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2012 Update of Environmental Impact Report 02-01 for the Madrona Residential Development Plan (A Revision of the Former Canyon Crest Plan) (State Clearinghouse No. 1999111115)

CHRISTINE MARICK
CITY OF BREA

SANTA MONICA MOUNTAINS
CONSERVANCY

Dear Mr. Crabtree:

DICKIE SIMMONS
LOS ANGELES COUNTY
BOARD OF SUPERVISORS

JACK TANAKA
CITY OF DIAMOND BAR

JANE L. WILLIAMS
CITY OF LA HABRA HEIGHTS

The Wildlife Corridor Conservation Authority (WCCA) provides the following comments on the 2012 Update of Environmental Impact Report 02-01 for the proposed Madrona Residential Development Plan (2012 Update), a revision of the former Canyon Crest Plan. WCCA was created to provide for the proper planning, conservation, environmental protection and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills, Chino Hills, and the Cleveland National Forest in the Santa Ana Mountains. WCCA provided comments on variations of the Canyon Crest Project in letters dated September 27, 2007; August 12, 2002; and July 5, 2000 and incorporates each of those by reference. The project site has regional importance because it provides critical core wildlife habitat, is a key location for wildlife movement between portions of the Puente-Chino Hills separated by Carbon Canyon Road, and is bordered by Chino Hills State Park (CHSP). WCCA's August 12, 2002 letter (p. 2) on the Canyon Crest Draft Environmental Impact Report (DEIR) discussed the regional importance of this site for wildlife movement. Per the 2012 Update (p. 34), "Observations of mule deer and coyote on site in 2011 indicate that the site continues to be within a broader wildlife movement area that extends well beyond the site." Also, "[t]he wildlife corridor analysis finds that four focal species (i.e., mountains lion, bobcat [*Lynx rufus*], coyote, and mule deer) use the open space on the Project site." (2012 Update, p. 109).

The current Madrona Project has moved in the right direction by reducing the amount of grading (compared with the 2008 Canyon Crest Project) by approximately one half (per 2012 Update, p. 12). Onsite impacts to native plant communities have been reduced under the Madrona plan, compared with Canyon Crest Project (2012 Update, Table 5.3-1: Impacts

on Biological Resources, p. 94) and the number of native trees to be impacted has been reduced (2012 Update, p. 116). Unfortunately, there would still be enormous environmental impacts that cannot be fully avoided with a mass graded project. While the comparison with the Canyon Crest Project is necessary and helpful, it is imperative that the City consider the Madrona Project on its own merits, including consideration of the unavoidable significant, adverse impacts to biological resources and land use policies that would result. As with the Canyon Crest project, there are numerous reasons why the Madrona project should not be approved as currently proposed. Under no circumstances should a project be approved that compromises the viability of this regionally significant wildlife corridor in this critical location and would destroy more trees (1,300+) than any project the City's history.

WCCA urges the City Council to uphold the appeal and vacate the approval of the project and Final Environmental Impact Report certification by the Planning Commission. The EIR should be recirculated to address the issues discussed in this letter at a minimum.

Significant Impacts to Biological Resources

The project would result in extensive impacts to native woodland communities. This includes the destruction of 10.23 acres of coastal live oak woodland and coast live oak woodland/coastal sage-chaparral scrub ecotone, 15.16 acres of walnut woodlands (including walnut ecotones), and 22.58 acres of mixed woodland and mixed woodland/coastal sage-chaparral scrub ecotone (2012 Update, pp. 101-102). The Madrona Project would remove approximately 446 oak trees and approximately 917 walnut trees (2012 Update, p. 116). The 2012 Update (p. 99) states that the loss of hundreds of southern black walnuts on site would be considered to be a significant and unavoidable impact to this increasingly rare tree species. The 2012 Update (p. 117) states that a conflict with the Brea General Plan C/OS Element policies for oak and walnut woodland preservation would remain and that impact is considered to be significant and unavoidable. In addition, this would conflict with preservation policies in the Carbon Canyon Specific Plan. What is the justification for a Statement of Overriding Considerations to eliminate 1300+ mature trees?

The California Environmental Quality Act (CEQA) document is deficient for not providing enough details regarding the mitigation for these extensive impacts to native woodland communities. The 2012 Update (p. 102) states the Tree Mitigation Plan (TMP) is included in the Madrona Plan application. It is unclear if the 2012 Update is relying on the TMP from the Canyon Crest Project. The Canyon Crest TMP appears to rely on mitigation planting areas interspersed within the development areas, which would not be appropriate mitigation to replace the ecological values of the woodlands to be impacted. The mitigation measures in the 2012 Update (pp. 102-105) state that the mitigation areas would not be interior to project streets or between development areas. Also, the 2012 Update (p. 104) states the

mitigation sites will be outside of the Proposed Project's grading and fuel modification footprint. If that is the case, it appears the Madrona Project is not relying on the Canyon Crest TMP. However, it does not appear that an updated TMP was included in the 2012 Update.

The 2012 Update is deficient for not including a feasible TMP. It is unclear if there are enough suitable areas onsite to complete this extensive tree mitigation program. The CEQA document should include maps with detailed locations for feasible mitigation sites onsite, as well as offsite (if it is not possible to undertake the required mitigation onsite). The CEQA document should specify that the TMP, including the locations of the mitigation sites, shall be reviewed and approved (if appropriate) by City of Brea and California Department of Fish and Wildlife. The adequacy of the mitigation plan should not be left to the discretion of the developer. If there are any problems in the future with implementation of the TMP (e.g., if there are not enough available locations), it would be unfortunate if the impacts had already occurred without the swift implementation of the TMP to offset those impacts.

WCCA disagrees with the conclusion that: “[p]ermanent impacts on wildlife movement through the Project Site would be adverse, but less than significant for the Madrona...Plan...” (2012 Update, p. 110). The mitigation measures to enhance wildlife movement have value (2012 Update, pp. 110-112, e.g., landscaping to buffer open space from development, installing perennial water sources, and hand clearing wildlife trails). However, this project would substantially constrain wildlife movement on a macro landscape scale that cannot be cured with these listed improvements and would introduce a host of indirect effects to the remaining movement corridors onsite. Notably, without a Constraints Analysis (see below), it is impossible to say whether the proposed remaining corridors onsite will be connected to offsite open space in the future. The project would result in significant, adverse impacts to wildlife movement, which have not be mitigated to a level of less than significant. In the case of this project, there is no substitute for reducing the project footprint.

Need for Constraints Analysis

Without a thorough constraints analysis, the 2012 Update conclusions of the feasibility of remaining wildlife movement onsite with implementation of the project are empty. In other words, if a remaining wildlife movement corridor that is depicted on the site leads to a private property that will be developed in the future, it cannot be assumed that this wildlife corridor on the Madrona site will be functional in the future. In fact, in Aera's September 26, 2007 letter on the Canyon Crest Project, Aera states that they were not willing to dedicate at that time a wildlife movement corridor on their site adjacent to the Madrona site (Olinda Drive Property). At the least, this constraints analysis should include the following: property ownership boundaries and easements, footprints of approved developments,

profile of development footprint potential, special legal or recorded development constraints, and topographic constraints (affecting mammal movement). The scope of this constraints analysis should include the areas that include the two habitat linkages across Carbon Canyon Road located on either side of Olinda Village, including 2,000 feet on either side of the road.

Need to Consider Environmentally Superior Alternatives

Even if the 2012 Update concludes the Madrona Plan is considered to be a less impactful alternative than the Canyon Crest Plan (p. 204), the Madrona plan would still result in significant adverse impacts to biological resources (and land use policies), requiring Statements of Overriding Consideration. The City could do much better for its citizens and wildlife populations.

There is a direct correlation between reducing the potentially significant environmental impacts and incrementally downsizing the project. The best way to compare the ecological impacts of development scenarios is by the size of their grading footprints as opposed to the number of housing units. WCCA continues to recommend that the City and applicant seriously consider a feasible alternative with a smaller footprint. The goals of an environmentally superior project should be to avoid impacts to woodlands, maximize wildlife movement areas, reduce impacts to native plant communities, reduce impacts to drainages, and reduce aesthetic impacts.

One alternative that should be considered in any CEQA document for this project (i.e., a recirculated EIR) should involve the following modifications to the currently proposed Madrona Project.

- The most north-westerly knob of the project should be deleted to allow for wildlife movement directly into the protected CHSP. That would involve the removal of approximately 44 residential units.
- There should also be some means for wildlife to cross along the southerly portion of the project (by the blue line above "B" on Figure 5.3.4 Remaining Wildlife Corridors" in the 2012 Update). This would involve removing at least three lots in this area and installing culverts along this road.
- The residential units along the eastern edge of the project and the entrance road (closest to Carbon Canyon Road) should be situated so that direct impacts to the central drainage are avoided, preferably with an adequate buffer between the development and the drainage.
- A clear-span bridge should be incorporated across Carbon Canyon Creek.

If the applicant contends that this type of alternative is not feasible, then this must be backed up with an updated independent economic feasibility analysis. Alternatives need to be economically feasible.

Need for Adequate, Full-Proof Measures to Protect Remaining Open Space

The 2012 Update is deficient for not providing assurances for permanent protection for the open space to remain onsite. It is critical that the CEQA document explicitly include in the project description for the proposed project and all alternatives, and in the mitigation measures, adequate open space protections, including open space dedication(s) and monitoring/management funding.

This measure should specify that the remaining open space onsite shall be protected in perpetuity through a fee title dedication, and/or a grant of conservation easement(s), to a conservation and land management agency acceptable to the City and the California Department of Fish and Wildlife. An appropriate entity to accept this dedication could be California State Parks, WCCA, or the Mountains Recreation and Conservation Authority. It is not appropriate to dedicate this open space to a homeowners' association (HOA) as the goals of an HOA may be contrary to the goals of permanently preserving the biological resources. The CEQA document should specify that this dedication shall occur prior to the issuance of any grading permit and preferably as a condition of map recordation.

The 2012 Update is also deficient for not including any mechanism to fund the monitoring or management of the open space. The recirculated CEQA document should include in the project description for the proposed project and all alternatives, and in the mitigation measures, the requirement for perpetual funding for management of the open space. It does not make sense for public agency to take on that expense, in essence subsidizing the development. The project description and mitigation measures should identify the specific, pre-permit issuance timing of the establishment of the open space funding (e.g., by placing the funding in an escrow account, finalizing a Landscape Maintenance District) – such as – prior to the issuance of a grading or other permit, map recordation, vegetation removal, or issuance of a certificate of occupancy.

Other Comments

It appears from Figure 5.3.4 Remaining Wildlife Corridors (2012 Update, p. 122) that there would be no fuel modification on California State Parks' land. However, the text states that the nearest residential lot is located approximately 70 feet from the State Park. With required fuel modification boundaries typically on the order of 100 to 200 feet, the CEQA document should explain how the project would avoid fuel modification on State Park land.

David Crabtree, City of Brea
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Secondary poisoning of wildlife by rodenticides is a serious problem at the urban edge. WCCA recommends that a mitigation measure be included in the CEQA document, prohibiting the use of rodenticides within the proposed development and including language to that effect in the homeowners' educational materials.

In summary, the 2012 Update is woefully inadequate in that a reasonable range of alternatives has not been considered to avoid significant, adverse impacts to biological resources (and land use policies). An alternative should be proposed and implemented, which negates the need for a Statement of Overriding Considerations for significant, adverse impacts to biological resources. The loss of approximately 1,363 oak and walnut trees; loss of approximately 140 acres of valuable plant communities¹; anticipated adverse direct and indirect impacts to wildlife movement; the resultant edge effects to adjacent remaining habitats, including within CHSP; lack of a constraints analysis; and lack of assurances for protection of the remaining opens space warrant a recirculation of the EIR with such alternative.

Thank you for your consideration. Please maintain our agency on your email/ mailing lists for this project. 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.

Sincerely,

Glenn Parker
Chairperson

¹There would be approximately 140 acres of impacts to the following plant communities: sage scrub, chaparral, native grasslands, riparian, and woodland, per the 2012 Update, Table 5.3-1: Impacts on Biological Resources, p. 94.)