WILDLIFE CORRIDOR CONSERVATION AUTHORITY

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Draft Environmental Impact Report for the City of Chino Hills 2014 General Plan Update (SCH# 2013051082)

Dear Mr. Walters:

The Wildlife Corridor Conservation Authority (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. The City of Chino Hills contains hundreds of acres critical to this natural system. We offer the following comments on the Draft Environmental Impact Report (DEIR) for the City of Chino Hills 2014 General Plan Update.

The General Plan and DEIR are deficient for not recognizing habitat linkages and wildlife movement in and around the City, and the potentially significant adverse impacts to those resources in the City, notably in upper Tonner Canyon. The General Plan lacks policies or actions, and the DEIR lacks mitigation measures, to address the unavoidable, significant adverse impact of isolating the northern-most extent of Chino Hills core habitat area**.** This severing of the habitat would occur as a result of potential build-out from the proposed increase in density along Grand Avenue ("Tres Hermanos sites 1, 2, and 3"). The General Plan and DEIR are further deficient in failing to address the habitat fragmentation that would occur from the proposed extension of Tonner Canyon Road.

In addition, the General Plan and DEIR are lacking for not recognizing existing, known wildlife movement areas, notably freeway crossing structures along State Route (SR) 71 (see Lyren 2001). Build-out of the General Plan could result in development of undeveloped parcels along and near SR-71, adversely affecting known wildlife movement in this area. The General Plan and DEIR do not account for this.

As background, the 31-mile long Puente-Chino Hills wildlife corridor has been extensively studied because of its biological significance (e.g., see list in Table 1 in Conservation Biology Institute, 2005). The Puente-Chino Hills represent a continuous series of undeveloped open spaces

consisting of both private and public lands, extending west from CA Route 91 in Orange and Riverside Counties to I-605 in Los Angeles County (Haas and Crooks 1999). Chino Hills State Park, at over 14,100 acres is the largest anchor of the Puente-Chino Hills system; in addition, 4,000 acres have been preserved in the Puente Hills.[1] The wildlife corridor exists as a single ecosystem in which changes that affect one part may also affect all other parts. Specifically relating to the General Plan, upper Tonner Canyon, within the City of Chino Hills, has been identified as part of the "Missing Middle," a collection of key unprotected lands in the wildlife corridor (CBI 2005).

Proposed New General Plan Land Use Designations along Grand Avenue, Upper Tonner Canyon, Tres Hermanos Property

Figure 1-1 - General Plan Land Use Map of the General Plan, shows proposed land use designations of Very High Density Residential, Commercial, and Mixed Use on both sides of Grand Avenue in upper Tonner Canyon, on the Tres Hermanos property. The Existing General Plan Land Use map shows a smaller area designated as Commercial. This is surrounded by Agriculture/Ranches in the existing and proposed land use figures. The area with the proposed new land use designations appears to have grown over four times in size compared with the area that is designated as commercial under the existing General Plan.

Unavoidable Significant Adverse Biological Impacts from Proposed Land Use Designations Along Grand Avenue

The General Plan and DEIR are deficient for neither considering nor analyzing how the proposed plan would adversely affect the maintenance of a high quality habitat linkage between the habitat north of Grand Avenue and the central core habitat of the Chino Hills located south of Grand Avenue. If the proposed plan land uses potentially contribute to the isolation of the natural lands north of Grand Avenue (upper Tonner Canyon habitat), that is a potentially unavoidable, significant adverse biological impact.

The specific area with proposed new land use designations is located precisely in the freshwater emergent wetlands of Tonner Canyon that straddle Grand Avenue. The DEIR is deficient for not addressing how the subject new land designations could directly and indirectly eliminate or damage the subject drainages, shown as supporting southern willow scrub (General Plan Figure 4-1).

This area of Upper Tonner Canyon on the Tres Hermanos property is also of regional biological significance because it has been identified as part of the "Missing Middle," a

[1]http://www.chinohillsstatepark.org/about-chino-hills-sp/wildlife-corridor

collection of unprotected land within the Puente-Chino Hills wildlife corridor (CBI 2005). Tres Hermanos is a group of properties owned by the City of Industry or its related agencies. The benefits of existing investments in protecting the Puente-Chino Hills wildlife corridor are severely threatened by proposed development projects, including new roads, housing developments, golf courses, and reservoirs. Those threats are most urgent in the "Missing Middle" (CBI 2005).

This area where the new land use designations are proposed in upper Tonner Canyon is also biologically significant for its bird species. According to Cooper (2000), the unprotected grassland along upper Tonner Canyon straddling the Los Angeles/San Bernardino county boundary is rated as a conservation priority for birds in the region owing to their large size, their unprotected status, and the large number of declining species they support. Several sensitive breeding birds are listed as known or likely to occur. According to Cooper (2000):

> The most significant open space lies within San Bernardino on an active cattle ranch, visible from Grand Ave. Extending from near State Route 60 south to the eastern edge of the Firestone Boy Scout Reserve, this area includes a freshwater marsh (at Grand Ave.) that supports the only pair of the Northern Harrier and colony of the Tricolored Blackbird known in the study area. Other raptors nesting locally, including the Golden Eagle and White-tailed Kite, regularly forage here during the breeding season, and all the characteristic grassland birds occur.

Furthermore, the sensitive wildlife species, western pond turtle, is identified directly downstream of this area proposed for new land use designations (or it slightly overlaps this area) (DEIR, Figure 4-2 - CNDDB Identified Special Status Species in Chino Hills).

Land Use Policy Impacts from New Land Use Designations Along Grand Avenue, Upper Tonner Canyon, Tres Hermanos Property

From a land use perspective, we suggest that the new proposed land use designations along Grand Avenue are not consistent with the proposed General Plan. The Land Use section of the Final Environmental Impact Report (FEIR) should fully address the inconsistencies with the following measures resulting from this proposed increase in density in upper Tonner Canyon (see Table 4-6, DEIR, p. 4-17; p. 4-62):

- Policy LU-1.1: Preserve Chino Hills' Rural Character by Limiting Intrusion of Development into Natural Open Spaces.
- Action LU-1.1.6: Cluster development where appropriate to minimize grading, and roadway and driveway intrusions into sensitive habitat areas, open spaces and Chino Hills State Park.
- Action LU-1.1.14: Discourage development intrusions on biological resources.

- Policy CN-1.2: Preserve and protect Chino Hills' biological resources.
- Action CN-1.2.1: Preserve natural open spaces that act as wildlife corridors.
- Action CN-1.2.2: Discourage new development in areas that contain sensitive, rare, or endangered species, oak woodlands, chaparral, and riparian habitats.
- Action CN-1.2.3: Preserve oak woodlands, riparian areas, and fresh water marshes to the maximum extent feasible.

Proposed Extension of Tonner Canyon Road

Figure 2-1 - Roadway Plan of the General Plan shows a proposed Tonner Canyon Road "Corridor (Exact alignment and size to be determined)" across Grand Avenue and through the undeveloped portion of upper Tonner Canyon on the Tres Hermanos property. The proposed extension of Tonner Canyon Road as shown in the General Plan would further fragment the habitat in upper Tonner Canyon. The DEIR is deficient for not adequately identifying and analyzing these potentially significant biological impacts from the construction and operation of this proposed new road though upper Tonner Canyon. Those potential impacts must also be considered cumulatively with any General Plan changes to land use intensity in the subject area.

Roads are known to have disastrous impacts on wildlife movement and other ecological processes and resources. Roads or the traffic they carry can kill animals directly (roadkill), disrupt natural migration and movement patterns, interfere with species communication, change water runoff and flow patterns, and create air, water, and soil pollution (multiple sources cited in CBI 2005). One of the principal factors contributing to habitat fragmentation has been the construction of roadways (Meffe et al. 1997, as cited in Haas and Crooks 1999). Roads can create barriers for animals (e.g., mammals) attempting to move between patches, increase mortality (i.e., by collisions with vehicles), and can create deleterious edge effects. In addition, this proposed road appears to conflict with General Plan Action LU 1.1.6, which states "Cluster development where appropriate to minimize grading, and roadway and driveway intrusions into sensitive habitat areas, open spaces, and Chino Hills State Park."

Given the biological significance of this area and the known detrimental effects to biological resources from new roads, WCCA recommends that the proposed Tonner Canyon Road be eliminated from the General Plan. If the City chooses to retain the proposed road in the plan, then the City must provide a justification in the General Plan for proposing this corridor. At the very least, an alternative must be included and analyzed in the FEIR that does not include this new road alignment. Respectfully, the DEIR should be amended and recirculated.

Need to Identify Habitat Linkages and Wildlife Corridors in Upper Tonner Canyon and to Address Unavoidable, Significant Adverse Biological Impacts

The General Plan and DEIR will continue to be deficient unless they depict and designate the habitat linkages and wildlife corridors that could potentially be adversely impacted by build-out of the General Plan. The DEIR does not address any intra-City or City boundary habitat linkage issues. At a minimum, a Supplemental Environmental Impact Report should be prepared to address this issue and circulated for public comment. The new California Environmental Quality Act (CEQA) document must include mitigation measures that adequately demonstrate how important habitat linkages and wildlife corridors will be maintained in perpetuity.

An obvious habitat linkage area not addressed in the General Plan and DEIR is between the headwaters of Tonner Canyon northward through the Tres Hermanos property in City of Diamond Bar, under the Pomona Freeway (SR-60), into the open space drainages in the Philips Ranch development, and then to the oak woodland system preserved north of SR-60.

Any subsequent CEQA document shall remain deficient if its assessment of existing habitat linkages and wildlife corridors does not factor in property ownership, zoning and land use designation (including Tres Hermanos Site A within City of Diamond Bar[2]), status of existing entitlements, and vegetation types within an approximately 3.5-mile radius north and south of the proposed Tres Hermanos sites 1,2, and 3. This analysis should be used by the City to identify the most likely areas that can be retained as a habitat linkage. This 3.5-mile area to the north and south of Grand Avenue would cover the habitat linkage described above to the northward beyond SR-60, and would span to the southern boundary of the Boy Scouts property in Tonner Canyon to the south.

This analysis of existing habitat linkages must include a spatial recognition of these habitat linkages and wildlife corridors using one or more figures. For example, an aerial photo overlain with the cities' boundaries could clearly show existing open space, along with arrows showing habitat linkages to open space to the north and south of Grand Avenue. Existing crossings for freeways and major roads (underpasses and overpasses) and other known areas where wildlife cross major roads should be shown.

The City must demonstrate in the General Plan and FEIR how it will maintain in perpetuity a connection of habitat between the open space north of Grand Avenue to the open space

[2]According to the City of Diamond Bar Draft 2013-2021 Housing Element (November 2013), the Tres Hermanos parcel 8701-022-273, Site A, was zoned for 30 units/acre on 16.5 acres of 30 acres, totaling 490 lower income units.

south of Grand Avenue, preferably along the existing Tonner Canyon drainage. Any habitat linkage to be retained within this area of proposed new land use designations (Tres Hermanos sites 1, 2, and 3) must be wide enough with sufficient buffer to maintain its high quality ecological function. This habitat linkage must be retained within this newly zoned area, while not compromising the habitat linkage along the eastern side Grand Avenue (just east of the proposed newly zoned area).

Also, a policy must be included in the General Plan and a mitigation measure added to the FEIR which requires and clarifies permanent protection of open space, in order to maintain ecologically functional habitat linkages in the upper Tonner Canyon area. The following action is proposed for the General Plan, which should also be incorporated as a mitigation measure in the FEIR:

> NEW Action CN-1.2.7: For proposed developments along Grand Avenue on the Tres Hermanos property, open space as part of any remaining habitat linkage must be protected via recordation of a conservation easement or fee title dedication to a public park or land conservation agency with demonstrated experience in managing land for permanent protection of biological resources. A homeowners association is not an appropriate entity to accept such conservation easement or dedication. Such recordation shall occur prior to vegetation clearing or construction. Such open space shall be located such that it preserves an ecologically functional north-south habitat linkage through the Tres Hermanos sites 1,2, and 3.

There will continue to be an unavoidable, significant impact if the General Plan and FEIR do not provide a mechanism for maintaining a high quality habitat linkage zone connecting the habitat areas north and south of Grand Avenue at Tres Hermanos sites 1, 2, and 3, while still protecting the eastern linkage.

Need for Wildlife Movement Studies

The General Plan and DEIR are deficient for not recognizing habitat linkages, wildlife movement areas, and freeway crossing structures, particularly across SR-71 (see Lyren, 2001). The General Plan and DEIR are inadequate for failing to require a wildlife movement study for projects where there are potentially significant adverse impacts to wildlife movement. Requiring surveys of sensitive species (General Plan Action CN-1.2.6) is certainly a far cry from being an adequate level of study. An analysis of wildlife movement is is particularly important for the upper Tonner Canyon, Tres Hermanos area. This is also important for the undeveloped land around Butterfield Ranch Road and State Route 71, due to the known wildlife movement across and around SR-71 (see Lyren, 2001). In particular, a wildlife movement study should be required specifically for developments

along SR-71. The following action should be included in the General Plan and reiterated in the FEIR as a mitigation measure:

> NEW Action CN-1.2.8: Require a wildlife movement study for any project potentially adversely affecting wildlife movement. This shall include identification of existing habitat linkages, wildlife corridors, wildlife movement in the vicinity, and crossing structures at freeways and major roadways. Require identification of potentially significant adverse impacts to wildlife movement. Require project design changes, and avoidance, minimization, and mitigation measures, where appropriate. Require wildlife movement study for all projects resulting in development of open space within 2,000 feet of SR-71.

Need to Address Biological Impacts from New or Extended Roadways

Specifically, for new roads proposed through open space lands, an action should be included in the General Plan to address potentially significant impacts to wildlife movement. This is particularly important for the proposed Tonner Canyon Road through upper Tonner Canyon. This also is relevant for the other proposed roads, including the extension of Pine Avenue to the eastern City boundary, and the extension of Soquel Canyon Parkway through open space, westerly to Peyton Drive (General Plan, p. 2-8). (See coyote use in Lyren 2001 around the vicinity of Butterfield Ranch Road/SR-71, near Pine Avenue.) The following action item should be added to the General Plan and included as a mitigation measure in the FEIR:

> NEW Action CN-1.2.9. Require that applicants proposing new or extended roads complete a wildlife movement study which includes at a minimum: an assessment in and around the project site of existing wildlife movement areas, habitat linkages, wildlife corridors, and crossings at existing freeways and major roadways; an analysis of potential impacts to wildlife movement, including how the new road fragments the habitat; and recommended project design changes and avoidance, minimization, and mitigation measures to offset potentially significant adverse impacts to wildlife movement. For a new or extended roadway that is anticipated to result in a significant adverse impact to wildlife movement, require project design changes and/or avoidance, minimization, and/or mitigation measures which could include, but not be limited to: construction of wildlife crossings (e.g., underpass, overpass), fencing to guide wildlife, native plant restoration, and/or a lighting plan (to ensure that any new lighting does not deter wildlife through remaining habitat linkages).

Protection of Open Space Near Chino Hills State Park

Chino Hills State Park, at over 14,100 acres, is the largest habitat anchor of the Puente-Chino Hills system. The General Plan should clarify the mechanism for protection of open space near the park, to ensure that it is protected in perpetuity with a primary focus of preservation of biological resources. The following underlined text should be added to Action LU-1.1.13:

> In areas adjacent to Chino Hills State Park, require substantial open space buffers between the proposed development and the Park. <u>As part of the entitlement process, require that open space buffers be protected via recordation of a conservation easement or fee title dedication to a public park or land conservation agency with demonstrated experience in managing land for permanent protection of biological resources. A homeowners association is not an appropriate entity to accept such conservation easement or dedication. Require that such recordation occurs prior to vegetation clearing or construction.</u>

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.

Sincerely,

Glenn Parker
Chairperson

References

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