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October 6, 2010

DRAFT

Ms. Josephine R. Axt, Ph.D.
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District
Attention: Hayley Lovan (CESPL-PD-RN)
P.O. Box 532711
Los Angeles, California 90053-2325

Santa Ana River Flood Control Project Reach 9, Phase 2A Embankment Draft Supplemental Environmental Assessment and Addendum to Environmental Impact Report 583

Dear Dr. Axt:

The Wildlife Corridor Conservation Authority (WCCA) has reviewed the Santa Ana River Flood Control Project Reach 9, Phase 2A Embankment Draft Supplemental Environmental Assessment and Addendum to Environmental Impact Report 583 (Draft SEA/AEIR). This is a portion of the Santa Ana River Mainstem Flood Control Project. We thank you for your consideration of these late comments.

WCCA was created for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente-Chino Hills and the Cleveland National Forest in the Santa Ana Mountains. As the last major natural open space resource connecting Los Angeles, Orange, San Bernardino, and Riverside Counties, the wildlife corridor provides essential relief from the urban environment. It exists as a single ecosystem in which changes that affect one part may also affect all other parts.

WCCA supports the comments made in the letters on this project provided by California State Parks (September 20, 2010) and U.S. Fish and Wildlife Service (FWS) and California Department of Fish and Game (CDFG) (September 20, 2010) (see attached). We incorporate those comments into this letter by reference. We reiterate some of those comments and provide some additional comments below. In summary, WCCA is concerned with direct and indirect impacts to land owned by State Parks. WCCA is also is concerned with the cumulative impacts

from the Proposed Action and the multitude of bank improvement projects along the Santa Ana River and freeway projects along SR-91 on wildlife movement, hydrology, and other biological resources of the Santa Ana River. For the reasons described in this letter, we recommend that the Final SEA/AEIR include additional substantial enforceable mitigation, totaling at least \$750,000 to be used at the discretion of California State Parks for additional land protection via fee simple acquisition or conservation easement.

Overview of Proposed Action

The proposed project is located along the Santa Ana River and State Route 91, in Riverside County and the City of Corona (SEA/AEIR, p. 1-1). Fresno Canyon is adjacent to the eastern project boundary and Coal Canyon is over one mile to the west. Coal Canyon is the ecological connection between the Puente Chino Hills and the Santa Ana Mountains, used by a suite of animals-- mountains lion, coyote, bobcat, skunk, raccoon, opossum, and fox. U.S. Geological Survey has conducted a study to identify the use of Fresno Canyon by large carnivores. According to the study proposal, Fresno Canyon is believed to be the best viable corridor alternative to Coal Canyon at SR-91.

The SEA/AEIR (p. 1-1) was prepared as a supplement to the Final Supplemental Environmental Impact Statement (SEIS) and EIR for Prado Basin and Vicinity, dated November 2001. The U.S. Army Corps of Engineers is the lead agency for compliance with National Environmental Policy Act (NEPA), and the Orange County Flood Control District has been the lead agency for compliance with California Environmental Quality Act (CEQA). This project will primarily be maintained by Riverside County Flood Control and Water Conservation District, and that agency is a co-lead agency for CEQA. The main objective of this project is to provide flood protection fo the SR-91 freeway and to protect the lives and properties (homes) of individuals residing in the Green River Housing Estates (GRHE) project area (SEA/AEIR, p. 2-1).

The design of the embankments has been refined since the 2001 Final SEIS/EIR. Table 2.2-1 of the (SEA/AEIR, p. 2-2) summarizes the changes in the Proposed Action, compared with the project in the 2001 Final SEIS/EIR. Some grouted stone has been replaced with sheet piles, length of bank protection has increased, additional modification to a culvert would be done, and a temporary diversion of the river has been eliminated.

As shown on figure 3-2 of the DSEA/AEIR, there are numerous locations of least bell's vireo throughout Santa Ana River along the project area. Least bell's vireo is a bird species classified as State and federally endangered. Santa Ana sucker, a fish species designated threatened by the Federal government is also present. Several other rare bird species are present or likely to occur in the project area.

Impacts to State Parks' Land

The Project includes two staging areas (5 acres and 3.5 acres) on land owned by California State Parks (Draft SEA/AEIR, p. 2-6). In addition, according to Figure 2-1 of the Draft SEA/AEIR, portions of the project are located on land owned by the State of California. A Right of Entry permit is needed from State Parks (see State Parks' letter attached). For direct impacts on State Park land, it is unclear in the Draft SEA/AEIR how the proposed mitigation will benefit Chino Hills State Park or abutting natural lands. Any mitigation measures addressing impacts to recreational resources and biological resources on State Parks land must be reviewed by, with final approval authority given to, State Parks. In order to avoid deferral of mitigation, specific mitigation totaling at least \$750,000 (see below) must be included in the Final SEA/AEIR. This would be in addition to the mitigation already described in the Draft SEA/AEIR and carried over from the 2001 FEIS/EIR.

Impacts to Wildlife Movement

The Draft SEA/AEIR (pp. 8-1 to 8-2) describes how culverts #37 and #38 would be modified. The Final SEA/AEIR should incorporate the results of the recent wildlife movements study in this area, and address how wildlife movement (including bobcats, coyotes, mountain lion, deer) through these unders crossings/culverts could be affected, and what monitoring will be done. It is unclear what, if any, mitigation measures will be employed if potential adverse impacts are likely to occur. Even if monitoring of wildlife movement is done, work on the banks will impede wildlife movement. As such, additional mitigation must be included in the Final SEA/AEIR (see below).

Relationship of Proposed Project to Other Projects

The Draft SEA/AEIR is one of several Addendums to EIR 583. (WCCA staff is aware of at least three others.) According to Draft SEA/AEIR for the embankment project for the Green River Mobile Home Park, the 2001 SEIS/EIR ("Prado Basin and Vicinity, Including Reach 9 and Stabilization of the Bluff Toe at Norco Bluffs SEIS/EIR") is an addendum to the 1988 report, "Santa Ana River Mainstem including Santiago Creek. Phase II General Design Memorandum and Supplement EIS (GDM/SEIS)." While it is valuable to incorporate project changes to reduce environmental impacts, and additional detail to the project design may have been developed after the release of the initial EIS/EIR, the serial approvals are confusing to a reviewer of the subject document and not exemplary of the environmental review process.

Specifically, since the project area for the Proposed Action overlaps with the project area for the Green River Mobile Home Embankment Project Reach 9 Phase II Portion of the Santa Ana River Mainstem Project Supplemental Environmental Assessment

(SEA)/Addendum to the FSEIS/EIR, the Final SEA/AEIR should address the relationship of these two projects and discuss whether one was dependent on or facilitated by the other. At the very least, this project should be addressed in the cumulative impacts section of the Final SEA/AEIR, or mentioned in the environmental baseline.

Similarly, the project entitled, SR-91 Eastbound Lane Addition Between SR-241 and SR-71 (2007 Mitigated Negative Declaration; listed in the Draft SEA/AEIR in the cumulative impacts table, Table 5.1-1), identifies widening of the West Connector Undercrossing (at Fresno Canyon; at crossings 38 and 39 on the FWS/CDFG letter attached) and widening of the West Prado Overhead (where the BNSF RR crosses SR 91; crossings 32 and 33 on the FWS/CDFG letter attached). The Draft SEA/AEIR (pp. 8-1 to 8-2) also proposes modifications to these crossings. Since these project areas overlap or are adjacent to one another, the Final SEA/AEIR should address how these projects are related to one another, specifically since it appears both propose modifications to the same crossings.

WCCA is concerned with the cumulative impacts from the Proposed Action and the multitude of bank improvement projects along the Santa Ana River and freeway projects along SR-91 on wildlife movement, hydrology, and other biological resources of the Santa Ana River. Those impacts should be addressed more thoroughly in the Final SEA/AEIR and additional mitigation should be included (see below).

Other Project Changes

The GRHE portion of the project has been changed to reduce the amount of grouted stone and replace it with sheet piles, which results in a smaller permanent and temporary construction footprint (Draft SEA/AEIR, p. 8-1). The Final SEA/AEIR should address whether the portion of the Proposed Action along SR 91 can be modified in this way, or other ways, to reduce impacts.

Need for Additional Enforceable Mitigation

Many of the mitigation measures carried over from the 2001 FEIS/EIR have merit, including habitat restoration, *Arundo donax* removal, and cowbird trapping. However, it is unclear whether this will occur within a certain timeframe, and where specifically it will occur. Open-ended mitigation is not adequate mitigation.

To date the biological mitigation proposed is not adequate based on 2010 standards. Restoration alone cannot mitigate completely for direct and indirect impacts to Chino Hills State Park. We disagree with the Corps' #12 item in the January 17, 2002 written response to WCCA comments on the 2001 SEIS/EIR, which states in part: "Additional land purchase is not necessary to mitigate project-related impacts."

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We recommend that the Final SEA/AEIR include additional substantial enforceable mitigation, totaling at least \$750,000, to be used at the discretion of California State Parks for additional land preservation via fee simple acquisition or conservation easement to benefit Chino Hills State Park and/or to protect other land along Santa Ana River between Newport Bay and Prado Basin. To adequately mitigate the project, the Final SEA/AEIR must identify this additional mitigation measure and must specify a timeframe for transfer of the funding prior to the commencement of Project work and impacts. If State Parks is not capable of accepting such a funding source for this purpose, then WCCA, or some other public agency approved by U.S. Fish and Wildlife Service and California Department of Fish and Game should be offered such a funding source to accomplish the mitigation.

If you have any questions, please contact Judi Tamasi of our staff by phone at (310) 589-3230, ext. 121, or by email at judi.tamasi@mrca.ca.gov. Thank you for your consideration.

Sincerely,

Glenn Parker
Chairperson

cc: Ron Krueper, California State Parks
Kennon A. Corey, U.S. Fish and Wildlife Service
Jeff Brandt, California Department of Fish and Game

Encs. September 20, 2010 letter from Ron Krueper, California State Parks, to Dr. Josephine R. Axt, U.S. Army Corps of Engineers, regarding Draft Supplemental Environmental Assessment and Addendum to Environmental Impact Report 583 (SEA), SCH #2010084008 (reference SCH# 1997071087)

September 20, 2010 letter from Kennon A. Corey, U.S. Fish and Wildlife Service, and Jeff Brandt, California Department of Fish and Game, to Ms. Josephine R. Axt, U.S. Army Corps of Engineers, regarding Draft Supplemental Environmental Assessment and Addendum to Environmental Impact Report 583 for Santa Ana River Flood Control Project Reach 9, Phase 2A Embankment, Riverside County, California (SCH# 2010084008)

