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July 20, 2011

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Comments on Whittier Main Oil Field Project Draft Environmental Impact Report

RON KRUEPER
CALIFORNIA STATE PARKS

BRETT MURDOCK
CITY OF BREA

Dear Mr. Adams:

SANTA MONICA MOUNTAINS
CONSERVANCY

The Wildlife Corridor Conservation Authority (WCCA) has reviewed the Whittier Main Oil Field Development Project Draft Environmental Impact Report (DEIR) and offers the following comments.

DICKIE SIMMONS
LOS ANGELES COUNTY BOARD OF
SUPERVISORS

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 will invariably affect all other parts.

JACK TANAKA
CITY OF DIAMOND BAR

HOWARD VIPPERMAN
CITY OF LA HABRA HEIGHTS

WCCA is concerned with the potentially significant biological and recreational impacts associated with the proposed project. The Whittier-Puente Hills regional habitat block is one of the best examples in the nation of a functional urban habitat area that remains tenuously connected to larger National Forest lands. That function is tenuous and the breaking points cannot be pinpointed with certainty. Any project developed in the Whittier-Puente Hills regional habitat block must make a major permanent contribution to both the quantity of protected habitat and the quality of habitat. Any project developed in the Whittier-Puente Hills regional habitat block must also maximize efforts to maximize immediate and long-term habitat capability in affected parts of the regional habitat block system. The net, post-project condition should leave a stronger and larger protected habitat block and the mitigation measures should maintain the ecological capability of the current ecosystem throughout the life of the project. Because of the sensitivity of the area and because of the environmental impacts identified in the DEIR, we urge the lead agency to incorporate certain voluntary measures.

To achieve these public protections of this regionally and scientifically significant habitat area and recreational resource, the applicant must offer significant additional mitigation than what is covered in the DEIR. That mitigation must be offered voluntarily and be included in the Final Environmental Impact Report (FEIR). This additional mitigation includes more funding for, or acquisition of, habitat lands, creation of an additional safe crossing along Colima Road, and a wildlife movement study. The most recently adopted position letter of the Puente Hills Landfill Native Habitat Preservation Authority (Habitat Authority) concurs that mitigation should be expanded to bolster these areas.

As shown in the next few pages of this letter, the DEIR text provides ample support to show that the project would be disruptive and highly impacting to many parts of the regional habitat block.

Potentially Significant Impacts to Biological and Recreational Resources

Some of those impacts of greatest concern to WCCA are described in more detail below.

The project will result in potentially significant direct and indirect, permanent and long-term “temporary”, impacts to the Puente Hills Landfill Native Habitat Preserve (Preserve), including Core Habitat, as identified by the Habitat Authority.

The DEIR (p. 4.2-35) describes the importance of this Core Habitat:

As shown on Figure 4.2-7, the Project Site and North Access Road...are located in the Core Habitat Management Zone... This Zone constitutes the largest contiguous area in the Preserve that is well-buffered from such “edge effects” as lighting, noise, and intrusions by humans and domestic animals. As a result, this Zone is considered to be an important wildlife nursery site for such species as the bobcat and mule deer...bobcats use the Project Site (i.e., the area west of Colima Road) in the highest density found in the Preserve and that mule deer have the highest activity in this area over the entire Puente-Chino Hills (Haas and Crooks 1999).

As stated in the DEIR (p. 4.2-23), the western portion of the Project Site is closed to the public. The proposed project will introduce new substantial disturbance. Increased levels of drilling operations and human activities in the Core Habitat, which currently had minimal disturbances, would result in substantial impacts to wildlife movement (DEIR, p. 4.2-54). The increased levels of noise, light, human presence, and vehicle traffic, during both the construction and operational phases of the project, could result in significant adverse

effects upon a critical wildlife movement linkage (DEIR, p. 4.2-54). Loss and degradation of habitats at the Project Site could be expected to have greater adverse effects upon ecological processes and native wildlife populations than would occur in an area with comparable natural communities that does not occupy such a sensitive location within a natural Preserve (DEIR, p. 4.2-52).

Of note, the proposed North Access Road would traverse approximately 1.2 miles within the Preserve (plus 1.3 miles within the Savage Canyon Landfill; DEIR, pp. 2.19 to 2-20), and would entail road widening of an existing road, requiring fuel clearance of 10 feet on either side (DEIR, p. 4.2-47). It courses through Core Habitat (DEIR, Figure 4.2-7), and would entail removing coastal sage scrub (DEIR, Figure 4.2-9), affecting coastal California gnatcatchers (a bird species considered threatened by United States Fish and Wildlife Service), including a family group (DEIR, Figure 4.2-3). As the DEIR (p. 4.2-39) states, additional impacts to biological resources, including new and increased usage of roads and disturbances from noise, lighting, and increased human presence, would also cause avoidance of an area and would affect (wildlife) movement (DEIR, p. 4.2-39). Roads are known to fragment habitat and result in wildlife roadkill (e.g., of mammals, amphibians, reptiles, birds, etc.). This access road would increase pressure on an already constricted wildlife movement corridor and therefore, the overall effect would be an increase in impacts to biological resources (DEIR, p. 4.2-54).

WCCA is particularly concerned with the potential for significant *indirect* impacts to wildlife and other biological resources in the Preserve and beyond. Such impacts include, but are not limited to, noise, vibration, lighting, and human activity. The preponderance of evidence argues for immediate action to manage noise in protected natural areas (Barber et al. 2009, as cited in the DEIR, p. 4.2-20). Noise negatively affects birds and communities (Francis et al. 2009, as cited in the DEIR, p. 4.2-21). Bats have also been shown to be negatively affected by noise (Schaub et al. 2008, as cited in the DEIR, p. 4.2-21). Lighting has also been shown to adversely affect wildlife in numerous ways (Longcore). Although data on wildlife response to vibration impacts is not well documented (DEIR, p. 4.2-53), it is reasonable to assume that wildlife would be adversely disturbed by vibrations, as they are disturbed by other forms of urbanization. Given the length of the project (30 years), the increase in vehicle traffic through the Preserve, the extent of drilling and redrilling proposed by the Project, and in combination with all the other impacts associated with the project (e.g., loss of habitat, lighting, noise, human activity, etc.), vibrational impacts certainly have the potential to contribute to significant adverse impacts to wildlife.

The proposed project will result in potentially significant impacts to bobcats, other mammals, and wildlife movement.

The Project Site is a hotspot for bobcats, and bobcats are known to be sensitive to urbanization. Furthermore, the project will result in potentially significant impacts to wildlife movement associated with the Colima Road Service Tunnel.

According to the DEIR (p. 4.2-7), the project site is known to provide some of the best habitat in the Preserve for the bobcat. The Habitat Authority indicated that the Proposed Project vicinity currently exhibits the highest bobcat activity in the entire Preserve (Habitat Authority July 14, 2011 letter, p. 8). Research indicates that bobcats, known breeders in the Core Habitat Management Zone, are among the species known to avoid urban edges (DEIR, p. 4.2-37).

The Colima Road Service Tunnel has been identified as an important element of wildlife movements in the area and the impacts to wildlife movement would be significant (DEIR, p. 4.2-54). Bobcats showed the highest level of use recorded at the Colima Service Tunnel, followed by mule deer and gray fox (DEIR, p. 4.2-23). Haas and Crooks (1999, as cited in the DEIR, p. 4.2-23) indicated that this underpass is the only link between habitat to the east (San Miguel Canyon), and habitat to the west (Arroyo Pescadero Canyon). Of the roads surveyed in a certain study, Harbor Boulevard and Colima Road had the highest frequency of roadkills (Elliott and Stapp, 2008, as cited in the DEIR, p. 4.2-25).

A portion of the underground oil and gas production pipelines and metering station would be located near the entrance to the Service Tunnel, which is an important region-wide linkage for terrestrial wildlife attempting to traverse Colima Road immediately east of the Project Site (DEIR, p. 4.2-54). It is expected that wildlife use of the Service Tunnel would be adversely affected by activities in the eastern portion of the project area (DEIR, p. 4.2-54). WCCA is concerned with the construction and operation of the oil extraction facilities near the Service Tunnel, as well as the main drilling activities, which could cause wildlife to seek other at-grade crossings along Colima Road, leading to additional road kill (see Figure 4.2-5, Trails, Oil Field Roads, and Wildlife Roadkill Data).

Although the DEIR states (p. 4.2-53) that "...the proposed actions are not anticipated to substantially inhibit the bobcat and other larger mammal species' use of the La Canada Verde watershed, either as a nursery site or as a movement corridor," the applicant nonetheless should voluntarily use this DEIR-concluded insubstantial impact as impetus to increase the overall mitigation package to benefit the regional habitat block.

The Project will result in potentially significant direct and indirect impacts to coastal California gnatcatchers, and their habitat, including Critical Habitat as designated by the United Fish and Wildlife Service.

Figure 4.2-3 in the DEIR (Observations of Listed Species and Species of Special Concern Within or Adjacent to the Site) shows how the Proposed Project boundary and the

proposed North Access Road overlaps with gnatcatcher occupied habitat. According to the DEIR (Table 4.2-3), the Project would result in permanent impacts to 4.16 acres, temporary impacts to 0.86 acres, and noise impacts to 5.49 acres of coastal sage scrub. Other vegetative plant communities would be permanently and temporarily impacted. The gnatcatcher regularly uses other habitats and shows seasonal and perhaps daily patterns in such use.¹

The Project will result in significant, unmitigatable impacts to recreational resources in the Preserve.

WCCA is concerned because the new drilling and operations would adversely affect public viewsheds in the Preserve and this impact would remain significant, even after mitigation (for example, see Figure 4.6-10).

In addition to permanent biological impacts such as direct loss of habitat, the project will result in ongoing impacts, over a long period of time.

During the 30-year life of the Project, levels of noise, light, human presence, and vehicle traffic would increase in all parts of the Project Site, including areas that serve as nursery sites and that have been purposefully set aside for the purpose of conservation of natural communities and their constituent species (DEIR, p. 4.2-53). These impacts, as well as vibrational impacts, would result from construction and operation of oil facilities, as well as substantial additional construction and operational vehicle traffic in the Preserve, compared with current conditions.

Requested Additional Voluntary Mitigation Measures for Impacts to Biological and Recreational Resources

Because of the sensitivity of the area and because of the environmental impacts identified in the DEIR, we urge the lead agency to incorporate the following voluntary measures.

(1) Establish a guaranteed fund to acquire habitat connected to Regional Habitat Block

Over the life of the project a minimum of \$15,000,000 must be provided for additional habitat protection. Without deep understanding about the project's financial structure and uncertainty about both monetary inflation and the price of oil, it is difficult to lay out when the funding must be made available to public agencies for land acquisition. However, the

¹Campbell, K.F., R.A. Erikson, W.E. Haas, and M.A. Patten. 1998. California Gnatcatcher use of habitats other than coastal sage scrub: Conservation and management implications. *Western Birds* 29:421-43.

current ecological viability of the Whittier-Puente Hills regional habitat block is priceless. WCCA proposes that \$2.5 million be deposited as a condition of the first permit that allows any site disturbance. Five million dollars of additional funding would be deposited within one year of the release of the first payment. Every year there after on that anniversary date, the applicant would release \$2.5 million to public agencies for land acquisition in areas prescribed in the FEIR. The prescribed acquisition area should be between Tonner Canyon and the western tip of the contiguous Whittier Hills habitat block.

This funding should be held in trust by a combination of the Habitat Authority and WCCA. If a deal can be struck on the Aera property all unallocated funding should be designated for such an acquisition. If such a deal is not struck, the Habitat Authority should receive 75 percent of the funding and WCCA 25 percent to allow for acquisitions located east of the Habitat Authority's jurisdiction. Neither agency should be allowed to spend the funding without demonstrated, publically disclosed written consultation with U.S. Fish and Wildlife Service and California Department of Fish and Game.

(2) Establish a guaranteed fund to maintain/manage habitat connected to Regional Habitat Block

WCCA proposes that \$2 million be deposited for management/maintenance of habitat between Tonner Canyon and the western tip of the contiguous Whittier Hills habitat block. The Habitat Authority should receive 75 percent of the funding and WCCA 25 percent. No later than three years after the issuance of the first permit that allows any site disturbance, \$1 million should be deposited. No later than one additional year later, another \$1 million should be deposited.

(3) Establish a guaranteed fund to restore habitat connected to Regional Habitat Block

In addition, a fund should be established for restoration within the Puente-Chino Hills wildlife corridor between Tonner Canyon and the western tip of the contiguous Whittier Hills habitat block. No later than one year after the issuance of the first permit that allows any site disturbance, \$750,000 would be established in a fund for Habitat Authority to conduct habitat restoration. No later than three years after that, an additional \$1 million would be deposited in the fund. This funding would allocated solely to the Habitat Authority.

(4) A wildlife movement study should be undertaken to address potentially significant wildlife movement impacts associated with the Project.

Because of the potentially significant impacts to wildlife movement, and especially to bobcats, in the Preserve and in the Puente-Chino Hills, a scientifically rigorous study should evaluate wildlife movement of bobcats and other wildlife prior to Project construction, and

during implementation of the Project. Results from this study could serve as a study aid and guide for management of the open space once the project starts.

(5) Recreational activity should be managed in concert with the Project.

The DEIR states that impacts from the Project could be partially mitigated by closing the Arroyo San Miguel trail that utilizes the tunnel to recreational use, at least during the most intensive activities, such as drilling or construction (DEIR, p. 4.2-54). This is proposed as a mitigation measure in the DEIR (BIO-4n, p. 4.2-60). Closing trails and restricting recreational access is not preferred. To avoid or minimize any closing of trails, WCCA recommends that one additional round culvert, 12-feet-wide, be provided along another location on Colima Road as mitigation for recreational use. This should be done within two years of the issuance of the first permit that allows any site disturbance. If the Colima Service Tunnel must be closed to recreational use, then it should be closed for a limited time period, i.e., six months, at the beginning of construction so animals can adjust to the new construction conditions.

It is critical that a measure be included in the California Environmental Quality Act document to provide additional funding for ranger patrol to manage existing and future recreational use, including dogs.

(6) There should be limitations on any extension of the oil lease.

If the DEIR describes the project as a 30-year project, and the impacts are analyzed as such, then the project should in fact be no longer than 30 years. Our comments are calibrated based on a 30-year project. WCCA's recommended additional project measures reflect that timeframe. The ecological system cannot sustain much more, if the lease is extended beyond 30 years. There absolutely has to be a preserved core habitat in order to keep the Puente-Chino Hills wildlife corridor system viable.

To address this issue, the lease should not be allowed to be renewed unless the Aera property is completely acquired and preserved, including the establishment of at least a \$2 million maintenance endowment. If the Aera property is acquired and preserved, then the oil lease should be limited to an additional 10-year maximum renewal.

(7) There should be additional construction timeframe limitations.

Construction should be limited to weekdays only, and construction hours should be limited to 7am to 5 pm to minimize impacts to recreational users (people) and wildlife.

Jeff Adams
Whittier Main Oil Field Project DEIR
July 20, 2011
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We appreciate your consideration of these comments. 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