

**SANTA MONICA MOUNTAINS CONSERVANCY**

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DRAFT

September 24, 2012

Mr. Bob Burrow, AICP  
Director of Community Development  
City of Camarillo  
601 Carmen Drive  
Camarillo, California 93010

**Conejo Creek Properties Specific Plan  
Draft Environmental Impact Report Comments  
SCH No. 2009111020**

Dear Mr. Burrow:

As the principal State land use planning agency for the Santa Monica Mountains Zone, the Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Draft Environmental Impact Report (DEIR) for the Conejo Creek Properties Specific Plan.

The Conservancy's April 26, 2010 letter pre-DEIR comment letter, which included a recommended "Conservancy Wildlife Corridor Avoidance Buffer Alternative" was not included in the DEIR responses to Notice of Preparation section. That 2010 letter and attached figure are incorporated by reference into this letter.

The proposed project and the sum of DEIR alternatives do not offer a project that comes close to meeting the following General Plan policy:

*"The project should complement the existing environment and should incorporate any existing mature trees, rock formations, or other topographic features."*

The subject development area represents the most iconic and visually significant viewshed remaining on the Oxnard Plain within the 101 freeway corridor. The properties comprise the visual gateway to the Santa Monica Mountains National Recreation Area and contain irreplaceable regionally significant ecological and agricultural resources.

As supported below, the Conservancy urges the City to require the recirculation of the DEIR with at least one alternative that complements the existing environment and meets the vast majority or even all of the project objectives declared in the DEIR. In addition the Conservancy urges recirculation of the DEIR because of many deficiencies addressed below.

Mr. Bob Burrow, AICP  
Conejo Creek Properties Specific Plan  
DEIR Comments  
September 24, 2012  
Page 2

A proposed project with twelve Class I impacts (unmitigable significant impacts) that is paired with DEIR alternatives that would result in a *minimum* of seven Class I environmental impacts does not provide decision makers with a development footprint that balances a mass insertion of suburban development density with the protection of visual, ecological and agricultural resources. Generally a proposed project, and DEIR alternatives, that would increase development density to a level that is 99.1 percent greater than that permitted in the General Plan would not provide such a land use balance. Placement of 5824 residential units and 2.98 million square feet of commercial development on prime agricultural land adjacent to two major creeks cannot be achieved with out numerous unmitigable significant impacts.

### **Conservancy Recommended Riparian-Based Habitat Linkage Alternative Project**

The Conservancy's Wildlife Corridor Avoidance and Buffer Alternative that was introduced to the City in the Conservancy's April 2010 letter provides an example of a potential development footprint that leaves a broad riparian-based habitat system on the eastern and southern project boundaries. Such an open space configuration fully solves for both regional habitat connectivity along Conejo Creek and for high quality habitat integration between this mostly onsite, riparian-based habitat system and the upland habitats of Conejo Mountain. Research by our staff subsequent to 2010 accentuated the importance of Calleguas Creek along the western boundary both as a regional habitat linkage and a primary riparian habitat area. The Conservancy's recommendation for a wildlife corridor avoidance and buffer alternative is thus expanded to include a minimum 100-foot-wide fully protected habitat linkage along the entire western property boundary that encompasses Calleguas Creek and buffer habitat.

### **Regional Habitat Connectivity Importance of Conejo and Calleguas Creeks**

With its proximity to Conejo Creek, the Conejo Creek-101 freeway wildlife underpass, a 6,000-foot long section of unchannelized Calleguas Creek, and high quality habitat at the toe of Conejo Mountain, the subject property plays a significant role in maintaining regional habitat connectivity between the Santa Monica Mountains and the portions of the Oxnard Plain located south of the 101 freeway to both the Simi Hills (via the Las Posas Hills) and the Santa Susana Mountains (via Calleguas Creek).

The DEIR is deficient for not disclosing or analyzing the regional habitat connectivity value of Calleguas Creek from its confluence with Conejo Creek northward across the 101

Mr. Bob Burrow, AICP  
Conejo Creek Properties Specific Plan  
DEIR Comments  
September 24, 2012  
Page 3

freeway to the mixture of farmland and unchannelized drainages that provide extensive, diffuse wildlife connectivity to the Santa Susana Mountains and main creek channel with direct connectivity to the Arroyo Simi east of the 23 freeway.

The DEIR is further deficient for not adequately analyzing the regional ecological value of the Conejo Creek-101 freeway underpass as a habitat linkage that connects the western end of the Santa Monica Mountains to the Santa Rosa Valley and western terminus of the Las Posas Hills. The DEIR does not analyze how the proposed project and each DEIR alternative could variably affect the ability of wildlife to use the undercrossing and access habitat blocks on the south side of the 101 freeway. The DEIR includes no mitigation measures that specifically designate any permanently protected habitat.

Designation of an area as open space provides just partial mitigation. The DEIR is entirely silent on how much vegetation, stream bank, and sediment modification can occur within unbuilt areas in the proposed project and its DEIR alternatives. The DEIR mitigation measures are deficient because they provide zero certainty regarding permanent habitat protection on any area or any certainty that vegetation will not be disturbed by future maintenance or repair of flood control facilities or manufactured slopes and stream banks.

The proposed project and all of its development DEIR alternatives do not provide a dedicated north-south habitat linkage through the property. The Conservancy opposes any project that does not provide well-designed, permanently protected habitat linkages along and including Conejo and Calleguas Creeks. That opposition also stands unless a public agency receives a permanent maintenance funding source to monitor, patrol and remedy issues that arise on any permanently dedicated open space, whether it be fee simple or conservation easement. All of the DEIR project objectives can easily be met with a project that provides for permanently protected Calleguas Creek and Conejo Creek habitat linkages.

The DEIR figures show a continuous green path along Conejo Creek and the proposed bypass channel. However, as stated above, the public is provided no guarantees on the permanence or minimum guaranteed level of habitat quality of this green path. As written, the DEIR does not preclude other conflicting uses in much of this green path. In addition the project applicant does not fully control all of the land interest represented in the project's major hydrological reorientation scheme. The City cannot condition land that is not part of the subject application. Likewise how can Ventura County Watershed

Mr. Bob Burrow, AICP  
Conejo Creek Properties Specific Plan  
DEIR Comments  
September 24, 2012  
Page 4

Protection District approve of a plan in an application when not all of the owners are represented?

In any case, all portions of Conejo Creek, the proposed by-pass channel, and Calleguas Creek should be made wide enough and robust enough to ensure that flood control needs can be met for 75 years with the need to clear vegetation or shore up levees.

For these reasons, the Conservancy asserts that the proposed project and all of the DEIR alternatives using the 740 acres would result in Class I biological impacts.

The range of DEIR alternatives is totally deficient because no development alternative adequately accommodates for wildlife movement through the project area from the Conejo Creek - 101 Freeway bridge to key habitat blocks to the south and southeast and along Calleguas Creek. In addition the DEIR is silent on how the proposed project would provide for permanently protected wildlife movement corridors from Conejo Creek to Conejo Mountain and what infrastructure impediments might exist in those wildlife corridors.

### **Proposed Conejo Creek By-Pass Channel Analysis Deficiencies**

The DEIR is deficient for its silence on the need for the proposed by-pass channel. It is further deficient on providing a meaningful alternative analysis or figures showing potential alternatives to the by-pass channel. The DEIR is deficient for not addressing how the by-pass channel could adversely affect groundwater recharge.

The DEIR is deficient for not addressing how the loss of permeable area will diminish groundwater recharge and how the diminution could have adverse impacts to surrounding stream systems, plant communities, and potential sea water intrusion.

The DEIR is deficient for not addressing how the probable wholesale permanent and temporary de-watering of hundreds of acres could affect ground water recharge, flow, and availability to vegetation. In addition water tables could fluctuate more and have deleterious affects on aquatic organisms. The DEIR states that most of the site has shallow groundwater levels and that all of the site is in a high liquefaction zone.

How can yet to be done studies on a vaguely engineered by-pass channel combined with a potentially de-watered stream assure the public that it will benefit and at least not harm arroyo chub fish and western pond turtles?

Mr. Bob Burrow, AICP  
Conejo Creek Properties Specific Plan  
DEIR Comments  
September 24, 2012  
Page 5

The DEIR is deficient for not explaining how water flow between the proposed by-pass channel and Conejo Creek will be determined and implemented. The DEIR is also silent on how the proposed lakes will be filled and if there is any connection to flows in Conejo Creek or groundwater pumping in regards to supplying water to the lakes.

The DEIR states that the by-pass channel would reduce sediment flow to Mugu Lagoon. The DEIR does not address how that sediment build up along the length of Conejo Creek south of the 101 freeway including by-pass channel will affect other on and offsite flood control infrastructure and aquatic habitats.

The DEIR may be deficient for not addressing the Army Corps of Engineers as one of the agencies necessary to receive a discretionary permit from. How could Conejo Creek be diverted without a permit from the Army Corps of Engineers?

Most likely, given the extent of proposed impacts to Waters of the United States, the applicant would be required to evaluate alternatives to the proposed project in light of the project purpose. There is probably a lesser damaging alternative project.

The riparian habitat mitigation ratio is likely to be closer to 2:1 rather than 1.5:1. The DEIR is deficient for not addressing where onsite mitigation would take place and whether or not adequate area will exist for onsite mitigation if a ratio of 2:1 or greater of riparian mitigation is required. The absence of this information in the DEIR represents a clear case of deferred mitigation.

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

Sincerely,

ELIZABETH A. CHEADLE  
Chairperson