SANTA MONICA MOUNTAINS CONSERVANCY
RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207

DRAFT

November 8, 2010

Jeff Hogan, AICP, Senior Planner
Department of Community Development
23920 Valencia Boulevard, 140
Santa Clarita, California 91355

Comments on Vista Canyon Draft Environmental Impact Report
Master Case No. 07-127, Tentative Tract Map 69164
SCH No. 2007071039

Dear Mr. Hogan:

The Santa Monica Mountains Conservancy's objective with these comments is to shape the proposed project, located in and along the Santa Clara River, to increase the acreage of protected river flood plain, to maintain small pockets of quality upland habitat, and to maintain a functional large mammal habitat linkage between the river and San Gabriel Mountain foothill habitat located to the south.

The Conservancy submitted NOP comments and pre-Draft Environmental Impact Report (DEIR) comments dated April 27, 2009 and November 23, 2009, respectively. Both those letters are hereby incorporated by reference. Those prior letters contain key points and background that are not repeated in this letter for the sake of brevity.

Statewide Significance of Santa Clara River and its Adjacent Habitat

The rarest and most ecologically significant land in both the City of Santa Clarita and its sphere of influence is the Santa Clara River and its flood plain terraces. The river and its flood plain terraces are irreplaceable. Together the active river channel and flood plain terrace system, with intermittent upland habitat areas, comprises a resource of State-wide significance.

Ninety percent of the proposed project is within the boundary of the long-delayed new Los Angeles County Significant Ecological Area (SEA) boundaries (Santa Clara River) for the General Plan Update.

From a regional planning perspective, the only land uses that must occur on the subject property are the construction of a Metrolink station platform and associated tracks and the

extension of Lost Canyon Road and Jakes Way to the Vista Canyon Road bridge over the Santa Clara River. Any other commercial or residential land use can be located in numerous other portions of the City or its Sphere of Influence. Nonetheless, the proposed project, and most of the Draft Environmental Impact Report (DEIR) alternatives, leave minimal upland habitat pockets, zero flood plain buffer, and no functional north-south habitat linkage between the river and foothills. To be permanently functional, a crossing is required under the existing and future Metrolink tracks.

The Conservancy's hope is that the City will require a project that provides all of these missing project design elements. In addition we urge the City to require a design that does not completely surround the proposed oak tree preserve, spade foot toad preserve, and lily preserve with development as with the proposed project.

Significant Biological Impacts Unavoidable Without Avoidance or Offsite Acquisition

We must challenge the DEIR conclusion that the proposed project, and all of the project alternatives, would not result in unavoidable significant adverse ecological impacts. How can a project that permanently eliminates 117 total acres of open space, 35 acres of indisputable braided river meander area, a unique hill system chocked with sensitive lilies, and imports over 500,000 cubic yards earth in order to elevate the whole project out of mapped flood plain not result in a significant biological impact to the over all habitat capacity of the subject narrow Santa Clara River ecosystem? The potential loss of groundwater recharge surface area could in and of itself be a significant impact.

The DEIR mitigation strategy is completely based on attempting to enhance the habitat value of the remaining post-construction active river channel which would be hemmed in by buried bank stabilization and be bordered by development and paved recreational pathways. Essentially that strategy first shrinks the available open land by 117 acres and calls for the creation of dozens of acres of multiple habitat types in the now constricted active river channel that is 100 percent Army Corps jurisdiction. The DEIR fails to address the potential 50 year hydrological stability of these restored habitat types. This attempt to concentrate habitat types into a severely reduced onsite area does not constitute adequate mitigation for habitat lost. The context of the habitat is not natural. The indirect impacts of frequent human and domestic animal presence directly adjacent to much of the restored habitat further erodes its ecological value. In no way can ecologically sprucing up the remaining, unbuildable active channel area mitigate for the direct loss of 117 acres and the indirect ecological impact of a major new development being located along 4100 feet of remaining river channel.

The DEIR mitigation for a host of ecological impacts shall remain inadequate unless significant and related offsite habitat protection is added to the equation, or a significant amount of additional habitat is permanently avoided onsite. We make this assertion about the proposed project and every DEIR alternative. Without requiring such additional mitigation or habitat avoidance, the City would be establishing a baseline that other projects could eliminate equal amounts of habitat of Statewide significance and it would not constitute a significant impact.

Rather than try to force a flat-land land use of the proposed scale into a dynamic flood plain with locally unique and scenic hill features, we encourage the City to require a project that both retains some of the site's natural topography and leaves the river system some room to be dynamic and thus ecologically richer. The Conservancy's letters to date have explicitly laid out how to achieve these objectives without sacrificing any traffic circulation or major project components. The only way to achieve these objectives is to: 1) pull the development back approximately 250 feet on average from the Army Corps jurisdictional boundary, 2) eliminate all development (except the river trail and interpretation facilities - not including any buildings other than a small public office and a restroom) on the hill system between the river and State Route 14, and 3) leave a broad habitat linkage between the river and land south of the Metrolink tracks with substantial (minimum 50-foot-wide and 12-foot-tall) under-crossing beneath all existing and future tracks.

The DEIR will remain deficient without a project alternative that provides for some guaranteed form of permanent habitat connectivity to the San Gabriel Mountains foothills and additional protection of upland and flood plain habitat on the order of 40-50 acres. We urge the City to require such an alternative in the Final EIR. By definition EIR alternatives must be feasible.

Offsite Acquisition for Habitat and Wildlife Corridor Mitigation

Approximately one mile upstream from the proposed project boundary there also is good habitat connectivity between the river and the foothill systems to the south. However, sloughing off a project's habitat connectivity contribution responsibility to other unknown private land interests does not mitigate a potential impact. For one, that set of landowner(s) could fence their land and otherwise create significant wildlife barriers. Secondly, and most immutably, a high speed rail line will require substantial 8-foot-tall fencing.

To address this issue, it is critical that the City and County be proactive in requiring sufficient wildlife under-crossings wherever possible. The hurdles of getting under-crossings upstream from the project site, without a large development already unearthing the whole

affected area, are potentially insurmountable. Thus with high speed rail in the equation, the task of maintaining habitat connectivity between the river and adjacent upland habitat will be a difficult challenge both on the subject site and other locations. The seemingly simple solution, in the case of this project, of just preserving a couple of upstream parcels between the river and the National Forest boundary is not that simple. Assuring connectivity for large animal movement under the tracks must be factored into the equation.

That assurance could take the form of acquiring parcels that comprise a river to National Forest connection with superior conditions that would allow for a future, cost effective railroad track under or over-crossing. To provide those conditions, for a sufficient width, land on both sides of the tracks must be sufficiently low enough or high enough. Given the planning time frame for the high speed rail project, this agency is willing to support taking the risk of requiring an adequate offsite habitat connection in lieu of an onsite connection as described in this letter and in the DEIR. That Conservancy support is completely contingent on the land acquisition being located downstream of the Lang Station Road at-grade river crossing (not substantially impacted by gravel mining) and upstream of the proposed project.

The offsite acquisition mitigation measure must require the fee simple or conservation easement land acquisition of a topographically suitable land connection from the National Forest to any Army Corps jurisdictional area within the Santa Clara River. Said permanent habitat linkage must have no portion less than 250 feet in width and be recorded by a public agency prior to the issuance of any grading or grubbing permits for the subject project. An analysis of parcel data shows this objective is possible but that the combinations of parcels are not numerous.

As suggested earlier in this letter, permanent offsite habitat protection is the only way to reduce the biological impacts of both the proposed project, and all the project alternatives, to a less than significant level other than substantially reducing the projects' disturbance footprints. Two mitigation objectives can be achieved with the same parcels by acquiring floodplain and upland that also has important habitat connectivity value.

Commercial Development on City-owned Open Space and Public Resource Code Section 33207(b)

We respectfully question why the City is proposing to allow the applicant to do mass grading and commercial development on City-owned parkland in a visually prominent, historically and ecologically valuable area? The Conservancy supports a trail along the river edge in the least ecologically damaging location but opposes the development of this valuable City-owned

open space for principally commercial development with a minor public interpretation component. The subject area is located within the Conservancy's jurisdiction and appears to be subject to Public Resource Code Section 33207(b). This code section gives the Conservancy first right of refusal of all public lands proposed for disposal. We respectfully request that the Final EIR address the relevancy of Section 33207(b) to the project feasibility and that the City offer the subject lands to the Conservancy pursuant to this section if applicable.

The only compatible land uses on the subject knoll and plateau (Mitchell Hill)are open space with passive recreation and interpretation facilities. If the portion of the project on the south side of the river is constructed as proposed, this knoll and plateau would represent the only intact upland habitat remaining on the 185-acre property.

Suggested Combination of Alternative Components for a Biological Avoidance Alternative

No single DEIR alternative includes: 1) a reduction in project footprint in the obvious braided river flood plain, 2) a habitat connection the foothills system on the south side of the railroad tracks, and 3) no commercial development on Mitchell Hill. (There is also no site specific discussion in the DEIR alternative section about avoiding some of the new proposed County Significant Ecological Area.)

We urge the City to require a fully analyzed Final EIR alternative that includes all three of these components. The first component incorporated should be moving the bank stabilization on the south side of the River Corridor back south by at least an average of 100 feet as presented in Alternative 4 - Reduced Development Footprint. Secondly that alternative would include the approximately 10-acre park site green space on the eastern project edge as presented in Alternative 5 - Open Space Corridor Alternative. As stated in the Alternative 5 description, this green space would function as a permanent north-south wildlife corridor. The description of the proposed alternative for the FEIR must state that the park area will remain as unfenced green space in perpetuity. How declaring this park area as a wildlife corridor is premature unless the FEIR includes specific details about which area would have human access facilities and which parts would be restricted to native plants. We concur with including the Alternative 5 component that bisects the proposed park with a gated, paved permanent emergency access road to connect the proposed project to the terminus of Lost Canyon Road.

Diminished Ground Water Recharge Area

Both the proposed project and all of the DEIR development alternatives will eliminate scores of porous 100-year flood plain surface acres. Those acres will be covered with upland soils and compacted to an impermeable 90 percent level of compaction. The groundwater infiltration capacity of the site will be greatly diminished for this reason and because of scores of acres of paving. The combination of existing municipal wells pumping groundwater directly out of the proposed project open space, and this loss of infiltration capacity, paint a poor picture for groundwater quality and quantity within the proposed project area. The FEIR should address if the proposed project and its DEIR development alternatives are designed to be water neutral developments. We encourage the City to require that the onsite treated waste water be required to be at least partially filtered via the reverse osmosis process to ensure that no treated water returned to the aquifer does not meet chloride or other water quality requirements.

Please address any questions and all future documentation to Paul Edelman of our staff at the above letterhead address and by phone at (310) 589-3200 ext. 128.

Sincerely,

ANTONIO GONZALEZ
Chairperson