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Kevin Shannon, Contract Planner
Orange County Development Services
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Re: Notice of Preparation of an Environmental Impact Report for the
Brea Canyon Road Widening Project

Dear Mr. Shannon:

We represent Hills For Everyone in connection with the Brea Canyon Road Widening Project ("Project"). Like all concerned members of the public, Hills For Everyone expects to rely heavily on the environmental document required by the California Environmental Quality Act ("CEQA") for an honest and thorough assessment of the environmental impacts of the proposed Project. To this end, we submit the following comments on the biological and hydrological resources sections of the Notice of Preparation and Initial Study (collectively referred to as "NOP") prepared for the proposed Project.

Hills For Everyone was formed over 30 years ago with the specific mission to protect the unique, rare, and disappearing landscape in the Puente-Chino Hills. These hills lie at the juncture of Southern California's four most populous counties: Los Angeles, Orange, Riverside, and San Bernardino. The group's first goal was the creation of the Chino Hills State Park. By designing the Park along ridgeline boundaries, Hills For Everyone originated a design strategy that protected the watershed and the viewshed. From its earliest history, Hills For Everyone has opposed projects that damaged the evolving Park and supported decisions, including the modification of potentially-harmful projects, that protected it.

Based on the limited information provided in the NOP, the proposed Project would appear to be one of these damaging projects, as its construction and operation would adversely impact wildlife and watershed resources.

I. The NOP Lacks the Necessary Information Regarding the Project and its Probable Environmental Impacts.

The purpose of an NOP is to “solicit guidance from members of the public agencies as to the scope and content of the environmental information to be included in the EIR.” CEQA Guidelines § 15375; *see also* CEQA Guidelines § 15082. In order to effectively solicit such guidance, the NOP must provide adequate and reliable information regarding the nature of the Project and its probable environmental impacts. Unfortunately, the County’s NOP fails to meet the minimum standard for adequacy in this regard.

As an initial matter, the NOP fails to describe the Project’s environmental setting, and, in particular, its biological and hydrological setting. The environmental setting provides “the baseline physical conditions by which a lead agency determines whether an impact is significant.” CEQA Guidelines § 15125(a). “Without a determination and description of the existing physical conditions on the property at the start of the environmental review process, the EIR cannot provide a meaningful assessment of the environmental impacts of the proposed project.” *Save Our Peninsula Committee v. Monterey Cnty. Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 119. Although the Project’s construction and operation would likely result in severe impacts on biological resources, the NOP provides no information about the sensitive natural communities or wildlife that occur in the Project vicinity. Nor does the NOP provide any information about Brea Creek despite the fact that the Project proposes extensive construction in and around the creek.

Given Brea Canyon Road’s proximity to steep hillsides and Brea Creek, widening of the roadway would be highly impactful. According to the NOP, the roadway would need to be realigned to eliminate or reduce five existing curves. Three bridges that cross Brea Creek would need to be replaced. These bridge replacement projects would be built in phases such that interim bridges would be constructed adjacent to existing bridges, then traffic would be diverted to the new bridges while the existing bridges are demolished and replaced. The Project would require 13 culvert crossings for drainage or oil lines or both. The roadway slope would be cut a minimum of 50 feet or more requiring the construction of 50-foot (or higher) retaining wall.

Despite this extensive and prolonged construction project, the NOP is virtually silent as to how each of these activities would impact biological resources. The document does nothing more than include boilerplate language (the project “has the potential to have a substantial adverse effect on candidate, sensitive, or special status species and federally protected wetlands”). In order to serve as an informational document, the NOP must offer

at least some detail about these important biological resources and the expected nature of the Project's impact on these resources. If the EIR suffers from the same lack of detail and focus, it will be legally inadequate under CEQA.

Moreover, although a critical wildlife corridor occurs immediately adjacent to Brea Canyon Road, the NOP fails to specifically acknowledge this corridor, describe how wildlife currently use the corridor, or make any attempt to explain how the Project would effect the corridor. The DEIR's analysis of this issue will be particularly important because wildlife movement between the Puente Hills and the Chino Hills is critical for ensuring natural ecological and evolutionary processes on a landscape scale over the long term. Indeed, the linkage at Tonner Canyon clearly represents *the last viable opportunity* to maintain and enhance a critical ecological linkage between the Puente and the Chino Hills.

Nor does the NOP describe the existing ecological values of Brea Creek or attempt to estimate the extent of riparian and wetland loss that would occur from construction of the Project. What little information that is provided in the NOP is particularly alarming as the document acknowledges that the bridge replacement projects will require dewatering of the creek and that the Project's construction is estimated to last more than three years. The DEIR must evaluate the effect on riparian habitat and wildlife from this sustained loss of water.

The NOP also fails to provide even the most superficial analysis of the Project's operational impacts. For example, the NOP does not acknowledge the Project's potential to cause increased traffic volumes on the roadway. The Project proposes to widen Brea Canyon Road from two to four lanes, effectively doubling the roadway's capacity. Studies show that increases in roadway capacity have the potential to cause a substantial increase in traffic volumes, especially in those instances where the increase in capacity is intended to alleviate a traffic chokepoint. The Project would also eliminate several curves in the existing roadway with the specific intent of increasing vehicular speeds. Increased traffic volumes and increased vehicular speeds will adversely impact wildlife, e.g., increased mortality from vehicular collisions, yet the NOP fails to acknowledge these effects. It is unclear whether the Project includes new lighting along the roadway. If so, the DEIR must analyze the associated impacts as artificial lighting may have negative and even deadly effects on wildlife.

A full analysis of the Project-specific and cumulative effects on biological resources impacts will be essential to development of alternatives and measures to eliminate or substantially reduce the Project's significant impacts. This detailed analysis

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must be prepared by a qualified, independent biologist with expertise in upland and riparian habitats. The biological resources study must be based on surveys and detailed field studies that are completed at appropriate times of the year for each species potentially in the area. A search of the California Natural Diversity Database ("CNDDDB") maintained by the California Department of Fish & Wildlife is a good starting point, but it is not sufficient to provide the level of detail necessary for the EIR.

The DEIR must also determine whether construction and operation of the Project would result in the violation of any water quality standards, result in substantial new amounts of polluted runoff, deplete groundwater supplies or interfere with groundwater recharge, or alter the existing drainage patterns in the area. This analysis is particularly important in light of the amount of construction in and around Brea Creek and the amount of wildlife in the area that depend on surface water supplies.

II. Conclusion

We appreciate the opportunity to provide these comments. Given that the NOP does not provide adequate information regarding the Project's probable environmental impacts, we respectfully request that the County revise and recirculate its NOP. Alternatively, if the County intends to proceed with the preparation of the DEIR without republishing the NOP, please keep this office informed of all notices, hearings, staff reports, briefings, meetings, and other events related to the proposed project. In addition, please notify us of the release of the DEIR.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laurel L. Impett, AICP, Urban Planner

cc: Claire Schlotterbeck, Hills For Everyone