

SANTA MONICA MOUNTAINS CONSERVANCY

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September 23, 2013

Mr. Aaron O. Allen
United States Army Corps of Engineers, Regulatory Branch
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Item 9, Draft Letter
SPL-2013-00425-AOA, Hidden Creeks Residential Development Project

Dear Mr. Allen:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments and recommendations on the Public Notice for the above-referenced permit application and proposed project. The subject property abuts the 2,326-acre Michael D. Antonovich Regional Park at Joughin Ranch, a premiere natural area of the Los Angeles River watershed. The Browns and Mormon Canyon watersheds, in which this project is proposed, contain high quality riparian and upland habitats that are integral to the core wildlife habitat of the Santa Susana Mountains.

The subject project as currently proposed, the Applicant's Preferred Alternative, would extend Mason Avenue through land owned by the Southern California Gas Company, to construct 188 single-family residential units on 158 acres. It would eliminate 0.53 acres of streambed and 0.05 acres of wetlands in Corps jurisdiction. This amounts to 6,748 linear feet (1.28 miles) of blueline streambed, out of a total of 20,772 linear feet of streambed present on and off site, that would be permanently eliminated by the subject project.

This type of land use, a mass-graded subdivision with cookie cutter-style lots is an incongruous land use in this core habitat of Browns and Mormon Canyons.

Deficient CEQA Documentation and Mitigation

The Environmental Impact Report (EIR; State Clearing House No. 2006031049) submitted to the City of Los Angeles fails to provide adequate mitigation for the multiple, permanent, significant adverse biological impacts to natural riparian habitat that would result from this project as currently proposed. The Conservancy has previously addressed the deficiencies of this project's EIR with regards to the California Environmental Quality Act (CEQA) in our letters to the city, dated May 12, 2008 and September 22, 2011. We incorporate these letters

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in our comments by reference.

The Public Notice acknowledges that the subject proposed project is located within Federally-Designated Critical Habitat for the coastal California gnatcatcher (*Polioptila californica californica*). However, it is not clear what bearing this may have on the Corps's decision regarding the subject permit application.

Mormon Canyon Creek is a perennial stream, and tributary of Browns Canyon Creek. Water was found to be present throughout Mormon Canyon Creek when Conservancy staff visited it on September 12, 2013. This is in mid-September after two years of drought. Photos of portions of Mormon Canyon Creek to be directly impacted by the subject project as proposed are included as attachments. These include the portion of the creek and riparian habitat which would be directly impacted by the extension of Mason Avenue.

Deficient Range of Reduced Project Alternatives

An alternatives analysis must contain a feasible alternative that substantially increases avoidance of jurisdictional impacts in comparison to the Applicant's Preferred Alternative (Alternative 6). None of the alternative projects considered in the Public Notice fit this criteria. The Public Notice is deficient for this omission.

Alternative 1 would result in no impacts to Corps jurisdiction. However, as proposed by the applicant, Alternative 1 is made to seem infeasible due to the requirement that Mason Avenue be relocated to an area outside of Corps jurisdiction. No analysis or justification for this relocation is provided in the Public Notice. The alternatives analysis must address why the City of Los Angeles might not grant a growth-inducing easement to the applicant.

This alternative is deficient because a single clear-span bridge over Mormon Creek would significantly reduce jurisdictional impacts. Alternative 1 was deliberately designed to be infeasible.

Alternative 2 calls for Browns Canyon Road to be widened and to be the sole access to a project site of 33 residential units, as currently allowed for in the Los Angeles County General Plan. The applicant has no legal rights to Browns Canyon Road for development access.

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The portion of Browns Canyon Road proposed to be widened crosses sensitive parkland owned by the City of Los Angeles Department of Recreation and Parks and the Mountains Recreation and Conservation Authority. This alternative can not be considered feasible, because the applicant does not have legal access to widen the required portion of Browns Canyon Road in fee-simple public open space.

The applicant has not successfully examined a feasible project consistent with the Los Angeles County General Plan. For this reason, the analysis of project alternatives is further deficient. The applicant should be required to submit an amended analysis, complete with at least one feasible project alternative that is consistent with the General Plan, and this should be re-circulated for public comment.

Alternative 5 would successfully avoid any impacts to the onsite 0.32 acres of jurisdictional wetlands, but apparently would somehow result in increased overall impacts to Corps jurisdictional waters, despite encompassing 66.72 acres fewer than the Applicant's Preferred Alternative. No analysis or explanation is provided in the Public Notice as to how a project of 94 residential units on 91.28 acres would necessitate greater impacts to onsite streams and drainages than a project of 188 residential units on 158 acres.

Alternative siting and design can be used to significantly reduce the impacts to Corps jurisdiction that would result from a 94-unit project. As proposed, Alternative 5 is deliberately designed to result in increased impacts to Corps jurisdiction and to appear less favorable than the Applicant's Preferred Alternative.

Minimum Avoidance Alternative

The Conservancy respectfully proposes a feasible alternative project not considered in the Public Notice. A diagram is included which shows this alternative's reduced project footprint of 110.7 acres and increased avoidance of Corps jurisdictional waters.

This alternative allows for the extension of Mason Avenue for access to the project site, provided that the extended road is only two lanes of minimum width. Adverse impacts to Mormon Creek would be avoided through the construction of a clear-span bridge over Mormon Creek, approximately 150 feet south of where the Mason Avenue-Mormon Creek crossing is currently proposed. This would greatly reduce the adverse impact to some of the most perennial riparian habitat on the south-facing slope of the Santa Susana Mountains.

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Significant Adverse Impacts of Project as Proposed

If the subject project were developed as currently proposed, runoff and pollution from the tract would flow into Browns Canyon Creek and into public parkland located downstream. Retention and debris basins within the project site would provide some temporary relief to a radically disturbed and arrested hydrological and geomorphological regime, however, the balance of Mormon Canyon and Browns Canyon Creeks would permanently and irreversibly altered in multiple adverse ways. These include reducing the amount of permeable surface, impacts to blueline streams and buffer areas, and topographic alteration.

If the overall footprint of the project and grading were reduced, these impacts would be substantially, and proportionately, lessened.

Existing Encroachments on Future Public Land

Analysis of aerial photography and photos taken by Conservancy staff shows that one of the existing equestrian properties on the subject project site (located primarily on Assessor's Parcel No. 2821-008-035, and on 2701-001-028 and 029) is currently encroaching onto the adjacent property to the east (Assessor's Parcel Nos. 2701-001-040). This land, which contains a significant portion of Mormon Canyon Creek, is slated to be dedicated to the City of Los Angeles Department of Recreation and Parks as mitigation under CEQA for impacts related to previous project in neighboring Porter Ranch. That this pending dedication has still not occurred was addressed by the Conservancy in a letter regarding a previous Army Corps permit application for impacts to jurisdictional waters.

Should you have any questions or clarifications, please contact Paul Edelman, Deputy Director of Natural Resources and Planning, at 310-589-3200, ext. 128. Thank you for your consideration and the opportunity to comment.

Sincerely,

IRMA MUÑOZ
Chairperson

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Attachments: A - Diagram of Santa Monica Mountains Conservancy
Recommended Development Alternative
B - Photos of Mormon Canyon Creek Riparian Habitat to be
Directly Impacted (September 12, 2013)
C - Conservancy Letter on FEIR, September 22, 2011
D - Conservancy Letter on DEIR, May 12, 2008
E - Letter from Scientific Community, July 31, 2013
F - Aerial Diagram of Existing Encroachment into Future Public Land