I'll try to get it right.
25 Larry Mankin, Cam Noltemeyer, Carol Lutness, and,

T-1

1 just so you know, Dave Lutness is after that. All
2 right.

3 Any questions about the process?
4 Thank you very much.

5 DR. PERT: Basically, the purpose of this
6 hearing is to get oral testimony. After everybody
7 has spoken, you know, after the hearing, if you
8 want to go back by the map, we can try to answer
9 some questions. But really the purpose of this
10 hearing is for you to tell us, you know, what you
11 think we need to consider as part of our decision
12 and what's in the draft EIS/EIR.

T-1

13 UNIDENTIFIED COMMUNITY MEMBER: Well, you
14 understand that the draft EIS/EIR is very
15 difficult to understand and lengthy.

16 DR. PERT: Yeah, I'm familiar with the
17 document, most definitely. But we'll do our best,
18 you know, to try to answer straightforward
19 questions after everybody has had a chance to
20 talk.

21 Go ahead.

22
23 OPEN HEARING AND ORAL TESTIMONY

24 MR. MANKIN: Am I on? Thank you.

25 My name is Larry Mankin,

T-2

1 M-a-n-k-i-n.

2 (Pause in the proceedings.)

3 MR. MANKIN: I'll try that again.

4 Technology is great.

T-2

5 My name is Larry Mankin,
6 M-a-n-k-i-n. I am a resident of Santa Clarita,
7 and I'm also president, C.E.O. of the Santa
8 Clarita Valley Chamber of Commerce.

9 On behalf of the over 1,400
10 business members of the Santa Clarita Valley
11 Chamber of Commerce, I would like to express
12 support for the draft EIR/EIS for Newhall Ranch
13 Resource Management and Development Plan and the
14 Spineflower Conservation Plan.

15 Our organization has been in
16 support of Newhall Ranch for several years for a
17 number of reasons. It takes a long-term, holistic
18 approach to master planning and, in doing so, is
19 able to plan for a sustainable community with a
20 strong jobs-to-housing balance, and it creates
21 important services; like, schools, libraries, fire
22 stations, and significant open space -- I
23 understand that about 65 percent of the project is
24 open space -- and preservation of very valuable
25 environmental resources.

T-3

1 The more than 20,000 permanent new
2 jobs it will bring, on top of another 40,000 to
3 come with Valencia's build-out, is testimony to
4 solid planning. And if ever there was a time that
5 we needed jobs in Southern California, it's right
6 now, and it will be in the future.

7 The process that Newhall Ranch is
8 undertaking in the draft EIR/EIS confirms the
9 long-term approach to mitigation and impact,
10 setting aside key habitat, protecting the Santa
11 Clara River, preserving and allowing access to the
12 high country, and planning today for future
13 infrastructure needs.

14 I hope, we hope, our 1,400 members
15 hope, that you will move forward with permits for
16 this very valley-wide important project.

17 Thank you.

18 MS. NOLTEMEYER: Cam Noltemeyer. That's
19 N-o-l-t-e-m-e-y-e-r. I am making my comments for
20 the Santa Clarita Organization for Planning and
21 the Environment. We will also be submitting
22 written comments.

23 My concern this evening will be
24 directed towards the water supply and tributaries.
25 We are wondering how the water supply can be

T-3

T-4

T-5



1 accounted for when everyone else is being asked to
2 cut back, and the state water project has cut back
3 immensely on the water supplies for this area.
4 The Santa Clara River is not adjudicated. No one
5 owns the water. Why should water be used to
6 supply Newhall Ranch instead of the existing
7 residents of Santa Clarita Valley?

T-5

8 Newhall Farming cannot count the
9 same amount of water and pumps for farming because
10 farming water recharges from the river.

11 Irrigation returns for -- account for as much as
12 70 percent of the farming water used. It does not
13 look like they're recharged from irrigation
14 returns as calculated in estimates of water
15 available through groundwater pumping.

T-6

16 Money as the required mitigations
17 of Newhall Land and current Army Corps permits for
18 59 projects along the Santa Clara River have not
19 occurred; for example, the restoration of the
20 Oxbow Pond at Tucaro and San Ysidro Canyon.

T-7

21 No additional permits should be granted
22 until previous required mitigation is completed.
23 You are now talking about hundreds of mitigations,
24 and we can't get 59 of them, actually,
25 adjudicated.

1 How will the Army Corps ensure the
2 new required mitigations really happen when the
3 company that is proposing this is bankrupt? Based
4 on just what we said before, that we can't get any
5 response to the commitments that have already been
6 made, on this, a bond must be required to protect
7 the public. We have a bankrupt applicant, and we
8 can't get the current mitigations complied with.
9 So there has to be some protection for the public
10 that any mitigations that you are going to approve
11 are actually going to happen and be followed
12 through, because we have not seen that in the
13 past.

T-8

14 We are concerned about the fact
15 that the tributaries -- realignments, you
16 basically are saying you're going change them,
17 you're going to concrete them, you're going to
18 cover them with dirt. That is say big concern for
19 us. We are concerned about the flood plains.

T-9

20 We have seen, in the past,
21 developments where ridgelines are grated down, put
22 into the flood plains, and as long as they're 30
23 feet up from the flood plains, all of a sudden
24 they say, the flood plains have disappeared.

T-10

25 That's the type of thing we are

1 concerned about, have seen happen. And we request
2 that you be very cautious in granting the
3 applicant's chosen two -- two, I think it was,
4 that they were wanting to have. We really cannot
5 support that. Thank you.

T-10

6 MS. LUTNESS: Good evening. My name is
7 Carol Lutness. I'm the chairperson of the Golden
8 State Jobs Coalition. You spell my name
9 L-u-t-n-e-s-s.

10 The Golden State Jobs Coalition is
11 a regional nonprofit.

12 LT. COL. HARTWICK: Excuse me. Can we
13 have David Lutness, Tom Barron and Laura Scott,
14 stage to your right for the next speaker.

T-11

15 Sorry, Carol.

16 MS. LUTNESS: The Golden State Job
17 Coalition is concerned with environmentally sound
18 planning and development in our region and also in
19 making sure that the economy and the jobs that are
20 developed are prevailing-wage jobs, that we don't
21 have developments that pay minimum wage and not
22 a living income. So we have two missions to
23 strengthen the recovery of this region.

24 Given that Land Source is in the
25 middle of a bankruptcy, and with all of the

T-12

1 suspicious goings on with them and CalPers hanging
2 over them, how can we be assured that the required
3 mitigation will actually be accomplished.

T-12

4 I hope that Land Source, Lennar,
5 Newhall Land, or what we are going to call it,
6 will be required to bond this project to guaranty
7 all of these mitigations. We are very suspicious
8 that, what was it, 3- or 400 mitigations that have
9 been offered or have been requested will actually
10 be done.

T-13

11 We also need time to review this
12 project. And I ask that we be given an extension
13 to review this very lengthy document. All of you
14 are sincere and dedicated public servants. I know
15 that you know that we are at a tipping point, a
16 tipping point environmentally, economically,
17 socially, and politically. But the small things
18 that we do add up, and when this small action is
19 done, and it is accumulated with all the other
20 small actions, that will be determining the future
21 of this earth and the people and my grandchild and
22 all the other children coming.

T-14

T-15

23 We have severe problems that this
24 development is an example of. We have no real
25 public transportation answers. We have urban

T-16

1 sprawl rather than urban in-fill. We have
2 pollution -- air pollution. We have an epidemic
3 of asthma and cancer in this valley because of the
4 development and the fact that we live in a bowl
5 that allows all toxins and pollutants.

T-16

6 We really need to recognize our
7 water issues. I know you know -- you are
8 scientists -- you know that the 21st Century,
9 there is a water crisis imminent -- that is a
10 crisis. That is an emergency -- and for us to
11 think that we can continue to allow multinational
12 corporations to do their scorch-and-burn building
13 and then move on to their next scorch-and-burn
14 project, leaving all the infrastructure problems
15 here in the community and all the health and
16 transportation and environmental problems for us
17 to clean up.

T-17

18 And we also have to realize we have
19 peak oil hanging over us. The age of oil is over.
20 The age of the car is over. And so we have not
21 only environmental pollutants, but we also have to
22 know that in our grandchildren's age, there will
23 not be the resources -- the energy resources to
24 sustain this way of life. And so for all of those
25 reasons, I ask that you seriously consider not

T-18

1 approving this project.

T-18

2 MR. LUTNESS: Thank you for this
3 opportunity to speak. My name is David Lutness,
4 also spelled the same way. I'm also speaking for
5 S.C.O.P.E., the Santa Clarita Organization for
6 Planning and Environment. I formerly request that
7 we get an extension of the review period of 120
8 days minimum because of the complexity of the
9 documents that need to be reviewed.

T-19

10 I would like to talk about some of
11 the wildlife issues that are involved here. The
12 existing projects that were in the past approved
13 for Newhall Ranch, at 59 mitigations, I believe,
14 surveys of listed and endangered species should
15 have continued to have been taken to make sure
16 that the areas continue to support the diversity
17 of species and the endangered species. This would
18 provide an indication as to whether the new
19 proposal will work. One of the main reasons that
20 the environmental community went along last time
21 with the 20-year plan was that we were told
22 five-year reviews of the plan were supposed to
23 occur. These reviews either did not occur or
24 occurred behind closed doors and were not able to
25 be reviewed by the environmental community. We

T-20

1 had no opportunity to express our concerns.

T-20

2 Under the existing mitigation, the
3 Friends of Santa Clara River had to file suit, in
4 2000, to get noise makers removed from nesting
5 grounds for endangered species in areas that were
6 supposedly to have been set aside and to see that
7 these species were or were not using the area.

T-21

8 Well, they're not going to use them if you put
9 noise makers in. And my personal belief is that
10 the people who put them there and the people who
11 caused them to be put there should have been
12 prosecuted.

13 Due to global warming, due to the
14 intense increase in danger of wildfire, things
15 like set-aside areas and specifically wildlife
16 corridors and access to river water for wildlife
17 animals should be very carefully looked at.

T-22

18 Maybe, given the changing conditions, we need to
19 change the requirements of how much space should
20 be set aside for migrations, for access to new
21 grazing grounds, access to the river becomes
22 critical. They say this is the last wild river in
23 California. That's debateable whether it's still
24 a wild river. But I get very nervous when you
25 talk about bank, ah -- what's the word? -- bank

T-23

1 stabilization. If it would work, we wouldn't have
2 the problems we have on Wall Street. But the
3 banks of the river and desert are what they're
4 supposed to be. I would like to point out that
5 the Army Corps of Engineers has done a lamentable
6 job on the Mississippi River, and this is probably
7 a more fragile river than the Mississippi.

T-23

8 Thank you.

9 LT. COL. HARTWICK: Next we have Tom
10 Barron. Tom, you're next up.

11 MR. BARRON: Hi, thank you for taking our
12 testimony. I'm a property owner immediately
13 adjacent to the project area and have been on-site
14 for the last 36 years. I have witnessed firsthand
15 the many changes in the rural area as it
16 transitions from orchards and open cattle range to
17 increasing urbanization. I have given testimony
18 against the Newhall Ranch Project as well as
19 against the Natural River Management Plan, with
20 its concomitant changes to the flow and course of
21 the Santa Clara River. My concern is, first and
22 foremost, the effect on the habitat that is within
23 the current river boundaries and is within your
24 jurisdiction.

T-24

T-25

25 The applicant has a legal,



1 legitimate, but a financial incentive to maximize
2 the use of its areas under conventional
3 subdivision construction, and its resource
4 management and development plan is in the service
5 of this goal. My objection is with the design of
6 the master plan of the community, which is a
7 classic suburban sprawl.

8 The current plan is seriously
9 outdated, especially in light of our new awareness
10 of the climate crisis. This old thinking is
11 creating a majority of the impact here. Although
12 the County of Los Angeles has granted its approval
13 of the overall concept, and with it the hope of
14 adding another 28,000 new taxpayers to its sphere
15 of influence, it does not have the fiduciary role
16 that you do as the custodian of the public's
17 resources. You have the authority and the
18 responsibility to push back the development and
19 its impact.

20 Please send this proposal back to
21 the drawing board to protect our precious
22 resources. And I suggest that no project
23 alternative is my personal project solution.

24 Thank you.

25 LT. COL. HARTWICK: Next up after Laura

T-25

T-26

1 will be Dave Marrow, Ileene Anderson, and Snowdy
2 Dodson. Okay. First up is Laura.

3 MS. SCOTT: Can you hear me? Okay.

4 Hi, my name is Laura A. Scott. I
5 would --

6 LT. COL. HARTWICK: Spell your name.

7 MS. SCOTT: Laura, L-a-u-r-a; middle
8 initial A; last name Scott, S-c-o-t-t.

9 I would like to, after listening to
10 the presentation, I would strongly oppose the
11 development in any shape or form, any of the
12 proposals. Just based on -- I've lived in a
13 development in Santa Clarita for 18 years. I
14 bought in as a second owner. And it had a
15 streambed alteration plan, which is not against
16 Fish and Game. I have called them about that, but
17 everything is gone. Our pesticides are, you know,
18 put out by the homeowner association. We used to
19 have Scrub-jays. We used to have roadrunners. We
20 had all kinds of wildlife. And throughout the 18
21 years, they're all gone.

T-27

22 And I have called Fish and Game.
23 And Jeff Humble (phonetic), he's wonderful, and he
24 tries to help, but from the streambed alteration
25 plan, there doesn't seem to be any enforcement.

1 So just based on watching this --
2 and I just came unprepared, but I wanted to say
3 something because, you know, this river is so
4 important. You guys really make the decision, so
5 I hope you will honor that, you know, and do the
6 best you can for us.

T-28

7 And, at the very least, give us the
8 120-day extension, for people like me to respond
9 and be somewhat educated on it. And I'll come to
10 the next meeting better prepared.

T-29

11 Thank you.

12 LT. COL. HARTWICK: David.

13 MR. MORROW: My name is David Morrow,
14 M-o-r-r-o-w. I'm the chair of the Santa Clarita
15 Group of the Sierra Club. My comments are
16 personal except for one crucial statement that the
17 Santa Clarita Group would like to say: We would
18 request a 120-day extension to review this very
19 large document. Most of us haven't had a chance
20 to look at it very closely, and we'd need a full
21 120 days to look at it.

T-30

22 The two comments I have, the first
23 has to do with water quality. The Corps of
24 Engineers is -- one of their functions is to
25 certify the water quality -- and I haven't really

T-31

1 heard much about that tonight -- but as most of
2 us, who live here in the Santa Clarita Valley, we
3 know that the water quality in the Santa Clara
4 River has been declining for various reasons,
5 primarily from development, and more and more
6 people using more water, and the quality declines.
7 Solidity content has gone up; as mentioned, the
8 perchloride levels -- I know of many people in the
9 Santa Clara areas, in Valencia and other areas in
10 Santa Clarita, that, at a cost of several thousand
11 dollars to themselves, have removed their water
12 softeners to help improve the water quality. And
13 now we find out that our sewer rates were going to
14 triple, at least. And I haven't heard anything
15 tonight that suggests that water quality is going
16 to improve with this project as proposed.

T-31

17 Dry years are going to increase if
18 global warming is a fact -- and I think most of us
19 believe that this is a fact -- and I think that we
20 need to address that issue.

T-32

21 Secondly, I have just a few
22 comments about the Spineflower populations. As I
23 was looking at the map, the Spineflower population
24 seems somewhat fragmented, small. I'm not a
25 population geneticist, but it seems that the

T-33

1 long-term viability of fragmented populations like
2 that are poor and extinctions are likely. So I
3 think we need more lands set aside for Spineflower
4 populations.

T-33

5 Finally, I like alternatives five,
6 six, or seven better than number two. In fact, I
7 think number seven is best. And those are -- that
8 is the end of my comments.

T-34

9 Thank you.

10 MS. ANDERSON: Hi. My name is Ileene
11 Anderson. First name spelled I-l-e-e-n-e;
12 Anderson ends with -s-o-n.

13 I'm here tonight representing the
14 over 200,000 members, staff, and e-activists of
15 the Center for Biological Diversity. The Center
16 for Biological Diversity is a nonprofit
17 conversation organization whose mission is to
18 protect rare species and their habitats.

T-35

19 So I compliment you on the
20 extensive and informative document that you have
21 provided us. In fact, it's so extensive that we
22 request an extension of the comment period
23 deadline to enable us to provide a thorough review
24 and constructive comments.

T-36

25 The Resource Management and

1 Development Plan and the Spineflower Conservation
2 Plan was developed over a number of years, and the
3 very short 60-day comment period is inadequate.
4 We request, at least, an additional 120 days,
5 which we feel is a more equitable review period
6 when compared to the number of years it took to
7 develop it.

T-36

8 We remain very concerned about the
9 effects of the proposed project, regardless of the
10 alternatives, on the nine state and/or federally
11 endangered -- listed endangered or threatened
12 species, which also includes a number of state
13 fully protected species, and the additional
14 30-plus rare species that will also be effected if
15 this project moves forward.

T-37

16 These species have already endured
17 significant declines in numbers and habitats
18 primarily from development by humans. They are
19 the rarest of species that makes Southern
20 California internationally recognized biodiversity
21 hot spots. Permitting this project will
22 ultimately reduce the existing habitat for these
23 species dooming them to further reductions and
24 pushing them closer to the brink of extinction
25 and, of course, extinction is forever.

1 We are particularly concerned that
2 the document inadequately addresses conservation
3 in perpetuity of these species in light of global
4 climate change.

T-38

5 We intend to submit detailed
6 comments on the document, and thank you very much
7 for the opportunity to participate in this public
8 discussion.

T-39

9 LT. COL. HARTWICK: So before you start,
10 next up will be David Bossert, Arthur Flynn, and
11 Jason Weiner.

12 MS. DODSON: My name Snowdy Dodson.
13 First name Snowdy, S-n-o-w-d-y; last name Dodson,
14 D-o-d-s-o-n.

15 I'm here representing the
16 California Native Plant Society, specifically the
17 Los Angeles Santa Monica Mountain Chapter, and I
18 am the president of that chapter.

T-40

19 Basically, we will be submitting
20 more detailed comments on the document. However,
21 I'm here in person to request a 120-day extension
22 to the comments period, and there are several
23 reasons why we are asking for that extension,
24 which I will outline for you.

T-41

25 One, I think that the proposed

1 management plan is so voluminous that -- with
2 thousands of pages, and some of the data appear to
3 be inconsistent and may require further research.
4 And our environmental and legal experts need more
5 time to prepare and check the accuracy of the
6 data. All of these are reasons for us to give the
7 endangered Santa Clara River a more considered and
8 intelligent hearing.

9 Another area at issue is the San
10 Fernando Valley Spineflower and many other
11 threatened and endangered species on the Newhall
12 Ranch. This is a major wildlife corridor. And it
13 also has on its property rare valley oak woodland
14 habitat. If, as you state, the project would have
15 significant and unavoidable impact to the
16 environment, then the 120 extra days is not too
17 much to ask to avoid what could be considered a
18 serious environmental mistake.

19 Newhall Land and Farming has not
20 had a good environmental track record with its
21 projects to date along the Santa Clara River. The
22 many endangered species that they were supposed to
23 protect have disappeared from the area and some of
24 their required mitigations, as we have heard from
25 other testimony this evening, have still not been

T-41

T-42

1 completed.

2 I would question and ask for a
3 reckoning of those completions before approving
4 any further requests on their part for mitigation.

T-42

5 The final thing I want to say, as a
6 resident who lives near "the Los Angeles River,"
7 and I put that in quote, that was turned into
8 concrete many, many years ago, let's not repeat
9 that mistake with the Santa Clara River, which is
10 still one of the most wild rivers in Los Angeles
11 County and is something to be protected, not
12 turned into mitigated banks with concrete.

T-43

13 Thank you.

14 MR. BOSSERT: Hi, my name is David
15 Bossert, B-o-s-s-e-r-t. I've lived in the Santa
16 Clarita Valley for more than 30 -- or almost 30
17 years, I should say. I lived in the Stevenson
18 Ranch Community, just south of this school, for
19 more than 15 years. I have served on local
20 community organizations; such as, the Homeowners
21 Association, and the West Ranch Town Council,
22 which I currently serve as vice president.

T-44

23 Basically, I'm a long-time
24 resident, raising a family here, and I deeply care
25 about this community. I wholeheartedly support

T-45

1 the plan of the Newhall Ranch Project. First and
2 foremost, I have had the opportunity to review the
3 documents, and I'm familiar with the Newhall Ranch
4 Project and have been for a number of years.

5 Newhall Land has shown many of us
6 that they are good corporate citizens and have
7 been for many years. They have been represent --
8 they have had representatives at our monthly
9 community meetings for many years and have worked
10 diligently with the community in addressing any
11 and all concerns that have been raised about the
12 project.

13 More than 65 percent of the land
14 will be preserved as natural open space, never to
15 be disturbed by development. It includes the
16 preservation of nearly 90 percent of the
17 indigenous oak trees and other trees. This, in
18 and of itself, merits the moving forward of this
19 project under the stewardship of Newhall Land.

20 Public access to natural open space
21 by miles of new trails -- I have had the
22 opportunity to go out into the back country, out
23 onto this property, walk some of those trails,
24 picnic under some oak trees, and this is a
25 magnificent amenity for this community and for the

T-45

1 generations of residents that are going to come.

2 I'm satisfied with the level and
3 care proposed with the preservation of the Santa
4 Clara River and the San Fernando Valley
5 Spineflower. We need -- there's a need for strong
6 economic development in this valley and the
7 region. This project is going to create some
8 20,000 jobs. And I think, at this point in time
9 after all these years, that this project should be
10 moved forward without further delay.

T-45

11 Thank you.

12 LT. COL. HARTWICK: Arthur.

13 MR. FLYNN: My name is Arthur Flynn,
14 F-l-y-n-n. I'm an intern --

15 (Technical interruption.)

16 MR. FLYNN: Can you hear me now?

17 My name is Arthur Flynn;
18 A-r-t-h-u-r, F-l-y-n-n. I'm an intern for the
19 Ventura Coastkeeper, and I'm speaking their behalf
20 tonight. Okay.

T-46

21 We are opposed to the project,
22 mainly due to inadequate mitigation measures,
23 as discussed and presented in the EIS/EIR. In
24 terms of the biological resources, there is
25 inadequate mitigation for the special status of

T-47

1 species.

2 There's 37 species listed on-site,
3 and 20 of those are listed as being significantly
4 impacted after mitigation measures are
5 implemented. Some of those species would include:
6 The sharp-shinned hawk, mountain lion, western
7 burrowing owl, and golden eagle, just to name a
8 couple.

T-47

9 Also, the report indicates a
10 significant indirect, adverse negative
11 environmental impact for cumulative biological
12 resources, even after mitigation. So I think
13 there should be further studies and maybe we can
14 try to get that to be sufficiently mitigated.

15 Furthermore, the transportation
16 corridors are important. And I know you do
17 discuss them, but it is unclear whether or not
18 they will be adequate for wildlife movement when
19 they are planted. So when you remove the existing
20 corridors and plant the new ones, I'm not exactly
21 sure if that's going to be adequate for plants --
22 animals to be moving through there.

T-48

23 Cultural resources and
24 paleontological resources, ah, post-based on an
25 old study in 1995, primarily based on literature

T-49

1 review to determine where exactly the field
2 studies would be carried out. And it was based on
3 those results that you established that there
4 would be no direct, ah, adverse effects -- excuse
5 me -- cultural and paleontological resources,
6 when, in fact, there could be a very high likely
7 that there are significant cultural or
8 paleontological resources there.

T-49

9 For example; the Chumash Indians
10 historically and frequently used areas surrounding
11 the Santa Clara River as burial grounds. They
12 thought that -- historically, they thought -- I
13 think they still do think that -- that a newly
14 buried, deceased person there, their spirit would
15 be moved along the river to the ocean, where they
16 would finally be able to rest in peace.

T-50

T-51

17 I did review one project where they
18 widened the 126 and -- Highway 126 -- and they, in
19 their initial study, they said that there was no
20 significant cultural or anthropological harm.

21 And, in fact, they did discover, ah, I think,
22 initially, in 1995, six burials of human remains
23 that were determined to be Native American.
24 And then there was an emergency excavation in
25 1996, where they later found 45 human remains.

T-52

1 So it's very possible that there
2 could be some burial grounds, burial remains in
3 this specific area that have not been taken into
4 account. And there's absolutely no mitigation
5 measures in terms of Native American burial
6 grounds in the report.

T-53

7 So, on that note, I propose the
8 project as presented has inadequate mitigation
9 measures and alternatives, and I would also
10 advocate for an extension of the public comment
11 period.

T-54

T-55

12 Thank you.

13 LT. COL. HARTWICK: Jason, before you get
14 started, I want to read first names.

15 MR. WEINER: Okay.

16 LT. COL. HARTWICK: Sydell Stokes, you're
17 next after Jason. And then there's Rudy Ortega.
18 Then Barbara Wampole? Barbara? For Friends of
19 the Santa Clara River. Barbara, you're third
20 after Jason. Okay.

21 All right. Thanks.

22 MR. WEINER: Hi. My name is Jason
23 Weiner. I am the associate director and staff
24 attorney for the Ventura Coastkeeper, which is a
25 program of the Wishtoyo Foundation.

T-56

1 LT. COL. HARTWICK: Would you spell your
2 last name.

3 MR. WEINER: Weiner is W-e-i-n-e-r.

4 The Wishtoyo Foundation is a
5 Chumash Native American Cultural Foundation, so
6 I'll also be speaking on their behalf today and as
7 their staff attorney as well.

8 Just to give you a quick overview
9 what the Wishtoyo Foundation is about, ah, the
10 Wishtoyo Foundation, ah, is a Chumash Native
11 American Cultural Foundation and tries to preserve
12 the Chumash culture and heritage. And as part of
13 the Chumash culture, we also believe in protecting
14 and preserving the environment of all the Ventura
15 County residents and all the Los Angeles County
16 residents as well.

17 We are also going to submit written
18 comments, and, ah, we also would like to ask for a
19 120-day extension, at a minimum, as requested, ah,
20 by others speakers today, for the same reasons as
21 they have stated.

22 We oppose all the projects,
23 alternatives and projects as proposed, and all of
24 the projects alternatives. We do support the no
25 project alternative. So, ah, we are going to

T-57

T-58

T-59

1 discuss broadly some concerns we have with the
2 project.

T-59

3 But first, I guess, what we'll talk
4 about is water supply. The future water supplies
5 I.D.'ed and analyzed in the environmental impact
6 reports must be reasonably likely to prove
7 available. So speculative sources and unrealistic
8 paper allocations do not cut it. The water, ah,
9 relied on previously, ah, from the state water
10 project was, I believe, defined as available in
11 2005, but that was before the delta smelt decision
12 came down, which limits the amount of water
13 Southern California receives from the state water
14 project setup. So we believe that the EIR should
15 be, ah, re-evaluated, the amount of water they can
16 now receive from the EIR, make that a certain
17 finding before proceeding.

T-60

18 One of the other alternatives for
19 the water supply is groundwater. Ah, but we also
20 feel that this is a very speculative source, since
21 we're concerned that it may be also contaminated
22 by perchlorate from Rocketdyne. So we would ask
23 that the EIR actually includes a study on the
24 groundwater quality before proceeding or, at
25 least, counting that as a source of water supply.

T-61

1 Additionally, the groundwater
2 supply that will be consumed from groundwater
3 pumping will adversely affect the -- actually, the
4 surface water flows in the Santa Clara River. The
5 groundwater currently feeds the Santa Clara River
6 as a sustainable source of base well, which
7 provides water for steelheads during the summer
8 season, so they can survive during low-flow
9 conditions. What we fear, that the pumping of the
10 water will actually impact this public trust
11 resource, and that under the public trust
12 doctrine, the water supply from the ground is not
13 a serving source because the public trust doctrine
14 requires saving that water for the steelhead or at
15 least enough water for minimal steelhead survival.
16 So those are all things to consider -- we've
17 actually considered in your analysis before
18 stating that the water supply is fair enough to
19 continue with this project.

20 Additionally, we would like to talk
21 about the Southern California steelhead. There
22 used to be 7,000 to 9,000 adult returning
23 steelhead per year in the Santa Clara River. You
24 know, currently there's, ah -- the diversion dam.
25 In fact, since the construction of the dam, there

T-62

T-63

1 have been zero to two fish returning to sea life
2 per year, but they are genetically identical to
3 the Rainbow Trout, and as long as the Southern
4 California Steelhead are in the Santa Clara River,
5 which they will continue to be, we hope that -- to
6 actually restore -- to help restore those
7 populations. And so dewatering the river via
8 groundwater pumping, to us, is a severe and
9 unmitigatable environmental impact that, at least,
10 must be addressed in some sort in the EIR.

T-63

11 Water quality concerns, river
12 runoffs, you know, from storm water, I think that
13 you guys bring those up and, you know, in the EIR.
14 We're very much, though, concerned with the water
15 quality impairments from the development. We, ah,
16 would like -- and actually one of the alternatives
17 or in the alternatives, to not only look for Los
18 Angeles N.P.D.E.S. (Phonetic) permit, but we would
19 actually like alternatives to explore the new
20 development standards in the new Ventura County
21 N.P.D.E.S. (Phonetic) permit, as they're more
22 protective of water quality. And I think that all
23 of the Ventura County and Los Angeles County
24 residents or anyone concerned with the
25 environmental water quality and/or beaches should

T-64

T-65

T-66

1 consider that.

T-66

2 Weed control, that was one thing we
3 were very much still concerned with. The weed
4 control, all the herbicides and whatnot, do not
5 impact the weeds. All of them end up in the
6 waterways, and that those -- and that kills
7 endangered species, endangered toads, endangered
8 frogs, steelheads, you name it. That's an
9 unmitigatable impact.

T-67

10 We're very much still concerned
11 with water softeners and also the reduction in
12 surface water posed from the groundwater pumping.
13 It's going to cause a problem with compliance with
14 T.M.D.L.'S within the different municipalities and
15 cities, because less flow in the waterways creates
16 less or allows for less pollution and pollutants.
17 And I believe there's a couple impaired waterways
18 that has number of chemical impairments resolved,
19 and whatnot, as listed in the T.M.D.L.'s. And I
20 think that I can -- the effect of less water
21 flowing through the rivers should be considered.

T-68

T-69

22 And if the --

23 (Interruption, timer signal.)

24 MR. WEINER: If you'd give me a couple
25 more minutes, I would like say a couple more

1 really important things.

2 LT. COL. HARTWICK: Okay.

3 MR. WEINER: Just to knock home -- just
4 to continue on with what Art said -- we all belong
5 to this land. We all have responsibilities.
6 We're stewards of this land. And in doing so, we
7 have to respect the communities and cultures in
8 this land and the communities.

T-70

9 The Chumash Native American People
10 lived here for tens of thousands of years, and
11 they bury their dead amongst the rivers. I
12 believe, and I think everyone in this room will
13 believe, that the development and the EIR should
14 at least explore and give a good-faith effort in
15 identifying burial sites on the proposed
16 development sites as we believe that it's very
17 likely that our Chumash are buried there.

T-71

18 LT. COL. HARTWICK: Thanks, Jason.

19 MR. WEINER: Yes. (Unintelligible.) One
20 more minute? No?

21 LT. COL. HARTWICK: Thank you very much.

22 (Simultaneous colloquy.)

23 MR. WEINER: Thank you.

24 LT. COL. HARTWICK: Sydell.

25 MS. STOKES: Good evening. My name is

1 Sydell Stokes; S-y-d-e-l-l, S-t-o-k-e-s. I'm from
2 Valencia. And I'm not going to take a lot of your
3 time.

4 (Interruption in proceedings.)

5 MS. STOKES: My name is Sydell Stokes. I
6 spelled it for you. And I just wanted to say that
7 I am concerned, not so much with animal
8 transportation, it's humans. I'm looking at your
9 map up here on the screen. There is a little
10 thread of the I-5. And I'm wondering: Where are
11 all these people going to go? How are they going
12 to get from point A to point B? I would like to
13 see some kind of plan, a cursory layout plan for
14 MetroLink, or something, along the 5. I think
15 that transportation and population growth are
16 hand-in-hand issues. And if I had to choose, I'd
17 go for alternate plan seven, but I still think we
18 all need more time to review this.

T-72

19 Thank you.

20 LT. COL. HARTWICK: Rudy.

21 MR. ORTEGA: Good evening. My name is
22 Rudy Ortega; that's, R-u-d-y, O-r-t-e-g-a. I'm
23 the tribal administrator for the Fernando Tataviam
24 Band of Mission Indians and also a Commissioner
25 for the Los Angeles City/County Indian Commission.

T-73

T-74

1 I have both cards for spelling purposes.

2 The tribe have worked with Newhall
3 and has an agreement with Newhall, and we have
4 identified cultural resources, which my comment is
5 on the cultural resources.

T-74

6 We are working with Newhall at this
7 point in time to identify these sites and also to
8 mitigate any possible -- of any resources being
9 unearthed or discovered during the project.

10 So we understand also, too, that
11 Newhall is also going to preserve some sites that
12 were disturbed on the 126. We know of those
13 remains, where they have been moved to. So we
14 know that Newhall is going to further protect
15 these cultural resources, what they find.

T-75

16 In the event of any findings that
17 comes to be found, Newhall would be working with
18 the tribe directly on the mitigation of the
19 cultural resource or the human remains for further
20 protection of these sites.

21 That's pretty much what the tribe
22 has at this point. Again, we've identified the
23 areas and, at this time, as far as cultural
24 resources, the tribe has the approval to move
25 forward on the project.

1 Thank you.

2 LT. COL. HARTWICK. Barbara. But before
3 you start, Barbara --

4 Next up is Sally Chase-Clark, Bruce
5 Campbell, and then Melody Winter.

6 Okay, Barbara.

7 MS. WAMPOLE: My name is Barbara Wampole;
8 B-a-r-b-a-r-a, W-a-m-p-o-l-e. I'm speaking for
9 Friends of the Santa Clara River.

10 The Friends of the Santa Clara
11 River offers the following comments and also offer
12 our compliments on the thoroughness on the
13 preparation of the document. I have given
14 hardcopies, also, to both agencies.

T-76

15 We believe it's vital that the
16 comment period be extended to, preferably, 120
17 days, and, at least, 60 to allow completion of
18 expert comments. Friends are now obtaining
19 comments from qualified professionals. The size
20 of the document and issues to be analyzed lead us
21 to request this extension. Since the EIS/EIR
22 preparation process has already consumed nearly
23 five years, we believe that extra time for public
24 comment is more than reasonable.

T-77

25 In the final EIR/EIS, the criteria

T-78

1 for selecting the preferred alternative should be
2 thoroughly explained. For example, if an
3 alternative meets a substantial portion of the
4 applicant's objectives and reduces impacts to
5 biological resources by 15 to 25 percent, what
6 factors would not make it the preferred
7 alternative?

T-78

8 It appears that mitigation is
9 relied on heavily in the EIR/EIS to reduce most
10 impacts to less than significant for nearly all
11 alternatives. We suggest a very skeptical
12 attitude regarding mitigation, which has not
13 worked out well for the N.R.M.P. and in many cases
14 has proven to be quite inadequate in practice,
15 particularly for wetland mitigations. See the
16 Ambrose Document, which you may be familiar with,
17 evaluation of compensatory mitigation projects
18 permitted under the Clean Water Act -- the
19 information is in there.

T-79

T-80

20 Mitigation, in light of the
21 corporate financial health of the applicant, needs
22 to be considered with the same attitude of
23 skepticism. We stress a desire to avoid the
24 failures of the N.R.M.P.

T81

25 We note that only alternative six



T-82

1 and seven provide less impact to biological
2 resources than the proposed project. Therefore,
3 table 5.0-8, we question the conclusion of
4 alternatives three, four, and five, which provide
5 only slightly less impact than the proposed
6 project would have impact less than significant
7 after incorporation of EIR/EIS.

T-82

8 We strongly urge that the
9 recommendations in Chapter 3 of the California
10 Flood Plain Management Task Force, December 2002,
11 be evaluated and adopted in this EIR/EIS, and
12 particularity the recommendations relating to
13 multi-objective management, section 15, and the
14 eco system protection approaches, including
15 non-structural approaches of section 16 and 17
16 should be incorporated as part of the overall
17 project flood plain management objective.

T-83

18 Section 17 ends with this language:
19 "In planning new operated flood water management
20 programs and projects, including structural
21 projects, local and state agencies should, where
22 appropriate, encourage non-structural approaches
23 and conservation of the beneficial uses and
24 functions of flood plains."

25 We are not fond of buried-bank



T-84

1 stabilization. And though we do not recommend --
2 and I don't mean that facetiously. I'm sorry. We
3 don't like the idea.

T-84

4 Though we do not recommend
5 deferring negative impacts to mitigation
6 elsewhere. We believe that it's important to keep
7 in mind the applicant's ownership of some 16,000
8 acres of agricultural land in Ventura County. And
9 we offer these comments in regard to this: If the
10 500-year flood plain is encroached upon in this
11 project, we request that a significant multiples
12 of flood plain acreage should be conserved on the
13 applicant's Ventura County land. Changes in
14 hydrology through the project area could impact
15 downstream flows and conditions and sediment
16 transport. Narrowing the flood plain will
17 increase the potential of downstream flooding.
18 Those impacts should be considered and mitigated
19 by protection of the flood plain downstream of the
20 project in the Newhall Land -- on the Newhall Land
21 properties there.

T-85

22 If we do not, they will be pushed
23 downstream when Ventura sites are developed.
24 Eventually, adjacent property owners and taxpayers
25 in Ventura will have to address these impacts if

T-86

1 they are not permanently mitigated on the
2 applicant's land.

T-86

3 Newhall Ranch contains the largest
4 and healthiest stream and riparian habitat
5 remaining in the Santa Clara River. The preferred
6 project alternative will impact much of this
7 irreplaceable habitat. This document should
8 mitigate this by requiring protection of
9 downstream flood plains and the creation of new
10 wetlands and agricultural fields. Many riparian
11 and river-dependent species cannot survive on
12 narrow slivers of protected river channels. The
13 key wildlife connection will only function with
14 the protection and conservation of the applicant's
15 Ventura County property. That protection should
16 be established now. This property is one among
17 the top 15 critical wildlife corridors in Southern
18 California, which is prominently cited in the
19 South Coast Wildlands Project Missing Link
20 Studies, ah -- Missing Linkages Studies, Wildlands
21 of the Santa Clara River Watershed released in
22 2006, and the South Coast Missing Linkages, a
23 wildland network of the Southwest Eco Region, in
24 2008.

T-87

T-88

T-89

T-90

25 These comments are not intended to

↓
T-91

1 imply that the Newhall Ranch project should not be
2 modified to reduce its impacts. They assume there
3 will be impacts that cannot be adequately
4 addressed on the project site.

T-91

5 We will be amending these comments
6 to reflect information received from the
7 consultants, who are currently in the process of
8 diagram review. And we sincerely thank you for
9 the attention to our concerns and invite any
10 discussion of our comments that we made to
11 improving conservation of natural resources in the
12 Santa Clarita River area.

T-92

13 Thank you, and I'm sorry for
14 sounding so boring while I'm reading this. Thank
15 you.

16 LT. COL. HARTWICK: Sally.

17 MS. CHASE-CLARK: My name is Sally
18 Chase-Clark and I have lived in Santa Clarita for
19 30 years. And I have seen a lot of change, and
20 most of it, I haven't liked very much.

T-93

21 But the things I would like to
22 address, one of them is, of course, the member --
23 the man from the Chamber of Commerce. And the
24 Chamber of Commerce and the Board of Supervisors
25 and our City Council have never met a development

T-94

1 they didn't like. And, of course, I expect them
2 to approve this. But the Chamber of Commerce is
3 1,400 members, and that's actually less than
4 1 percent of our population. I'm part of the
5 other 99 percent, and I oppose this on so many
6 levels, I can't even begin to tell you.

T-94

7 Water seems to be, like, the really
8 biggest issue for the moment, so we will go with
9 the water supply, which is, according to an
10 article in the Daily News, not too long ago, the
11 water -- the rain fall in the last 130 years,
12 average annual rain fall in Los Angeles has
13 remained consistent, and yet we are conserving
14 water. We are on water rationing now because
15 there are too many claimants on the water. Not
16 that there's not enough water, but there's just
17 enough water to sustain us. Now, why are we, the
18 residents, asked to give up water, but yet the
19 principal users of water; which are, construction
20 and industry and agriculture, have not been put on
21 any restrictions? What's going to happen when
22 this come in? 20,000 houses: How many people?
23 How many baths? How many showers? How many
24 dishwashers are going to run? Where's the water
25 going to come from?

T-95

1 And if you think you're going to
2 rechannel the river to get the water supply,
3 that's not going to work. That's what happened to
4 the Los Angeles River, and it's practically been
5 destroyed because of channeling. They're just
6 bringing it back now through a lot of hard work.

7 But when the water is channeled and
8 there's no way for it to run off, then the aquifer
9 is not replenished. Our aquifers are going dry
10 because the water is running down into the ocean.
11 It's not being allowed to percolate because
12 there's no soil left for it to percolate in. It's
13 all being channeled over. It's all being
14 concreted. It's being drywaled and slash-and-burn
15 developments. It's destroying the ability of the
16 land to sustain itself. You cannot permit this to
17 happen even further with this thing. I mean, this
18 is just the most outrageous thing. And we are
19 supposed to choose, ah -- let me see -- in 15
20 days. In 15 days, we're supposed to have decided
21 between seven projects. They can't decide between
22 the seven projects in all these years, how are we
23 supposed to do it in that short a period of time?
24 I mean, it's imperative that you give us the
25 extension. We really need the 120 days.

T-96

T-97

1 And based on all the comments that
2 have been made here, which I hope that you will be
3 addressing, you're going to need another 120 days,
4 too, just to talk about what we have been talking
5 about -- things that have not been covered at all
6 in the EIR/EIS, and which I do hope that you are
7 going to take seriously because we are all very
8 concerned.

T-97

9 We are very concerned about the
10 water. We are very concerned about the
11 overdevelopment. We are very concerned about them
12 destroying the habitat, and about the population,
13 and the increased pollution that we're going to
14 have. And they just keep bringing in people, and
15 there are no resources. This cannot go on. This
16 cannot continue. This is not sustainable
17 development. And that, at this point, is what we
18 desperately have to have. We can't continue with
19 this kind of thing.

T-98

20 We need to have water supplies
21 documented. We need to have the company itself
22 documented. They're bankrupt. How are they going
23 to do this anyway? So why should we be giving
24 them approval now for stuff that they may not be
25 able to conclude.

T-99

T-100

1 Let's make sure, first of all, that
2 the development is going to be sustainable, that
3 we are going to have the resources preserved for
4 ourselves and for our future generations. And we
5 have to trust you do this because we know we can't
6 trust the City Council and the Board of
7 Supervisors. We know they're not going to do it.
8 It's you guys. You have the public trust. And
9 I'm a member of the public. And I'm here to trust
10 you and hope that you will do what's right: Give
11 this a review. Give us more time to look it over.
12 And, please, take seriously the issues that we
13 have raised.

T-101

14 Thank you.

15 MR. CAMPBELL: Good evening. My name is
16 Bruce Campbell. Campbell spelled like the soup.
17 And, first, I'll call for a 150-day comment period
18 extension. Thank you.

T-102

19 And I'm quite concerned -- oh, I
20 prefer alternative one of what I've seen thus far.
21 I'm concerned. We need to save the upper
22 stretches, the L.A. County stretches of the Santa
23 Clara River, because since that river goes through
24 the Oxnard plain, it makes it somewhat of a
25 agro-business drainage ditch at the lower end, so

T-103

1	we need to protect habitat further up the river.	T-103
2	I'm concerned that the bankrupt	
3	applicant is doing magic tricks with water and not	T-104
4	working to do promised mitigations on projects	
5	they've already done near the river.	
6	And I'm concerned about water	
7	quantity and quality in the water courses and	T-105
8	elsewhere. One cannot live on perchlorate alone	
9	someone once said.	
10	And I agree with the person who	
11	mentioned that the EIR should -- that a	
12	supplemental EIS/EIR should reevaluate the	T-106
13	likelihood of certain quantities of water coming	
14	from the state water project, which has been cut	
15	back substantially recently.	
16	And I'm concerned that draining the	
17	Saugus Aquifer will -- first, I think it's a	T-107
18	questionable quality of water in the aquifer, and	
19	there will be less quantity if it's further tapped	
20	and then -- that's the underground component to	T-108
21	the Santa Clara River. And thus, that whole	
22	plumbing system doesn't need cementing and	T-109
23	rearranging. It needs to be left alone like	
24	Mother Nature intended.	
25	How do the San Fernando Valley	↓ T-110

1 Spineflowers fare when construction equipment and
2 other vehicles bring a lot of invasive weed seeds
3 on their tires and all to their vicinity? And I'd
4 like the answer to that.

T-110

5 And will herbicides be used to
6 control noxious weeds and invasive plants, in
7 general, and in the Spineflower areas? And what
8 impacts would these have on Arroyo Toads, the
9 Steelhead trout, and other riparian species? And,
10 also, the hazardous materials, which are often
11 used in construction and at business parks, are
12 there -- is it too early in the game to know what
13 businesses want to be cited in business parks so
14 we'd have some idea of what hazardous materials
15 they'd use?

T-111

T-112

16 Also, I love this, coming from the
17 L.A. Area, this is a poorly timed hearing. It's a
18 traffic nightmare. I think a number of the people
19 who would be most impacted by this project are
20 those commuting to the San Fernando Valley, West
21 Side, Downtown L.A. And I bet that some of them
22 would like to be here and wouldn't be too enthused
23 about the project.

T-113

24 We need more time to review the
25 16,000 pages of documents. In the state

T-114

1 legislature, when a bill is revised -- I
2 understand that some of the 16,000 pages may be
3 close to the same or about the same as before, and
4 others are shifted, but they don't indicate what
5 is the same and what is shifted. In the state
6 legislature, when a bill is revised, the taken-out
7 text has a line through it; the new text is
8 italicized, so you know what came before, what is
9 being eliminated, and what the new info is. But
10 this wasn't done to this document, which is
11 another reason we need a hefty extension. And I
12 call for a 150-day extension.

T-114

13 Thank you.

14 LT. COL. HARTWICK: After Melody, we have
15 Sandra Cattell, Mary Courtney --

16 (Interruption by unidentified speaker.)

17 LT. COL. HARTWICK: Okay. I thought you
18 wanted to speak. I apologize. Sorry about that.

19 Then, in that case, after Mary, we
20 will have a Sharon Fort, okay.

21 MS. WINTER: My name is Melody Winter.
22 I'm the director of a nonprofit organization, The
23 River Project. Wow, I -- just upfront, I'm
24 requesting, along with everybody else, an
25 extension. This is a massive and complex, as you

T-115

T-116

1 have acknowledged, document. And given the length
2 of time that it has taken to put it together, I
3 don't think the current review period is anything
4 close to adequate. As you said yourself in the
5 Power-Point presentation, it is a very complex
6 document. And given the number of impacts that
7 are in there, in this project, we need another 120
8 days here. So I can't stress that enough. The
9 project itself has been in the works more than a
10 decade, so I think another 120 days is reasonable.

T-116

11 It's interesting to me this
12 project, having been in the works for a decade, I
13 think a decade ago when it was proposed, a lot of
14 people were advocating for a different kind of
15 development.

16 I think, now, it's almost
17 embarrassing to be proposing a development like
18 this. We're already the laughingstock of the
19 country, California and our continuous sprawl.
20 But, at this point in time, where we are with our
21 resources and the climate change and with oil
22 peaking, and being passed the peak, to build a
23 development like this that is completely car
24 dependent and that while you push jobs -- and the
25 only people here really who supported this project

T-117

1 have mentioned jobs. However, when you look at
2 each of the alternatives, it's kind of stunning
3 because every time you want to protect more
4 habitat, what they take away is commercial, not
5 residential. I'm so confused by that. Why we
6 need the jobs, but we need other things, but we
7 take away commercial and not residential. That
8 doesn't really comport with the stated objectives
9 and the stated goals of the project.

T-117

10 To do a project of this size in the
11 flood plains and in the hills, to refer to the
12 hillside area as it shouldn't be developed, really
13 can't be developed economically as, wow, let's
14 give them credit for even protecting that --
15 protecting that area, is ludicrous.

T-118

16 To build a project this size that
17 doesn't -- it isn't more compact. It doesn't
18 provide alternative transportation. It doesn't
19 provide public transportation. In a valley that,
20 as we've seen, has had significantly declining air
21 quality, horrible traffic as each phase of Newhall
22 has been implemented. It's really madness. I
23 mean, we have seen habitat disappear. We have
24 seen the air quality get bad. We've seen our
25 water supplies disappear. We've seen our water

T-119

1 quality decline significantly. And it's because
2 of this kind of development. And yet we persist
3 in just this kind of development. That is the
4 definition of madness.

T-119

5 So I am wondering why we even -- in
6 this valley, how can you hold your head up and
7 propose a project like this? It's just shocking.

8 The impervious surfaces that are
9 being proposed here, you can't mitigate for, your
10 habitat or water supply or water quality, it's
11 really unmitigable. What you're doing to your
12 neighbors in the Ventura County downstream -- I'm
13 surprised I'm not hearing more people from Ventura
14 County outraged here tonight. The potential for
15 fire in this little valley that you are building
16 in, everyone has said longer periods of drought,
17 and bigger inundations. What we are trying to
18 build, this project, it's just everything against
19 what we know not to do.

T-120

T-121

T-122

T-123

20 And that comes to the notion of
21 adaptative management, which you, according to
22 your presentation, you plan to use adaptative
23 management when it comes to managing this
24 conservation area and habitat. And, yet,
25 fundamental to adaptative management is to look at

T-124

1 the impacts of what you've done in the first phase
2 and make an adjustment accordingly.

3 This project is not recognizing the
4 impacts of what has happened in the similar
5 projects already built in this valley and is
6 making no adjustments accordingly. And, as many
7 people have mentioned tonight, the mitigations
8 proposed are legion here, and so many have not
9 been implemented in the past projects. And there
10 is no guarantee that they're going to have -- I
11 strongly urge you not to.

12 I mean, there's so many things
13 wrong with this -- but not to approve this project
14 until all of the mitigations that have been
15 proposed and promised in other projects have been
16 met, implemented, and managed adaptable, and
17 seeing if they work or not. Because, when
18 following along, we don't even think it's going to
19 work. The studies show that it does not work.
20 The mitigations proposed here, do not work.

21 So it's really tough to watch this
22 kind of land that we need for our water supply,
23 that we need for our habitat, to watch it be
24 eliminated -- that we could even use for, ah,
25 small-scale (inaudible), which is definitely less

T-124

T-125

T-126

1 egregious.

2 But the notion that we are going to
3 have enough water in Los Angeles has got to be
4 looked at seriously. You can't base this on the
5 previous -- before the court decisions in the Big
6 Delta -- you can't base this on supplies that were
7 available previously and on the word of the water
8 agencies in this area before, because those things
9 have been shown to be not true.

T-127

10 And it's just incredulous that --
11 you need -- more than anything, you need clean
12 water and clean air, and enough of both. This
13 project degrades both. Certainly there is no
14 guarantee that there's enough water to support
15 this project.

T-128

16 MS. CATTELL: My name is Sandra Cattell.
17 Sandra, S-a-n-d-r-a; Cattell is C-a-t-t-e-l-l.

18 I'm a part of the Sierra Club,
19 which is the oldest and one of most respected
20 environmental organizations in the United States.
21 And although I live here in Santa Clarita, I'm
22 part of the Executive Committee of the Angeles
23 Chapter, which is 50,000 members in Los Angeles
24 and Orange County.

T-129

25 I'm actually representing myself

↓ T-130

1 tonight, though, because, you see, we did receive
2 a copy of the draft EIS/EIR, and it is huge. And
3 most of us, Sierra Club activists, have lives and
4 other jobs. We have not had an adequate time to
5 read this. I'm a teacher. I work very, very long
6 hours. So we are also requesting, again, a
7 120-day extension for review, so we can write an
8 intelligent, factual response.

T-130

9 But then, also myself, an
10 individual, I have lived here in Santa Clarita for
11 approximately 30 years. I actually have a
12 tributary of the Santa Clara River crossing my
13 property, and I have been warned that I am not to
14 move the shore of that tributary or that stream
15 one iota, one inch, one millimeter because the
16 Army Corps of Engineers will be on the case.

T-131

17 However, that's good, because I
18 have never been an advocate of river or tributary
19 realignments, and I would like to definitely see
20 the amount of realignments in this case reduced.

T-132

21 Also, I want to remind you that we
22 do need the maximum environmental protections for
23 this large a project, more like the alternative of
24 six and seven versus alternative number two.

T-133

25 Thank you for your time.

1 MS. COURTNEY: Good evening. My name is
2 Mary Courtney; C-o-u-r-t-n-e-y. I'm a resident of
3 Valencia. In fact, I live near what seems to be
4 the latest bear transportation corridor in the
5 middle of residential Valencia, right near Henry
6 Mayo Hospital. That speaks for itself in
7 commenting on what roads and developments and
8 fires have done to wildlife in this part of
9 Southern California, because those corridors are
10 long-reaching.

11 I'm a contractor for the Navy
12 project at U.C.L.A., and so I write a lot of
13 academic research reports, and I like people to
14 read them. And I hope that after the many years
15 of putting together this very long report, you'll
16 give me the opportunity to read yours. I'm just
17 out of class at C.O.C., another academic in this
18 area. And, you know, you just hand in the grades,
19 forget our finals, whatever. And now is the time
20 when we have the time to read something like this
21 and comment on it, so I would like more time as
22 well.

23 I hope that the draft EIS/EIR
24 mentions the effects of fires and drought and
25 climate change in our valley. Maybe that wasn't

T-134

T-135

T-136

1 as big a consideration back when you started the
2 research and report writing, but it's now more
3 important than it might have been earlier in the
4 decade. That's what I was thinking of when you
5 were talking about this wildfire area. These
6 wildfire areas are very often fire dependent.
7 They are going to get a lot of protection from
8 fire being in a residential community, and not,
9 ah, sure how they'll fare during periods of
10 drought and fire. So I look forward to hopefully
11 reading about that.

T-136

12 More on the existing developments
13 in this valley: Water, of course, has been
14 mentioned many times tonight. As someone who
15 lives here, I'm very concerned about our water
16 resources. I actually read the water reports that
17 come and tell me whether perchloride is found in
18 any significant amounts. And, in fact, I'm guilty
19 of using twice as much water as I probably should
20 in my kitchen sink because I went ahead and spent
21 the thousand dollars to put in the only protection
22 there is for perchloride in our water, and that is
23 the reverse-osmosis treatment. So I have that
24 under the sink now. And I'm imagining 20,000 more
25 residential homes that, perhaps, might make that

T-137

1 choice as well, and use much more water than might
2 be considered in your report.

T-137

3 Another thing that struck me, when
4 I did look on-line at the report, was the
5 left-hand column that talks about what was
6 endangered, and then the pages and pages of
7 right-hand columns of mitigations, and many people
8 have mentioned those today.

9 Some of those mitigations, I happen
10 to notice, require human inhabitants to cooperate
11 by making water-conservation practices a way of
12 life. Well, all you have to do is look on the
13 other side of the Highway 5 to see the irrigation
14 runoff on Santa Clarita City property when the
15 sprinklers come on. I see enough evidence on
16 Wiley Canyon and Orchard Village Road in the
17 mornings to oppose all but option one, since
18 further development is going to create more waste
19 in water and there is not going to be the money
20 for actually enforcing those mitigations that are
21 dependent on human beings doing what they should.

T-138

22 Thank you for being here tonight.
23 And I especially want to thank all of you who
24 brought in so much insight and who will continue
25 to comment on this report. Thank you.

T-139

1 LT. COL. HARTWICK: Sharon Ford.

2 MS. FORD: Hi. My name is Sharon Ford;
3 S-h-a-r-o-n, F-o-r-d. I'm here representing San
4 Fernando Audubon Society. Within the last year or
5 two, San Fernando Valley Audubon, L.A. Audubon,
6 and Ventura Audubon paid for research in this area
7 to find out what species were environmentally
8 effected by the Newhall Ranch project. It took
9 some time to do that particular project. And I
10 know that part of the concerns that came up in
11 comments that the society had previously mentioned
12 were the effects that were going to be on the
13 endangered least Bell's vireo, the southwestern
14 willow flycatcher, another endangered species.
15 Also condors have been seen flying in the
16 district. It doesn't mean that they reside here,
17 but it could be an indication that they hunt here.
18 So this is something that has to be considered.

T-140

T-141

19 Anyway, I am asking for, at least,
20 a 120-day extension period for the Audubon Society
21 to review this very complex document, so they can
22 make their reply. It is impossible for us to
23 reply to something that large when we are just now
24 able, you know, to look at it, so I'm asking for
25 your support with this.

T-142


1 Thank you.

2
3 CLOSING COMMENTS

4 DR. PERT: Okay. That concludes our
5 public comment period. On behalf of the
6 California Department of Fish and Game and the
7 U.S. Army Corps of Engineers, I want to thank you
8 everyone for coming out and offering their
9 comments. You can be assured that your comments
10 will be taken seriously. I want to remind
11 everybody that your comments will be addressed in
12 the final EIS/EIR.

13 And also I want to mention to T-143
14 everyone that your requests for an extension of
15 the time period was heard clearly. The Department
16 and the Corps will take it under consideration.
17 We will be talking about it in the near future.
18 We will let you know.

19 We will put out, I guess, for
20 public consumption our decision. If we decide to
21 move forward with extending that period and we
22 will do it in a way that's easy to know. We'll do
23 it in the newspaper -- the local newspaper, for
24 example, a press release, if this happens, and
25 we'll also put it on our website, so you'll have



1 ample opportunity to know and understand whether
2 or not the comment period has been extended.

3 UNKNOWN COMMUNITY MEMBER: Can you e-mail
4 those who signed up for that?

5 DR. PERT: Can we do that? Can we
6 e-mail? Yes? Okay. We will do that as well.
7 Thank you for that question.

8 So with that, this concludes the
9 official portion of our public hearing. And I
10 believe there will be some people around later to
11 answer questions in the back.

12 Thanks again for coming out. Thank
13 you very much.

14 LT. COL. HARTWICK: I would like to thank
15 everyone for coming to our public hearing and
16 providing your testimony. I would like to
17 reiterate that my staff and I will carefully
18 consider all comments that we received, both
19 orally and in writing.

20 Thank you and good night.

21
22 (Public hearing ended 8:45 P.M.)
23
24
25

T-143

1 HEARING REPORTER'S CERTIFICATE

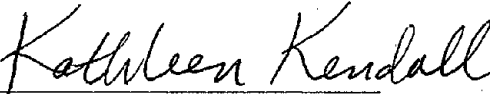
2
3 I, Kathleen Kendall, a Shorthand Hearing
4 Reporter, in and for the State of California, do
5 hereby certify:

6 That the foregoing proceedings were taken
7 before me on June 11, 2009 at the place herein set
8 forth; that a verbatim record of the proceedings
9 was made by me using machine shorthand, which was
10 thereafter transcribed under my direction;
11 further, that the foregoing is an accurate
12 transcription thereof.

13 I further certify that I am neither
14 financially interested in the action nor a
15 relative or employee of any attorney of any of the
16 parties.

17 IN WITNESS WHEREOF, I have this date
18 subscribed my name.

19
20 Dated: August 24, 2009

21
22 
23 Kathleen Kendall
24 Hearing Reporter
25

A					
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June 11, 2009 Public Hearing Comment Responses

On June 11, 2009, the U.S. Army Corps of Engineers (Corps) and the California Department of Fish and Game (CDFG) conducted a public hearing to accept verbal and written comments regarding the Draft EIS/EIR prepared for the Newhall Ranch Resource Management and Development Plan (RMDP) and the Spineflower Conservation Plan (SCP) (*i.e.*, the proposed Project). Individual comments provided by speakers at the public hearing are identified and numbered sequentially on the attached hearing transcript, and responses to comments are identified by individual speaker name and comment number. Persons attending the hearing also had the opportunity to submit written comments, and responses to those written comments are also provided in this Final EIS/EIR.

Many of the comments made orally at the hearing were summaries of comments made by the various speakers in written comments submitted either at the hearing or in response to the Draft EIS/EIR. Responses to those written comments are found in the Final EIS/EIR, and should be reviewed in conjunction with the responses to the oral comments provided below. In addition, the responses provided below are also supplemented by further responsive information that has been provided in revised **Sections 1.0 through 4.0, 4.1 through 4.8, 4.10, 4.11, 4.12, 4.13, 4.17, 4.20, 5.0, 6.0, and 8.0** of the Final EIS/EIR.

PUBLIC HEARING VERBAL COMMENT RESPONSES

Lt. Col. Jon Hartwick, Dr. Ed Pert, Mr. Jon Davidson

Response T-1. These speakers provided introductory information regarding: the purpose of the public hearing; how the hearing was to be conducted; the public review period for the Project; and information related to the purpose and characteristics of the proposed Project.

Mr. Larry Mankin

Response T-2. The comment is an introduction to comments that follow and does not raise any specific issues regarding the analysis provided by the EIS/EIR. Therefore, no additional response is provided. Nonetheless, 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 T-3. The comment expresses support for the Draft EIS/EIR and the proposed Project. 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.

Mrs. Cam Noltemeyer

Response T-4. The comment is an introduction to comments that follow and does not raise any specific issues regarding the analysis provided by the EIS/EIR. Therefore, no additional response is provided. Nonetheless, 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 T-5. The comment expresses concern regarding the adequacy of water supplies to serve the proposed Project, in light of the statewide drought conditions and water cut backs. This issue received extensive analysis in Draft EIS/EIR **Section 4.3**, Water Resources, and that analysis concluded that the

proposed Project would not result in significant water resource impacts and that adequate water supplies exist. Please also refer to **Topical Response 9: State Water Project Supply Reliability**, which provides additional information about the groundwater resources available to serve development on the Specific Plan site, as well as other water sources, including the State Water Project (SWP) water, that would be used to serve other portions of the Valencia Commerce Center (VCC) and Entrada planning areas.

The comment also states that the Santa Clara River is not an adjudicated water source, such that no one owns the water. To clarify, Specific Plan development would rely on groundwater resources, located within the Alluvial aquifer and Saugus Formation and not surface water associated with reaches of the Santa Clara River. As provided on Draft EIS/EIR page 4.3-83:

"The methodology used to determine the Specific Plan's water demand is presented in the Newhall Ranch Revised Additional Analysis, Volume VIII (May 2003), Section 2.5, Water Resources. The summary provided below of the Specific Plan water demand is taken from the Newhall Ranch Revised Additional Analysis. However, since approval of the Specific Plan in May 2003, the Specific Plan's anticipated water demands have been refined. (See Technical Memorandum, *Water Demand Update for Newhall Ranch* (September 24, 2008), prepared by GSI Water Solutions, Inc., which is found in **Appendix 4.3** of this EIS/EIR).

The total revised water demand for the Specific Plan is estimated to be approximately 16,400 afy, which is down from the 17,680 afy originally forecasted (*i.e.*, an approximate seven percent reduction in demand). Of this total, potable demand is 8,135 afy and non-potable demand is 8,265 afy. Specific Plan demand also would increase by approximately 10 percent in years with lower than average local rainfall (a "dry year") to a total Specific Plan demand of 18,040 afy in that dry year. The Specific Plan water supply sources needed to meet this potable and non-potable water demand are described further below.

A portion of the Specific Plan's non-potable demand would be met with recycled water from the Newhall Ranch WRP. The availability of this source would occur in stages, mirroring the staged construction of the WRP on the Specific Plan site. Approximately 4,984 afy of the non-potable supply (treated discharges from the Newhall Ranch WRP) would be available to meet a portion of the Specific Plan's non-potable demand. The balance of the total non-potable demand (3,280 afy) would be met by using other recycled water from the two existing upstream WRPs, consistent with CLWA's "Reclamation Water System Master Plan." This additional recycled water supply would meet the remaining non-potable water demand of the Specific Plan. The source of CLWA's recycled water is imported water delivered to CLWA's service area, consumptively used, discharged to the two local WRPs, and made available for reuse under a contract between the Los Angeles County Sanitation Districts and CLWA (see 2005 UWMP, section 4.3.3).

In response to the Specific Plan's potable demand, the Specific Plan water supply sources to meet such demand would be: (a) the applicant's historical groundwater pumped from the Alluvial aquifer in Los Angeles County; (b) the applicant's additional water under contract with Nickel Family LLC in Kern County; and (c) the applicant's agreement with the Semitropic Water Storage District (SWSD) to bank water needed in dry years."

Therefore, Santa Clara River water would not be used to supply the Specific Plan site, as suggested by the comment.

The comment also expresses concerns about the Project's effects on tributaries to the Santa Clara River located on the Project site. The Project's effects on tributaries were evaluated extensively by the Draft EIS/EIR, including **Section 4.1**, Surface Water Hydrology, Erosion and Flood Control; and **Section 4.2**, Geomorphology and Riparian Resources. In addition, for further responsive information, please see revised **Sections 4.1, 4.2, and 4.3** of the Final 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 T-6. The comment expresses concerns about the proposed Project's effects on groundwater recharge. This topic received extensive analysis in Draft EIS/EIR **Section 4.3**, Water Resources. For example, the evaluation of the proposed Project's impacts on groundwater supplies and groundwater recharge that is provided on page 4.3-86 of the Draft EIS/EIR states, in part:

"Groundwater recharge would not be substantially impacted by the water demands based on the best available information. This information shows that no adverse impacts on Basin recharge have occurred or would occur due to the existing or projected use of local groundwater supplies. Based on a memorandum prepared by CH2MHill (Effect of Urbanization on Aquifer Recharge in the Santa Clarita Valley, February 22, 2004; see **Appendix 4.3**), no significant impacts would occur to the groundwater basin with respect to aquifer recharge. Urbanization in the Santa Clarita Valley has been accompanied by long-term stability in pumping and groundwater levels and the addition of imported SWP water to the Valley; together, these actions have not reduced recharge to groundwater, nor depleted the amount or level of groundwater in storage within the local groundwater basin. These findings are also consistent with the CLWA/purveyor groundwater operating plan for the Basin (see EIS/EIR, **Appendix 4.3**, 2005 Basin Yield Report)."

Additional analysis of potential groundwater recharge impacts is provided in the following text from page 4.3-87 of the Draft EIS/EIR:

"Currently, portions of the Specific Plan area are irrigated agricultural land. Some of these areas would be developed for the proposed Project, introducing impervious surface over approximately 30 percent of the Project area. The reduction in irrigated agriculture and the increase in paved area would reduce overall recharge; however, several factors would serve to counter the impact of urbanization on groundwater recharge within the Specific Plan area:

- Development within the Specific Plan area would increase runoff volume discharged after treatment (e.g., in water quality control facilities) to the Santa Clara River, whose channel is predominantly natural and consists of vegetation and coarse-grained sediments. The porous nature of the sands and gravels forming the streambed allows for significant infiltration to occur to the Alluvial aquifer underlying the Santa Clara River;

- Development of the Specific Plan area would significantly increase the area of irrigated landscaping on currently undeveloped land, which would serve to increase the amount of recharge to the area; and
- The groundwater supply for the Specific Plan post-development would not require an increase in groundwater pumping beyond the applicant's existing agricultural allocation (7,038 afy).

In addition, irrigation used in the Project area would increase the amount of recharge available to the Santa Clara River. Based on the above information, the Specific Plan impacts on groundwater recharge and levels would be less than significant relative to Significance Criterion 1."

Based on the analysis of potential groundwater recharge impacts summarized above and other analysis provided in **Section 4.3** of the Draft EIS/EIR, the proposed Project would not result in significant impacts to groundwater levels and groundwater recharge in the Project area. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR, and **Topical Response 8: Groundwater Supplies and Overdraft Claims**.

Please also refer to **Topical Response 9: State Water Project Supply Reliability**, which provides additional information regarding the proposed Project's effects regarding the use of groundwater in relation to agricultural irrigation recharge.

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 T-7. As discussed in **Topical Response 3: Natural River Management Plan Projects and Mitigation**, the Natural River Management Plan (NRMP) includes a Mitigation Monitoring and Reporting Plan (MMRP) that imposes mitigation measures on each of the 57 projects identified. Some of the mitigation measures have not been completed or initiated. This is due to the 20-year time-line of the NRMP project list. Many of the projects identified in the NRMP are not yet needed and will not be constructed for some time. Consequently, the mitigation measures that apply to them have not yet been implemented. Only when those projects are initiated will the duty to implement the mitigation measures be triggered. As development and local municipality infrastructure needs dictate, it is possible that some of the NRMP-identified projects may prove unnecessary and may never be constructed.

Based on field surveys and other data the Corps and CDFG are satisfied that the NRMP mitigation program is functioning and progressing consistent with the terms of the MMRP.

The comment makes a specific reference to the "Oxbow Pond" restoration project and states "it has not occurred." Progress on the Oxbow Pond project is being made. Site soil preparation, seeding, and temporary irrigation system installation are scheduled to be completed in 2010. The planting phase is scheduled to be completed by the fall/winter of 2010.

Response T-8. The comment addresses three mitigation compliance-related issues: implementation of required mitigation measures; Project applicant bankruptcy issues; and bonding for the completion of mitigation requirements.

Mitigation Measure Implementation. Upon project approval, CDFG would 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.*

Please also refer to **Response T-7**, above, regarding comments pertaining to the applicant's implementation of previous mitigation measures.

Bankruptcy Issues. Please refer to **Topical Response 2: Bankruptcy-Related Comments.**

Bonding for Mitigation Requirements. Please refer to **Topical Response 2: Bankruptcy-Related Comments**, for information regarding requirements for the Project applicant to provide financial assurances for the completion of mitigation measures and Project-related improvements.

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 T-9. The comment expresses concerns related to the proposed modification of tributaries to the Santa Clara River located on the Project site, and the resultant modifications to floodplain areas located on the Project site. Proposed tributary modifications were described in Draft EIS/EIR **Subsection 2.6.4**, RMDP-Regulated Activities, and received extensive analysis in the Draft EIS/EIR, such as in **Section 4.1**, Surface Water Hydrology and Flood Control, and **Section 4.2**, Geomorphology and Riparian Resources.

The Draft EIS/EIR also provided extensive analysis regarding the proposed Project's effects on floodplain areas and associated resources located on and off the Project site. That 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 analyses provided in those sections concluded 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 within the 100-year floodplain as it is delineated by the Federal Emergency Management Agency (FEMA). This is one of the alternatives the Corps and CDFG will consider before taking action on the proposed Project. In addition, for further responsive information, please see revised **Sections 4.1, 4.2, and 4.6** of the Final EIS/EIR.

The comment does not raise any specific issue regarding the analysis; therefore, no more specific response can be 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 T-10. This comment expresses concerns related to Project site grading and resulting modifications to floodplain areas located on the Project site. Proposed floodplain modifications received extensive analysis in the Draft EIS/EIR, **Section 4.1**, Surface Water Hydrology and Flood Control; and **Section 4.2**, Geomorphology and Riparian Resources. In addition, for further responsive information, please see revised **Sections 4.1 and 4.2** of the Final EIS/EIR. The comment does not raise any specific issue regarding the analysis, therefore, no more specific response can be 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.

Carol Lutness

Response T-11. This comment is an introduction to comments that follow and does not raise any specific issues regarding the analysis provided by the 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 T-12. The comment expresses concerns regarding whether mitigation will be implemented in light of the financial status of the Project applicant. Please refer to **Topical Response 2: Bankruptcy-Related Comments**. 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 T-13. This comment addresses the implementation of required mitigation measures and bonding for the completion of mitigation requirements. Please refer to **Topical Response 2: Bankruptcy-Related Comments**, for information regarding requirements for the Project applicant to provide financial assurances for the completion of mitigation measures and Project-related improvements. In addition, as discussed in **Response T-8**, above, the California Environmental Quality Act (CEQA) requires adoption of a mitigation monitoring or reporting program to ensure implementation of adopted mitigation measures following Project approval. 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 T-14. The comment requests that additional time be provided for the public to review and comment on the Draft EIS/EIR. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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 T-15. The comment states that "we are at a tipping point" from an environmental, economic, social and political perspective. The Corps and CDFG appreciate this comment. Because the comment expresses an opinion regarding the Project and does not address the content 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 refers to the overall effect of accumulated small actions. An analysis of these types of effects, commonly referred to as "cumulative" impacts, is provided in **Section 6.0** of the Draft EIS/EIR. This section evaluates the impacts of past, present and reasonably foreseeable future projects as they relate to each of the environmental issue areas evaluated by the EIS/EIR. In addition, for further responsive information, please see revised **Section 6.0** of the Final EIS/EIR.

Response T-16. The comment expresses concerns about public transit, air quality and associated health risk. These topics were evaluated by the Draft EIS/EIR in **Subsection 4.8.8.2.3** (Traffic, RMDP Secondary Impacts); **Subsection 4.7.2.7** (Toxic Air Contaminant Emissions); and **Subsection 4.7.8** (Health Risk Assessment). In addition, for further responsive information, please see revised **Sections 4.7** and **4.8** of the Final EIS/EIR. The comments do not address the adequacy of the analysis provided by

the EIS/EIR and no additional response is provided. The Corps and CDFG appreciate this 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 comment also indicates that the proposed Project would result in "urban sprawl." This comment does not address the adequacy of the information or environmental impact analysis provided by the Draft EIS/EIR; however, the following response is provided to respond to the comment's concerns regarding urban sprawl.

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 and Final Additional Analysis for the Specific Plan and WRP, which was certified by the Los Angeles County Board of Supervisors in 2003. The environmental effects of implementing the Specific Plan have also been evaluated by the Draft EIS/EIR. Through these environmental 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 proposed 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 Interstate 5 (I-5) and State Route 126 (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 RMDP and SCP Project would facilitate the development of the Newhall Ranch Specific Plan, which was previously approved by Los Angeles County. Implementation of the proposed Project would result in an extension of urban land uses, however, the proposed new development would incorporate design elements that minimize the adverse environmental effects that have been commonly associated with urban sprawl in the past.

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 T-17. The comment expresses concerns about the adequacy of water supplies for the proposed Project. The topic of water resources received extensive analysis in Draft EIS/EIR **Section 4.3**, Water Resources, which found that adequate water supplies exist to serve the proposed Project's water demands, in addition to other existing and planned future uses. Because no specific issue with that analysis is identified in the comment, no more specific response can be provided. Please also refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims**; **Topical Response 9: State Water Project Supply Reliability**; and **Topical Response 5: Water Litigation and Regulatory Action Update**. These topical responses provide additional information regarding the water supply for the proposed Project. In addition, for further responsive information, please see revised **Section 4.3** of the Final 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 T-18. The comment opines that the "age of oil is over" and the "age of the car is over." This opinion will be included as part of the record and made available to the 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.

David Lutness

Response T-19. The comment requested that the public review and comment period be extended by at least 120 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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 T-20:

The comment states there are 59 mitigation measures that apply to other Newhall Land and Farming projects. However, the comment does not describe these 59 mitigation measures or identify the specific projects to which they apply. Regarding the Natural River Management Plan (NRMP) and associated mitigation measures, please see **Topical Response 3: Natural River Management Plan Projects and Mitigation**.

With regard to "five-year periodic reviews" that the comment suggests were to occur, the Master Streambed Alteration Agreement (the "Streambed Alteration Agreement"), directs implementation of the NRMP and its mitigation program. According to Condition 15 of the Streambed Alteration Agreement, set forth on page 8, the permits granted under the NRMP are renewed automatically every five years, provided that the Corps and/or CDFG do not seek to revoke the permit for non-compliance. The Corps and CDFG review the mitigation performance requirements of the NRMP continually, not just at five year intervals. The Corps and CDFG are satisfied that the NRMP is in compliance with the MMRP.

As noted in the comment, surveys for special-status species were to be conducted after approval of the NRMP. These surveys were performed and the field data indicate that the MMRP and Incidental Take Permits are providing adequate protection for the special-status species that use and/or reside in the NRMP area. For example Arroyo toad surveys conducted between 2002 and 2007 found tadpoles, adult toads, or heard calls for adult toads in upper San Francisquito Creek, the confluence of San Francisquito Creek with the Santa Clara River and at the Castaic Junction at the Santa Clara River, and in the Santa Clara River just east of I-5. Western spadefoot toad tadpoles were located in 2004 and again recently at River Village in two separate ponds. Western pond turtles were surveyed in 2001 and located on the Santa Clara River, east and west of the San Francisquito Junction, just west of the I-5 and at the Castaic Junction with the Santa Clara River. (Please 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.)

Response T-21. Regarding the hazing machines, they were used for a period time within the NRMP permit area. The use of such devices was subsequently discontinued, and no hazing machines were used at any time within the RMDP/SCP study area, nor will such machines be used should federal and state permits be issued as part of the proposed Project or any alternative.

Response T-22. The commentor suggests that, due to global warming and intense wildfires, open space set-asides for wildlife corridors and access to the Santa Clara River should be examined.

With respect to global warming, the local or subregional effects of climate change in California remain unknown. While current climate change predictions for terrestrial areas in the Northern Hemisphere indicate warmer temperatures, more intense precipitation events, and increased summer continental drying (Field *et al.* 1999; Cayan *et al.* 2005; IPCC 2007), it is unknown at this time if climate change will result in a warmer trend with localized drying, higher precipitation events, or other effects. While it is recognized that climate change is an important issue for potential effects to species and their habitats, adequate information is lacking to make accurate predictions regarding the local effects of climate change at this time. For example, on September 21, 2009, the U.S. Fish and Wildlife Service (USFWS) released for review and comment its draft "Rising to the Challenge: Strategic Plan for Responding to Accelerating Climate Change" ("Draft Strategic Plan"). In the Draft Strategic Plan, the USFWS underscored that "[o]ne of the major challenges of addressing climate change effects on fish and wildlife will be identifying and accounting for the uncertainty that remains in our understanding of future climate change and how that change will affect ecological systems." (Draft Strategic Plan, p. 8.) Currently, impacts are assessed from global climate change models; however, the USFWS noted the import of "downscaling" such models to better account for regional and local impacts.

The USFWS made a similar observation in the "5-Year Review: Summary and Evaluation for the Unarmored Threespine Stickleback" (5-Year Review), issued by the Ventura USFWS Office on May 29,

2009. On page 25 of the 5-Year Review, the USFWS noted that "predictions of climatic conditions for smaller sub-regions, such as California, remain uncertain." Therefore, USFWS concluded that it lacked "adequate information to make accurate predictions" regarding the effects of climate change on this particular species. The Draft EIS/EIR evaluated climate change in **Section 8.0**, Global Climate Change. Please also see **Appendix 8.0** of the Draft EIS/EIR, which includes a survey summarizing available literature on the relationship between global climate change and sensitive biological resources. That survey found that the impacts of global climate change on a species-by-species basis cannot be reasonably determined at this time and any conclusions regarding such impacts would be speculative. In addition, for further responsive information, please see revised **Section 8.0** of the Final EIS/EIR, including revised appendices (**Appendix F8.0**).

The potential relationship between future global climate change and wildlife corridors is addressed in more detail in **Response T-23**.

With respect to the comment's concern that global climate change will lead to an intense increase in the danger of wildfires, **Section 4.5**, Biological Resources, of the Draft EIS/EIR evaluated the effects of altered natural wildfire regimes on the plants, wildlife, and vegetation communities that occur in the proposed Project area. These analyses consider the effects of both increased frequency and intensity on habitat and species. An important concept for protecting biodiversity in relation to wildfire is to ensure that preserve areas functionally connect, so that, if a fire does occur, the natural vegetation communities and native wildlife communities that were present in the burned areas prior to the fire can regenerate through natural processes. **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 Measure BIO-19 that requires the dedication of the Salt Creek area, in addition to the areas already set aside under the Los Angeles County Specific Plan, the High Country SMA, and River Corridor SMA. 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. The Draft EIS/EIR also determined that the post-development widths of the River Corridor SMA floodplain would range from approximately 700 feet wide up to 2,000 feet wide, which would provide lateral buffer for wildlife in the Project area, including the use of areas outside the 100-year floodplain. While development would occur in some areas adjacent to the Santa Clara River, the Draft EIS/EIR concluded the River Corridor would retain habitat to support movement and connectivity to the adjacent uplands. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR.

Thank you for providing comments regarding wildlife movement and corridors. For additional information regarding the movement of wildlife; please refer to **Topical Response 12: Wildlife Habitat Connectivity, Corridors, and Crossings**.

Response T-23. The comment suggests that due to changing conditions related to global warming (discussed in **Response T-22**, above), the requirements for how much open space should be set aside should be changed to provide for migrations, access to grazing ground, and access to the river. Please see **Response T-22** for information responsive to this comment.

As discussed in **Response T-22**, the local or subregional effects of climate change in California remain unknown, and adequate information is lacking to make accurate predictions regarding the local effects of climate change at this time. Nonetheless, the proposed Project will not substantially affect the existing condition of the Santa Clara River Corridor, and, combined with the upland areas in the High Country SMA and Salt Creek area, its current function as an important wildlife corridor will be maintained regardless of the local effects of climate change. In addition, as described above in **Response T-22**, impacts to linkages, wildlife corridors, and wildlife passages would be less than significant with the implementation of project mitigation. For additional information regarding the movement of wildlife; please refer to **Topical Response 12: Wildlife Habitat Connectivity, Corridors, and Crossings**.

The comment also expresses concerns about bank stabilization and indicates that the banks of the River already are what they should be.

Section 4.2, Geomorphology/Riparian Resources, of the Draft EIS/EIR concluded that the proposed Project would have permanent effects on the Santa Clara River and floodplain from the construction of Project infrastructure including buried bank stabilization and bridges. Affected areas would include habitat for a variety of special-status species including threatened and endangered wildlife. However, analysis determined that the River Corridor would retain sufficient width to allow natural fluvial processes to continue in the project area. In addition, 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. The technical analysis further determined that the mosaic of habitats in the River that support special-status species would be maintained, and the population of the species within and immediately adjacent to the River Corridor would not be significantly affected. In addition, for further responsive information, please see revised **Section 4.2** of the Final EIS/EIR.

The Corps and CDFG acknowledge the American Rivers 2005 designation of the Santa Clara River as one of the nation's ten most endangered rivers. 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.

Tom Barron

Response T-24. The comment provides background information regarding the commentator's familiarity with the Project site and increasing urbanization of the Santa Clarita Valley. The comment also provides background information regarding the commentator's prior testimony against the Newhall Ranch Specific Plan and Natural River Management Plan. The comment does not raise a specific environmental issue and, therefore, no further response is provided. Please see Draft EIS/EIR **Section 6.0**, Cumulative Impacts, for an analysis of the cumulative environmental impacts resulting from past, present, and probable future projects on the region. In addition, for further responsive information, please see revised **Section 6.0** of the Final EIS/EIR. In addition, **Topical Response 3: Natural River Management Plan Projects and Mitigation**, addresses the Natural River Management 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 T-25. The comment expresses a concern regarding habitat areas along the Santa Clara River that are under the jurisdiction of the Corps and CDFG. Draft EIS/EIR **Section 4.5**, Biological Resources,

Section 4.6, Jurisdictional Waters and Streams, and **Section 4.2**, Geomorphology and Riparian Resources, provide information regarding the existing on-site habitat conditions and extensively analyze the Project's impacts to such habitat areas. In addition, for further responsive information, please see revised **Sections 4.2, 4.5, and 4.6** of the Final EIS/EIR. The comment does not raise any specific issue regarding the analysis provided; therefore, no additional response is provided or required. 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 states that the proposed Project would result in "sprawl" and questions the land use development pattern that would result from build-out of the previously approved Newhall Ranch Specific Plan. While this comment does not address the adequacy of the environmental analysis provided in the Draft EIS/EIR, please see **Response T-16** above for information regarding "sprawl" and discussion of why Specific Plan build-out is not properly characterized as urban sprawl.

In response to the comment that the land use plan is "seriously outdated" in light of the new "climate crisis", Draft EIS/EIR **Section 8.0**, Global Climate Change, evaluated the Project's climate change impacts and concluded that its effects would not be significant. That section contains a detailed summary of the state of science; a discussion of the existing regulatory setting at the federal, regional, state and local levels; an extensive emissions inventory for the proposed Project; an assessment of the significance of those emissions in relation to California's Global Warming Solutions Act of 2006 (AB 32); and the recommendation that various project design features (*e.g.*, Title 24 exceedances; solar-equivalent commitments or carbon offsets/credits) intended to increase relative project efficiencies be adopted as mitigation to ensure that impacts remain less than significant. Please also see ENVIRON's "Climate Change Technical Addendum" (October 2009), which is found in **Appendix F8.0** of the Final EIS/EIR and provides updated information with respect to certain regulatory developments and emissions modeling. In short, the proposed Project's emission levels were compared with California's mandatory greenhouse gas emissions reduction target for 2020 and found to be consistent with that target.

This comment also indicates that the proposed Project would be occupied by approximately 28,000 new residents. Please note that Draft EIS/EIR **Subsection 4.19.6.2.2** of the Socioeconomics and Economics section indicates that it is estimated that build-out of the Specific Plan site would provide housing for approximately 57,903 residents, as well as approximately 18,795 new jobs. 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. Because the comment does not raise an environmental issue, no further response is provided.

Response T-26. The comment expresses support for the adoption of the "no project" alternative (Alternative 1). The decision makers appreciate the comment, which will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. Because the comment expresses an opinion regarding the Project and does not address the content of the Draft EIS/EIR, no additional response is provided.

Laura Scott

Response T-27. The comment expresses the commentor's opposition to the proposed Project and any of the development alternatives and concern about the decline of wildlife in the region.

Project-related impacts to wildlife on the Project site were evaluated in Draft EIS/EIR **Section 4.5**, Biological Resources. Impacts related to the use of pesticides, which can also impact wildlife, were evaluated in Draft EIS/EIR **Section 4.4**, Water Quality. Mitigation for these impacts would include a requirement to use integrated pest management practices, which would limit the use of pesticides (including rodenticides and insecticides) on the Project site. Revised Mitigation Measure BIO-64 describes the elements of an integrated pest management plan (IPM) to protect sensitive biological resources. In addition, for further responsive information, please see revised **Sections 4.4** and **4.5** of the Final EIS/EIR.

The "streambed alteration plan" referred to by the commentor appears to refer to the Natural River Management Plan (NRMP), operated under a Master Streambed Alteration Agreement (MSAA) from CDFG, as well as other state and federal permits. Wildlife surveys were required under the MSAA and other permits. Roadrunners and scrub jays were identified during riparian bird surveys within the NRMP area as documented in the Draft EIS/EIR, **Appendix 4.5** (Guthrie, 1994 through Guthrie, 2006). No threatened or endangered, or other special-status wildlife have disappeared from the area managed under the NRMP. Please refer to **Topical Response 3: Natural River Management Plan Projects and Mitigation**. The decision makers appreciate the comment; however, the comment does not address the adequacy of the analysis provided in the Draft EIS/EIR and no additional response can be provided. However, the comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-28. The comment expresses an opinion regarding the importance of the Santa Clara River. The Corps and CDFG appreciate the comment. Your opinion regarding the Santa Clara River will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-29. The comment requests that the public review and comment period for the Draft EIS/EIR be extended by 120 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

David Morrow

Response T-30. This comment is an introduction to comments that follow and requests an extension of the public review period for the Draft EIS/EIR. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-31. The comment generally questions whether water quality is going to improve as a result of the proposed Project. To preface, the inquiry required by CEQA and the National Environmental Policy Act (NEPA) is not whether a project will improve existing environmental conditions, but whether a project will significantly and adversely impact existing environmental conditions. Therefore, this response summarizes the findings of the extensive water quality analysis presented in Draft EIS/EIR **Section 4.4**, Water Quality. In addition, for further responsive information, please see revised **Section 4.4** of the Final EIS/EIR.

By way of introduction, the water quality requirements established by the federal Clean Water Act, as well as other state and regional requirements are described in Draft EIS/EIR **Subsection 4.4.3**, Regulatory Setting.

Existing Surface Water Quality Conditions for the Santa Clara River. The comment expresses concern related to declining water quality conditions in the Santa Clara River. **Subsection 4.4.4**, Existing Conditions, describes existing water quality conditions for the Santa Clara River and identifies possible sources for various substances that are pollutants of concern.

Salinity Levels. The comment states that salinity levels have increased in the Santa Clara River. Existing chloride levels in Santa Clara River water are described in **Subsection 4.4.4.3**, Existing Surface Water Quality. Impacts related to salinity levels that could result from the urban development facilitated by the proposed Project were evaluated in **Subsection 4.4.6.2.2**, and Project-related changes in existing chloride levels are reported in **Table 4.4-29**, Estimated Average Annual Chloride Concentration and Load. The analysis provided by the Draft EIS/EIR concluded that the proposed Project would not result in significant chloride-related impacts.

Perchlorate Contamination. The comment also expresses concerns regarding the perchlorate levels. Existing perchlorate contamination conditions in the Project region are described in Draft EIS/EIR **Section 4.3**, Water Resources, with detailed information provided in **Subsection 4.3.4.3**, Description of Groundwater Supplies, and **Subsection 4.3.4.5.3**, Groundwater Quality. Impacts that perchlorate impacted water purveyor wells may have on the urban development facilitated by the proposed Project are described in Draft EIS/EIR **Subsection 4.3.6.2.2**, Indirect Impacts. That analysis concluded that no significant impacts would occur. Please refer to **Topical Response 7: Perchlorate Treatment Update**, which provides updated information regarding perchlorate contamination conditions in the Project region. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR.

Increased Sewer Rates. The comment expresses concern regarding the increasing sewer rates. The potential for increasing sewer rates is not an environmental impact and is not required to be addressed under CEQA or NEPA.

Water Quality Impacts of the Proposed Project. Water quality impacts of the proposed Project received extensive analysis in Draft EIS/EIR **Section 4.4**, Water Quality. That analysis concluded that with implementation of previously adopted and proposed mitigation measures, the proposed Project's water quality impacts would be reduced to a less-than-significant level.

The Corps and CDFG appreciate these comments, which will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-32. The comment states that "dry years" are going to increase if global warming is a fact. **Appendix 8.0** of the Draft EIS/EIR contains two documents that addressed this water supply issue in detail: (i) GSI Water Solutions, Inc.'s (GSI) "Technical Memorandum regarding Potential Effects of Climate Change on Groundwater Supplies for the Newhall Ranch Specific Plan, Santa Clarita Valley, California" (March 18, 2008); and, (ii) Impact Sciences, Inc.'s (ISI) "Global Climate Change and Its Effects on California Water Supplies" (February 2009).

As to GSI's Technical Memorandum, GSI addressed whether future climate change may preclude the Alluvial aquifer (*i.e.*, the local groundwater source from which water would be drawn to satisfy the proposed Project's water demand) from providing sufficient yield. In undertaking its analysis, GSI considered the local climate, the global-scale and regional-scale predictions for future rainfall and temperature trends, the effect of rainfall timing and intensity on basin recharge, and evidence from historical fluctuations in local hydrology and groundwater conditions. In the memorandum, GSI reached the following conclusion:

"The historical hydrograph records indicate that the groundwater resources in the western portion of the Santa Clarita Valley are relatively unaffected by local fluctuations in rainfall. . . . [T]he available data and groundwater modeling simulations indicate that rainfall fluctuations primarily affect groundwater levels and groundwater availability in the easternmost portion of the valley, where most of the recharge occurs to the Alluvial Aquifer. Consequently, if rainfall and groundwater recharge rates were to decline in the future because of climate change, these changes are likely to be fairly small as indicated by the various climatologic studies . . . that have been conducted by the various California state agencies involved in water resources management and planning. For this reason, and also because of the well-developed understanding to date of the valley's hydrology and its shallow and deep aquifer systems, it is anticipated that only minor fluctuations in groundwater levels will occur in the Alluvial Aquifer west of I-5, and that these fluctuations will not reduce the availability or sustainability of Alluvial Aquifer groundwater in this area."

(See **Appendix 8.0**, Technical Memorandum, pp. 10-11. In addition, for further responsive information, please see revised **Section 8.0** of the Final EIS/EIR, including revised appendices (**Appendix F8.0**).)

In ISI's literature survey of Global Climate Change and its Effects on California Water Supplies, ISI analyzed and summarized the findings of a number of water resources reports, including those prepared by the California Department of Water Resources (DWR). The literature survey concludes that DWR has not yet fully incorporated parameters to account for global climate change in its assessment of certain effects to water supply due, in part, to the unavailability of accurate regional-based models that predict such changes. However, as the literature and modeling tools continue to develop in their assessment of such risks, DWR would incorporate such information into successive updates to the California Water Plan and biennial assessment reports addressing the delivery reliability of the SWP. Accordingly, the survey further concluded that it would be speculative at this time to quantify the effects of global climate change on the SWP and the local groundwater basin. With that said, it also should be noted that the development enabled by approval of the proposed Project would employ a number of water conservation measures. (*See, e.g.*, Mitigation Measures SP-4.11-1 through 4.11-14, 4.12-1; see also, Los Angeles County Code, Green Building Ordinance, § 22.52.2100 *et seq.* [requiring implementation of both outdoor and indoor water conservation measures, such as smart irrigation controllers for all landscaped areas, compliance with selected drought-tolerant plant palettes, and installation of high-efficiency toilets (maximum 1.28 gallons per flush)]).

Water supply also was extensively evaluated in Draft EIS/EIR **Section 4.3**, Water Resources. Please also refer to the water supply evaluation provided by **Topical Response 8: Groundwater Supplies and Overdraft Claims**; **Topical Response 9: State Water Project Supply Reliability**; and **Topical Response 5: Water Litigation and Regulatory Action Update**. In addition, Draft EIS/EIR **Section 4.3**,

Water Resources, provided information regarding the water resource-related effects of climate change in **Subsection 4.3.4.2.2**, SWP Operations, Deliveries, and Constraints. For further responsive information, please see revised **Section 4.3** of the Final EIS/EIR. The comment does not raise any specific issues regarding the analysis; therefore, no more specific response can be 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 T-33. This comment states that the proposed spineflower preserves are not of an adequate size, are fragmented and recommends that additional land be set aside for the San Fernando Valley spineflower. Draft EIS/EIR **Section 4.5**, Biological Resources, provides an extensive analysis of the proposed Project's impacts to San Fernando Valley spineflower. Part of that analysis recognizes the importance of maintaining connections to open space corridors, such as the Santa Clara River, so that natural processes, which may exchange pollinators or seed dispersers between preserves can continue. The analysis concluded that impacts to spineflower under Alternative 2 (the proposed Project) would be significant and unavoidable. However, impacts to spineflower under Alternatives 3-7 would be reduced to a less-than-significant level with implementation of proposed mitigation measures. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR, and the revised Spineflower Conservation Plan found in **Appendix F1.0** of the Final EIS/EIR. Please see the Corps' draft 404(b)(1) alternatives analysis also found in **Appendix F1.0** of the Final 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 T-34. This comment expresses support for the adoption of Alternatives 5, 6, and 7, with Alternative 7 being the best option. 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. Because the comment does not raise an environmental issue, no further response is provided.

Ilene Anderson

Response T-35. This comment is an introduction to comments that follow. 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. Because the comment does not raise an environmental issue, no further response is provided.

Response T-36. The comment requests that the public review and comment period be extended by 120 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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 T-37. The commentor has raised concerns that the Project would adversely affect numerous sensitive species. **Section 4.5**, Biological Resources, of the Draft EIS/EIR provided extensive information regarding the potential impacts to biological resources from the proposed Project and alternatives, including those identified by the commentor. For most of the alternatives evaluated in the **Section 4.5**, Biological Resources, of the Draft EIS/EIR mitigation has been proposed that would reduce impacts of the Project to biological resources to less-than-significant levels. However, for some species, impacts under Alternative 2 remain significant and unavoidable even with the implementation of mitigation.

These species included 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 addition, the Draft EIS/EIR has provided a required funding mechanism to ensure that managed lands proposed for mitigation of Project impacts are funded in perpetuity. As described in Section 11.0 of the Draft RMDP (Dudek 2008), Newhall Land, or a designee, will post bonds (or other CDFG-approved financial assurance mechanisms) for the management, monitoring, and reporting measures described in Section 7.0. Bonds shall be released by CDFG upon reaching identified milestones and/or upon receipt of verification of grants or special assessments obtained to implement this Plan. The funding section for the SCP has been revised to clarify that funding for management of the spineflower preserve system would be established through both short- and long-term funding mechanisms. Short-term funding (*i.e.*, performance bonds) would be used to establish preserves and conduct start-up activities such as initial fencing, restoration, and enhancement. These activities would be carried out by the applicant during development of Specific Plan projects, and secured through performance bonds. The applicant would be responsible for these activities for a period of 50 years. In addition, the applicant would be required to fund a non-wasting endowment for management activities in perpetuity. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR.

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 T-38. The comment expresses concern regarding the long-term conservation of species in light of global climate change. Please see **Response T-22**, above, for information regarding the analysis of global climate change and sensitive biological resources undertaken in the Draft EIS/EIR. In addition, **Section 4.5**, Biological Resources, of the Draft EIS/EIR provided information regarding the funding in perpetuity of proposed mitigation lands such as the spineflower preserves, River Corridor SMA, High Country SMA, and Salt Creek area. In addition, for further responsive information, please see revised **Section 4.5** of the Final 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 T-39. The comment discloses that the commentator intends to submit additional comments on 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. Because the comment does not raise an environmental issue, no further response is provided.

Snowdy Dodson

Response T-40. The comment is an introduction to comments that follow. The comment does not raise any specific issues regarding the Draft EIS/EIR; therefore, a more specific response cannot be 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 T-41. The comment first requests that the public review and comment period be extended by 120 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**.

The comment also refers to various effects of the proposed Project on biological resources, such as the San Fernando Valley spineflower, other threatened or endangered species, wildlife movement and valley oak woodland habitat. These issue areas received extensive analysis in Draft EIR/EIS **Section 4.5**, Biological Resources. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR. The comment does not raise any specific issues regarding the analysis, therefore, a more specific response is not 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 T-42. The commentor asserts that The Newhall Land and Farming Company has not had a good environmental track record with its projects to date along the Santa Clara River. (It is assumed that the comment refers to the Natural River Management Plan (NRMP), as that is the applicant's primary permit along the Santa Clara River.) Because the NRMP has a 20-year build-out schedule, many of the contemplated projects will be constructed in the future. The mitigation measures are associated with and identified in each of the NRMP projects. Those measures are implemented only when the project to which they apply is actually initiated, which explains why some of the mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) 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 MMRP and Incidental Take Permits. Please also see **Topical Response 3: Natural River Management Plan Projects and Mitigation**, for further responsive information.

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 are providing adequate protection for the endangered species. 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. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR. (See also 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.)

Response T-43. The comment cautions against turning the Santa Clara River into a concrete river, similar to the conditions that exist along the Los Angeles River. The bank stabilization proposed for the Santa Clara River is described in detail in Draft EIS/EIR **Subsection 2.6.4.1.1**, Bank Stabilization -- Santa Clara River. Diagrams and figures depicting the design and appearance of the proposed bank stabilization are also provided in that section. As described and depicted in the Draft EIS/EIR, the proposed bank stabilization would not result in the concrete channel conditions that exist along the Los Angeles River. 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.

David Bossert

Response T-44. This comment is an introduction to comments that follow. The comment does not raise any specific issues regarding the Draft EIS/EIR; therefore, a more specific response cannot be 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 T-45. The comment expresses support for the proposed Project and the Newhall Ranch Specific Plan. The Corps and CDFG appreciate your opinion, which will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. Because the comment expresses an opinion regarding the Project and does not address the content of the Draft EIS/EIR, no additional response is provided.

Arthur Flynn

Response T-46. The comment is an introduction to comments that follow. The comment does not raise any specific issues regarding the Draft EIS/EIR; therefore, a more specific response cannot be provided.

Response T-47. The comment expresses concern regarding the adequacy of the mitigation measures for biological resources, noting that the proposed Project would result in significant impacts. The comment recommends the preparation of additional studies to evaluate whether impacts can be mitigated to levels below significant.

The comment is incorrect to the extent that it suggests that 20 species would be significantly impacted following implementation of previously adopted and proposed mitigation measures. The proposed Project's impacts to species of concern received extensive analysis in Draft EIS/EIR **Section 4.5**, Biological Resources. That analysis found as follows:

"The proposed Project would result in significant and unavoidable impacts to San Fernando Valley spineflower, southwestern pond turtle, and San Emigdio blue butterfly resulting from loss of habitat and impacts to individuals.

Significant and unavoidable **direct impacts** would occur to San Fernando Valley spineflower due to impacts to individuals resulting from implementation of the RMDP and the SCP under Alternative 2.

Significant and unavoidable **direct impacts** would occur to southwestern pond turtle due to loss of habitat resulting from implementation of the RMDP and the SCP under Alternative 2.

Significant and unavoidable **direct, indirect, and secondary impacts** to San Emigdio blue butterfly due to loss of habitat and impacts to individuals resulting from implementation of the RMDP and the SCP and build-out of the Specific Plan, VCC, and Entrada planning areas would occur under Alternative 2."

(Draft EIS/EIR, p. 4.5-2049.) The project-specific impacts to these species and their habitat would be reduced to a less-than-significant level if Alternatives 3 through 7 were to be implemented along with the mitigation measures recommended in the Draft EIS/EIR. Project-specific impacts to other biological

resources identified by the Draft EIS/EIR would either not be significant or could be reduced to a less-than-significant level with the implementation of proposed mitigation measures.

The analysis provided in the Draft EIS/EIR also concluded that the proposed Project (Alternative 2) would result in significant and unavoidable **cumulative impacts** to coastal scrub vegetation, the San Emigdio blue butterfly individuals and habitat, and the San Fernando Valley spineflower. Cumulative impacts to other biological resources would either not be significant or could be reduced to a less-than-significant level with the implementation of proposed mitigation measures. The EIS/EIR includes all feasible mitigation measures to reduce or avoid significant effects on biological resources and no additional studies to evaluate mitigation of impacts are required at this time. In addition, for further responsive information, please see revised **Section 4.5** of the Final 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 T-48. The commentor asks whether new transportation corridors will be adequate for plant and wildlife movement "when they are planted."

Please see **Response T-22**, above, for a discussion of wildlife movement corridors. For additional information regarding the movement of wildlife; please refer to **Topical Response 12: Wildlife Habitat Connectivity, Corridors, and Crossings**.

Response T-49. The comment suggests that the Draft EIS/EIR's analysis of impacts to cultural resources is based on literature review and a study prepared in 1995. However, as described in Draft EIS/EIR **Subsection 4.10.2, Methodology**, the most recent studies that evaluated the Project's potential impacts to cultural resources were prepared in 2004 and 2006. In addition, for further responsive information, please see revised **Section 4.10** of the Final EIS/EIR.

The evaluation of paleontological resources located on the Project site is based on a report prepared in October 1994. The information provided by that report is considered adequate to accurately characterize the paleontological resources known to exist on the Project site and the potential impacts of the proposed Project.

As the comment notes, the proposed Project would result in potentially significant impacts to cultural and paleontological resources. Project-related impacts to those resources were identified by Draft EIS/EIR **Section 4.10, Cultural Resources**, and **Section 4.11, Paleontological Resources**. In addition, for further responsive information, please see revised **Section 4.11** of the Final EIS/EIR. However, mitigation measures to reduce all identified impacts to a less-than-significant level also were identified by the Draft EIS/EIR. For additional information regarding paleontological resources, please see **Responses 47 through 60** presented in the letter from the Sierra Club, dated August 12, 2009 (Letter 043). 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 T-50. The comment states that the Chumash Indians used areas surrounding the Santa Clara River as burial grounds. Draft EIS/EIR **Subsection 4.10.4, Existing Conditions**, provides extensive information regarding known burial sites located on and adjacent to the Project site. In addition, for further responsive information, please see revised **Section 4.10** of the Final EIS/EIR. The comment does not raise any specific issues regarding that analysis; therefore, a more specific response is not 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 T-51. This comment provides information regarding cultural practices of the Chumash Indians. 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. However, no further response is provided as the comment does not raise an issue regarding the analysis provided in the Draft EIS/EIR.

Response T-52. The information included in this comment is already provided in Draft EIS/EIR **Section 4.10**, Cultural Resources, regarding cultural resource site CA-LAN-2233. In addition, for further responsive information, please see revised **Section 4.10** of the Final EIS/EIR. The comment does not raise any specific issues regarding the analysis of that site; therefore, more specific responses cannot be 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 T-53. The comment states that the Draft EIS/EIR fails to provide mitigation measures to protect Native American burial grounds uncovered during Project implementation. However, the Draft EIS/EIR does identify potential impacts to Native American cultural sites in **Section 4.10**, Cultural Resources, which provides:

"Grading on the Specific Plan site has the potential to uncover previously unrecorded unique cultural resources, which would result in a significant indirect impact under the requirements of Significance Criteria 2 and/or 3. Significant indirect impacts resulting from implementation of the Specific Plan would be reduced by the requirements of Mitigation Measure CR-5, which specifies monitoring requirements and planned contingencies for unanticipated unique cultural resource discoveries. This measure requires ground disturbing activities to be redirected should unique cultural resources be encountered, until a qualified archaeologist and Native American representative are retained by the applicant to evaluate the significance of the find pursuant to CRHR and NRHP criteria."

(Draft EIS/EIR **Subsection 4.10.6.2.2**, p. 4.10-22.)

As indicated in the excerpt provided above, the Draft EIS/EIR does provide mitigation measures that are to be implemented should cultural resources unexpectedly be discovered on the Project site:

CR-5 In the event that archaeological remains or sites are encountered during grading anywhere in the Project area, work shall be stopped immediately or redirected until a qualified archaeologist and Native American representative pursuant to the requirements of the Tataviam Agreement are retained by the applicant to evaluate the significance of the find pursuant to CRHR and NRHP criteria. If the remains are found to be significant, they shall be subject to a Phase III data recovery mitigation program consistent with Corps, state, and county guidelines and funded by the applicant to the extent allowed by law (see, Pub. Resources Code § 21083.2).

(Draft EIS/EIR, p. 4.10-39.) In addition, for further responsive information, please see revised **Section 4.10** of the Final 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 T-54. The comment states that the Draft EIS/EIR has inadequate mitigation measures and alternatives. However, no specific environmental issue is raised, such that a specific response cannot be provided to the general comment. 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 T-55. The comment requests that the public review and comment period be extended. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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.

Jason Weiner

Response T-56. This comment is an introduction to comments that follow. The comment does not raise any specific issues regarding the Draft EIS/EIR; therefore, a more specific response is not provided.

Response T-57. The comment provides background information only and does not raise an environmental issue. 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. However, because the comment does not raise an environmental issue, no further response is provided.

Response T-58. The comment requests that the public review and comment period be extended for 120 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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 T-59. This comment expresses support for support for Alternative 1 (No Action/No Project). 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. However, because the comment does not raise an environmental issue and no additional response is provided.

Response T-60. This comment addresses the issue of water supply for the proposed Project, particularly in light of the Delta smelt decision. This issue received extensive analysis in Draft EIS/EIR **Section 4.3, Water Resources**; discussion of the Delta smelt decisions (referred to in the Draft EIS/EIR as the 2007 and 2008 *Wanger* decisions) is located on pages 4.3-26 through 4.3-28. The analysis provided by the Draft EIS/EIR concluded that adequate water resources are available to serve the Project. The Draft EIS/EIR also disclosed that development located on the Specific Plan site would not rely on deliveries from the State Water Project (SWP), but instead would rely on local groundwater available to the Project applicant. The ability of the SWP to serve the Entrada and VCC portions of the proposed Project, as well as other existing and future land uses in the Santa Clarita Valley, also received extensive analysis in Draft EIS/EIR **Subsection 4.4.3.4.2.2, SWP Operations, Deliveries and Constraints**. In addition to the information and analysis provided by the Draft EIS/EIR, please refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims**; **Topical Response 9: State Water Project Supply**

Reliability, and **Topical Response 5: Water Litigation and Regulatory Action Update**. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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 T-61. The comment expresses concern regarding the reliance on local groundwater because of potential perchlorate contamination. Existing perchlorate contamination conditions in the Project region are described in Draft EIS/EIR **Section 4.3**, Water Resources, with detailed information provided in **Subsection 4.3.4.3**, Description of Groundwater Supplies, and **Subsection 4.3.4.5.3**, Groundwater Quality. Impacts that perchlorate impacted water purveyor wells may have on the urban development facilitated by the proposed Project are described in Draft EIS/EIR **Subsection 4.3.6.2.2**, Indirect Impacts, and that analysis concluded that no significant impacts would occur. In addition, please refer to **Topical Response 7: Perchlorate Treatment Update**, which provides updated information regarding perchlorate contamination conditions in the Project region. In addition, for further responsive information, please see revised **Section 4.3** of the Final 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 T-62. This comment expresses concerns about the Project's effects on groundwater recharge, and resulting impacts to surface water flows. This topic received extensive analysis in **Section 4.3**, Water Resources, of the Draft EIS/EIR. For example, the evaluation of the Project's impacts on groundwater recharge states, in part:

"Groundwater recharge would not be substantially impacted by the water demands based on the best available information. This information shows that no adverse impacts on Basin recharge have occurred or would occur due to the existing or projected use of local groundwater supplies. Based on a memorandum prepared by CH2MHill (Effect of Urbanization on Aquifer Recharge in the Santa Clarita Valley, February 22, 2004; see **Appendix 4.3**), no significant impacts would occur to the groundwater basin with respect to aquifer recharge. Urbanization in the Santa Clarita Valley has been accompanied by long-term stability in pumping and groundwater levels and the addition of imported SWP water to the Valley; together, these actions have not reduced recharge to groundwater, nor depleted the amount or level of groundwater in storage within the local groundwater basin. These findings are also consistent with the CLWA/purveyor groundwater operating plan for the Basin (see EIS/EIR, **Appendix 4.3**, 2005 Basin Yield Report)."

(Draft EIS/EIR, p. 4.3-86.) Additional analysis of potential groundwater recharge impacts is also provided:

"Currently, portions of the Specific Plan area are irrigated agricultural land. Some of these areas would be developed for the proposed Project, introducing impervious surface over approximately 30 percent of the Project area. The reduction in irrigated agriculture and the increase in paved area would reduce overall recharge; however, several factors would serve to counter the impact of urbanization on groundwater recharge within the Specific Plan area:

- Development within the Specific Plan area would increase runoff volume discharged after treatment (e.g., in water quality control facilities) to the Santa Clara River, whose channel is predominantly natural and consists of vegetation and coarse-grained sediments. The porous nature of the sands and gravels forming the streambed allows for significant infiltration to occur to the Alluvial aquifer underlying the Santa Clara River;
- Development of the Specific Plan area would significantly increase the area of irrigated landscaping on currently undeveloped land, which would serve to increase the amount of recharge to the area; and
- The groundwater supply for the Specific Plan post-development would not require an increase in groundwater pumping beyond the applicant's existing agricultural allocation (7,038 afy). In addition, irrigation used in the Project area would increase the amount of recharge available to the Santa Clara River.

Based on the above information, the Specific Plan impacts on groundwater recharge and levels would be less than significant relative to Significance Criterion 1."

(Draft EIS/EIR, p. 4.3-87.) Based on the analysis of potential groundwater recharge impacts summarized above and other analysis provided in **Section 4.3** of the Draft EIS/EIR, it was concluded that the proposed Project would not result in significant impacts to groundwater levels in the Project area. Additional information regarding Project-related effects on groundwater levels, including the Project's possible effect on river water surface levels, is provided in **Topical Response 8: Groundwater Supplies and Overdraft Claims**. In addition, for further responsive information, please see revised **Section 4.3** of the Final 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 T-63.

The comment expresses concern that groundwater pumping will impact the southern steelhead by pumping groundwater which the commentor believes would reduce surface flows in the Santa Clara River. The commentor notes that, in the past, 7,000 to 9,000 adult steelhead returned in the Santa Clara River annually, but, since construction of a diversion dam, there have been no or few steelhead returning to the ocean. The commentor states the hope that steelhead will be restored in the Santa Clara River and that the groundwater pumping is an unmitigable impact that must be addressed in the EIS/EIR.

Section 4.5, Biological Resources, of the Draft EIS/EIR presented an analysis of the impacts of the proposed Project and alternatives on the biological resources that occur on the Santa Clara River. For southern steelhead, the Draft EIS/EIR determined that potential short-term and long-term secondary impacts would be less than significant because southern steelhead do not utilize or otherwise fulfill their life history requirements within the Project area. Current data also indicates that the Santa Clara River basin upstream from its confluence with Piru Creek is unlikely to be occupied or accessible to steelhead and, therefore, is not currently considered by National Marine Fisheries Service (NMFS) to be part of the critical habitat designation for this evolutionarily significant unit (ESU). In addition, 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. The technical analysis further determined that the mosaic of habitats in the Santa Clara River would persist, and the population of the species within and immediately adjacent to the River Corridor would not be significantly affected. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR.

Analysis supported by modeling and a record of groundwater levels in the western and central part of the basin indicate that groundwater has not been lowered so as to impact surface water flows. Data and analysis also support the conclusion that neither the proposed Project nor any of the Alternatives would result in long-term depletion of groundwater or interrelated surface water. For additional information regarding dewatering of the river via groundwater pumping, please see **Topical Response 8: Groundwater Supplies and Overdraft Claims**. In addition, for further responsive information, please see revised **Section 4.3**, Water Resources, of the Final 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 T-64. The comment expresses concern regarding the water quality impacts of the proposed Project. The proposed Project's water quality impacts received extensive analysis in Draft EIS/EIR **Section 4.4**, Water Quality, including impacts associated with stormwater runoff. That analysis concluded that with the implementation of proposed mitigation measures, the water quality impacts of the proposed Project would be reduced to a less-than-significant level. In addition, for further responsive information, please see revised **Section 4.4** of the Final EIS/EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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 T-65. The comment states that the water quality impacts of the proposed Project should be evaluated utilizing the Ventura County National Pollutant Discharge Elimination System (NPDES) permit conditions. However, Ventura County's NPDES permit is not applicable to the Project site, which lies within Los Angeles County. 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 T-66. Please refer to **Response T-65**. 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 T-67.

The comment expresses concern regarding the use of weed control on the Project site from a water quality perspective and suggests that impacts to sensitive species including arroyo toads, California red-legged frogs, and southern steelhead would be significant and unmitigable due to exposure from pesticides and herbicides. **Section 4.5**, Biological Resources, of the Draft EIS/EIR analyzed the potential impacts to biological resources from the proposed Project and alternatives including those identified by the commentor. This included a discussion of potential impacts from pesticides, herbicides, and other water quality impairments. The use of herbicides and pesticides on the Project site was also evaluated in **Section 4.4**, Water Quality, of the Draft EIS/EIR. For most of the alternatives evaluated in the **Section 4.5**, Biological Resources, of the Draft EIS/EIR mitigation has been proposed that would reduce impacts of the Project to biological resources to less-than-significant levels. However, for some species impacts under Alternative 2 remain significant and unavoidable even with the implementation of mitigation. These species included 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. These significant and unavoidable effects were not found to be significant as a result of herbicide use, but as a function of habitat loss. The analysis concluded that the use of fertilizers and pesticides would have the potential to result in significant water quality impacts. However, Mitigation Measure WQ-2 was recommended to reduce potential impacts to a less-than-significant level. In addition, for further responsive information, please see revised **Section 4.4** and **4.5** of the Final EIS/EIR.

Response T-68. The comment expresses concern regarding the effect of water softeners and potential impacts to surface water levels resulting from groundwater pumping. Please refer to **Response T-62** regarding impacts resulting from groundwater pumping. Please refer to **Response T-69** regarding the effects of water softeners. 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 T-69. The comment expresses concern regarding the use of water softeners and corresponding water quality impacts to the Santa Clara River, including consistency with the chloride total maximum daily loads (TMDL) adopted for the River. Existing pollutant levels in the Santa Clara River water are described in Draft EIS/EIR **Subsection 4.4.4.3**, Existing Surface Water Quality, and potential impacts related to salinity levels were evaluated in Draft EIS/EIR **Subsection 4.4.6.2.2** and reported in **Table 4.4-29**, Estimated Average Annual Chloride Concentration and Load. The analysis provided by the Draft EIS/EIR concluded that the proposed Project would not result in significant chloride-related impacts. In addition, for further responsive information, please see revised **Section 4.4** of the Final EIS/EIR. This comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR; therefore, more specific responses cannot be 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 T-70. The comment expresses an opinion regarding environmental stewardship responsibilities. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. Because the comment does not address the content of the Draft EIS/EIR, no additional response can be provided.

Response T-71. The comment addresses Native American burial sites on the Project site. Please refer to **Response T-49** and **Response T-53** for responsive information. Also, as provided in **Comment T-74**, the Fernando Tataviam Band of Mission Indians has indicated concurrence with the proposed mitigation 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.

Sydell Stokes

Response T-72. The comment expresses concerns related to the Project's traffic-related impacts, specifically impacts to I-5. This issue received extensive analysis in Draft EIS/EIR **Section 4.8**, Traffic, and that analysis concluded that Project-related impacts to I-5, and all Project-related traffic impacts would be reduced to a less-than-significant level with the implementation of proposed mitigation measures. The comment does not raise any specific issue regarding the traffic analysis; therefore, more specific responses cannot be provided.

The comment also expresses the opinion of the commenter that the proposed Project should include a "cursory layout" for a MetroLink connection. The RMDP and SCP components of the proposed Project would facilitate build-out of the previously approved Newhall Ranch Specific Plan. As indicated by the following text excerpt, the "Mobility Plan" component of the Newhall Ranch Specific Plan (May 2003) anticipates 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 as a possible park-and-ride site as an interim use."

(Newhall Ranch Specific Plan, p. 2-70.) In addition, for further responsive information, please see revised **Section 4.8** of the Final 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 T-73. The comment expresses support for the adoption of Alternative 7. This 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 requests that the public review and comment period be extended. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities** regarding additional time to review 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.

Rudy Ortega

Response T-74. The comment is an introduction to comments that follow. The comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR; therefore, a more specific response cannot be 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 T-75. The comment generally restates information provided by the Draft EIS/EIR regarding the presence of cultural resources on and near the Project site, and mitigation measures that would be implemented should construction activities encounter previously undetected resources. The comment also indicates that the Fernando Tataviam Band of Mission Indians concur with proposed site investigations and mitigation measures described by the Draft EIS/EIR. The comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR; therefore, a more specific response is not 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.

Barbara Wampole

Response T-76. The comment is an introduction to comments that follow. The comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR; therefore, a more specific

response cannot be 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.

Responses T-77 through T-92

Comments T-77 through T-92 are identical to the written comments on the Draft EIS/EIR submitted in the letter from Friends of the Santa Clara River, dated June 11, 2009 (Letter 033). The responses to Letter 033 are incorporated here by reference in **Responses T-77 through T-92** as if set forth in full. Please refer to the responses to Letter 033 in this Final EIS/EIR.

Sally Chase Clark

Response T-93. The comment is an introduction to comments that follow. The comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR; therefore, a more specific response is not 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 T-94. The comment provides an opinion regarding the local Chamber of Commerce, Board of Supervisors, and City Council. The opinion will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. Because the comment expresses an opinion regarding the Project and does not address the content of the Draft EIS/EIR, no additional response is provided.

Response T-95. The comment expresses concerns about the adequacy of water supplies that would be used to serve the proposed Project and that are presently used to serve the Project region. These topics received extensive analysis in **Section 4.3**, Water Resources, of the Draft EIS/EIR, and that analysis concluded that the proposed Project would not result in significant water resource impacts. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR. This comment does not raise any specific issues regarding the water resource analysis provided by the Draft EIS/EIR; therefore, no more specific response can be provided.

Please also refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims**; **Topical Response 9: State Water Project Supply Reliability**; and **Topical Response 5: Water Litigation and Regulatory Action Update**. These topical responses provide information about groundwater resources available to serve development on the Specific Plan site, and other water sources that would also be used to serve the proposed Project (*i.e.*, the VCC and Entrada planning areas). The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-96. The comment expresses concerns regarding the adverse effects of river channelization on groundwater recharge rates and levels. No channelization of the Santa Clara River has been proposed. Instead, buried bank stabilization has been proposed in specified areas along the River and major tributaries to protect new development from flood hazards. The proposed bank stabilization would not significantly affect the ability of surface water to percolate and recharge groundwater. Please also refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims**; and **Topical Response 9: State Water Project Supply Reliability**; and **Topical Response 5: Water Litigation and Regulatory Action Update** for additional information regarding water supplies for the project, groundwater recharge and

groundwater levels in the Project area. In addition, for further responsive information, please see revised **Section 4.3**, Water Resources, of the Final EIS/EIR. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-97. The comment requests that the public review and comment period be extended. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. Also, please note that contrary to the comment's suggestion, it was not the purpose of the June 11, 2009, public hearing to determine which Project alternative should be approved -- the purpose of the hearing was to accept testimony regarding the adequacy of the environmental impact analysis provided by the Draft EIS/EIR. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-98. The comment expresses general concerns regarding overdevelopment, habitat destruction, population resources, sustainability, and resource conservation. Accordingly, the comment addresses general subject areas, which received extensive analysis in the draft environmental documentation. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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 T-99. The comment states that water supplies need to be documented for the proposed Project. This issue received extensive analysis in Draft EIS/EIR **Section 4.3**, Water Resources. Please also refer to **Topical Response 2: Bankruptcy-Related Comments; Topical Response 8: Groundwater Supplies and Overdraft Claims; Topical Response 9: State Water Project Supply Reliability; and Responses T-95 and T-96**, above. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-100. The comment questions the financial health of the Project applicant. Please refer to **Topical Response 2: Bankruptcy-Related Comments**, regarding bankruptcy-related matters associated with the proposed Project. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-101. The comment expresses an opinion regarding the trustworthiness of the local decision makers, and states that the Corps and CDFG have the public trust. The opinion will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. Because the comment does not address the content of the Draft EIS/EIR, no additional response is provided.

Bruce Campbell

Response T-102. The comment requests an extension of the public review and comment period. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-103. The comment expresses support for the implementation of Alternative 1 (No Project) in order to preserve existing conditions of the Santa Clara River on the Oxnard Plain. The environmental effects of Alternative 1 were evaluated for each environmental issue area considered in the Draft EIS/EIR, including **Section 4.4**, Water Quality; **Section 4.5**, Biological Resources; and **Section 4.6**, Jurisdictional Waters and Streams. In addition, for further responsive information, please see revised **Sections 4.4, 4.5, and 4.6** of the Final EIS/EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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 T-104. The comment expresses general concerns regarding the financial status of the Project condition, the adequacy of the available water supplies, and the implementation of mitigation measures for other projects near the Santa Clara River. Please refer to **Topical Response 2: Bankruptcy-Related Comments**, regarding bankruptcy-related matters associated with the proposed Project. Water supply for the proposed Project received extensive analysis in **Section 4.3**, Water Resources, of the Draft EIS/EIR, and the analysis concluded that the proposed Project would not result in significant water resource impacts. In addition, please refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims; Topical Response 9: State Water Project Supply Reliability; and Topical Response 5: Water Litigation and Regulatory Action Update**. These topical responses provide information about groundwater resources available to serve development on the Specific Plan site, and other water sources that would also be used to serve the proposed Project (*i.e.*, the VCC and Entrada planning areas). In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR.

It is presumed that the mitigation program the commentor is referring to is the NRMP. Please refer to **Topical Response 3: Natural River Management Plan Projects and Mitigation**, regarding the implementation of the mitigation programs included in the previously adopted NRMP. The comment does not raise any specific issue regarding the analyses referenced above and, therefore, no more specific response can be 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 T-105. The comment expresses concerns regarding water supply and quality, and particularly perchlorate contamination. These issues received extensive analysis in the Draft EIS/EIR. Please refer to **Section 4.3**, Water Resources, for the analysis regarding water supply and perchlorate contamination. That analysis concluded that the proposed Project would not result in significant water resource impacts. In addition, please refer to **Topical Response 5: Water Litigation and Regulatory Action Update; Topical Response 8: Groundwater Supplies and Overdraft Claims; Topical Response 9: State Water Project Supply Reliability**. These topical responses provide information about groundwater resources available to serve the proposed Project, and **Topical Response 7: Perchlorate Treatment Update**, which provides additional information regarding perchlorate contamination in the Project region. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR.

Water quality impacts of the proposed Project received extensive analysis in Draft EIS/EIR **Section 4.4**, Water Quality. That analysis concluded that with the implementation of proposed mitigation measures, the proposed Project would not result in significant water quality impacts. In addition, for further responsive information, please see revised **Section 4.4** of the Final EIS/EIR. The comment does not raise any specific issue regarding the analyses referenced above and, therefore, no more specific response can be 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 T-106. The comment recommends that a supplemental EIS/EIR be prepared and circulated in light of concern regarding the State Water Project (SWP). As a point of clarification, development on the Specific Plan site would rely on local groundwater resources available to the Project applicant and would not rely on the SWP to satisfy the potable or non-potable water demands. However, development in the VCC and Entrada planning areas, as well as other existing and future land uses in the Santa Clarita Valley, would be served, in part, by the SWP. The adequacy of the SWP's water supply received extensive analysis in the Draft EIS/EIR, particularly **Section 4.3, Water Resources**. In addition, please refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims; Topical Response 9: State Water Project Supply Reliability; and Topical Response 5: Water Litigation and Regulatory Action Update**. These topical responses provide updated information regarding the SWP. Both the Draft EIS/EIR and referenced topical responses provide substantial evidence supporting the determination that adequate water supplies are available to satisfy the proposed Project's demands. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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.

Responses T-107 and 108. These comments express concern about "draining" the Saugus Formation, and the quality of that groundwater. No additional information regarding the groundwater quality concern is provided by the comment; therefore, this response presumes the comment is referring to perchlorate contamination. Please refer to Draft EIS/EIR **Section 4.3, Water Resources**, for an extensive analysis of the Project-related water supply that would be provided from the Saugus Formation. That analysis concluded that the proposed Project would not result in significant water resource impacts, such that no significant impact to groundwater recharge rates or levels would result from Project implementation. In addition, please refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims; Topical Response 9: State Water Project Supply Reliability; and Topical Response 5: Water Litigation and Regulatory Action Update**. These topical responses provide supplemental information about the groundwater resources of the Saugus Formation and region-wide ground water planning and management efforts. The information presented in **Section 4.3** and **Topical Response 8** indicates that the proposed Project would not "drain" the Saugus Formation. Please also refer to **Topical Response 7: Perchlorate Treatment Update**, which provides additional information regarding perchlorate contamination in the Saugus Formation. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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 T-109. The comment recommends that the Project site "be left alone like Mother Nature intended." The comment does not address the content of the Draft EIS/EIR; therefore, no additional response is provided. However, the comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-110. The comment requests information regarding: (i) the viability of San Fernando Valley spineflower when non-native, invasive plants are introduced to the Project site; and (ii) the methods that will be used to manage and control non-native, invasive plants.

Control of non-native, invasive plants in the proposed spineflower preserves would be addressed through prevention, monitoring and adaptive management, which are designated components of the SCP. As described in Section 9.1.2 of the revised Draft SCP, Management Measures During Construction, no hay bales, dirt, or staging area activities would be allowed within 200 feet of any spineflower preserve. Section 9.2.10 describes native vegetation restoration activities within preserves, including performance standards, such as the use of locally indigenous plant species, absolute cover of at least 70 percent native species and not more than 10 percent of non-native grass cover. As described in Section 11.5, Qualitative Monitoring of Preserve Areas, qualitative monitoring will be conducted on a quarterly basis and will include an assessment of exotic species or weeds:

"Qualitative monitoring will be performed quarterly and include an overall review of the spineflower populations and habitats within the preserve and preserve buffer. The monitoring will note physiognomic changes and potential problems, such as invasion or increase in cover by exotic species or weeds, plant pests, Argentine ants, gophers, squirrels, plant diseases, erosion, sedimentation, trash accumulation, unauthorized access, and vandalism. The monitoring will also make recommendations as necessary to help ensure that spineflower populations remain in a healthy state. Special attention shall be placed on examining preserve edges, as these locations are where new weed invasions and other problems are often first detected. Quarterly assessments will also include a review of the preserve's physical features, including the condition of protective fencing, preserve signage, access gates, locks, adjacent storm-drain outfalls, and BMPs."

Quarterly qualitative reports will summarize the qualitative monitoring, identify potential problems, and describe appropriate remedial actions as necessary.

As described in Section 10.4, Programmatic Approach, of the Draft SCP, seven threats, including non-native plants, were identified as the focus of the adaptive management program. With respect to management of non-native plants, Appendix D of the Draft SCP identifies the following management strategies (pages D-20 and D-21):

"Management of the preserves has been designed to eradicate, control, and prevent non-native plants within the preserves. Specific management strategies will be developed within the context of a preserve-system non-native plant management plan which identifies the following:

1. Baseline data documenting the current distribution and abundance of each non-native species, gained from the habitat characterization study. Following completion of this study, mapping will be undertaken to capture spatial differences in weed abundance and distribution so that subsequent treatments can be customized.
2. Goals and objectives for non-native plant management within the preserve system and each preserve, derived from the habitat characterization study and any experimental studies

3. Strategies, targets, and techniques for non-native plant management within the preserve system and each preserve, derived from the habitat characterization study and any experimental studies
4. A coordinated program for non-native plant management within the preserves, including:
 - (a) A prioritized list of non-native plant control and eradication projects, developed through consideration of the distribution, abundance, impacts, and methods of control as well as the impacts of control methods on spineflower
 - (b) Timelines and budgets for project implementation
 - (c) A detailed program to prevent invasion by new non-native plants.

Depending on the outcome of the habitat characterization study and any experimental studies, various strategies will likely need to be developed for different guilds of non-native plants, including non-native grasses, early-season forbs, and late-season forbs, or for individual non-native plant species. Management techniques and metrics will also differ depending on the existing conditions of specific areas within the preserves. Management in areas dominated by non-native plant species will be intended to convert these areas back to native vegetation types, while in areas with existing native vegetation management will be intended to retain native character and reduce or prevent invasion by non-native plants. These should be based on available outside research examining effective control techniques (e.g., the use of Fusilade to control annual grasses; see Allen 2006) and will be tested and refined through on-site experimental trials designed to evaluate their effectiveness and effects on spineflower in this system. Those techniques that are proven to be successful would be implemented across a larger scale to achieve broader goals and objectives. Management strategies and techniques would be refined through the adaptive management processes, in which effectiveness of management is evaluated through monitoring and changes are made, as needed, to enhance achievement of the management objectives."

In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR, and the revised SCP found in **Appendix F1.0** of the Final 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 T-111. The comment expresses concern relating to potential impacts to arroyo toad, steelhead trout and other riparian species.

Impacts to the quality of riparian habitat for amphibians and fish were extensively analyzed in **Subsection 4.5.5.3**, Impacts to Special-Status Species, of the Draft EIS/EIR. Impacts to riparian habitat quality are addressed in the Draft EIS/EIR as short-term construction-related effects (e.g., hydrologic and water quality effects) and long-term secondary effects, including alterations in base flows; timing and duration of flood flows; biochemical changes; condition and composition of the substrate; aquatic and riparian vegetation (including exotic species); water temperatures; increased pollutants from irrigation

runoff; and increased runoff from roadways. Additional secondary impacts associated with increased human presence include incidental litter and trash from recreation activity; impacts such as fecal material from pet, stray, and feral cats and dogs entering the aquatic system; and increased predation by exotic predators, such as bullfrogs and non-native fish. The Draft EIS/EIR determined that secondary impacts to riparian and aquatic habitat for all special-status amphibians and fish known to occur, or with potential to occur in the Project area, except for southern steelhead, would be significant absent mitigation under Alternatives 2 through 7. For southern steelhead, the Draft EIS/EIR determined that potential short-term and long-term secondary impacts would be less than significant because the steelhead is presumed to be absent from the Project area reach of the Santa Clara River. Furthermore, downstream water quality would be protected by BMPs to treat and control urban runoff and through compliance with NPDES permit conditions which would ensure that Newhall Ranch WRP discharges would be consistent with water quality objectives and criteria that are protective of aquatic life. (See **Section 4.4**, Water Quality.)

Impacts to habitat for other riparian species were also evaluated in **Section 4.5**, Biological Resources. In addition, further responsive information, please see revised **Sections 4.4** and **4.5** of the Final 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 T-112. The comment requests information regarding the types of hazardous materials that may be used at future non-residential development sites within the Project boundary. To preface, the future non-residential occupants of the Project site are not known at this time. However, potential impacts to water quality resulting from land uses that may be developed on the Project site were evaluated in Draft EIS/EIR **Section 4.4**, Water Quality. That analysis concluded that potential impacts to water quality resulting from new land uses would be reduced to a less-than-significant level by complying with existing regulatory program requirements. These programs include, but are not limited to: NPDES General Permit and Waste Discharge Requirements for Discharges of Stormwater Associated with Construction Activity; Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges; the Los Angeles County Standard Urban Stormwater Mitigation Plan; and the Los Angeles County Municipal Code. In general, these requirements require the implementation of accepted best management practices to minimize the potential for discharges of hazardous materials to the environment. In addition, for further responsive information, please see revised **Section 4.4** of the Final 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 T-113. The comment expresses concern related to the regional traffic impacts. The comment addresses a general subject area that received extensive analysis in Draft EIS/EIR **Section 4.8**, Traffic. In addition, for further responsive information, please see revised **Section 4.8** of the Final EIS/EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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 T-114. The comment requests that the public review and comment period be extended by 150 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities** regarding the additional time provided for the review of the Draft EIS/EIR. In response to the comment's request that the Draft EIS/EIR should have used a particular format to show changes, please note that the Draft

EIS/EIR is a new document drafted specifically for the proposed SCP and RMDP project and, while it relies on certain information contained in the EIR prepared for the Newhall Ranch Specific Plan, it is not a new version of that document. 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.

Melody Winter

Response T-115. The comment is an introduction to comments that follow and does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR. Therefore, no additional response is provided. However, the comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed Project.

Response T-116. The comment requests that the public review and comment period be extended by 120 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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 T-117. The comment expresses the opinions of the commenter related to the design of the proposed Project, urban sprawl, climate change, oil use, and automobile transportation. Project-related impacts associated with increased automobile use and climate change received extensive analysis in the Draft EIS/EIR, **Section 4.8**, Traffic and **Section 8.0**, Global Climate Change. The analysis provided by those sections determined that the Project-related impacts would not be significant or could be reduced to a less-than-significant level with implementation of previously adopted and recommended mitigation measures. In addition, for further responsive information, please see revised **Sections 4.8** and **8.0** of the Final EIS/EIR. Please see **Response T-16**, above, for responsive information regarding the characterization of the proposed Project as urban sprawl.

Also, the comment suggests that each of the Project alternatives retains the same amount of residential development and only reduces the extent of non-residential development. As described in Draft EIS/EIR **Section 3.0**, Description of Alternatives, Alternatives 3 through 7 result in a reduction of residential *and* non-residential development. In addition, for further responsive information, please see revised **Section 3.0** of the Final EIS/EIR.

Although the alternatives to the proposed Project would reduce commercial/industrial area provided on the Project site, such reductions are consistent with the purpose/objectives of the proposed Project (*i.e.*, RMDP and SCP). As stated in Draft EIS/EIR **Subsections 2.1.3.2** and **2.1.3.3**, it is the overall goal of the RMDP "to provide a coordinated resource management and development plan, which, when implemented, would avoid or mitigate impacts to sensitive biological resources within the approved Specific Plan area, while permitting necessary infrastructure improvements." It is the goal of the SCP "to develop a management and monitoring framework to ensure the long-term persistence of spineflower within the SCP study area through establishment of a system of preserves, and to authorize the take of spineflower in areas located outside of the designated preserves." While it is an objective of the proposed Project to implement the Newhall Ranch Specific Plan, and it is an objective of the Specific Plan to meet the regional demand for housing and jobs, the Specific Plan objective of providing a jobs/housing balance is not an objective of the RMDP or the SCP projects evaluated by the Draft EIS/EIR.

The comment does not address the adequacy of the information or analysis provided by the Draft EIS/EIR; therefore, no more specific response can be provided. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-118. The comment opines about the location of the Project relative to the Santa Clara River floodplain and hillside areas. The comment does not address the adequacy of the information or analysis provided by the Draft EIS/EIR; therefore, no more specific response can be provided. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-119. The comment expresses the opinions of the commentor related to additional urban development in the Project region, and the effects that development has on air quality, traffic, habitat, water supply, and water quality. The environmental effects of the proposed Project were extensively evaluated by the Draft EIS/EIR, such as **Section 4.7**, Air Quality; **Section 4.8**, Traffic; **Section 4.5**, Biological Resources; **Section 4.3**, Water Resources; and **Section 4.4**, Water Quality. In addition, for further responsive information, please see revised **Sections 4.3, 4.4, 4.5, 4.7, and 4.8** of the Final EIS/EIR. The comment does not address the adequacy of the information or analysis provided by the Draft EIS/EIR; therefore, no more specific response can be provided.

Also, public transportation services would be provided within the Project site. For example, on page 4.8-47 of the Draft EIS/EIR, the following analysis is provided:

"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."

Also, the Specific Plan calls for mass transit facilities located throughout the project site, development of a new transit station, park-and-ride lot(s), and bus stops. In addition, an approximate five-mile right-of-way for a potential Metrolink extension also is included in the circulation plan. (See, *e.g.*, Draft EIS/EIR,

pp. 8.0-117 through 8.0-118.) In addition, for further responsive information, please see revised **Section 4.8** of the Final EIS/EIR.

The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Responses T-120 and T-121. The comment suggests that mitigation cannot be provided for Project-related increases in impervious surfaces, and the subsequent impacts to habitat, water supply or water quality. The effects of increased impervious surfaces received extensive analysis in Draft EIS/EIR **Section 4.4**, Water Quality, and **Section 4.1**, Surface Water Hydrology, Erosion and Flood Control. The analysis provided in those sections concluded that Project-related water quality and hydrology impacts would be reduced to less-than-significant level by implementing proposed project design features and mitigation measures. In addition, **Section 4.3**, Water Resources, found that the impervious surfaces would not adversely impact water resources because groundwater recharge rates and levels would not be significantly affected. The proposed Project's (Alternative 2) habitat-related impacts also received extensive analysis in Draft EIS/EIR **Section 4.5**, Biological Resources. That analysis determined that the significant and unavoidable impacts to biological resources (southwestern pond turtle habitat, San Emigdio blue butterfly and habitat, and San Fernando Valley spineflower) could be reduced to a less-than-significant level with the implementation of Alternatives 3-7. In addition, for further responsive information, please see revised **Sections 4.1, 4.3, 4.4, and 4.5** of the Final EIS/EIR. The decision makers will consider the information provided by the EIS/EIR when they make a final determination regarding the proposed Project. The comment does not address the adequacy of the information or analysis provided by the Draft EIS/EIR; therefore, no more specific response can be provided. However, the comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-122. The comment expresses concern regarding downstream impacts to Ventura County. Project-related impacts in Ventura County, such as flooding, water quality and traffic, were extensively analyzed in the Draft EIS/EIR. The comment does not address the adequacy of the information or analysis provided by the Draft EIS/EIR; therefore, no more specific response can be provided. However, the comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-123. The comment expresses concerns related to fire hazard impacts. Project-related wildfire hazards were evaluated in **Section 4.17**, Hazards, Hazardous Materials and Public Safety. That analysis determined that wildfire hazard effects on the proposed Project and surrounding areas would be reduced to a less-than-significant level with the implementation of proposed mitigation measures. In addition, for further responsive information, please see revised **Section 4.17** of the Final EIS/EIR.

Response T-124. The comment expresses concern regarding impacts to the Santa Clarita Valley from previously build projects. Draft EIS/EIR **Section 6.0**, Cumulative Impacts, provided an extensive analysis of the proposed Project's cumulative effect, by evaluating the impact of the proposed Project in conjunction with past, present, and reasonably foreseeable projects. In addition, for further responsive information, please see revised **Section 6.0** of the Final EIS/EIR. The comment does not address the adequacy of the information or analysis provided by the Draft EIS/EIR's cumulative impacts analysis; therefore, a more specific response cannot be 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 T-125. The comment expresses concern regarding the implementation of mitigation measures required for other projects. It is presumed that the comment is referring to the Natural River Management Plan (NRMP). Please see **Topical Response 3: Natural River Management Plan Projects and Mitigation**, regarding the implementation of the mitigation programs included in the previously adopted NRMP. 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. However, because the comment does not raise an environmental issue regarding the content or analysis in the Draft EIS/EIR, no further response is provided.

Response T-126.

The comment asserts that the project proposed under the current Draft EIS/EIR should not be permitted until all the mitigations have been completed and evaluated for the NRMP. The comment also suggests that the NRMP mitigations and the proposed mitigations in this Draft EIS/EIR will not work. The commentor says that studies show they do not work.

As discussed in **Topical Response 3: Natural River Management Plan Projects and Mitigation**, the NRMP includes a Mitigation Monitoring and Reporting Plan (MMRP) that imposes mitigation measures on each of the 57 projects identified. Some of the mitigation measures have not been completed or initiated. This is due to the 20-year time-line of the NRMP project list. Many of the projects identified in the NRMP are not yet needed and will not be constructed for some time. Consequently, the mitigation measures that apply to them have not yet been implemented. Only when those projects are initiated will the duty to implement the mitigation measures be triggered. As development and local municipality infrastructure needs dictate, it is possible that some of the NRMP-identified projects may prove unnecessary and may never be constructed.

Based on field surveys and other data, the Corps and CDFG are satisfied that the NRMP's mitigation program is functioning and progressing as intended.

Regarding the commentor's statement that studies show that mitigation measures do not work, the lead agencies will assume the commentor is referring to the study by Ambrose, *et al.* (2004). Please note that the study by Ambrose, *et al.* included one project authorized under the NRMP permit (Avenue Scott) and the project reviewed was in the second year of a five-year implementation and monitoring program. Subsequent to Ambrose, *et al.* study of the Avenue Scott project received confirmation of mitigation completion by the Corps and CDFG.

The Draft EIS/EIR evaluated potential impacts to wetlands in **Section 4.6**, Jurisdictional Waters and Streams, and concluded that impacts would be less than significant with mitigation for Alternatives 2-7. Mitigation measures SW-2, SW-3, SW-4, SW-5 and BIO-2 would ensure the preservation and/or restoration of wetlands functions and services. Further, using the "HARC" model described in **Section 4.6**, the Corps evaluated the relative functional quality of existing jurisdictional waters, and would repeat this evaluation following Project implementation. Additionally, the proposed RMDP mitigation plan is subject to approval by the Corps and CDFG. Mitigation requirements will be satisfied through the creation, restoration, and enhancement of native vegetation communities pursuant to Mitigation Measures BIO-1, and BIO-3 through BIO-18, which establish standards for restoration of riparian habitat, and revised BIO-2, which establishes standards for the expansion of riparian habitat to compensate for temporal loss of habitat functions and values, as set forth in Draft EIS/EIR **Section 4.5**. In addition, for

further responsive information, please see revised **Sections 4.5** and **4.6** of the Final EIS/EIR. Revised **Section 4.5** of the Final EIS/EIR also contains revised Mitigation Measure BIO-2. In addition, revised **Section 4.6** contains revised Mitigation Measures SW-2 and SW-5.

Response T-127. This comment expresses concern regarding the adequacy of the water supplies, particularly in light of the Delta smelt decisions. Water supply issues were evaluated extensively by the Draft EIS/EIR in **Section 4.3**, Water Resources. The analysis provided in that section concluded that the Project would not result in significant water supply impacts. (See **Topical Response 8: Groundwater Supplies and Overdraft Claims**; **Topical Response 9: State Water Project Supply Reliability**; and **Topical Response 5: Water Litigation and Regulatory Action Update**.) These topical responses provide information about water resources available to serve the proposed Project and the Project area. Please also refer to **Response T-60**, above. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR.

Response T-128. This comment expresses concerns related to water quality and air quality impacts. These issue areas were evaluated extensively by **Sections 4.4, Water Quality**, and **4.7, Air Quality**, respectively, of the Draft EIS/EIR. In addition, for further responsive information, please see revised **Sections 4.4** and **4.7** of the Final EIS/EIR. The comment does not raise any specific issues regarding the analysis provided by the Draft EIS/EIR, therefore, a more specific response is not 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.

Sandra Cattell

Response T-129. The comment is an introduction to comments that follow and does not raise any specific issues regarding the analysis provided by the 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 T-130. The comment requests that the public review and comment period be extended by 120 days. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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 T-131. This comment provides background information about a tributary channel on the commentor's property. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project. Because the comment does not address the content of the Draft EIS/EIR, no additional response is provided.

Response T-132. The comment recommends that the amount of stream modification included in the proposed Project be reduced. Please note that the Draft EIS/EIR evaluated a range of alternatives to the proposed Project that would reduce project-related modifications to stream channels. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-133. The comment expresses support for the degree of environmental protection provided by Alternatives 6 and 7. The comment does not address the adequacy of the information or analysis provided by the Draft EIS/EIR; therefore, a more detailed response cannot be provided. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-134. The comment is an introduction to comments that follow and does not raise any specific issues regarding the analysis provided by the EIS/EIR. Therefore, no additional response is provided. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-135. The comment requests that the public review and comment period be extended. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities** regarding the time extension that was provided to the review the document. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-136. The comment requests that the EIS/EIR evaluate the effects of fire, drought and climate change in the Project area. These issue areas were extensively evaluated by the Draft EIS/EIR. Project-related wildfire hazards were evaluated in **Section 4.17**, Hazards, Hazardous Materials and Public Safety. That analysis determined that wildfire hazard effects on the Project site and in surrounding areas would be reduced to a less-than-significant level with the implementation of proposed mitigation measures. **Section 4.3**, Water Resources, evaluated a range of water supply scenarios, including water supplies that would be available to the Project during prolonged drought conditions. The analysis of water supply impacts concluded that adequate water supplies would be available to serve the proposed project. **Section 8.0**, Global Climate Change, evaluated the Project's climate change impacts and concluded that effects would not be significant. In addition, for further responsive information, please see revised **Sections 4.3, 4.17, and 8.0** (including revised appendices found in **Appendix F8.0**) of the Final EIS/EIR.

Response T-137. The comment expresses concern regarding water resources and perchlorate contamination. Water resources available to serve the proposed Project were extensively evaluated in Draft EIS/EIR **Section 4.3**, Water Resources. That analysis also included an evaluation of the water supply effects of perchlorate contamination, and concluded that adequate groundwater supplies are available to serve the proposed Project. In addition to the information provided by the Draft EIS/EIR, please refer to **Topical Response 8: Groundwater Supplies and Overdraft Claims; Topical Response 9: State Water Project Supply Reliability; and Topical Response 5: Water Litigation and Regulatory Action Update**, which provide information regarding the availability of water supplies to serve the proposed Project; and **Topical Response 7: Perchlorate Treatment Update**, which provides additional information regarding perchlorate contamination conditions in the Project region. In addition, for further responsive information, please see revised **Section 4.3** of the Final EIS/EIR.

The comment also expresses concerns about the estimates of the proposed Project's water demand because residents may use reverse osmosis treatment units, which will increase water use rates. Estimates of Project-related water demand are provided in EIS/EIR **Section 4.3**, Water Resources. That section provides that the Project's refined water demand estimates were obtained from a report prepared by GSI Water Solutions ("Technical Memorandum, Water Demand Update for Newhall Ranch" (September 24,

2008), which is provided in Draft EIS/EIR **Appendix 4.3**. Based on the current perchlorate conditions described in **Topical Response 7: Perchlorate Treatment Update**, there is no evidence that a substantial number of home reverse osmosis units would be used on the Project site. As a result of such limited use of such units, it is anticipated that there would be an imperceptible effect on basin-wide water demand. The comment will be included as part of the record and made available to decision makers prior to a final decision on the proposed Project.

Response T-138. The comment addresses the number of mitigation measures identified to minimize impacts to sensitive biological resources.

The comment indicates that some of the proposed mitigation measures require Project residents to implement water-conserving measures. Draft EIS/EIR **Subsection 4.3.7.1** provides 22 mitigation measures related to water supply. Each of those mitigation measures were adopted by Los Angeles County when the Newhall Ranch Specific Plan was approved in 2003. None of the previously adopted mitigation measures require water conservation measures to be implemented by Project residents. While it is anticipated that water conservation actions by project residents will be encouraged, the implementation of water conservation measures by Project residents is not a mitigation requirement of the Draft EIS/EIR. In addition, for further responsive information, please see revised **Section 4.3** of the Final 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 T-139. This comment is a conclusion statement and does not address the adequacy of the information or analysis provided by the Draft EIS/EIR. The decision makers appreciate the comment, which will be included in the record and made available to the decision makers prior to a final decision on the proposed Project.

Sharon Ford

Response T-140. The comment is an introduction to comments that follow and does not raise any specific issues regarding the analysis provided by the 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 T-141. The comment indicates that the proposed Project may have a significant impact on the least Bell's vireo, southwestern flycatcher, and California condor. The Project's impacts to these species were evaluated by Draft EIS/EIR **Section 4.5**, Biological Resources, and that analysis determined that the Project's impacts to the species mentioned by the commentor could be reduced to a less-than-significant level with the implementation of proposed mitigation measures. In addition, for further responsive information, please see revised **Section 4.5** of the Final EIS/EIR. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be 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 T-142. The comment requests that the public review and comment period be extended. In response to this and other requests, CDFG and the Corps extended the comment period for the Draft EIS/EIR. Please refer to **Topical Response 1: EIS/EIR Public Review Opportunities**. 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.

Dr. Ed Pert and Lt. Col. Jon Hartwick

Response T-143. The comment provides the closing statements presented by representatives of the Lead Agencies at the end of the public hearing.