NEWHALL RANCH™
Newhall Ranch Company

FINAL ADDITIONAL ANALYSIS
(RESPONSE TO COMMENTS)

to the

NEWHALL RANCH SPECIFIC PLAN
and
WATER RECLAMATION PLANT
FINAL ENVIRONMENTAL IMPACT REPORT

Project # 94087
SCH # 95011015

Volume III
(Comments and Responses)

Prepared For:

Los Angeles County
Department of Regional Planning
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March 2003

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Introduction

Introduction

Final Additional Analysis
to the
Newhall Ranch Specific Plan and Water Reclamation Plant
Final Environmental Impact Report

Project #94087

SCH# 95011015

In March 1999, the Los Angeles County Board of Supervisors (the County) certified the Final Environmental Impact Report (FEIR) for the Newhall Ranch Specific Plan and Water Reclamation Plant (WRP) (SCH No. 95011015), and approved the Newhall Ranch Specific Plan and WRP. Subsequently, various parties challenged the County's certification of the FEIR and approval of the Specific Plan and WRP in a consolidated action in Kern County Superior Court entitled, *United Water Conservation District v. County of Los Angeles, et al.*, Case No. 239324 RDR. The trial court found that the FEIR required additional analysis with regard to the following issues:

(1) Traffic impacts to Ventura County arterial roadways exiting State Routes 23 and 126;

(2) Biological impacts to the Ventura County portion of the Salt Creek wildlife corridor;

(3) Biological impacts in the Santa Clara River corridor caused by channelization and bank hardening;

(4) Adequacy of water sources for the proposed Specific Plan, including impacts caused by employment of the Aquifer Storage and Recovery (ASR) alternative; and

(5) The alternative of siting the Specific Plan's Water Reclamation Plant off-river, including an analysis of biological impacts of that siting.

The trial court also instructed the County to ensure that the Specific Plan is consistent with the County General Plan policies requiring protection of natural resources in Significant Ecological Areas (SEAs) as those standards apply to SEA 23, and the General Plan Development Monitoring System (DMS) policies as they relate to water supplies.

Consequently, the Court set aside approval of the Specific Plan and WRP, and FEIR certification, but only with respect to the issues specified above. The trial court did not set aside approval of the Specific Plan and WRP or the FEIR certification, with respect to any other issues.

In compliance with the Court's decision and Section 15132 of the CEQA *Guidelines*, in April 2001, the County of Los Angeles prepared and publicly circulated the original Newhall Ranch Draft Additional Analysis (DAA), Volumes I (DAA text) and Volumes II and III (appendix materials). In October 2001, the County of Los Angeles prepared and publicly circulated the Final Additional Analysis (FAA), Volume I (public comments and responses) and Volume II (appendix materials). In November 2002, due to the existence of new information, the County of Los Angeles prepared and publicly circulated the Revised Draft Additional Analysis (RDAA), Volumes I (RDAA text) and II (appendix materials). In fact, the original Newhall Ranch Final EIR, the DAA, Volumes I-III, the FAA, Volumes I-II, and the RDAA, Volume I-II were all made available for public review at the County's Department of Regional Planning, and at twelve libraries in Los Angeles County and Ventura County. The public review and comment period on the RDAA commenced on November 27, 2002, and ended on February 4, 2003, for a total of 70 days.

As required by CEQA, this portion of the Newhall Ranch Final Additional Analysis provides the written responses to comments received on the Revised Draft Additional Analysis.

This portion of the Final Additional Analysis is organized as follows:

Final Additional Analysis Organization

Comments and Responses (Volume III)

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Topical Responses
Response to Comment Letters
Amended Revised Draft Additional Analysis Pages

Appendix to Final Additional Analysis (Volume IV)

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Appendix to Final Additional Analysis

A list of the persons, organizations, and public agencies commenting on the Revised Draft Additional Analysis is presented in the Table of Contents. Comments received in writing on the Revised Draft Additional Analysis are presented in the section entitled, "**Comment Letters**." The responses of the County of Los Angeles to environmental issues raised in the public review of the Revised Draft Additional Analysis are presented in the section entitled, "**Topical Responses**" and "**Response to Comment Letters**." The revisions that were made to the text of the Revised Draft Additional Analysis (in response to comments) are presented in the section entitled, "**Amended Revised Draft Additional Analysis Pages**." Lastly, the "**Appendix to Final Additional Analysis**" contains the documents cited as an appendix to this Final Additional Analysis.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR OFFICE
120 SO. SPRING ST.
LOS ANGELES, CA 90012
TEL: (213) 897-8391
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IGR/CEQA No. 021205AL
Revised Draft Additional Analysis to Newhall Ranch
Specific Plan and Water Reclamation Plant FEIR
November 2002
Vic. SR-126
SCH No. 95011015

RECEIVED
JAN 15 2003
REGIONAL PLANNING
L.A. COUNTY

January 13, 2003

Mr. Lee Stark
Regional Planner
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Stark,

Thank you for including the California Department of Transportation (Caltrans) in the environmental update review process for the above referenced project.

Based on the information received, we note the County will not be considering approval of an additional analysis of traffic circulation issues; therefore, we have no comment at this time.

In the interest of mutual cooperation through build-out of this project, we request that consideration be given to periodic traffic report updates. This will enable all the parties involved to determine whether the projected traffic flow will work as expected. 1

We look forward to continued coordination. If you have any questions, please feel free to contact me at (213) 897-4429 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 021205AL.

Sincerely,

STEPHEN J. BUSWELL
IGR/CEQA Branch Chief
Transportation Planning Office
Caltrans, District 7

cc: Scott Morgan, State Clearinghouse

Steve Buswell/AL

State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
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1416 Ninth Street
Sacramento, CA 95814
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GRAY DAVIS, *Governor*

RECEIVED
FEB 3 2003
REGIONAL PLANNING
L.A. COUNTY

January 29, 2003

Mr. Lee Stark, County Project Manager
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

Dear Mr. Stark:

Newhall Ranch Revised Draft Additional Analysis
Los Angeles County Project Number 94-087
State Clearinghouse Number 95011015

The Department of Fish and Game (Department) has reviewed the Newhall Ranch Revised Draft Additional Analysis. This document was prepared, in part, to provide additional information regarding the San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*) and other sensitive plants within the Specific Plan boundary, as well as an assessment of additional mitigation measures and alternatives. 1

The Revised Draft Additional Analysis provides a framework from which necessary protection for the spineflower and its long-term management can be developed. The Department is providing comments (enclosed) on the Revised Draft Additional Analysis as both a responsible and trustee agency. As trustee for the State's Fish and Wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to biologically sustain populations of such species. In this capacity, the Department administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that afford protection to the State's fish and wildlife public trust resources.

Comments - Revised Draft Additional Analysis Newhall Specific Plan

Page		
2.6-4, Sec (b), ¶ 5	This section states that surveys would be conducted in Specific Plan areas where sensitive plants have the *potential to occur*. We caution that a predetermined search image to the exclusion of other areas may overlook some species. It will be important to consider that sensitive species may reoccupy areas upon release of grazing. We suggest that criteria for focused surveys for sensitive plants be included in the Revised DAA. Such criteria could include substrate, associated vegetation, slope, or aspect.	2
2.6-5, Sec (c)	Section (c) indicates that there could be potential impacts to individual spineflower [plants] from development. Loss of spineflower plants in any growth stage, including seed, would also consitute take.	3
2.6-5, Last ¶	Change threatened *and* endangered to threatened *or* endangered.	4
2.6-7	Dudek conducted surveys for spineflower in 2002. We suggest using similar methodology for any subsequent surveys for consistency.	5
2.6-8,Table	Table 2.6-1 presents population data for the spineflower. Were identical areas surveyed by each firm each year, for example, FLx and Dudek on Airport Mesa? It would be helpful to provide a site map showing areas surveyed by all consulting firms involved in this project.	6
2.6-10,¶ 1	Dudek used four meters as the minimum distance between plants to define polygons. We recommend that a description of criteria used to define a polygon be provided in the Revised DAA. Such information should include the minimum size of a polygon; whether it was based on area or the number of individual plants; and the size of an area in which all individual plants counted. A standardized approach will be needed to ensure consistency in monitoring. Use of such subjective terms as "small" or "large" in describing populations of spineflower should be avoided as they cannot be quantified.	7
2.6-12, Sec (c)	Under "Additional Spineflower Surveys," the Revised DAA cites studies conducted by Sapphos on Ahmanson Ranch land. This discussion is excerpted essentially verbatim from a Sapphos document. The information presented is not consistent with the Status Report prepared by the Department for listing the spineflower. We suggest that the pertinent section from the Status Report regarding surveys for the spineflower be paraphrased for this section. If Newhall prefers to retain the discussion on page 2.6-16, we recommend the following changes in the section for accuracy: • ¶ 1 – It is not known at this time if mitigation proposed by Ahmanson will fully mitigate impacts to the spineflower. A 2081 permit has not yet been issued for this project. • ¶ 2 – Include reference to the Status Report (DFG 2001). The Department reviewed 120 surveys during the listing process, not 91 as stated by Sapphos.	8
2.6-17, ¶ 2	Portions of Newhall Ranch are leased for oil and gas production. For example, the Grapevine Mesa spineflower study area is within an oil lease (See Figure 2.2-6, Existing Land Use, April 2001 DAA). The Revised DAA should provide information	9

	about the leases, their duration, and discuss how a preserve would be managed with such a constraint.	9
2.6-19, ¶ 2	The Geology section is excellent! One question: In Item 1, does the landslide debris at the San Martinez location derive from the Saugus Formation?	10
2.6-27, Substrate	This section is excerpted from a Sapphos report. The Sapphos document asserts that *historic* [emphasis added] spineflower sites occurred in areas where "geomorphic processes are not conducive to the development of soils." The Substrate section also states that, according to Sapphos, the historic locations "often occur in association with surficial sediments (Qa)...." The use of geologic field mapping terminology (Qa, Tsr, etc.) and the description of soil development at historic sites implies that a geologist conducted a site specific analysis, as was done with Newhall. Because historic collection localities are very general, it is not possible to determine site-specific geologic characteristics for historic locations. We recommend that geotechnical references to historic sites be deleted from this section. An alternative would be to have Mr. Seward, the project geologist, review this section for accuracy.	11
2.6-29, Soil Compaction	Although SFVS occurs on roads or trails, its presence there may have more to do with lack of competition from weeds than from an "affinity" to compacted substrates. Another factor in such a distribution may be lack of adaptation to high levels of soil moisture. Runoff would be greater on more compacted soils than on deeper soils that are not compacted.	12
2.6-30, Vegetation	An excerpt from the Sapphos document states that "[vegetation of] historic localities in association with sandy washes...would most likely [be] characterized as Riversidean alluvial fan sage scrub...." We believe that the DAA should use original information, such as that from herbarium labels and the type description of the species, in discussing possible historic vegetation types in which the spineflower occurred, rather than include an undocumented excerpt.	13
2.6-36	Section 2.6.6.4 identifies several "indirect" effects of the Specific Plan. These include vegetation clearing, trampling, and herbicide use. Rather than differentiating between "direct" and "indirect" impacts, it would be more meaningful to discuss any potential impacts to the spineflower or other sensitive species, assess their likelihood of occurring, and propose mitigation to offset those impacts.	14
2.6-41	The DAA discusses the Conservation Biology Institute (CBI) report on potential edge effects on the spineflower. The DAA concludes that buffers of 80 to 200 feet can be effective in isolating the spineflower from certain potential risk factors or impacts. However, the CBI report concludes that "the use of buffer widths alone to control risk factors...mandate that a minimum buffer of 200 feet would be required to achieve at least moderate control for all identified risk factors...."	15
<u>Mitigation Measures</u>		
4.6-66, Preserves	The document proposes to establish one or more preserves. The preserves for would be delineated with the approval of the first subdivision map filed in the affected area. This measure requires the establishment of new plants within the preserve areas and an annual population census monitoring for a 10-year period. Remedial actions would be triggered by a persistent decline in plant numbers. We offer the following comments on this proposed mitigation measure.	16

- The measure is based on known stands ("A sufficient number of known spineflower populations shall be included with the...preserves..."). New stands found during surveys of subsequent subdivision map areas may or may not be included within designated preserves (See also Measure 4.6-77). The CESA standard is to fully mitigate impacts to listed species. Impacts to plants found outside of preserve boundaries will also need to be fully mitigated. 17

- There is no rationale behind seeding preserve areas if the preserves already support stands of spineflower. There is potential for genetic contamination of a localized population of plants and no guarantee of long-term survivorship of seeded plants, if they establish. 18

- To be effective, the magnitude of term "persistent" must be defined for this annual plant. For example, the size and duration of a seed bank is not known. Similarly, it is uncertain whether clusters of spineflower biologically represent patches within a metapopulation, true colonies, or separate populations. 19

- Spineflower population sizes fluctuate dramatically each year. Consequently, annual monitoring of plant numbers may not provide meaningful information on the status of the spineflower. An alternative to annual population censuses is to develop a suite of ecological indicators to assess the integrity of spineflower habitat and to document ecological change. Presumably, a "healthy" ecosystem will provide suitable sites where the spineflower will persist either as a seed bank or as adult plants. 20

  A number of studies have been undertaken on developing ecological indicators for land management. We recommend that such a study be developed in consultation with the Department of Fish and Game and have attached an outline of possible ecological indicators. Information gleaned from such a study will provide tools to assess existing spineflower colonies and the suitability of sites for spineflower preserves, as well as to guide long-term management of the spineflower. 21

4.6-67, Connectivity, Preserve Design and Buffers

This measure describes potential buffer configurations and states that they may include adjacent roadways and rights-of-way. The relation of buffer configurations to fuel management zones mandated by the County is not discussed. To ensure the necessary protection for the spineflower, setbacks from spineflower areas should be exclusive of required fuel management zones. Any vegetation thinning or management within a preserve should be directed at preserve management rather than vegetation thinning required in Zone D, the Interface Thinning Zone described in the County's Fuel Modification Plan Guidelines. (See also: Mitigation Measure 4.6-72, Fuel Management Plan). A setback of 200 feet will minimize many potential adverse effects of development, landscaping, and fuel management. 22

4.6-77, Management

Your proposed trigger point for active management of spineflower preserves is a five-year population decline. Because numbers of flowering spineflower plants fluctuate widely from year to year, we do not believe that an annual census will be an effective measure of species decline. Obvious threats to spineflower or its habitat should be corrected as soon as they are detected regardless of the 23

spineflower population size; otherwise adaptive management based on long-term monitoring should be used. 23

4.6-78, Translocation

This measure states that reintroduction or translocation of seed may be used to offset impacts that cannot be mitigated below a level of significance. We agree that reintroduction or translocation is experimental and may not fully mitigate impacts to this species. This measure also states that the County considers such a program to be a feasible form of mitigation based on available studies. We are not aware of studies that demonstrate that translocation is successful for the spineflower. If such reports are available, they should be referenced and included in the Draft Additional Analysis. 24

Measure 4.6-78 also provides mitigation ratios of 4:1 for direct impacts to occupied spineflower habitat and 1:1 for indirect impacts (presumably those identified on 2.6-36). Irrespective of the type or cause of impact, the CESA standard is to fully mitigate impacts to listed species. Full mitigation will be determined in consultation with the Department of Fish and Game.

Ecological Indicators (Note: This outline provides a general list of possible ecological indicators to assess spineflower habitat and to guide preserve selection. Not all types of assessments outlined below may be applicable to specific conditions at the Newhall Ranch.)

I. **Existing Habitat Assessment**

A. **Soils.**

1. Characterize soil biogeochemical properties in habitat occupied by San Fernando Valley spineflower.
   a. Evaluate soil characteristics and properties for each site: soil macro- and micronutrients; soil texture; pH; total carbon, nitrogen, and phosphorus; exchangeable nitrogen as NH_4^+; organic matter; soil bulk density and pore space; and soil moisture levels and infiltration.
   b. Describe parent material.
2. Obtain soil cores throughout each habitat area (transect, grid sampling) to characterize soils on which the spineflower is found and to identify potential translocation or preserve sites. Soil samples for analysis to consist of composited samples of five 15-20 cm deep subsamples.
3. Percentage of bare ground.

B. **Invertebrates and Spineflower Pollinators; Seed Predators**

1. Identify invertebrates observed within spineflower habitat and in adjacent areas.
   a. Assess ratio of native invertebrates to non-native invertebrates, e.g. argentine ants (*Iridomyrmex humilis*) and the red imported fire ant (*Solenopsis invicta*).
   b. Identify species associated with disturbance.
   c. Identify potential seed predators or transporters.
2. Determine suite of pollinators and seasonality of species.
   a. Identify primary and secondary pollinators. (Reference type of work done at Ahmanson Ranch.) 25
   b. Identify pollinator habitat requirements, e.g. ground-nesting, wood-nesting
   c. Conduct seasonal pollinator inventories to determine changes in pollinator diversity and densities, and potential displacement by non-native species
   d. Assess role of non-native invertebrates in pollination of San Fernando Valley spineflower.
3. Inventory soil invertebrates as a potential indicator of soil health.

C. **Vegetation.**

1. Determine structural and compositional characteristics of the vegetation.
2. Determine woody plant canopy cover, density (number of plants per unit area), and species richness (number of different species per unit area). Includes shrub species.
3. Understory plant cover, density, and species richness.
4. Duff cover. Depth and biomass of duff.

D. **San Fernando Valley Spineflower.**

1. Map distribution and perimeters of spineflower colonies on an annual basis. (Patches in a metapopulation?)
   a. Standardize data collection. (Recommend using criteria developed by NDDB to identify different populations or terminology used by FWS in Critical Habitat discussion of Scotts Valley spineflower).
   b. Permanently mark centroids of each identified polygon.
   c. Record overall cover and density of spineflower plants from random samples of identified colonies. (Transects, plot based. For statistical analysis).
2. Determine presence or absence of soil seed bank for the spineflower. If present, determine seed viability and germinability.

3. Determine seed set and viability of random sample of spineflower plants.
4. Implement a conservation seed collection program. Place seed in permanent conservation storage.

II. Habitat Management and Performance Standards

A. Invertebrate Indicators.

1. Implement management if non-native invertebrate species exceed *percentage or number.*
2. Implement management if total number of pollinators falls below a minimum *number.*

B. Vegetation Indicators.

1. Implement management if shrub canopy cover exceeds 50 percent (Note: based on estimate of woody perennial cover at Grapevine Mesa.)
2. Implement management if understory cover exceeds 25 percent or if number of exotic species *exceeds number.*
3. Implement management if duff cover exceeds 25 percent or if depth of duff layer exceeds *number of cm.*

C. Monitoring.

III. Preserve Identification and/or Experimental Translocation

A. Suitability Index. Develop suitability index based on assessment of habitat parameters for possible experimental spineflower introduction sites. 25

1. Soils/spineflower correlation.
   a. Soil bulk density and non-native plant cover
   b. Soil nutrient levels vs. non-native plant cover.
   c. Soil depth and bare ground.
   d. Soil compaction and bare ground.
   e. Parent material and spineflower occurrence (Existing data).
2. Vegetation/spineflower correlation.
   a. Shrub canopy cover and spineflower vigor (spineflower seed set, density of plants, cover as measure of size of plants).
   b. Duff layer and spineflower plant cover.
   c. Cover, density, or species richness of native vs. non-native plant cover, density, or species richness
3. Pollinator species/spineflower correlation
   a. Ratio of native to non-native invertebrates
   b. Presence or absence of pollinator habitat and connectedness

B. Identify Possible Sites.

C. Develop Performance Standards.

D. Implement Experimental Introduction

E. Monitoring

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L.A. COUNTY

February 3, 2003

Lee Stark, Regional Planner
Los Angeles County Department of Regional Planning
Room 1355, Hall of Records
320 West Temple Street
Los Angeles, CA 90012

File No. 100.700

RESPONSE TO REVISED DRAFT ADDITIONAL ANALYSIS TO THE NEWHALL RANCH SPECIFIC PLAN AND WATER RECLAMATION PLANT FINAL ENVIRONMENTAL IMPACT REPORT, NOVEMBER 2002, PROJECT #94087, SCH# 95011015

Dear Mr. Stark:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) has received and reviewed the *Revised Draft Additional Analysis to the Newhall Ranch Specific Plan and Water Reclamation Plant Final Environmental Impact Report, November 2002* (RDAA) prepared by the Los Angeles County Department of Regional Planning (County). The project, applicant, the Newhall Ranch Company (NRC), a division of Newhall Land and Farming, is proposing to develop a master planned community of 21,615 dwelling units on 4,835 acres in close the Santa Clara River near the City of Santa Clarita. The Specific Plan includes construction of a new 6.9-million-gallon-per-day water reclamation plant (WRP) and an Aquifer Storage and Recovery (ASR) system to that would be built over approximately 25 to 30 years to address water supply requirements. 1

The Regional Board is charged with protecting the surface and groundwater quality in the Santa Clara River watershed where the proposed Newhall Ranch project is to be sited. As part of its responsibilities to protect surface and groundwater quality in the Santa Clara River watershed, Regional Board staff have commented on the potential effects of the project in correspondence dated November 7, 2001, June 19, 2001, December 18, 2000, and October 10, 1996. A key request by the Regional Board staff in the above cited correspondence was to quantify the loads of chloride, nitrogen and other pollutants that the project will add to the watershed. The County has failed to provide this loading analysis in either the EIR or the RDAA. 2

The Project EIR states that compliance with appropriate water quality regulations, such as National Pollutant Discharge Elimination Sysyem (NPDES), Standard Urban Stormwater Mitigation Program (SUSMP), and recycled water regulations is the basis for concluding that the 3

project will cause no impact to water quality in the Santa Clara River. Regional Board staff notes that the project will potentially affect water quality both during its construction and after build out. Thus, Regional Board staff notes that not only the project applicant,but agencies and entities such as Los Angeles County Department of Public Works and County Sanitation Districts of Los Angeles County will be responsible for implementation and compliance with these programs. The RDAA and previous environmental documents do not identify the responsible party nor discuss the approach and feasibility for complying with these water quality standards. Neither the EIR nor RDAA discuss the County's plans to fund and implement the necessary water quality programs. 3

Both the Santa Clara River and groundwater in the Santa Clarita Valley are already impaired by pollutants such as chloride and nitrogen. The project's conversion of open space to residential and other land uses will potentially increase the loading of salts, nitrogen, and other pollutants to the Santa Clara River and the underlying watershed. Importation of water to meet the project requirements will bring additional salts and other minerals into the Santa Clara River watershed. Further, residential activity will add additional loads of salts and nitrogen that will accumulate in groundwater and/or be disposed in the Santa Clara River, unless advanced treatment technologies at the Water Reclamation Plant are implemented. This treatment will add additional costs to project residents which is not addressed in the EIR or RDAA. 4

Although the loading of these pollutants by the Newhall Project is unknown, the project will potentially add additional pollutants that will preclude attainment of water quality objectives unless mitigation measures are implemented. However, the project, as described in the EIR and RDAA, proposes no such mitigation measures. 5

The specific issues the RDAA addresses are: adequacy of water supply, biological impacts of bank hardening and channelization, and alternate siting of the WRP. In all cases, the RDAA concluded that found no significant impacts to water quality are expected to occur. In all cases, the Regional Board finds that mitigation measures will be required to ensure no adverse effects on water quality. 6

Water Supply

The proposed plan to meet the water supply requirements for the project involves importation of State Water Project. The project will increase water importation to the Santa Clarita Valley to approximately 56,800 acre-feet per year (RDAA Table 2.5-2). The Regional Board staff find that the importation of water, and its subsequent disposal after municipal use in the watershed will affect both surface water and groundwater quality. 7

Regarding surface water quality, the Santa Clara River is presently impaired by chloride and nitrogen. The Regional Board adopted a total maximum daily load (TMDL) to address the 8

chloride impairment and is developing a TMDL to address the nitrogen impairment. The impairments affect the uses of the Santa Clara River for sensitive habitat and agricultural supply used downstream in Ventura County. The chloride loadings have the potential to affect crop yields and economic viability of agriculture in Ventura County. Although the nutrient TMDL for the Santa Clara River is not yet completed, Regional Board staff have received preliminary data from studies by the University of California, Los Angeles (UCLA) and the State of California Department of Fish and Game that indicate degradation of aquatic habitat in some sites in the vicinity of the project area. As discussed below, Regional Board staff suggest continued monitoring and development of appropriate mitigation measures to maintain the aquatic life habitat of the Santa Clara River. A copy of the Upper Santa Clara River chloride TMDL and the Regional Board's approval resolution are attached as Exhibit 1. 8

The Regional Board, as well as the County Sanitation Districts of Los Angeles County, found that these pollutants are directly related to water importation and residential use of this water. The chloride TMDL approved by the Regional Board in October 2002 documents that the additional importation of water, without mitigation, will contribute to rising salt levels in the river and deleteriously impact downstream agricultural irrigation operations. Further, the TMDL includes documentation that recent residential construction contributes 500% more salts per home than older residences and will significantly exacerbate the chloride impairment. The EIR and RDAA fall short of CEQA requirements because they fail to provide a specific mitigation plan that will allow the project to meet the waste loads required to attain the water quality objectives. 9

The chloride TMDL identifies two broad scopes of mitigation methods for reducing the chloride load: source reduction and advanced treatment. Source reduction focuses on reduction of chloride loading from residential sources, particularly self-regenerating water softeners, and advanced treatment focuses on reverse osmosis treatment of WRP brine. The project does not propose any source reduction mitigation measures; consequently, unless the treatment plant proposes to treat its brine, the project will further impair the receiving water and preclude attainment of water quality objectives. As a result, the project will exacerbate deleterious impacts on water quality. 10

Regarding groundwater quality, the RDAA states that the groundwater quality objectives are boron, chloride, sulfate, and TDS (Table 2.5-40). This is an incomplete and inaccurate listing of the groundwater objectives as established in the Water Quality Control Plan, Los Angeles Region (Basin Plan). The Basin Plan also includes groundwater quality objectives for a number of other pollutants, including nitrate and nitrite. Table 2.5-41 of the RDAA shows that the groundwater quality underlying the project already exceeds the nitrogen objectives. High nitrate levels in drinking water can cause health problems in humans. Infants are particularly sensitive and can develop methemoglobinemia (blue baby syndrome). Groundwater in the Santa Clarita Valley is used for drinking water, and the project will add additional nitrate loading to the groundwater. 11

Neither the EIR nor RDAA address the impairment of groundwater by nitrate nor propose mitigation measures to maintain the quality of groundwater for municipal supply. 11

Regional Board staff note additional issues regarding groundwater quality that relate to perchlorate and volatile organic compounds that have been detected in groundwater near the project site. The RDAA proposes a significance threshold "at or above the action level of 4.0 parts per billion (ppb)." It should be noted that the California Legislature recently tasked the California Department of Health Services with determining a drinking water standard for perchlorate. If the perchlorate drinking water standard is lower than the current action level, the proposed significance threshold may not be protective of groundwater quality. Similarly, Regional Board staff suggest that limiting the significance threshold criteria to perchlorate, when other contaminants such as perchloroethylene are present in groundwater in the vicinity of the project site is not sufficiently protective of groundwater quality. 12

Biological Impacts of channelization, increased flow velocities, and bank hardening

The Regional Board staff find that the RDAA discussion on biological impacts of channelization, increased flow velocities, and bank hardening that may affect aquatic and riparian habitat does not account for potential water quality impacts of these activities which may, in turn, cause biological impacts. It is well known that various bank-hardening materials can alter the chemistry of surface water flowing in the banks. Because the Santa Clara River provides sensitive habitat for cold freshwater life, and rare and endangered species, the chemistry of the underlying river is critical to maintaining this habitat. Additionally, hardening of the Santa Clara River Banks may affect the supply of plants and other microorganisms upon which macroinvertebrates feed. The RDAA does not address the potential cumulative impacts to habitat from this project in reference to other residential construction projects recently completed and underway in the Santa Clarita Valley. 13

Although the EIR references data describing the current water quality of the Santa Clara River, Regional Board staff note that the project does not include measures to survey and monitor existing habitat, nor a plan to monitor the biological effects of bank hardening nor a mitigation method to reduce such effects if bank hardening causes a deterioration of water quality. The project applicant recently informed Regional Board staff that they are undertaking development of a water quality and biological resources management plan. Regional Board staff suggest that this effort be incorporated as a mitigation measure for the project. 14

Alternate Siting of Treatment Plant

The Regional Board finds that the Water Reclamation Plant siting analysis is not consistent with Chloride TMDL and may increase loading of chloride and nitrogen to the groundwater underlying the project site. The EIR states that the proposed water treatment plant will use 15

reclaimed water application to minimize direct discharge to the Santa Clara River. However, the location of reclaimed water application is such that it may enter the Santa Clara River within a brief period of time because the proposed site overlies thin aquifers. Additional sites in the uplands of the Newhall property have not been proposed even though the reclaimed water leachate at these locations would not reach the river for hundreds of years. The Regional Board finds that the evaluation of treatment plant siting is not complete because it does not consider the effects of the application of reclaimed water on surface and water quality objectives. 15

Additional Considerations

As stated in previous correspondence, the Regional Board notes that the following information, previously requested, has still not been provided:

- Estimates of pollutants loadings, assimilative capacity of the Santa Clara River, including the interaction of groundwater and surface water, and analysis of the critical conditions are necessary to assess the water quality impacts of the project on the Santa Clara River. 16

- The County's response does not provide a quantitative estimate of the project's impact on surface water quality by impairing pollutants. The County's response to groundwater issues relies on an incomplete set of groundwater objectives and does not provide sufficient analysis of the potential interaction between surface water and groundwater. 17

- The County's prediction of the effects of the ASR system on in-stream water quality states that "only during extended drought periods when ASR wells are pumped will there be a small predicted reduction in groundwater discharge."(*FAR-EIR* at RTC-20)" The County does not quantify this effect on the surface water quality, which has not been characterized, nor on the downstream agricultural benefical uses, both of which rely on direct diversion of the river for irrigation, a use which is especially critical during drought years. 18

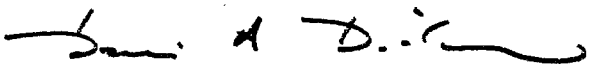
- The County's analysis of the effects of the reclaimed water system addressed only the fate of the water applied for irrigation and rather than the fate of salts and other pollutants which remain in the soils after the plants take up the water. These pollutants are leached and move into the river through surface runoff or rising groundwater. Again, the lead agency has not quantified the effects of surface water quality. 19

Summary

In summary, Regional Board staff find the County has not provided sufficient information to support its conclusion that the project's water supply and waste discharge plans, including the Water Reclamation Plant, Aquifer Storage and Recovery system, and flow channelization and bank hardening would not have significant detrimental effects on the water quality of the Santa Clara River and the underlying groundwater both in the vicinity and downstream of the project. 20

We appreciate the opportunity to review this document.

Sincerely,



Dennis A. Dickerson
Executive Officer

Attachment

cc: Jon Bishop, Section Chief, Regional Programs, RWQCB
Michael Lauffer, Office of Chief Counsel, SWRCB

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February 4, 2003

Mr. Lee Stark
County Project Manager
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RE: **Comments on the Revised Draft Additional Analysis of Environmental Issues for the Newhall Ranch Specific Plan and Water Reclamation Plant – SCAG No. I 20020628**

Dear Mr. Stark:

Thank you for submitting the **Revised Draft Additional Analysis of Environmental Issues for the Newhall Ranch Specific Plan and Water Reclamation Plant** to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies. 1

The Revised Draft Additional Analysis (RDA) discusses (1) additional water sources that are now available to serve the Newhall Ranch Specific Plan Area; and (2) provides additional information regarding the San Fernando Valley Spineflower and other sensitive plants on the Specific Plan site, including an assessment of additional mitigation measures and alternatives.

SCAG staff has evaluated the RDA for consistency with the Regional Comprehensive Plan and Guide (RCPG) and Regional Transportation Plan (RTP).

Additional Water Sources:

The Water Resources Chapter of the RCPG includes a discussion on the issues and policies of water transfers. The Chapter, on pages 10-24 and 10-34, also includes language that supports water transfers. The RCPG policy that is relevant to the additional water sources information in the RDA is as follows:

- Promote a full range of voluntary water transfers that protect, and where feasible, enhance environmental resources.

As stated in the RDA, approximately 1,600-acre feet of water per year will be purchased from a Kern County property owner. Increased water flows in the Santa Clara River will have beneficial wildlife and downstream impacts. The proposed Project will no longer rely on Castaic Lake Water Agency for its primary source of water. 2

Based on information provided in the RDA, the additional water source information is supportive of the Water Resources Chapter policy stated above.

San Fernando Valley Spineflower:
The Growth Management and Open Space Chapters in the RCPG includes discussions and policies on open spaces and resource protection. The Growth Management Chapter, on page 3-18, discusses the need to protect endangered species. In addition, page 9-9 of the Open Space Chapter, includes a discussion on resource protection. Policies that are relevant to the San Fernando Valley Spineflower information addressed in the RDA are as follows:

Growth Management Chapter

- Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.

- Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.

Open Space Chapter

- Develop well-managed viable ecosystems of known habitats of rare, threatened and endangered species, including wetlands. 3

The Newhall Ranch Specific Plan Area includes the San Fernando Valley Spineflower. The RDA includes an analysis of impacts on the Spineflower and other sensitive plant species due to the development of the proposed Project. The RDA includes additional mitigation measures, which will be combined with previous measures that were recommended in the Revised Draft EIR for the proposed Project.

Based on information provided in the RDA, the information on the San Fernando Valley Spineflower and other sensitive plants are supportive of the Growth Management Chapter and Open Space Chapter policies listed above.

A description of the proposed Project was published in the December 1-15, 2002 Intergovernmental Review Clearinghouse Report for public review and comment. If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review

WATER RECLAMATION
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JAMES F. STAHL
Chief Engineer and General Manager

January 13, 2003

File: 31-390.10

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Mr. Lee Stark
Department of Regional Planning
Room 1355, Hall of Records
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Stark:

Newhall Ranch Revised Draft Additional Analysis (Los Angeles County Project No. 94-0847)

The County Sanitation Districts of Los Angeles County (Districts) have reviewed the Newhall Ranch Revised Draft Additional Analysis (Project No. 94-0847), which was received on December 6, 2002, and offer the following comments: 1

- Exhibit 1.0-2, entitled *Vicinity Map,* depicts the proposed Water Reclamation Plant Site in the wrong location.

- Page 2.5-42, 3rd paragraph, states, "The Valencia WRP, in District No. 32, recently completed an expansion of its facilities to increase its permitted capacity to 13.5." Actually the recent expansion to this facility, Stage V construction of an additional 9 mgd, will be completed in 2003. Once constructed, the permitted capacity of the Valencia WRP is anticipated to be 21.6 mgd. 2

- Page 2.5-42, 6th paragraph, and page 2.5-80, 3rd paragraph, states, "In 1999, the Saugus WRP had an average effluent flow of 5.62 mgd (6,294 AFY), which is approximately 86 percent of its design capacity." These sentences should be updated with current information. The monthly average flow treated at Saugus WRP for 2002 was 5.60 mgd, which is 86 percent of its permitted capacity. 3

- Page 2.5-42, 7th paragraph, and page 2.5-80, 4th paragraph, states, "The Valencia WRP, completed in 1967, has a current permitted capacity of 13.5 mgd. The ultimate planned capacity for the Valencia WRP is 22 mgd." The current permitted capacity of the Valencia WRP is 12.6 mgd. The ultimate planned permitted capacity for the Valencia WRP is 27.6 mgd. 4

- Pages 2.5-42 and 43, 7th and 1st paragraphs, respectively, and page 2.5-80, 4th paragraph, states, "In 1999, the average effluent flow for the Valencia WRP 10.44 mgd (11,693 AFY), which is approximately 83 percent of its current design capacity." These sentences should be updated with current information. The monthly average flow treated at the Valencia WRP for 2002 was 12.11 mgd, which is 96 percent of its permitted capacity. 5

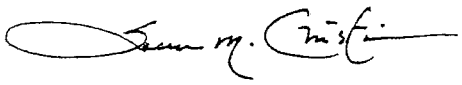
- Figure 2.5-5, entitled *Existing Water Reclamation Plants and Sanitation Districts,* contains political and service area boundaries that are out of date. These boundaries should be updated to reflect current political and service area boundaries of District Nos. 26 and 32. Please contact Andy Lee of the Planning and Property Management Section for assistance with obtaining updated boundaries Mr. Lee can be reached at (562) 699-7411, extension 2733. 6

- Table 2.5-11, entitled *Reclaimed Water Supplies,* should be updated to reflect current information. The current capacity of the Valencia WRP is 12.6 mgd with an ultimate planned permitted capacity of 27.6 mgd. This would yield a total current capacity of 19.1 mgd and a total ultimate planned permitted capacity of 34.1 mgd, respectively, for both the Saugus and Valencia WRPs. In addition, the average monthly flow was 5.60 mgd for the Saugus WRP and 12.11 mgd for the Valencia WRP. 7

If you have any questions regarding the above comments, I can be reached at (562) 699-7411, extension 2707.

Very truly yours,

James F. Stahl



Sean Michael Christian
Civil Engineer
Planning & Property Management Section

SMC:eg

c: Dave Bruns
Chris Salomon
David Pendley

RESOURCE MANAGEMENT AGENCY

County of Ventura

Planning Division
Christopher Stephens
Director

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L.A. COUNTY

January 16, 2003

Members, Los Angeles Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
500 W. Temple Street, Room 383
Los Angeles, California 90012

RE: COMMENTS TO THE REVISED DRAFT ADDITIONAL ANALYSIS FOR THE NEWHALL RANCH SPECIFIC PLAN DATED NOVEMBER 2002

Dear Members, Board of Supervisors:

The following are the Ventura County comments to the November 2002 Revised Draft Additional Analysis (RDAA) for the Newhall Ranch Specific Plan. Please include these comments as part of the administrative record for the January 28, 2003 hearing on Newhall Ranch. Our comments can be divided into six major themes:

1

1. The Newhall Ranch EIR process did not result in full disclosure. The EIR process allowed Newhall Land and Farming (Newhall) to hire the EIR consultants, to review and revise their work, and to require them to sign confidentiality agreements. In the case of the San Fernando Valley Spineflower (spineflower), this lead to incomplete information being released to the public, and prevented regulatory agencies from obtaining information such that the California Department of Fish and Game (CDFG) was required to obtain a search warrant to obtain the needed information.

2

The ability of Newhall to hinder the intent of CEQA as a full disclosure process and the inability of the Los Angeles County to correct this problem calls into question all the other EIR consultants' reports prepared for the EIR. Los Angeles County has no way of knowing what other data has been incorrectly presented or omitted in the EIR. Now a second case -- "severe and extensive" (Newhall's words, see Attachment 5) oil field soil contamination has just been made public. Although many thousands of pages of environmental documents going back to the 1996 Draft EIR have been released, none have disclosed this contamination. How can anyone know what information the EIR consultants did not discuss because of the confidentiality agreements?

3

4

All documents prepared under the Newhall confidentiality agreements should be rejected, and new reports prepared under the direct supervision of Los Angeles County. At a minimum, the spineflower and oil field soil reports should be redone

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under the direction of Los Angeles County. Only in this way can the public be assured that the resulting document provides full disclosure as required by CEQA. 4

2. **Environmental impacts from the Specific Plan have already occurred.** As discussed in the results of the CDFG Investigative Report (IR) (Attachment 2), Newhall appears to have destroyed spineflower as part of agricultural operations in order to reduce impacts from the Specific Plan. The EIR process should acknowledge that this impact has occurred, document the extent of the impacts, provide detailed mitigation to correct these impacts, and impose mitigation measures to prevent such actions from happening in the future. 5

3. **The spineflower mitigation measures and alternatives are inadequate.** The mitigation measures proposed to prevent additional loss of spineflower include additional surveys when project level tracts are submitted, and imposing requirements on Newhall's agricultural activities. These do not prevent additional losses of spineflower. As long as Newhall concludes that they can conduct agricultural activities and legally destroy the spineflower, a mitigation measure calling for future studies at the project level can always be rendered ineffective by Newhall agricultural operations that happen to destroy spineflower before the future studies occur. 6

The proposed restrictions on Newhall agricultural activities are ineffective because the restrictions only require prior notification of the existence of the spineflower, but does not prevent it's destruction. In addition, the restrictions exempt broad classes of agricultural activities that are not defined. Many activities that are very destructive to spineflower could still occur with no notification to interested parties. However, as noted in our comments, specific measures could be imposed that would be effective in protecting the spineflower.

4. **The Specific Plan EIR is incomplete, as a second EIR was started.** Attachment 2 indicates that Newhall started a second EIR in order to address CDFG data requirements for a streambed alteration permit. How can a second EIR be started before the biological impacts of the Specific Plan EIR have been certified? By Newhall beginning a more detailed biological assessment, the Specific Plan EIR biological assessment is obviously inadequate. Since the Specific Plan EIR has not been fully certified, the more detailed assessment should be completed and incorporated into the EIR before it is certified. Only in this way is full disclosure provided of the environmental effects as required by CEQA. 7

5. **A new water source is assumed but not imposed as a requirement.** The RDAA identifies Nickel Family water as a new water source, and assumes that it will either be used or placed into storage starting in project year 1. 8

However, while the mitigation measures discuss this source of water, there is never actually a requirement that it be used or stored at the beginning of the project. Since this is an important assumption in the RDAA, it should be incorporated into a specific mitigation measure. 8

6. **Ground water models should be supplemented by actual monitoring.** The RDAA devotes a significant amount of effort on groundwater models to show that the Aquifer Recharge and Storage (ARS) program and/or increased pumping of the local aquifers will not impact downstream users. Since Newhall and the water purveyors are so confident of these results, new measures should be added to actually measure the amount of surface and groundwater flow into Ventura County, and to compensate downstream users if water volumes are below historic levels. 8.A

Detailed comments in support of the above themes are discussed below. These comments include questions that should be addressed before the EIR is certified or any project approvals occur. In addition, the public comment period for the RDAA ends on January 27, 2003, with your Board scheduled to consider the adequacy of the environmental documents the following day. This time frame is inadequate for your Board to be able to review the public comments, or for your staff to prepare responses to those comments. We request a reasonable continuance in order to allow Los Angeles County to fully review and respond to the public comments. 8.B

Please note that the following comments are in addition to our previous comments on the April 2001 Draft Additional Analysis (DAA) and October 2001 Final Additional Analysis (FAA) submitted previously.

COMMENTS ON BIOLOGICAL RESOURCES

Ventura County is concerned about the accuracy of the environmental information being presented to the public and decision-makers through the Newhall Ranch Specific Plan EIR process. This concern is based on our review of the RDAA, as well as the DAA, FAA, and the following documents attached to this letter: 9

1. Search Warrant and Affidavit (SWA) issued May 21, 2002 to the CDFG to search the Newhall Ranch for the San Fernando Valley Spineflower (spineflower) (Attachment 1).

2. CDFG Investigative Report (IR) in support of Case 2NE02441 filed September 20, 2002 by the people of the State of California against the Newhall Land and Farming Company (Attachment 2).

3. Los Angeles Times article dated November 27, 2002 titled "Firm Under Fire Over Wildflowers" (Attachment 3).

4. Los Angeles Times article dated December 12, 2002 titled "Developers' Secrecy Pacts Questioned" (Attachment 4).

5. Los Angeles Times article dated January 9, 2003 titled "Newhall Land, Oil Firms in Court Over Cleanup of Project Site" (Attachment 5). 9

6. Chronology of spineflower information and activities complied by the Ventura County Planning Division dated January 10, 2003 (Attachment 6).

In summary, our concerns are that the RDAA, previous EIR-related documents, and the attachments to this letter contain information regarding the spineflower that indicate a withholding of information regarding spineflower finds from both the public and a regulatory agency, as well as the loss of spineflower colonies before their existence become known to the decision-makers. A chronology of when information was available and when Newhall and agencies took action related to the spineflower is contained in Attachment 6. The information contained in this Attachment call into question the intent of the applicant, the accuracy of the Specific Plan EIR in regard to biology and other issues, and the ability of the County of Los Angeles to enforce the EIR mitigation measures. 10

1. **Draft AA and Final AA did not accurately reflect the then known spineflower finds by URS Corporation**

Both the April 2001 DAA (p. 3.0-14) and the October 2001 FAA (p. TR-17) indicate that only one small colony of spineflower was found within the Specific Plan. The full description of the spineflower find, as stated in the DAA and reaffirmed in the FAA is that ". . .in spring 2000 one small population of the Spineflower was detected one half mile south and outside the River corridor (south of Grapevine Mesa). . ." . That is the entire relevant discussion in both the DAA and FAA of the finding of spineflower. 11

This single acknowledged find was the result of plant surveys conducted by the URS Corporation in May 2000 (RDAA p. 2.6-6), which were conducted 11 months before the DAA and 17 months before the FAA was released.

Revised DAA p. 2.6-6 discusses the URS study. It notes the single colony on Grapevine Mesa, and that the consultant found "unconfirmed" spineflower locations within the Specific Plan area. These "unconfirmed" colonies were not noted in the either the DAA or the FAA, nor was CDFG notified of them when the agency was notified of the single "confirmed" colony in June 2000 (SWA p. 4).

From the time of the colony's discovery in May 2000, it took approximately one month for it to be "confirmed", and CDFG notified (RDAA p. 2.6-6, SWA p. 4). Since the FAA was released 17 months after the "unconfirmed" colonies were found, there was ample time for the colonies to be confirmed as spineflower or not, and the information released to the public and the CDFG. However, as noted above, the FAA still cited just the one colony and makes no mention of other "unconfirmed" colonies.

Revised DAA Appendix 2.6(g) contains the URS report of their 2000 findings. Figure 4 shows that approximately 20 colonies of spineflower were found at Grapevine Mesa, and Figure 8 shows approximately the same number of colonies at Airport Mesa. These are apparently the "unconfirmed" spineflower colonies mentioned in the RDAA but not mentioned in the DAA or FAA. The URS report labels these as "San Fernando Valley Spineflower", so they are now apparently "confirmed". 11

This information raises a number of concerns about the EIR process and the applicant and CEQA Lead Agency's responsibility and ability to fully disclose the project environmental impacts:

a. Why were these additional finds not "confirmed" and noted in the DAA or FAA, since there was adequate time prior to the reports' publication to "confirm" if the plants were spineflower? 11A

b. When were the 40 colonies shown in RDAA Appendix 2.6(g) Exhibits 4 and 8 "confirmed", and why was Los Angeles County, CDFG, and the public not notified at the time? 11B

c. How is the failure to include this information in the DAA or FAA consistent with CEQA provisions requiring that EIRs fully disclose the relevant environmental setting of a project and its impacts? 11C

e. How is this failure consistent with the County of Los Angeles requirement that developers certify that the EIRs they submit are accurate and fully disclose the relevant environmental setting and impacts of the their projects? 11D

2. **Information was not released regarding spineflower finds by URS Corporation to the scientific community and a regulatory agency**

The failure to publicly acknowledge the URS spineflower finds in the DAA or FAA was compounded by the URS Corporation and their sub-consultants not providing information about the finds to scientific community and the regulatory agencies. As noted in the report of the results of the May 21, 2002 CDFG search 12

warrant (Attachment 2), in order to identify the 2000 spineflower finds, Newhall consulting biologists submitted specimens to the UC Berkeley Herbarium, Santa Barbara Botanic Garden, and Rancho Santa Ana Botanic Garden for identification (IR p. 13, 44, 45). As noted on IR p. 13, 44 and 45, these consultants refused to follow standard scientific protocols to provide details of such finds to the herbariums.

Over the next two years this failure was repeated by Newhall and its consultants by refusing numerous requests to give such information to the CDFG, or even to allow the CDFG to visit the site of the one acknowledged spineflower colony (IR p. 12, 15, and 18). As noted in RDAA app. 2.6(g) Exhibits 4 and 8, URS found approximately 40 colonies of spineflower. According to CDFG Lieutenant Penny Liotta (805-485-9987, personal communication with Scott Ellison on 01/02/03), prior to release of the RDAA, the only notification that CDFG received about spineflower on Newhall Ranch concerned the single colony on Grapevine Mesa. The approximately 40 colonies found by URS in 2000, and the 16 colonies found by FLx in 2001 and 2002 (see Biology Comment 3 below) were never reported to CDFG. 12

The repeated failure to provide requested information either to the scientific community or CDFG ultimately resulted in CDFG obtaining a search warrant for the site to look for the spineflower. Based on the results of this warrant, CDFG concluded that Newhall had destroyed numerous large colonies of spineflower (IR p. 1 and 21-40).

The failure to notify the scientific community, the withholding of information from a regulatory agency, and the loss of spineflower colonies raises a number of questions:

a. If full disclosure was being undertaken as required by CEQA, why were the herbariums and the CDFG denied basic information about the one acknowledged spineflower colony? 12A

b. If the colonies were first "unconfirmed" and later "confirmed" by the date of RDAA, what was the confirmation process, and what information about the colonies was given to the herbariums used to identify the plants? 12B

c. Why was CDFG never notified of "unconfirmed" spineflower on the site during the 24 months they were discovered by URS and the issuance of the search warrant that allowed CDFG to make its own discoveries? 12C

d. Why was the CDFG never notified of the "confirmed" colonies once URS concluded that the colonies were in fact spineflower? 12D

3. **The FAA failed to acknowledge spineflower finds by FLx**

In addition to reaffirming the DAA that only one spineflower colony was known to exist on the Specific Plan area, the FAA provides updated information that additional surveys were conducted in the spring of 2001 and no spineflower were found in the potential sites of the Water Reclamation Plant (WRP) (FAA p. TR-17). These 2001 surveys were conducted by FLx and are included as RDAA App. 2.6(b). However, Appendix 2.6(b) Figure 6 shows that in May 2001 FLx found seven colonies of spineflower at San Martinez. Although the FAA discusses the fact that FLx found no spineflower at the alternative WRP sites, it makes no mention of finding six spineflower colonies at other locations. Since the FLx study was referenced in the FAA, why did the FAA only discuss their findings on no spineflowers on the WRP sites, but did not discuss the six colonies found elsewhere in the Specific Plan area? 13

4. **The failure of the DAA/FAA to acknowledge the spineflower finds calls into question when Los Angeles County WOULD have received the information**

There is a major flaw in the Specific Plan EIR process if consultants find scores of spineflower colonies consisting of hundreds of thousands of plants (RDAA p. 2.6-8, Table 2.6-1) that are not reflected in public documents, disclosed to the scientific community, or communicated to regulatory agencies. Although the RDAA ultimately released this information, this occurred only after the CDFG obtained a search warrant and independently found the remains of many spineflower that CDFG concludes were deliberately destroyed by Newhall in support of their Specific Plan (IR p. 21-40). 14

For 24 months starting in May 2000 spineflower information was kept from interested parties until the CDFG search warrant was executed in May 2002; only five months later were these significant finds finally released in the RDAA. The October 2001 FAA was intended as the final document to complete the Specific Plan EIR as required by the trial Court; your Board originally was scheduled to consider the project in late 2001/early 2002 soon after release of the FAA, but the hearing was delayed for reasons unrelated to the spineflower.

As such, if not for the search warrant, at what point does Los Angeles County, as the CEQA Lead Agency, assume that it would have received the spineflower information that Newhall knew about for approximately two years, which is only now being released through the RDAA?

5. The Dudek survey documentation is incomplete

The Dudek documentation report (RDAA app. 2.6(a)) only lists surveys conducted between May and September 2002 (p. 7 to 9). However, RDAA p. 2.6-8 notes Dudek surveys conducted "pre-2002" which found 2.8 million spineflower. These pre-2002 surveys are not documented in the appendix, or even noted in the RDAA text, although the 2002 surveys are discussed at RDAA p. 2.6-7 and in RDAA App. 2.6(a). The Appendix makes passing reference to unspecified earlier studies (P. 47), but no documentation is provided. The same level of detail provided for the 2002 surveys in Appendix 2.6(a) should be provided for the pre-2002 Dudek surveys. 15

The information provided for the 2002 surveys is incomplete. Detailed maps are provided (RDAA app. 2.6(a) fig. 5 through 11), as are population estimates by polygon (p. 42 through 44). However, the existing condition/land use for each polygon is inadequate. For instance, for the entire Grapevine Mesa consisting of approximately 40 spineflower colonies, the existing land use/threats are listed as: (1) "current land uses: cattle grazing, farming"; (2) "visible disturbances: cattle grazing, fire in recent past (5-10 years)"; and, (3) "Possible Threats: Currently proposed for estate residential development" (unnumbered page after the map titled "2002 San Fernando Spineflower-Grapevine Mesa Area").

Given the findings of the CDFG search warrant, detailed descriptions of the current and recent land use/disturbance for each polygon should be presented. Interestingly, Dudek did not consider the activities documented in the CDFG search warrant as a "possible threat" to the spineflower. A CEQA process that does not find the CDFG-documented activities as posing a threat to the spineflower does not provide full disclosure of the environmental setting or project impacts as required by CEQA. Only with additional information regarding the historic and current agricultural activities that were applied to these and other colonies can we start to understand the changes in the number of spineflower that are occurring over time, and how agriculture relates to those changes.

6. The RDAA does not provide the information needed regarding the impact analysis for the spineflower

The spineflower surveys discussed in the RDAA do not put to rest the issues of impacts to the spineflower, Newhall's approach to the Specific Plan, or the ability of Los Angeles County to enforce Specific Plan mitigation measures. 16

As noted at IR p. 7, "soil amendment" of hillsides within the Specific Plan started in May 2001, while terracing started in August 2001 (IR p. 8). No studies, including Dudek, document the sensitive species lost as part of those actions.

From reading the IS, it is clear that the mid-2001 agricultural activities of Newhall destroyed large areas of spineflower and other habitat, apparently in support of the Specific Plan. This means that environmental impacts to spineflower from the Specific Plan have already occurred, although they have not been documented. The issues related to spineflower will only be resolved when this loss is documented, the destruction is assigned to the Specific Plan as impacts, and a specific, adequate mitigation plan developed. 16

a. From Dudek it is possible to tell that massive destruction or die-backs of spineflower on the Specific Plan site have occurred. Revised DAA p. 2.6-8 indicates that pre-2002 surveys found as many as 2,874,286 spineflower; however, the more extensive 2002 surveys only found 44,063 spineflower, a 98.4% reduction. The RDAA makes no attempt to identify to what extent this reduction is caused by nature (i.e. drought) or is man-made (i.e. agricultural operations). This is important in order to document Specific Plan impacts that have already occurred. 17

b. In order to determine the Specific Plan impacts that have already occurred there needs to be an integration of information from a variety of sources: Maps should be developed that show:

   i. The locations and extent of spineflower colonies found by URS, FLx, Dudek and CDFG at different times.

   ii. The locations of recent terracing conducted by Newhall. 18

   iii. The locations of extensive cattle grazing as determined by CDFG.

   Consolidated maps would allow comparing maps of Newhall "agricultural" activities with the pre-2002 and 2002 colony numbers inside and outside of those areas. That would give some indication of what impact the Specific Plan has already had on the spineflower.

c. Tables that show the population estimates (with dates) made by URS, FLx and Dudek for the various individual colonies.

   Some of this information is presented in different locations, but it is never integrated together. For instance RDAA app. 2.6(a) Fig. 6 shows "pre-2002" and "2002" spineflower colonies, including 2002 colony GM36 that is apparently all that is left of pre-2002 colony GM15. Page 43 shows that GM15 contained between 75,000 and 250,000 spineflower, which by 2002 were reduced to 100 to 150 plants in GM36 (p. 44). As is referenced under Biology Comment 5, a possible cause 19

may be cattle grazing and farming, but these references are in a third location, and are too vague to draw any conclusions.

Information about individual colonies is scattered in different places, and the RDAA biological consultants make no attempt to refine the existing land use data beyond the Dudek finding that Grapevine Mesa as a whole is subject to "cattle grazing and farming", with no discussion of intensity of these activities in different locations on Grapevine Mesa. Without the integration requested above, it is not possible to assess what impacts to spineflower have already occurred from the Specific Plan. 19

Until such time as the RDAA identifies the impacts resulting from activities that resulted in spineflower losses the issues related to spineflower are not resolved, and the FEIR, DAA, FAA and RDAA do not adequately address the Specific Plan impacts on the spineflower.

If this requested new information and/or the integration of the existing information is not undertaken, please explain:

a. On what basis does Los Angeles County conclude that the CDFG is incorrect in concluding in the IR that spineflower were destroyed by Newhall? 20

b. If Los Angeles County concurs that Newhall activities results in loss of spineflower, why would Newhall undertake such destruction if not to minimize the impact of the Specific Plan based on future studies that would not find the destroyed plants?

c. If Los Angeles County concurs that Newhall activities resulted in loss of spineflower to assist the Specific Plan, how can the EIR be certified without documenting those impacts and developing appropriate mitigation measures?

7. **A primary mitigation for the spineflower that survive to be identified at the tract level is unproven**

The RDAA proposes the establishment of new spineflower mitigation areas to mitigate the loss of spineflower that are discovered during later surveys (Mitigation Measure 4.7-78, RDAA p. 2.6-55). These mitigation areas would be developed through artificial reseeding programs. While potentially appropriate, the RDAA then recommends the unsupported, explicit finding that Los Angeles County find such artificial seeding programs to be "feasible" (RDAA p. 2.6-56). There is absolutely no basis for such a conclusion, as no such programs have 21

been attempted at Newhall Ranch and the limited attempts at Ahmanson Ranch have so far resulted in failure (2081(A) Permit Annual Progress Report for the San Fernando Valley Spineflower Spring Introduction Pilot Study Conducted at Ahmanson Ranch, California, CA, Sapphos Environmental, Inc., September 16, 2002).

The determination of this measure as "feasible" before other alternative mitigation techniques are explored is inconsistent with the Specific Plan EIR mitigation process. In discussing the development of the biological mitigation measures, EIR Appendix 2.6 (Biological Resources) establishes the priority order for their development and use:

> "The biological resource conservation strategy developed for the Newhall Ranch property addresses the sequencing recommended by the resource agencies: avoidance, minimization, and mitigation for unavoidable impacts to key sensitive resources." (DEIR App. 2.6 p. 216)

The preferred EIR method to mitigate a potential impact is to avoid the impact altogether. That is why the Specific Plan was designed from its very inception to avoid the sensitive habitats that were known at the time (see Biological Comment 10 of this letter). Avoidance (i.e. land use redesign) should be the first and primary emphasis of the spineflower mitigation, rather than other strategies that consider as "feasible" large-scale attempts to artificially create spineflower colonies that have never been successful. 21

Given this information, on what basis is Los Angeles County concluding that the relocation measure is feasible? RDAA P. 2.6-56 references "available studies" in drawing this conclusion. What available studies demonstrate that artificially created spineflower colonies are feasible over the long term? If such a feasibility finding is to be made, it should be made with the concurrence of CDFG and US Fish and Wildlife Service (USFW).

Until such time as such artificial reseeding programs are tried and the new spineflower colonies established for a few years, this mitigation measure should not be considered "feasible". This is an important correction to the RDAA. The RDAA as written proposes establishment of spineflower "preserves" within "development bubbles" of the Specific Plan (RDAA p. 2.6-46). The extent of these preserves, and any resulting changes to the development bubbles, are proposed to be determined later. If it is considered "feasible" at this time to relocate spineflower populations, then this is likely to be the preferred mitigation measure, rather than project redesigns that are likely to result in reduced urban development. However, if in reality it turns out that relocation is not feasible, the proposed assumption could result in a significant loss of spineflower that could have been avoided through project redesign. For this reason, the RDAA should

indicate that redesign is the preferred mitigation measure to protect the spineflower, with reseeding being the last resort if other measures do not completely reduce the loss of spineflower to less than significant levels. 21

8. **The failure of the EIR biological disclosure process to acknowledge major finds of spineflower calls into question other biological studies**

The 2000 URS and 2001 FLx studies that were incompletely described in the DAA and FAA were only two examples of the biological studies resulting from the Court decision described on FAA p. TR-1. In part, this decision required Los Angeles County to perform additional studies to address biological impacts within the SEA 23, the Salt Creek wildlife corridor in Ventura County, and at alternative locations to the WRP.

The DAA and FAA discussions (DAA Section 2.2 (Salt Creek), Section 2.4 (SEA 23 Consistency), and 3.0 (WRP Alternatives)) are summaries of biological field studies; they are not the documentation records of the survey methodologies and small-scale map plots used to describe surveys such as contained in RDAA App. 2.6. The DAA/FAA discussions are generalized summaries of field surveys similar to the incomplete spineflower "summaries" of the URS and FLx field surveys discussed in previous comments. While DAA app. 3.0 contains specialized documentation records for some aspects of the biological studies conducted for the WRP alternatives, they are not intended as support for all the WRP analysis, and provide no support for the biological studies for other areas required by the Court. 22

Given this information, how can the public, or Los Angeles County, have any degree of confidence that the biological studies contained in the FEIR and DAA/FAA are complete, and in fact represent all the relevant information found by the consultants? Given the track record of the spineflower studies, all the FEIR and DAA/FAA biological studies should be supported by detailed documentation reports signed by the consulting biologists before the Specific Plan EIR is found complete and certified. Only in this way can the public and decision-makers ensure that the information in the FEIR and DAA/FAA is true and completely reflects the findings and conclusions of the consulting biologists.

9. **Newhall consultant confidentially agreements are apparently a barrier to EIR and other consultants providing full disclosure**

The results of the search warrant notes four instances when Newhall consulting biologists refused to provide information on the spineflower to scientists or a regulatory agency by citing the confidentially agreements they signed with Newhall (IR p. 13, 19, 20, 43). As noted in Attachment 3, "Lauffer, Newhall's 23

spokeswoman, said it was standard procedure for the company to require consultants to sign confidentially agreements." In this case, such agreements hindered the dissemination of environmental information during a CEQA process that is designed to provide full disclosure of a project's "existing environment" and impacts. 23

The existence of these confidentiality agreements for environmental consultants under contract to a project applicant is directly contrary to the letter and spirit of CEQA that requires full disclosure of the existing conditions and impacts of projects. How can the public be assured of the completeness and accuracy of an EIR if the project applicant requires confidentiality agreements of its consultants and uses those agreements to prevent them from communicating with regulatory agencies or to correct inaccuracies in the EIR?

The DAA and FAA were simply incorrect about the consultants' findings in stating that only one known spineflower colony existed on the Specific Plan site. When asked about spineflower, in at least four instances the Newhall consultants repeatedly refused to cooperate with the scientific community or the CDFG to correct this error because their confidentiality agreements with Newhall legally precluded them from doing so. This inability of the consultants to discuss their results was enforced by Newhall as evidenced by one consultant who stated to CDFG staff that "NLF strongly reminded him and the other contractors of the confidentiality clause." (IR p. 20)

Newhall did not fully report their consultants' findings, and used their "standard" confidentiality agreements to prevent release of complete environmental information to the public, regulators, and decision-makers. The EIR consultants hired by Newhall in areas such as geology, hydrology, traffic, noise, air quality, infrastructure studies, soil contamination, water demand modeling, etc. are assumed to be subject to the same confidentiality agreements and the same interpretation policies Newhall employed with the spineflower. How can any of the studies produced by those consultants be considered accurate, given Newhall's demonstrated willingness to withhold information, and then prevent consultants from providing correct information to the public and CEQA decision-makers?

The recent Los Angeles Times article (Attachment 5) about soil contamination of oil fields on the Specific Plan site is a second case in point. As noted in the article, Newhall itself classifies this contamination as "severe and extensive" and is asking for approximately 27 million dollars pay for remediation costs. However, the Specific Plan EIR makes absolutely no mention of any existing soil contamination in either the oil field discussion of Chapter 4.5 Environmental Safety (DEIR p. 4.5-2) or the oil field soils discussions contained in Chapter 4.1 Geotechnical and Soil Resources (DEIR p. 4.1-35, 37, 40, 41, 42). 24

DEIR Mitigation Measure 4.5-3 (DEIR p. 4.5-22) which states that "oil and natural gas operational sites" will be remediated to local and state standards is inadequate to address the issue of contaminated soil for the following reasons:

a. It does not describe the "existing environment" of the oil and natural gas operational sites by mapping the extent, magnitude of contamination, or nature of the contamination. Therefore it does not provide full disclosure as required by CEQA. 24

b. If does not discuss the environmental effects of mitigating 27 million dollars of "severe and extensive" contamination. How many cubic yards of soil are impacted? Will it be removed? Buried on site? Treated? Will it generate a significant amount of truck traffic that creates its own impacts? Where will the soil be disposed if it is removed off-site? Are there any impacts at the disposal location?

The failure of the existing system is implicitly acknowledged in RDAA revised Mitigation Measure 4.6-59 (RDAA p. 2.6-44). This measure, to be applied to all <u>future</u> biological studies, requires pre-survey consultation with the County and CDFG as well as timely notification of the survey results to both agencies. Such measures would have precluded the release of incomplete information, but were not generally applied to previous studies. This measure is an indication that Los Angeles County recognizes the failure of the existing system and the need to impose more oversight on this project. Unfortunately, such a system of review was missing for the approximately 10 years of environmental reports used in the overall EIR.

In Attachment 4, Los Angeles County staff indicates that County resources are not adequate to monitor the activities of developer's consultants. Given this information, how can Los Angeles County be sure that <u>any</u> of the studies summarized in the FEIR, DAA, FAA and RDAA are complete and accurately represent the consultant's findings? The Los Angeles County EIR review system 25
missed hundreds of thousands of spineflower in scores of colonies prior to release of the RDAA (RDAA p. 2.6-8) and "severe and extensive" oil field soil contamination in the original EIR. Los Angeles County cannot possibly know what else was missed that the public does not know about.

To restore integrity to the process, and to comply with the letter and spirit of CEQA, at a minimum the spineflower and oil field soils reports should be rejected, and a new reports prepared under the direction on the Los Angeles County Department of Regional Planning. If such a reanalysis is not undertaken, please explain why Los Angeles County can rely on the summaries of consultants' reports contained in the EIR and related documents, since those

reports were written under the same confidentiality agreements and Newhall review procedures as were the DAA and FAA spineflower analyses. 25

10. **Proposed spineflower mitigation measures are not consistent with EIR or Specific Plan policies**

The spineflower mitigation measures (Measures 4.6-53 and 59, RDAA p. 2.6-43 and 44) proposed in the DAA/FAA and the RDAA are predicated on the concept that detailed surveys and mitigation measures for spineflower are properly delayed for years until the specific tract designs are submitted. In defense of these measures, RDAA p. 2.6-42 notes that the trial Court found this approach to be consistent with CEQA in that the Specific Plan's "environmental consequences . . . to biological resources on site have been explored. . . and mitigation measures adopted with performance standards specific enough to demonstrate the feasibility of the mitigation that is proposed."

However, the Court was only referring to future studies to find sensitive species that had not previously been discovered. The concept of future studies does not give Los Angeles County the right to ignore known sensitive species such as spineflower colonies. As noted in the 1996 DEIR, the original Specific Plan was designed from the start to avoid known sensitive species and habitats based on the then current biological studies;

> "The biological resource conservation strategy developed for the Newhall Ranch property addresses the sequencing recommended by the resource agencies: avoidance, minimization, and mitigation for unavoidable impacts to key sensitive resources. The proposed large, open space areas on the Newhall Ranch property avoid impacts to many of the highly sensitive species present or potentially occurring on the site, and their habitats. Further design with respect to potential unavoidable impacts to biological resources has minimized encroachments into key areas of the property, decreasing the overall impacts." (DEIR App. 2.6 p. 216) 26

Similar policies are found in the 1999 Specific Plan adopted by your Board (Specific Plan p. 2-4; 10 and 89). Note that the Specific Plan includes Exhibit 2.2-1 (p. 2-6) titled "Constraints Map A" which shows, among other things, "sensitive vegetation/habitat zones".

Although the Specific Plan was originally designed to avoid sensitive habitats based on the then existing biological studies, the EIR also required these designs to be refined using later biological studies done when specific project designs are submitted (DEIR p. 4.6-147 and 147).

As shown on RDAA Figure 2.7-1 (p. 2.7-9), many known spineflower colonies exist within Specific Plan development "bubbles". To be consistent with the principles outlined in the EIR and Specific Plan, the same principles that were previously applied to the then known sensitive species and habitats should also be applied to the spineflower. Prior to acting on the Specific Plan, Los Angeles County should mitigate spineflower impacts by redesigning the Specific Plan to avoid the spineflower, to be followed up with later studies and refined designs at the time specific projects are submitted. 26

11. **The proposed regulations of ongoing agricultural operations is of little or no value**

Mitigation Measure 4.6-79 (RDAA p. 2.6-56) proposes to minimize agricultural impacts to spineflower by requiring Newhall to inform appropriate agencies of any proposed conversion of rangeland operations to more intensive farming. This is ineffectual and would allow Newhall to continue its present activities that result in the loss of spineflower colonies before they are "found" during later studies:

a. The measure only requires Newhall to inform and coordinate with agencies before the company takes actions that result in the loss of the colonies. Nothing in the Mitigation Measure gives agencies any ability to prevent the destruction on the plants. Given Newhall's past practice, this could easily lead to further destruction of spineflower under the guise of agriculture, so that there few if any spineflower are left to be impacted by the Specific Plan. 27

   Nothing in this mitigation measure would prevent Newhall from taking actions that result in the loss of existing known spineflower colonies as a result of agricultural activities, thereby eliminating any "Specific Plan impacts" to the spineflower.

b. At noted on RDAA p. 2.6-57, the notification requirement does not apply to "ordinary pasture maintenance and renovation of dry land farming operations consistent with rangeland management." This could mean anything. It could allow grubbing of spineflower, sowing of alfalfa over spineflower, concentrated penning of cattle in spineflower colonies, etc. As documented in the IR, Newhall has already undertaken all of these activities, which resulted in the elimination of spineflower colonies. Mitigation Measure 4.6-79 would allow such activities to continue.

As noted in Attachment 3, "Newhall argues it has the legal right to destroy the plants in the course of agriculture." Given this position, the inability of agencies

to prevent the destruction of spineflower once notification occurs, and the fact that Newhall is allowed to conduct undefined activities that do not require notification, means that Mitigation Measure 4.7-79 is not likely to provide any more protection to the spineflower than currently exists. On what basis does Los Angeles County believe this measure would be effective? 27

12. Additional measures beyond those proposed in the DAA/FAA/RDAA are required

As discussed above, the proposed mitigation measures are not likely to be effective. Consequently, we propose the following additional measures:

a. In order to create an adequate data base for the EIR environmental setting as well as to protect the spineflower within the Specific Plan area from additional "agricultural activities", Los Angeles County shall immediately direct Newhall not to conduct any agricultural activity within the Specific Plan area without a written determination by the Los Angeles County Department of Regional Planning that the activity is consistent with the letter and intent of the proposed FEIR mitigation measures.

b. Los Angeles County shall document all approvals of requests by Newhall as required by Subparagraph "a". This documentation shall be readily available for public review upon written request. 28

c. Los Angeles County shall delay certification of all of the FEIR sections until Subparagraph "d", "e" and "f" below are implemented.

d. During 2003/04 conduct tract level biological surveys for the proposed development areas within the Specific Plan at the proper time of year for each species of plants listed in Appendix 2.6(a). Los Angeles County, CDFG and the US Fish and Wildlife Service (USFW) shall approve the consultants performing the studies.

e. The biological consultants listed in Subparagraph "d" shall report directly to Los Angeles County, CDFG and USFW rather than to Newhall.

f. Revise the Specific Plan and RDAA mitigation measures and mitigation plans to avoid any significant unmitigated impacts to the species listed in Appendix 2.6(a), as determined by Los Angeles County, CDFG and USFW.

g. In subsequent years, conduct similar tract level surveys at the correct time of year within 12 months of each individual tract being approved.

h. The surveys required by Subparagraph "g" shall be subject to the terms of Subparagraphs "d", "e" and "f" above.

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We believe that these measures would protect the spineflower to a much greater extent than the measures proposed in the DAA/FAA/RDAA. If these recommended measures are not adopted, please advise why they are not adopted.

13. **The grading in spineflower areas is in violation of the Superior Court's Writ of Mandate**

In the Peremptory Writ of Mandate signed by Judge Roger D. Randall on August 1, 2000 ("Writ"), the court directed the County of Los Angeles and the project applicant as follows:

> "To suspend any or all specific Project activity or activities that could result in an adverse change or alteration to the physical environment, unless and until you have taken the actions specified in this Writ to bring your actions into compliance with the California Environmental Quality Act (CEQA) in accord with the Court's Statement of Decision with regard to the specific issues identified below: . . ." (Writ, p. 3:9-14.) (i.e., Salt Creek Corridor, Traffic, Biological Impacts on the Santa Clara River Corridor, Water Supply and Water Reclamation Plant.)

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The Los Angeles County Board of Supervisors has yet to approve the actions taken by the applicant to satisfy the court's order concerning these issues. Therefore, the applicant was in direct violation of the court order when it authorized grading on the Specific Plan site causing an adverse change to the spineflower population.

These disturbances to the endangered species must be mitigated to the fullest extent feasible before any additional project-related approvals.

14. **Proposed alternatives to address the spineflower impacts are not reasonable**

The RDAA proposes three new alternatives to address impacts to the spineflower (RDAA pages 2.7-6 to 40). Alternative 7 proposes relocating all existing spineflower colonies in order to allow the Specific Plan approved in 1999 to develop. This is rejected as less protective than the Specific Plan with the

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proposed mitigation measures. Alternatives 8 and 9 consist of partial redesigns of the Specific Plan to avoid most of the spineflower, resulting in varying losses of residential and non-residential land uses. These alternatives are rejected because they reduce the achievement of the project goals and would eliminate a wide range of public benefits derived from the project (RDAA p. 2.7-8 and 2.7-11).

Alternatives 7, 8 and 9 do not meet the CEQA requirement of . . ."reasonable alternatives to the project. . .which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project . . ." They are not "reasonable" because they contain one or more elements which reduce the public benefits of the Specific Plan, but do nothing to increase the protection of the spineflower. These elements include:

a. Elimination of the Special Management Designation for the High Country;

b. Reestablishment of cattle grazing in the High Country;

c. Elimination of Metro Link facilities and rights of way;

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d. Elimination of a fire station;

e. Elimination of a recreational lake;

f. Allow unrestricted use of the River Corridor;

g. Elimination many of the spineflower mitigation measures proposed by the RDAA.

(sources: RDAA p. 2,7-8; 11; 24; 25 and 26).

The RDAA provides no reason why these elements must be eliminated in order to protect the spineflower or achieve other project goals. Even if some of these facilities are within spineflower habitat, the facilities could be relocated to less sensitive habitat so that their public benefits are preserved. In all three alternatives, most or all of the RDAA spineflower mitigation measures proposed for Specific Plan are eliminated. Why would alternatives specifically designed to protect spineflower not include the spineflower mitigation measures that the RDAA finds feasible to apply to the existing Specific Plan?

The issue of creating reasonable design alternatives to the Specific Plan to protect the spineflower is important because the RDAA postpones answering the

question of whether any redesign that reduces urban development would be considered feasible. Mitigation Measures 4.6-65 and 66 (RDAA p. 2.6-45 and 46) state that such redesigns may be possible, but they are deferred to later studies. If Alternatives 7, 8 and 9 are found to be infeasible, the applicant could potentially make a case that virtually any redesign to protect the spineflower would be infeasible for the same reasons. This is particularly true if any redesigns include the types of project elements discussed above that are eliminated but provide no additional benefit to the spineflower. Given this, one of two things should occur: 30

a. Some reasonable redesign to the Specific Plan to protect the spineflower should be evaluated in the RDAA in order to demonstrate that redesigns assumed in Mitigation Measures 4.6-65 and 66 are in fact "feasible" as defined in the EIR. A range of "feasible" alternatives should be possible which both provide all or most of the public benefits of the Specific Plan, while providing greater protection of the spineflower than is provided in the Specific Plan as mitigated. 30A

b. Absent evaluation of such a reasonable alternative, then prior to additional approvals, the Specific Plan should be redesigned to reflect a land use pattern that CDFG and USFW concludes results in less than significant impacts to the spineflower. 30B

If neither one of these recommendations are implemented, please explain why they were not implemented.

15. Why is Newhall undertaking a second EIR when the Lead Agency has not certified all of the Specific Plan EIR?

The IR (p. 8) notes that Newhall has been advised by CDFG that a second EIR will be required in order to obtain a master streambed alteration permit for the Specific Plan. Newhall has agreed to this finding to the extent that it contracted with URS to prepare the document, and URS began the process. As such, how can Los Angeles County, as the Lead Agency for the Specific Plan EIR, approve an EIR for which the applicant has already begun a second EIR? If a CEQA Responsible Agency and the applicant have agreed to prepare an EIR, then approval of the Specific Plan EIR without that new information would appear to violate CEQA regarding full disclosure of information prior to the first discretionary action being taken. How can a full understanding of the project's impacts be known if new environmental information is still required and a second EIR already begun? 31

In order to comply with CEQA, Los Angeles County should delay certification of the biological sections of the EIR until such time as the information that would

have been developed in the second EIR is incorporated into the Specific Plan EIR. If such an action is not taken, please explain how the CDFG request for a second EIR, and Newhall's initiation of the EIR before the Specific Plan EIR is fully certified, is consistent with CEQA. 31

16. The Ventura County comments to the FAA are still valid

The RDAA makes no attempt to address the Ventura County concerns raised in our December 26, 2001 letter about the FAA analysis of biological resources. This letter is included as Attachment 7 to this letter. These comments remain valid and should be addressed. 32

COMMENTS ON WATER RESOURCES

1. Storage of Nickel Family water not a requirement of the RDAA

Revised DAA Table 2.5-33 (p. 2.5-143) shows 1,607 afy of Nickel Family (Nickel) water being placed into Semitropic Groundwater Banking Project starting in project year 1, with 35,598 af being in storage by project year 25 and therefore available as an additional dry year water source for the Specific Plan. The text on RDAA p. 2.5-144 estimates that combined with other water sources (i.e. reclaimed water, on-site agricultural water, and annual Nickel water), only 865 af of this stored water would need to be used once every four years. These three sources result in adequate water supplies for the Specific Plan for over 160 years.

The storage of the Nickel water is an important dry year water source. However, the mitigation measures starting at RDAA p. 2.5-243 do not actually require this storage to take place. The closest the mitigation measures come are Mitigation Measures 4.11-18 (p. 2.5-246) and 4.11-20 (p. 2.5-247). However, Measure 4.11-18 only specifies that storage capacity purchased by Newhall in the Semitropic project will be used in conjunction with Specific Plan. Measure 4.11-20 assigns the Nickel water rights to the Valencia Water Company for use at the Specific Plan. Neither measure says that Nickel water will actually be stored starting in project year 1. 33

An additional mitigation measure should be added that explicitly specifies that starting in project year 1, Newhall (or the Valencia Water Company) shall take delivery of 1,607 afy of Nickel water, and that any such water not immediately used by the Specific Plan shall be stored and available for Specific Plan use in later years.

2. <u>The mitigation measure for use of agricultural water needs to be modified</u>

Mitigation Measure 4.11-15 (RDAA p. 2.5-246) discusses discontinuing water use on irrigated agricultural land owned by Newhall Land and Farming ". . . on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County" in order to apply this water to the demand for potable water from the Newhall Ranch Specific Plan. This concept is discussed at RDAA p. 2.5-138 and discussed previously at DAA p. 2.5-172 and DAA Appendix 2.5(m). The mitigation measure and the discussions are deficient for the following reasons: 34

a. The discussions do not identify the locations of the agricultural land on and off the Specific Plan site. There is no break-down of how much irrigated land is off the site and how much water this land consumes. Without this information it is not clear how much land will automatically come out of irrigation when it is developed, and how much irrigated farm land may not be developed at all because it is located outside the Specific Plan area.

b. The mitigation measure does not indicate how the reductions in agricultural use will be coordinated with the water demand of the Specific Plan. There are many ways this could be coordinated, all with different effects. For example: (i) irrigation could be reduced by the same amount of water required by each project such that by the time the Specific Plan is consuming 7,038 afy of water, no land farmed by Newhall Land and Farming in Los Angeles County will be irrigated; (ii) irrigation could be reduced by some fraction of total demand, on the assumption that other sources are also providing water; or (iii) irrigation could continue as currently occurs with irrigation dropping only when agricultural land is actually urbanized, up to the end of the project when land outside the Specific Plan area comes out of production to mitigate the last phases of the project in 20 to 25 years. 35

   Without knowing how the timing of irrigation reductions is linked to increases in water potable demand, it is not possible to know how to "credit" the project for this water source as the project builds out.

c. No assurances are provided on how the farmland located off the Specific Plan site is to be kept out of irrigation once "credit" for the water is assigned to the Specific Plan. Some type of legal forfeiture of water rights of this land needs to be implemented. 36

d. It is not clear how use of reclaimed water alters the amount of "credit" the Specific Plan receives from the diversion of irrigation water.

Mitigation Measure 4.11-15 and the RDAA discussions need to be revised to address these issues before the RDAA can claim that 7,038 afy of irrigation water is available for use by the Specific Plan. 36

3. **Potential future use of agricultural water needs to be more carefully monitored**

Mitigation Measure 4.11-15 (RDAA p. 2.5-246) assigns to the Specific Plan the use rights of the agricultural water historically pumped in Los Angeles County by the Newhall Land and Farming Company. This measure only monitors agricultural water consumption on Newhall land in the Los Angeles County, but does not monitor agricultural pumping in Ventura County.

This mitigation measure needs to be modified to ensure that wells on Newhall property in Ventura County are not used to supply water to agriculture in Los Angeles County. Such a transfer could appear to reduce "agricultural pumping" in Los Angeles County, thereby making more groundwater available for use by the Specific Plan. By monitoring only wells in Los Angeles County, the possibility is created that pumping of unmonitored wells in Ventura County could be used to increase regional groundwater pumping beyond the 7,038 afy assumed in the RDAA. 37

4. **The condition for no net increase in groundwater needs to be reinstituted**

Mitigation Measure 4.11-10 (RDAA p. 4.5-244) states that Los Angeles County "will consider" the UWMP in its land use planning process, including subsequent approvals for Newhall Ranch. This replaces the original Mitigation Measure 4.11-10 shown on the same page which indicates that prior to approval of each project the source of water for that project will be identified, and that specific projects would not result in a net increase in the planned use of groundwater defined as the perennial yield of the Alluvial Aquifer and the annual recharge rate of the Saugus Aquifer. 38

A commitment to consider future water supplies rather than guarantee that the Newhall Ranch Specific Plan would not result in a net increase in groundwater consumption is a significant weakening of commitments contained in the EIR Administrative Record (AR) that the project would not increase groundwater consumption. Los Angeles County cited this mitigation measure again and again in the project AR to support the conclusion that the project results in no net increase in groundwater consumption (e.g. AR p. 356, 377, 429, 573, 839, 1671, 4034, 5384, 4820, 3037, and 8284).

The RDAA makes the case that the Specific Plan has adequate water supplies independent of the cumulative water supplies developed by the water purveyors. However, the requested guarantee could be important if one or more of the Specific Plan water sources in fact does not become available (e.g. the sources of irrigation water or the Semitropic storage project becomes contaminated).

To remove this measure from the FAA eliminates an important mitigation measure without adequate justification. The new mitigation measure, combined with the other water mitigation measures, is not equivalent to, nor does it provide a higher level of commitment than does the original measure. Replacing a performance guarantee with a commitment to do additional studies and consider those studies is not equivalent to the groundwater protection Los Angeles committed to as part of the previous EIR process. While we have no objection to the new measure, it does not replace the old one. The original Mitigation Measure 4.11-10 should be reinstated in order to assure downstream users that the project does not adversely impact groundwater levels. 38

5. **Additional monitoring condition for cumulative water demands is needed**

Ventura County remains concerned about cumulative local groundwater demand that could reduce surface and/or groundwater flows to downstream users. Although the RDAA makes the case that the project will not increase local water consumption, it includes elements (i.e. the Aquifer Storage and Recovery (ARS) program (RDAA p. 2.5-199) and mitigation measures (i.e. Mitigation Measures 4.11-9 to 15 (RDAA p. 2.5-244)) designed to mitigate impacts from cumulative water demand. Since these project elements and measures are being proposed, they should be implemented in such a way so as to actually reduce potential cumulative water demands on local aquifers.

39

The RDAA devotes much effort to demonstrating that downstream users will not be impacted by the ASR (RDAA p. 2.5-199) or the future groundwater pumping proposed by the 2000 Urban Water Management Plan (UWMP) (RDAA p. 2.5-201 and Fig. 2.5-36). Rather than rely entirely on theoretical models, we again propose that mitigation measures be included to assure that water levels in Ventura County remain at least equal to the current levels. The proposed monitoring program would complement the various models by verifying their accuracy, and would determine how much mitigation is required if impacts are identified. As such, the existence of the groundwater models creates a need for this monitoring program rather than negates its justification.

The proposed monitoring program should consist of:

a. Monitoring the water volume passing downstream of Gauging Station 707 (i.e. at the County line) to determine if water volumes meet or exceed the historic volumes recorded at that station for any given annual precipitation level.

b. If the minimum historic water volumes do not pass Gauging Station 707, the Santa Clarita Valley water purveyors would make available to the Ventura County Fox Canyon Groundwater Management Agency (GMA) an amount of water equal to deficit. This could occur by supplying water or making payments to the GMA to purchase an equivalent amount of State Water on a schedule agreed to by the GMA. If the Santa Clarita Valley water purveyors do not make such water available, or refuse to make the payments, then Newhall agrees to implement this condition.

This measure can be easily monitored and is a direct measure of the issue of greatest concern to Ventura County – the preservation of at least historic water volumes under any given annual precipitation level. It can be used to validate and refine the basin-wide groundwater models, and the mitigation is proportionate to any impacts caused by cumulative development. Newhall is the recommended fallback entity to implement this measure because: (1) the impacts and mitigation measures are being proposed in this EIR rather than a more regional document; (2) Newhall owns one of the major water retailers in Santa Clarita (Valencia Water Company) and therefore has a regional outlook and interest; and, (3) the Specific Plan is so large that it constitutes a large percentage of the regional growth. 39

Since the Newhall and the water purveyors are confident that development in the Santa Clarita Valley will not have an adverse impact on downstream water volumes, this condition should be easy to meet, and would provide a high degree of assurance to Ventura County.

We recommend that your Board address the issues raised in this letter as well as those raised in our previous DAA and FAA comments before taking final action on the Newhall Ranch Specific Plan.

If you have any questions, please contact Scott Ellison of my staff at (805) 654-2495. 39

Sincerely,

Chris Stephens, Director
Planning Division

Attachments

Attachment 1	Search Warrant and Affidavit issued May 21, 2002 to the CDFG to search the Newhall Ranch for the San Fernando Valley Spineflower
Attachment 2	CDFG Investigative Report in support of Case 2NE02441 filed September 20, 2002 by the people of the State of California against the Newhall Land and Farming Company
Attachment 3	Los Angeles Times article dated November 27, 2002 titled "Firm Under Fire Over Wildflowers"
Attachment 4	Los Angeles Times article dated December 12, 2002 titled "Developers' Secrecy Pacts Questioned"
Attachment 5	Los Angeles Times article dated January 9, 2003 titled "Newhall Land, Oil Firms in Court Over Cleanup of Project Site"
Attachment 6	Chronology of spineflower information and activities complied by the Ventura County Planning Division dated January 15, 2003.
Attachment 7	Letter to Los Angeles Board of Supervisors from Ventura County regarding the FAA dated December 26, 1991 w/o attachments

C:
Supervisor Michael Antonovich
Supervisor Don Knabe
Supervisor Zev Yaroslavsky
Supervisor Yvonne Burke
Supervisor Gloria Molina
Dennis Slivinski, County Counsel
Lee Stark, Los Angeles Regional Planning Department

c. w/o attachments

Supervisor Kathy Long
Supervisor John Flynn
Supervisor Judy Mikels
Supervisor Steve Bennett
Supervisor Linda Parks
Johnny Johnston, CEO
Tom Berg, RMA

SW No. 47597

STATE OF CALIFORNIA - COUNTY OF LOS ANGELES

SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)

Affiant, Penelope Liotta swears under oath that the facts expressed by him/her in this Search Warrant and Affidavit and in the attached and incorporated statement of probable cause are true and that based thereon he/she has probable cause to believe and does believe that the property and/or persons described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

Penelope Liotta Night Search Requested Yes___ No_x__
(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, CONSTABLE, MARSHAL, OR POLICE OFFICER IN THE COUNTY OF Los Angeles proof by affidavit having been made before me by

Penelope Liotta, that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth herein and is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that:

_____it was stolen or embezzled

_____it was used as the means of committing a felony

____xxx_it is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery

_____ it tends to show that a felony has been committed or that a particular person has committed a felony,

_____ it tends to show that sexual exploitation of a child, in violation of Section 311.3, or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring

_____ there is a warrant for the person's arrest;

YOU ARE THEREFORE COMMANDED TO SEARCH:

See attached and incorporated description page

FOR THE FOLLOWING PROPERTY/PERSONS:

See attached and incorporated description page

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AND TO SEIZE IT IF FOUND and bring it forthwith before me, this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 21 day of May 2002, at 0.4 AM/PM. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

_____, NIGHT SEARCH APPROVED: YES____ NO X
(Signature of Magistrate) DAVID S. WESLEY

Judge of the Superior/Municipal Court, Los Angeles. Judicial District

SUPERIOR COURT, LOS ANGELES COUNTY, CALIFORNIA

ATTACHMENT 1

DESCRIPTION PAGE

WARRANT TO SEARCH: THE NEWHALL LAND & FARMING COMPANY
PORTIONS OF PROPERTY ENTITLED
"NEWHALL RANCH," LOS ANGELES COUNTY

LOCATION:
The Newhall Ranch is located in the unincorporated area of North Los Angeles County east of the Ventura County line. This warrant will focus on two portions of Newhall Ranch in Los Angeles County (Exhibit 1). Area one is bounded on the west by Sawtooth Ridge and on the east by the east side of Exxon Mesa. Area two is bounded on the west by a line running south beginning at the entrance of Middle Canyon and on the east by the Magic Mountain western property line. Both areas are bounded on the north by the Santa Clara River and on the south by a line extending southwest from the western end of Magic Mountain Parkway.

CONDUCT OF THE SEARCH:
To search for populations of *Chorizanthe parryi* var. *Fernandina, Fernandina* [Common Name: San Fernando Valley spineflower (SFVS)], collect voucher samples of SFVS, map the locations of populations of SFVS onto aerial photos, topographical maps and digital maps, collect soil samples from areas where populations of SFVS are found, and photograph any populations of SFVS.

To collect evidence of take of SFVS: SFVS specimen remains, photographs of SFVS specimen remains and/or damaged habitat, and mapping of any areas of possible take.

The search will be conducted during daylight hours encompassing all habitat consistent with SFVS requirements within the described location.

Extensions to the search will be submitted to the court at ten-day intervals describing the progress of the search to-date.

STATEMENT OF PROBABLE CAUSE:
I, Penelope Liotta, a lieutenant for the California Department of Fish and Game (CDFG), am a state peace officer under the authority of Penal Code Section 830.2(e) and Fish and Game Code Section 856. I have been so employed since June, 1987. I am currently assigned as a lieutenant in the South Coast Region comprised of Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties. I investigate complex environmental crimes throughout this region, including the illegal take of threatened and endangered species, unlawful alterations to streambeds, and water pollution. I am the Coordinator for the Streambed Alteration Enforcement Compliance Program and for all inland pollution responses.

During the course of my employment with the Department of Fish and Game, I have been assigned as a lieutenant for 1.25 years in the South Coast Region, a fish and game warden assigned to the Oil Spill and Response Unit in Santa Barbara and Ventura Counties for 9.5 years, and a fish and game warden in Los Angeles County for 4.75 years.

I have investigated hundreds of cases involving unlawful discharge of pollutants into state waters, streambed alteration violations, and the illegal take, possession, and sale of fish and wildlife. I have served numerous search warrants involving the illegal possession of prohibited species in Los Angeles, Orange and Ventura counties.

I received a Bachelor of Science Degree in Wildlife Management from The School of Natural Resources, Humboldt State University, California, in 1984. I received a certificate for completing the Basic Peace Officer Academy in June, 1987 at Butte College. I received an Advanced P.O.S.T. certificate in 1994.

I request a search warrant pursuant to Penal Code Section 1524 to collect evidence of take of a state-listed endangered plant species, *Chorizanthe parryi* var. *Fernandina* [Common Name: San Fernando Valley spineflower (SFVS)], a violation of State Fish and Game Code Sections 1908, 2080 and 12002.

The SFVS, a member of the buckwheat family, is a low-growing, herbaceous annual with tiny white blossoms. The SFVS is believed to require habitat containing gravelly to sandy soils, is intolerant to shade, and does not compete well with other plants. The SFVS was presumed to be extinct in the 1920's. Populations of this plant were re-discovered in 1999 at the Ahmanson Ranch project, Ventura County, California approximately 14.5 air miles from Newhall Ranch Area One. It was, thereafter, listed as a California-endangered plant species in August, 2001. The plant's range historically was Los Angeles, Orange and San Bernardino Counties, but development now covers much of this area.

The Newhall Land and Farming Company (NLF) have submitted a land development plan, for a portion of Newhall Ranch, to the County of Los Angeles entitled The Newhall Ranch Specific Plan (Newhall Ranch). The plan includes the following development features: 22,000 dwelling units on nearly 12,000 acres, 323 acres of commercial and business uses, over 5,000 acres of high country and river corridor open areas, an 18-hole golf course, a 15-acre man-made lake, and a 6.9 million gallons-per-day Water Reclamation Plant. This project will house approximately 68,000 people and will be completed in 25 years.

A component of the regulatory process for land development is obtaining appropriate agency permits, including the CDFG Streambed Alteration Agreement. The Streambed Alteration Agreement is a contract required and negotiated to allow any activity within the defined bed, bank and channel or riparian drip lines to minimize habitat and resource impacts. Subsequent to the re-discovery of SFVS, NLF requested the CDFG to enter into a master streambed alteration agreement for Newhall Ranch. The master streambed

alteration agreement is a bio-geographical approach to deal with many specific projects consisting of: a large geographic area, long term time frames, and multiple entities. In late 1999 and 2000, CDFG Environmental Scientist Morgan Wehtje reviewed the proposal and requested NLF to conduct additional environmental studies, including surveys for SFVS.

Wehtje has worked for CDFG for 14 years as an Environmental Scientist, the past 12 years in the counties of Ventura, Santa Barbara, and North Los Angeles. Wehtje reviews and provides scientific comments on development, restoration, and regional planning projects; conducts habitat and population studies for anadramous fishes and game species management; and assesses impacts to wildlife and their habitats. Wehtje supervises a group of 7 individuals also working on these types of projects, and reviews their efforts and writings for content and scientific merit regarding the Department's concerns on California Environmental Quality Act projects, California Endangered Species Act permit applications and streambed alteration agreements. Wehtje holds a Bachelors of Science degree in Wildlife Management from Humboldt State University with an emphasis in mammals and wetland mapping.

In June, 2000, The Newhall Land and Farming Company notified the CDFG, by a faxed map, of a population of SFVS located at Grapevine Mesa, Newhall Ranch, Los Angeles County, California (Exhibit 2).

On September 21, 2000, CDFG Plant Ecologist Mary Meyer and Morgan Wehtje attended a meeting with NLF Vice President Steven Zimmer and NLF Consultant Thomas Worthington, Impact Sciences (a NLF environmental consulting firm), regarding SFVS and other issues with the Newhall Project.

Meyer has been employed with the CDFG as a plant ecologist for over 10 years in the counties of Santa Barbara, Ventura, and Los Angeles. Meyer conducts population and habitat assessments; develops and monitors habitat mitigation strategies; administers rare plant research projects; and writes endangered plant species permits. Meyer worked for 12 years as a consulting botanist prior to her employment with CDFG. Meyer holds an M.A. and B.A. in Biological Science from California State University, Chico.

During the September 21, 2000 meeting, NLF identified the SFVS population located at Grapevine Mesa. Zimmer stated that Woodward & Clyde, their environmental consultant, did not prepare a botanical report. Zimmer stated the population had been found at the tail end of field surveys and no further surveys had been conducted. Zimmer stated the SFVS population was growing mostly on an unused road bed, approximately 10-12 feet in width, and extended for approximately 50-75 feet. Zimmer stated NLF had placed physical barriers on the road to protect the population. Zimmer stated there was probably more habitat for the SFVS on Newhall Ranch, but they had not looked for the plant yet. Zimmer stated NLF would survey for the plant for the development, as each development phase was implemented. Wehtje and Meyer both stated it was highly unusual that a consulting botanist was not present at the meeting to discuss the discovery of this endangered plant species.

On September 19, 2001, Wehtje and I inspected Airport Mesa, located in Newhall Ranch, with NLF Assistant Ranch Manager, Jesse Gomez. I observed the hillsides surrounding the Airport Mesa had recently been grubbed (vegetation removed), graded, and terraced. The habitat, at and surrounding Airport Mesa, meet the habitat requirements for sustaining populations of SFVS. Gomez explained the terracing had taken place in August, 2001 and was to be used to plant a test crop of agaves. Based on research I have read, the maturation for harvest of agaves is 8-12 years.

Airport Mesa is located adjacent to the main access road for Newhall Ranch. Land development starts from the nearest access point and works outward in stages. The proximity of Airport Mesa to the access road makes it slated for one of the early phases of development, within the first couple of years of plan implementation. Given that NLF expects to begin developing the property when its application is approved, that they are proceeding on a twenty-five year schedule for total completion of the project, and the observed terracing is in an area scheduled for early construction, it does not appear that NLF will have sufficient time to grow and harvest any agaves they may plant. Based on the foregoing, it is my opinion that NLF is using the idea of an agave farm as a ruse to justify the systematic destruction of habitat that is consistent with SFVS habitat requirements.

On October 10, 2001, I flew over Airport Mesa in a CDFG plane. In addition to the terracing observed on September 19, 2001, I saw complete grubbing and grading of hillsides adjacent to Airport Mesa (Exhibit 3 and 4). The habitat graded meets the habitat requirements for sustaining populations of SFVS. Upon CDFG notification to Los Angeles County Department of Public Works, NLF was issued a citation for violation of the Grading Code on November 11, 2002 and was required to submit a grading and erosion plan by January 11, 2002. NLF has failed to submit this plan.

On December 28, 2001, Meyer and I flew over Newhall Ranch in its entirety. We observed Grapevine Mesa and three smaller adjacent mesas to the west having recently been grubbed and disked (Exhibit 5 and 6). Grapevine Mesa was under cultivation and there were numerous vehicles parked on the road suspected to be the location of the SFVS population which was previously acknowledged by NLF. We did not observe any protective barriers on the mesa. Historical aerial photographs dating decades ago show Grapevine Mesa as open rangeland. The year 2001 was the first year documented through aerial surveillance that the mesa was under cultivation. Based on the foregoing, it is my opinion that the cultivation is another ruse to destroy habitat that meets the requirement of sustaining populations of SFVS.

Numerous requests by Meyer, Wehtje and I, beginning in June, 2000 to the present, have been made to NLF to inspect the property for SFVS. All the requests have been denied. In late June, 2000, Meyer asked Project Manager Mark Subbotin, NLF, for access to the Grapevine Mesa site. Subbotin denied access but stated a visit may be possible at a later date. I asked Subbotin for access to the property to inspect the population of SFVS at

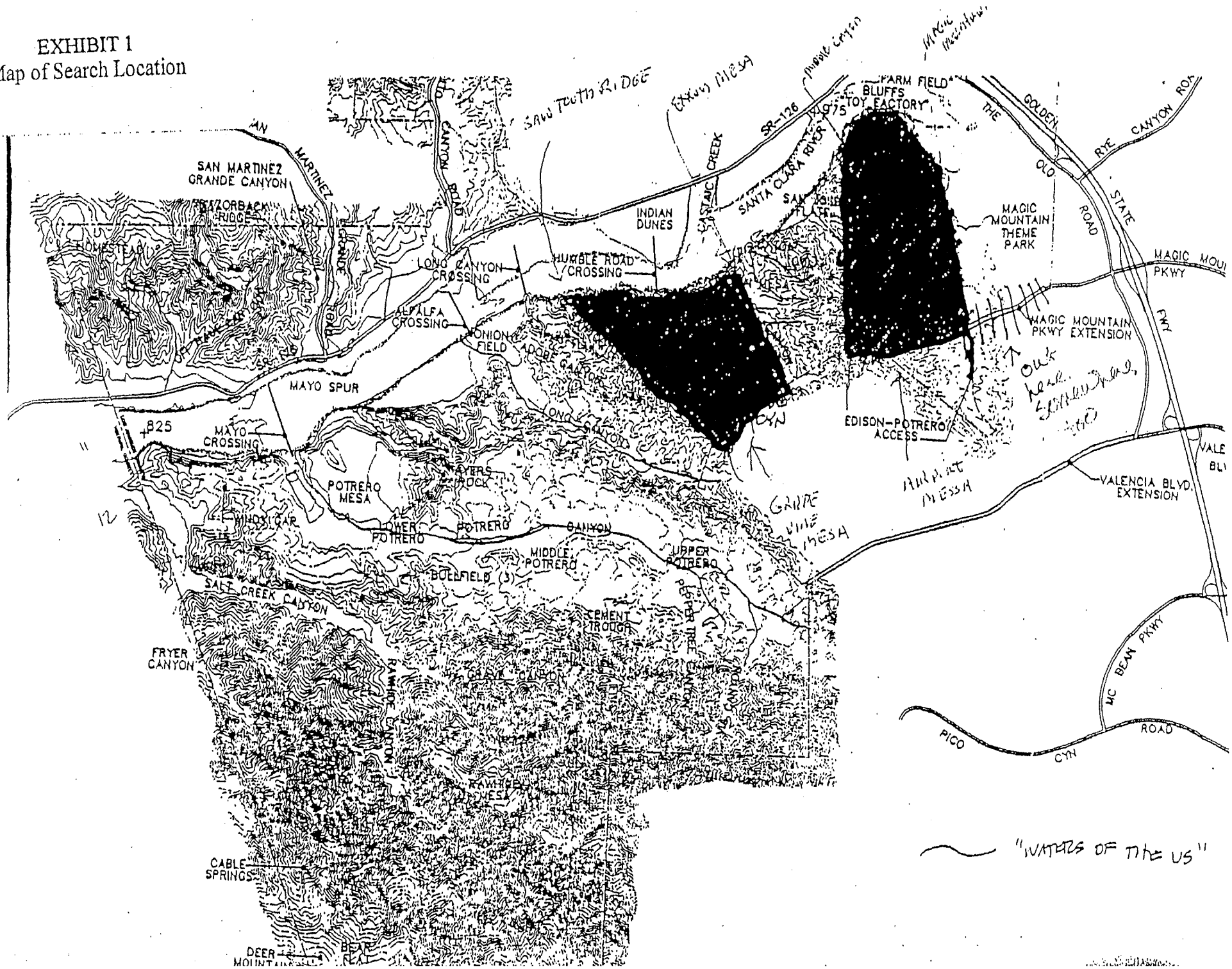
Grapevine Mesa on January 14, 2002. CDFG Regional Manager Chuck Raysbrook telephoned me to relay that Subbotin had called him about my request. Raysbrook said Subbotin denied all access to CDFG because the last time CDFG was allowed onto Newhall Ranch, it resulted in NLF receiving the citation for unlawful grading. Subbotin also called me on January 15, 2002, to tell me that I was denied access to the property. Several other denied requests for access made by Meyer, Wehtje and I were not documented.

During my phone conversation with Subbotin, he asked me why the CDFG was so interested in visiting Grapevine Mesa. I told Subbotin that the CDFG wanted to inspect the protective barriers NLF said they had constructed to protect the SFVS population. Later that day, I received an email from Subbotin with a photo attachment. The photo showed redwood poles depicting NLF's protective barriers (Exhibit 7). There is no evidence of weathering on the poles. Poles that had been exposed to two seasons of winter would exhibit uneven coloration due to fading. It is my opinion that these poles were new and had recently been embedded into the ground.

Based on the foregoing, I believe there is probable cause that a violation of Fish and Game Code sections 2080 and 1908, the unlawful take of an endangered species has occurred on Newhall Ranch. Newhall Ranch lands need to be searched to collect evidence of past and currently ongoing violations of law and to ensure the protection of any existing populations. The search will consist of CDFG personnel (peace officers and environmental scientists) and Los Angeles County District Attorney Office Environmental Crimes Division Investigators conducting plant surveys and searches for possible evidence of take of SFVS.

The inspection will be conducted during daylight hours. The surveys will consist of field teams walking transect lines over the property. Upon locating an individual plant, the area surrounding the individual will be canvassed for additional plants. This area will be photographed and mapped by global positioning instruments. The number of individuals in the population will be scientifically estimated. Populations will be mapped onto aerial and topographical maps. All evidence of take will be documented and any dead specimens will be collected. CDFG biologists estimate it will take approximately a week to conduct the surveys.

EXHIBIT 1
Map of Search Location



6/16/00 TO: Diana Hickson
CDFG

FROM: Mark Subbotin
Newhall Ranch Co

• = approx location of San Fernando spineflower on Newhall Ranch

phone: 916 327 5956
fax 916 653 - 2588

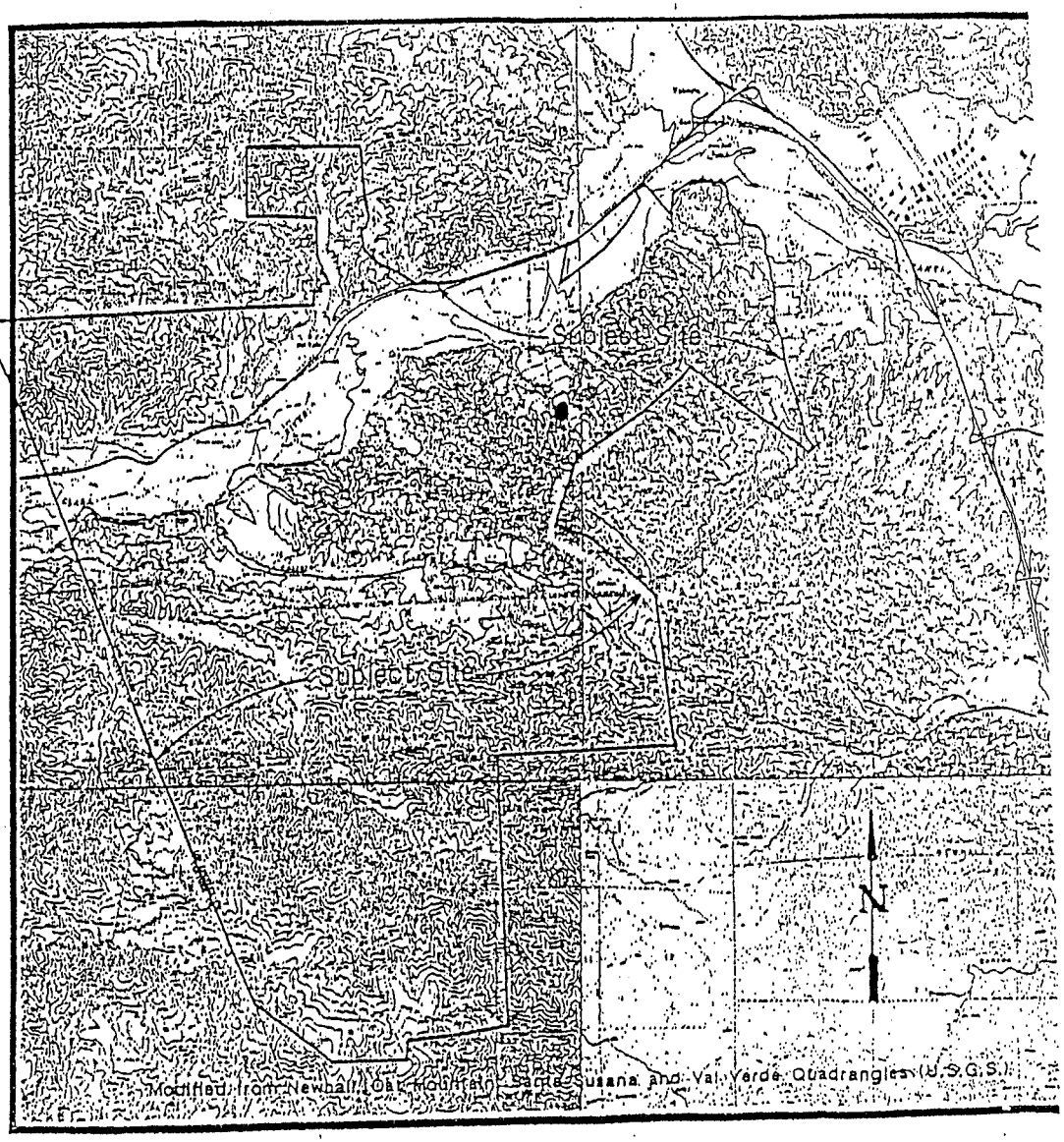


EXHIBIT 2
Faxed map - 018 - ne Mesa
Population

EXHIBIT 3
Aerial Photograph Airport Mesa
11-13-00

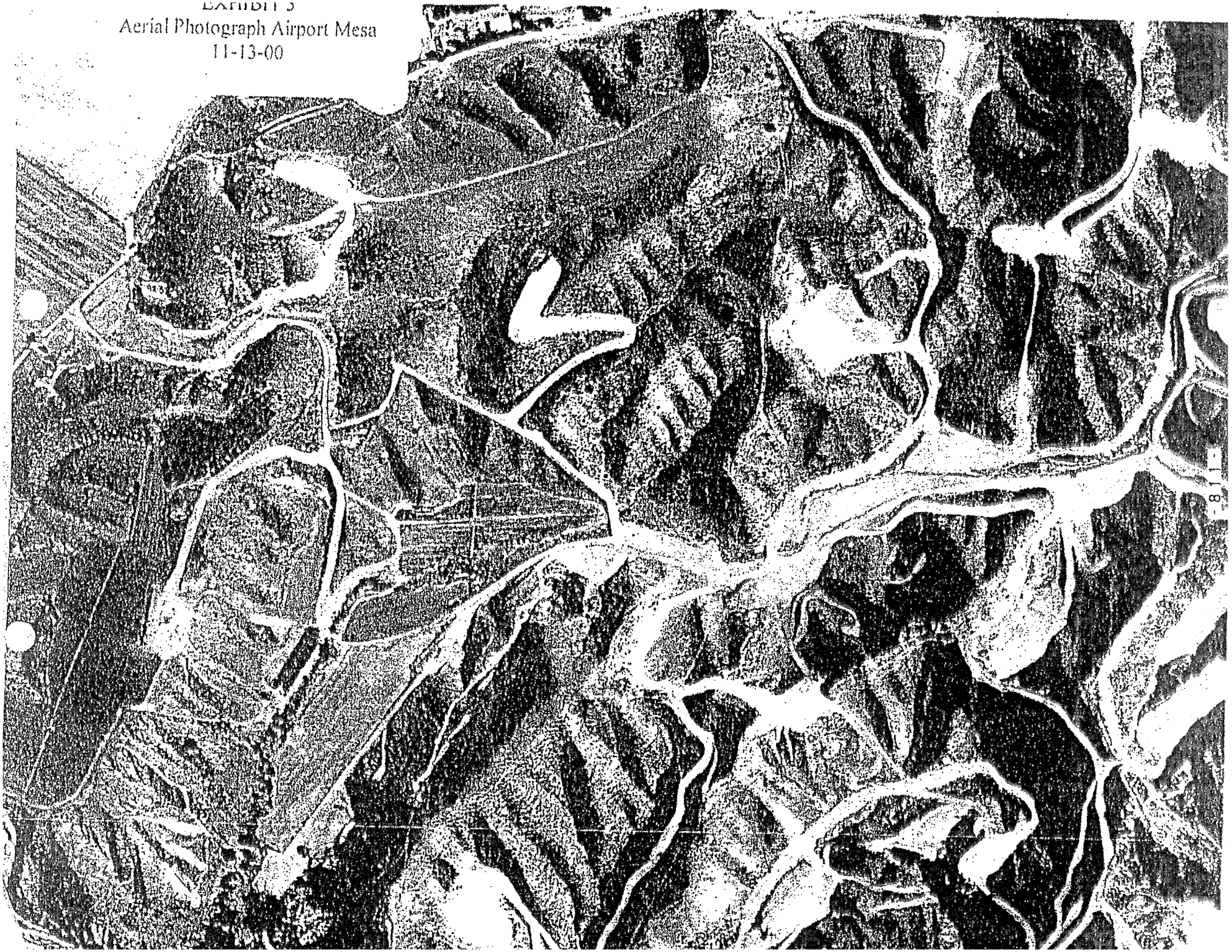


EXHIBIT 4
Aerial Photograph Airport Mesa
10-11-01

EXHIBIT 5
Aerial Photograph Grapevine Mesa
11-13-00

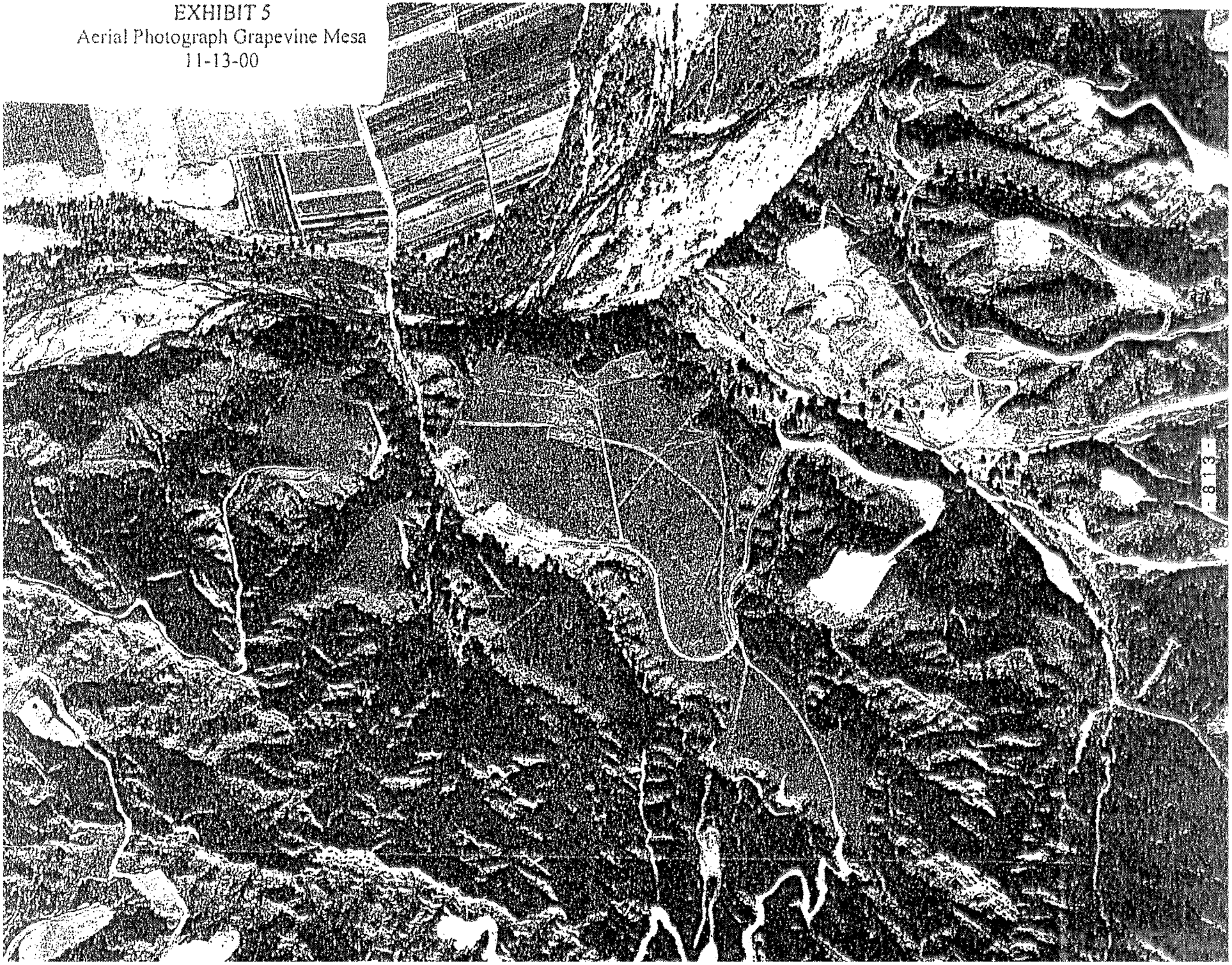


EXHIBIT 6
Aerial Photograph Grapevine Mesa
12-28-01

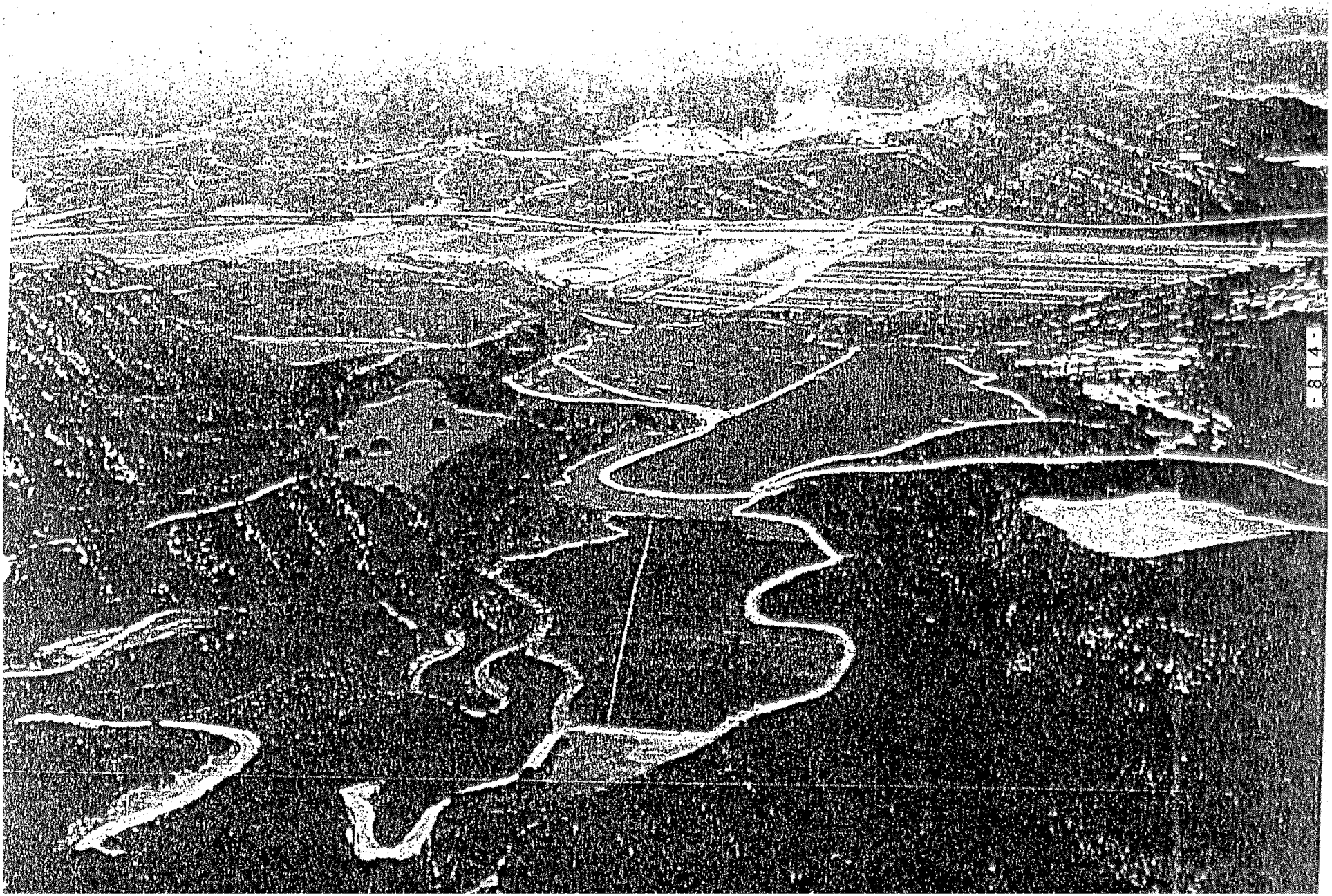


EXHIBIT 7
Photograph
Grapevine Mesa Barrier

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FILED
LOS ANGELES SUPERIOR COURT

SEP 2 0 2002

JOHN A. CLARKE, CLERK

BY _____ DEPUTY

DEC 3 0 2002

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **THE NEWHALL FARMING COMPANY, a California Corporation,** Defendant(s).	CASE NO. 2NE02441 *MISDEMEANOR COMPLAINT*

The undersigned, Pete Purmalis, does hereby state and declare that he is a peace officer and an Investigator for the Bureau of Investigation for the Office of the Los Angeles County District Attorney, and upon information and belief complains and says, based upon the documents attached hereto and incorporated by reference herein as though fully set forth:

COUNT 1

On and between September 20, 2001 and October 10, 2001, in the County of Los Angeles, the crime of ILLEGAL ALTERATION OF A STREAM BED, in violation of FISH & GAME CODE SECTION 1603, a Misdemeanor, was committed by THE NEWHALL FARMING COMPANY, a California Corporation, who did willfully and unlawfully (1) divert, obstruct, and change the natural flow and or the bed, channel, and bank of a river, stream or lake as designated by the Department of Fish and Game in which there is existing fish or wildlife resource or from which these resources derive benefit, (2) use material from the streambeds designated by the Department of Fish and Game, and (3) cause the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake designated by the Department of Fish and Game. To wit: Defendant did alter the bank's bed and channel of a unnamed tributary of the Santa Clara River located on or near Airport Mesa.

* * * * *

ATTACHMENT 2

FILED
LOS ANGELES SUPERIOR COURT

SEP 2 0 2002

JOHN A. CLARKE, CLERK

BY _____ DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **THE NEWHALL FARMING COMPANY, a California Corporation,** Defendant(s).	CASE NO. 2NE02441 *MISDEMEANOR COMPLAINT*

The undersigned, Pete Purmalis, does hereby state and declare that he is a peace officer and an Investigator for the Bureau of Investigation for the Office of the Los Angeles County District Attorney, and upon information and belief complains and says, based upon the documents attached herein as though fully set forth:

DANIEL A. FRIEDLANDER
ATTORNEY

206978

NEWHALL LAND

THE NEWHALL LAND AND FARMING COMPANY, 23823 VALENCIA BOULEVARD, VALENCIA, CA 91355
TEL 661.255.4218 FAX 509.272.5464 DFRIEDLANDER@NEWHALL.COM WWW.NEWHALL.COM

COUNT 1

, 2001 and October 10, 2001, in the County of Los Angeles, the OF A STREAM BED, in violation of FISH & GAME CODE 1603, a misdemeanor, was committed by THE NEWHALL FARMING COMPANY, a California Corporation, who did willfully and unlawfully (1) divert, obstruct, and change the natural nk of a river, stream or lake as designated by the Department of sting fish or wildlife resource or from which these resources the streambeds designated by the Department of Fish and deposition of debris, waste, or other material containing nt where it can pass into any river, stream, or lake designated e. To wit: Defendant did alter the bank's bed and channel of a a River located on or near Airport Mesa.

LAW OFFICES
BIRD, MARELLA, BOXER & WOLPERT
A PROFESSIONAL CORPORATION

OCT 9 2002

GARY S. LINCENBERG
1875 CENTURY PARK EAST
23rd FLOOR
LOS ANGELES, CALIFORNIA
90067-2561
(310) 201-2100
FAX (310) 201-2110
EMAIL GSL@BMBWLAW.COM

* * * * *

Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendant(s) DefnListFML, for the above-listed crimes.

I DECLARE UNDER PENALTY OF PERJURY THAT T
CORRECT AND THAT THIS COMPLAINT CONSISTS

Executed at VALENCIA, County of Los Angeles,

PETER PURMALIS
SENIOR INVESTIGATOR
BUREAU OF INVESTIGATION
201 N. FIGUEROA STREET
12TH FLOOR
LOS ANGELES, CA 90012
213 • 580 • 8722
FAX-213 • 250 • 0700
DISTRICT ATTORNEY COUNTY OF LOS ANGELES
STEVE COOLEY • DISTRICT ATTORNEY • LOS ANGELES COUNTY

PETE PURMALIS
DECLARANT AND COMPLAINANT

Reviewed and Approved:

STEVE COOLEY
District Attorney

By: Janet J. Moore for
MAUREEN O'BRIEN
DEPUTY DISTRICT ATTORNEY

MAUREEN A. O'BRIEN
DEPUTY DISTRICT ATTORNEY
STATE BAR NO. 128360

OCT 9 2002

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AGENCY: D.A. BUREAU OF INVESTIGATION I/O: PETE PURMALIS ID NO.: 000 PHONE: (213) 580-8722

DR NO.: OPERATOR: SK

DEFENDANT	CII NO.	BOOKING NO.	CITATION NO.	CUSTODY RTN DATE
FARMING COMPANY, THE NEWH				

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. THE NEWHALL FARMING COMPANY, a California Corporation, Defendant.	Case No. 2NE02441 SUMMONS TO CORPORATION

The People of the State of California,

To: The Newhall Land and Farming Company

a California Corporation, at 23823 Valencia Blvd., Valencia, CA 91355
(Address)

YOU ARE HEREBY SUMMONED to appear in the above-named court at 23747 West Valencia Blvd., in Division 3, Room , on October 9, 2002 at 8:30 A.M. to answer the charge(s) made against you upon the complaint of

for violation of sections (s) FG1603

Issued at the above named judicial district on September 20, 2002

Judge
Alan S. Rosenfield

*NOTE: A corporation must appear in court by an attorney at law, not by an officer or agent of said corporation.

Rev. 795-8/00 DA Case 22941491

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

REGION OF OCCURRENCE: South Coast Region
CITATION NUMBER: AB022641

[X] INVESTIGATION [ ] ARREST [ ] POLLUTION [ ] OTHER

DATE OF INCIDENT	TIME	DAY OF WEEK	LOCATION
September 20, 2001	0900 hours	Thursday	Newhall Ranch, Los Angeles County

	SUSPECT(S) FIRST, MIDDLE, LAST	DOB	LIC/ID#	ADDRESS	TELEPHONE
S-1	The Newhall Land & Farming Co.			23823 Valencia Boulevard Valencia, CA 91355	661-255-4000

OFFENSE(S) LIST SECTION NUMBERS, CODE AND DESCRIPTION-Example: T-14CCR or F&G CODE OR PENAL CODE

COUNTS	
	Fish and Game Code Section 2080--unlawful take of endangered species. Fish and Game Code Section 1603--unlawful modification of streambed.

WITNESS INFORMATION

FIRST, MIDDLE, LAST		ADDRESS	TELEPHONE
W-1 W-2	see attached		

EVIDENCE SEIZED (DETAILED DESCRIPTION)

251 Photographs consisting of evidence and habitat shots; 3 videotapes; GPS measurements of fence lines, SFVS individuals and populations, area perimeters, evidence; 37 pieces physical evidence: 1 animal specimen, 26 plant specimens, 8 soil samples, and 2 alfalfa samples.

SYNOPSIS

Newhall Ranch is a planned 22,000-dwelling development in western Los Angeles County. San Fernando Valley Spineflower (SFVS) is a plant thought to be extinct until a recent find. In September, 2001, CDFG employees discovered illegal grubbing, grading, and terracing in an area on Newhall Ranch likely to support SFVS and slated for development. Newhall Land and Farming Company was cited for the illegal grading and denied access to CDFG. Search warrant service resulted in the identification of SFVS populations and evidence of SFVS destruction from grubbing, grading, terracing, cultivation, and focused, concentrated cattle operations; and the unlawful modification of a streambed.

REPORTING OFFICER: Penelope Liotta
ID/Badge: 295
BUSINESS ADDRESS: Dept. of Fish & Game, PO. Box 5302, Oxnard, CA 93031
DATE OF REPORT: 08/08/2002
PHONE: (805) 485-9987

SIGNATURE OF REPORTING OFFICER

SIGNATURE OF REVIEWING OFFICER

[x]NARRATIVE [ ]SUPPLEMENTAL		[ ]ARREST [x] INVESTIGATION [ ]OTHER	
DATE OF INCIDENT September 20, 2001	TIME 0900 am	NAME The Newhall Land & Farming Company	CITATION # AB022641

SUSPECTS:
The Newhall Land & Farming Company
23823 Valencia Boulevard
Valencia, CA 91355

Gary M. Cusumano
Chief Executive Officer
The Newhall Land & Farming Company
23823 Valencia Boulevard
Valencia, CA 91355

Agent for Process
CSC - Lawyers Incorporating Service
2730 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

Trude A. Tsujimoto
Secretary
The Newhall Land & Farming Company
23823 Valencia Boulevard
Valencia, CA 91355

Stuart R. Mork, Attorney &
Chief Financial Officer
The Newhall Land & Farming Company
23823 Valencia Boulevard
Valencia, CA 91355

VIOLATIONS:

Fish and Game Code Section 2080--Import, Export, Take, Possess, Purchase, or Sell Endangered Species.

Fish and Game Code Section 1603--Unlawful modification of streambed.

PREPARER'S NAME	DATE	REVIEWER'S NAME	DATE
Penelope Liotta, Lt. Specialist	08/08/2002	Roger Reese, Captain	08/08/2002

NARRATIVE/SUPPLEMENTAL

[x]NARRATIVE [ ]SUPPLEMENTAL		[ ]ARREST [x] INVESTIGATION [ ]OTHER	
DATE OF INCIDENT September 20, 2001	TIME 0900 am	NAME The Newhall Land & Farming Company	CITATION # AB022641

WITNESSES:

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Department of Public Works
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(909) 625-8767 extension 248

PREPARER'S NAME	DATE	REVIEWER'S NAME	DATE
Penelope Liotta, Lt. Specialist	08/08/2002	ger Reese, Captain	08/08/2002

NARRATIVE/SUPPLEMENTAL

[x]NARRATIVE [ ]SUPPLEMENTAL		[ ]ARREST [x] INVESTIGATION [ ]OTHER	
DATE OF INCIDENT September 20, 2001	TIME 0900 am	NAME The Newhall Land & Farming Company	CITATION # AB022641

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Erik Fleet, Game Warden
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Clint Garret, Game Warden
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Penelope Liotta, Lt. Specialist	08/08/2002	Roger Reese, Captain	08/08/2002

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[x]NARRATIVE [ ]SUPPLEMENTAL		[ ]ARREST [x] INVESTIGATION [ ]OTHER	
DATE OF INCIDENT September 20, 2001	TIME 0900 am	NAME The Newhall Land & Farming Company	CITATION # AB022641

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Roger Reese, Patrol Captain
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(858) 467-4201

PREPARER'S NAME	DATE	REVIEWER'S NAME	DATE
Penelope Liotta, Lt. Specialist	08/08/2002	Roger Reese, Captain	08/08/2002

NARRATIVE/SUPPLEMENTAL

[x]NARRATIVE [ ]SUPPLEMENTAL		[ ]ARREST [x] INVESTIGATION [ ]OTHER	
DATE OF INCIDENT September 20, 2001	TIME 0900 am	NAME The Newhall Land & Farming Company	CITATION # AB022641

Pete Purmalis, Senior Investigator
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Los Angeles County District Attorney
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John Thompson, Senior Investigator
Bureau of Investigation
Los Angeles County District Attorney
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Los Angeles, California 90012
(213) 580-8722

Mr. Mitch Miller
Los Angeles County
Department of Public Works
Building and Safety Division
900 South Fremont Street
Alhambra, California 91803
(626) 458-6390

PREPARER'S NAME	DATE	REVIEWER'S NAME	DATE
Penelope Liotta, Lt. Specialist	08/08/2002	Roger Reese, Captain	08/08/2002

[x]NARRATIVE [ ]SUPPLEMENTAL		[ ]ARREST [x] INVESTIGATION [ ]OTHER	
DATE OF INCIDENT September 20, 2001	TIME 0900 am	NAME The Newhall Land & Farming Company	CITATION # AB022641

NARRATIVE:

On 9/19/2001, Newhall Ranch Assistant Manager Jesse Gomez telephoned mid-day to notify me that Newhall Land and Farming (NLF) would be putting in a summer crossing across the Santa Clara River, west of Chiquito Canyon Road. Gomez extended an invitation to inspect the construction of the crossing.

On 09/20/2001, Morgan Wehtje, California Department of Fish and Game (CDFG) environmental scientist, and I went to Newhall Ranch to inspect the construction of the summer crossing. We met with Gomez on-site. The crossing appeared to be in compliance with their streambed alteration agreement. During the course of conversation, I asked Gomez about the disking (a tractor pulling a device composed of a series of disks which slice and turn over the surface soil) that had recently occurred on Newhall Ranch. I explained to Gomez that I had received, beginning in May, 2001, inquiries from various environmental groups and Betty Courtney, CDFG environmental scientist, about the disking occurring on Newhall Ranch. Gomez stated they were amending the soil in a couple of different fields to improve agriculture conditions. Gomez described the locations of the amended fields. Wehtje and I were unclear on the location of one of the fields, so Gomez asked us if we would like to see it. We said, "yes" and followed him to the site.

The site was located west of the Magic Mountain Amusement Park employee parking lot. The site was later identified on a map as Airport Mesa (AM). I observed the hillsides had recently been grubbed (the flat blade of a bulldozer scraping off the vegetation and top layer of soil), graded, and terraced (see Exhibit 1). The

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field was being disked. I asked Gomez about the terracing. Gomez stated they were going to grow a test crop of agaves. Gomez stated the farmer who leased the area believed the soil and weather conditions at the site were consistent with agave fields in Mexico. Gomez stated NLF had terraced the area in early August, 2001. Gomez stated the agave would be grown for the production of tequila.

While driving back to Ventura County, Wehtje explained the background history of NLF's proposed Newhall Ranch development, a 22,000-dwelling unit housing and industrial development located on the Los Angeles County portion of Newhall Ranch. Wehtje said NLF had requested the CDFG to enter into a master streambed alteration agreement for this development. Wehtje said she had reviewed the proposal and told NLF the proposal did not adequately address threatened and endangered species. Wehtje told NLF they needed to submit an environmental impact report (EIR) incorporating surveys for threatened and endangered species, including San Fernando Valley Spineflower (SFVS), *Chorizanthe parryi* var. *fernandina*, a state-listed endangered plant species (see Exhibit 2).

The SFVS, a member of the buckwheat family, is a low-growing, herbaceous annual with tiny white blossoms. The SFVS is believed to require habitat containing gravelly to sandy soils, is intolerant to shade, and does not compete well with other plants. The SFVS was presumed to be extinct in the 1920's. Populations of this plant were re-discovered in 1999 at the Ahmanson Ranch project, a housing development inVentura County, California, approximately 14.5 air miles from Newhall Ranch Grapevine Mesa (GM). It

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DATE OF INCIDENT September 20, 2001	TIME 0900 am	NAME The Newhall Land & Farming Company	CITATION # AB022641

was, thereafter, listed as a California endangered native plant. The plant's range historically was Los Angeles, Orange and San Bernardino Counties, but development now covers much of this area.

Wehtje said John Gray of environmental consulting firm URS, Greiner, Woodward & Clyde, had been contracted by NLF to be the project manager for the preparation of the EIR. Wehtje had frequently spoken to Gray regarding different issues which arose from the preparation of the EIR. Wehtje stated that in late 2000 or early 2001, Gray told her that NLF had put the EIR on hold and he had stopped all work on its preparation. Wehtje stated that to-date, no EIR had been submitted for review.

Wehtje stated she learned about the discovery of SFVS at Newhall Ranch from CDFG Plant Ecologist Mary Meyer in May, 2000, and subsequently asked Mark Subbotin, NLF, about the discovery. Wehtje stated Subbotin said there were a couple hundred plants at GM.

Wehtje stated CDFG's Sacramento office, Diane Hickson, requested information (location, number of individuals, condition, etc.) about the SFVS population from NLF. She said that in June, 2000, NLF faxed a map that indicated an approximate location of the population somewhere on GM (see Exhibit 3). The identified location is a dark dot positioned on a small portion of GM.

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Wehtje stated she attended a meeting on 09/21/2000, with Meyer, NLF Vice President Steven Zimmer, and NLF Consultant Thomas Worthington, Impact Sciences, regarding SFVS and other issues with the Newhall Ranch project. Wehtje said that during this meeting, Worthington pointed to a topographical map on the wall, locating the SFVS population at GM. Wehtje attributed the following information as being stated by Zimmer:

URS, Greiner, Woodward & Clyde, NLF's consultant, did not prepare a botanical report; the population had been found at the tail end of field surveys and no further surveys had been conducted; the SFVS population was growing mostly on an unused road bed, approximately 10-12 feet in width, extending for approximately 50-75 feet; NLF had placed physical barriers on the road to protect the population; there was probably more habitat for the SFVS on Newhall Ranch, but they had not looked for the plant yet; and, NLF would survey for the plant, as each phase for development was implemented.

Wehtje stated it was highly unusual that a consulting botanist was not present at the meeting to discuss the discovery of this rare plant species.

Wehtje said, according to NLF Newhall Ranch development plans, AM was slated as "phase 2" for development. Wehtje said agave took 7-10 years to mature for harvest. Wehtje said "phase 2" build-out

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would occur well before the agave was ready for harvest. Wehtje said she believed the agave crop was a ruse to develop the property without having to comply with state, federal and local laws dealing with grading and land development.

Tequila can only be made from one variety of agave, the blue agave (*Agave tequiliana* var. *azul*). This plant grows at about 7,500 feet in the state of Jalisco, in the tropics of Mexico at a latitude of about 20 degrees. The blue agave is frost-sensitive. The agave plant takes at least eight years to reach the stage where it is suitable for fermentation and may be left for up to twelve years before harvesting; the more mature, the better its natural sugars (2000, Tequila: In Search of the Blue Agave, May, www.Ianchadwick.com; 2001, Wine Enthusiast Magazine, November; 2001, Ventura County Star, November 4). According to Mexican law (Declaration for the Protection of the Denomination of Origin "Tequila"), only blue agave grown in specified villages in five states of Mexico can be labeled as tequila; and no agave grown outside of these regions, including other countries, can be used for any product labeled as "tequila."

Given that the climate at Newhall Ranch is not tropical and is vulnerable to periodic frost; and blue agave requires 8-12 years to mature for tequila production which is longer than "phase 2" build-out would allow; and Mexican law precludes the use of blue agave grown outside a specific area in tequila production, it is highly unlikely that a crop would grow at AM, or reach harvestable maturity, or be used for tequila production.

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Wehtje said the EIR for the Newhall Ranch development had been challenged in court and that an injunction was issued, halting any activities to further the development until certain issues were adequately addressed in a supplemental EIR (see Exhibit 4).

Wehtje stated the habitat at the AM area was consistent with the habitat at GM. Due to the proximity of the AM area to GM and the similar habitat, Wehtje concluded that there was a very high probability of populations of SFVS at the AM area. Wehtje advised me to speak with Meyer regarding the SFVS and the possible take of SFVS at the AM area. Wehtje said her repeated requests to NLF for access to GM to look at the SFVS population had been denied.

On 10/10/2001, I participated in a CDFG over-flight of East Ventura County and North Los Angeles County. I took photographs of the terracing and grading at AM (see Exhibit 5). I observed substantial grubbing and grading adjacent to the terracing. I did not observe this grading during my site visit on 9/20/2001.

MANY CDFG BIOLOGIST

On 11/8/2001, I met with Meyer to drive to IC Curtis, Inc./Air Photo USA, to compare historical aerial photographs of Newhall Ranch to present day conditions. During our drive, I asked Meyer about the SFVS and Newhall Ranch. Meyer stated that in May, 2000, the CDFG was in the process of reviewing a petition to

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list the SFVS as endangered under the California Endangered Species Act. Meyer recalled speaking with Dr. Dieter Wilken of the Santa Barbara Botanic Garden in May, 2000. Meyer attributed the following information as being stated by Wilken:

> Kathy Rinlaub, a local consulting botanist, had just shown him specimens of what appeared to be the SFVS, collected from the Newhall Ranch area; Wilken recommended Rinlaub send the specimens to Steve Boyd of the Rancho Santa Ana Botanic Garden for confirmation, as they had other collections of the plant, including recent collections from Ahmansen Ranch.

Meyer recalled that a couple of weeks after her conversation with Wilken, she spoke with Diana Hickson, CDFG. Meyer attributed the following information as being stated by Hickson:

> Pam Lindsay of Impact Sciences, consulting botanist, had shown SVFS specimens to Dr. Barbara Ertter of the Jepson Herbarium at University of California Berkeley; she had spoken with both Ertter and Boyd regarding the SVFS specimens; neither Ertter nor Boyd had been provided with any specific information on collection locations of the specimens; she had spoken to Rinlaub who stated she had signed a confidentiality agreement and could not tell her anything.

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Meyer stated in late May or early June, 2000, Wehtje told her Subbotin, NLF, stated in a meeting that a couple hundred SFVS were growing on GM. Meyer said in early June, 2000, Hickson phoned her for Subbotin's telephone number to question him regarding specific information about the SFVS population on GM. Meyer said, in a later telephone conversation, Hickson stated Subbotin said there were hundreds of SFVS on GM.

Meyer stated she attended a meeting with Wehtje, Zimmer, and Worthington, on 09/21/2000, regarding the Newhall Ranch project and SFVS. Meyer said that Worthington pointed to a small spot on a USGS topographic map indicating the location of the SFVS on GM. Meyer attributed the following information as being stated by Zimmer:

> SFVS was growing on the edge of a dirt road on GM; there were 100-200 small SFVS growing mostly on the road bed; the road had not been maintained for a year or two; the road was 10 to 12 feet wide; the SFVS population extended for about 50 to 75 feet along the road; URS, Greiner, Woodward & Clyde were NLF's consultants and had not written a botanical report on the population or submitted any written information; the SFVS population was found at the tail end of field surveys and no further surveys were conducted; NLF had placed huge physical barriers on the road to protect the population; there is probably more habitat for the SFVS, but NLF would survey for it as each phase of development is implemented; and, NLF provided detailed location information to the

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herbarias who received the voucher specimens (this statement is contradicted by Hickson's, Ertter's, and Boyd's statements).

Meyer said she was surprised that no consulting botanists attended the meeting. Meyer said the discovery of a very rare plant, like SFVS, is a significant find. Meyer said botanists who find a rare plant typically discuss their findings with their colleagues, submit a report on their discovery, and are present at meetings to report their findings. Meyer said the lack of report and attendance of botanists at this meeting was highly unusual. Meyer stated that it was also against protocol to submit voucher specimens without identifying the collection location. Meyer stated she made numerous requests to NLF for access to GM for scientific examination of the SFVS. Meyer stated that all of her requests for access had been denied.

Meyer confirmed habitat at AM area was consistent with GM. Meyer concluded there was a high probability of SFVS populations located at the AM area and that the grubbing and grading of the area may have resulted in take.

Meyer and I arrived at IC Curtis, Inc. and examined aerial photographs of GM and AM areas dating back a decade. We purchased the most recent photographs of GM and AM, dated 11/13/2000. The AM photograph (see Exhibit 6) shows that on 11/13/2000, the recently grubbed, graded, and terraced areas surrounding the agricultural fields had not yet been grubbed, graded, and terraced. Instead, they appear to

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have natural contours (except road beds) with a streambed running through the eastern portion. The photograph indicated the now denuded area was, prior to the recent grubbing, grading, and terracing, naturally vegetated with small plants, shrubs and trees.

The extensive grading and grubbing that occurred in approximately August - October, 2001, appears to have destroyed the natural streambed (see Exhibit 5 and Exhibit 6). Meyer stated that a riparian habitat existed in the eastern portion of the drainage prior to the grubbing and grading. Courtney provided me with a memorandum (see Exhibit 7) in which she stated "...the area in question would have required a streambed alteration agreement for the grubbing and grading activities...In addition, mitigation or replacement habitat would have been a condition of the agreement. The Department would have required a 5:1 replacement to impact ratio for the loss of streambed and its habitat..." The grubbing and grading of this streambed is a violation of Fish and Game Code Section 1603.

The 11/13/2000 GM photograph shows GM and three small mesas to the west as open range. There is no disking or cultivation apparent in the photograph (see Exhibit 8). Earlier aerial photographs of Newhall Ranch confirm no historical disking or cultivation on GM and the three smaller mesas adjacent to GM, or on the hillsides surrounding and adjacent to AM.

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Meyer said that in November, 2001, she notified Mitch Miller, Los Angeles County Department of Public Works (LACDPW) of the grading at AM. She said Miller's department investigated the grading and determined the grading to be in violation of the county grading ordinance.

I spoke with Miller on 12/06/2001 who stated that a notice of violation was issued to NLF ordering NLF to immediately stop all work and submit a plan and grading permit application within 10 days. Miller faxed me a copy of the grading ordinance and the citation issued to NLF (see Exhibit 9). Miller said NLF was granted and extension on the application and plan submittal. NLF agreed to submit a grading plan by the first week of January, 2002.

On 12/28/2001, Meyer and I conducted a CDFG over-flight of Newhall Ranch. We observed GM having recently been disked and under cultivation and the three adjacent mesas having been recently disked (see Exhibit 10). We observed no change in the AM site. We did not observe any protective barriers on GM.

I phoned Subbotin in early January, 2002, requesting access to the GM area. I explained to Subbotin the site visit was to insure the protection of the SFVS population and to accurately map the location of the population. Subbotin said he would get back to me with an answer.

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On 01/14/2002, Chuck Raysbrook, CDFG south coast regional manager, telephoned me to relay the phone conversation he just had with Subbotin, NLF. Raysbrook attributed the following information as being stated by Subbotin:

> CDFG was not welcome on NLF property; the request to access GM was denied; and, the reason for the denial was due to NLF being issued a citation by LACDPW for unlawful grading, a direct result of CDFG's site visit of 09/20/2001.

On 01/15/2002, Subbotin, NLF, informed me by phone that NLF had denied my request for access. Later that day, I received an email from Subbotin with an attached photograph he said he had taken the previous day. Subbotin said the photograph was of the protective barrier NLF had installed around the SFVS population at GM (see Exhibit 11). The barrier appeared to be constructed of wooden posts set into the ground with large spacing between the posts. Posts that had been in place since before Zimmer told Wehtje of the barrier ~~in September, 2000, should show weathering. These posts appear to be new.~~ Also, Zimmer had described to Wehtje in September, 2000, the barrier placement as on a roadway. There is no roadway visible in the photograph.

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I replied to Subbotin's email, requesting an accurate map of the SFVS population. Subbotin mailed me what appeared to be the same map that was faxed to CDFG in June, 2000. I called Subbotin to ask if NLF had a more detailed map than the one faxed. Subbotin again asked about CDFG interest in the population. Upon explaining the CDFG interest in protecting the population, Subbotin stated "the next time you fly over the property, call me and I will set off a flare at the site." Subbotin did not produce a more detailed map.

In late January, 2002, I spoke with Lindsay, consulting botanist, via the telephone. I identified myself as a peace officer with the CDFG and told her I would like to ask her about the SFVS on GM. Lindsay said, "You will have to get that information from NLF." She then said she had signed a confidentiality agreement with NLF which precluded her from discussing the job she performed for NLF. She reiterated this numerous times and declined to answer any questions.

From mid- to late January, 2002, I repeatedly phoned Rinlaub to interview her about SFVS on GM, leaving messages on her answering machine. Rinlaub never returned the phone calls.

Dave Magney, president of Dave Magney Environmental Consulting, had contacted various environmental groups, state and federal agencies, and state legislators about his knowledge/concern of take of SFVS on Newhall Ranch. On 2/08/2002, I interviewed Magney who said he did not have any direct knowledge of locations of SFVS populations, but knew about the population at GM and had heard rumors about other

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populations on Newhall Ranch, east of GM. Magney said he chartered a plane and took oblique aerial photographs of Newhall Ranch on December 11, 2001. Magney created an exhibit comparing the historical photographs with the photographs he had taken (see Exhibit 12).

In mid-February, 2002, I spoke with John Grey, URS, Griener, Woodward & Clyde on the telephone. I identified myself as a peace officer for the CDFG and proceeded to ask him about the EIR he had been contracted to prepare for NLF for the master streambed alteration agreement. Grey stated that he was the project manager for the EIR. Grey stated all work on the EIR had been suspended by NLF. Grey stated there was a confidentiality clause in the contract he and the subcontractors had signed for NLF. Grey stated he could not discuss any information about Newhall Ranch without NLF permission. Grey said I would need to get the information from NLF. Grey stated the confidentiality clause was standard in most contracts; however, he emphasized that this was his first experience where the clause was invoked. Grey stated NLF strongly reminded him and the other contractors of the confidentiality clause.

On 5/20/2002, I obtained search warrant number 47597 from Los Angeles County Superior Court, Department 123, Judge David S. Wesley, to search The Newhall Land and Farming Company, portions of property entitled "Newhall Ranch," Los Angeles County (see Exhibit 13). The scope of the search was to collect evidence of take of SFVS at two areas; Area One-GM and Area Two-AM.

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Raysbrook told me that, at approximately 1500 hours, 05/20/2002, he telephoned Subbotin, NLF, requesting NLF consent to allow CDFG access to Newhall Ranch. Raysbrook stated he told Subbotin he needed an answer by the end of the day and no later than 0900 hours on 05/21/2002. Raysbrook relayed that Subbotin stated he needed to discuss the request with other company officials.

Raysbrook told me that, on 05/21/2002 at 0900 hours, he told Mervin Hee, CDFG Regional Patrol Chief, he had not received an answer from NLF. At 0905, Captain Roger Reese, CDFG; Senior Investigator Peter Purmalis, Los Angeles County District Attorney Office; and I served notice of Search Warrant 47597 to Zimmer, NLF, at NLF offices, 23823 Valencia Boulevard, Valencia, California. Reese notified Hee by Nextel radio of the warrant service at approximately 0907 hours. CDFG and LADA personnel entered GM, Newhall Ranch, within minutes of the Nextel transmission (see Exhibit 14--Personnel Roster).

CDFG personnel positioned a mobile command post (CP) on GM. At the CP site, I observed evidence of a petroleum hydrocarbon spill (see photos 55-58) and evidence of human fecal material (see photos 59-61).

The search was conducted over a three-day period. Teams consisting of biologists and law enforcement officers searched the areas for SFVS, collected physical and photographic evidence, and mapped the data collected with global positioning system (GPS) devices. Thirty-seven items of physical evidence were collected throughout the search areas, including eight soil samples from 0-7 cm in depth, 27 vegetation

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samples, and one animal sample (see Exhibit 15). Photographs include three video tapes, and 251 photographs (a combination of digital, 35 mm prints & slides) (see Exhibit 16). GPS waypoints of locations of evidence collection, fence lines, SFVS, and other geographic features were mapped onto topographic maps entitled Grapevine Mesa Map and Airport Mesa Map (see Exhibit 17 and 18).

The search first focused on the area thought to support the known population of SFVS and to the areas likely to support the growth of SFVS (see Exhibit 19 and Exhibit 20). Scientific data--shared geologic, soils, and topographic features were used to predict SFVS habitat at AM and GM (see Exhibit 21--Meyer Memorandum).

At the GM search area, I observed the northern portion of the GM top was currently under cilantro cultivation and the southern portion had recently been disked. The disking extended close to the mesa edge with disking between the edge of the cultivation and natural vegetation. Aerial photographs from December, 2001, show the GM top under cultivation (see Exhibit 10). I observed dry cow manure and hoof prints all around the GM edges. I observed live SFVS and SFVS skeletons on the western mesa edge, a linear measurement of approximately 4,000 feet (search areas identified as GM 1, 2, 4, 14-20). The SFVS populations were growing up to the edge of the disking and/or cultivated area. I also observed live SFVS and SFVS skeletons on the western GM hillsides, down into the dry streambed (search areas identified as GM 5, 6, 8-13).

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At GM-1, in the area of the NLF-reported population of SFVS, I observed what I believe to be what NLF had described as a protective barrier which consisted of pressure treated posts inserted upright approximately 5 feet apart into the ground. The posts did not appear to be weathered. The barrier measured 93 feet in length. Recent soil disturbance had occurred on the mesa top to within a foot from the posts. I observed what appeared to be an old roadbed, which did not look like it had been used for some time, leading down the western edge of the mesa through the population. I saw live SFVS and SFVS skeletons on and adjacent to the old roadbed.

At GM-4, I observed buried/crushed SFVS skeletons in tire tread ruts at the mesa edge. Disking had occurred to the very edge of the mesa, causing SFVS to be destroyed (see photos 71-75).

On the western slopes of GM, I observed SFVS skeletons (areas identified as GM 5, 6, 8-13). I observed live SFVS at GM-10. I did not see any conclusive evidence that cultivation had any detrimental effect on these populations. However, I believe the cattle grazing, evidenced by cattle hoof prints and manure at these sites, would have a negative effect on these SFVS populations.

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No SFVS were encountered in the rest of the GM search area, including the north and east side of GM, GM 3, GM 7, the drainage West of Exxon Mesa, and the three little mesas west of GM. However, I observed extensive disking on the little mesas, including the roads leading up to the mesa's tops.

At the AM search area, I observed live SFVS and SFVS skeletons primarily on southwest facing slopes, search areas identified as AM 3a-c, 4, and 7 – 9. The AM search area consisted of the unlawfully grubbed, graded, and terraced hillsides, and adjacent open rangeland surrounding the two agriculture fields (see Exhibit 20). No SFVS were encountered in search areas identified as AM 1, 2, 5, and 6.

AM 3 consisted of nine side slopes identified as a – i (see photo 104). I observed SFVS skeletons at side slopes a –c. The SFVS skeletons were found midway down the slopes, buried under alfalfa (see Photos 80-82). I observed alfalfa distributed on side slopes a-h (see photo 237). These slopes are very steep for cattle grazing. The alfalfa appeared to have recently been placed there, within the past several months, evidenced by dry alfalfa on top with green alfalfa underneath. There was no alfalfa at the base of the side slopes. There was no easy access ~~to distribute bales of alfalfa into this area. The feed would have~~ had to been hand carried either up from the valley or down from the ridge. I observed remnants of baling twine amidst the alfalfa. I observed cattle trails throughout the area where alfalfa had been distributed. The area had been severely trampled by cattle.

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At the ridge top of the AM 3 search area, running for the most part adjacent to the roadway, was what appeared to be a two-strand barbed wire, insulated metal post fence capable of being electrified (see photo 228). The wire and metal posts appeared new, evidenced by their lack of weathering. This fence ran for one-third of a mile, starting from the roadway gate and running up to the five-strand fence on the northern mesa edge. This fencing was the only fencing of this type observed at the search areas and did not follow topographic or road features. All other fencing appeared permanent and was comprised of five-strand barbed wire, wood and metal posts, with none of the posts being insulated.

Supplemental cattle feeding is typically accomplished by dropping bales or bale flakes of feed from the back of a vehicle onto the field. The location of the two-strand fence and specific placement of cattle feed on the mid-slope where the SFVS was growing kept the cattle concentrated in this area which promoted extensive disturbance and destruction of soil and vegetation. I believe this focused, concentrated cattle feeding practice resulted in the take of SFVS, evidenced by the lack of 2002 live plants encountered.

At AM 4, I observed two live 2002 SFVS (see photos 169 and 250). AM 4 is one of the areas that LACDPW cited NLF for unlawful grubbing, grading and terracing in August, 2001 (see photos 103, 125, and 249). I observed little vegetation in this area. Meyer said the presence of the two remaining live SFVS are evidence that a population of SFVS existed prior to the grubbing, grading, and terracing of this area (see Exhibit 21). I believe the unlawful earthmoving activities directly resulted in the take of SFVS.

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At the unlawfully grubbed and graded area (AM 7, 8 and 9), I observed little vegetation (see photos 88, 89, 106, 140, 156, 141, and 173). I observed SFVS in scattered locations across the mid- to lower slopes (see photos 165, 95, 175, and 178). Meyer said these plants are evidence of SFVS populations existing in these areas prior to the unlawful grubbing and grading (see Exhibit 21). I believe the grubbing/grading directly resulted in the take of SFVS.

Meyer, CDFG plant ecologist, provided me with a memorandum dated 08/05/2002 in which she stated she determined that substantial damage, resulting in take, occurred to populations of SFVS at the AM and GM search areas (see Exhibit 21). Meyer stated the following observations and conclusions:

> "Damage to Population GM-4: The edge of the cultivated field, consisting of plowed dirt, dirt clods and occasional weeds like mustard extended right up to the edge of the mesa and frequently abutted SFVS skeletons. In my opinion, the fact that SFVS skeletons grew right up to the edge of the extensively disturbed soil suggests the population here would have continued further onto the top of the mesa had it not been cultivated. Therefore, I would conclude that occupied habitat was directly removed by plowing and cultivation. Where dirt clods from disking/plowing fell onto SFVS seedbank, it would be difficult for seed to germinate in the future because it is buried beneath the

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clods. Weedy mustards on the field edge will expand into SFVS habitat and gradually displace SFVS plants over time."

The following photographs taken at GM-4 best exemplify the condition of the population and habitat resulting from extensive soil disturbance:

- #1: Skeletal remains of SFVS with dirt clods from adjacent disked plowing/disking.
- # 2: Habitat where SFVS skeletons were seen with scattered dirt clods from the adjacent plowing/disked.
- # 13: Photograph of GM-4 abutting edge of cultivated mesa. Edge of field in center, natural habitat on the left, field on the right with biologist, band of dirt clods from disking/plowing spilling over area with SFVS skeletons. Pin flags by skeletons.

Meyer stated the following observations and conclusions about GM-17, GM-18, GM 19 and GM 20:

"Damage to GM-17: The area looked like it had been affected by irrigation runoff and/or fertilizer runoff from the cultivated field. Irrigation runoff and fertilization damages SFVS populations by encouraging the growth of weedy competitors that shade and overtake the SFVS's open habitat. In my opinion, the population extended onto the mesa top prior to cultivation, and therefore, a portion

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of the population was eliminated by plowing and irrigation/fertilizer overspray."

"Damage to GM-18: The SFVS population began a few feet away from the edge of the cultivated field. In my opinion, the population extended onto the mesa top prior to cultivation; and therefore, that portion of the population on the mesa top was damaged and eliminated by extensive soil disturbance activities and cultivation."

"Damage to GM-19 and GM-20: These areas exhibited the same overall type of damage as Population GM-4. SFVS skeletons abutted the edge of the disked/plowed field. In my opinion, had the field not suffered extensive soil disturbance and damage from cultivation, SFVS would have extended further onto the mesa top. Disking, cultivation and irrigation damaged the population. Dirt clods from disking/plowing were cast over onto the side slope, which would prevent successful germination of SFVS seed located beneath the clod of dirt. Weedy mustards along the edge of the field displace SFVS; and in the future, they may continue to expand and reduce the ability of SFVS to occupy the area. At one location in the vicinity of GM-19, a large pile of dirt, pushed off the top, lies on top of SFVS habitat, burying any seedbank that was located there and killing the coastal sage scrub bushes growing there."

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The following photographs taken at GM-19 and GM-20 best exemplify the condition of the population and habitat resulting from extensive soil disturbance:

- # 199: SFVS skeletal remains adjacent to dirt clod cast off the side of the field.
- # 201: Very edge of disked field shown abutting occupied SFVS habitat. Skeletal remains of SFVS occur at the tip of two blue pencils in the mid-ground. Large, green mustard plants on the edge of the field overtopping small adjacent spineflowers.
- # 202: Clusters of SFVS skeletons at tip of pen, with dirt clods adjacent.
- # 203: Clusters of SFVS skeletons at tip of pen, dirt clods from adjacent field nearby on SFVS habitat.
- # 205 Large mound of soil from disked field has been scraped up and pushed over the edge of the mesa on top of SFVS habitat. SFVS skeletal remains plants occur in the vicinity of two blue pencils on the ground. Biologist standing in the background on top of the disked field.

Meyer stated the following observations and conclusions about GM-14, GM-15, and GM-16:

"Damage to GM-14, GM-15, and GM-16: In my opinion, the population at GM-14 was damaged by grading of the side slope and burial under the dirt berm. GM-15 and GM-16 may have been a sufficient distance away from the cultivated field to not have experienced direct damage from nearby

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soil disturbance and/or cultivation activities. If additional SFVS populations were growing on the mesa prior to extensive soil disturbance, they would have been eliminated by plowing, cultivation and irrigation. Grading and/or grubbing of the side slope south of GM-14 eliminated mesa edge habitat suitable for SFVS; and therefore, if populations occurred in this area, they were eliminated and seedbank was likely to have been washed off the slope by erosion. The existing erosion rills would have carried away SFVS seedbank in the area. The erosion rills will tend to worsen over time, and will carry away any remaining SFVS seedbank where it occurs on this slope. All three areas showed evidence of heavy grazing and trampling by cattle."

The following photograph taken at GM-14 best exemplifies the condition of the habitat resulting from cultivation and cattle grazing:

- # 52: Habitat at GM-14.

Meyers stated the following observation and conclusion about GM:

"...it seems odd that only the one area at GM-1 was found by botanists while conducting field inventories of the ranch in 2000, when Department staff easily found a more or less continuous band of plants all along the western mesa edge. Morgan Wehtje told me that she had requested in early

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2000 that NLF update their field surveys for a master streambed alteration agreement they sought to obtain from the Department, and she was aware that contractors were out on the ranch in 2000 performing these surveys. We know that at least two consulting botanists, Katherine Rinlaub and Pamela Lindsay, collected vouchers and therefore must have found and/or seen the population at GM-1 or elsewhere on the ranch. When botanists conduct rare plant surveys, they usually examine areas systematically and attempt to look at all areas of suitable habitat. It does not make sense that only the small population on the dirt roadway was somehow encountered by consulting botanists without them having examined any other areas on the ranch. This is especially so, given that the Department search teams quickly found numerous other areas within 50 feet or less from the roadbed area occupied with SFVS, and more or less continuous bands of occupied habitat for hundreds to thousands of feet north and south along the western mesa edge."

Meyer stated the following observations and conclusions about AM-3:

"The Department team discovered that alfalfa hay had been distributed on the midslope area on the top of each of the three SFVS populations and had also been distributed on at least four more midslope side ridges where no SFVS were seen. The remnant hay was dry, but underneath portions showed the alfalfa was still green, suggesting it had been placed there sometime in the last few months. The entire area had been severely trampled by cattle, presumably while feeding on the

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alfalfa. Soils were pulverized and powdery, suggesting cattle may have been present after most of the rain we received in the winter of 2001/2002. Pieces of twine were observed nearby, suggesting the hay was brought in bound, and the twine cut to allow it to be distributed across the area. SFVS skeletons were observed, but frequently broken and trampled."

"The Department also discovered that a length of barbed wire fencing, approximately one-third mile long, had been recently installed along the top of the ridge above the SFVS populations and alfalfa area. Posts and wire were relatively new and unweathered. The wire was barbed wire and a bucket located near the end of the fence contained signs indicating it had been electrified. Near the bucket was a long length of additional wire, which may have been used to extend the fence further."

"A major cattle trail was observed to come up from the field below, then spread out across the alfalfa area into spineflower habitat. The trail did not extend on up to the top of the slope and fence. This suggested the cows had accessed the area from below, rather than from above, and then spread out when they reached the feed."

"It is not uncommon for livestock operators to provide supplemental feed to cattle on dry years or prior to the onset of winter rains. This is typically done by tossing the feed off the back of a pickup truck across the bottom of a field. In this case, however, the alfalfa was far enough away from any

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road to suggest that someone must have carried it by hand down onto the side slope. The overall slope itself was estimated to be 27%, which is pretty steep, although the localized spineflower habitat areas were less steep. In my experience working on grazing allotments, cattle do not like to graze on steep slopes for very long. It therefore seems odd to me that this steep area would have been chosen to place feed. The barbed wire fence appeared to be placed on the ridge top to deter livestock from going up onto the top of Airport Mesa. Lack of feed on the valley floor, combined with the barbed wire fence, may have encouraged animals to remain on the side slope and feed there, despite its steepness."

"Damage to Populations AM-3a,b,c: Based upon conditions observed in the field, concentrated livestock grazing stemming from the introduction of imported alfalfa feed and confinement below the barbed wire fence resulted in severe damage to the SFVS population. In my opinion, concentration of livestock in this area would have trampled and crushed any live 2002 plants growing there at the time animals were present. If 2002 SFVS had germinated and grown, conditions were such that I would have expected them to be not very numerous, small and brittle, like plants seen at Grapevine Mesa. Trampling would have crushed them, which could account for why no 2002 remains were found. Concentrated trampling by large cattle crushed ungerminated seed, damaging any residual seedbank. We observed evidence of broken skeletons throughout the feeding area. The large

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scraped/graded area east of AM-3a stopped close to occupied habitat; and it is possible that SFVS were also growing there and would have been eliminated by the grading/scraping."

The following photographs taken at AM-3 best exemplify the condition of the population and habitat resulting from concentrated cattle feeding:

- # 22: Biologist sitting on side slope at AM-3a, with alfalfa straw visible across the area.
- # 65: Alfalfa feed (looking like straw) on top of SFVS habitat.
- # 66: Close-up of alfalfa feed on SFVS habitat.
- # 67: Straw-colored alfalfa distributed across SFVS habitat, gray areas are natural vegetation lacking alfalfa.
- # 70: Biologists examine SFVS population in areas where alfalfa was distributed; pin flags mark areas where skeletons were found.
- # 76: Biologists are standing in SFVS population at AM-3a. Patches of straw-colored areas are where alfalfa was dumped to feed cows. A large scraped area is visible on the right, containing several irrigation pipes. The graded/scraped area stops just below occupied SFVS habitat at AM-3a.
- # 77: Looking down from the same location as the previous shot, looking at the lower toe of slope with alfalfa straw, and graded area in the midground. Taken from a nearby roadway.

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- # 82: Biologist examines SFVS population at AM-3a where alfalfa was distributed. Photo shows cow footprints on cow path going straight through the population--pin flags show SFVS skeletons just outside of the cow path. Alfalfa in the foreground.
- # 228: Photograph showing length of new fenceline located above AM-3a, b, and c. Fenceline runs along the roadway leading to the top of Airport Mesa, and above the side slopes where alfalfa was spread. Existing roadbed to the right, fenceline, then in background you can see the graded/scraped area east of AM-3a, and patches of alfalfa in the far left background. The bucket contained signs indicating the fence had been electrified, and additional barbed wire.
- # 104: Panorama of Airport Mesa Hay Site--shows entire area in vicinity of AM-3 a, b, and c. Looking northwest, graded area extends across the foreground, deep shadow shows deep cut into hillside near AM 3a, patches of alfalfa straw are seen scattered across the side slope, biologists standing in SFVS habitat at AM-3a.

Meyer stated the following observations and conclusions about AM-4:

"The terraces consisted of narrow, flat benches with intervening steep slopes. Erosion rilling was seen. Very little vegetation was seen on the terraces and side slopes, indicating the seedbank for native vegetation was severely damaged."

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"Remarkably, two live 2002 spineflower plants were found growing on the edge of one of the terraced benches. Both plants were in flower and fruit, and over 7 cm across. The terraces were otherwise mostly unvegetated, and only an occasional weedy mustard, annual grass and occasional native herbaceous plant whose seed survived the grading were seen in the area. The population of SFVS was too small to allow collection. An individual Turkish rugging (*Chorizanthe staticoides*) was found and collected. This species is a close relative of SFVS, but a number of physical features allow it to be distinguished. This species has bright pink flowers, erect flowering stems and narrow, vase-like involucres with curved spiny tips."

"Damage to Population AM-4: The presence of two live plants indicates that SFVS must have occupied the terraced area prior to grading. The massive amount of earth moving would make it impossible to determine where the original population was actually located. It is likely the seedbank was mostly buried and/or substantially redistributed, with only a few seeds finding themselves in a location where they could germinate and grow. Seeds also were crushed by heavy equipment. Any population that was present prior to grubbing, grading and terracing has been severely and potentially irretrievably damaged."

"We note that both live plants seen on the terraces were green and larger than live plants seen in the less disturbed Grapevine Mesa area. In my opinion, this is because once the seeds were able to

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germinate, they found themselves in a site with full sun and almost no competition from any other plant species. Therefore, they were able to develop a larger root system in the loosened soil and appropriate more moisture and nutrients for growth and were able to survive and thrive in an otherwise very poor rainfall year. However, the prognosis for a population arising and persisting over the long term from the two SFVS plants in following years is very poor. Assuming no further disturbance to the terraces where SFVS were found, I would expect in subsequent years to see a continual increase in weedy species which favor disturbed sites like this. As seed disperses onto the terraces from nearby areas, more and more weedy vegetation will develop over time. Invasion by non-native weedy plants and grasses is also hastened by the damage to the soil micro-organisms that occurs when soils are bulldozed and graded. Soil disturbance typically kills these organisms, which causes them to release soil nutrients which are otherwise bound up in their biomass. The subsequent result is the site is essentially fertilized, which studies have demonstrated favors weedy species over native plants. Therefore, the long term prognosis for a population of SFVS persisting on the terraced habitat is very poor."

The following photographs taken at AM-4 best exemplify the condition of the population and habitat resulting from grubbing, grading and terracing:

- # 249: DA walking on terraces.

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- # 250: Biologist and DA pointing to green flag where a live SFVS grew on edge of terrace.
- # 103: View of terraced slopes, looking north.

Meyer stated the following observations and conclusions about AM-7:

"...All above-ground vegetation appeared to have been scraped off the slope with the blade of a bulldozer. Blade marks and caterpillar tracks were visible..."

"Damage to Population AM- 7: Grubbing removed all the live vegetation and scraped the soil surface in the area, damaging SFVS seedbank. Seedbank of SFVS was re-distributed and moved about. Some portion of the seedbank was crushed, and some other portion was lost by being repositioned or buried in areas where it is unlikely to grow. The large scattered plants observed grew from seeds that found themselves in a location where they could successfully germinate and grow. The large size of the plants was likely due to the lack of competition for light and nutrients from other plants. Damage to the soil micro-organisms would have released nutrients which also resulted in fertilizing the SFVS plants. Severe erosion will continue off the denuded slope. Erosion rills are unstable, and once they develop, they tend to channel rainfall and get larger and larger. Erosion and runoff will carry away SFVS seed that remains or is released by the 2002 plants. The long term prognosis for survival of a population there is poor. With time, more and more weedy non-native

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plants and grasses are likely to overtake and shade out any SFVS plants that may come up there in the next few years."

The following photographs taken at AM-7 best exemplify the condition of the population and habitat resulting from the grubbing and grading:

- # 83: Close-up of live live SFVS specimen, diameter about 13 cm.
- # 106: Grading at Airport Mesa: shows a series of photos combined to illustrate natural vegetation on the left and far right, grubbed slope and canyon bottom in center.
- # 140: Shows the general area of southwest facing slope encompassing AM-9 and AM-7. Plants were observed primarily along the mid- and lower slope above the dirt road cutting across the foreground.

Meyer stated the following observations and conclusions about AM-8:

"...We observed evidence that the site had been mechanically scraped, including caterpillar tracks and blade marks. There was also evidence of recent vehicle tracks driving on the site, including having driven over SFVS plants."

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"Damage to Population AM-8: Damage to this population was generally the same as that described for other grubbed populations like AM-7 and AM-4. The integrity of the original population has been damaged by re-distributing seed, crushing seed, and burying seed. The few seeds that were able to germinate produced large individual surviving plants due to a lack of competition for light, water and nutrients from other vegetation, and the fertilizing effect that occurs when soil microorganism are damaged. In my opinion, the long term viability of the population is poor, because over time, more and more weedy vegetation will overtake the site and crowd out SFVS."

The following photographs taken at AM-8 best exemplify the condition of the population and habitat resulting from the grubbing and grading:

- # 116: Overview of AM-8, with AM-7 in the background. Shows massive scale of grubbing activities.
- # 156: Biologist measures width of tractor tread marks at AM-8.

Meyer stated the following observations and conclusions about AM-9:

"...Severe erosion, sandbags placed at the base of erosion rills, gullys, caterpillar tracks and heavy cattle trampling were observed..."

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"Damage to Population AM-9: Damage to this population is generally the same as described for the other grubbed populations AM-7 and AM-8. The area is likely to be overtaken by non-native weeds, making it unsuitable for SFVS over time. Ongoing erosion is likely to continue, and rills and gullies will worsen and enlarge, leading to loss of residual SFVS seedbank and topsoil in the surrounding area."

The following photographs taken at AM-9 best exemplify the condition of the population and habitat resulting from the grubbing and grading:

- # 173: Grubbed habitat occupied by SFVS, near single oak tree in vicinity of AM-9. Note bands of scraped, exposed underlying parent material and adjacent bands of looser soil with scattered annual grasses.
- # 178: Series of sand bags stacked together attempt to hold back eroding sediment from grubbed hillside around AM-9 and AM-7. All material behind the sandbags is silt that has washed down the slope and has been caught by the sandbags. Two green pinflags are adjacent to SFVS plants found in sediment.

Meyer's assessment and my observations and conclusions show the following activities on Newhall Ranch resulted in the direct take of SFVS: cultivation and plowing of the GM to the edge of the mesa destroyed

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populations of SFVS; heavy livestock grazing throughout GM crushed plants and associated seed banks; grubbing, grading, and terracing at AM destroyed populations of SFVS and associated seed banks; and the concentrated supplemental cattle feeding focused at AM 3 destroyed SFVS and associated seed banks.

Soil samples were sent to the California Department of Fish and Game Pesticides Laboratory for analysis. Pesticide Use Reports for Los Angeles County indicate over 3,000 pounds of soil sterilant, Diuron, manufacturer's name of KARMEX, was applied by NLF in February through April, 2001, on their property (see Exhibit 22). Diuron is a substituted urea herbicide used to control a wide variety of annual and perennial broadleaf and grassy weeds. Diuron works by inhibiting photosynthesis. Diuron residues in soil are toxic to plants. Plants absorb the herbicide residue through their root system. Residues may be found one month to a year after the application, depending on environmental factors. The exact location of pesticide application is not recorded on the pesticide use report. Soil samples were tested for Diuron. No trace of Diuron was found (see Exhibit 23).

On 07/29/2002, Meyer provided me a letter (see Exhibit 24) from Dr. Dieter Wilken indicating he examined plant specimens she asked him to identify. Meyer told me the specimens were those collected as evidence during the Newhall Ranch search warrant service. Dr. Wilken's letter confirmed specimens with evidence numbers 4, 8, 14, 17, 18, 21, 30, and 33 as SFVS. Wilken states he was unable to identify evidence numbers 2 and 20 due to insufficient material.

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On 08/06/2002, I conducted a telephonic interview with Diana Hickson, CDFG, to confirm the statements Meyer had attributed to her. Hickson stated she had spoken with Ertter, on 05/25/2000, who said she had received SFVS voucher specimens the previous week from Lindsay. Hickson said Ertter told her that she had not been provided with any specific information on collection location.

Hickson said she spoke with Boyd the week of 05/25/2000 who relayed that he had received a SFVS voucher specimen from Rinlaub. Boyd told Hickson that specific collection data had not been submitted with the voucher specimen.

Hickson said she phoned Rinlaub to discuss her findings of SFVS. Hickson stated Rinlaub told her that she had signed a confidentiality agreement and was not able to discuss her SFVS findings. Hickson said Rinlaub told her to contact John Grey, the project manager, who may be able to discuss the SFVS on GM. Hickson stated she left a couple of messages with Grey, but had not spoken with him.

Hickson confirmed initiating contact with NLF to obtain specific information regarding the SFVS found on their property. Hickson stated she spoke with Subbotin, who subsequently faxed a map to her with a black dot indicating the general vicinity of the SFVS population on GM. Hickson said Subbotin only mentioned the one population on GM.

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On 08/21/2002, I spoke with Dr. Barbara Ertter, University of California Berkeley professor, on the telephone. I identified myself as a peace officer for the CDFG and proceeded to ask her about the SFVS voucher sample that was sent to her by Pam Lindsey, Impact Sciences. Ertter stated that she had received a phone call from Lindsay asking if she could identify a plant specimen from the polygonaceae family (spineflower is classified in this family). Ertter said Lindsey said the specimen was collected from a project located in the Los Angeles basin area. Ertter said Lindsey was evasive with her answers regarding collection data. Ertter said she told Lindsey a fee would be charged for the identification. Lindsey mailed the specimen with a cover letter (see Exhibit 25). Ertter identified the specimen as SFVS. Ertter relayed the identification by leaving a message on Lindsay's voice mail and by sending an email (see Exhibit 26—email from Ertter to Lindsey). Ertter said the herbarium protocol for accepting specimens required complete collection information, including specific location. Ertter said she requested the collection data during her telephone call with Lindsey and by email (see Exhibit 25). Ertter said she never received the collection data.

~~08/22/2002, I spoke with Steve Boyd, Rancho Santa Ana Botanic Garden curator, on the telephone. I~~ identified myself as a peace officer for the CDFG and proceeded to ask him about the SFVS voucher sample that was sent to him for identification. Boyd stated he had received an individual plant from Kathy Rindlaub, consulting botanist. Boyd stated there was no label with the specimen. Boyd stated the museum protocol for identifying specimens was that the museum retained the specimen for their collection in lieu of charging a fee.

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Boyd stated to add a specimen to the collection, the specimen would have an accompanying label identifying collection data, including location. Boyd stated he spoke with Rinlaub on the phone regarding the label and collection location. Boyd said Rinlaub said she would send a label. Boyd said to-date he has not received a label. Boyd said the only collection data he has on the specimen is what was provided in a letter sent to him with the sample (see Exhibit 27). Boyd stated Rinlaub did say the specimen was collected near Castaic and believes he recalls her saying it was collected in the Santa Susana Mountains. Boyd stated Rindlaub was "cagey" with her answers regarding the collection data. Boyd said that it is common practice for consulting contracts to have confidentiality clauses and believed that is why Rindlaub was not forthcoming with the collection data.

The following data collection discrepancies are noted:

1. The dates on the digital photographs taken by John Thompson are incorrect. Thompson was using Warden Moore's Olympus camera which had the date incorrectly set (see Moore's supplemental report).
2. The GPS units used by Warden Stephens and Awbrey had the time incorrectly set (see Stephens' and Awbrey's Supplemental Reports).
3. Evidence number 36 had a collection date of 5/25/2002 on the evidence tag. Awbrey's field notes and supplemental report reflect the correct date of 5/24/2002.

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4. Evidence numbers 6 and 7 were collected on 5/22/2002 as reflected on evidence tags. Stephens' field notes reflect a collection date of 05/23/2002. Stephens and Henderson revisited the original collection site the following day, 05/23/2002, which was reflected in the field notes. The site visit on 05/22/2002 was not noted on the field notes (see Stephen's Supplemental Report).

5. Evidence number 14 has a collection date of 05/25/2002 listed on the evidence tag. This date is incorrect, Stephen's field notes correctly record the collection date as 05/23/2002 (see Stephen's Supplemental Report).

6. The following GPS coordinates are incorrect:

   a. Awbrey's coordinates, GM-14 thru 16, map SFVS in the cilantro field on GM. These sites were all found on the western down slope of GM (see Exhibit 21). These coordinates measure 100 to 271 feet away from the mesa edge.

   b. Awbrey's coordinates for evidence numbers 35, 36, and 37, map evidence collected in the Cilantro field on GM. The sites were all found on the western down slope of GM (see Exhibit 21).

   c. Liotta's coordinates for evidence number 10 maps the evidence collected in the middle of the disked area of GM. Photograph numbers 74 and 75 clearly show the location on the perimeter of GM. These coordinates are over 250 feet away from the mesa edge.

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d. Meyer's coordinates for evidence number 2 maps the evidence collected well within the disked area of GM. These coordinates are over 100 feet away from the mesa edge. This evidence was collected on the down slope of GM, adjacent to the known population of SFVS.

7. GPS coordinates for evidence collected on 05/22/2002 (evidence numbers 6, 7, 8, 9, 11, and 12) were not recorded precluding the mapping of this evidence.

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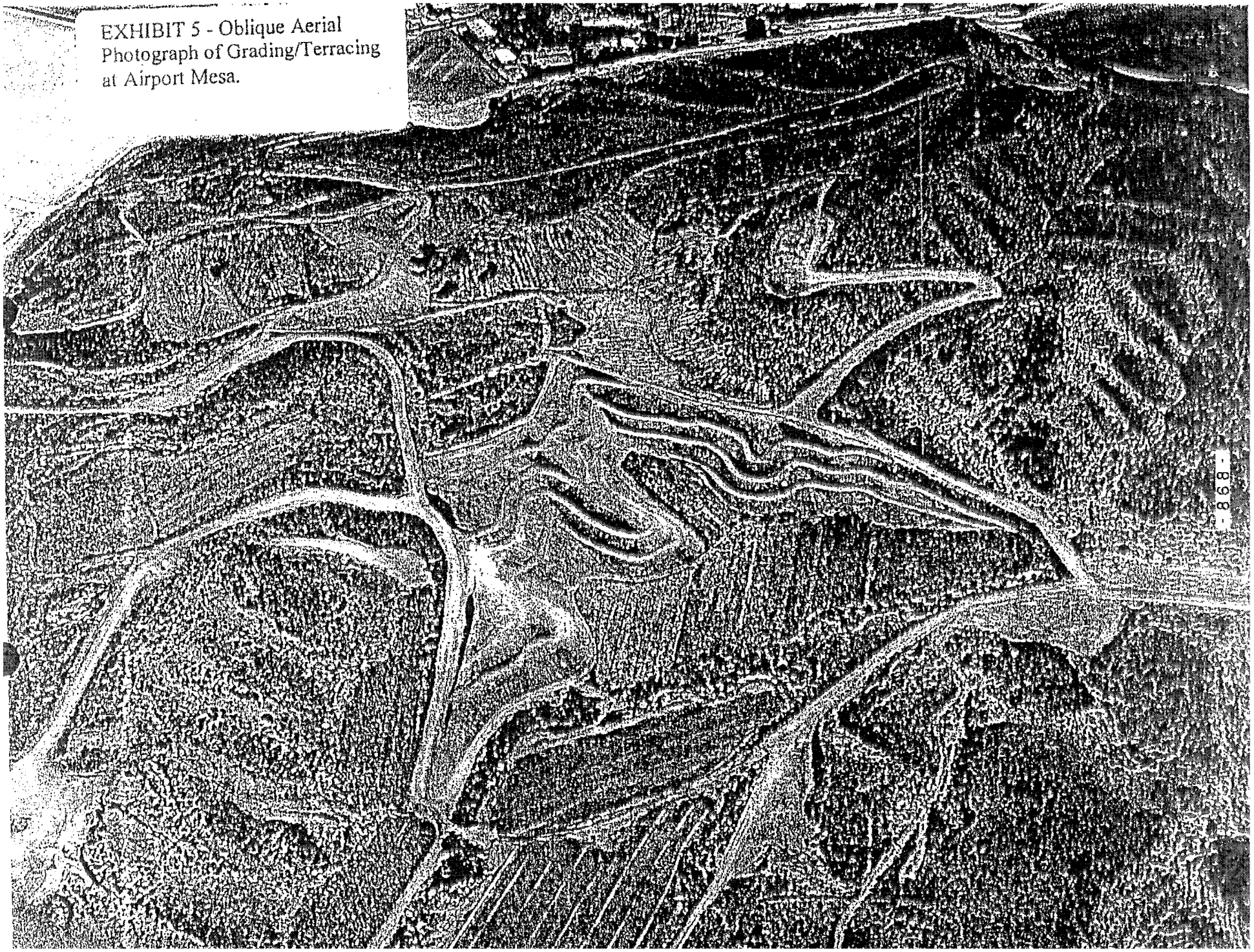
EXHIBIT 5 - Oblique Aerial Photograph of Grading/Terracing at Airport Mesa.



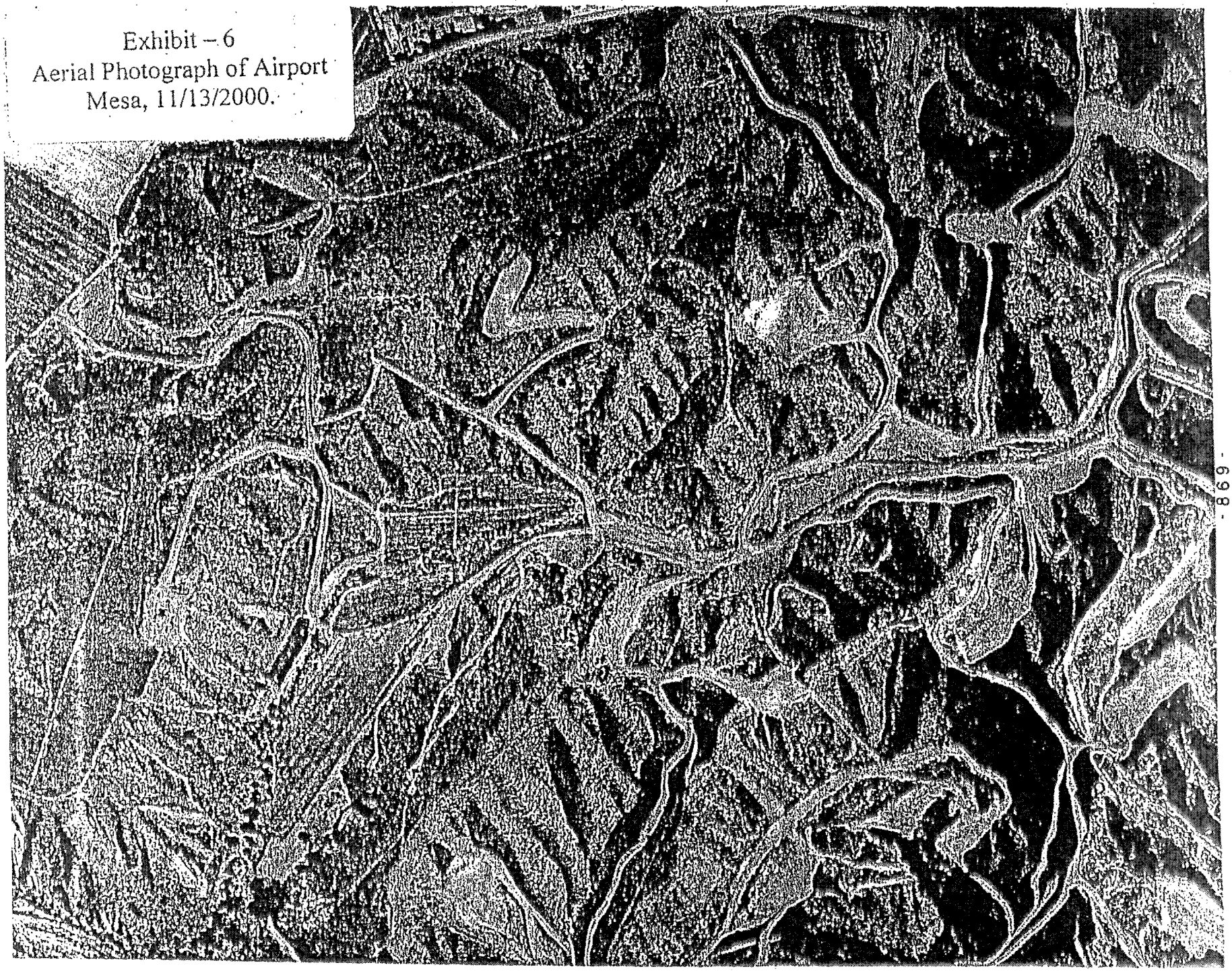


Exhibit – 6
Aerial Photograph of Airport
Mesa, 11/13/2000.

State of California

Memorandum

Date: August 29, 2002

To : Penelope Liotta
Lt. Specialist, Pollution Coordinator

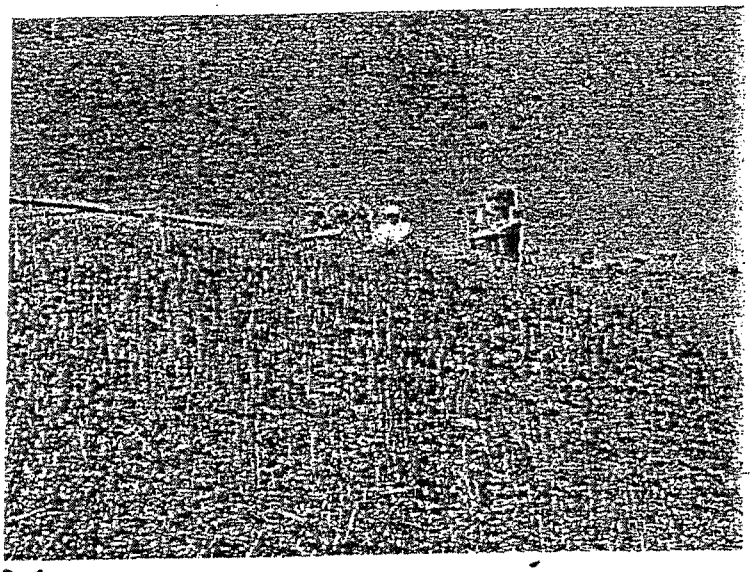
From : Department of Fish and Game - Betty Courtney
Environmental Scientist

Subject: Jurisdictional determination

I, as the Northern Los Angeles County Streambed Alteration Program Environmental Scientist, have determined that the area in question would have required a Streambed Alteration Agreement for the grubbing and grading activities. This determination is based upon my review of Exhibit 7 (Aerial Photograph of Airport Mesa 11/13/2000) and the location in question (AM - 2, AM - 5, AM - 6, AM - 7, AM - 8 and AM - 9). In addition, mitigation or replacement habitat would have been a condition of the agreement. The Department would have required a 5:1 replacement to impact ratio for the loss of streambed and its habitat (1603 jurisdictional area).

If you have any question, please contact me at (661) 263-8306.

Photo File AWBREY
Newhall Ranch Search Warrant

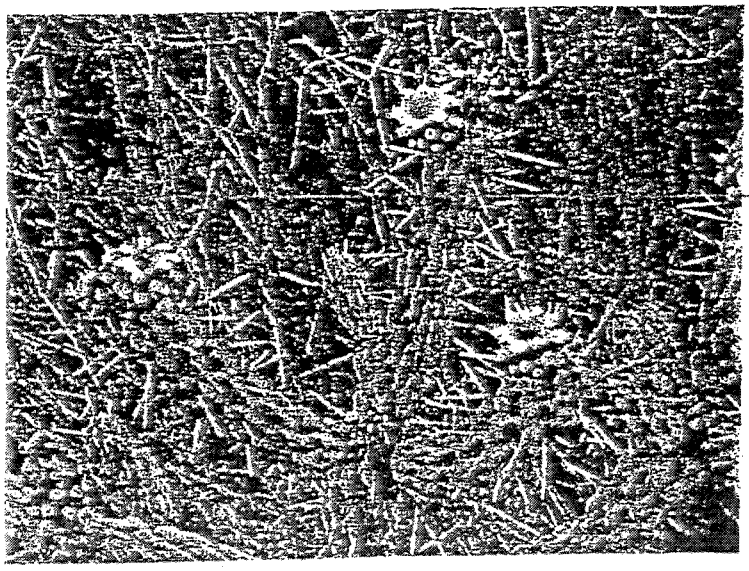


21

P5220021.JPG
5/22/2002
Gm-5: Looking uphill at biologist and flagged SFVS

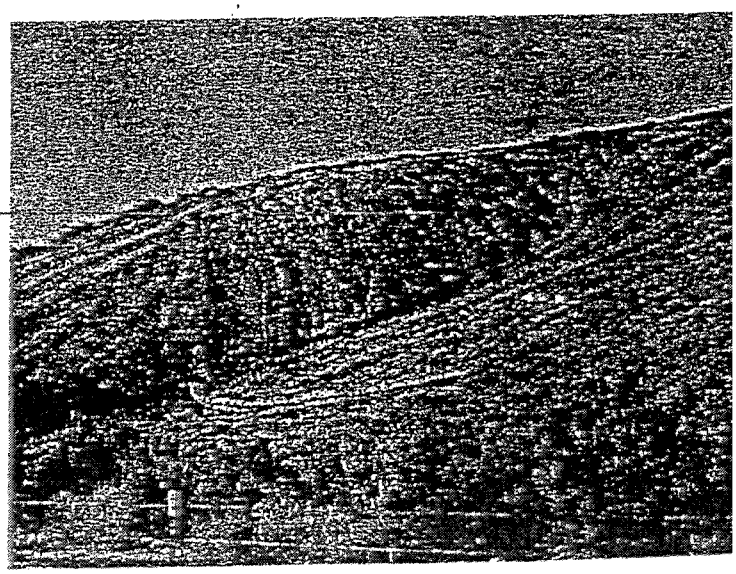
22

P5220022.JPG
5/22/2002
AM-3 - hay and alfalfa on slope



23

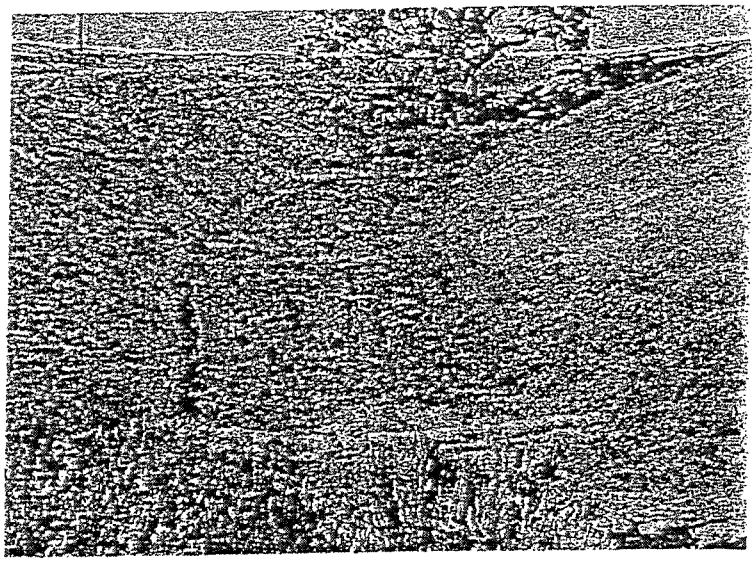
P5220023.JPG
5/22/2002
Airport Mesa: cactus



24

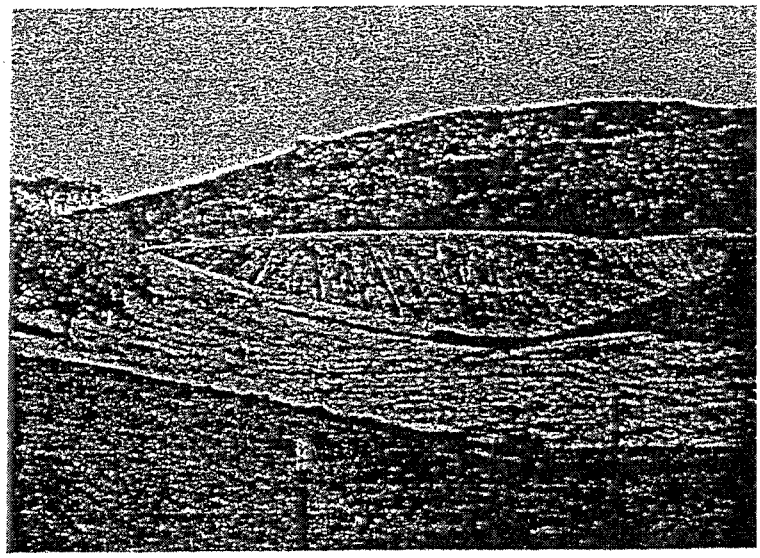
P5220024.JPG
5/22/2002
AM-9: graded/grubbed area with flagged SFVS

Photo File AWBREY
Newhall Ranch Search Warrant



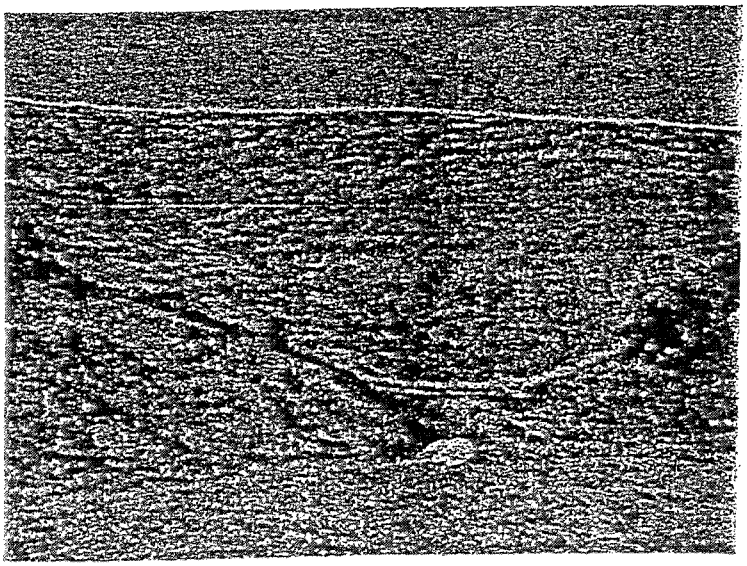
25

P5220025.JPG
5/22/2002
AM-9: Graded Area



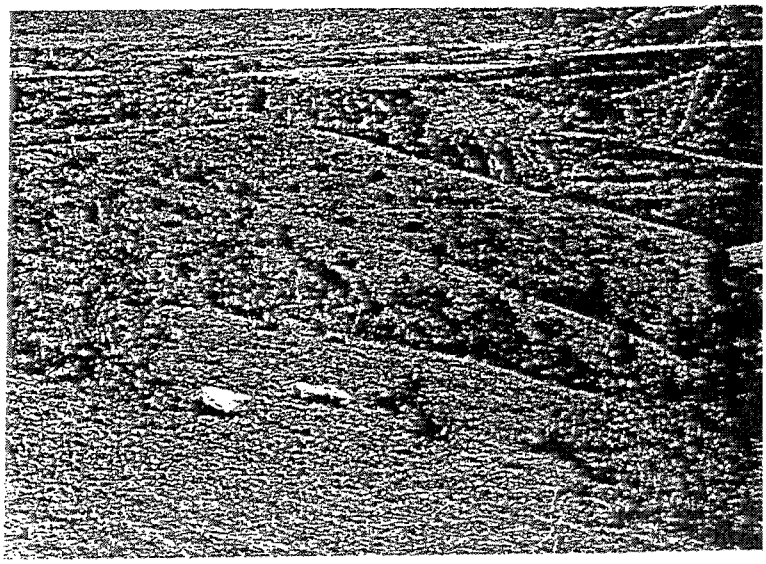
26

P5220026.JPG
5/22/2002
AM-9: graded area



27

P5220027.JPG
5/22/2002
AM-9: graded area



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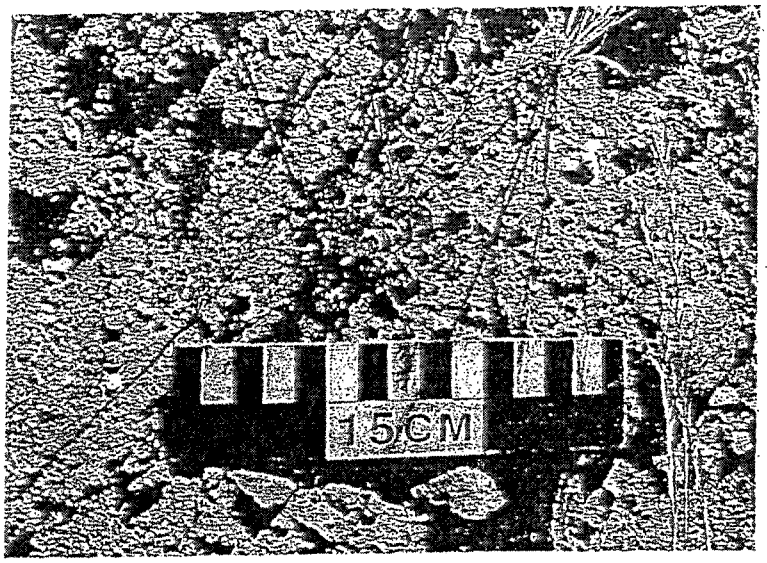
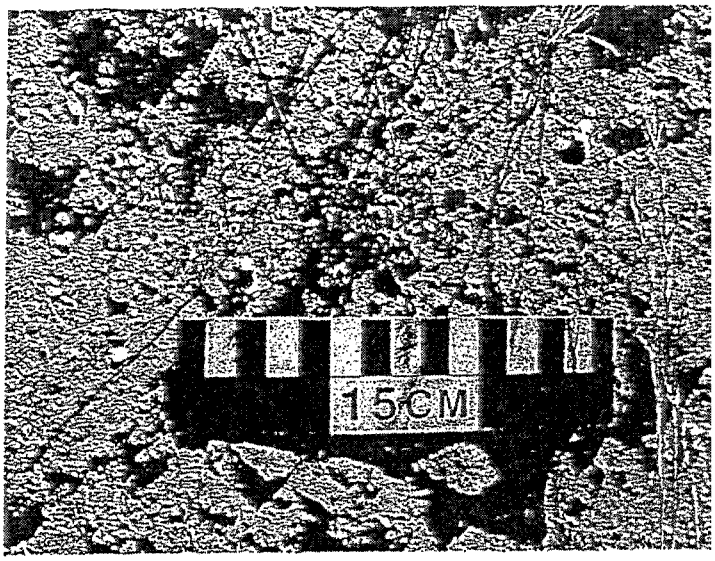
P5220028.JPG
5/22/2002
GM-3: Overgrazed area east of cilantro field

Photo File LIOTTA
Newhall Ranch Search Warrant



83

P5230001.JPG
5/23/2002
AM 7 - 2002 SFVS in graded/grubbed area.

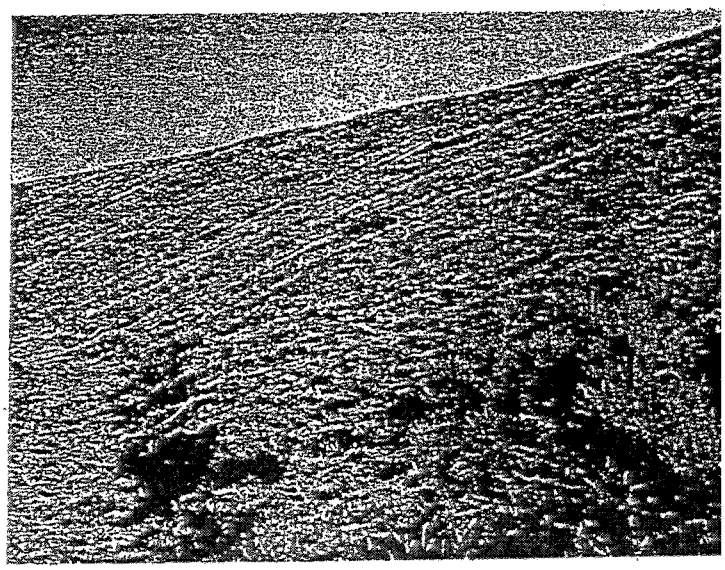


84

P5230002.JPG
5/23/2002
AM 7 - 2002 SFVS in graded/grubbed area.

85

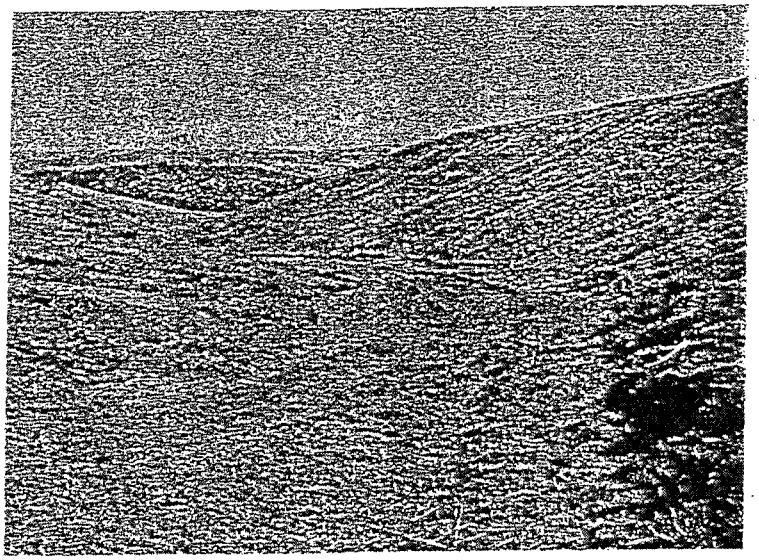
P5240005.JPG
5/24/2002
AM 7 - graded hillside



86

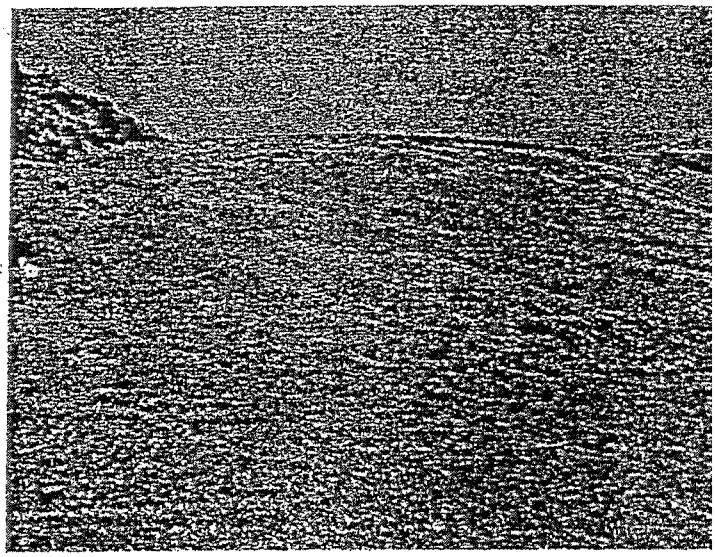
P5240006.JPG
5/24/2002
AM 7 - graded hillside

Photo File **LIOTTA**
Newhall Ranch Search Warrant



87

P5240007.JPG
5/24/2002
AM 7 - graded hillside



88

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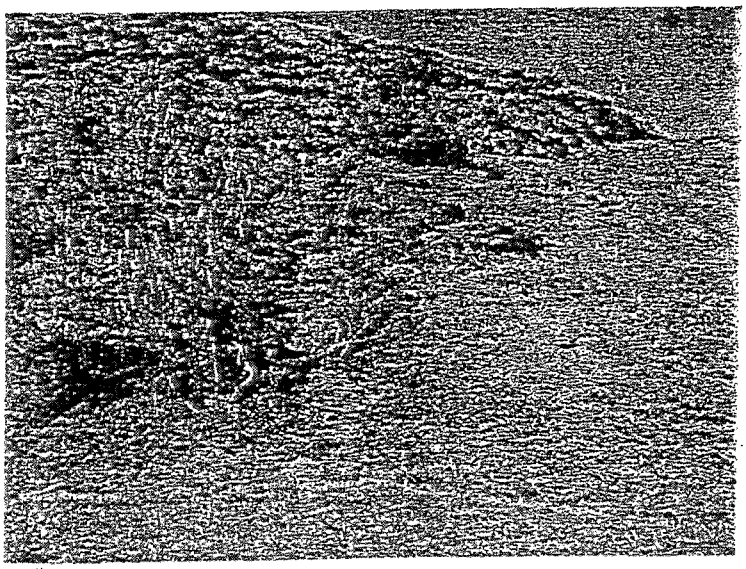
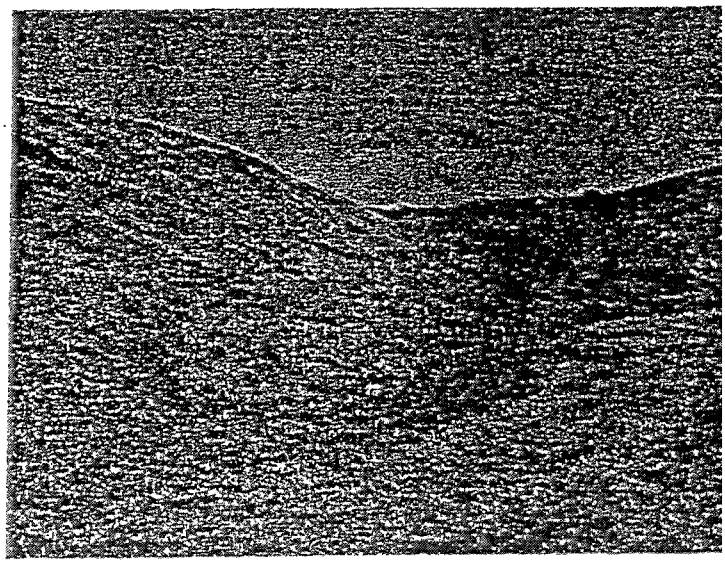
5/24/2002
AM 7 - graded hillside



89

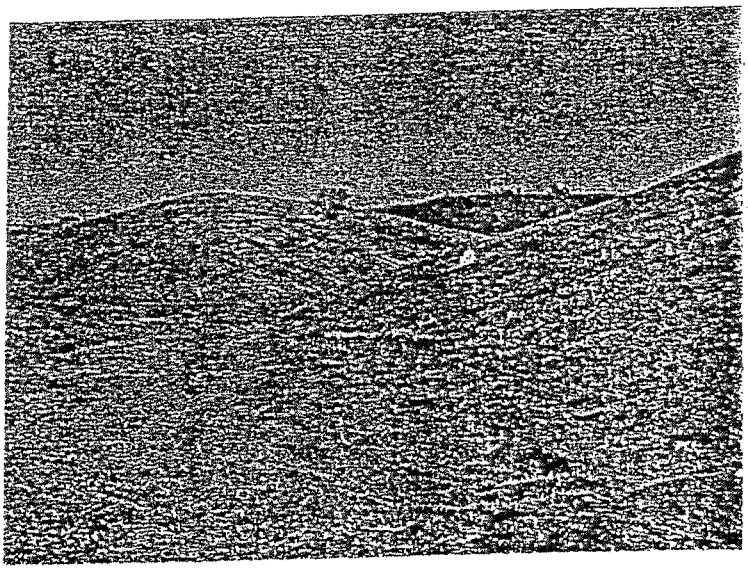
P5240009.JPG
5/24/2002
AM 7 - graded area



90

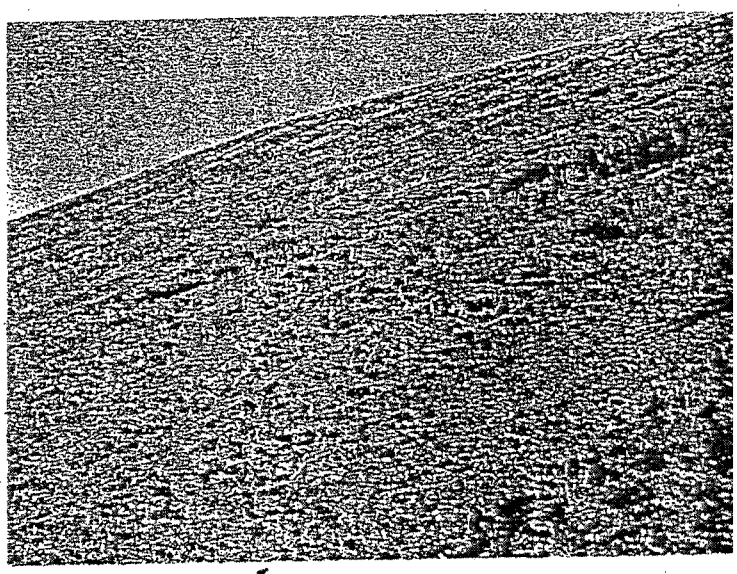
P5240010.JPG
5/24/2002
AM 7 - graded area

Photo File **LIOTTA**
Newhall Ranch Search Warrant



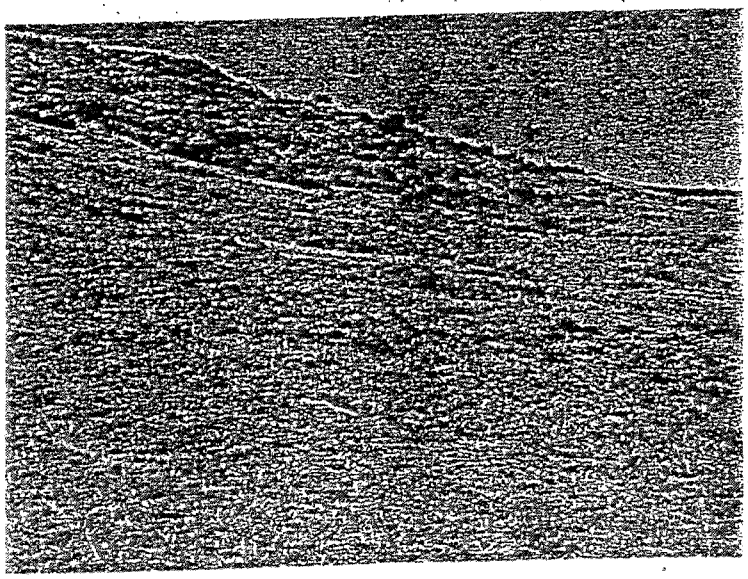
91

P5240011.JPG
5/24/2002
AM 7 - graded area



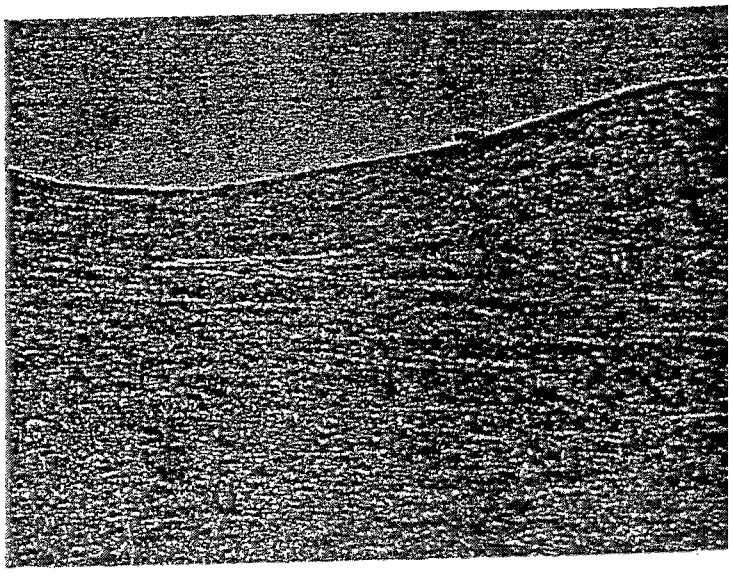
92

P5240012.JPG
5/24/2002
AM 7 - graded area north facing slope



93

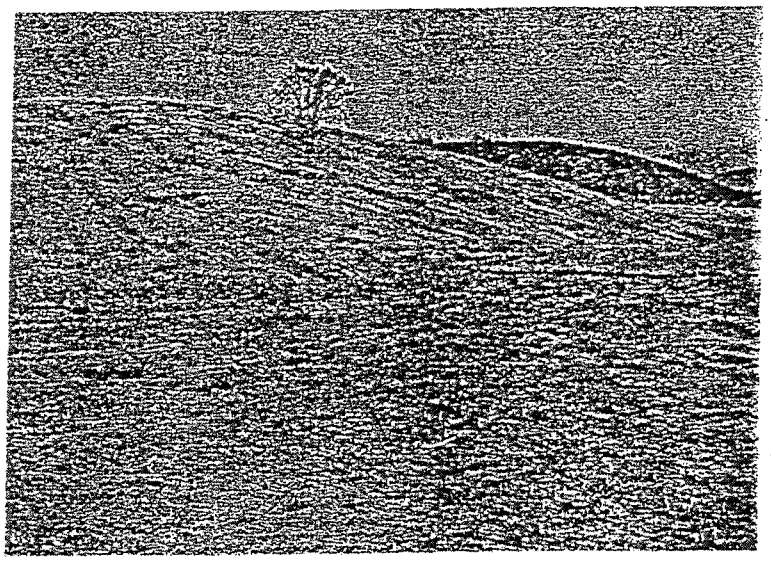
P5240013.JPG
5/24/2002
AM 7 - graded area



94

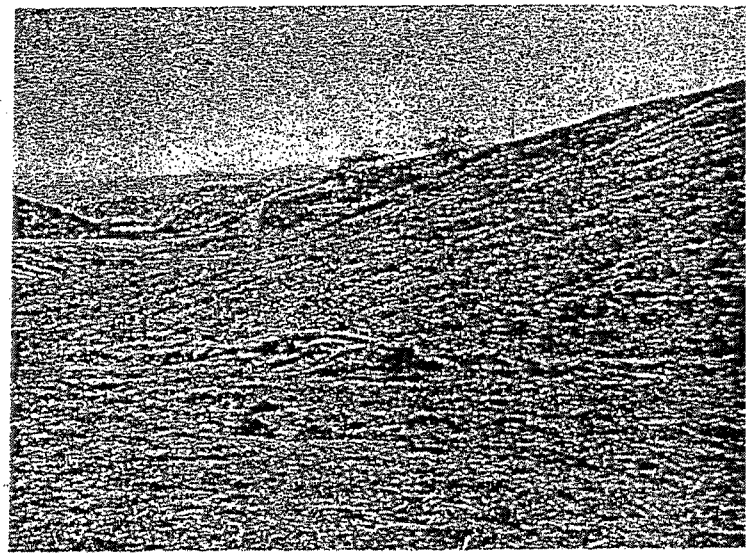
P5240014.JPG
5/24/2002
AM 7 - graded area

Photo File **LIOTTA**
Newhall Ranch Search Warrant



99

P5240015.JPG
5/24/2002
AM 8 - graded area



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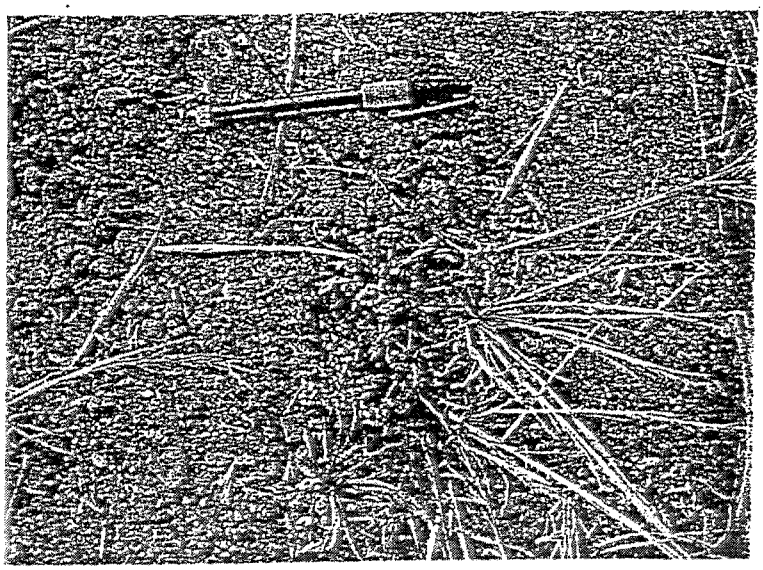
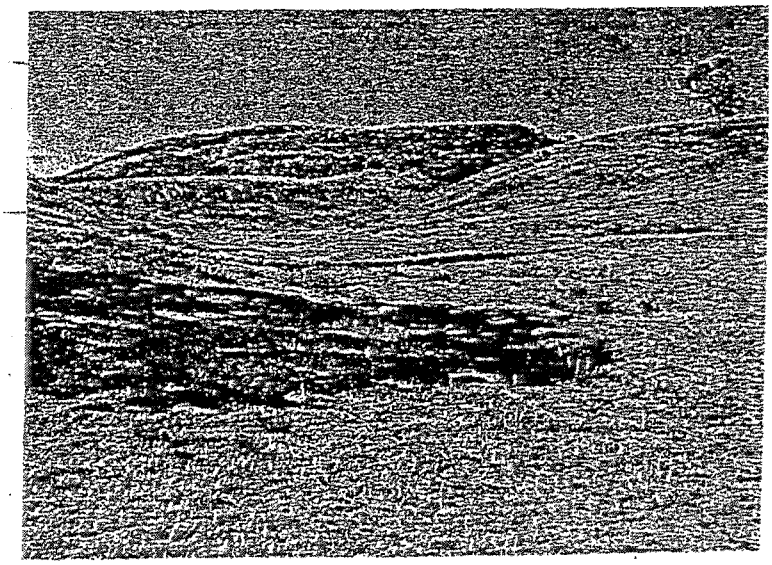
5/24/2002
AM 7 - graded area



101

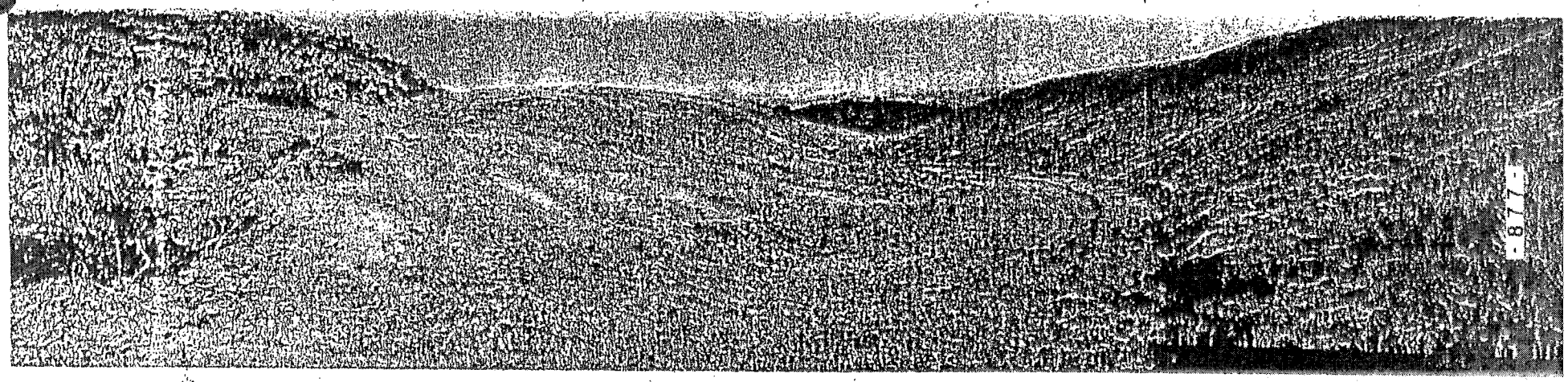
P5240017.JPG
5/24/2002
2002 SFVS in the middle of AM 7, at the base of the slope.



102

P5240018.JPG
5/24/2002
AM 7: Looking back to point where panorama photos were taken.

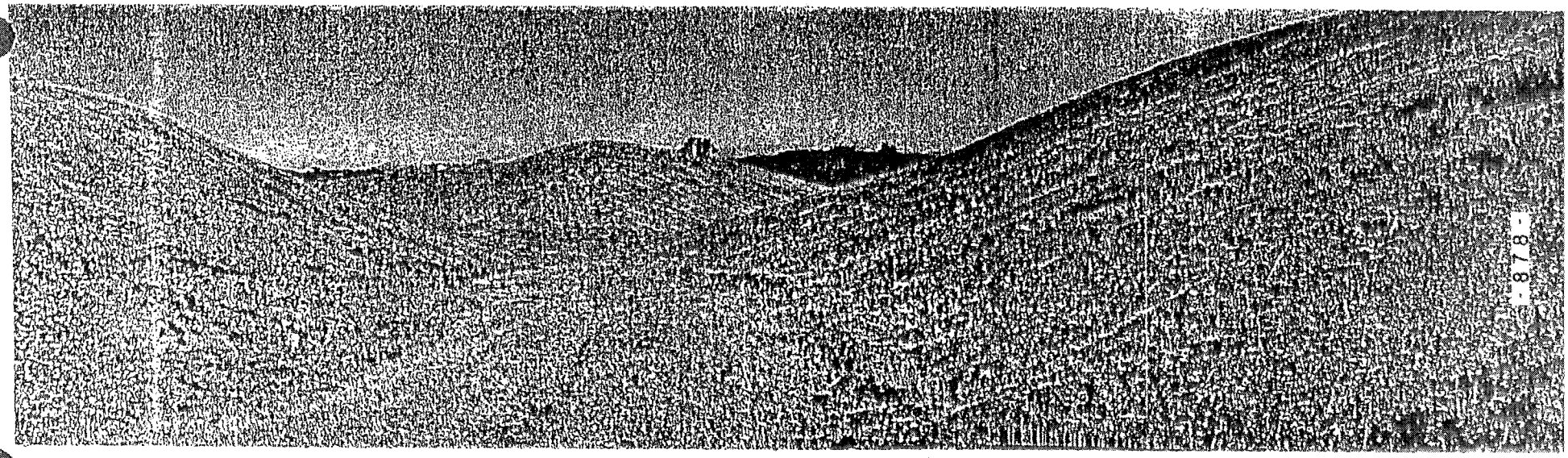
Photo File **LIOTTA** - Panoramas
Newhall Ranch Search Warrant



105

Panorama 1 of Grading at Airport Mesa.jpg

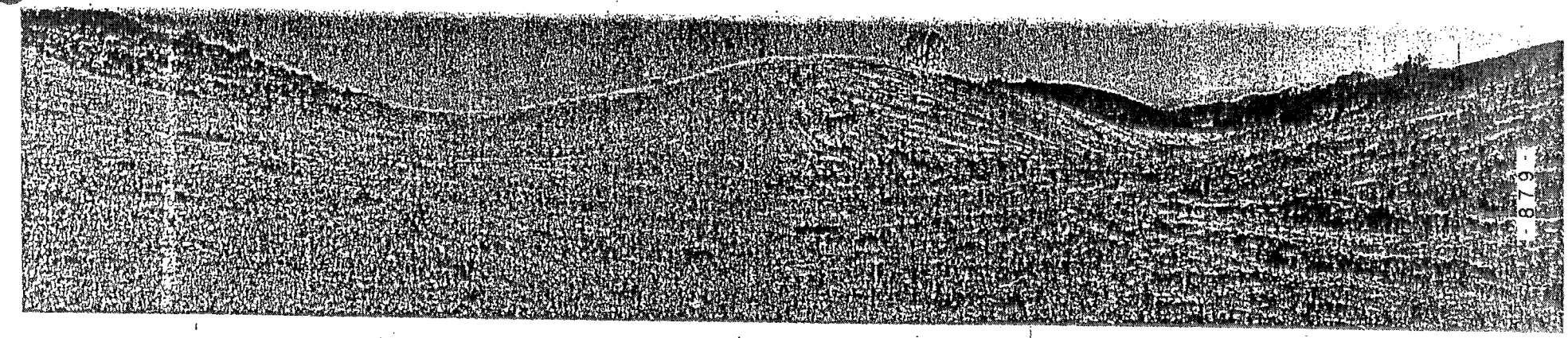
Photo File **LIOTTA** - Panoramas
Newhall Ranch Search Warrant



106

Panorama 2 of Grading At Airport Mesa.jpg

Photo File **LIOTTA** - Panoramas
Newhall Ranch Search Warrant



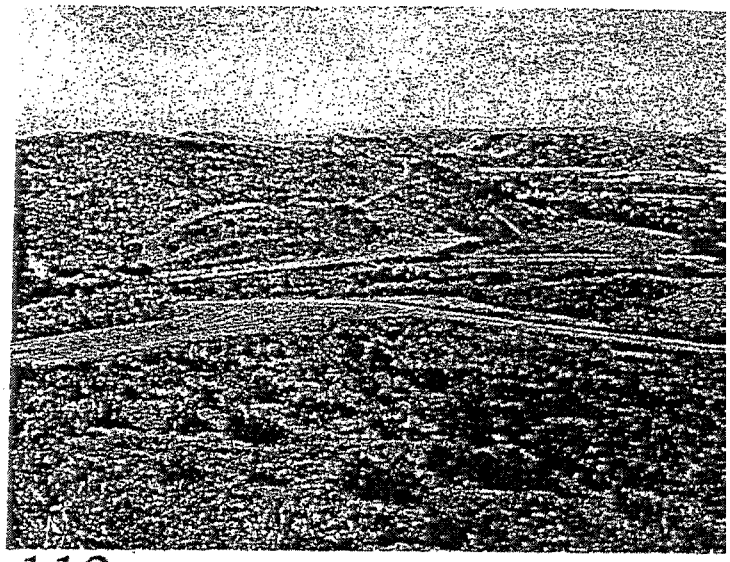
107

Panorama 3 of Grading at Airport Mesa.jpg

Photo File LONG
Newhall Ranch Search Warrant

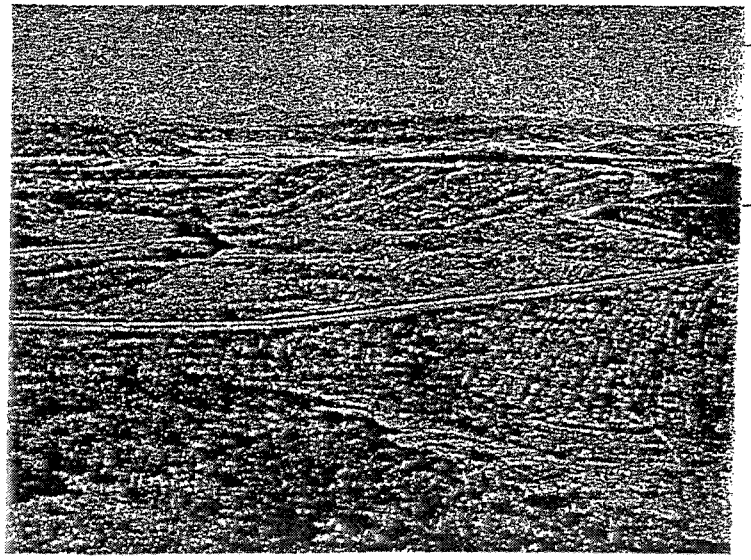
112

P5240011.JPG
5/24/2002
AM-4: Area shot of terracing



113

P5240012.JPG
5/24/2002
AM-7: Area shot of grading



14

P5240013.JPG
5/24/2002
AM-7: Area shot of grading

115

P5240014.JPG
5/24/2002
AM-7: Area shot of grading

Photo File LONG
Newhall Ranch Search Warrant

116

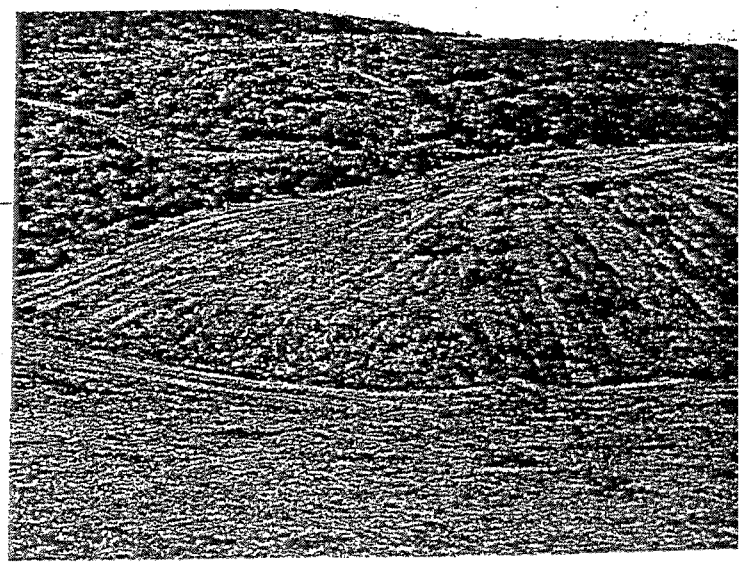
P5240015.JPG
5/24/2002
AM-7: Area shot of grading

117

P5240016.JPG
5/24/2002
AM-7: Area shot of grading

118

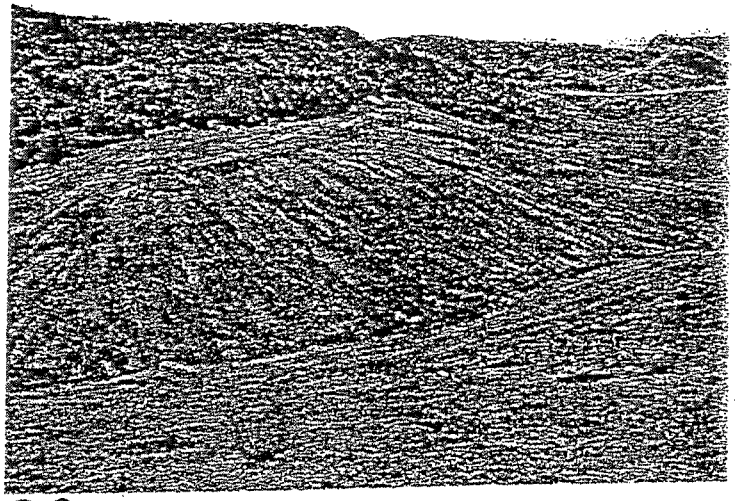
P5240017.JPG
5/24/2002
AM-7: Area shot of grading



119

P5240018.JPG
5/24/2002
AM-7: Area shot of grading

Photo File LONG
Newhall Ranch Search Warrant



20

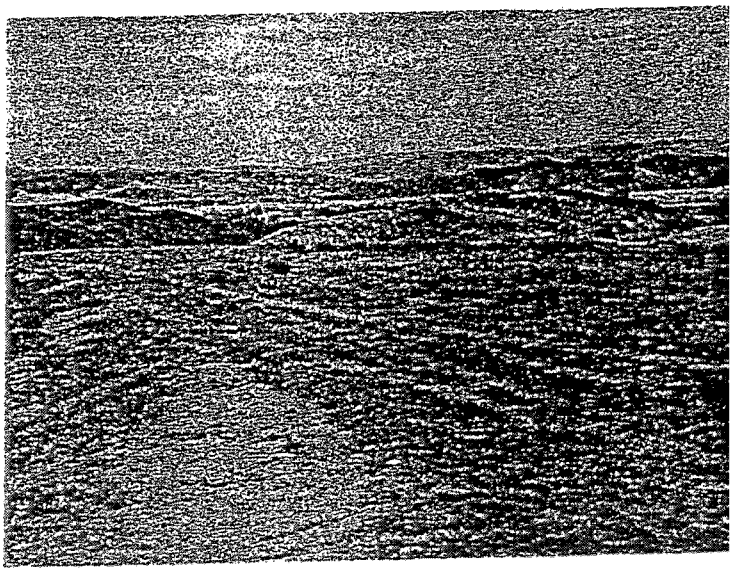
P5240019.JPG
5/24/2002
AM-7: Area shot of grading

121

P5240020.JPG
5/24/2002
AM-7: Area shot of grading

22

P5240021.JPG
5/24/2002
AM-7: Area shot of grading



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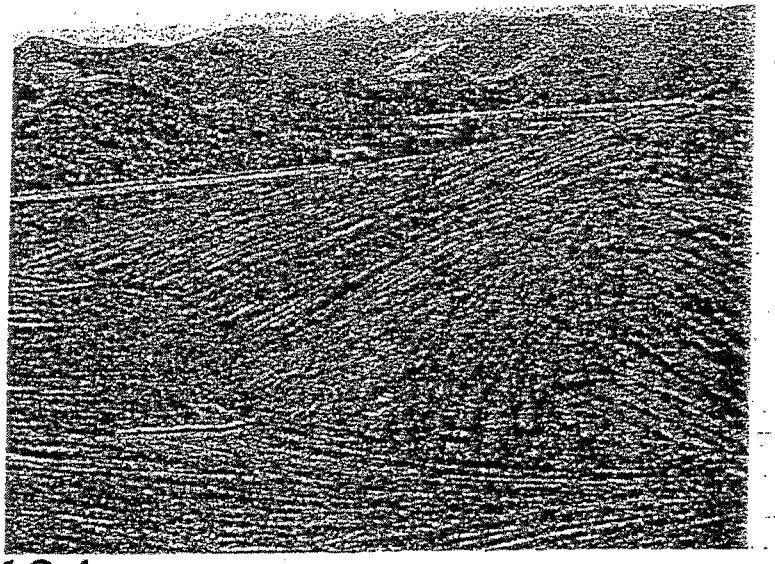
P5240022.JPG
5/24/2002
AM-7: Area shot of grading

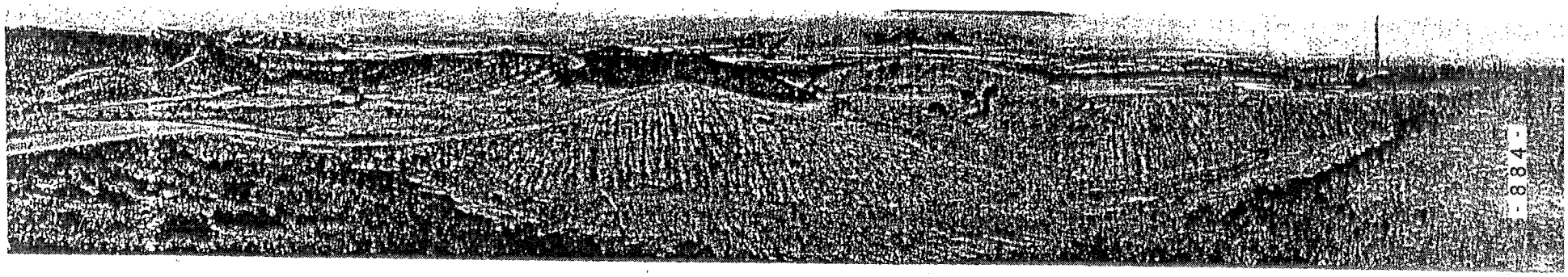
Photo File LONG
Newhall Ranch Search Warrant



124

P5240023.JPG
5/24/2002
AM-7: Area shot of grading

Photo File **LONG** - Panoramas
Newhall Ranch Search Warrant



126

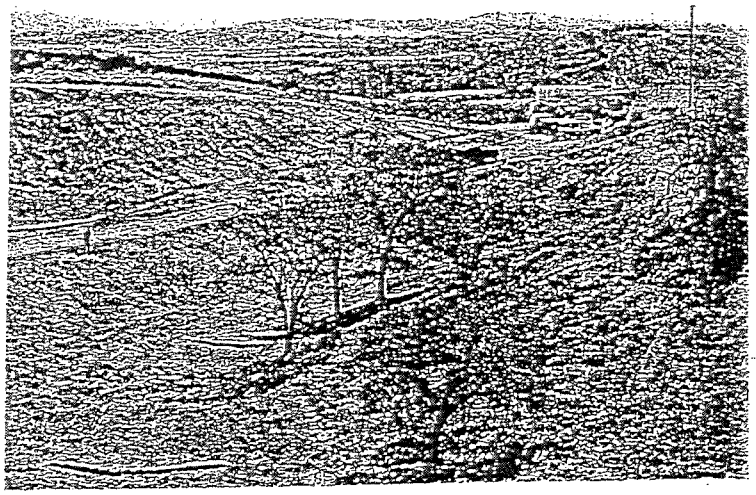
Panorama 1 of AM-7.jpg

Photo File **LONG** - Panoramas
Newhall Ranch Search Warrant

127

Panorama 2 of AM-7.jpg

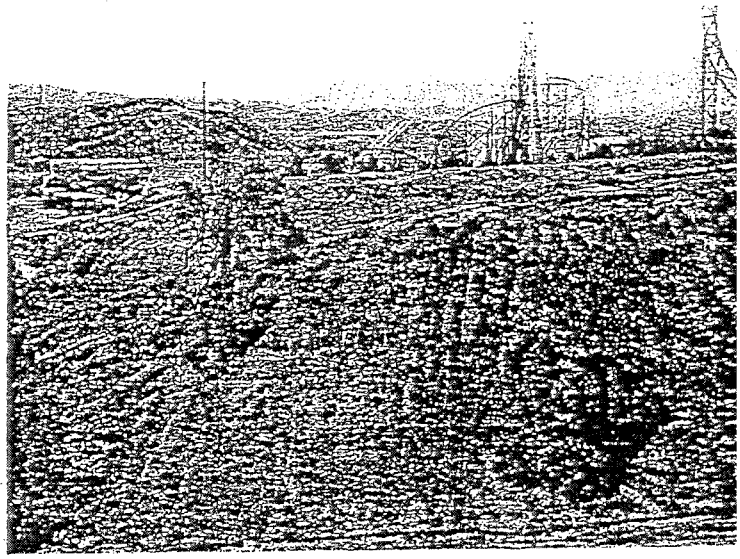
Photo File MORGAN
Newhall Ranch Search Warrant



132

P1010009.JPG

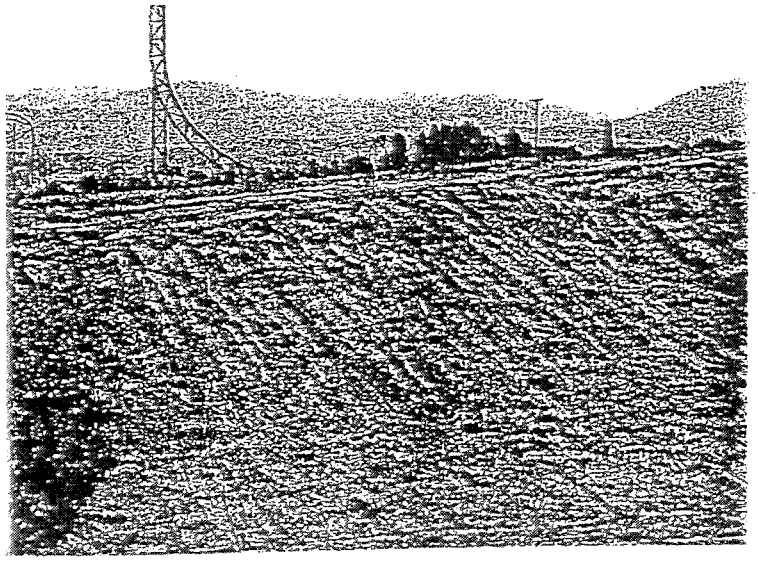
AM-7: Area shot of grading



133

P1010010.JPG

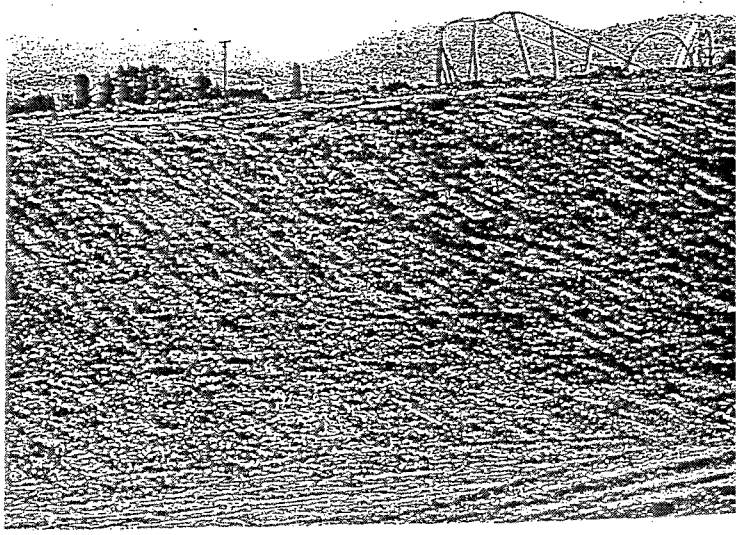
AM-7: Area shot of grading



134

P1010011.JPG

AM-7: Area shot of grading

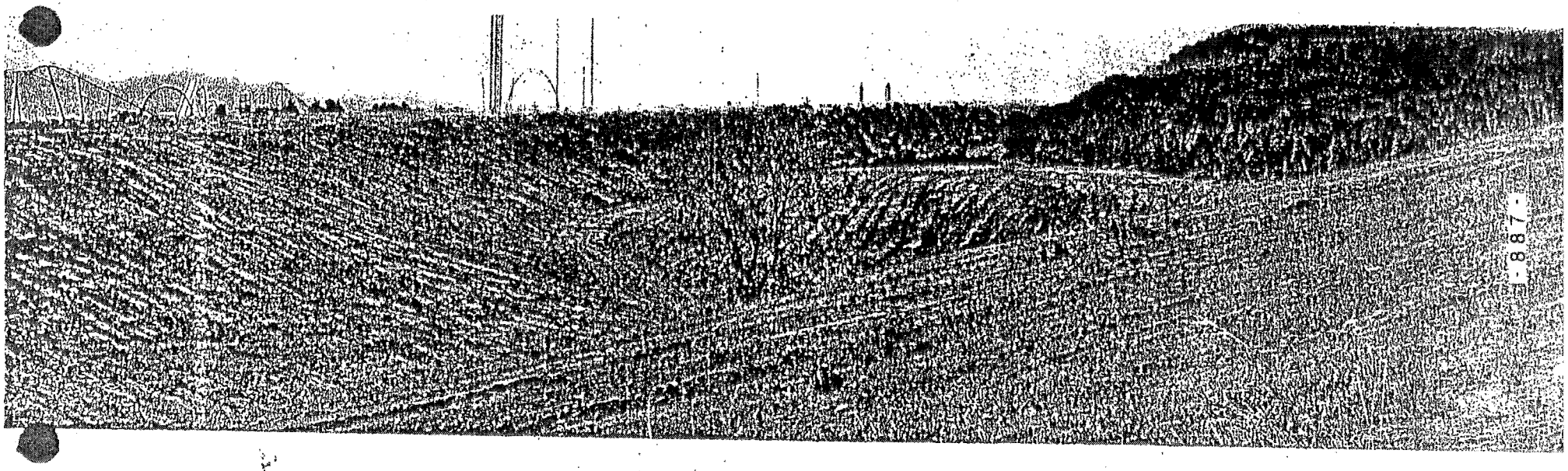


135

P1010012.JPG

AM-7: Area shot of grading

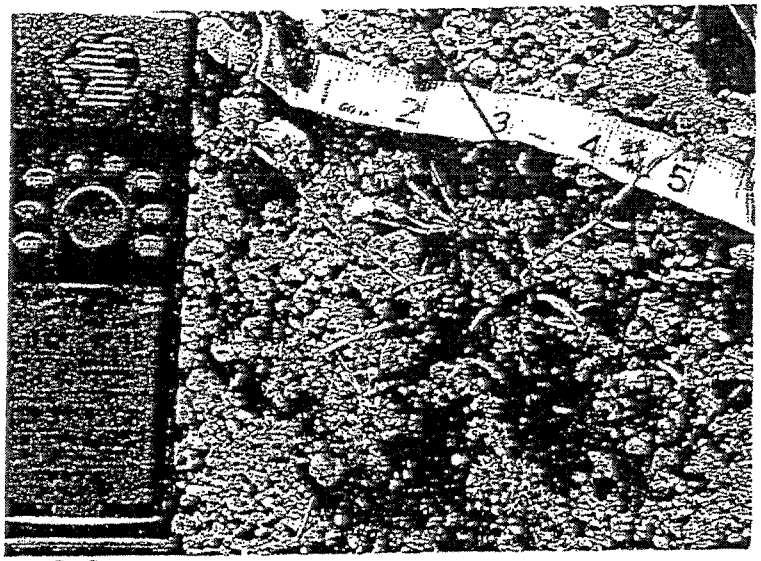
Photo File **MORGAN** - Panoramas
Newhall Ranch Search Warrant



142

AM-7 Panorama 3- Morgan.jpg

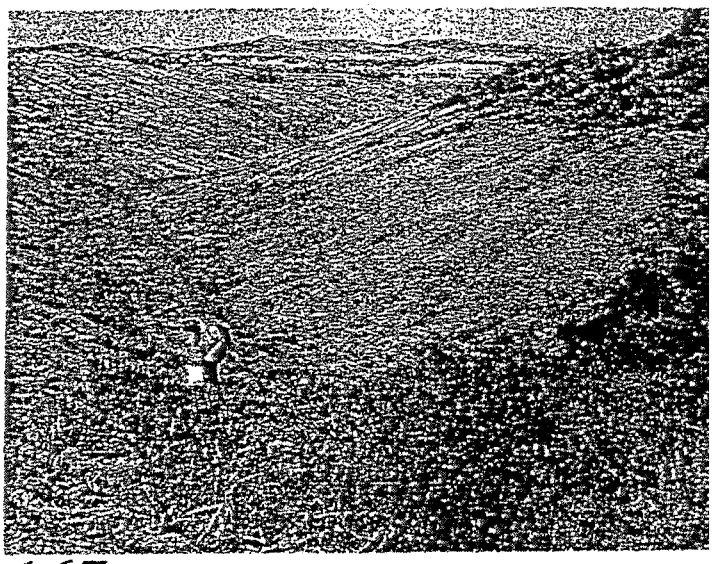
Photo File STEPHENS
Newhall Ranch Search Warrant



166

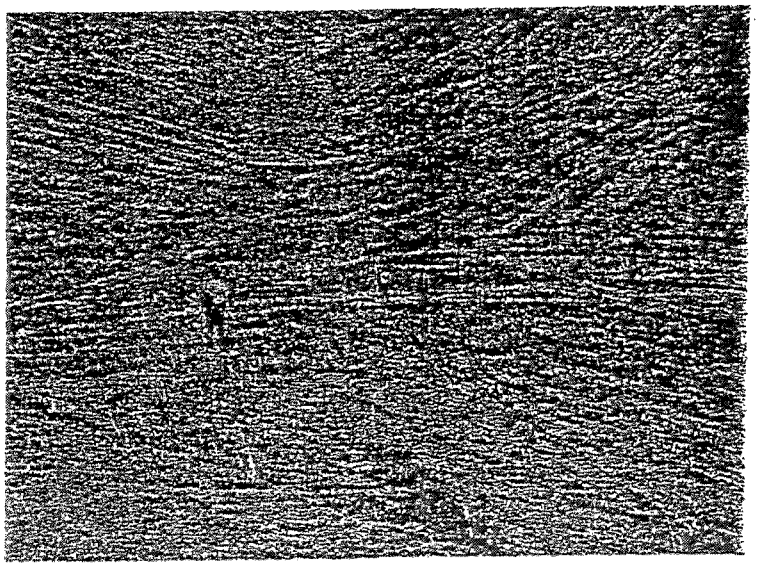
P1010007.JPG

AM-9: SFVS



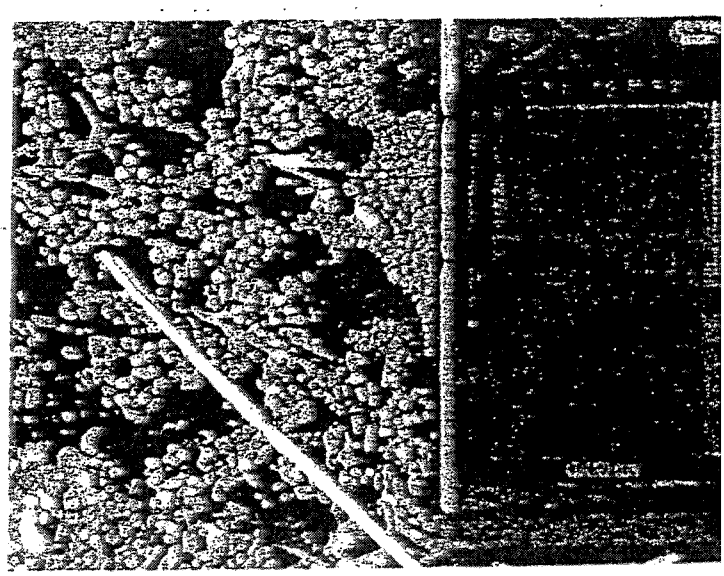
167

P5220006.JPG
5/22/2002
AM-2: Area Shot



168

P5230001.JPG
5/23/2002
AM-8: Area shot



169

P5230002.JPG
5/23/2002
AM-4: SFVS

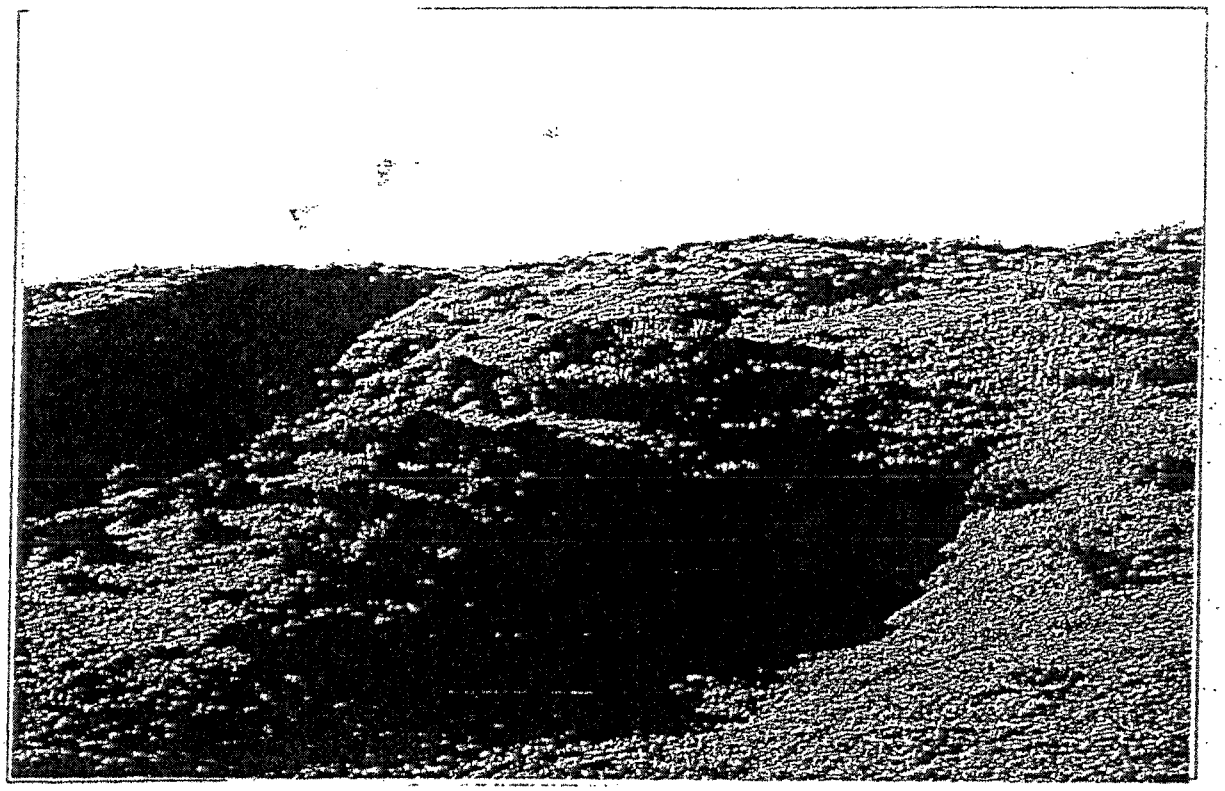


Photo Number 266
5/23/02
AM-3 b,c: Alfalfa spread on SFVS, with many cow prints.

Photo Number 267
5/23/02
AM-7: Grubbed area with biologist near a SFVS plant.

Firm Under Fire Over Wildflowers

Newhall Land destroyed endangered spineflowers at housing site. The firm says it did nothing wrong.

By RICHARD FAUSSET AND NICHOLAS RICCARDI
Times Staff Writers

RARE: *Spineflower was found on proposed development site.*

Newhall Land and Farming quietly destroyed large numbers of endangered wildflowers that could have complicated its efforts to construct Los Angeles County's largest residential housing development, according to court records and interviews.

A spokeswoman for the Los Angeles County district attorney's office said prosecutors are continuing to investigate the case, although they recently said that they were unable to charge anyone with illegally destroying the flowers because the statute of limitations had lapsed. She would not elaborate on what other issues remain under review by prosecutors.

A draft analysis of the issues involving the San Fernando Valley spineflower was given to county planners this month and obtained by The Times. In it, Newhall officials acknowledged that more than six acres of spineflowers remain on its property, mostly on land slated for development. That marks a departure from two years ago, when Newhall reported finding a single stand of flowers on a 50- to 75-foot stretch of dirt road.

In May, prosecutors and state inspectors served a search warrant on Newhall's property and found the remains of spineflowers that they concluded had been killed the previous fall when Newhall graded and terraced mesas, according to an investigative report filed in Superior Court in Santa Clarita. Investigators also said in the report that they suspected that Newhall had spread alfalfa through areas in which spineflowers were

In its environmental assessment of the spineflower, the Santa Clarita-based company has said that even if its actions did destroy flowers, the actions would be legal. Because it is still farming the land, Newhall argues it has the legal right to destroy the plants in the course of agriculture.

The company also argues that the law allows it to move ahead with construction if it maintains a preserve for some flowers. Representatives of the firm said Newhall has properly notified officials about the presence of the endangered plant.

"When we announced [the finding of spineflowers] we said

[*See Newhall, Page B12*]

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ATTACHMENT 3

Spineflowers Destroyed at Newhall Development

[Newhall, from Page B1]
we'd be doing additional surveys in the future to find out whether other spineflowers might occur," said Marlee Lauffer, a Newhall spokeswoman. "It's no surprise to anyone that there are a couple of additional locations."

22,000 Homes

Environmentalists argue that the way Newhall has handled the plants shows that it cannot be trusted. They say that Newhall officials were aware that the flowers were widely spread on the company's land two years ago, when they destroyed many during the grading project.

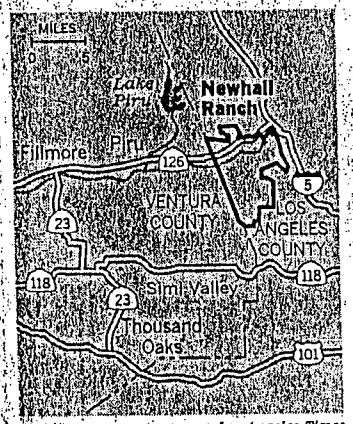
"It's sort of like they're thumbing their nose at everything," said Lynne Plambeck, president of the Santa Clarita Organization for Planning the Environment.

Los Angeles County supervisors approved the Newhall Ranch development in early 1999, clearing the way for construction of 22,000 homes at the edge of Los Angeles County.

Opponents challenged the project's environmental documents in court, and a judge ordered the company to revise some findings. Newhall is expected to release its revised environmental report next week, and supervisors are scheduled to consider it Jan. 28.

The spineflower issue is crucial to the company's new environmental analysis.

Long thought extinct, the spineflower, which can grow to 1 foot tall, with dime-size blooms, was found on the Ahmanson Ranch development near Calabasas in 1999. Its discovery intensified environmental opposition that has since caused numerous delays for the Ahmanson Ranch project.



Los Angeles Times

In addition, the May 2000 discovery of the plant on the 12,000 acres of Santa Clarita Valley land owned by Newhall started a yearlong game of cat-and-mouse between the developer and state regulators, complete with secret aerial surveillance and the search warrant.

That sparring also is detailed in court records involving the Newhall firm and state and local regulators.

Initially, Newhall officials insisted that the plants posed no obstacle to development on most of the property, saying the stand of spineflowers along a roadbed was fenced off and protected. They added that it was possible there were more flowers elsewhere but said they would only search for them later, when closer to development.

At the same time, court records indicate that Newhall notified the environmental consultants who had discovered the flower — URS, Greiner, Woodward & Clyde — that they had signed a confidentiality agreement, limiting what those consultants could say about the land to anyone outside the Newhall company.

> *'It's sort of like they're thumbing their nose at everything.'*
>
> **Lynne Plambeck,** president of the Santa Clarita Organization for Planning the Environment

A representative of the firm, John Gray, later told state investigators that it was the first time in his career that he had been directed to obey a confidentiality agreement, according to an investigative report signed by state Fish and Game Lt. Penelope Liotta.

Gray did not return calls for comment. Lauffer, Newhall's spokeswoman, said it is standard procedure for the company to require consultants to sign confidentiality clauses.

In August 2001, the state Fish and Game Commission approved the listing of spineflowers as an endangered plant in California. That month, Newhall began grading a mesa on its property. Fish and Game officials came to Newhall on an unrelated visit and spotted the grading in an area that they believed had a "very high probability" of being spineflower habitat, according to the investigative report.

Later that fall, Fish and Game investigators flew over the property, taking photographs to chart the damage on the suspected spineflower habitat.

Newhall said it was simply terracing the hillsides to start an agave farm. Fish and Game inspectors noted in court papers that the agaves would not mature until after development began, and labeled the farming explanation a ruse. Newhall spokeswoman Lauffer called that suspicion ridiculous.

After it was ordered to stop grading, Newhall told Fish and Game inspectors that they were no longer welcome on the property because their last visit had resulted in a county citation, according to court papers.

3-Day Search

In late May, Fish and Game officials returned with a search warrant and county prosecutors.

During their three-day search, investigators found numerous remains of dead spineflowers on the graded mesas.

The plants apparently had been crushed under tires, the investigators wrote. They also found that alfalfa had been spread around areas with spineflowers.

The large number of dead flowers led botanists for Fish and Game to question how Newhall's environmental consultants could have discovered only the single stand they reported finding along the road two years ago.

State teams "quickly found numerous other areas within 50 feet or less from the roadbed area ... and more or less continuous bands of occupied habitat for hundreds to thousands of feet north and south," said the state's investigative report.

In the draft papers given to county planners this month, Newhall now says that it had indications of more spineflowers than it initially disclosed.

Its consultants, the firm wrote in its new filing, had also discovered "unconfirmed spineflower locations" in May 2000.

Newhall also acknowledged another previously undisclosed finding of spineflowers in 2001 by a separate team of environmental consultants.

In its draft papers filed with the county, Newhall argues that unless the land is developed, all spineflowers legally could be destroyed by existing farming.

"Without the specific plan in place. . . ," Newhall writes, "the occupied spineflower habitat could be lawfully damaged or destroyed."

Though authorities spent more than a year investigating the destruction of the plants, there has been little legal fallout.

Prosecutors this summer charged the Newhall company with one misdemeanor count of illegally diverting a streambed in the course of its grading, a crime to which the company has pleaded not guilty.

The investigative report was filed in connection with that case. But prosecutors did not file charges for destroying the spineflower, also a misdemeanor under state law.

Jane Robison, a spokeswoman for the district attorney's office, said that Fish and Game officials only presented them with the case on Aug. 30 — after the one-year statute of limitations had expired.

A spokesman for Fish and Game said his agency's lawyers knew that the statute had expired in August.

But, he said, prosecutors had assured them that they did not see that as an obstacle.

The expiration of the time limit "hadn't been identified as a problem," spokesman Steve Martarano said.

Developers' Secrecy Pacts Questioned

Planners and activists are concerned about confidentiality agreements that keep key environmental information concealed.

By RICHARD FAUSSET AND NICHOLAS RICCARDI
Times Staff Writers

Reacting to disclosures that Newhall Land & Farming destroyed endangered plants on its property, environmental activists and some planners are calling for restrictions on confidentiality agreements that prevent environmental consultants from sharing information with the public.

The existence of suspected fields of San Fernando Valley spineflowers, an endangered plant that lives on property that Newhall Land wants to use for housing, was not revealed for two years after the flowers were first discovered. That was because the consulting botanists who initially located them were required by Newhall Land to sign a confidentiality agreement — an increasingly common legal practice that critics contend violates the spirit of state environmental laws.

Such agreements are made possible by policies in Los Angeles County and some other jurisdictions that allow developers to select consultants to write environmental impact reports. The county officials say that having the county directly control the consultants would be too cumbersome.

But some critics and planning experts say that allowing developers to guide the writers of environmental impact reports — rather than insisting they work directly for the county — essentially lets builders police themselves.

Attorney Jan Chatten-Brown wants state lawmakers to bar the practice but says there has been little interest in Sacramento. "People have said, 'Where are the horror stories?'" she said. "Well, here it is!"

In May of 2000, the state Department of Fish and Game recommended that Newhall Land search its 12,000 acres for the spineflower, which had been believed extinct until it was rediscovered on another development site in 1999.

The developer retained an environmental consultant to look for the plants. The consultants

[*See Environment, Page B8*]

LA TIMES
12/12/02

ATTACHMENT 4

Newhall Land, Oil Firms in Court Over Cleanup of Project Site

Decades of pumping have contaminated an area planned for 21,600 homes. The sides dispute how extensive an effort is needed.

By RICHARD FAUSSET
Times Staff Writer

While seeking approval for the largest subdivision in Los Angeles County, developer Newhall Land & Farming Co. has also been waging a court battle to force two oil companies to clean up "severe and extensive" soil contamination spreading under the property.

The developer estimates the cleanup could cost tens of millions of dollars, according to court records. In the suit, filed in 2001 in Los Angeles Superior Court, Newhall Land accuses Kerr-McGee Corp. and Medallion California Properties Co. of breaking promises to clean oil-contaminated soil on land slated to be part of Newhall Ranch, the proposed 21,600-home subdivision in the Santa Clarita Valley that county supervisors will consider for approval Jan. 28.

Soil contaminated by oil is capable of generating methane gas and other toxic vapors, such as benzene, according to environmental documents filed by the developer with the county in 1996.

The contamination is dotted across 1,300 acres, known as the Newhall Potrero Field, where the company is considering building homes and commercial space, Newhall Land spokeswoman Marlee Lauffer said.

> *'It can be cleaned up. It's just a matter of [the oil companies] paying for it.'*
>
> **Marlee Lauffer,** spokeswoman for the Newhall Land & Farming Co., on contaminated soil beneath a proposed subdivision site in the Santa Clarita Valley.

But in environmental documents, the developer maintained any oil contamination on the property could be cleaned to a level that is "safe for development."

"It can be cleaned up," Lauffer said. "It's just a matter of [the oil companies] paying for it."

Oil companies have been pumping crude on the property under a lease agreement with Newhall Land since the mid-1930s. Although the oil company that signed the 1935 lease had a different name, Newhall Land alleges in court documents that it is essentially Kerr-McGee, "as a result of various mergers, corporate reorganizations and name changes."

In 1990, that company signed the lease over to Medallion.

Newhall Land contends Kerr-McGee officials broke numerous promises to clean up the soil. Now, Newhall Land is holding both companies responsible for returning the land to a "clean and safe" condition, as stipulated in the original 1935 agreement.

Rich Levy, an attorney for Kerr-McGee, said his client has already cleaned its share of the property, hauling away thousands of cubic yards of contaminated dirt over the past five years. Kerr-McGee and Newhall Land disagree on how clean the soil needs to be. Newhall Land wants it cleaned to the level of 100 oil particles per million particles of dirt, while Kerr-McGee believes 10,000 particles per million is a sufficient standard, Levy said.

The two companies also disagree on the total cost, with Newhall Land putting it at $27 million and Kerr-McGee stating it would be "substantially less" than $10 million, Levy said.

Medallion's attorney, Robert Dahlquist, said his client is caught unfairly in a dispute over contamination that occurred before his company arrived on the scene.

He also said Newhall Land is trying to force Medallion to close down its oil and gas operations early to clear the way for development of Newhall Ranch.

According to the state Department of Conservation, Medallion still operates 51 oil and gas pumps on the property, and Dahlquist said the lease should allow the company to continue pumping oil for a decade or more.

Newhall Land says it can cancel the oil lease because its cleanup demands have not been met. A trial date is set for May 12.

LA TIMES
1/9/03

ATTACHMENT 5

-893-

SPINEFLOWER CHRONOLOGY
NEWHALL RANCH SPECIFIC PLAN
Ventura County Planning Division
Jan 15, 2003

SW =	Search Warrant issued May 21, 2002 to the California Department of Fish and Game (CDFG) to search the Newhall Ranch for the San Fernando Valley Spineflower
IR =	CDFG Investigative Report of the results of the search warrant
DAA =	Draft Additional Analysis
FAA =	Final Additional Analysis
RDAA =	Revised Draft Additional Analysis
AR =	Administrative Record of Specific Plan EIR lawsuit
PRA =	Public Records Act results on file with County of Ventura County Counsel regarding illegal grading at Newhall Ranch

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CHRONOLOGY

1995, 1996	EIR biological surveys do not find any spineflower colonies on the Specific Plan site (RDAA p. 2.6-2)
March 8, 1999	Final EIR noted potential for spineflower (RDAA p. 2.6-2)
March 23, 1999	EIR Certified (RDAA p. 2.6-1)
April 2000	URS Corporation starts sensitive plant surveys in support of "river management plan" required by CDFG and others, as well as to support subdivision level studies. (RDAA p. 2.6-6)
May 2000	URS Corporation "confirms" spineflower in one location, with "unconfirmed" spineflower colonies found elsewhere (RDAA p. 2.6-6). Details of the find were not provided to CDFG, although they requested it. Access to the colony was also denied (IR p. 15).
	URS Corporation did not do a report or prepare maps at the time, but in 2002 was requested by Newhall to do so. (RDAA

	Appendix 2.6(g) Figures 4 (Grapevine Mesa) and 8 (Airport Mesa))
	Pam Lindsay of Impact Sciences refuses to provide details of spineflower find to UC Berkeley herbarium; she cites the confidentially agreement (IR p. 13, 44).
	Newhall consulting biologist Kathryn Rinlaub refuses to discuss spineflower find with CDFG; she cites the confidentiality agreement (IR p. 43).
June 2000	Newhall advises CDFG of existence of spineflower. (SW p. 4.)
	CDFG requests additional information from Newhall, receives only generalized, vague information regarding one colony. (IR p. 43)
	CDFG staff make first of numerous requests of Newhall to inspect the site. All requests were denied (SW p. 5).
July 31, 2000	Kern County Judge Rodger D. Randall hands down Statement of Decision invalidating portions of EIR and Specific Plan approvals.
Sept 21, 2000	A meeting occurs between CDFG and Newhall. Newhall advises that URS Corporation did not prepare a biological report on the spineflower, and no follow-up surveys were done (IR p. 10). Newhall said probably more spineflower habitat existed on the site, and would look for them as each subdivision came in. Newhall fails to provide the technical information requested by CDFG to document the spineflower find, or to produce the consulting biologists. This lack of detail is very unusual and inconsistent with standard protocols (IR p. 15).
2000-2001	Newhall denies repeated CDFG requests to visit the site (IR p. 12, 15).
April 2001	**Draft AA RELEASED**
	DAA identified one small spineflower colony on Grapevine Mesa (DAA Section 3.0 p. 3.0-13,14). Specific Plan level is too early in the process to do surveys for spineflower (RDAA 26-5).

May/June 2001	Tract level plant surveys are undertaken by FLx; a second spineflower colony is found in the San Martinez area. Other areas studied were River Village, Long Canyon, and Salt Canyon. (RDAA p. 2.6-7). Found 769 spineflower at San Martinez (RDAA p. 2.6-8). FLx is hired to look for spineflower at two offsite locations. Found spineflower at two locations near Newhall Ranch (RDAA p. 2.6-11).
May 2001	Grubbing of hillsides within the Specific Plan area is observed by environmental groups, inquires made to CDFG (IR p. 7).
August 2001	Grubbing and terracing occurs at Airport Mesa (IR p. 8).
Sept 20, 2001	CDFG visits the site, finds extensive grading occurring at Airport Mesa (IR p. 7). Assistant Manager Jesse Gomez says it is for agave plants to make tequila (IR p. 8). (NOTE: Based on its own research, CDFG concludes that the grubbing of the site for the planting of agave is not credible (IR p. 11))
Oct. 2001	**FINAL AA RELEASED** Vol 1 page 1. " Consequently, the Court set aside approval of the Specific Plan and WRP, and FEIR certification, but only with respect to the six issues discussed above. The trial court did not set aside approval of the Specific Plan and WRP or FEIR certification, with respect to any other issues." <u>Vol 1 Topical Response 1 (Scope of Draft Additional Analysis)</u> p. TR-2 "By necessary inference, the Court ordered the County not to void certification of the Final EIR with respect to issues other than those described in the Court's writ. For this reason, the Final EIR for the Specific Plan and WRP is certified with respect to all issues except those specified in the Court's writ." p. TR-3 The court ordered Newhall and LA County to "suspend all specific project activities that could result in an adverse change to the environment until it has taken the

actions specified in the Writ to bring its actions into compliance with CEQA"

p. TR-3 The court ordered Newhall and LA County to "set aside the approval of the Newhall Ranch Specific Plan, General Plan Amendment, Santa Clarita Plan Amendment, Zone Change and Conditional Use Permit 'but only as those approvals relate to SEA 23 and Los Angeles County's [DMS] as it applies to water supplies'".

p. TR-4 LA County Counsel states "this review is not a *de novo* review of the Newhall Ranch project in its entirety, with the documentation and discretionary determinations erased."

Topical Response 3 Recirculation of Draft Additional Analysis

p. TR-17 only restates the DAA finding of one population of spineflower, located near Grapevine Mesa. It references DAA Section 3.0 p. 3.0-14. It also discusses a post-DAA study of WRP site for spineflower (none found):

p. TR-18 quotes Writ: "the environmental consequences of the [Specific Plan] to biological resources on site have been explored in the instant case and mitigation measures adopted with performance standards specific enough to demonstrate the feasibility of the mitigation that is proposed.'"

p. TR-19 Mitigation Measure 4.6-53 specifies the contents of what biologist reports should contain.

p. TR-20 no "new information" as defined by CEQA is contained in the FEIR or DAA.

Oct. 10, 2001 — Additional grading/farming of habitat beyond that noted on 9/20/01 is observed by CDFG staff. (IR p. 12)

Nov 21, 2001 — Los Angeles Public Works Agency issues Notice of Violation (NOV) for "grading and brushing" which required a grading permit that was not obtained. Includes 8 photos. LA Daily News Online (6/1/02) states this NOV was issued after CDFG informed Los Angeles County of the violations (PRA).

Dec 7, 2001	Newhall submits a schedule to LAPWA to obtain a grading permit. PRA.
Pre-2002 survey	The consulting firm of Dudek and Associates found 19,716 spineflower at Airport Mesa, 503,870 at Grapevine Mesa and 2,350,700 at San Martinez (287,4286 total) (RDAA Table 2.6-1 p. 2.6-8)
Jan 2002	Newhall consulting biologist Pam Lindsay repeatedly refused to discuss the spineflower with CDFG; she cites the confidentiality agreement. (IR 19)
	Mid to late January 2002 Kathryn Rinlaub, Newhall consulting biologist, refuses to return CDFG phone calls. (IR p. 19)
Jan 14/15, 2002	CDFG denied access to Newhall property (IR p. 18).
	Detailed information regarding spineflower requested by CDFG, no such information produced by Newhall (IR p. 19).
Mid-Feb 2002	John Grey, manager of EIR for the CDFG streambed alteration permit EIR, refuses to discuss spineflower with CDFG, citing the confidentially agreement. "Grey stated NLF strongly reminded him and the other contractors of the confidentiality clause." (IR p. 20).
March 4, 2002	LAPWA issues second notice advising Newhall that grading violations still exist on the site. PRA.
May 2002	FLx surveyed Airport Mesa, found Spineflower and three other sensitive species (RDAA p. 2.6-7). FLx found 14,750 spineflower at Airport Mesa (RDAA p. 2.6-8). Their report is in RDAA Appendix 2.6.
	Dudek and Associates is hired to do sensitive plant studies on Mesa Village area (RDAA p. 2.6-7). Their report in RDAA Appendix 2.6.
	CDFG search warrant occurs. CDFG surveys 800 acres of ranch at Grapevine and Airport Mesas. CDFG confirmed the extensive presence of spineflower on both mesas (RDAA p. 2.6-7).
	The search warrant search found:

Spineflower in numerous locations in Grapevine and Airport Mesas (IR starting at p. 21).

NOTE: The areas surveyed by CDFG (SW Exh 1) are almost exclusively planned for development (i.e. Airport Mesa (AR 6846)) or most of the survey area is planned for development (Grapevine Mesa (AR 6846)). Consequently the great majority of the "take" of spineflower noted on IR p. 21 through 42 occurred on land planned to be developed under the Newhall Ranch Specific Plan.

CDFG staff concluded that based on the evidence, spineflower would have extended into the flat mesa area (i.e. the development areas) if the areas had not been graded and grubbed (IR p. 26, 27, 28).

Cattle feed (alfalfa) was scattered on slopes at Airport Mesa that were so steep that the bales had to be hand carried up the slopes (IR p. 24). This, combined with temporary electric fencing at the same location, leads CDFG to conclude that intense, concentrated cattle feeding was used to deliberately destroy spineflower (IR p. 25, 31-33).

May-Sept 2002 — At request of LA County, Dudek conducts plant surveys for all developable areas of the Specific Plan. They found spineflower at Grapevine Mesa, Airport Mesa, and San Martinez. The presence of other sensitive species were also identified (RDAA 2.6-7).

Dudek found 31,856 spineflower at Airport Mesa, 12,082 at Grapevine Mesa, and 125 at San Martinez (44,063 total) (RDAA Table 2.6-1 (p. 2.6-8))

June 1, 2002 — La Daily News Online quotes Marlee Lauffer of Newhall as saying "we had no knowledge that spineflower were growing in the area of the agave field". PRA.

The Signal quotes Marlee Lauffer: "we have continued farming operations that have been historically done on that site." PRA. Also, Lauffer considers CDFG accusations as wrong: "we knew that it was an issue of importance." PRA.

November 2002 **REVISED DRAFT AA RELEASED**

URS Corporation is requested to prepare a memo to document their May 2000 field studies (RDAA 2.6-6). Their report is in RDAA Appendix 2.6

The RDAA notes that agriculture is exempt from Native Plant Protection Act. The RDAA mentions, but does not address, the 10-day requirement which Lt. Penny Liotta of CDFG says was not followed (RDAA p. 2.6-19).

Various sensitive plant species are found on the site. Six are "confirmed", four are "unconfirmed" (RDAA p. 2.6-21 – 10).

Nov 27, 2002 LA Times article states that Newhall "argues that it has the legal right to destroy the plants in the course of agriculture".

Also, "'without the specific plan in place,' Newhall writes,'the occupied spineflower habitat could be lawfully damaged or destroyed'

RESOURCE MANAGEMENT AGENCY

County of Ventura

Planning Division
Christopher Stephens
Director

December 26, 2001

Members, Los Angeles Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
Room 383
500 W. Temple Street
Los Angeles, California 90012

RE: COMMENTS TO THE FINAL ADDITIONAL ANALYSIS FOR THE NEWHALL RANCH SPECIFIC PLAN DATED OCTOBER 2001

Dear Members, Board of Supervisors:

Please find attached comments to the Newhall Ranch Specific Plan Final Additional Analysis (FAA) dated October, 2001. Please include these comments as part of the project administrative record for the January 22, 2002 hearing on Newhall Ranch. Our comments address concerns regarding impacts, mitigation measures, and findings under the California Environmental Quality Act (CEQA) related to biological and water resources issues.

In regard to biological resources, we have the following issues:

1. The Final Environmental Impact Report (FEIR) and the FAA Findings are inconsistent in that regionally significant unavoidable impacts are identified in the FEIR and the region is defined largely as Ventura County, but the FAA concludes that no significant environmental impacts occur in Ventura County. It is unclear how regionally significant impacts can occur if they do not occur within the biological "region" defined in the FEIR and FAA.

2. Contrary to the proposed Findings, not all feasible mitigation measures have been adopted, since Los Angeles County is not adopting mitigation measures in Ventura County although it has the legal authority to do so, and has applied project mitigation measures in our county for other impact areas. In addition, use of a joint powers agreement would give Los Angeles County any authority to impose such measures in Ventura County which Los Angeles may be lacking.

3. The FAA concludes that mitigation measures are not appropriate in Ventura County because no impacts occur in Ventura County. However, under CEQA, areas not subject to impacts may receive mitigation if that mitigation would further reduce impacts occurring elsewhere. Even if Los

ATTACHMENT 7

800 South Victoria Avenue, L#1750, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509

Angeles County is correct that impacts do not occur in Ventura County, that in itself is not justification for not extending measures into Ventura County if significant unmitigated impacts remain in Los Angeles County.

4. The FAA stops mitigation measures at the county line although it acknowledges the interconnectedness of the biological communities which cross the line. The arbitrary stopping of mitigation measures at a political boundary when the impacts and resources cross that line is inconsistent with CEQA.

In regard to water resources, we have the following issues:

1. The proposed Memorandum of Understanding and Settlement Agreement with the United Water Conservation District should be included as a project condition.

2. FEIR Mitigation Measure 4.11-10 previously approved by your Board requires that no net increase occur in groundwater pumping over currently planned levels as a result of the Newhall Ranch Specific Plan. The FAA is proposing to replace this measure with one that simply requires additional studies, with the results of those studies to be considered in future planning approvals. This is a major weakening of previous groundwater protections; the original Mitigation Measure 4.11-10 should be retained as a project mitigation measure and included in the Mitigation Monitoring Program.

3. In order to verify the accuracy of the groundwater model developed for the Santa Clarita Valley an additional mitigation measure to monitor future water volumes entering Ventura County compared to historic levels should be adopted. This would also allow the Newhall Ranch Specific Plan to provide mitigation for its pro-rata share of any impacts which may occur.

4. The FAA does not evaluate the environmental effects of providing the groundwater proposed by the Urban Water Management Plan (UWMP). The FAA study of the Aquifer Storage and Recovery (ASR) program uses different pumping assumptions than does the UWMP, and was designed to study the impacts of the ASR program rather then evaluate future groundwater levels compared to historic levels. As such, the FAA is not evaluating the environmental effects of proposed groundwater pumping to serve projected cumulative water demands.

5. The proposed mitigation measure whereby existing agricultural pumping by the Newhall Land and Farming Company is "credited" to the Newhall Ranch Specific Plan needs further analysis before the measure is adopted.

We recommend that your Board address the above issues before taking final action on the Newhall Ranch Specific Plan. If you have any questions please contact Scott Ellison of my staff at (805) 654-2495 or myself at (805) 654-2481.

Sincerely,

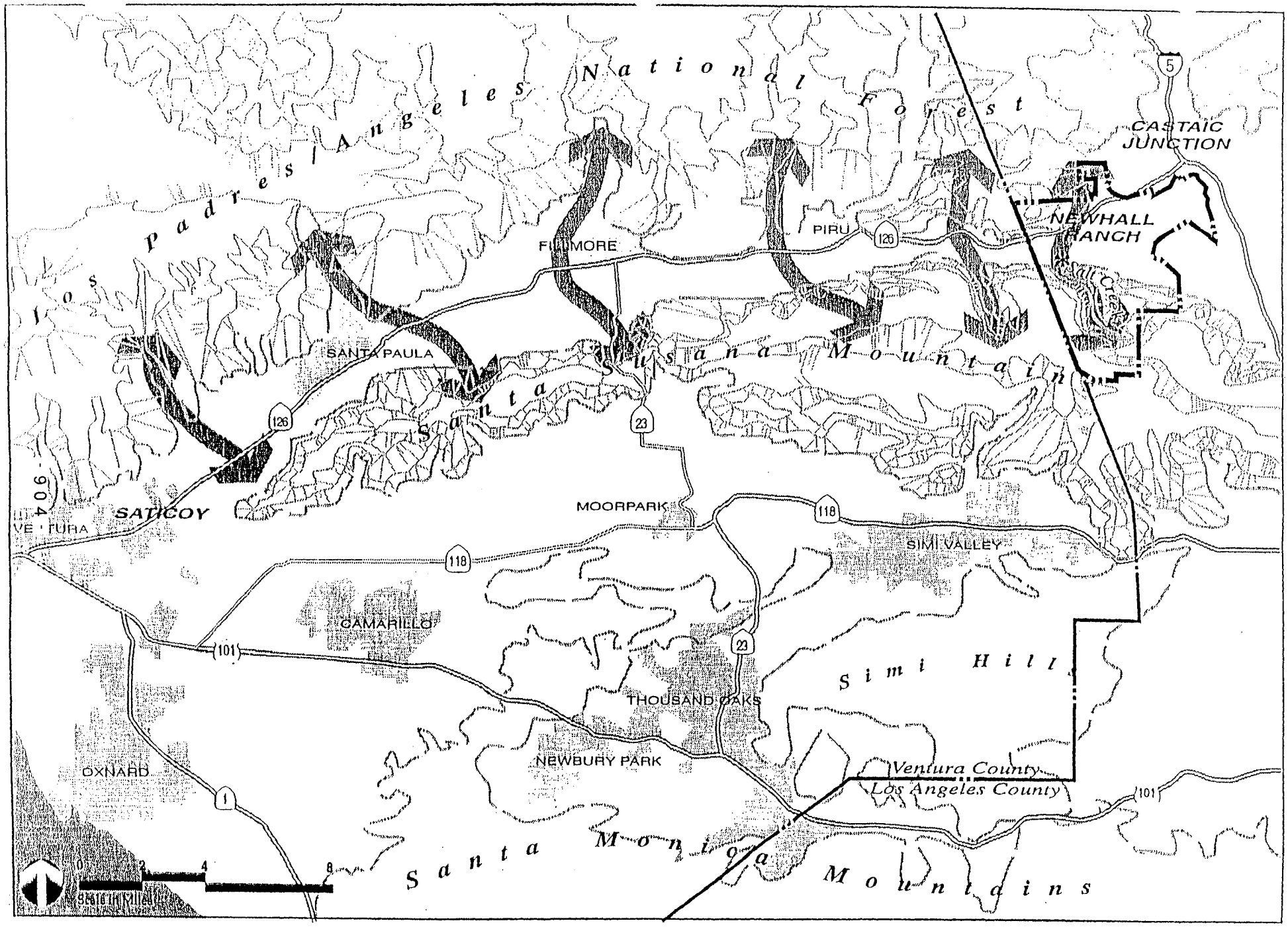
Chris Stephens, Director
Planning Division

Attachments

C.
Dennis Slivinski, County Counsel
Lee Stark, Los Angeles Planning Department

C. w/o attachments

Ventura Board of Supervisors
Johnny Johnston, CEO
Tom Berg, RMA



Animal Movement Interface Area

Mr. Lee Stark, County Project Manager
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

RECEIVED
JAN 21 2003
REGIONAL PLANNING
L.A. COUNTY

CASTAIC LAKE WATER AGENCY

January 17, 2003

Dear Mr. Stark,

The Castaic Lake Water Agency (CLWA) has reviewed the Revised Draft Additional Analysis (County of Los Angeles Project Number 94-087, "Newhall Ranch") and generally concurs with the information presented. By this letter, CLWA is providing the following clarifying comments regarding the document:

1) The State Water Project (SWP) supply referred to in the Draft Additional Analysis is a contract right of CLWA. Any SWP supply transferred into the CLWA service area will be included in the CLWA contract with the California Department of Water Resources. SWP supply transfers are melded into CLWA's overall supply, which SWP supply is allocated annually *as a whole* by DWR. In other words, there are no separate components assigned to individual parties or entities other than CLWA. Additional SWP water types as determined by DWR, such as Article 21 ("Interruptible") water, are appurtenant to the SWP contract between DWR and CLWA.

   DWR makes its annual SWP entitlement water allocation based on each year's hydrology and SWP system storage. In any given year, the water allocation is based on a *percentage* of each contractor's total SWP Table A entitlement. Thus CLWA's current total SWP Table A entitlement of 95,200 acre-feet (af) is not necessarily wholly available each and every year, but a varying percentage of that amount is available each year. As CLWA's SWP Table A entitlement may be increased through time (as additional SWP Table A entitlement is purchased and added to its contract), DWR will make allocations on the basis of that new total. (Note: only the "Nickel Water" referred to in the Analysis is fully available in every year, subject to contractual arrangements and terms not binding on CLWA. It is unique in this regard. However, it will need to be delivered in the SWP California Aqueduct, as explained below).

1

2) Exchanges, transfers and deliveries within the SWP storage and conveyance system are accomplished by agreements among DWR and two or more SWP contractors. DWR does not usually make agreements for the use of SWP facilities by outside entities (i.e., non-SWP contractors). Programs identified within the "Supplemental Water Supplies" section(s) of the Revised Draft Additional Analysis are possible. Each of them will require agreements with DWR and various SWP contractors (and their member agencies), including CLWA, in order to be implemented. In addition, certain programs will likely require CEQA analysis, documentation and determinations to enable adoption of the agreements with DWR. Consistent with the information presented in the Revised Draft Additional Analysis, the supplies and programs described in the Analysis could be available to the CLWA service area when such agreements are executed by all appropriate parties.

2

DIRECTORS
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LINDA J. FLEMING

Clarifications regarding these supplies and programs are as follows:

i) The 7,648 af of additional SWP Table A entitlement identified by the applicant via an agreement with a Kern County landowner could become part of the CLWA SWP contracted entitlement, subject to CEQA analysis and determinations, and agreements among, *inter alia*, CLWA, DWR and the Kern County Water Agency (KCWA). (Note: the applicant refers (page 2.5-151) to an SWP contractor being "designated" by the applicant for the purpose of delivering the water to the applicant. Since the Specific Plan site is wholly within the CLWA service area, it is likely that DWR will make an agreement with CLWA to provide the water that will serve the site, as described in the first comment in this letter). 3

ii) The applicant's groundwater banking account at the Semitropic Water Storage District serves as a storage facility. Conveyance of water to and out of the applicant's Semitropic account to the CLWA service area will require agreements among, *inter alia*, DWR, KCWA and CLWA. In addition, CLWA is undertaking the engineering and CEQA analysis that could allow it to obtain its own long-term groundwater banking account in Semitropic or elsewhere. Water that might be banked in such an account would probably include portions of the 7,648 af that could become part of CLWA's SWP Table A entitlement, along with other types of SWP water available to CLWA. It is unlikely that CLWA will convey its SWP supplies into the applicant's separate Semitropic account. 4

iii) CLWA supplies are also listed as being available to the Saugus Aquifer Storage and Recovery (ASR) Program. Local CLWA allocation of water to Valencia Water Company is dependent on the annual allocations of SWP Table A entitlement from DWR previously described. If water is available, it could be conveyed to Valencia Water Company's system, but would not be earmarked by CLWA specifically for the Saugus ASR program. Such earmarking and delivery would be done by Valencia Water Company. CLWA did include a potential ASR groundwater banking project in its 2000 Urban Water Management Plan. The fact that the Analysis describes demonstration of this project shows the viability of such a local groundwater banking program to enhance long-term reliability of water supplies. 5

iv) Castaic Creek storm flows are listed as being available for transfer to the applicant's Semitropic account "subject to DWR approval." Such a transfer, which would be subject to prior CEQA analysis, would require agreements between DWR, KCWA and probably the four Downstream Users who are the parties to the Castaic Creek Storm Flow Agreement. In addition, discussions with DWR regarding a long-term amendment to the Castaic Creek Storm Flow Agreement are ongoing and have not yet been concluded. 6

3) The "Nickel Water" purchased by the applicant will also need to be delivered utilizing the SWP California Aqueduct. This will require agreements between DWR, KCWA and CLWA. On the one hand, the Nickel Water is "firm" (that is, the amount is available each year during the contract term), and is not subject to the annual allocation percentage from DWR. On the other hand, the Nickel Water could become part of the annual SWP Table A entitlement delivered by CLWA to its service area, subject to prior CEQA analysis. 7

4) In the likely event that CLWA is "designated" by the applicant as the SWP contractor for purposes of the delivery of the 7,648 af of additional SWP Table A entitlement identified by the applicant and discussed above, the applicant's precise right of use of the water delivered pursuant to that additional entitlement will be defined by a water allocation and payment policy currently being developed by CLWA. 8

5) The 2000 Urban Water Management Plan, which is listed as a reference document on page 2.5-12 of the Draft Analysis, is currently under challenge by two sets of petitioners in a consolidated matter entitled "*County of Ventura v. Castaic Lake Water Agency* (Kern County Superior Court Case No. 245365-RJO). The challenges are brought in the form of petitions for writ of mandate and are set for hearing on January 21, 2003. 9

If you have any questions regarding these comments, please call me at 661/297-1600.

Sincerely,

Dan Masnada
General Manager

xc:

Thomas Hannigan, DWR
Peggy Bernardy, DWR
Thomas N. Clark, KCWA
Steve Zimmer, The Newhall Land and Farming Company
Ken Petersen, Newhall County Water District
Dean D. Efstathiou, L.A. County Dept. of Public Works
CLWA Board of Directors

California Native Plant Society

P.O. Box 1346 Ojai, CA 93024-1346

4 February 2003

Los Angeles County Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
Attention: Mr. Lee Stark, County Project Manager

Subject: Newhall Ranch – Revised Draft Additional Analysis (Los Angeles County Project Number 94-087)

Dear Mr. Stark,

The California Native Plant Society (CNPS) is a nonprofit organization of more than 10,000 laypersons and professional botanists organized into 32 chapters throughout California, with three chapters organized in Los Angeles County alone. The mission of the CNPS is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, and conservation. We have provided previous extensive and detailed comments on the Newhall Ranch Draft Environmental Impact Report (EIR) during previous public comment periods, as well as for the permits that the project will require and hereby incorporate them as part of this comment letter. These include the following letters and public comment:

- CNPS Comments on the Draft Environmental Impact Report – Project #94087 SCH#95011015, dated September 1996
- CNPS Comments on Notice of Preparation of Draft Environmental Impact Report; Newhall Specific Plan – River Management Plan 1601/1603 Streambed Alteration Agreement and 2081 Endangered Species Hearing, 9 February 2000; 1
- CNPS Notice of Preparation of Additional Analysis for the Newhall Ranch Specific Plan and Water Reclamation Plant Final EIR (SCH No. 95011015), dated 14 December 2000;
- CNPS/DMEC Comments of the Newhall Ranch Specific Plan April 2001 Draft "Additional Analysis" dated 18 June 2001;
- DMEC Response to "Analysis of the applicability and accuracy of certain sources cited in David Magney's 'Newhall Ranch Notice of Preparation Submittal'" dated 31 July 2001;

We continue with great interest in offering additional comments on the Newhall Ranch – Revised Draft Additional Analysis Draft, in light of the many recent discoveries of previously thought to be extinct plant species, and other rare plant species that have just recently been documented to occur on the Newhall Ranch property. Because the project site is located in an ecotone (where desert, montane and coastal habitats all converge), we are not at all surprised that many more rare plants occur on the project site than were reported in the 1996 Draft EIR – ecotones are known to harbor a greater diversity of species than non-ecotonal areas. With 2

Regards to the Revised Draft Additional Analysis, CNPS has many comments, that when fully addressed, will significantly improve the Analysis, and add to the overall effectiveness of conserving the unique botanical resources that occur on the Newhall Ranch project site. However, we remain unclear on how the Revised Draft Additional Analysis fits into the CEQA process – an unanswered question from past comments. We have organized these comments into general issues, followed by document specific issues by page number/section number. 3

General Comments:

While the data/maps presented in the document and appendices are very helpful in identifying where the sensitive botanical resources occur, the mitigations proposed to minimize and mitigate potential impacts are vague and unspecific (specific issues are addressed in more detail by page number). The document also fails evaluate the impacts of the proposed project on nine of the ten sensitive plant species that have been identified to occur on the Newhall Ranch property to date. California Environmental Quality Act (CEQA) Guidelines Sections 15002 (a)(1-3), 15065, and 15380, among others, require that impacts to endangered and rare species, including unlisted species that meet the criteria for listing, be evaluated, minimized and mitigated. The document does not fulfill CEQA mandate and is therefore, in direct violation of the CEQA Guidelines. 4

At several locations in the document (ES-21, 2.6-19), speculative language is included regarding agricultural practices and rare plant impacts. For instance Pg ES-21,

> "In particular, the spineflower population areas existing on Newhall Ranch could be converted legally to row crops or dry farming. Similarly, spineflower population areas could continue to be subject to ongoing cattle grazing. In short, without implementation of the Specific Plan, including its revised mitigation program relating to the spineflower and other sensitive plant species, the onsite spineflower populations could be lawfully damaged or otherwise destroyed in connection with existing and ongoing agricultural/farming/grazing operations".

This language represents a flawed interpretation of both the California Endangered Species Act (CESA) and the Native Plant Protection Act (NPPA). Regarding CESA, Section 2087 (a) of the Fish and Game code allows 5

> "Accidental take of candidate, threatened, or endangered species resulting from acts that occur on a farm or a ranch in the course of otherwise lawful routine and ongoing agricultural activities".

However, impacts to the spineflower on Newhall Ranch cannot be described as "accidental". The Revised Draft makes clear that the locations of spineflower occurrences on Newhall Ranch are well known. Therefore, they cannot be accidentally damaged or destroyed. They can only be damaged or destroyed by deliberately allowing destructive activities to take place in and around the occurrences.

Section 2086(c) of the Fish and Game Code also allows taking of candidate, threatened, or endangered species during "routine and ongoing" agricultural activities. However, this section limits such allowed take to that occurring in conjunction with agricultural conservation programs authorized by the Department of Fish and Game that "encourage habitat for candidate, threatened, and endangered species, and wildlife generally". To our knowledge, no such program exists on Newhall Ranch. 6

Regarding NPPA (Fish and Game Code Section 1900 et seq.), any assertion that NPPA allows unmitigated and unpermitted take of candidate, endangered, or threatened plant species is in all likelihood based on a 1998 Opinion by Attorney General Dan Lungren (California Attorney General's Opinion 98-105). That Opinion is based on faulty logic and legal analysis. Further, Attorney General's Opinions are not legally binding on the California Department of Fish and Game (CDFG) or any other party. The Lungren Opinion has never been upheld by, or even presented to the courts, or formally endorsed by any agency or regulatory body. In fact, under California law, take of plants listed as threatened or endangered under the CESA is illegal without a permit issued by the Department of Fish and Game pursuant to the CESA (Fish and Game Code Section 2081), the NCCP Act (Fish and Game Code Section 2835) or an agricultural conservation agreement in accordance with Fish and Game Code Section 2087. A legal analysis is attached demonstrating why NPPA does not exempt agricultural activities that take plants listed as threatened or endangered from CESA's take prohibition and take permitting requirements. 7

Regardless, Newhall was prohibited from modifying the existing conditions of the project site by the courts in their decision on the inadequacy of the 1996 EIR. No such changes were allowed, especially when they would result in a significant impact to the environment, in this case, a listed species. 8

There still has been absolutely no analyses, or surveys for, non-vascular plants, including lichens and bryophytes (mosses and liverworts), even though CNPS has previously notified Los Angeles County about the potential project-related impacts to these sensitive botanical resources. That notification represented new information that should have been addressed, but have not. 9

The revised DAA still fails to identify or address species of local concern, as previously requested by CNPS and Ventura County. Species of local concern must be addressed under CEQA. See CNPS's previously submitted comments dated 18 June 2001. 10

Specific Comments:

Page ES-6&7. CNPS fails to see how development of 384 acres (30%) of the area of SEA 23, and reducing it to 819 acres is considered "highly compatible" with the biotic resources in the area. While the General Plan requires set asides of appropriate and sufficient undisturbed habitat, the very nature of the floodplain of the Santa Clara River is subject to episodic inundations and disturbance through the natural hydrologic regime. In this respect, the disturbed areas in SEA 23 are part of the natural disturbance regimes that are essential to maintaining natural hydrology. We concur with other environmental groups (Friends of the Santa Clara River, etc.) in their analyses of impacts to SEA 23. 11

Page ES 18. The Executive Summary identifies that of the 6.28 acres where the San Fernando Valley Spineflower (*Chorizanthe parryi* var. *fernandina*) occur on the project site and 6.1 acres "are located within the development-related land use area" and that "it is assumed that all land within an area zoned for development will be converted". This statement identifies that the San Fernando Valley Spineflower (SFVS) will sustain significant impacts from the proposed project that will likely extirpate the species from the site. Furthermore, mitigations identified to "facilitate the conservation of the spineflower" in section 2.6.7.4 of this document are all predicated on approval of the Specific Plan - prior to developing any identifiable conservation scenario for any of the species. "Spineflower Mitigation Area Overlays" are easy to identify on 12

a map, but exactly what does it mean that " the applicant, or its designee, shall design subdivision maps that are *responsive to the characteristics* of the spineflower and all other endangered plant species" – emphasis added? Because this most recent Revised Draft Additional Analysis identifies the impacts to the SFVS (ES-18), it is incumbent that it also identify the mitigation under CEQA and CESA, not delay it to some future document(s). Reserves need to be identified in this document – data are available for currently known locations of the SFVS. There is no reason to delay identification of initial reserves, at least. In fact, it is requisite that they are identified to try to mitigate the massive impact identified on Pg. ES-18. Furthermore, delaying identification of some of the reserves – is a piecemeal approach to planning that likely will not achieve the goals of meaningful conservation. Peer-reviewed science continues to provide tools for conservation, and CNPS recommends Burgman et al. (2001), as a scientifically based approach to plant reserve design. 12

Deferring mitigation measure design to tract map phases may likely preclude a wide range of impact mitigation options as a result of piecemeal development within the Specific Plan Area. This problem can easily be avoided by addressing this issue now when various plan area development scenarios can be considered and assessed in conjunction with avoiding and minimizing project-related impacts. 13

Pg. 2.6-30. Vegetation, 2nd Paragraph. No description of habitat based on any published or recognized plant community system is described for Newhall Ranch Project. It is particularly apparent because the preceding paragraph does a decent job at describing the vegetation communities based on the Holland system on the Ahmanson Ranch property where the SFVS was located. CNPS requests a full discussion of the plant communities at each rare plant location to fulfill full disclosure of impacts of the proposed project. While the Holland system was a respected system of vegetation community nomenclature, state and federal agencies and CNPS have adopted the more recent *Manual of California Vegetation* (1995) as the new standard for plant community nomenclature. 14

Pg 2.6-33. Direct Impacts of the Specific Plan, 1st paragraph. This section points out that the 6.23 acres where the SFVS occurs is only 0.05% of the Newhall Ranch's 11,963-acre area. Based on the regional significance of this rare plant, and its very small distribution on the project that a full set-aside of all of the SFVS is feasible … its only 0.05% of the area. 15

Pg. 2.6-45 Spineflower Mitigation Area Overlay. Please explain what "The applicant, or its designee, shall design subdivision maps that are *responsive to the characteristics* of the spineflower and all other endangered plant species that may be found on the Specific Plan Site" (emphasis added) actually means. 16

Pg. 2.6-46, 2nd paragraph. CNPS does not support the delineation of spineflower reserves in conjunction with the approval of the first Newhall Ranch subdivision map. Adequate data now exist to identify initial reserves for many of the rare plants, including the SFVS. In the event that additional locations are identified in subsequent surveys, additional reserves can be established at that time. No reason exists to delay implementing initial reserves. 17

Pg. 2.6-48 1st & 2nd paragraphs. In order to assure that the reserves are functioning to protect the rare plant species in perpetuity, monitoring needs to occur, and when problems are encountered they need to be remedied. As written, monitoring will occur for 10-15 years to document what's going on in the reserves. There are no triggers for action if the SFVS populations are declining 18

except more monitoring. This is unacceptable as a mitigation strategy for plant conservation. If monitoring indicates a decline in the populations, then action needs to be taken to stabilize the populations, and that will depend on the cause of the decline. Stronger language incorporating when decline is documented it triggers actions and those actions needs to be included. Furthermore, preservation and management of the preserves needs to occur in perpetuity, and such management needs to be funded with an endowment that provides sufficient funding to fund monitoring, management, and maintenance of the preserves in perpetuity. While initial intensive monitoring may possibly only be necessary for the first ten to 15 years, monitoring should continue in perpetuity to properly manage any preserve. 18

Pg. 2.6-48. 1st paragraph. CNPS has concern about over-collecting of seed and disruption of the seedbank for the existing SFVS locations. Based on the absence of knowledge regarding seed longevity and production in the SFVS, we suggest that seed collected for storage be limited to 10% of the population on any year, so as to not degrade the species ability to reproduce effectively at known locations. Of course, if populations are to be impacted, then 100% of the seed production needs to be collected. Regardless, since the SFVS is a state-listed endangered species, any seed collecting can only occur after a valid permit has been obtained from the California Department of Fish and Game pursuant to the California Endangered Species Act. 19

Pg. 2.6-48, 3rd paragraph, 1st sentence. It is imperative that the SFVS reserves are well connected to other open space areas. Thompson and Levey (2002) found that 'for insect pollinated plants (SFVS ecological information suggest that it is insect pollinated), corridors provided a significant increase in pollen transfer between plants compared to plants that were located in habitat fragments. These essential corridors need to be identified in this document for the same reasons that the reserves need to be identified. 20

Pg. 2.6-48, 3rd paragraph, 2nd sentence. This sentence suggests that reserves may be established next to the "High Country" land, and currently no SFVS are known to exist next to that designation. CNPS does not support establishment of SFVS reserves in areas other than where the SFVS occurs. Newhall and Impact Sciences have failed to provide any supporting evidence that such an approach is scientifically valid or has any chances of succeeding. 21

Pg. 2.6-49, 1st paragraph, 1st sentence. The data and strategy in the CBI (2000) report recommends a 200 to 300 foot buffer to assure a moderate to high likelihood of effectiveness for key issues (like invasion of exotic grasses), not 80-200 feet. More recent work on edge-effects have documented that edge-effect persist over 300 meters into habitat (Debinski and Holt, 2000). Considering that one of the goals of establishing the reserves is to "ensure the continued existence of the species in perpetuity" (pg. 2.6-46), it is incumbent to design the reserves to achieve the conservation goal, by using buffer sizes based on the best available science. 22

Pg 2.6-49 3rd paragraph, last sentence. CNPS strongly suggests that the whole revegetation plan (not just the seed mix) be reviewed/approved by the County and CDFG. The seed mix is only one very small, but important component of any revegetation effort. A successful plan needs to be assured, and one way that success can be evaluated is with review of the complete revegetation plan. 23

Pg 2.6-55 Translocation/Reintroduction Program. Based on the fact that over 80% of all rare plant species translocation/reintroduction programs have failed (Hickman [CDFG], personal communication), CNPS does not support translocation/reintroduction as a viable mitigation. 24

Furthermore, mitigation ratios for direct and indirect impacts should be equivalent, 4:1 because both indirect and direct impacts result is the same – a decrease the number of plants. 25

CNPS would like to support an effective strategy for the conservation of all of the unique flora that occurs on the Newhall Ranch, one of the last remaining open large areas of open space in Los Angeles County. Our comments, when addressed and incorporated into the document will help to achieve meaningful conservation. If you have any questions regarding any of the above issues, please contact Ileene Anderson at 323/654-5943 or David Magney at 805/646-6045. 26

Sincerely,

Ileene Anderson
CNPS Southern California Botanist

David L. Magney
Channel Islands Chapter Conservation Chairman

Interaction between the Native Plant Protection Act and the California Endangered Species Act in Agricultural Operations

December 19, 2002

Section 1913 (a) of the California Fish and Game Code reads:

> *"The provisions of this chapter are not intended and shall not be construed as authorizing any public agency to mandate, prescribe, or otherwise regulate agricultural operations or management practices, including the clearing of land for agricultural practices or fire control measures."*

Attorney General Lungren (see Attorney General's Opinion 98-105) and some others have interpreted this language to mean that destruction of plants listed by the California Fish and Game Commission as rare, threatened, or endangered are not regulated by the California Endangered Species Act (CESA) or any other part of the Fish and Game Code if such destruction (take) occurs during agricultural operations, including land clearing. This interpretation is incorrect.

Lungren and others refer to Section 2080 of the Fish and Game Code to support their claim that the NPPA, rather than the CESA, controls management of endangered, threatened and rare plants. Fish and Game Code Section 2080 reads

> *2080. No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of this code), or the California Desert Native Plants Act (Division 23 (commencing with Section 80001) of the Food and Agricultural Code).*

This language appears to limit CESA's provisions to species not "otherwise provided" for under the NPPA or the other cited statutes. However, closer reading of the NPPA, the CESA and their legislative history shows that in fact this language can only apply to plants listed under the NPPA itself. These are the plants listed as "rare" under NPPA. Both plants listed as "threatened" and as "endangered" are explicitly listed and managed under the CESA.

This conclusion is supported by a number of facts.

First, Section 1913 (a) states only that "the provisions of *this chapter* [do not] regulate agricultural operations....." emphasis added. The scope of the NPPA's take-permit exemption is expressly self-limiting, applying only to "this chapter" – i.e., the NPPA. The section says nothing about and does not purport to apply to other chapters of the Fish and Game Code, including CESA. The NPPA thus does not exempt landowners from compliance with *other* laws including CESA, or the environmental review and mitigation requirements imposed by CEQA.

Second, the legislative history shows that the Legislature consciously extended CESA

protection to threatened and endangered plants when it enacted the current form of the CE in 1984. Analyses of the 1984 legislation (AB 3309) by the Resources agency and others ma es this intention clear (see e.g. Resources Agency analysis (6/24/84): "AB 3309 also would ... extend the provisions of the Act to plants"; Senate Republican Caucus analysis, 8/23/84: "his bill would repeal [the existing CESA] and enact the California Endangered Species Act, wh ch would apply to endangered or threatened animal and plant species...")

Third, threatened plants are not mentioned in the NPPA, only in the CESA. Therefore, it is illogical to assume that the NPPA could apply to this group of species.

Fourth, the Legislature explicitly "uplisted" all plants identified as endangered under the NPP o endangered status under the CESA (Fish and Game Code § 2062) when it amended the CES in 1984. If the Legislature had intended the NPPA exemptions to apply to endangered plants, the would have been no need for the Legislature to "uplist" NPPA-listed endangered plants. Instea it would have been necessary to "downlist" plants that would otherwise be listed as threatened a er 1984 under the CESA to coverage under the NPPA. No such "downlisting" occurred. Since 19 no plants have been listed under the NPPA.

Fifth, under a plain language reading of the CESA and NPPA, if Lungren's analysis were correct, endangered plant species would receive less protection than threatened plants, d the fact that endangered plants are by definition more imperiled (Fish and Game Code § 2 2067). The NPPA refers only to rare and endangered plants while the CESA refers only to threatened and endangered species.

Lungren's opinion attempted to resolve this discrepancy by making the illogical assertion t the NPPA's exemptions to its take prohibition somehow carries over to plants listed under CESA. Lungren opinion states that, "[a]ny other conclusion would result in greater protecti or threatened plant species than for plants designated as endangered", and that "[s]uch an a rd result cannot have been intended by the Legislature." Indeed, the Legislature could not ha intended such an absurd result. The more logical conclusion, which is supported by the re d, is that the Legislature intended to extend CESA coverage to the two most imperiled group plants, those listed as threatened and endangered, leaving the less imperiled "rare" categ to the inferior protection of the NPPA.

Finally, the Lungren interpretation, allowing uncontrolled and unmitigated destruction of ou most imperiled plants during agricultural operations, is in direct conflict with the fundamen purpose of the CESA and the policies of California to conserve our unique and invaluable biological diversity – including plants:

> *The Legislature ... finds and declares that it is the policy of the state to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat ..... - Fish and Game Code Section 2052*

The CESA is the result of decades of thoughtful efforts by the Legislature to balance the r nts of private landowners with the rights and desires of the people of California to preserve th natural heritage. Any attempt to reinterpret the CESA to exclude our most imperiled plants would be contrary to the intent of the Legislature and the will of the people that public trus resources be conserved, and would substantially undermine the important social, econom and conservation benefits that the CESA provides to California.

SAN FERNANDO VALLEY SPINEFLOWER CHRONOLOGY
NEWHALL RANCH SPECIFIC PLAN
Scott Ellison (Ventura County Planning Division) 12/31/02

No Spineflower noted in 1995, 1996 (RFAA 2.6-2)

NS = Fish and Game Narrative/Supplemental to results of warrant.
Get DEIR maps showing ag.

SW = Search Warrant

March 8, 1999	Final EIR dated (2.6-1) Final EIR. Noted potential for Spineflower (RFAA 2.6-2)
March 23, 1999	EIR Certified (RFAA 2.6-1)
April 2000	URS Corporation starts sensitive plant surveys in support of "river management plan" required by CDFG and others, as well as to support subdivision level studies. (RFAA 2.6-6)
May 2000	Spineflower confirmed in one location, unconfirmed spineflowers noted elsewhere. RFAA 2.6-6. (COMMENT: since these surveys were for CDFG and others, and were to support subdivision level studies, why were these unconfirmed spineflowers not confirmed?). Details of the find were not provided to CDFG, although they requested it. Access to the colony was also denied NS p. 15. URS Corporation, which made the find, did not report or maps at the time, but in 2002 was requested by Newhall to do so. The maps are Appendix 2.6(g) Figures 4 (Grapevine) and 8 (Airport) Pam Lindsay of Impact Sciences refuses to provide details of spineflower to UC Berkeley herbarium. She cites the confidentially agreement NS p. 13, 44. Newhall consulting biologist Kathryn Rindlaub refuses to discuss spineflower find with Fish and Game, citing confidentiality agreement (NS p. 43).
June 2000	Newhall advises CDFG of existence of spineflower. Warrant p. 4.

	Fish and Game requests additional information from Newhall, receives only generalized, vague information regarding one colony. NS p. 43
	CDFG staff make first of numerous requests to inspect the site. All requests were denied. Warrant p. 5.
Sept 21, 2000	Meeting between CDFG and Newhall. URS, Greiner, Woodward and Clyde did not prepare a biological report on spineflower, and no follow-up surveys were done NS p. 10. Newhall said probably more spineflower habitat existed on the site, would look for them as each subdivision came in. Newhall fails to provide the technical information requested by Fish and Game to document the spineflower find, or to produce the consulting biologists. This lack of detail is very unusual and inconsistent with standard protocols. NS p. 15.
2000-2001	Newhall denies repeated Fish and Game requests to visit the site. NS p. 12, 15
2001	Newhall Ranch contains approximately 800 acres irrigated and 1,025 acres dry farmed. Remainder of the site was in cattle grazing. RFAA p. 2.6-16.
April 2001	**Draft AA**
	Identified Spineflower on Grapevine Mesa (DAA Section 3.0 p. 3.0-13,14). Specific Plan level is too early in the process to do surveys for spineflower RFAA 26-5.
	EIR mitigation measures 4.6-53, 59 as revised are adequate.
May/June 2001	Tract level plant surveys undertaken by FLx (Anuja Parihk and husband), second spineflower colony found in San Martinez area. Other areas studied were River Village, Long Canyon, and Salt Canyon. RFAA p. 2.6-7. FLx found 14,750 spineflower at Airport Mesa, and 769 spineflower at San Martinez (15,519 total plants) (RFAA p. 2.6-8)
	FLx hired to look for spineflower at two offsite locations. Found spineflower at two locations near Newhall Ranch. RFAA p. 2.6-11.
August 2001	Grubbing and terracing occurs at Airport Mesa (NS p. 8)

Sept 20, 2001 Fish and Game visits site, finds lots of grading occurring at Airport Mesa NS p. 7. Assistant Manager Jesse Gomez says it is for agave plants to make tequila NS p. 8. (NOTE: As researched by Fish and Game, the grubbing of the site for the planting of agave is not credible NS p. 11)

Oct. 2001 **Final AA**

Vol 1 page 1. " Consequently, the Court set aside approval of the Specific Plan and WRP, and FEIR certification, but only with respect to the six issues discussed above. The trial court did not set aside approval of the Specific Plan and WRP or FEIR certification, with respect to any other issues."

Vol 1 Topical Response 1 (Scope of Draft Additional Analysis)

Page TR-2 "By necessary inference, the Court ordered the County not to void certification of the Final EIR with respect to issues other than those described in the Court's writ. For this reason, the Final EIR for the Specific Plan and WRP is certified with respect to all issues except those specified in the Court's writ."

p. TR-3 The court ordered Newhall and LA County to "suspend all specific project activities that could result in an adverse change to the environment until it has taken the actions specified in the Writ to bring its actions into compliance with CEQA"

p. TR-3 The court ordered Newhall and LA County to "set aside the approval of the Newhall Ranch Specific Plan, General Plan Amendment, Santa Clarita Plan Amendment, Zone Change and Conditional Use Permit 'but only as those approvals relate to SEA 23 and Los Angeles County's [DMS] as it applies to water supplies".

p. TR-4 LA County Counsel states "this review is not a *de novo* review of the Newhall Ranch project in its entirety, with the documentation and discretionary determinations erased."

Topical Response 3 Recirculation of Draft Additional Analysis

p. TR-9 criteria for recirculation, including feasible alternatives applicant not willing adopt.

p. TR-17 only restates DAA finding of one population of spineflower, located near Grapevine Mesa. It references DAA Section 3.0 p. 3.0-14. Discusses a post-DAA study of WRP site for spineflower (none found). (IGNORES FLx FINDINGS OF SPINEFLOWER AT AIRPORT MESA AND SAN MARTINEZ.

p. TR-18 quotes Writ: "the environmental consequences of the [Specific Plan] to biological resources on site have been explored in the instant case and mitigation measures adopted with performance standards specific enough to demonstrate the feasibility of the mitigation that is proposed." (ACTIONS SHOW MEASURES NOT FEASIBLE)

p. TR-18 Specific Plan is only "bubbles" and not tract designs (LETS ELIMINATE THE BUBBLES FROM THE IDENTIFIED COLONIES).

p. TR-19 Mitigation Measure 4.6-53 specifies contents of biologists reports. (WE DO NOT HAVE SUCH REPORTS NOW)

p. TR-20 no "new information" as defined by CEQA is contained in FEIR or DAA.

Oct. 10, 2001 — Additional grading/farming of habitat beyond that noted 9/20/01 observed by CDFG staff. NS p. 12

Pre-2002 survey — Dudek found 19,716 spineflower at Airport Mesa, 503,870 at Grapevine Mesa and 2,350,700 at San Martinez (287,4286 total) RFAA Table 2.6-1 (p. 2.6-8)

Jan 2002 — Newhall consulting biologist Pam Lindsay (Impact Sciences – EIR CONSULTANT) repeatedly refused to discuss the spineflower with Fish and Game, citing the confidentiality agreement. NS 19

Mid to late January 2002 Kathryn Rindlaub, Newhall consulting biologist, refuses to return Fish and Game phone calls. NS p. 19

Jan 14/15, 2002 — Fish and Game denied access to Newhall property NS p. 18.

Detailed information regarding spineflower requested by Fish and Game, no such information produced by Newhall NS p. 19.

Mid-Feb 2002 — John Gray, manager of EIR for Fish and Game stream alteration permit EIR, refuses to discuss spineflower with Fish and Game, citing confidentially agreement. "Gray stated NLF strongly reminded him and the other contractors of the confidentiality clause." NS p. 20.

May 2002 — FLx surveyed Airport Mesa, found Spineflower and three other sensitive species. RFAA p. 2.6-7. Report is in RFAA Appendix 2.6. (COMMENT: How are the other sensitive species being protected?)

Dudek and Associates hired to do sensitive plant studies on Mesa Village area. RFAA p. 2.6-7 Report in Appendix 2.6.

CDFG search warrant occurs. CDFG surveys 800 acres of ranch at Grapevine and Airport Mesas. CDFG confirmed the presence of spineflower on both mesas RFAA p. 2.6-7.

The search warrant search found:

Spineflower in numerous locations in Grapevine and Airport Mesas (NS starting at p. 21).

NOTE: The areas surveyed by Fish and Game (SW Exh 1) are almost exclusively planned for development (i.e. Airport Mesa (AR 6846)) or most of the survey area is planned for development (Grapevine Mesa AR 6846)). Consequently the great majority of the deliberate "take" of spineflower noted on NS p. 21 through 42 occurred on land planned to be developed under the Newhall Ranch Specific Plan.

Fish and Game staff concluded that based on the evidence, spineflower would have extended into the flat mesa area (i.e. the development areas) if the areas had not been graded and grubbed (NS p. 26, 27, 28).

Cattle feed (alfalfa) was scattered on slopes at Airport Mesa that were so steep that the bales had to be hand carried up the slopes (NS p. 24). This, combined with temporary electric fencing at the same location, leads

Fish and Game to conclude that intense, concentrated cattle feeding to destroy spineflower occurred (NS p. 25, 31-33).

May-Sept 2002 — At request of County, Dudek (Mark Elvin and Andy Sanders) conducts plant surveys for all developable areas of the Specific Plan. Found spineflower at Grapevine Mesa, Airport Mesa, and San Martinez. The presence of other sensitive species were also identified RFAA 2.6-7

Dudek found 31,856 spineflower at Airport Mesa, 12,082 at Grapevine Mesa, and 125 at San Martinez (44,063 total) RFAA Table 2.6-1 (p. 2.6-8)

November 2002 — URS Consultant is requested to prepare memo to document May 2000 field studies. RFAA 2.6-6. Report is in RFAA Appendix 2.6

Nov 27, 2002 — LA Times article Newhall "argues that it has the legal right to destroy the plants in the course of agriculture".

Also, "without the specific plan in place," Newhall writes,"the occupied spineflower habitat could be lawfully damaged or destroyed."

RFAA p. 2.6-19 – Ag exempt from Native Plant Protection Act. RFAA mentions, but does not address the 10-day requirement which Lt. Penny Liotta of Fish and Game says was not followed.

RFAA p. 2.6-21 – 10 sensitive plant species found on the site. Six are confirmed, four are unconfirmed. What does unconfirmed mean?

RFAA Appendix 2.6

Appendix 2.6(a) Survey by Dudek May/Aug 2002

p.1 Checking on identify of potential Los Angeles sunflower, previously thought extinct. COMMENT: What is status of identification? Should know before plan approved.

p.1 para 4 talks about "approved Specific Plan".

p.1 para 4 study excludes ag fields on Potrero Mesa See Fig 2. (COMMENT: ck on what these fields are. If non-irrigated grazing, could still hold sensitive species. Specific Plan probably has an existing LU map)

p.12 Survey conducted during very dry part of year, probably missed a lot.

Fig 6,7 Pre-2002 populations in Grapevine Mesa of spineflower mapped. (compare to destroyed areas) WHO FOUND THESE PRE-2002 COLONIES? Larger scale map unnumbered at end.

Fig 8,9,10 Pre-2002 populations for Airport Mesa of spineflower mapped. Larger scale map unnumbered at end.

Fig 11 Pre-2002 population for San Martinez of spineflower mapped. Larger scale map unnumbered at end.

Fig 13-16 Maps of sensitive species in 1,500 acre survey. (WHAT IS NEWHALL DOING TO PROTECT THESE?)

Fig 14 Map of small area of LA sunflower (IS IT IN THE DEVELOPMENT AREA)?

Fig 17-21 Survey results of 4,000 acre survey.

P. 42 Lists of number of plants by polygon, both pre-2002 and 2002.

p.45 Better table than in text of RFAA contains max-min estimates of spineflower by pre-2002 and 2002.

p.46 Noted through out report various species could not be identified as to sub-species pending review of current year flowers. (GET A STUDY THIS SPRING?)

Appendix 2.3(b) Surveys by FLx May/June 2001 and May 2002

Fig. 1 Of the mesas, only looked at part of Airport Mesa, and did not survey Grapevine Mesa.

Fig. 9 Scattered colonies of spineflower found at Airport Mesa.

Appendix 2.3(f) Geologic Evaluation of spineflower Occurrences (at Newhall Ranch) Allen E. Seward Engineering Geology

p.1 From Dudek, three "occurrences" of spineflower have been found at Newhall Ranch. (NOTE: An "occurrence" must mean a geographic area, since each occurrence includes multiple colonies see Table 1).

Fig. 4, 8 Locations of spineflower "occurrences". (NOTE: Only two figures provided

Post-it® Fax Note 7671	Date 2/4/03 # of pages ▸ 16
To Lee Stark	From Ileene Anderson
Co./Dept. LAC-DRP	Co. CNPS
Phone # 213-974-6411	Phone # 323-654-5943
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HARDCOPY IN MAIL

SMEA
San Marino Environmental Associates

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Memo

To: Mr. Lee Stark, Los Angeles County Regional Planning

From: Dr. Thomas R. Haglund, Principal Senior Scientist

Date: Feb. 4, 2003

Re: Comments on Newhall Ranch Specific Plan, Project #94087

My principal concerns with the Newhall Ranch project, as proposed in the Draft Additional Analysis, relate to impacts on the fauna and flora of Santa Clara River. The potential to negatively impact, and perhaps eliminate the unarmored threespine stickleback, UTS, (*Gasterosteus aculeatus williamsoni,* a Federal Endangered Species) is particularly troubling.

The sensitive biota of the river, including the UTS, arroyo toad, least Bell's vireo *etc*, requires a habitat that is produced by a meandering stream. Meandering streams have a variety of shallow slow flow habitats, as well as, areas of faster flow, and during flooding overbank habitat is formed. A well-developed riparian corridor is essential to the birds, but is also important to the fish because it provides a refugium during high flows and its ecotonal nature increases productivity of the aquatic habitat. The sensitive aquatic species require good water quality; water free of sediments and chemical pollutants. The project documents do not provide adequate evidence that these conditions will be maintained if the project is implemented. 1

The installation of buried and other bank stabilization will destroy the riparian vegetation upon which some species (birds, insects and others) depend. Revegetation at best takes many years to produce the mature plant community that supports these organisms, and recent studies show that revegetation efforts, even if they succeed in restoring some of the ecosystem structure fail to restore ecosystem functions. One reason for this failure is that the root systems of willows, mule fat and other vegetation hold the soil in place, and these root systems take many years, perhaps hundreds of years, to develop. Even when the above ground vegetation is flattened or removed by floods, the roots resprout rapidly. The proposed bank stabilization will destroy this root system for many miles of riverbank area. Revegetation cannot replace it, and the soil will be much more vulnerable to erosion. This will in turn destroy the remaining vegetation and what ever has developed, and greatly increase sediment in the river. This sediment is particularly harmful to gravel spawning fishes such as the Santa Ana sucker, and the southern steelhead, which inhabits the river further downstream, and to the bottom nesting UTS. Sediment smothers the eggs and nests of the UTS. Additional downstream impacts of sediment and other water quality parameters are inadequately addressed. Furthermore, revegetation even if successful will tend to become uniform if the dynamic nature of the river is impaired. The diversity of organisms associated with the riparian is maintained by the dynamic nature of the stream, which periodically disrupts patches of riparian habitat so that the corridor is a mosaic of habitats in various stages of ecological succession. Disruption of the disturbance regime will significantly reduce the biodiversity, including sensitive species such as the least Bell's vireo. 2 3 4

Also the narrowing of the river's flood plain, which restricts the meandering of the stream, will greatly increase the chances of the organisms being washed out in a flood, and will reduce the amount of habitat for riparian species. This will especially impact the UTS because this species utilizes the slow flowing edgewater, especially for nesting and rearing of young. Additionally, these "rough" edges of stream channels with streamside vegetation and other flow obstructions are particularly important areas because they provide places of refuge during high flows and floods. With the bank stabilization as proposed, this 5

refuge will be eliminated in large parts of the river, so a flood event will more significantly affect UTS populations and many other species in these areas. 5

Maintaining adequate water quality is another important issue that is not adequately addressed. For example, clearly project residents will fertilize their lawns. These nutrients, such as nitrates and phosphates will unavoidably enter the river water. Here they will promote eutrophication and alga growth that will permanently alter the ecological conditions of large parts of the river, making these areas less suitable for native species such as the UTS. 6

It is stated in the Draft Additional Analysis that the river flows will be increased. However, it must be noted that greater flows are not always good for the organisms. One reason is that any environmental variable, such as flow, which exceeds normal tolerances of a species, either highs or lows, can eliminate that species. Higher than normal flow at the wrong time of year, such as the breeding season of the UTS, can eliminate the UTS breeding habitat and the nests and young of that breeding season. If this happens often the species can be eliminated. Annual species such as the stickleback are particularly vulnerable. Another way that increased flows can harm the UTS is because the fish is a distinct subspecies that is separated from another stickleback subspecies downstream in Ventura County (Fillmore) by a dry reach of river. This forms a barrier that prevents the upstream migration of Fillmore sticklebacks, which could interbreed with the UTS and eliminate it as a distinct subspecies. 7

The impacts described above could have a very significant impact on the river biodiversity, yet the project proponents repeatedly make the bold and self-serving statement that project impacts will be "insignificant" without giving any criteria for significance. Clearly, each project impact will impact each species and each habitat differently, so the level of significance will have to be clearly stated for each case if any credibility is to be given to these conclusions. This is simply not done. Also, on page 2.3-87 it is stated "The proposed Specific Plan would cause an increase in flows, water velocities, water depth; changes in sediment transport; changes in the flooded areas....the populations of species within and adjacent to the river corridor would not be significantly affected." Also, on the same page it is stated "....no significant impacts to the biological resources are anticipated due to the bank stabilization, bridges, or changes in the flood plain." The project proponents provide no credible support for these self-serving statements of insignificance. This project should be rejected until a full and credible analysis of impacts to biological resources is presented. Such broad, far-reaching ecological alteration cannot be considered insignificant without substantial high quality science to support this contention, and clearly delineated levels of significance explicitly stated. Appropriate studies and analyses need to be performed in order to demonstrate "insignificance", and if the project impacts are significant, then the project must be redesigned to reduce those impacts, and mitigate for any impacts that remain. 8 9

CURRICULUM VITAE

Thomas R. Haglund, Ph.D.
Freshwater Biologist

AREAS OF SPECIALTY:

Fish Population and Community Ecology
Interface Between Fish Ecology and Riverine Hydrologic Processes
Watershed Management
Sensitive Species Management and Recovery
Educational programs and Community Outreach
Sediment Management
Fish Population Genetics
Systematics
Riparian Community Ecology

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PRESENT POSITIONS:

Environmental Consultant
Principal and Senior Scientist; San Marino Environmental Associates
Adjunct Professor; California State Polytechnic University
Chairman Southern California Native Fishes Working Group

EDUCATION:

B.S. (1972). Geology, University of Washington
Masters Studies. (1972-1974). Geology. University of Illinois
Ph.D. (1981). Biology, University of California, Los Angeles

EMPLOYMENT:

TEACHING:

Department of Geology, University of Illinois, Chicago
Teaching Assistant, 1972-1974

Geology 2 Introduction to Geology
Geology 101 Principles of Geology 1 (Geomorphology)
Geology 102 Principles of Geology 2 (Earth's Interior)
Geology 103 Principles of Geology 3 (Earth's History)
Geology 281 Paleontology

Department of Biology, University of California, Los Angeles
Teaching Associate, 1975-1978
Teaching Fellow, 1979-1981

Biology 2 Principles of Biology (non-majors)
Biology 1B,4A Introduction to Organismic Biology

Biology 4L Introductory Biology Lab
Biology 110 Vertebrate Morphology
Biology 116 Evolution of Mammalian Dentitions
Biology 119 Introduction to Ecology and Evolution
Biology 165 Organismic Physiology
Biology 166 Animal Physiology

Department of Biology, California State University, Los Angeles
Lecturer, 1981-1982
Biology 103 Introduction to Ecology and Evolution
Biology 315 Genetics
Biology 415 Ichthyology
Biology 475 Animal Behavior
Biology 485 Heredity and Evolution

Department of Biology, California State University, Dominguez Hills
Lecturer, 1982
Biology 102 General Biology (non-majors)
Biology 115 Principles of Biology Laboratory

Dental School Faculty Continuing Education Program, UCLA
Seminar Speaker, 1982
Evolution of Mammalian Dentitions

Department of General Education, Otis-Parsons Institute
Lecturer, 1983
LA275 Scientific Methods -- Biology

Biology Department, University of California Extension, Los Angeles
Instructor, 1976, 1981-1986
Biology X411.3 The Fauna of Lower Sespe Creek (field course)
Biology XL5 Introduction to Organismic Biology

Department of Biology, University of California, Los Angeles
Lecturer, 1986
Biology 112 Ichthyology

Department of Biology, University of California, Los Angeles; Department of Biological Sciences, California State Polytechnic University, Pomona
Guest Lecturer (irregular 1990-1998) - Various courses

RESEARCH:

Paleontology Section, Thomas Burke Memorial Washington State Museum
Volunteer worker, 1971-1972
Taxonomy and Curation of Cenozoic Molluscs

Department of Biology, University of California, Los Angeles
Research Associate (to E.C. Olson), 1974-1975
Taxonomy and Paleoecology of Permian Reptiles

U.S. Forest Service Contract
Research Assistant (to M.A. Bell), 1975
Study of the Federally Endangered Unarmored Threespine Stickleback

Tateman Foundation Cruise
Biologist-Diver, 1980
Baseline Biologic Survey of the Marine Resources of Santa Rosa and San Miguel Islands, California

Surgery Research Laboratory, Sepulveda Veterans Administration Hospital
Biochemical Technician, 1980-1981
Role of Cholesterol in the Formation of Gall Stones (used mass spectrometer and biochemical assays)

Department of Biology, University of California, Los Angeles
Postdoctoral Scholar (with D.G. Buth), 1985-1990
Biology of the Gasterosteidae, with emphasis on their biochemical systematics

Department of Biology, University of California, Los Angeles
Project Supervisor (with D.G. Buth), 1990-1994
Population structure and allozyme variation in native populations of the federally endangered Razorback Sucker (*Xyrauchen texanus*)

Department of Biology, University of California, Los Angeles
Project Supervisor (with D.G. Buth), 1992-1996
Population structure, allozyme variation, and hybridization among the federally endangered suckers of the Klamath Basin

Department of Biology, University of California, Los Angeles
Department of Biology, California State Polytechnic University, Pomona
1990-present
Population genetics, systematics and ecology of freshwater fishes

CONSULTING (sample projects):

1979. U.S. Army Corps of Engineers Contract, DACW09-79-M-1584
Biological Assessment of Lower Sespe Creek, Ventura Co., CA
1980. U.S. Army Corps of Engineers Contract, DACW09-80-M-1566
Biological Assessment of Santa Paula Creek, Ventura Co., CA
1981. Graduate Assistant, Water Quality Unit, California State Department of Water Resources, Southern Branch
1988. Environmental Consultant, Valencia Corporation
Status of the Federally Endangered Unarmored Threespine Stickleback in Castaic Creek and lower San Francisquito Canyon
1989. Environmental Consultant, Impact Sciences
Status of fishes in the creeks above Lake Piru
1990. Fisheries Consultant, Los Angeles Department of Water and Power
Status of introduced Threespine Sticklebacks in the Mono Lake Basin and status of the Owens Lake Pupfish
1991. Environmental Consultant, San Marino Environmental Associates, Metropolitan Water District
Impacts of the proposed Westside Conveyance System on fishes, amphibians and reptiles of the Santa Clara River
1991. Fisheries Consultant, San Marino Environmental Associates, California Department of Fish and Game Impacts of the Mobil Oil spill on the fisheries resources of the Santa Clara River
1991. Environmental Consultant, San Marino Environmental Associates, Los

Angeles County Department of Public Works
Distribution of native fishes in the San Gabriel River and Impacts of the phase 1 dewatering of Cogswell Reservoir on the native fish and turtle populations

1991. Environmental Consultant, San Marino Environmental Associates, Los Angeles County Department of Public Works
Population studies on "wild" trout and native fishes in the West Fork of the San Gabriel River and Temperature monitoring on the West Fork of the San Gabriel River

1992. Environmental Consultant, San Marino Environmental Associates, Newhall Land and Farming Company
Fish survey for road crossings of the Santa Clara River

1992. Environmental Consultant, San Marino Environmental Associates, Dames and Moore
Sensitive aquatic species survey of alternative pipeline corridors

1992. Environmental Consultant, San Marino Environmental Associates, James Montgomery Consulting Engineers
Biological assessment of Haskell Creek following a sodium hydroxide spill

1992. Fisheries Consultant, San Marino Environmental Associates, Los Angeles County Department of Public Works
Population estimates of native fishes in the West Fork of the San Gabriel River

1992. Fisheries Consultant, San Marino Environmental Associates, EA Engineering, Science and Technology
Habitat suitability curves for native southern California freshwater fish species

1993. Environmental Consultant, San Marino Environmental Associates, Sanitation Districts of Los Angeles County
Status of least Bell's vireo

1993. Environmental Consultant, San Marino Environmental Associates, Southern California Gas Company
Status of least Bell's vireo

1994. Environmental Consultant, San Marino Environmental Associates, Impact Sciences
Impact of lagoon opening on the populations of fishes

1994. Environmental Consultant, San Marino Environmental Associates, Los Angeles County Department of Public Works
Population monitoring of trout and native fish populations in the West Fork of the San Gabriel River

1994/96. Environmental Consultant, San Marino Environmental Associate, California Department of Fish and Game
Impacts assessment of an oilspill on the aquatic organisms of the Santa Clara River

1995. Environmental Consultant, San Marino Environmental Associates, Los Angeles County Department of Public Works
Population monitoring of trout and native fish populations in the West Fork of the San Gabriel River

1995. Environmental Consultant, San Marino Environmental Associates, Los Angeles County Department of Public Works
Population survey of native fish and pond turtles in the San Gabriel River canyon

1995. Environmental Consultant, San Marino Environmental Associates

Valencia Company
Rare species survey in the Santa Clara River and San Francisquito Creek, Los Angeles County

1995. Environmental Consultant, San Marino Environmental Associates, Southern California Gas Company
Stickleback exclusion and project monitoring

1995. Environmental Consultant, San Marino Environmental Associates, Pendleton USMC base
Surveys for tidewater goby

1994/6. Environmental Consultant, San Marino Environmental Associates, U.S. Fish and Wildlife Service
Impact assessment of the Chino Hills oilspill

1994/7. Environmental Consultant, San Marino Environmental Associates, Hatch and Parent
Rare species survey of the Santa Clarita Water Company's delivery area

1995/7. Environmental Consultant, San Marino Environmental Associates, Hatch and Parent
Impact analysis of water extraction on rare species of the Santa Clara River

1995/6. Environmental Consultant, San Marino Environmental Associates, Ventura Regional Sanitation Districts
Tierra Rejada revegetation, plan and implementation

1996. Environmental Consultant, San Marino Environmental Associates, CalTrans
Cowbird Trapping

1996/7. Environmental Consultant, San Marino Environmental Associates, Los Angeles County Department of Public Works
Determination of the impacts of alternative dam operating policies on a sensitive fish fauna

1997. Environmental Consultant, San Marino Environmental Associates, Santa Barbara County Department of Public Works
Protection of the federally endangered tidewater goby during bridge construction

1997. Environmental Consultant, San Marino Environmental Associates, Santa Barbara County Department of Public Works
Protection of the federally endangered red-legged frog during bridge construction

1997. Environmental Consultant, San Marino Environmental Associates, California Department of Fish and Game Ofice of Oilspill Response and Prevention
Impact assessment of an oilspill on a coastal salt marsh

1998. Environmental Consultant, San Marino Environmental Associates, Valencia Corporation
Tolerance of native southern California fishes to various water quality parameters

1998. Fisheries Consultant, San Marino Environmental Associates, CalTrans
Protection of native fishes during I-5 stabilization at the Santa Clara River

1999. Fisheries Consultant, San Marino Environmental Associates, City of Calabasas
Impacts of the proposed Ahmanson development to the Malibu Creek steelhead

1999. Fisheries Consultant, San Marino Environmental Associates, CalTrans
Protection and monitoring of the fishes in Santa Paula Creek during road stabilization

1999/02. Consultant, Perrier Group of America
Biological resources of Strawberry Creek and the impact of spring water capture on those resources

1999/01. Fisheries Consultant, Richards, Watson & Gershon

Biology, status and recovery strategies for the Shay Creek stickleback

2000. Fisheries Consultant, San Marino Environmental Associates, SAWPA
Conservation Plan for the Federally Threatened Santa Ana Sucker in the Santa Ana River

2000/1 Fisheries Consultant, San Marino Environmental Associates, US Forest Service
Status, habitat use and impact of recreational use on the Santa Ana sucker

2001/5. Fisheries Consultant, San Marino Environmental Associates, SAWPA
Implementation of the Conservation Plan for the Federally Threatened Santa Ana Sucker in the Santa Ana River

2001/02. Consultant, Perrier Group of America
Baseline biological assessment of Southern Pacific Railroad Springs

2001. Fisheries Consultant, U.S. Fish and Wildlife Service
Recovery strategy for the federally endangered Shay Creek stickleback

2002. Consultant, The World Bank
Environmental addendum to The World Bank RESCON model for the analysis of dam sustainability

As of 1 March 2002, I am managing or co-managing 16 consulting contracts.

GRANTS:

UCLA Regents Research and Travel Grant, 780000-07427-5, funded June, 1976, ($750)
Biogeography of the *Strombus* (*Strombus*) group

National Science Foundation Grant, DEB-7725292, funded January, 1978, ($37,000)
Stratigraphic variation and evolutionary mechanisms of fossil threespine sticklebacks (*Gasterosteus doryssus*) within the Pliocene middle Truckee Formation, Nevada

California Department of Fish and Game, funded June, 1986, ($6,000)
Electrophoretic analyses of southern California sticklebacks (*Gasterosteus aculeatus*)

California Department of Fish and Game, funded February, 1987, ($21,000)
Electrophoretic and morphologic analyses of southern California sticklebacks (*Gasterosteus aculeatus*) with emphasis on unplated populations (*G. a. williamsoni*)

California Department of Fish and Game, funded July, 1990, ($17,000)
Reintroduction of endangered stickleback populations and monitoring of the introduced populations - Establishment of transplant criteria

California Department of Fish and Game, funded May, 1991, ($18,678)
Systematic relationships of the Santa Ana Speckled Dace, *Rhinichthys osculus*

California Department of Fish and Game, funded August, 1992, ($15,537.50)
Genetics of the endangered Klamath Basin suckers

California Department of Fish and Game, funded April, 1993, ($3,368)
Electrophoretic studies of endangered southern California sticklebacks

California Department of Fish and Game, funded May 1994, ($17,000)
Population monitoring of a population of the federally endangered unarmored

threespine stickleback, *Gasterosteus aculeatus williamsoni*

California Department of Fish and Game, funded October 1999, ($86,653)
The effects of suction dredging on the Santa Ana sucker and the Santa Ana speckled dace in the East Fork of the San Gabriel River

California Department of Fish and Game,funded October 1999, ($13,092)
Electrophoretic comparison of Shay Creek and Sugarloaf Meadow unarmored threespine sticklebacks

RECENT PRESENTATIONS:

Recent presentations have been given at the Congress of European Ichthyologists, American Fisheries Society, Desert Fishes Council, American Society of Ichthyologists and Herpetologists, Society for Conservation Biology, American Physiological Society,the Southern California Academy of Sciences, and The World Bank (Washington, D.C.). Invited presentations have been given to all the groups listed in the preceding sentence. The following is a selection of talk titles.

- The relationship between lateral plate phenotype and aggression in breeding male threespine sticklebacks
- Allozyme variation and the recognition of the "white" stickleback, *Gasterosteus* sp.
- Southern California unarmored sticklebacks and the electrophoretic identification of *Gasterosteus aculeatus williamsoni*
- Allozymes of southern California unarmored threespine stickleback populations
- Allozyme comparisons of North American, European and Asian populations of the nine-spined stickleback, *Pungitius pungitius*
- Status of populations of threespine sticklebacks, *Gasterosteus aculeatus*, at the southernmost portion of their Pacific coast range
- Native freshwater and anadromous fishes of coastal southern California
- Population structure in *Catostomus plebeius*: Are there two or three species in this complex?
- Systematics of *Catostomus plebeius*
- Allozyme comparisons of North American, European and Asian populations of the threespine stickleback, *Gasterosteus aculeatus*
- The status of the native freshwater fishes of coastal southern California
- Genetic integrity of the transplanted San Felipe Creek population of the federally endangered Unarmored Threespine Stickleback
- Phylogenetic systematics of the cyprinid genera *Mylopharodon* and *Ptychocheilus*: allozyme comparisons
- Gene expression and hybridization in the federally endangered Cui-ui, *Chasmistes cujus*
- Management of the native fishes of the Los Angeles basin
- Gene expression in the razorback sucker, *Xyrauchen texanus*
- Unarmored threespine stickleback, *Gasterosteus aculeatus williamsoni*, population trends and status in Soledad Canyon, Santa Clara River, California
- Genetics of large river fishes: fitting together the pieces
- Status of the freshwater fish fauna of Southern California and management options to preserve the remnants
- Allozyme variation and population structure in the razorback sucker, *Xyrauchen texanus*
- Uses of electrophoretically obtained data on activities of tissue enzymes in the study of endangered fish species
- When is a rare fish really absent?: on the reliability of negative data
- Status of the southern California native fish fauna
- Analyzing potential impacts to aquatic systems based on alternative dam management strategies

- Biological analysis of hydrological modeling to evaluate the impact of alternative sediment management strategies on downstream fisheries resources
- Recovery strategies for the Santa Ana sucker

PUBLICATIONS:

Haglund, T.R. 1977. New occurrences and paleoecology of *Peronedon primus* Olson (Keraterpetontidae, Nectridea). Jour. Paleontol. 51:982-985.

Bell, M.A. and T.R. Haglund. 1978. Selective predation by garter snakes on the threespine stickleback (*Gasterosteus aculeatus*). Evolution 32:304-319.

Johanson, S., S. Werner and T.R. Haglund. 1981. Water quality in the Paso Robles area. Memorandum Report, California State Department of Water Resources, Southern District, vii+116p.

Haglund, T.R. 1981. Differential reproduction among the lateral plate phenotypes of the threespine stickleback (*Gasterosteus aculeatus*). Ph.D. dissertation, Univ. California, Los Angeles, xi+117p.

Bell, M.A. and T.R. Haglund. 1982. Fine-scale temporal variation of the Miocene stickleback, *Gasterosteus doryssus*. Paleobiology 8:282-292.

Matson, R.H., C.B. Crabtree and T.R. Haglund. 1986. Ichthyofaunal composition and recolonization in a central California tidepool. Cal. Fish and Game Bull. 72:227-231.

Haglund, T.R. and D.G. Buth. 1988. Allozymes of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) and identification of the Shay Creek population. Isozyme Bull. 21:196.

Haglund, T.R., D.G. Buth and R. Lawson. 1989. Allozyme comparisons of North American, European and Asian populations of the nine-spined stickleback, *Pungitius pungitius*. Isozyme Bull. 22:65-66.

Swift, C.C., T.R. Haglund and M. Ruiz. 1990. Status of freshwater fishes of southern California with recommendations for preserves to maintain their existence. Unpubl. Report, California Dept. of Fish and Game, 206p.+figures.

Haglund, T.R., D.G. Buth and D.M. Blouw. 1990. Allozyme variation and the recognition of the "white" stickleback (Gasterosteiformes: Gasterosteidae, *Gasterosteus*). Biochem. Syst. Ecol. 18:559-563.

Haglund, T.R. and D.G. Buth. 1991. Status of populations of threespine sticklebacks, *Gasterosteus aculeatus*, at the southernmost portion of their Pacific coastal range. Proc. Desert Fish Council 20:73.

Swift, C.C. and T.R. Haglund. 1991. Native freshwater and anadromous fishes of coastal southern California. Proc. Desert Fish. Council 20:53.

Haglund, T.R. 1991. Allozyme differences, duplicate gene expression and "hybridization" between the federally endangered Cui-ui (*Chasmistes cujus*) and the Tahoe Sucker (*Catostomus*

tahoensis). Isozyme Bull. 24:49.

Haglund, T.R. 1991. Molecular Systematics - Book Review. Isozyme Bull. 24:16-17.

Haglund, T.R., D.G. Buth and R. Lawson. 1992. Allozyme variation and phylogenetic relationships of Asian, North American and European populations of the threespine stickleback, *Gasterosteus aculeatus*. Copeia 1992:432-443.

Buth, D.G., T.R. Haglund and W.L. Minckley. 1992. Duplicate gene expression and allozyme divergence diagnostic for *Catostomus tahoensis* and the endangered *Chasmistes cujus* in Pyramid Lake, Nevada. Copeia 1992:935-941.

Haglund, T.R., D.G. Buth and R. Lawson. 1992. Allozyme variation and phylogenetic relationships of Asian, North American, and European populations of the ninespine stickleback, *Pungitius pungitius*, pp. 438-452. In: Systematics, Historical Ecology and North American Freshwater Fishes. R. Mayden (ed.) Stanford University Press. 969 p.

Buth, D.G., T.R. Haglund and V.P.F. Cassano. 1993. Gene expression in the razorback sucker, *Xyrauchen texanus*. Proc. Desert Fishes Council 24:41.

Swift, C.C., T.R. Haglund, M. Ruiz and R.N. Fisher. 1993. The status and distribution of the freshwater fishes of southern California. Bull. S. Cal. Acad. Sci. 92:101-167.

Buth, D.G. and T.R. Haglund. 1994. Allozyme variation in the *Gasterosteus aculeatus* complex, pp. 61-84. In: The Evolutionary Biology of the Threespine Stickleback. M.A. Bell and S.A. Fisher (eds). Oxford University Press.

Haglund, T.R. 1994. Electrophoretic and Isoelectric Focusing Techniques in Fisheries Management - Book Review. Isozyme Bull. 27:37.

Buth, D.G., T.R. Haglund and S.L. Drill. 1994. Resolution of creatine kinase in catostomid fishes: starch makes a difference. Isozyme Bull. 27:61.

Haglund, T.R., D.G. Buth and V. Cassano. 1994. Utility of "non-lethal" tissues in the study of the federally endangered razorback sucker *Xyrauchen texanus*. Isozyme Bull. 27:63.

Buth, D.G., T.R. Haglund and S. Drill. 1996. Geographic patterns of allozyme divergence in the endangered Klamath Basin catostomid fishes *Chasmistes brevirostris* and *Deltistes luxatus*. Isozyme Bull. 29:000.

Buth, D.G., T.R. Haglund and S. Drill. 1996. Gene duplication and diploidization in tetraploid catostomid fishes (Cypriniformes; Catostomidae) of the Klamath Basin. Isozyme Bull. 29:000-000.

Haglund, T.R. Manuscript. Differential levels of aggression among lateral plate phenotypes of reproductive male sticklebacks (*Gasterosteus aculeatus*).

Haglund, T.R., L. Wright and C.B. Crabtree. Manuscript. Status of the threespine stickleback (*Gasterosteus aculeatus*) in Baja California del Norte, Mexico.

Haglund, T.R. and J.N. Baskin. Manuscript. Status and distribution of the sensitive freshwater fish fauna of the upper San Gabriel River drainage.

Haglund, T.R. and D.G. Buth. In Prep. Duplication of the mitochondrial isocitrate dehydrogenase locus in male threespine sticklebacks, (*Gasterosteus aculeatus*).

Buth, D.G., T.R. Haglund and D.H. Moon. In Prep. Population structure in *Catostomus plebius*: Are there two or three species in this complex?

Buth, D.G., T.R. Haglund and S. Drill. In Prep. Population structure in the federally endangered Razorback sucker, *Xyrauchen texanus*, throughout the Colorado River drainage.

Buth, D.G., T.R. Haglund and V. Cassano. In prep. Gene expression in the Razorback sucker, *Xyrauchen texanus*.

Haglund, T.R., J.N. Baskin and C.C. Swift. In prep. Status of the endangered tidewater goby at the southern end of its distribution.

Haglund, T.R. In prep. Basin management considerations: Part 1. The relationship between hydraulic parameters and riparian community health.

Haglund, T.R. In prep. Basin management considerations: Part 2. The relationship between hydraulic parameters and fish communities.

Haglund, T.R. In prep. Basin management considerations: Part 3. The relationship between floodplain dynamics and fish communities.

Haglund, T.R., Annandale, G., Nouri, H. and J.N. Baskin. In prep. Utilization of a flow assisted sediment transport model for dam operations and the impacts on the stream fauna: Part 1. Theoretical considerations.

Haglund, T.R., Annandale, G., Nouri, H. and J.N. Baskin. In prep. Utilization of a flow assisted sediment transport model for dam operations and the impacts on the stream fauna: Part 2. An empirical test of the model.

Buth, D.G., T.R. Haglund, and S. Drill. In prep. Introgressive hybridization and the population structure of the endangered suckers of the Klamath River drainage.

SCOPE

Santa Clarita Organization for Planning the Environment

TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY

POST OFFICE BOX 1182, CANYON COUNTRY, CA 91386

2-3-03

Lee Stark
LA County Regional Planning Dept.
320 W. Temple St.
Los Angeles, Ca. 90012

Re Newhall Ranch Project, Project #94-075
Comments on "Additional Information Document"

We would like to begin our additional comments on this project by stating again that this is the wrong document to address the issues before the Board. There is no such CEQA document as an "additional information document". A "subsequent" or "supplemental" EIR must be prepared and properly circulated now for this project due to the extent and substantial impact of the new information before you. 1

Further, the comment period should be extended to at least some time in March to allow inclusion of the new information that has been released in the past several weeks to be included in the public and agency comments. 2

State Water Project Water Entitlements

As you are aware, there has been a considerable amount of litigation surrounding the availability of State Water Entitlements. Now both the 2nd and 3rd appellate districts (decisions previously submitted to you) have concurred with our original comments regarding this issue, i.e. that for planning purposes, the probability is that about 50% of the water can be received about 85% of the time (Excerpt from State Water Reliability Report *draft*, attached). 50% of entitlement is the amount that should be used for planning purposes to ensure adequate water supplies for the public. 3

In the Castaic Lake Water Agency (CLWA) letter dated January 17th regarding Newhall Ranch, the Agency continues to cite their full entitlement as being available in defiance of these Court decisions. They further continue to state that their entitlement is 95,000 AF in spite of two appellate court decisions setting aside the additional 41,000 AF transfer. It is our sincere hope that the County will research these Court decisions and give them careful consideration when evaluating the validity of Castaic Lake Water Agency's statements regarding State Water availability. 4

We concur with statements made regarding the need for CEQA analysis on all water transfer and storage projects that must pass through the California Aqueduct. This must occur whether these proposals are public or private once they require use of a public facility. The ultimate approval of these projects is therefore speculative at this time until those reviews are completed and approved. In addition, we note that CLWA'sr most recent storage project EIR is being challenged by the California Water Network as premature since the new EIRS for CLWA's 41,000AF transfer and the Monterey Agreement EIR have not yet been circulated for review, far less remanded to the Court for approval. 5

We were interested in statements made in this same Jan. 17th letter that privately acquired

entitlements would pass through CLWA to the new development. Does that mean that water can now be directed to newly approved developments and away from previously approved developments? Please explain how such procedures will comply with the requirements of the LA County Development Monitoring System. As you are aware, the Court stated that Newhall Ranch did NOT comply with the DMS in regards to water supply, so that situation must be corrected prior to remand. 6

Water Quality - Ammonium Perchlorate and TDS

The issue of ammonium perchlorate pollution of the Saugus Aquifer should require additional new analysis as the seriousness of the problem was not disclosed in the original Draft EIR. This is significant new information and should be addressed in a supplemental EIR document. We now have FIVE municipal wells closed down due to this pollution. (see attached news article) and production from the Saugus Aquifer has been reduced to 25% of its peak production (see attached water production tables, attached). Further, the US EPA has substantially reduced the exposure level for this contaminant (news article attached) due to increased concerns over its adverse health effects, especially to the fetus and small children. 7

We believe that the water agencies are practicing a policy of non-disclosure to you regarding this pollution that is similar in nature to the confidentiality agreements Newhall Land has required in the area of biology and apparently also in the area of geology (see Sierra Club Feb. 3rd comment letter and attachments). The water agencies and the Whittaker Bermite Co. have stipulated to a non-disclosure agreement of all ammonium perchlorate pollution documents in the federal lawsuit for damages to the Santa Clarita Valley water supply by that pollutant. Why do they want to keep these documents from the public? 8

Are confidentiality agreements required of hydrologists working for Newhall Land and Farming? We request that the County ask this question. 9

The statement made in section iii of the Jan 17th CLWA letter regarding the viability of the Saugus ASR system is patently absurd. The analysis included in the Urban Water Management Plan (UWMP) is the very one conducted by Newhall Land and Farming/Valencia Water Company to "prove" its viability in the first Newhall Ranch additional information document. Therefore, Dan Masnada is arguing that the fact that the same report is in the UWMP, makes the report valid. This begs the question. One cannot prove that a report is valid simply by publishing it two times in different places. There has been no response to previously submitted concerns over the adequacy of the testing procedures in this report. 10

Further, no water quality testing has been conducted for the agricultural water that Newhall Land claims it will now use to supply houses in the Newhall Ranch area. Water Quality testing from the ground water sources in this area should be conducted by an INDEPENDENT agency such as the Regional Water Quality Control Board to ensure the water is in fact potable. Earlier tests from the area of the Chiquita Canyon Landfill indicated a high content of TDS beyond potable limits. Please require this investigation prior to allowing the reliance on ground water in the Newhall Ranch area. 11

Water Privatization

The LA County Supervisors must address and evaluate the proposal of private water sources put forward by Newhall Land and Farming for the first time in this project. Privatization of water supplies for new developments will have long term repercussions for the State of California and for the entire nation. How will funneling water supplies to new developments over previously approved projects be addressed by the Development Monitoring System? What if there is a severe water pollution problem such as ammonium perchlorate that causes shutdown of existing wells? Will current residents have to drink polluted water so that the new water can go to new development? We believe the question of privatization of our public water resources raises serious moral, philosophical and legal issues which must be addressed before such an approval is given. 12

Grading in violation of the Court Order

We submit that substantial evidence exists in recent news articles regarding illegal grading that Newhall Land has violated the Court Order against any action that would cause harm to the environment on the Newhall Ranch project. We ask that the County take steps to halt all illegal grading and to force compliance with the Court Order. 13

Confidentiality agreements with consultants

This issue must be addressed and resolved to ensure the integrity of the public process. For a number of years we have expressed concerns over the less than accurate information received by the County and the failure to disclose other information. We hope that the recent disclosures in the LA Times regarding these issues will give validity to what we have been telling you for many years. We believe that this mis-information goes far beyond the spineflower. The arroyo toad was also not properly addressed. It appears that geology reports by Seward and Associates were withheld from you. Documents regarding the extent of the ammonium perchlorate pollution are also being withheld from you under stipulated non-disclosure agreements between the water agencies and Whittaker Bermite. 14

The County MUST take preemptive action to require disclosure of all impacts in these areas. To do less is to allow the public health and safety and the public's trust in its local government agencies to be eroded by the financial greed of a large developer.

Conclusion

In conclusion we wish to state that we concur with the other environmental organizations including the Sierra Club, the Friends of the Santa Clara River, etc. on their concerns regarding the SEA 23, unaddressed biological and floodplain impacts and failures to disclose information on the San Fernando Valley Spineflower and the Arroyo Toad. We include by reference in our comments any documentation submitted by these organizations regarding this project. 15

Thanks-you for your time.

Sincerely,

Kanner
Vice President

Fax rec'd 2-4-03 Hard copy - 938 - attachments to follow via regular mail

Published in the
Santa Clarita Valley
at 24800 Avenue Rockefeller, Valencia

EXPANDED COVERAGE
Daily News

SANTA CLARITA
EDITION

Online: dailynews.com

SATURDAY, JANUARY 19, 2002

DESIGNATED AREAS HIGHER 50¢

WEATHER
Mostly sunny
Highs: 62-68
Lows: 34-46
Back of Business

Water safety limit drops

Area's percholorate levels ruled hazardous

By Heather MacDonald
Staff Writer

SANTA CLARITA — The U.S. Environmental Protection Agency on Friday significantly lowered the provisional standard for perchlorate in drinking water and, for the first time, acknowledged that the rocket fuel waste in Santa Clarita's groundwater poses a serious health hazard.

The new standard recommends that drinking water have no more than 1 part per billion of perchlorate. The old standard considered water with 32 parts per billion of perchlorate safe.

"There has been considerable foot-dragging on this issue," said Bill Walker, vice president of the West Coast division of the Environmental Working Group, a think tank based in Washington, D.C. "This action makes it clear that officials see this issue as urgent. It's a dramatic action."

Residents of the Santa Clarita Valley are among 7 million Californians drinking water with at least traces of the toxin, which has been linked to thyroid disorders and developmental delays in children, according to a study released in June by the Environmental Working Group.

"Los Angeles County, and in particular northern Los Angeles County, is ground zero for perchlorate pollution," Walker said. "More people are affected there by perchlorate than everywhere else in the state."

Perchlorate-tainted water has been found in 28 states, including California, Arizona and Nevada, and is believed to have leeched into the water in 39 states — wherever rocket fuel was manufactured or used.

The 1997 discovery of perchlorate pollution shut down four municipal wells in Santa Clarita, and efforts have been under way since then to clean up the contamination and evaluate the health risks the chemical poses to residents.

The wells were shut down after tests revealed that the water contained 25 parts per billion to 40 parts per billion of perchlorate.

Perchlorate can damage the thyroid gland, which controls growth, development and metabolism, according to the risk assessment conducted by the EPA.

The new standard, although welcome, raises more questions than it answers, said Connie Worden Roberts, co-chairwoman of the Citizens Advisory Group overseeing the cleanup effort.

"It could mean that the

See WATER / Page 6

2 more victims found

Delay sought

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cia Blvd., Valencia. Call (661) 254-6604.

Free health lecture titled "Vitamins & Nutrition," 12:30-1:30 p.m. at Bouquet Canyon Senior Apartments, 26705 Bouquet Canyon Road, Saugus. Call (661) 259-9444.

Nonaerobic workout in a heated pool for joint and muscle conditioning, 9 a.m. at the Santa Clarita Valley Family YMCA, 26147 McBean Parkway, Valencia. Call (661) 253-3593.

Country and western line dancing will be taught, 9:30-10:30 a.m. at the Santa Clarita Senior Center, 22900 Market St., Newhall. Call (661) 259-9444.

Creative writing class, open to all ages, 1-2:30 p.m. at the Santa Clarita Valley Senior Center, 22900 Market St., Newhall. Cost is $4 per class. Call (661) 259-9444.

Santa Clarita Senior Hams will meet, 1 p.m. at the Santa Clarita Valley Senior Center, 22900 Market St., Newhall. Call

24445 Town Center Drive, Valencia. Call (661) 286-1131.

Country western line dancing, 7-9 p.m. at the Santa Clarita Valley Senior Center, 22900 Market St., Newhall. Cost is $4 for one hour or $5 for two hours. Call (661) 259-9444.

Sierra Club Hillbillies Square Dance Club will hold a class for beginners, 7-9 p.m. in the community room at Petco, 26501 Bouquet Canyon Road, Valencia. Call (661) 252-2210 or (661) 255-0463.

Santa Clarita Valley-Newhall Optimist Club will meet, 7:30 p.m. at Cafe Bouquet, 27600 Bouquet Canyon Road, Saugus. Call (661) 252-7313.

Toastmasters will meet, 7 p.m. at the Sierra Hills clubhouse, 28616 Kenroy Ave., Canyon Country. Call Desiree Nascimento at (800) 858-4749 Ext. 114.

THURSDAY

Kids Road to Kids will fea-

Pollution level tops new EPA standard

WATER / From Page 1

cleanup will be more expensive and more complicated," Worden Roberts said. "Is the technology we have sufficient? And if not, what do we do then?"

In fact, tests used to reveal the presence of perchlorate cannot detect levels of less than 4 parts per billion, officials said.

State officials believe at least part of the pollution in Santa Clarita stems from decades of federal defense manufacturing and testing at the former Bermite explosives factory.

For nearly 50 years, the 996 acres off Soledad Canyon Road were used by defense contractors to build and test dynamite, Sidewinder missiles and small rockets used in World War II, the Korean War, the Vietnam War and the Cold War.

Shallow groundwater on the site has been found to have 300 parts per billion of perchlorate, according to state officials with the Department of Toxic Substances Control.

Remediation Financial Inc., a Phoenix-based company, is attempting to clean and develop the former munitions plant into a new subdivision with 3,000 homes, a school, a park and several roads.

"Whatever standard the EPA sets, we will meet it," said Gary Brown, the company's director of development.

Peer review of the provisional standard is set to begin in March, Walker said. It would then be up to the Bush administration to adopt the standard and require local agencies to test water and clean tainted areas and wells.

In reaction to the EPA's action, California Department of Health Services officials lowered the state standard to 4 parts per billion from 18 parts per billion.

Santa Clarita Valley residents use a combination of groundwater and water imported from Northern California. In the event of a drought, residents would rely on water in the Saugus Aquifer, which is polluted with perchlorate.

2 more bodies recovered from lake in crash's wake

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of Valencia Water Company (U342-W) seeking approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999	)	Application No. A-99-12-025

COMMENTS OF THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL ON PROPOSED DECISION OF ALJ PATRICK (Mailed 10/30/2001) RE OPINION APPROVING WATER MANAGEMENT PROGRAM AND AUTHORIZING SERVICE AREA EXPANSION

JOHN NAGINIS, Hazardous Substances
Engineering Geologist
Southern California Cleanup Operations
Branch
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201
(818) 551-2800
(818) 551-2832 FAX

Due: 11/19/01

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of Valencia Water Company (U342-W) seeking approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999	)	Application No. A-99 12-025

INTRODUCTION

The Department of Toxic Substances Control (the "Department") submits these comments to the Proposed Decision of ALJ Patrick (mailed October 30, 2001) concerning the Opinion Approving Water Management Program and Authorizing Service Area Expansion (the "Proposed Decision") to correct inaccurate or potentially misleading statements.

COMMENTS

The Department's interest in Valencia Water Company's proposed Water Management Plan (the "Plan") and related Advice Letters derives from the Plan's reliance on significant increases in groundwater pumping and the potential impact of that increased pumping on existing groundwater contamination in the area. The Department has been working with the former and current owners and operators of the Porta Bella property, suspected to be the source of the contamination, for some time. It notes the following concerns with the Proposed Decision.

The conclusion stated at page 30 that "remediation is substantially under way," is factually inaccurate. As of this date, work to delineate the extent of the contamination plume or to identify either the migration pathways or the source areas has not been completed. In addition, the various public and private entities working on this issue have not reached any agreement about how to clean up the aquifer. Consequently, the remediation has not yet begun.

Similarly, the statement in the Findings of Fact ("Findings") that "[e]ffective and

practical methods are available and in current use for high-volume treatment of water supplies contaminated by perchlorate" (Finding number 31) is also misleading. The La Puente treatment facility, referenced at page 29, requires infrastructure that is not currently available at the Porta Bella site and that may not be feasible there. In addition, it has not been established that simply treating contaminated water as it is pumped from wells is adequate, as it does not address the potential spread of the contamination in the aquifer.

In addition, the Proposed Decision and proposed Findings contain statements about the extent to which the contamination has spread that may create confusion. For example, Findings numbers 28 and 29 state that ammonium perchlorate has been detected "in four production wells in the Saugus Formation" and "has not been detected in any municipal Alluvial Aquifer production wells." While these statements are technically accurate, they could be misleading because they overlook the numerous monitoring wells and other samples in both the Saugus and Alluvial aquifers in which ammonium perchlorate has been detected.

The Department also believes that the Proposed Decision overlooks the most significant issue regarding the groundwater contamination: the fact that there is currently insufficient information from which to draw reliable conclusions regarding the spread of the contamination, the pathways by which it is or may spread, the sources of the contamination, and appropriate ways to remedy it. These questions are directly raised by the Public Utilities Commission's ("Commission") approval of the Plan, which, once approved, establishes the available water supply for the area. None of the environmental documents on which the Commission relies has fully analyzed the potential impacts on the groundwater contamination of achieving that supply and, therefore, they do not constitute adequate compliance with the California Environmental Quality Act (("CEQA") Public Resources Code sections 21000, et seq.). Evidentiary hearings, which

do not provide the same public comment process, cannot substitute for the CEQA process.

The Department urges the Commission to amend its Proposed Decision consistent with these comments and joins with the Protestants in urging the Commission to perform an environmental review that analyzes all of the impacts of the Plan.

Respectfully submitted.

JOHN NAGINIS, Hazardous Substances
Engineering Geologist
Southern California Cleanup Operations
Branch
Department of Toxic Substances Control

Dated:_____

By_____
JOHN NAGINIS

1011 N. Grandview Avenue
Glendale, California 91201
(818) 551-2800
(818) 551-2832 FAX

The State Water Project Delivery Reliability Report

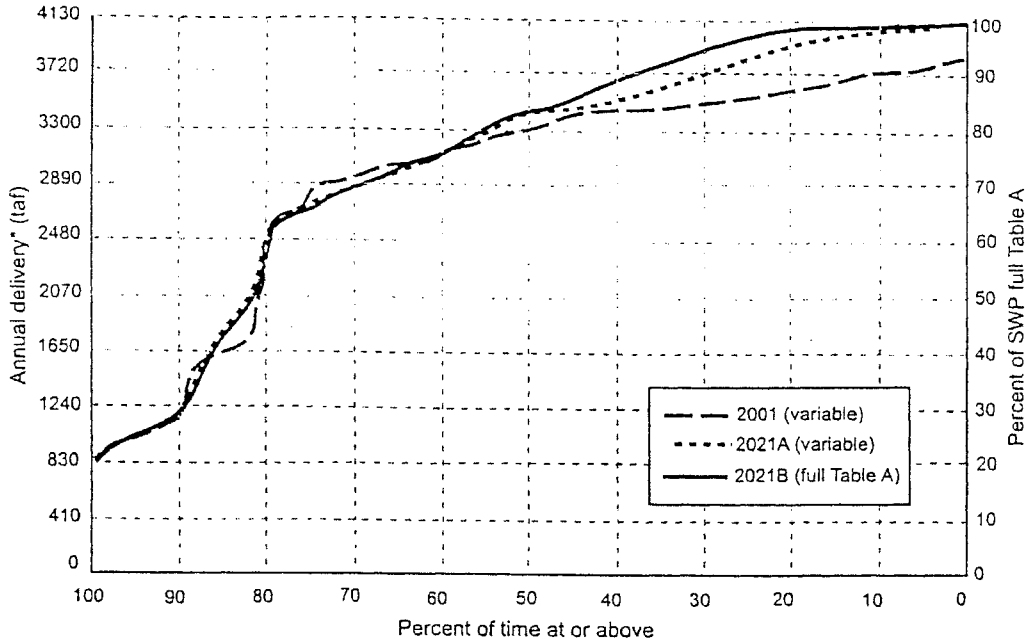
DRAFT

August 2002

Gray Davis
Governor
State of California

Mary D. Nichols
Secretary for Resources
The Resources Agency

Thomas M. Hannigan
Director
Department of Water Resources



* Annual delivery rounded to nearest 10,000 acre-feet

Figure 1 SWP Delta delivery probability (Table A)

information illustrates a significant decrease in the availability of Article 21 supply between 2001 and 2021. This is primarily due to the increase in Table A demand. Notice the corresponding increases between 2001 and 2021 for Table A amounts in Table 5 for the same periods.

SWP Table A Delivery Probability

The probability that a given level of SWP Table A amount will be delivered from the Delta is shown for the three studies in Figure 1. The plot lines in the figure are derived from the study results listed in tables B-3, B-4, and B-5 in Appendix B. Each line is constructed by ranking the 73 annual Table A delivery values of the relevant study from lowest to highest and calculating the percentage of values equal to or greater than the delivery value of interest. For example, for the 2021 studies, the value of 3.43 maf is in the middle of the ranking; therefore, it is equaled or exceeded by half of the 73 delivery values. The delivery value of 0.83 maf, the minimum value for the 2021 studies, is equaled or exceeded by all of the delivery values. The curves have been smoothed to slightly assist with their analysis.

The curves for the 2021 studies are very similar for the lower portion of the ranking (that is, delivery values equaled or exceeded by 50 percent to 100 percent of the values). These lower values are similar because deliveries are limited by the amount of water available to the SWP for export from the Delta. The curve for the 2001 study shows the same characteristic with slight variation. The curves diverge within the upper range of the delivery values.

A comparison of the upper range of the studies for 2021 illustrates the effect the projected demand has upon SWP deliveries. The deliveries in study 2021B reach 100 percent more frequently than in study 2021A (weather-variable demand) because the demand for 100 percent of Table A deliveries is assumed for each year of study 2021B. In study 2021A, the demand for 100 percent of Table A occurs in significantly fewer years and is rarely met because when 100 percent is assumed to be needed, the water year often cannot provide it. The delivery

values in study 2001 never reach 100 percent Table A for the same reason.

The amount of SWP Table A delivery per year, either in percent of full Table A or in thousand acre-feet, associated with a specific degree of reliability can be determined from Figure 1. By referencing the curve for study 2021A or 2021B, the following can be deduced:

- In 75 percent of the years, the annual water delivery of the SWP is estimated to be at or above 2.70 maf/yr (66 percent of 4.13 maf);
- In 50 percent of the years, it is estimated to be at or above 3.40 maf/yr (83 percent of 4.13 maf); and
- In 10 percent of the years, it is at or greater than 4.10 maf/yr (98 percent of 4.13 maf).

Figure 1 depicts the estimated reliability for the total of SWP deliveries. This information can be directly applied to individual long-term water supply contracts for the SWP. For example, if a water agency has a full SWP Table A amount of 300 taf, it can expect to receive at least 200 taf per year (66 percent of 300 taf) 75 percent of the time. The individual curves for studies 2001, 2021A, and 2021B are in Appendix B.

Additional Analysis of Tables B-3, B-4, and B-5 in Appendix B

The above information can be helpful in analyzing the delivery reliability of a specific water system receiving a portion of its water supply from the SWP. The series of data contained in tables B-3, B-4, and B-5 are also very helpful in analyzing longer periods of time that contain not only dry periods but wetter periods, which can replenish local water supplies if there is a place to store the supply. Analysis of this information can help determine if a local agency has adequate storage for capturing these supplies or if more storage could be utilized in the local water system.

Happy Thanksgiving

EXPANDED COVERAGE
Daily News

Published in the
Santa Clarita Valley
at 24800 Avenue Rockefeller, Valencia

SANTA CLARITA
EDITION

WEATHER
Partly cloudy
Highs: 64-73
Lows: 47-56
Back of Business

Online: santaclarita.dailynews.com THURSDAY, NOVEMBER 28, 2002 DESIGNATED AREAS HIGHER 50¢

Stadium Well shut down

Tests indicate perchlorate contamination

By Kathleen Sweeney
Staff Writer

SANTA CLARITA — Officials closed another groundwater well Tuesday after discovering perchlorate had contaminated the water. It was the fifth well in the valley to be shut down because of the toxin.

The Santa Clarita Water Co. well, known as the Stadium Well, draws from the alluvial aquifer near Saugus Speedway and the Whittaker-Bermite site. Thje well was closed after officials tested the water and discovered it contained a higher than acceptable amount of perchlorate.

"We were expecting this stuff would migrate down the river toward the well," said Bill Manetta, president of the Santa Clarita Water Co. "It wasn't a big surprise, therefore we are on the edge of this plume."

Officials said the toxin level was noticed during routine quarterly testing last week. Tests showed perchlorate levels at 5.7 parts per billion — just above the Environmental Protection Agency requirements for corrective measures if levels are above 4 parts per billion.

The well had tested negative for perchlorate in August, which told officials the perchlorate is slowly spreading, Manetta said. The company, a subsidiary of the Castaic Lake Water Agency, voluntarily shut down the well.

The CLWA is now studying the contamination — the third Santa Clarita Water Co. well to be affected, said Dan Masnada, the agency's general manager. Officials are anxious to start pumping and treating the contaminated well so it will not spread to wells downstream.

"Based on the input of the technical consultants, it did not make sense to allow the status quo to continue because all that means is the contaminated surface flow would continue downstream, and there are other wells downstream," Masnada said.

Santa Clarita Water Co. customers shouldn't be concerned about the contamination, officials said. The well did not produce a high amount of water for users, and it does not run often during winter months.

"They shouldn't be concerned, and part of it has to do with dry weather we have been having and we have lower water level in the wells," Masnada explained. "That's when you start seeing lower water quality in the wells. If it's a wet winter, you may not even detect the perchlorate later on."

SANTA CLARITA VALLEY WATER REPORT
2001

PREPARED BY:

Castaic Lake Water Agency

Los Angeles County Waterworks District #36

Newhall County Water District

Valencia Water Company

April 2002

Total Water Production
Water Purveyors
Acre-Feet Per Year

Year	Sources of Supply						
	Alluvial Aquifer	Alluvial % of Total	Saugus Formation	Saugus % of Total	State Project Water	State Project % of Total	Total
1980	16,625	74%	4,569	20%	1,125	5%	22,319
1981	14,056	57%	4,950	20%	5,816	23%	24,822
1982	8,684	40%	3,569	16%	9,659	44%	21,912
1983	8,803	41%	3,398	16%	9,185	43%	21,386
1984	12,581	46%	3,809	14%	10,996	40%	27,386
1985	12,519	44%	4,140	15%	11,823	42%	28,482
1986	12,418	40%	4,975	16%	13,759	44%	31,152
1987	12,630	37%	4,962	15%	16,285	48%	33,877
1988	12,197	32%	6,404	17%	19,033	51%	37,634
1989	13,978	33%	7,217	17%	21,618	50%	42,813
1990	13,151	31%	8,302	19%	21,613	50%	43,066
1991	17,408	44%	14,417	36%	7,968	20%	39,793
1992	16,897	41%	10,458	25%	13,911	34%	41,266
1993	19,808	46%	10,151	23%	13,393	31%	43,352
1994	20,068	44%	11,531	25%	14,389	31%	45,988
1995	20,590	45%	8,087	18%	16,996	37%	45,673
1996	24,681	49%	7,373	15%	18,093	36%	50,147
1997	25,273	47%	6,752	12%	22,148	41%	54,173
1998	23,898	49%	4,706	10%	20,254	41%	48,858
1999	27,240	48%	2,728	5%	27,282	48%	57,250
2000	25,216	41%	3,193	5%	32,579	53%	60,988
2001	22,055	36%	3,267	5%	35,356	58%	60,678

Table III - 5

Newhall County Water District
Inter-Office Memorandum

NCWD

To: Directors Dore, Dunn, Pfiester, Piambeck, Thomas

Fr: Ken Petersen

Cc: Karin Russell

Date: November 26, 2002

Re: For Your Information

Bill Manetta of Santa Clarita Water notify us today that perchlorate has been detected in Santa Clarita Water Stadium Well. The first test was 5.9 µmgl and a second test was 4.0 µmgl. The well has been shut down and they are notifying all parties concerned.

The Stadium Well is a shallow well with a depth of 100 feet, located near the Saugus Speedway. The City and Department of Toxic Substance Control have been notified.

It appears that CLWA's contractors will be moving on to Newhall Well No. 7 site next week to start testing to characterize the perchlorate contamination in the Saugus Wells.

If you have any question, please feel free to call. Wishing you a Happy Thanksgiving.

Sincerely,

Ken Petersen

January 30, 2003

Los Angeles County Board of Supervisors
Attn: Mr. Lee Stark
500 West Temple Street
Los Angeles CA 90012

Re: Newhall Ranch Draft Additional Analysis & Revised DAA

Dear Mr. Stark,

Friends of the Santa Clara River offers the following comments on the subject document.

Need for Surveys by Independent Biologists

Recent surveys by independent biologists along the Santa Clara River (River), in habitats very similar to that on the Newhall property, have resulted in the discovery of endangered species where previous surveys by Newhall-hired biologists have reported none. This calls into question the thoroughness and veracity of the Newhall surveys. Friends of the Santa Clara River (FSCR) requests that Los Angeles County order biological surveys of the Newhall Ranch project area by independent biologists, and that the results of such surveys be incorporated into the Final EIR. **We believe this is absolutely essential to a true evaluation of the impacts to biological resources on the property.** 1

Surveys for the arroyo toad and red-legged frog must be conducted by independent biologists under contract to LA County and not encumbered by confidentiality agreements with the applicant. In particular, the toad has been found in Castaic Creek and just upstream of the project in the River. Impacts to this species have not been adequately addressed in the EIR or DAA. 2

The DAA must be revised to reflect the results of new independent biological surveys.

Need for a Supplemental Impact Report on the San Fernando Valley Spineflower

The San Fernando Valley spineflower is an endangered plant discovered on the Newall Ranch property after the EIR was prepared. The DAA was developed specifically to respond to court-ordered analysis and is **not** the proper CEQA document to treat the spineflower. A Supplemental Impact Report is the proper CEQA document for this purpose and should be prepared. 3

Compatibility with the Santa Clara River SEA

In the Kern County Superior Court writ of mandate of August 1, 2000, the court found that the Newhall Ranch Final EIR did not adequately address the impacts on sensitive habitat in Significant Ecological Area 23. The court further found that there was no substantial evidence to justify the County's findings that development, including bridge crossings and utilities, was located and designed so as not to conflict with critical resources, habitat areas or migratory paths within SEA 23.

The Draft Additional Analysis (DAA) **still fails to adequately address** the above-cited impacts and does not present substantial evidence that the Newhall Ranch Specific Plan is designed so as not to conflict with critical resources. 4

In considering the SEA 23 question, it must be kept in mind that this SEA contains some of the best remaining riparian forest along the entire River, and that 95-97% of southern California's riparian woodlands have already been destroyed by human activities. Minimizing impacts to the remaining 3-5%, therefore, becomes a matter of critical importance throughout the region.

In order to determine whether a development proposal is compatible with a particular SEA, the LA County General Plan requires that the proposal be reviewed for compliance with certain "design compatibility criteria." (See page 2.4-4, DAA). Among these are:
(a) The development is designed to be *highly compatible* (emphasis added) with biotic resources present. 5
(d) The development retains sufficient natural vegetative cover and/or open spaces to *buffer critical resources* (emphasis added) from the proposed use.
The DAA still fails to establish compliance with either of the above criteria. Further, there is substantial evidence, not referenced in the DAA, which shows the Specific Plan does not meet the criteria.

In general, the DAA discussion of criteria (a) on pages 2.4-21 through 2.4-24 seems almost totally focused on the amount of acreage of sensitive habitat still remaining after construction and avoids the subject of compatibility with biotic resources present. The discussion of criteria (d) on pages 2.4-27 and 2.4-28 completely fails to provide evidence of adequate buffering of critical resources. It mentions setbacks of 75 to 100 feet in width between the River and development and states that the "Specific Plan provides for transition areas between the riparian resources of the proposed SEA 23/River Corridor SMA and proposed urban development." Such things as trails, revegetated slopes, and bank protection areas with buried bank protection, are listed as transition areas. Nowhere in the DAA are any studies or references cited which show what criteria must be considered in evaluating compatibility with the River's biotic resources, nor is there any discussion as to how well the Specific Plan meets the established criteria. 6

The California Department of Fish & Game (CDFG), in commenting on the Newhall Ranch Project four years ago, recommended a minimum buffer width of 500 feet. Previous comments by FSCR to the Regional Planning Commission on June 20, 2001, based on the analyses in two scientific papers (Kelly and Rotenberry, "Buffer Zones for Ecological Reserves" and Rottenborn, S. "Predicting the Impacts of Urbanization on Riparian Bird Communities"), indicates that even this buffer width would still be inadequate. It is beyond question, based on the cited scientific studies, that the integrity of the River SEA depends on the establishment of adequate buffer zones between the SEA and nearby development. The Draft SEA update currently being considered for the LA County General Plan contains a series of specific buffering recommendations for the River SEA. Although we do not agree that the proposed reductions in the size of the SEA to accomodate the design of Newhall Ranch are justified, the Draft SEA buffering recommendations represent a minimum level of protection for the SEA. Buffering of the SEA could be further significantly improved by (1) eliminating development between Route 126 and the north bank of the River, (2) eliminating all modifications, including fill and bank stabilization, in the 100-year floodplain, and (3) establishing a buffer width equal at least to that recommended by the CDFG along the River's south bank. Based on the evidence given in the cited references, however, **it is clear that even the incorporation of these three modifications would leave the project far short of ensuring adequate protection of the River's biotic resources.** 7

Failure to Protect the Salt Creek Wildlife Corridor

The Draft Additional Analysis still does not answer the court's request to analyze how the Salt Creek wildlife corridor in Ventura County will be protected. The DAA seems to rely mostly on the fact that development will occur over an extended period of time and that wildlife will adjust their movements without difficulty. This may be partially true but does not change the fact that the Salt Creek corridor in Ventura County will become ever more important over time as wildlife "adjusts" to loss of the entire project area, except for Salt Creek, as a movement corridor. 8

Alluvial Aquifer Over-pumping

The Santa Clara River alluvial aquifer, upon which Newhall Ranch is relying for most of its water, is comprised of sandy soils underlying the River and is recharged by the surface flows of the River. In multiple dry years, only 25,000 AF may be available from this source based on USGS studies of the aquifer.

The DAA indicates the aquifer can sustain pumping rates of 40,000 AFY. Although this pumping level may be achievable once or twice in 20 years during an abnormally high rainfall year, such a high rate is not sustainable on any long-term basis and, therefore, should not be listed in a water supply table. Pumping of the alluvium has exceeded this yield over the past seven 9

years. In October 2001, water levels in the eastern portion of the alluvial basin dropped below Newhall County Water District (NCWD) pump levels causing the wells to stop producing. During this same period, Santa Clarita Water Company (SCWC) was also forced to reduce pumping of their wells in the same area due to low water levels. In spite of the unusually high precipitation that occurred in 1998, normally occurring surface ponding and springs have disappeared. The US Forest Service also indicated alarm over loss of surface flows in the upper reaches of the River in a letter to the Regional Water Quality Board dated November 5, 2001 and signed by the Acting District Ranger. 9

For the last 15 years, water agencies have reported the perennial yield to be 32,000 AF or less . This figure was derived from a study that examined approximately 30 wells at the behest of five water agencies. It is inappropriate to indicate a higher available yield figure based on the study of a mere five alluvial wells that was completed and paid for by Valencia Water Company, the wholly owned subsidiary of Newhall Land and Farming Company. Further, a higher yield is not reasonable, as urbanization will result in a reduction of recharge to the alluvial aquifer. Based on these facts, the DAA analysis relies on more aquifer pumping than can be sustained in the long run and therefore fails to show that adequate water is available for Newhall Ranch.

Water quality is also at issue due to excessive pumping. A report submitted to the Public Utilites Commission in 2000 by Steven Bachman, Ph.D hydrologist, indicated an increase in TDS. Nitrate levels have also increased. Quarterly monitoring reports on TDS and nitrate levels should be independently evaluated. 10

The Saugus Aquifer

Newhall Ranch lists ASR in the Saugus Aquifer as one of its backup water sources. Relying on ASR using the Saugus as a backup source is completely unwarranted.

11

Based on Slade hydrological studies of all wells in the Saugus aquifer, this aquifer might have produced a perennial yield of from 11,000 to 20,000 AF of potable water before the discovery of ammonium perchlorate pollution in 1997. Now the yield from this aquifer is considerably reduced.

With the detection of ammonium perchlorate contamination in four Saugus aquifer municipal wells--Santa Clarita Water Company wells 1 and 2, NCWD 11, and Valencia Water Co. V157 -- water production from this source of supply is currently severely reduced. Ammonium perchlorate interrupts hormone production of the thyroid gland causing thyroid dysfunction. Reduced thyroid function can cause retardation in the fetus, and small children. Ammonium perchlorate was found to cause thyroid cancer in high doses. After the discovery of this pollution, SCWC wells 1 and 2 tested 12

over the initial Dept. of Health Services action level of 18ppb. and were closed. NCWD and Valencia Water Co. well contamination levels ranged from 8ppb to 23ppb. These purveyors also closed their wells in an effort to reassure the public as to the purity of the water supply and to ensure that the contamination would not be spread in the aquifer by pumping from these wells. Recently the US EPA reduced the spread acceptable limit of ammonium perchlorate in drinking water to 4ppb. The DHS has now issued an action level of 6ppb. That means that water from these wells is not available until a clean-up process is approved and facilities are in place. The existence of ammonium perchlorate pollution in the Saugus aquifer has reduced potable production from this source to approximately 3,500 AFY. 12

In addition, we believe it is inaccurate and improper to report a hypothetical yield from this source, or 40,000 AF, as does the Urban Water Management Plan upon which Santa Clarita Valley water decisions are based. This level is far in excess of any demonstrated yields. The greatest yield ever pumped from this aquifer was 14,917 AF in 1991 which included water--probably nonpotable--used to hydrate a golf course and for agricultural purposes. It is difficult and costly to locate new production facilities in the Saugus Aquifer. For example, Valencia drilled two dry holes in 1996 at a cost of over $60,000 without locating water. In addition to solving the contamination problem, producing wells must be restored before relying on additional water from this source. 13

In March 2002, Castaic Lake Water Agency and the Army Corps of Engineers signed an agreement to characterize the ammonium perchlorate pollution plume in the Saugus Aquifer. The Dept. of Toxic Substances Control has expressed the opinion that the pollution plume should be characterized before further pumping from this source is allowed so that further spread of the plume is curtailed. 14

Although a clean-up method for ammonium perchlorate pollution currently exists in the San Gabriel Valley, this remediation method requires a brine line. The Santa Clarita Valley does not have a brine line. It will take several years to characterize the pollution plume and to develop, acquire land, and build remediation facilities to make this water source safe for public use. Until that time, we do not agree that water from this polluted source should be reported as available for a public drinking water supply. Continued overstatement of this water supply puts the health of the Santa Clarita Valley in jeopardy by forcing reliance on a polluted water source that may not be remediated. 15

In addition to the perchlorate problem, Dr. Steve Bachman (PUC Testimony, Appliation No. A-99-12-025, April 10, 2000) predicts pumping of the Saugus Aquifer in excess of 1 million acre-feet above its sustainable yield by 2040 based on CLWA growth projections for the Santa Clarita Valley, not counting the use of ASR. Even with ASR, should it turn out to be 16

practicable, overpumping of the Saugus would still be in the range of 500,000 to 600,000 AF by 2040. Such a result is clearly unacceptable

We therefore conclude that the Saugus Aquifer is in danger of being subjected to high overstress due to projected growth and that, in any case, ASR cannot work for the Saugus Aquifer until the perchlorate plume problem is corrected. The DAA must be revised to reflect these realities. 16

Thank you for the opportunity to comment.

Sincerely,

Ron Bottorff, Chair

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Reg Planning

2-3-03

Lee Stark
LA County Regional Planning Dept.
320 W. Temple St.
Los Angeles, Ca. 90012

Re Newhall Ranch Project, Project #94-087
Comments on "Additional Information Document"

Confidentiality Agreements

We wish to express our grave concern over the recent Daily News and LA Times articles (attached) describing confidentiality agreements required by Newhall Land and Farming of all their consultants. Apparently such agreements have impeded experts from including material which should have been disclosed in environmental reports. Pleadings in a recent court case (BC24403, attached) seem to indicate that the same situation has also occurred in regards to geology reports produced by Alan Seward and Associates. The attached pleading notes that 3000 of 3776 pages have been kept from the public at the request of Newhall Land and Farming. Why would it be necessary to keep this information confidential? This brings into question the adequacy of the geology studies in the EIR for the Portero Canyon area. 1 2

We have been told that confidentially agreements have also been required of Newhall's consultants on water issues. These confidentiality agreement cast a shadow over the truthfulness and adequacy of disclosure of the entire environmental process. 3

We ask that you require all Newhall Land and Farming consultants to state whether they have been obligated to sign confidentiality agreements. We further request that you ask Newhall Land and Farming to void any such agreements so these consultants may freely convey to you any concerns they may have with the Newhall Ranch proposal. 4

General Plan Designation of SEA 23

One of the areas of concern to the Court in its May 2000 decision setting aside the Newhall Ranch EIR was inconsistency with the LA County General Plan regarding the approvals granted in SEA 23, the Santa Clara River (attached). The general plan has not been updated, nor has the Newhall Ranch Specific Plan been changed to conform to the requirements of a Significant Ecological area. The Specific Plan should be changed to eliminate commercial and housing unit densities higher than those allowed by the SEA designation from the Specific Plan before it can be approved. 5

A Subsequent or Supplemental EIR should be required

A number of new issues have come to light since the original EIR was circulated. These include discovery of the endangered spineflower, and an indication that the endangered arroyo toad was in fact present on the property affecting the biological section of the EIR. The discovery of ammonium perchlorate in several municipal water wells, the subsequent closure of those wells and the loss of production from those polluted wells is also a major and new impact. The California Environmental Quality Act requires that such new impacts be addressed in a subsequent or supplemental EIR which is circulated to all interested agencies. We request that such a document be prepared and circulated as required by law. 6

Illegal Grading

In its May 2000 decision, the Court ordered LA County and the real party in interest, Newhall Land and Farming not to engage in any actions that would cause damage to the environment. Since that time, Newhall Land has engaged in grading and filling in some areas proposed for development and altered stream beds (News articles attached). We ask that the County comply with this Court order and take action to stop such illegal activities. 7

Conclusion

Since it now appears likely that further information should be made available for public review, we ask that future hearings on this project be delayed and that the public comment period remain open until the legal issues surrounding the grading and the use of confidentiality agreements have been resolved. 8

Thank-you for your time.

Sincerely,

Karen Pearson

Karen Pearson,
Chair, Open Space Committee
Santa Clarita Valley Group

cc: LA County Supervisors
Ventura County Supervisors

LOOK AT THE ROSE PARADE
NEWS

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Daily News

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Back of Viewpoint

Secrecy may stall project

Newhall Land and Farming due in court

By Kathleen Sweeney
Staff Writer

SANTA CLARITA — Just weeks before the final vote on the Newhall Ranch project, more complications have surrounded the planned 21,600-home community that could once again delay its progress.

After two years of rewriting the environmental impact report and addressing concerns about water supply, The Newhall Land and Farming Company has been questioned about its use of confidentiality agreements with its environmental consultants.

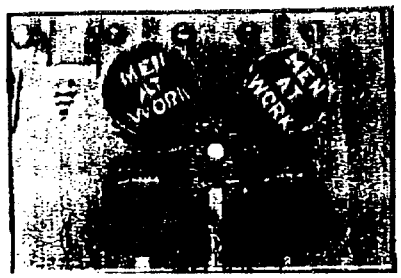
This comes as the company is due back in criminal court in early January to face charges of illegally altering a streambed on the property. And prosecutors in that case are still investigating whether the developer knowingly destroyed the endangered San Fernando Valley spineflower, a plant discovered on the land by consultants bound to secrecy.

Until now, the Los Angeles County Board of Supervisors has delayed a vote on the project, west of the Golden State Freeway, because of such issues. The board is expected to vote Jan. 28; county staff members have recommended approval.

The board previously approv Newhall Ranch, but a civil court juc found the environmental studi incomplete. As Newhall Land w expanding its environmental revie state Department of Fish and Ga officials began investigating complai of damage to sensitive habitats on t property.

See RANCH / Page 4

WATER WORKS



It's a long road ahead

Secrecy may delay Newhall Land project

RANCH / From Page 1

[illegible] charges and pending investigation [illegible] Newhall Land officials who contend they aren't trying to hide information and have even followed laws they aren't required to regarding the reporting of endangered species.

"I think this has all gotten blown way out of portion," said Marlee Lauffer, Newhall Land spokeswoman.

"Obviously, Newhall Ranch is a large specific plan, and the nature of being a large property owner presenting a comprehensive plan does leave us open to a lot of attention ... It's just part of the process."

Fifth District Supervisor Richard D. Antonovich, who represents Santa Clarita, recently asked the county Department of Regional Planning to review the process of confidentiality agreements and report its finding Jan. 14.

The issue surfaced in recent months when it was revealed that consultants hired by Newhall Land had discovered the spineflower on the Newhall Ranch property, but were bound to secrecy by their contracts.

"He wants to find out the facts," said Conal McNamara, deputy to Antonovich. "He's asking for an analysis of other agencies in California and how they handle these environmental impact reports and [illegible] Environmental Qual- [illegible] consultants are hired."

Newhall Land has been using confidentiality agreements for as long as Lauffer can remember, she said. It's a common business practice that is used by variety of companies to ensure that information isn't given to other businesses.

While the information contained in these reports isn't immediately released, it becomes public when the environmental document is finished, Lauffer explained. Newhall Land released its new environmental impact report on Newhall Ranch for public review last month.

John Mattox, staff counsel at the state Department of Fish and Game, said not only are these agreements legal, but they have no effect on California law and how it's enforced.

"It's entirely proper for a private company, as a matter of law, to enter into any kind of agreement with a consultant," he said. "They have no bearing on CEQA."

The CEQA is merely a public disclosure law that ensures informed public decision-making and protection of the environment, Mattox explained. However, it doesn't specifically compel public agencies to make the best environmental choices.

> "We rely on the honesty of both landowners and biologists. You have to trust people."
>
> — Rick Farris
> A U.S. Fish and Wildlife biologist

These agencies, such as Los Angeles County, are obligated to disclose and inform the public of the environmental consequences of a development, Mattox said. If a project is questionable, that agency is required to direct the developer to conduct mitigation measures, or suggest alternatives.

If mitigation measures are performed and the agency believes the benefits of a development outweigh the adversarial consequences, then the CEQA allows the agency to approve the project.

Federal environmental laws work slightly differently.

The U.S. Fish and Wildlife Service, which protects federally endangered species such as the arroyo toad and the unarmored three-spined stickleback, both found in the Santa Clarita Valley, requires surveyors and developers to obtain permits when looking for certain species, officials said. They are then required to immediately report the findings, plus monitor the species and submit annual reports.

If a company or biologist conducts the surveys under a permit and fails to report the findings, the agency can revoke and suspend the permit for up to five years, said Rick Farris, a U.S. Fish and Wildlife biologist.

"Withholding of material information is a violation of federal law," he said.

However, if someone is conducting a survey without a permit, the federal agency can't require the surveyor to report the findings.

"It sounds really crazy, but there's not a legal mandate of reporting of every observation unless it's done under permit," Farris said.

To ensure that developers and land owners are abiding by these laws, the federal agency relies on cities and counties to act as a watchdog, officials said.

"We hope that biologists are a little bit savvy about signing confidentiality agreements," Farris said. "There are laws that are intended to protect these things because they are considered public resources. They have a responsibility to the public at large.

"We rely on the honesty of both landowners and biologists," Farris said.

"You have to trust people."

The endangered spineflower found on the Newhall Ranch site is only listed with the state.

Fish and Game has accused Newhall Land of knowingly destroying the spineflower on the property and believes a project described as an agave farm was actually an effort to rid the land of the flower, documents said. Los Angeles County prosecutors declined to file charges because the statute of limitations had run o[illegible]

However, investigators said [illegible] spineflower was discovered on [illegible] Newhall Ranch property in M[illegible] 2000, before the flower was list[illegible] as an endangered species, repo[illegible] said. After it was discover[illegible] company officials reminded bi[illegible]ogists who found it that they sign[illegible] a confidentiality agreement a[illegible] couldn't tell anyone of th[illegible] findings.

Though not required to rep[illegible] the finding, Lauffer said, New[illegible] Land contacted Fish and Ga[illegible] officials to notify them of the [illegible]covery and intent to stop survey[illegible] it could resolve issues with [illegible] environmental impact report.

The issue was raised only a[illegible] county officials stopped grading the agave field because the dev[illegible]oper didn't have the perm[illegible] needed to conduct the work.

"We've been very public ab[illegible] this whole process," Lauffer sa[illegible] "We made everyone aware e[illegible] though we are under no obligat[illegible] to do so."

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The Valley

Questions on Newhall Spur Review

By Nicholas Riccardi and Richard Fausset
Times Staff Writers

Los Angeles County supervisors on Tuesday called for a review of their planning policy in light of criticism that it enabled the developer of the 22,000-home Newhall Ranch project to quietly destroy endangered plants on its property.

On a motion by Supervisor Mike Antonovich, whose district includes Newhall's land, the board directed its staff to survey other government agencies to see how they ensure full disclosure in their environmental documents.

The supervisors also requested a timetable of Newhall's report on the endangered plants. The motion passed unanimously.

"We're asking for this information to ensure the process is fair," Antonovich said. "Before we take action, we have to have all the facts."

A report is due back to the board Jan. 14, two weeks before Newhall Land & Farming is scheduled to submit a supplemental environmental study for approval. Supervisors approved the initial environmental review in 1999, but the development was stalled after neighboring Ventura County and a group of environmentalists filed a lawsuit challenging the adequacy of the report.

A Kern County judge threw out the original environmental document and directed Newhall to provide additional information before it could move forward. The developer said it has met the requirements.

Newhall hired environmental consultants in 2000 to look for the San Fernando Valley spineflower on its property but bound them with a confidentiality agreement. The consultants found one stand of spineflowers and several other areas of "suspected" flowers that were never sent to a lab for testing.

> *'We're asking for this information to ensure the process is fair.'*
>
> **Mike Antonovich,** Los Angeles County supervisor

Instead, Newhall instructed the consultants to stop searching and reminded them of their confidentiality deal, according to court records.

In May, state investigators and county prosecutors searched Newhall's Santa Clarita Valley land and found the remains of numerous flowers on a swath of property where the company hopes to develop, according to court papers filed in connection with the search warrant.

The district attorney's office is investigating the case and has filed against the developer a misdemeanor charge of unlawfully altering a streambed.

Newhall, maintaining that it has acted properly, pleaded not guilty.

Confidentiality agreements such as the one Newhall implemented are on the rise, officials said. Los Angeles County planners said they try to combat such agreements by requiring the filing of the full text of all consultants' reports.

But critics say that the county receives misleading reports because it allows companies to select their own consultants to review the environmental impact of development.

Environmental groups applauded the supervisors' move to reexamine the issue.

"That is fabulous," said Jan Chatten-Brown, an environmental attorney who challenged the initial environmental impact report for Newhall Ranch. "Hopefully, [the planning department] will come forward with a proposed prohibition on confidentiality provisions. The best course would be for the county to contract directly with the consultants, then bill the developers for the cost of preparing environmental impact reports, as many public agencies do."

County planning staff members said it would be unwieldy to directly manage consultants for all developments in the region.

REDACTED VERSION

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DEC 0 - 2002

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE NEWHALL LAND AND FARMING COMPANY, Plaintiff, v. KERR-McGEE OPERATING CORPORATION (formerly KERR-McGEE CORPORATION), KERR-McGEE OIL & GAS ONSHORE LLC, KERR-McGEE OIL & GAS ONSHORE LP, MEDALLION CALIFORNIA PROPERTIES COMPANY and DOES 1-60, Defendants,	CASE NO. BC 244203 Assigned to the Honorable Elihu M. Berle Dept. 42 **THE KERR-MCGEE DEFENDANTS' NOTICE OF MOTION AND MOTION CHALLENGING THE DESIGNATION OF "CONFIDENTIAL" DOCUMENTS BY SEWARD ENGINEERING GEOLOGY, INC.** **[REDACTED VERSION; UNREDACTED VERSION LODGED UNDER SEAL]** [Declaration of Patrick W. Dennis, Notice of Lodgment, Appendix of Non-California Authorities, and [Proposed] Order filed concurrently herewith] Date: January 3, 2003 Time: 8:30 a.m. Dept.: 42 Complaint Filed: January 30, 2001 Discovery Cut-Off: November 1, 2002 Trial Date: March 3, 2003
AND RELATED CROSS-ACTIONS.	

PURSUANT TO THIS COURT'S ORDER, A JOINT STATEMENT OF ISSUES IN DISPUTE WILL BE FILED CONCURRENTLY WITH KERR-MCGEE'S REPLY PAPERS (KERR-MCGEE'S PORTION TO BE SERVED ON SEWARD CONCURRENTLY HEREWITH; SEWARD'S STATEMENT TO BE SERVED ALONG WITH ITS OPPOSITION).

subject to the attorney-client privilege, they are not otherwise protected by law, and they will be an important part of Kerr-McGee's defense. Kerr-McGee has a right to freely show these documents to the County of Los Angeles and other third-party witnesses before trial to determine the real impact of these REDACTED on Newhall's alleged damages claim here.

This Motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the Joint Submission of Issues in Dispute (to be filed concurrently with Kerr-McGee's reply papers), the evidence filed in support of this Motion (including the Declaration of Patrick W. Dennis and the exhibits attached thereto, and the Notice of Lodgment and the exhibits thereto), the complete files and records in this action, and such oral or documentary evidence as this Court may receive at or before the hearing on this matter.

DATED: December 6, 2002

GIBSON, DUNN & CRUTCHER LLP
Richard P. Levy
Patrick W. Dennis
K. Eric Adair
Patrick Tostado

By: _____
Patrick W. Dennis
Attorneys for Defendants, Cross-Complainants and Cross-Defendants Kerr-McGee Operating Corporation (formerly Kerr-McGee Corporation), Kerr-McGee Oil & Gas Onshore, LLC, and Kerr-McGee Oil & Gas Onshore LP

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

YOU ARE HEREBY NOTIFIED THAT at 8:30 a.m., on January 3, 2003, or as soon thereafter as the matter may be heard, in Department 42 of this Court, located at 111 N. Hill Street, Los Angeles, CA 90012, Defendants Kerr-McGee Operating Corporation (formerly Kerr-McGee Corporation), Kerr-McGee Oil & Gas Onshore, LLC, and Kerr-McGee Oil & Gas Onshore LP (hereinafter "Kerr-McGee") will and hereby do move this Court for an order removing the "confidential" designation that Allan E. Seward Engineering Geology, Inc. ("Seward") has improperly placed on certain documents it produced in response to a subpoena from Kerr-McGee. Seward is a geological consulting firm that Plaintiff Newhall Land and Farming Company ("Newhall") has retained in connection with its proposed development of the Potrero Canyon, the home of the RSF Lease Lands.

This Motion is based on California Code of Civil Procedure Sections 2019(b), 2020 and 2031(f) and the stipulated protective order ("Protective Order") entered by this Court on November 29, 2001. The categories of documents that can be subject to the terms of the Protective Order are very limited. The Protective Order provides that only those documents that contain "trade secrets or privileged information, or information that may otherwise be entitled to be protected from disclosure to persons or entities who are not parties to the Action under applicable law" may be marked as "confidential." (*Id.*, ¶ 2(d)). Seward, however, has designated as "confidential" *approximately 3,000 of the 3,746 pages* it produced, including certain REDACTED of work for the Potrero Canyon.

This motion focuses specifically on those They show that.

REDACTED

None of the are trade secrets, they are not

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I.
INTRODUCTION

This is a motion to enforce the plain terms of the stipulated Protective Order regarding documents that the Court entered in this case on November 29, 2001. That Protective Order is undeniably very limited in scope. It permits a party to designate as "confidential" only those documents that contain "trade secrets or privileged information, or information that may otherwise be entitled to be protected from disclosure to persons or entities who are not parties to the Action under applicable law." (Declaration of Patrick W. Dennis ("Dennis Decl."), Exhibit B (11/29/01 Protective Order, ¶ 2(d))). There is good reason for this limitation. This Court perhaps said it best -- "the policy of the law is to limit and very narrowly focus any type of protective order. The policy is for open and full disclosure with certain limited exceptions." (Dennis Decl., Exhibit A (11/9/01 Hrg. Tr. 42:12-15)). The result is that protective orders can "only be approved when there is a genuine trade secret or privilege to be protected." (L.A. Sup. Ct. Rule 7.19). Of course, Kerr-McGee never wanted a protective order in the first place. The Court only entered the very limited terms that Kerr-McGee drafted and agreed to because Newhall insisted on some protective order before it would produce documents. The terms of the Protective Order were intentionally designed to prevent inappropriate "confidential" designations of documents from interfering with witness preparation and fact development. They give the parties the necessary freedom to fully develop the case for trial and they are consistent with the statutory and local rules favoring full public disclosure of all aspects of legal proceedings in the courts of this State.

Newhall, through its geological consulting firm (Allan E. Seward Engineering Geology, Inc ("Seward")), is now violating the terms of that Protective Order. Seward has designated virtually all of the documents it has produced in this case – 3,000 of 3,746 pages – as "confidential." (Dennis Decl., ¶ 8). Those documents include everything from an internal note confirming Newhall's possible decision to REDACTED (see below)), to a copy of a *published* article that is already in the public domain and cannot possibly be considered confidential to anyone. (*Id.*; *see also* Notice of Lodgment ("NOL"), Exhibit F). Kerr-McGee has made the appropriate objections to these designations pursuant to the Protective Order

and it fully reserves those objections here. All of the documents will automatically be redesignated under the terms of the Protective Order unless either the issues are resolved through the meet and confer process or Seward and Newhall can justify their designations in a motion to the Court within the applicable time period. (Dennis Decl., Exhibit B (Protective Order ¶ 6)). Kerr-McGee has brought the present motion to deal with certain of those documents that are particularly important and immediately relevant to Kerr-McGee's defense, that Seward and Newhall have already said they will not redesignate, and that have no possible basis for confidentiality under the Protective Order.

The specific documents at issue are certain REDACTED prepared over the past two years by Seward for Newhall, at Newhall's expense, that reflect Seward's analysis of the REDACTED in the Potrero Canyon area. Newhall itself has never produced these documents, and Seward only produced them at the very end of percipient discovery.[1] They reveal, for the first time, what Seward apparently has been describing to Newhall for years as the

REDACTED

This includes some of the same is case, Newhall is demanding that Kerr-McGee REDACTED REDACTED that Newhall is using to justify its $100+ million damage claim in this case.

The issue for the present motion is Seward's improper designation of these documents (the "Potrero Reports") as "confidential." These designations are interfering with Kerr-McGee's ability t use these documents to prepare its defense. These REDACTED re not trade secrets, they are nc attorney-client privileged, and they are not otherwise protected from disclosure by law. Kerr-McGe is asking for the Court to remove the inappropriate "confidential" designation of these documents

[1] Kerr-McGee anticipates filing a motion for evidentiary and other sanctions against Newhall that will be heard at the same time as this motion. The sanctions motion will be based upon Newhal clear failure to produce copies of these same documents from its own files, despite numerous written demands that it do so and in flagrant violation of the discovery rules.

because Kerr-McGee is entitled, and wants, to show these documents to representatives of Los Angeles County and other third-party witnesses in the real world, outside of the deposition process, something that it cannot do because of the way Seward and Newhall have designated the documents.

The trial in this case should be more than just a battle of experts commenting on competing hypothetical situations involving the future ability to develop the Potrero Canyon. The jury needs to hear about the actual, real life impact of this information on Newhall's alleged damages, from the mouths of the actual witnesses, including Los Angeles County employees who are charged with evaluating the conditions in Potrero Valley in connection with Newhall's EIR for the project (there is a hearing on the EIR in late January 2003), as well as the witnesses responsible for valuing Newhall's assets for public filings, including Newhall's real property appraisers. Newhall and Seward are improperly using the Protective Order to protect Newhall's outrageous and unsupportable damages claim in this case and to hide the truth about REDACTED in Potrero Canyon from the public and the County. That is not what the Protective Order was designed to do and that is why Kerr-McGee is asking that the documents be redesignated.

II.
FACTUAL BACKGROUND

A. The Terms of the Stipulated Protective Order

The Protective Order was entered by the Court on November 29, 2001. (Dennis Decl., Exhibit B (Protective Order at 5)). It was the culmination of several months of negotiation between the parties. (Dennis Decl., ¶ 2). Newhall prompted the issue. Kerr-McGee had served document requests earlier in 2001, and Newhall refused to produce the vast majority of its documents until a protective order was signed. Newhall's counsel demanded onerous terms that would have afforded virtually all of its documents "confidential" treatment. (*Id.*). In rejecting Newhall's motion for its protective order (after Kerr-McGee refused to agree to it voluntarily), the Court ruled that if Newhall wanted a protective order entered, it would have to get Kerr-McGee's agreement. (Dennis Decl., Exhibit A (11/9/01 Hrg. Tr. 42:12-15, 47:16-48:1)). Shortly after the parties left the courtroom, Newhall agreed to a much more limited protective order that Kerr-McGee had prepared. (Dennis

Decl., ¶ 3). That stipulated protective order was then submitted to and entered by the Court on November 29, 2001 (*Id.*, Exhibit B).

The terms of the Protective Order are limited and straightforward. The only documents that the parties are entitled to designate as "confidential" are documents containing "trade secrets or privileged information, or information that may otherwise be entitled to be protected from disclosure to persons or entities who are not parties to the Action under applicable law." (*Id.* ¶ 2(d)). Those are the only documents with limitations on their use and disclosure. The Protective Order also sets forth a very specific timeline and procedure for dealing with objections to confidentiality designations. (*Id.* ¶ 6). The opposing party is entitled to object to a designation in writing in order to initiate the meet and confer process. (*Id.*). The designating party then has five days to respond. (*Id.*). If the matter is not resolved, the designating party has 21 days from the end of the meet and confer process to file a motion to protect the confidentiality of the designated documents. (*Id.*). If no motion is filed, the designation lapses and the documents automatically become non-confidential. (*Id.*). The non-designating party also has the right to file a motion challenging a confidentiality designation at any time. (*Id.*).

B. Newhall's Failure to Produce the Seward Documents

With the protective order now signed, Newhall ultimately produced the majority documents in response to Kerr-McGee's document requests. (Dennis Decl., ¶ 5). Kerr-McGee's initial requests were very broad, and easily covered the documents that Seward gave to Newhall, including the very geologic reports at issue in this motion and that Seward ultimately produced. (Dennis Decl., Exhibit [illegible] "All maps, blueprints, drawings and schematics which

Santa Clarita Oak Conservancy
P.O. Box 800520
Santa Clarita, CA. 91380

February 3, 2003

Fax #: (213) 626-0434
RE: Newhall Ranch # 94-087

Attention: Mr. Lee Stark:
Regional Planning
320 West Temple Street
Los Angeles, California

Dear Mr. Stark:

It has come to our attention that the County of Los Angeles has not established a threshold level of significance for impacts to oaks, oak woodlands, or Valley Oak savannas. All these resources are described in the Newhall Ranch EIR.

Since no threshold has been established, any determination that was made as to the significance of the impacts to these resources in the original EIR is not valid.

Los Angeles County must establish a level of significance for all our California Oak resources and re-evaluate the impacts of the Newhall Ranch project based on that finding. 1

Very truly yours

Cynthia Neal-Harris

Cynthia Neal-Harris
Vice-President

Cc: Los Angeles Country Board of Supervisors

Dedicated to the Preservation of Our Native Oaks

Feb. 04 2003 10:36AM P1 PHONE NO. : TRESONIC FAX SYSTEM

Piru Neighborhood Council, Inc.
P.O. Box 162
Piru, CA 93040
3 February, 2003

Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Newhall Ranch Specific Plan

Attn: Mr. James Hartl, Director, and
Mr. Lee Stark

Dear Sirs:

We appreciate the opportunity to comment on the Newhall Ranch Specific plan. As notice of the extended comment period did not reach us until Friday, 31 January, we send our comments via facsimile, and copies to the Board of Supervisors by electronic mail. 1

The community of Piru has gone on record several times since the Newhall Project was first proposed. While various studies and supplements to the original Environmental Impact Report have been circulated, none has answered our questions and concerns.

Traffic and damage to the Santa Clara River area cannot be mitigated unless the project were on a smaller scale, and did not intrude into the river bed. 2

Our greatest concern is water. First, an adequate and dependable source has not been identified. Second, there is no guarantee that the water supply of agricultural operations and communities downstream of the proposed Newhall Ranch development would not be severely impacted by the project. 3

Finally, the extent of ammonium perchlorate pollution in the Saugus aquifer and westward has not been determined. Without the developer agreeing to *have wells on and near Newhall property tested before the project is approved*, the possibility of dangerous pollution spreading through the groundwater cannot be ignored. 4

Thank you for including our comments in the record concerning the Newhall Ranch Specific Plan.

Very Sincerely,

Janet Bergamo

Janet Bergamo
President, Piru Neighborhood Council

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
Governor

Interim Director

RECEIVED
JAN 30 2003
REGIONAL PLANNING
L.A. COUNTY

January 28, 2003

Lee Stark
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Subject: Newhall Ranch Specific Plan and Water Reclamation Plant
SCH#: 1995011015

Dear Lee Stark:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 27, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	1995011015
Project Title	Newhall Ranch Specific Plan and Water Reclamation Plant
Lead Agency	Los Angeles County

Type	EIR Draft EIR
Description	The applicant has prepared the Newhall Ranch Specific Plan which covers a total 11,963 acres. As directed by the Court, the County will again consider approval of the Specific Plan and WRP, but only with respect to the additional analysis of the issues indicated above. The Specific Plan includes 22,038 dwelling units on 4,835 acres (including an 18-hole golf course, 10 neighborhood parks and seven schools), 630 acres of mixed-uses (including residential, office, and retail commercial uses), 67 acres of commercial uses, 256 acres of business park uses (including light manufacturing, warehousing and distribution), 37 acres of visitor serving uses, 6,138 acres of open area, 3 community parks on 186 acres, and 367 acres of arterial roads and community facilities (including a new 6.9 million gallon per day water reclamation plant, one library and two fire stations). The Specific Plan would build out over approximately 25 to 30 years, with market forces driving the phasing schedule. Development of the Newhall Ranch Specific Plan area would result in an on-site resident population of approximately 59,000 persons.

Lead Agency Contact

Name	Lee Stark		
Agency	Los Angeles County Department of Regional Planning		
Phone	213/974-6467	*Fax*	213/626-0434
email			
Address	320 West Temple Street		
City	Los Angeles	*State* CA	*Zip* 90012

Project Location

County	Los Angeles
City	Santa Clarita
Region	
Cross Streets	State Route 126 and Chiquito Cyn Road
Parcel No.	Book 2826, pages 1,3,4,7,9,11,12; Bk 3271, pg 3; Bk 3272, pgs 23,24,38,39,40
Township	*Range* *Section* *Base*

Proximity to:

Highways	5, 126
Airports	
Railways	
Waterways	Santa Clarita River & Castaic Creek
Schools	Live Oak Elementary
Land Use	Primarily Vacant with oil and natural gas operations, limited agriculture and cattle grazing.

Project Issues	Vegetation; Water Supply; Cumulative Effects; Other Issues

Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, District 7; Department of Housing and Community Development; Department of Health Services; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 11/27/2002 *Start of Review* 11/27/2002 *End of Review* 01/27/2003

Newhall Ranch -Traffic Analysis 1/23/03

Document showing PICO CANYON deleted from the County Master Plan upon the approval of the Newhall Ranch Plan. 1

The traffic statistics currently being used by Public Works, which require the high speed, high capacity road improvement are not consistent with the Newhall Plan. 2

Laing Homes is being compelled to build a section of road not needed by the county if Newhall Ranch is built as approved. 3

This requirement by Public Works calls into question the efficacy of the planning approval process for this and other elements of the Newhall Ranch Plan. 4

It may pose additional jeopardy to the county in their ongoing court battle with Ventura County over the approval of the Newhall Ranch under CEQA. 5

Thomas Barron, Director of Image G
10900 Ventura Blvd
Studio City, CA 91640

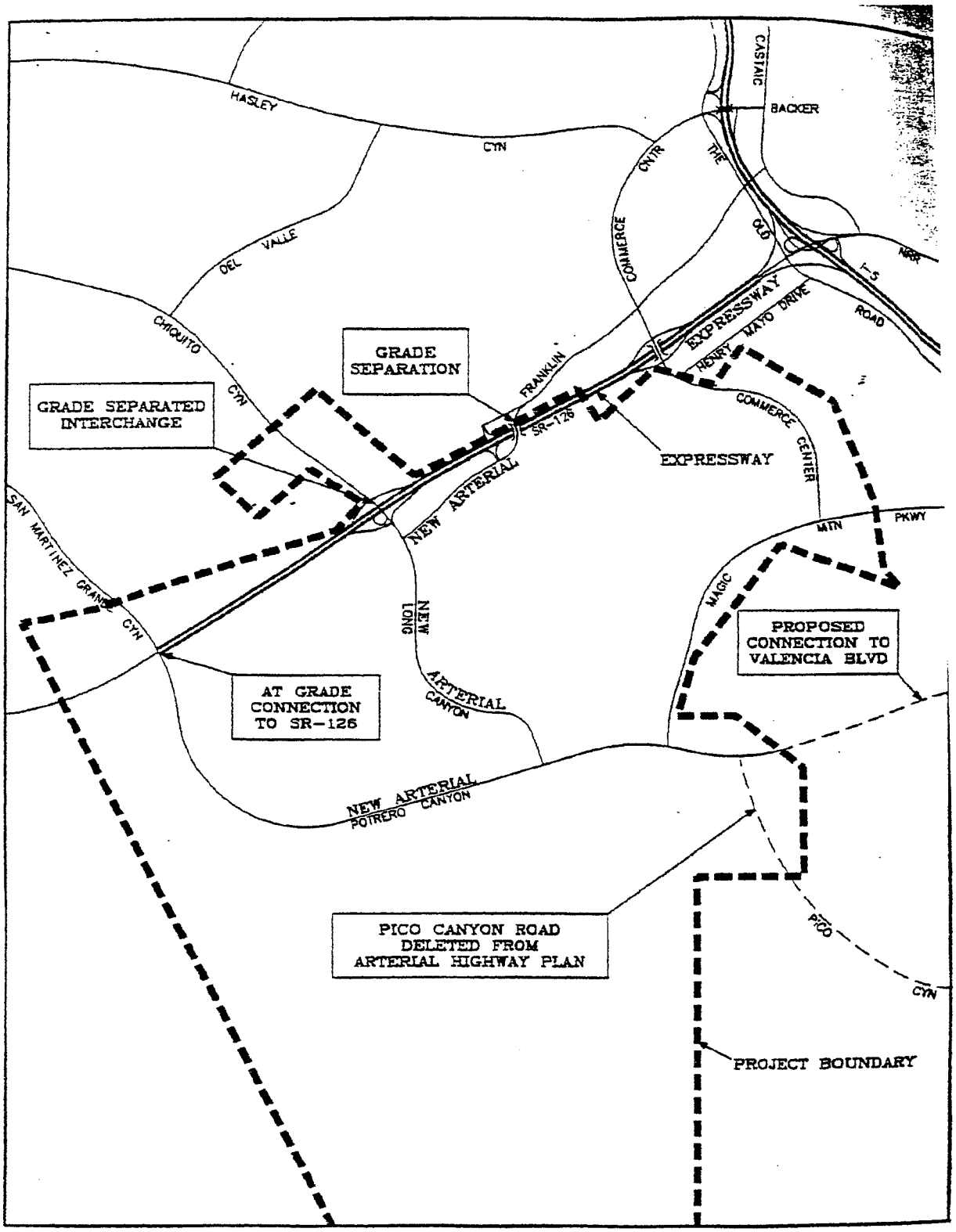


Figure III-5

PROPOSED ARTERIAL HIGHWAY SYSTEM CHANGES

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

TELECOPY COVER SHEET

DATE: 12/17/02
TIME: 7:30 am

TO:

Name: Tom Barron

Agency:

Telephone Number: (818) 761-6644

Telecopier Number: (818) 761-8397

FROM:

Name: Barry Witter

Division: Land Development

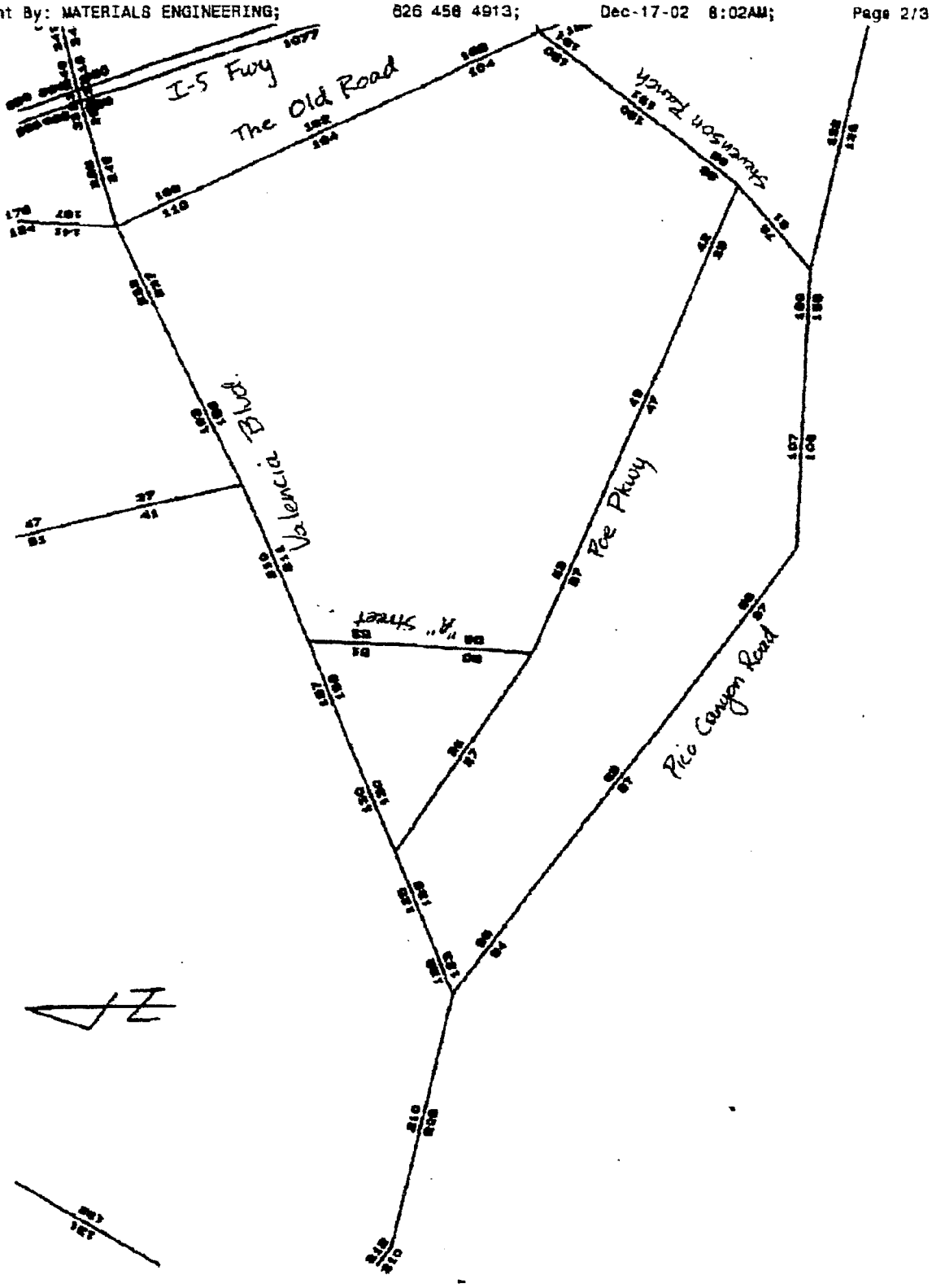
Telephone Number: (626) 458-4351

Telecopier Number: (626) 458-4913

NUMBER OF PAGES (including cover sheet): 3

REMARKS: Attached is a partial plot of the joint LA County/City of Santa Clarita traffic model projections for traffic at buildout of the Santa Clarita Valley. The Valley is considered to be built out in accordance with the General Plans for City and County, but in this area, Newhall Ranch and Stevenson Ranch Phase V (proposed) are included. The I-5 Freeway volumes are based on Caltrans and SCAG 20 year projections into and out of the region. The traffic volumes are for Average Daily Traffic (ADT) and must be multiplied by 100. Note that they are directional. For the segment of Pico where total ADT drops to about 21,200 and to the west, 4 traffic lanes will be adequate.

I've also attached a sketch of the concept for the Hasley/I-5 Interchange. The roundabout design is approved, but some of the geometrics may be slightly modified.



SCVCTH- AOT VOLUMES - LONG RANGE NETWORK (adtload.lr)
RED = FREEWAYS, BLACK = MAJOR HIGHWAYS, GREEN - SECONDARY HIGHWAYS AND LIMITED SEC. HIGHWAYS, YELLOW - EXPRESSWAY
16DEC02 16:19:06

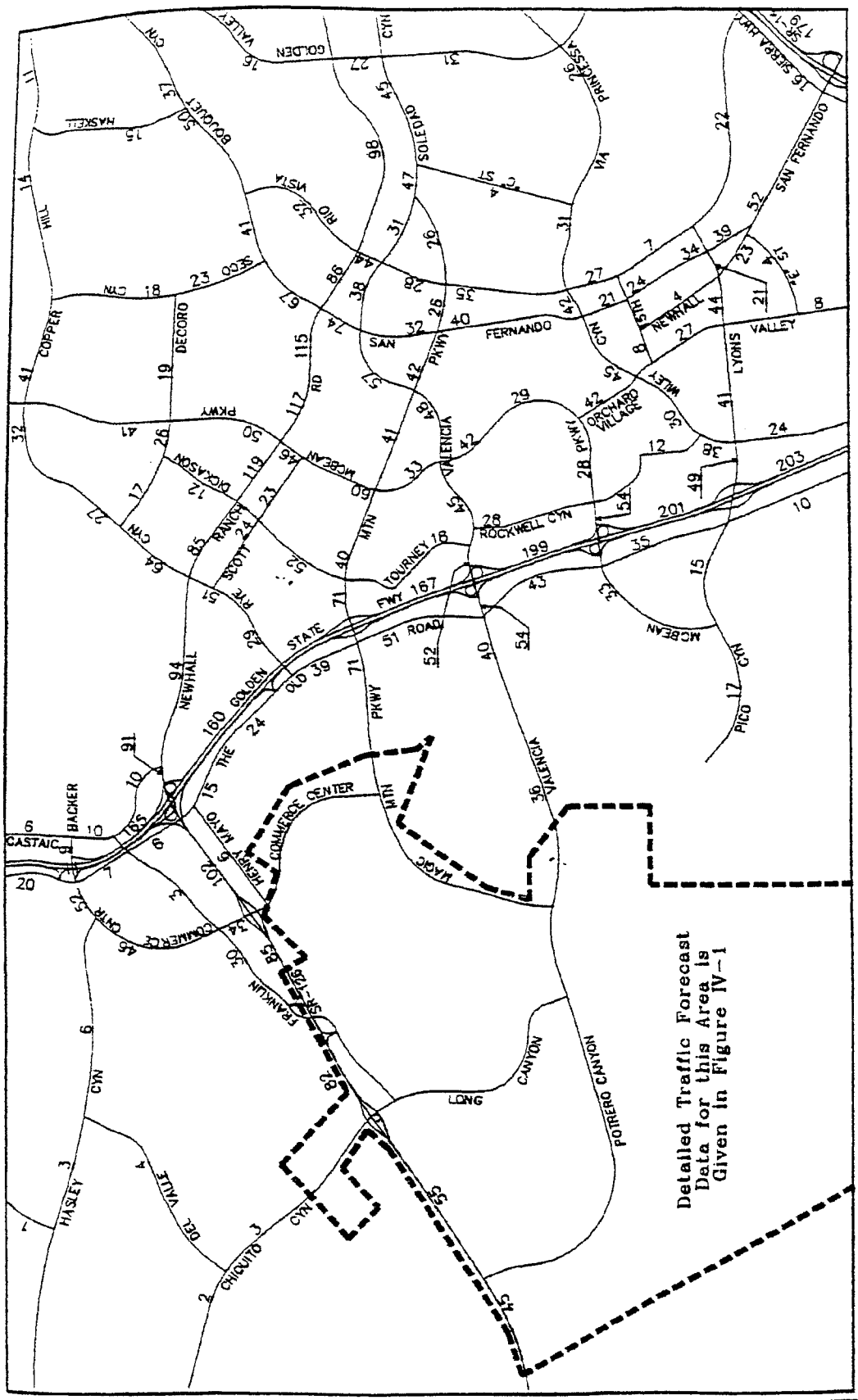


Figure IV-4
LONG RANGE ADT VOLUMES (000's)
COUNTY BASE NETWORK
(WITH PROJECT)

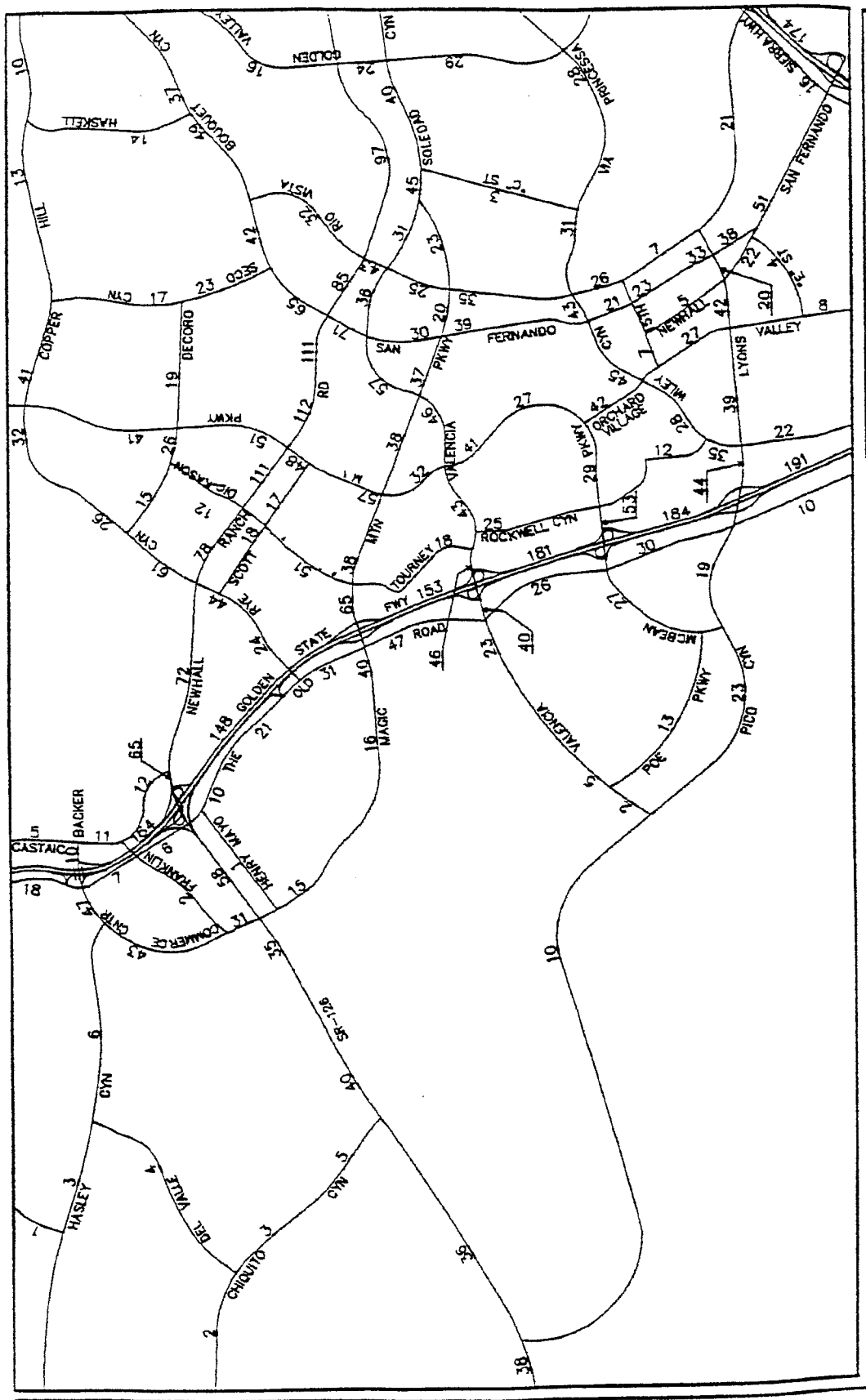


Figure IV–3
LONG RANGE ADT VOLUMES (000's)
COUNTY BASE NETWORK
(NO–PROJECT)

Los Angeles Board of Supervisors
500 W. Temple Street
Los Angeles 90012
Executive Office

Subject: Newhall Ranch Project

Gentlemen:

The purpose of this letter is to urge the disapproval of the Newhall Ranch Project. Our family has resided in the Santa Clarita area since 1968. During that time we have seen the area grow exponentially. At first the growth was welcomed, but it has become increasingly apparent that we have "maxed out" the infrastructure; in particular the roads and highways and the water supply. At certain times of day, it is now quicker to walk rather than to drive. (Not a bad idea, but this is not always feasible.) The concentration of people, particularly in the central area, has reached the bursting point. And school overcrowding is having a detrimental affect on the education of our youngsters. The water problem is the most crucial! Without the approval of the Newhall Ranch Project, water monitoring data must be obtained and made public, and a feasible water management plan MUST be put in place! In addition, the ammonium perchlorate MUST be cleaned out of our ground water supply. There is not an adequate water supply to provide sufficient water for all of the homes currently under construction much less the additional 21,000 units that are proposed by the Newhall Ranch Project!! 1 2

Again, I urge you to consider just what the addition of 21,000 homes in this area will mean to our already overcrowded community, and deny the approval of the subject project! 3

Sincerely,

Sally White

Sally L. White
26242 Park View Road
Valencia CA 91355.

County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

3-25-03

1/28/03

Dear Supervisors,

Thank you for the opportunity to make a brief comment on your upcoming review of the General Plan Amendment and Zone Change proposal for the Newhall Ranch Development Project.

In recent days the county District Attorney's Office has come under scrutiny in its investigation of the actions of the applicant Newhall Land, who mishandled the endangered and State protected Spineflower Habitat in the project area.

This situation was compounded by the applicant's practice of signing binding confidentiality agreements with the biologists it hires to survey the landscape. This closed and secretive approach guarantees only limited findings in the Environmental Impact Reports.

That the county would need to resort to police measures to raid the ranch to discover the truth about the existence of a protected species is in itself outrageous. This is Los Angeles - not the hostile territory of Iraq!

I recommend that the county direct regional planning change their standards and procedures, that the biologists and their findings be open - independent of the coercive effects of the developer's confidentiality agreements.

Most importantly I request that in light of these new revelations, which draws into question the veracity of all reports made so far, that you require the Newhall Company to produce a new Supplemental Environmental Impact Report on the precious biological resources on the ranch, and that your project review be subsequent to the proper presentation and public comment on this document.

Respectfully,

Thomas Barron
Director, Image G

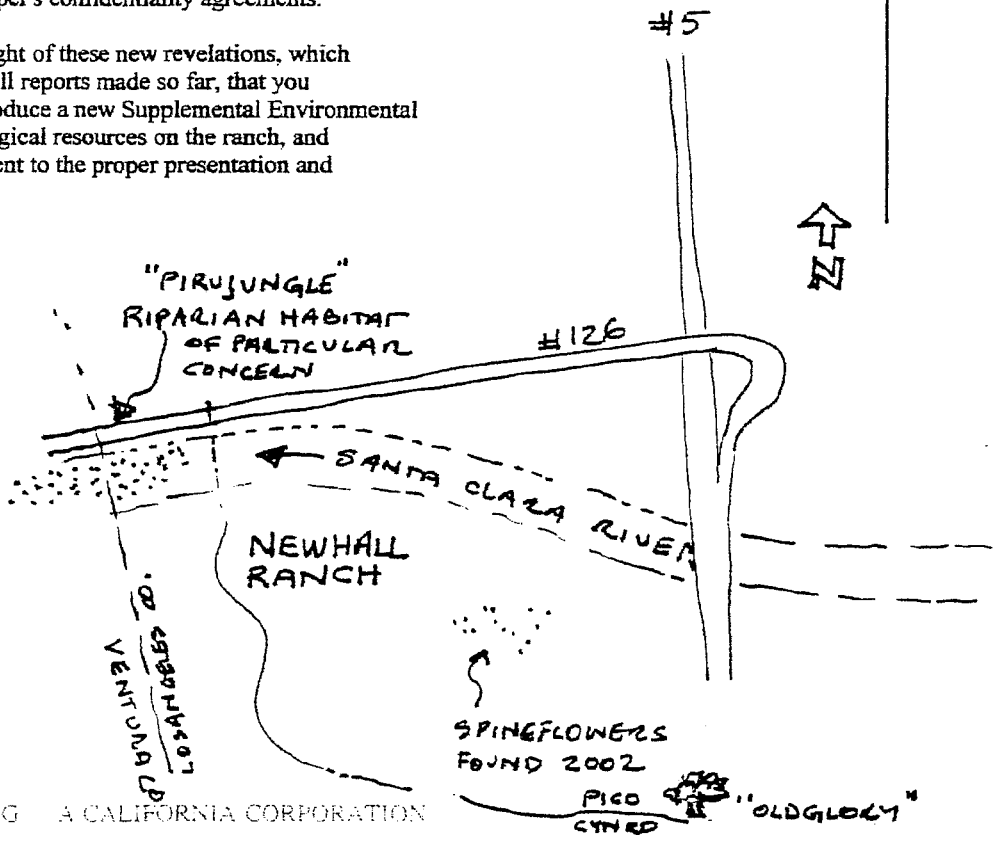


IMAGE G

IMAGE G A CALIFORNIA CORPORATION
10906 VENTURA BOULEVARD STUDIO CITY, CA 91604-3344 (818) 761-6644 FAX (818) 761-8397

1

2-25-03

Audubon CALIFORNIA

The Audubon Center
6042 Monte Vista Street
Los Angeles, CA 90042
Tel: 323-254-0252
Fax: 323-254-0567
www.audubon.org

Executive Office
Los Angeles County Board of Supervisors
500 West Temple St.
Los Angeles, CA 90012

February 3, 2003

Re: Comments on Newhall Ranch Project, L.A. County Project #94087

Audubon California has identified the Santa Clara River as a "California Important Bird Area", based on its supporting a large number of sensitive taxa. Because its importance to other life-forms (e.g. rare plants, fish, amphibians) is much higher, the Newhall Ranch Project will significantly and permanently degrade the natural resources of Los Angeles County. Few projects in recent memory, even in rapidly-urbanizing California, promise to have such a lasting and devastating impact on declining and sensitive species, and on what is currently a reasonably intact ecological system, the Santa Clara River Watershed. 1

As stated in the summary of the Draft EIR, "certain of these (upland) impacts are expected to remain at a significant level (and would) significantly impact the ability of animals to move across portions of the site." Further, the projects Cumulative Impact is, according to the Draft EIR, "unavoidably significant", with "no known mitigation measures available to reduce the level of the identified cumulative impacts." 2

Audubon California stands in favor of conserving birds, wildlife and natural processes and ecosystems in and around Important Bird Areas. It is also a science-based organization, and uses the most accurate science available on which to base its conservation decisions. 3

After reviewing both the Draft EIR and the Revised Draft Additional Analysis for the Newhall Ranch Specific Plan, we request that both documents be rejected by Los Angeles County.

Draft EIR
4.6 (Table)
Loggerhead Shrike
This species has declined precipitously in the last 5-7 years, and is currently very rare. It is nearly entirely eliminated as a breeding species in the Los Angeles Basin and surrounding hills. No birds were recorded during a summer bird survey of the river behind Valencia Travel Village in July 2002, and only a single bird was found in the 4

Printed on 100% post-consumer recycled paper

entire Santa Clarita Valley on the Santa Clara River Christmas Bird Count. Though formerly common along roads, just one individual was encountered in five days of scouting the entire Santa Clara River Valley (Los Angeles Co. portion) during Dec. – Jan 2002/03. This bird was along San Francisquito Cyn. Rd. northeast of the project area.

If Loggerhead Shrike is indeed "relatively common" at Newhall Ranch, it is a regionally very significant population.

Least Bell's Vireo
The statement that just a single bird was observed (near the Ventura Co. line, in 1993) is simply not credible. Several singing birds were found behind Valencia Travel Village RV Park (permission to enter granted by owners) during July 2002 along the river just west of I-5, at the extreme eastern end of study area. A juvenile was also seen near the I-5 bridge. These birds are not difficult to detect, and can be heard singing from public roads in the area during spring and summer.

Least Bell's Vireo requires a very broad flood plain for breeding, and *would not be expected to persist in a confined riverbed, as proposed by Newhall Land.* For example, it is now believed extirpated (not present) as a nester along the river within the City of Santa Clarita, where the river plain has been narrowly confined by houses.

In the Los Angeles Basin, it nests almost exclusively in large flood control basins (e.g. Hansen Dam), and generally not within channelized rivers. Like many riparian species, it requires the upland habitat adjacent to the river as much as it does the riparian vegetation itself. 4

Further, all survey data of this species from Newhall Land should be treated with extreme skepticism, as the company had noise-making machines operating for several years along the river for the specific purpose of driving away Least Bell's Vireos from their project area (R. Farris, USFWS, *in litt.*).

Tricolored Blackbird
Tricolored Blackbird is an extremely localized breeder in Los Angeles County, and the disruption of just one colony would be regionally significant.

Arroyo Toad
There is a high potential for the Federally Threatened Arroyo Toad to be found in the study area, based on recently-disclosed reports of the animal along the river within Santa Clarita. Newhall Land recorded the species along the river near McBean Pkwy. In 1994, 1996 and 2000 (CNDDB) and a local biologist found Arroyo Toads within the Bridgeport project during its construction (fide Friends of the Santa Clara River).

Sharp-shinned Hawk
This species is a common winter visitor throughout southern California, and several would be expected to winter at Newhall Ranch. The fact that this common species was

not detected in surveys suggests very incomplete bird surveys were conducted during the study.

4.6-45

Mesic Meadow Vegetation.

The loss of 100% of any identified natural community on the site should not be acceptable. The fact that it involves a rare, poorly understood community such as Mesic Meadow is more troubling. We question the actual identity of this particular community, since mesic meadows are typically confined to high-elevation sites in the Sierra Nevada Klamath, and other high mountains in the state. This leaves the question as to what this community actually is (if it still exists) – vernal pool? grazed riparian area?

4.6-84

Cooper's Hawk is not associated with aquatic habitat or with freshwater marsh vegetation.

4.6-85

Vermilion Flycatcher would not be expected to be common at Newhall Ranch – it does not breed regularly anywhere within Los Angeles County. It also does not "roost", as suggested here.

4.6-86 4

Horned Lark is not "widely distributed throughout southern and central California". It has essentially been eliminated as a breeder in southwestern California due to urbanization. If this species is actually present here, much less common, it would represent a very significant regional population.

4.6-87

Loggerhead Shrike: See Horned Lark and above comments.

4.6-100

Mountain Plover occurs in southern California exclusively in agricultural fields, and would not occur in "coastal sage scrub, chaparral and open riparian scrub vegetation."

4.6-102

Fulvous Whistling-Duck has not been recorded north of the Salton Sea since the 1930s (see e.g. Garrett and Dunn 1981), yet the account in this EIR includes the same erroneous statements regarding habitat and likelihood of occurrence as many of the other species (e.g. Cooper's Hawk, Mountain Plover, Ferruginous Hawk, etc.). These inaccuracies suggest that impacts to these species were in fact not seriously considered, which makes analysis of impacts based on the Draft EIR difficult.

Draft Additional Analysis

A major credibility problem with the Draft EIR involves plants. Only one of the 29 sensitive plant species with the potential to occur on the site was actually found – a species with no legal protection: Peirson's Morning-Glory. 5

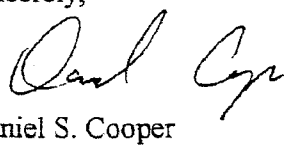
The Revised "Draft Additional Analysis" treats 2 taxa recently found on the Newhall Ranch that were feared extinct until their very recent rediscovery. It also lists additional taxa not covered by the original EIR (2.6-21), four of which have not even been conclusively identified yet. *This further emphasizes the need to proceed extremely cautiously with this and other projects in the area.* 6

It also suggests that the previous Draft EIR may have been sufficiently flawed so as to not have mentioned what may be described as one of the most sought-after rare plants in the state – the San Fernando Valley Spineflower – which (based on the DAA) would appear to be fairly common and recognizable.

Though this Draft Additional Analysis yielded more information on previously un-addressed taxa (e.g. San Fernando Spineflower), it did not augment the current lack of information about the 28 plant taxa that were thought to occur but were not detected, nor did it provide any survey information for the numerous animals that went undetected (or un-reported) by surveys, such as Arroyo Toad, Least Bell's Vireo. 7

As this project is so massive, and promises to so radically alter an exceptionally poorly-known and bio-diverse region of southern California, we would urge these sensitive species be given the same survey attention afforded to San Fernando Valley Spineflower. 8

Sincerely,



Daniel S. Cooper
Director of Bird Conservation
Audubon California

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR OFFICE
120 SO. SPRING ST.
LOS ANGELES, CA 90012
TEL: (213) 897-8391
FAX: (213) 897-6317

IGR/CEQA No. 011041AL
Newhall Ranch Specific Plan and Water Reclamation Plant Additional Analysis--Response to Comments
Vic. SR-126

November 8, 2001

Mr. Lee Stark
Regional Planner
Los Angeles County
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Stark,

Thank you for your Response to our Comments on the Newhall Ranch Specific Plan and Water Reclamation Plant Additional Analysis—Response to Comments.

In the interest of mutual cooperation through build-out of this project, we request that consideration be given to traffic report updates from time to time. This will enable all the parties involved to determine whether the projected traffic flow will work as expected. 1

We look forward to continued coordination. If you have any questions, please feel free to contact me at (213) 897-4429 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 011041AL.

Sincerely,

STEPHEN J. BUSWELL
IGR/CEQA Branch Chief
Transportation Planning Office
Caltrans, District 7

California Regional Water Quality Control Board

Los Angeles Region

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L.A. COUNTY

November 7, 2001

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CERTIFIED MAIL
ITEM NO. 70001530000097858111

Lee Stark, Regional Planner
Los Angeles County Department of Regional Planning
Room 1355, Hall of Records
320 West Temple Street
Los Angeles, CA 90012

RESPONSE TO FINAL ADDITIONAL ANALYSIS (RESPONSE TO COMMENTS) TO THE NEWHALL RANCH SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT AND WATER RECLAMATION PLANT, OCTOBER 2001, PROJECT #94087, SCH# 95011015

Dear Mr. Stark:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) has received and reviewed the responses to comments prepared by the Los Angeles County Department of Regional Planning (County) in the *Final Additional Analysis ot Newhall Ranch Specific Plan EIR (October 2001) (FAR-EIR).* The subject document includes responses to the Regional Board correspondence of June 19, 2001 regarding the Newhall Ranch Specific Plan and Water Reclamation Plant (project) Final Environmental Impact Report. The project applicant, the Newhall Ranch Company (NRC), a division of Newhall Land and Farming, is proposing to develop a master planned community of 21,615 dwelling units on 4,835 acres astride the Santa Clara River of the Newhall Ranch near the City of Santa Clarita. The Specific Plan includes construction of a new 6.9-million-gallon-per-day water reclamation plant (WRP)and an Aquifer Storage and Recovery (ASR) system to that would be built over approximately 25 to 30 years to address water supply requirements. 1

The Regional Board is charged with protecting the surface and groundwater quality in the Santa Clara River watershed where the proposed Newhall Ranch project is to be sited. As part of its responsibilities in protecting surface and groundwater quality in the Santa Clara River watershed, the Regional Board has commented on the potential effects of the project in correspondence dated June 19, 2001, December 18, 2000, and October 10, 1996. 2

With respect to certain issues affecting water quality that have been repeatedly raised by the Regional Board, the responses by the County are wholly inadequate. The responses to comments rely on mistaken interpretations of law to disregard the County's obligation to consider the significant environmental issues raised by the Regional Board's comments. The legal and regulatory/technical considerations associated with the Regional Board's issues are discussed below. 3

Legal Considerations

The Regional Board takes exception to the following elements of the County's response:

***Gentry* Does Not Limit the Scope of the Regional Board's Comments.**

The County mischaracterizes the Fourth District's holding in *Gentry v. City of Murrieta* (1995) 36 Cal.app.4th 1359. Contrary to the County's contention, the *Gentry* decision does not "show that [the] RWQCB's authority is limited and does not extend to every impact that may have some relationship to water resources." (*FAR-EIR* at RTC-28.) In *Gentry* an interested person was attacking the lead agency's failure to provide a copy of the negative declaration to a regional water board. The *Gentry* court found that on the facts presented (which did not include any involvement by a regional water board), water erosion was not sufficient to require as a matter of law that the negative declaration be circulated to a regional water board. What the County fails to understand is that the *Gentry* court was addressing the very narrow issue of whether the lead agency was required to treat a regional water board as a *trustee agency*. (*Gentry*, *supra*, 36 Cal.App.4th at 1387 ("the lead agency must send the proposed negative declaration to every '[t]rustee [a]gency'").) 4

The *Gentry* court's resolution of the trustee agency circulation requirement has no applicability to the Regional Board's comments submitted on the project EIR. First, the Regional Board has already received the environmental impact report and is commenting on it. To this extent, the *Gentry* decision is inapposite. Second, a regional water board was not participating in the *Gentry* lawsuit, but instead an interested person was attempting to fashion a water resources argument after the fact. The court was not willing to entertain an argument that "water erosion" per se triggered a regional water board's authority—which is not surprising because no regional water board had intervened to assert jurisdiction. 5

In fact, the Regional Board regularly addresses erosion issues in storm water permits and other waste discharge requirements it issues, because erosion adversely affects beneficial uses. There can be no dispute that erosion adversely affects water quality. (See, e.g., Municipal Separate Storm Sewer System (MS4) Permit issued to Los Angeles County and 80+Co-Permittees (Regional Board Order No. 96-054), Statewide General Construction Storm Water Permit issued by the State Water Resources Control Board (State Board Order No. 99-08-DWQ).) The Regional Board has jurisdiction for identifying and protecting beneficial uses, including aquatic habitat, within the Los Angeles Region. (See, Wat. Code, §§ 13050, subd. (f) (Defining beneficial uses to include "preservation and enhancement of fish, wildlife, and other aquatic resources") and 13241 (requiring regional water boards to establish water quality objectives in 6

water quality control plans that "will ensure the reasonable protection of beneficial uses"). Increased erosion degrades water quality and is clearly within the Regional Board's jurisdiction and authority to comment upon. 6

The Lead Agency Appears to Misunderstand the Nature of the Environmental Impacts Identified by the Regional Board.

Even putting aside the "water erosion" issue, which it appears the County has latched onto in an attempt to cite the inapplicable *Gentry* decision, the Regional Board identified numerous other issues that are within the Regional Board's jurisdiction. In dismissing the Regional Board's concerns, the County observes that many of the Regional Board's comments relate to "bank stabilization, floodplain impacts, river velocities, sediment deposition and scouring patterns, habitat loss and impacts to SEA 23." (*FAR-EIR* at RTC-27.) The County then asserts, "[n]one of these subjects come under the categories of water quality or beneficial uses and therefore, none of these subjects are within [the Regional Board's] statutory authority." (*Ibid.*) The County's statements demonstrate a fundamental misunderstanding of water resources. 7

The County's arguments highlight why CEQA requires the participation of responsible agencies such as the Regional Board. By making the assertion that "bank stabilization, floodplain impacts, river velocities, sediment deposition and scouring patterns, habitat loss" do not "come under the categories of water quality and beneficial uses," the lead agency demonstrates its lack of knowledge concerning water resources and the impacts to water quality. Improperly stabilized banks, increased river velocities, increased scouring, and aquatic habitat loss all degrade water quality. (See, e.g., Tentative Draft October 11, 2001 of Los Angeles County MS4 Permit, Findings B.6-7.) Each can destroy or adversely impact aquatic habitat. Each threatens the beneficial uses, especially fish, wildlife and other aquatic resources (Wat. Code, § 13050,subd. (f)) that the Regional Board is uniquely charged with protecting (Wat. Code, §§ 13241, 13325).

Information is required to evaluate the impact. In this case the Regional Board argued that additional information is required from the project proponent and the County to adequately evaluate the project's impact on water quality. The Regional Board's concerns are adequately documented and explained. They provide substantial evidence relative to the issues and draw on the Regional Board's unique expertise on water resources issues. The lead agency cannot summarily dismiss the issues. 8

Regulatory/Technical Considerations

The County appears to assert that compliance with National Pollutant Discharge Elimination System (NPDES) and Standard Urban Stormwater Mitigation Plan (SUSMP) will minimize impacts to receiving water quality (*FAR-EIR* at RTC 25-28). However, the Regional Board finds 9

that this analysis lacks a sound scientific basis. The Regional Board notes that for many waters in the State, including the Santa Clara River, water quality is impaired despite implementation of technology-based regulatory programs such as NPDES and SUSMP. For waterbodies that do not meet water quality objectives despite implementation of technology-based regulatory programs, the Regional Board is required to develop total maximum daily loads (TMDLs) to ensure water quality standards can be achieved. Several TMDLs are under development for the Santa Clara River and the information requested by the Regional Board in its correspondence is required for TMDL analysis. 9

The Regional Board finds the County's assertion that compliance with NPDES and SUSMP will adequately mitigate project impacts to water quality fails to include an estimate of the pollutants loadings and the assimilative capacity of the Santa Clara River, an analysis of the linkage correlating the proposed pollutant discharges to water quality, and an allocation of waste loads to the project. Without this information, as well as information requested in previous Regional Board correspondence, the County's opinion of minimal impact is speculative and not founded on a coherent technical analysis. 10

In concert with the comments in the Regional Board's previous correspondence, the Regional Board notes that the following information, previously requested, has still not been provided: 11

- Estimates of pollutants loadings, assimilative capacity of the Santa Clara River, inlcuding the interaction of groundwater and surface water, and analysis of the critical conditions are necessary to assess the water quality impacts of the project on the Santa Clara River.

- The County's response deals exclusively with groundwater and does not provide a quantitative estimate of the project's impact on surface water quality by impairing pollutants. 12

- The County's prediction of the effects of the ASR system on in-stream water quaiity states that "only during extended drought periods when ASR wells are pumped will there be a small predicted reduction in groundwater discharge."(*FAR-EIR* at RTC-20)" The County does not quantify this effect on the surface water quality, which has not been characterized, nor on the downstream agricultural benefical uses, both of which rely on direct diversion of the river for irrigation, a use which is especially critical during drought years. Further, the impact of changes in the surface water quality or flow on aquatic life have not been addressed. 13

- The County's analysis of the effects of the reclaimed water system addressed only the fate of the water applied for irrigation and rather than the fate of salts and other pollutants which remain in the soils after the plants take up the water. These pollutants are leached and move into the river through surface runoff or rising groundwater. Again, the lead agency has not quantified the effects of surface water quality. 14

Summary

The Regional Board voiced numerous, substantive issues pertaining to potential adverse environmental impacts on water resources. The County has opted to dismiss the issues based on a narrow, misguided application of CEQA law. The Regional Board's comments constitute substantial evidence of significant environmental impacts that must be mitigated. CEQA requires the County to incorporate, analyze, and mitigate the issues identified by the Regional Board. 15

In summary, because the Regional Board finds the County has not provided sufficient information to support its conclusion that the project's water supply and waste discharge plans, including the Water Reclamation Plant and Aquifer Storage and Recovery system, would not have significant detrimental effects on the water quality of the Santa Clara River, the Regional Board remains concerned that the project may have significant detrimental effects on water quality of the Santa Clara River. 16

We appreciate the opportunity to review this document.

Sincerely,

Samuel Unger

Samuel Unger
Chief, TMDL Unit #2

cc: Jon Bishop, Section Chief, Regional Programs, RWQCB
Michael Lauffer, Office of Chief Council, SWRCB

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division
Christopher Stephens
Director

December 26, 2001

Members, Los Angeles Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
Room 383
500 W. Temple Street
Los Angeles, California 90012

RE: COMMENTS TO THE FINAL ADDITIONAL ANALYSIS FOR THE NEWHALL RANCH SPECIFIC PLAN DATED OCTOBER 2001

Dear Members, Board of Supervisors:

Please find attached comments to the Newhall Ranch Specific Plan Final Additional Analysis (FAA) dated October, 2001. Please include these comments as part of the project administrative record for the January 22, 2002 hearing on Newhall Ranch. Our comments address concerns regarding impacts, mitigation measures, and findings under the California Environmental Quality Act (CEQA) related to biological and water resources issues.

In regard to biological resources, we have the following issues:

1. The Final Environmental Impact Report (FEIR) and the FAA Findings are inconsistent in that regionally significant unavoidable impacts are identified in the FEIR and the region is defined largely as Ventura County, but the FAA concludes that no significant environmental impacts occur in Ventura County. It is unclear how regionally significant impacts can occur if they do not occur within the biological "region" defined in the FEIR and FAA. 1

2. Contrary to the proposed Findings, not all feasible mitigation measures have been adopted, since Los Angeles County is not adopting mitigation measures in Ventura County although it has the legal authority to do so, and has applied project mitigation measures in our county for other impact areas. In addition, use of a joint powers agreement would give Los Angeles County any authority to impose such measures in Ventura County which Los Angeles may be lacking.

3. The FAA concludes that mitigation measures are not appropriate in Ventura County because no impacts occur in Ventura County. However, under CEQA, areas not subject to impacts may receive mitigation if that mitigation would further reduce impacts occurring elsewhere. Even if Los

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Angeles County is correct that impacts do not occur in Ventura County, that in itself is not justification for not extending measures into Ventura County if significant unmitigated impacts remain in Los Angeles County.

4. The FAA stops mitigation measures at the county line although it acknowledges the interconnectedness of the biological communities which cross the line. The arbitrary stopping of mitigation measures at a political boundary when the impacts and resources cross that line is inconsistent with CEQA.

In regard to water resources, we have the following issues:

1. The proposed Memorandum of Understanding and Settlement Agreement with the United Water Conservation District should be included as a project condition.

2. FEIR Mitigation Measure 4.11-10 previously approved by your Board requires that no net increase occur in groundwater pumping over currently planned levels as a result of the Newhall Ranch Specific Plan. The FAA is proposing to replace this measure with one that simply requires additional studies, with the results of those studies to be considered in future planning approvals. This is a major weakening of previous groundwater protections; the original Mitigation Measure 4.11-10 should be retained as a project mitigation measure and included in the Mitigation Monitoring Program. 1

3. In order to verify the accuracy of the groundwater model developed for the Santa Clarita Valley an additional mitigation measure to monitor future water volumes entering Ventura County compared to historic levels should be adopted. This would also allow the Newhall Ranch Specific Plan to provide mitigation for its pro-rata share of any impacts which may occur.

4. The FAA does not evaluate the environmental effects of providing the groundwater proposed by the Urban Water Management Plan (UWMP). The FAA study of the Aquifer Storage and Recovery (ASR) program uses different pumping assumptions than does the UWMP, and was designed to study the impacts of the ASR program rather then evaluate future groundwater levels compared to historic levels. As such, the FAA is not evaluating the environmental effects of proposed groundwater pumping to serve projected cumulative water demands.

5. The proposed mitigation measure whereby existing agricultural pumping by the Newhall Land and Farming Company is "credited" to the Newhall Ranch Specific Plan needs further analysis before the measure is adopted.

We recommend that your Board address the above issues before taking final action on the Newhall Ranch Specific Plan. If you have any questions please contact Scott Ellison of my staff at (805) 654-2495 or myself at (805) 654-2481. 1

Sincerely,

Chris Stephens, Director
Planning Division

Attachments

C.
Dennis Slivinski, County Counsel
Lee Stark, Los Angeles Planning Department

C. w/o attachments

Ventura Board of Supervisors
Johnny Johnston, CEO
Tom Berg, RMA

REVIEW OF FINAL ADDITIONAL ANALYSIS AND STAFF REPORT (BIOLOGY)
FOR NEWHALL RANCH SPECIFIC PLAN FEIR DATED OCTOBER 2001
VENTURA PLANNING DIVISION 12/24/01

The Planning Division has reviewed the Final Additional Analysis (FAA), staff report, and additional findings for the Newhall Ranch Specific Plan. As part of this evaluation we also considered the EIR Administrative Record (AR) to determine if the FAA is consistent with previous documents. Based on this review, we have four comments summarized below. Details of these comments follow the summary.

1. The FAA and AR are inconsistent:

   The FAA and AR taken as a whole are inconsistent in that: (1) the AR concludes that five significant unavoidable regional biological impacts occur; (2) the FAA and AR define the biological region as consisting almost exclusively of Ventura County; but, (3) the FAA finds that none of the five regionally significant unavoidable impacts occur within Ventura County. It is internally inconsistent to conclude that regionally significant impacts do not result in significant impacts to the biological region as defined in the FAA and AR. 1

2. Los Angeles County has the legal authority to impose mitigation measures in Ventura County:

   The FAA and AR conclude that even if significant impacts were to occur in Ventura County, Los Angeles County does not have the legal authority to extend mitigation measures into Ventura County. Therefore, mitigation of biological impacts in Ventura County are considered to be infeasible. However, there are at least three reasons why such mitigation measures are feasible: (1) Los Angeles County proposes to impose at least four other mitigation measures on this project that would be implemented outside its jurisdiction; (2) the issue of jurisdiction is not about where the mitigation occurs, but about where the project is located; and, (3) Ventura County has previously indicated a willingness to cooperate in mitigating project impacts, and the use of a joint powers agreement could allow Los Angeles County to extend its jurisdiction into Ventura County for this purpose.

3. Mitigation measures can be imposed on areas not subject to environmental effects:

   The FAA and AR make the case that because significant environmental impacts do not extend into Ventura County that it is not appropriate to

extend mitigation measures into Ventura County. Even if it were true that impacts do not extend in Ventura (see Comment 1), the Los Angeles position is a misunderstanding of the CEQA concept of what is a effective mitigation measure. There is no requirement in CEQA that mitigation measures can only be applied to areas that receive significant impacts. CEQA allows mitigation measures to be applied to a portion of a biological community that is not subject to impacts if the mitigation measures would reduce the impacts that occur to other areas of the biological community. As such, even if impacts do not occur in Ventura County, mitigation in Ventura could be used to help offset the significant unavoidable impacts that occur in Los Angeles County, even if those impacts are not reduced to a less than significant level. 1

4. Los Angeles County arbitrarily stops mitigation measures at the County line even though the FAA and AR acknowledge the interconnectedness of the communities on both sides of the line:

The FAA evaluates the existing setting and project impacts based on watersheds, but proposes mitigation measures and findings based on the county line which splits the Salt Creek Watershed. Absent the County line, no evidence is presented why the impacts or mitigation measures would stop along a straight line cutting through the watershed. Proximity to the proposed development is not a factor in this determination, since areas in Los Angeles County located four times further away than areas in Ventura County receive mitigation while Ventura County does not.

Comment 1: The FAA and the Ad Min Record are inconsistent regarding biological impacts

The FAA and AR are inconsistent in that the FAA concludes that no project specific or cumulative impact occurs in Ventura County, while the AR concludes: (1) that the project has significant, unavoidable project-specific and cumulative "regional" impacts; and, (2) that the "region" consists largely of Ventura County. It is inconsistent to say that the project has no impact in Ventura County (i.e. the biological "region") for purposes of mitigation measures, but has five significant unavoidable impacts in the biological "region" (i.e. Ventura County) for purposes of the FEIR/CEQA Findings. Details of this inconsistency follow: 2

The Final Additional Analysis Conclusions:

The FAA concludes that no significant direct, indirect, project specific, or cumulative biological impacts occur in the Ventura County portion of Salt Creek or Ventura County generally, therefore no mitigation measures are required in Ventura County:

FAA p. 2.2-40 states:

> "In conclusion, the analysis presented above indicates that no significant impacts would occur in Ventura County as a result of Specific Plan implementation, and there is no indication that the portion of the Salt Creek corridor in Ventura County would be significantly impacted by an increase in animal movement."
>
> "With respect to animal movement, implementation of the Newhall Ranch Specific Plan would not create any unavoidably significant biological impacts within the Ventura County portion of the Salt Creek watershed."

FAA P. 2.2-35 states:

> "Therefore, the project's direct impacts to wildlife movement in the Ventura County portion of the Salt Creek corridor would not be significant."
>
> "Therefore, the Specific Plan's cumulative animal movement impacts on the Ventura County portion of the Salt Creek corridor are not considered to be significant."
>
> "No further mitigation above and beyond that proposed in the Newhall Ranch Specific Plan EIR is proposed within the Specific Plan area because the identified direct, indirect, and cumulative impacts associated with the proposed Specific Plan would not significantly affect the Salt Creek watershed in Ventura County" 2

These conclusions are supported in the FAA Responses to Comments:

FAA p. RTC-63 states:

> ". . . the Draft Additional Analysis concludes that *no* significant impacts would occur in the Ventura County Salt Creek corridor, and consequently, no mitigation is required." (emphasis in original)

FAA p. RTC-66 states:

> "This section specifically explains that the analysis presented in the Salt Creek Corridor assessment indicates that no significant impacts will occur in Ventura County as a result of the Specific Plan implementation. . ."

FAA Additional CEQA Findings p. 29 of 38 states:

> "Based on the Final Additional Analysis and record, the Commission finds that implementation of the Specific Plan and WRP will not result in

significant impacts to the Ventura County portion of the Salt Creek wildlife movement corridor."

The Administrative Record Conclusions:

The AR draws conclusions in three areas:

1. Significant unavoidable biological impacts: The FEIR contains four significance criteria for biological impacts (AR 4356). It finds that the project results in impacts which exceed all significance criteria, and further, that even with mitigation, these impacts cannot be reduced to less than significant levels (AR 4475). These findings are repeated in the CEQA Findings adopted by the Los Angeles Board of Supervisors on March 23, 1999 (AR 6630-6633). 2

The FEIR found the project results in both project specific and cumulative biological impacts that cannot be mitigated (AR 4475):

> ". . . Implementation of the Specific Plan would substantially diminish habitat for wildlife and plants. Implementation of the Specific Plan would also significantly impact sensitive wildlife species, significantly impact the ability of animals to move across portions of the site, and significantly impact several upland habitat types. All of these are considered unavoidable significant impacts that cannot be fully mitigated."
>
> "Neither implementation of the Newhall Ranch Specific Plan nor any other similar large scale project proposed on the edge of the existing urban environment can mitigate from a biological perspective the permanent conversion of large blocks of open area. It is for this reason that the cumulative impact is considered unavoidably significant."

The same significance criteria are also explicitly listed as applying to Ventura County (AR 16604), although the AR concludes that none of these criteria results in a significant unavoidable impact in Ventura County (AR 16604 to 16608).

2. Biological significance thresholds are regional in nature: The FEIR Responses to Comments notes that "(t)he significance thresholds used in the Draft EIR are based on a regional perspective." (AR 16852).

3. The biological region consists almost exclusively of Ventura County: The AR is clear that the Newhall Ranch is part of a biological region that consists almost exclusively of Ventura County. Typical quotes include (AR 0488) which states: 3

> "To understand the role of the Salt Creek watershed in animal movement, it is important to point out that Salt Creek is but one small part of a larger

> regional wildlife movement interface that exists between the Los Padres/Angeles National Forest and the Santa Susana Mountains. This interface spans a distance of approximately 35 miles, from approximately Saticoy on the west in Ventura County to Castaic Junction on the east in Los Angeles County. As shown in the illustration below, the Newhall Ranch Specific Plan site is only an approximately 2 to 5 mile-wide portion (6 to 14 percent) of this 35-mile wide interface. Consequently, Salt Creek constitutes just one of six major "corridors" that exist in this broad interface area." (repeated almost verbatim at FAA p. 2.2-9)

The "illustration below" is attached to these comments as Figure 1. Figure 1 clearly shows that the "regional wildlife movement interface" referenced by both the AR and the FAA consists almost exclusively of Ventura County. Similar maps showing similar relationships are found at AR 4350 and AR 6918. Similar text occurs at AR 4349-4353 (but part may be missing from the AR at this location, however the same page occurs at AR 28031). Similar text and maps appear in the FAA at FAA p. 2.2-9 to 2.2-12. 3

From both the FAA and the AR it is clear that references to the biological "region" refer almost entirely to open space areas in Ventura County. If the project results in a significant project-specific and cumulative unavoidable impacts, and if these impacts are based on "regional" criteria, and the "region" is Ventura County, then the significant impacts must occur in Ventura County, or it would not be a significant regional impact. The CEQA Findings adopted by Los Angeles County on March 23, 1999 and proposed in the FAA are clearly inconsistent with the project record.

Comment 2: Los Angeles County has the legal authority to impose mitigation measures in Ventura County:

The FAA p. 2.2-39 concludes that even if significant impacts were to occur in Ventura County, Los Angeles County does not have the legal authority to extend mitigation measures into our jurisdiction. As a result, mitigation of biological impacts in Ventura County is considered to be infeasible. There are three responses to this argument:

Response 1: Such arguments are not valid on their face, since Los Angeles is already imposing mitigation measures on the project that would be implemented outside the County's jurisdiction. As noted in the Final Additional Analysis Mitigation Monitoring Program dated October 2001, the following mitigation measures are being imposed on this project. These four measures would be implemented outside the jurisdiction of the County of Los Angeles: 4

> Mitigation 4.8-6 (p. 4.0-47) Off-Site Arterials – In part, this measure requires payment for road improvements in the City of Santa Clarita.

Although within the County of Los Angeles, any road improvements made by the developer within the city would be outside the jurisdiction of the County of Los Angeles for this issue.

Mitigation 4.8-9 (p. 4.0-48) SR-126 in Ventura County – Requires payments for road improvements in the City of Fillmore and the unincorporated community of Piru, both located within Ventura County.

Mitigation 4.9-15 (p. 4.0-53) – Requires payment of fees to the Santa Clara School District to mitigate traffic noise from the project. The Santa Clara School District is in unincorporated Ventura County.

Mitigation 4.9-16 (p. 4.0-53) – Requires payment of fees to the City of Moorpark to mitigate traffic noise from the project if the City of Moorpark establishes a noise mitigation program. The City of Moorpark is in the County of Ventura.

Los Angeles County is aware that mitigation measures can be extended outside an agency's jurisdiction, since it has requested that extra-jurisdictional mitigation measures be applied to projects in Ventura County. Los Angeles County has requested that Ahmanson Ranch be required to pay additional monies to mitigate traffic impacts within Los Angeles County. This is in addition to the millions of dollars the applicant is already required to pay to Los Angeles County and the cities of Los Angeles, Agoura Hills and Calabasas. In addition, Los Angeles County is also aware that Ventura County required other extra-jurisdictional mitigation measures of Ahmanson Ranch such as the purchase of thousands of acres of open space land in Los Angeles County. 4

To conclude that it is legally feasible to impose on Newhall Ranch mitigation measures located outside the jurisdiction of Los Angeles County for some impacts, while it is legally infeasible to impose biological mitigation measures that extend outside its jurisdiction is not supported by the record, previous projects, or previous actions by the County of Los Angeles.

Response 2: The issue of jurisdiction is not about where the mitigation measure would be implemented, but rather about where the project is located. The question of jurisdiction is whether or not the agency can require that the impact be mitigated. As the land use authority and CEQA Lead Agency, the County of Los Angeles has broad discretion to impose mitigation measures on projects within its jurisdiction, regardless of where the impacts occur, or where the mitigation measures are implemented. It is the location of the project in Los Angeles County, not the location of the mitigation measures, which gives the County the authority to impose the hundreds of mitigation measures listed in the Mitigation Monitoring Plan for this project. As noted above, several of these measures are implemented outside the jurisdiction of the County Los Angeles.

The locations of those measures do not negate the legal authority of the County of Los Angeles to impose those measures.

Response 3: The Joint Power Act, starting at Cal Gov Code Section 6500, allows jurisdictions to extend the authority and powers of one or more jurisdictions into the area of another jurisdiction for specific purposes with the cooperation of all the affected jurisdictions. Such an agreement could provide Los Angeles County with the power it concludes it lacks to impose the mitigation measures being requested. With the willingness of Ventura County to cooperate on this issue, a joint powers agreement would appear to a legally feasible method of extending Los Angeles County jurisdiction into Ventura County for the purposes of addressing this issue. Failure to consider such a joint powers agreement, particularly in light of the repeated stated willingness of Ventura County to cooperate on this issue, means that not all feasible mitigation measures have been explored or adopted. 4

Comment 3: Mitigation measures can be imposed on areas that are not subject to environmental effects

FAA p. 2.2-35 makes the case that because significant environmental impacts do not extend into Ventura County, that it is not appropriate to extend mitigation measures into our county. There is no requirement in CEQA that mitigation measures can only be applied to areas that are subject to significant impacts. CEQA allows mitigation measures to be applied to a portion of a biological community that is not subject to impacts, if the mitigation measures would reduce the impacts that occur to other areas of the biological community. As such, mitigation in Ventura County could be used to help offset the significant impacts that occur in Los Angeles County.

The concept of applying mitigation measures in areas not subject to impacts in order to mitigate impacts in other areas is a standard practice under CEQA, and is applied to this project to help mitigate biological impacts. The CEQA Statement of Findings adopted by the Los Angeles Board of Supervisors contains the following statements: 5

> "Mitigation activities which may occur in the High Country SMA, either for impacts associated with the construction of Estate lots, trails or access roads, **or for impacts identified during the subdivision process in other portions of the Specific Plan Area**, include restoration of habitat and enhancement to existing habitat. Mitigation banking may be established as provided below." (emphasis added (AR 19596))
>
> "**To mitigate the impacts to oak resources which may be removed as development occurs in the Specific Plan Area**, replacement trees shall

> be planted in conformance with the oak tree ordinance in effect at that time." (emphasis added (AR 19600))

Enhancement of the habitat in the High Country is being used to mitigate impacts created by the urban development occurring outside the High Country. This is an example of a portion of a biological community located away from the point of impact receiving mitigation, even though it is not subject to the impact being mitigated.

5

In spite of the High Country receiving mitigation for biological impacts occurring outside the High Country, the impacts remain significant and unavoidable. Ventura County recommends that by extending the High Country mitigation measures into Ventura County, <u>whether or not the impacts extend into Ventura County</u>, the significant unavoidable impacts can be further reduced. Los Angeles County is using the ¾ of the Salt Creek Watershed in Los Angeles County to mitigate impacts occurring in other areas – we recommend that the ¼ of the Salt Creek Watershed in Ventura County be used for the same purpose.

Comment 4: <u>Los Angeles County arbitrarily stops mitigation measures at the County line even though the FAA and AR acknowledge the interconnectedness of the communities on both sides of the line.</u>

As noted at FAA p. 2.2-3 the FAA analysis is based on watershed boundaries:

> "This analysis focuses on the watersheds in and adjacent to the Newhall Ranch Specific Plan site. A watershed analysis provides a discussion of appropriate ecological landscape units, encompassing large areas of wildlife habitat, topographic features, and water resources on a scale that affects both the distribution and movement of animals. This type of analysis is appropriate because the movement of animals, especially larger mammals, tends to follow stream courses and ridgelines, which are topographic features which define watersheds."

6

Both the "Existing Conditions" and "Project Impacts" sections (FAA p. 2.2-9 and 2.2-25 respectively) use the watershed as the basic unit for evaluation purposes. Typically, potential impacts to the Salt Creek watershed are considered to occur in both counties:

> "Habitat loss in the Potrero Creek watershed would cause a shift in wildlife populations to undisturbed habitats in the Salt Creek watershed in both Los Angeles and Ventura County. Habitat losses in Potrero Creek watershed would also affect the long-term movement of wildlife within this watershed and within the Salt Creek watershed in both Ventura County

> and Los Angeles County. Habitat losses would limit the future use of the Potrero Creek watershed for wildlife movement due to development and potentially increase the amount of wildlife movement to the Salt Creek watershed in Ventura and Los Angeles Counties." (FAA p. 2.2-26)

Although the "Existing Conditions" and "Project Impact" analyzes are based on watershed boundaries, the mitigation analysis starting on FAA p. 2.2-35 uses the artificial boundary of the County line to evaluate the need and feasibility for mitigation measures. FAA p. 2.2-39 explicitly states that "(M)itigation measures designed to enhance the Salt Creek corridor and the High Country SMA are proposed in Los Angeles County on the Specific Plan site because this is where development is proposed." This same phrase also occurs at AR 00494.

The use of the County line to determine where to apply mitigation measures is arbitrary since the FAA treats the Salt Creek watershed as an integrated whole. Stopping mitigation measures at the County line does not reflect the needs of, or impacts to, the native communities. Using the County line as a limit for mitigation measures does not reflect the way the plant communities extend cross the county line (Figure 2.2-3 on FAA p. 2.2-17), how animals move across the county line (Figure 2.2-1 on FAA p. 2.2-11), or the relationships between the Los Angeles County and Ventura County portions of Salt Creek watershed and the rest of the biological region in Ventura County (FAA p. 2.2-6, AR 4349 to 4353). 6

One reason given for stopping mitigation measures at the County line is that "(e)hancement and restoration activities are proposed in Los Angeles County because such areas are immediately adjacent to proposed development. The Ventura County portion of the Salt Creek Corridor is not" (FAA p. RTC-70). The FAA is taking the position that mitigation measures are applied to an area because of that area's proximity to the development causing the impact. While this policy has validity, it is not being applied to Ventura County. Much of the Salt Creek Watershed in Los Angeles County is located further away from development than are portions of the Salt Creek Watershed in Ventura County, yet the Los Angeles portion of the watershed receives mitigation measures while the Ventura County portion does not.

FAA p. 2.2-36 (Figure 2.2-6) shows that portions of the Salt Creek Watershed in Los Angeles County are as much as 2.25 miles from development, while portions of the Salt Creek Watershed in Ventura County are as close as .5 mile. Although four times further away from development than is Ventura County, portions of the Salt Creek Watershed in Los Angeles County receive at least two important mitigation measures denied Ventura County:

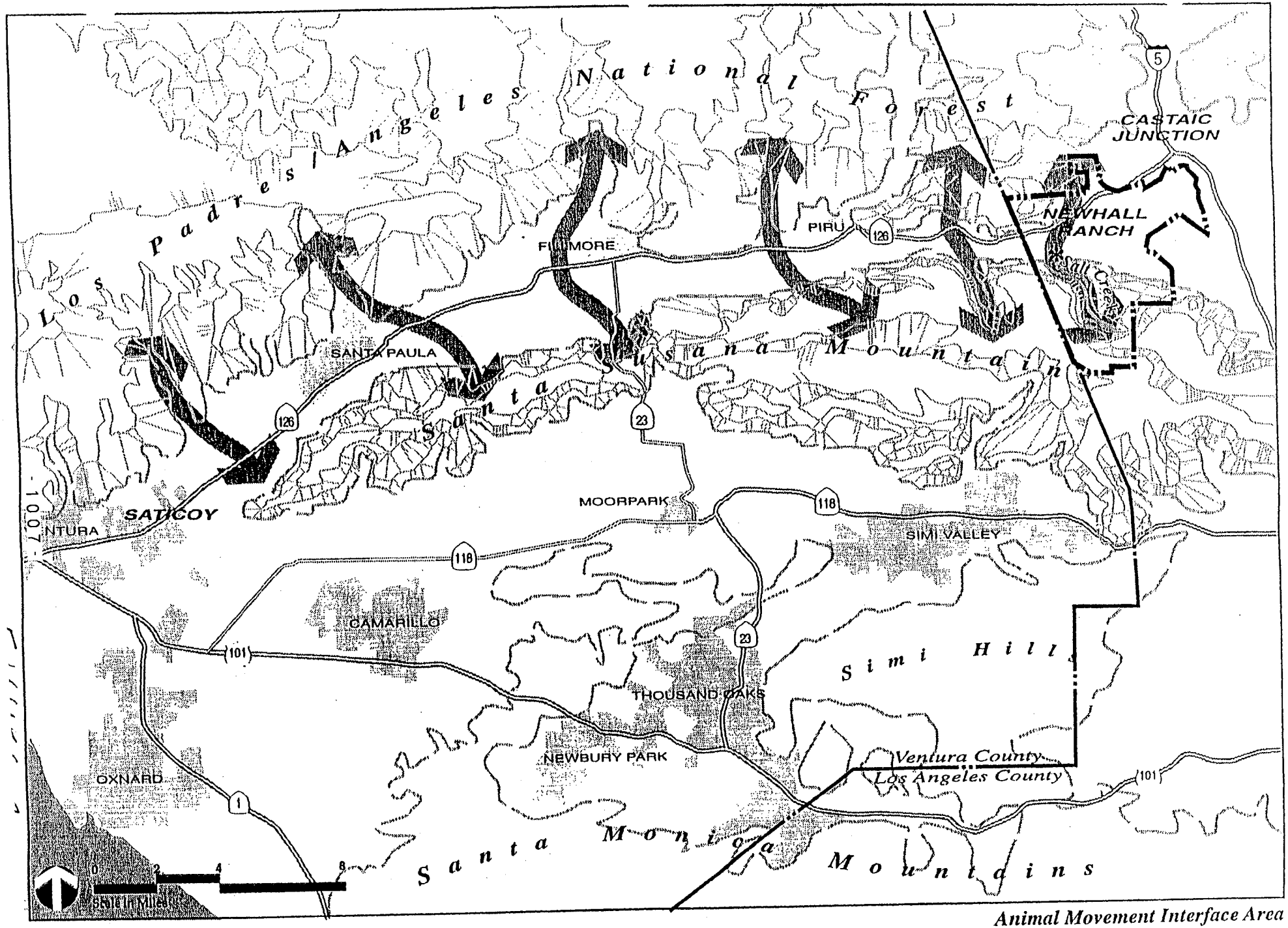
1. Elimination of cattle grazing. This is considered ". . . a principal means of enhancing habitat values in the creeks, brush land and woodland areas of the SMA." (AR 4461)

2. Dedication of the land as permanent open space to a land conservation agency. (AR 4463)

If mitigation measures were in fact located in certain areas "because such areas are immediately adjacent to proposed development" as stated at FAA p. RTC-70, then Ventura County would receive these mitigation measures before they were applied to the more distant portions of the Salt Creek Watershed in Los Angeles County.

The record provides no biological basis for explaining why the Salt Creek Watershed is treated differently in Los Angeles County than it is treated in Ventura County. It also fails to explain why areas relatively distant from development in Los Angeles County receive mitigation measures while portions of the same watershed in Ventura County significantly closer to development receive no mitigation. If the measures are feasible and necessary for ¾ of the Salt Creek watershed, why are they not feasible and necessary for the remaining ¼ in Ventura County? The only difference is a change in jurisdiction – there is no resource-based reason provided in either the FAA or the AR. The FAA provides no justification to support the premise that the impacts and mitigation measures would stop on a straight line dividing the eastern ¾ of the Salt Creek Corridor from the western portion if the County line did not exist. Those impacts and mitigation measures are clearly stopping where they do based on a political boundary rather than following the biological communities and wildlife corridors into Ventura County. 7

The FAA should be revised to use the watershed as the basis for mitigation measures; it should not use an arbitrary county line that cuts across plant communities, wildlife routes, and impact areas.



Animal Movement Interface Area

REVIEW OF FINAL ADDITIONAL ANALYSIS AND STAFF REPORT (WATER RESOURCES) FOR NEWHALL RANCH SPECIFIC PLAN FEIR DATED OCTOBER 2001 -- VENTURA COUNTY PLANNING DIVISION 12/24/01

The Planning Division has reviewed the Final Additional Analysis (FAA), staff report, and additional findings for the Newhall Ranch Specific Plan. Based on this review, we have five comments summarized below. Details of these comments follow the summary.

1. The MOU/Settlement Agreement Should be a Specific Plan Condition – The proposed MOU/Settlement Agreement between the United Water Conservation District (UWCD), the local water purveyors, and Los Angeles County should be included as a Specific Plan condition in order to directly require individual projects to be evaluated for consistency with the documents.

2. The Condition for No Net Increase In Groundwater Pumping Needs to be Reinstituted – An important condition contained in the FEIR is being deleted as part of the FAA. This condition, guaranteeing that projects will not result in a net increase in groundwater pumping over already planned levels, needs to be reinstituted as a condition in order to assure water users that the Specific Plan will not result in significant downstream impacts. 8

3. An Additional Monitoring Condition is Needed – The implementation of the MOU/Settlement Agreement results in the ongoing use of a regional groundwater model. To verify the accuracy of the model, and to determine the pro-rata share of impacts attributable to Newhall Ranch, the water volumes at the County line should be monitored and compared to historic water volumes under similar annual precipitation levels. This program should be a condition of the Specific Plan.

4. The Environmental Effects of Future Groundwater Pumping Not Evaluated – The FAA fails to evaluate the environmental effects of the future pumping patterns proposed in the Urban Water Management Plan (UWMP). The FAA Aquifer Storage and Recovery (ASR) study uses different pumping assumptions than does the UWMP, and it was not designed to evaluate the impacts of future groundwater pumping compared to historic pumping levels. Such a regional environmental analysis is required before the FAA can conclude that there are no impacts from supplying groundwater to serve the projected cumulative water demand.

5. The Mitigation Measure for Use of Agricultural Water Needs to be Modified – The proposed mitigation measure to allow irrigation water to be "credited" as a potable water source needs to be expanded to include such things as: (1) how much water is being used off-site; (2) exactly how farm land will be permanently taken out of irrigation as the project develops; and (3) how the issue of reclaimed water will be treated in calculating irrigation "credits".

Detailed comments are as follows:

1. **The MOU/Settlement Agreement Should be a Specific Plan Condition**

As discussed on FAA p. RTC-80 and 81 a proposed MOU has been adopted between the UWCD and the Upper Santa Clarita River Basin water purveyors (Purveyors) regarding ". . . use of the groundwater flow model and the impact analyses of the future water usage projections for the Upper Santa Clarita River area". This MOU is further discussed in the "Settlement and Mutual Release" (Settlement) between the UWCD, County of Los Angeles, and the project applicant agreeing to the adoption and implementation of the MOU (FAA Appendix H). However, there is no direct connection between the MOU and Settlement to the Newhall Ranch Specific Plan. Without such a direct connection, Ventura County does not have a method to assure that the MOU will help mitigate potential groundwater impacts from the Newhall Ranch Specific Plan. 9

In order to directly link the MOU and the Settlement to the Specific Plan, Ventura County requests that implementation of the MOU be incorporated as a condition of the Specific Plan, and that the condition be included in the October 2001 FAA Mitigation Monitoring Program. This will allow individual projects to be directly evaluated for consistency with the MOU as each project is considered for approval. Such a condition is the direct link which Ventura County considers necessary to ensure that projects are directly required to comply with regional groundwater studies conducted under the review and participation by downstream users. As such, incorporating the MOU into the Specific Plan conditions is a required step to help assure that downstream users are protected from potential groundwater impacts from the Specific Plan.

2. **The Condition for No Net Increase In Groundwater Needs to be Reinstituted**

Mitigation Measure 4.11-10 (FAA p. 4.0-70 in the October 2001 Mitigation Monitoring Plan) is a new measure which states that Los Angeles County "will consider" the UWMP in its land use planning process, including subsequent approvals for Newhall Ranch. This replaces the original Mitigation Measure 4.11-10 shown on the same page which indicates that prior to approval of each project the source of water for that project will be identified, and that specific projects would not result in a net increase in the planned use of groundwater defined as the perennial yield of the Alluvial Aquifer and the annual recharge rate of the Saugus Aquifer. 10

A commitment to consider future water supplies rather than guarantee that the Newhall Ranch Specific Plan would not result in a net increase in groundwater

consumption is a significant weakening of commitments contained in the AR that the project would not increase groundwater consumption. Los Angeles County cited this mitigation measure again and again in the project administrative record (AR) to support the conclusion that the project results in no net increase in groundwater consumption (e.g. AR 356, 377, 429, 573, 839, 1671, 4034, 5384, 4820, 8037, and 8284). To eliminate this measure as part of the FAA eliminates an important mitigation measure without adequate justification. The new mitigation measure, combined with the other water mitigation measures, is not equivalent to, nor does it provide a higher level of commitment than does the original measure. Replacing a performance guarantee with a commitment to do additional studies and consider those studies is not equivalent to the groundwater protection Los Angeles committed to as part of the previous EIR process. While we have no objection to the new measure, it does not replace the old one. The original Mitigation Measure 4.11-10 should be reinstated in order to assure downstream users that the project does not adversely impact groundwater levels. 10

3. **Additional Monitoring Condition is Needed**

At FAA Public Comments p. 49 we propose that mitigation measures be included ". . . to assure that water levels in Ventura County remain at least equal to the pre-project levels". The response (FAA p. RTC-79) is that modeling shows no decrease in water levels, therefore no mitigation is required. However, our proposed monitoring program would complement the model by verifying its accuracy, and would determine how much mitigation is required of Newhall Ranch if impacts are identified. As such, the existence the groundwater model creates a need for this monitoring program rather than negates its justification.

The proposed monitoring program would consist of:

a. Monitoring the water volume passing downstream of Gauging Station 707 (i.e. at the County line) to determine if water volumes meet or exceed the historic volumes recorded at that station for any given annual precipitation level.

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b. If the minimum historic water volumes do not pass Gauging Station 707, Newhall Land and Farming would agree to make available to the Ventura County Fox Canyon Groundwater Management Agency (GMA) an amount of water equal to the Newhall Ranch Specific Plan pro-rata share of the amount of water in deficit. This could occur by supplying water or making payments to the GMA to purchase an equivalent amount of State Water on a schedule agreed to by the GMA. The Newhall Ranch pro-rata share of the deficit would be calculated as the amount of potable water required by the project divided by the total demand for potable water within the boundaries of the Castaic Lake Water Agency for the year in question.

This measure can be easily monitored and is a direct measure of the issue of greatest concern to the Ventura County – the preservation of at least historic water volumes under any given annual precipitation level. It can be used to validate and refine the basin-wide groundwater model, and the mitigation is proportionate to any impacts caused by the Newhall Ranch Specific Plan. Implementation could use the principle contained in Mitigation Measure 4.11-9 (Mitigation Monitoring Program p. 4.0-69) which encourages local water purveyors to implement the measure, but requires Newhall Land and Farming to implement it if the purveyors do not. 11

Since the Newhall Land and Farming Company and the purveyors are confident that development in the Santa Clarita Valley will not have an adverse impact on downstream water volumes, this condition should be easy to meet, and would provide a high degree of assurance to Ventura County.

4. The Environmental Effects of Future Groundwater Pumping Not Evaluated

The FAA relies on the 2000 UWMP to estimate year 2012 and 2020/2045 cumulative regional water supplies (FAA p. 2.5 -153 and 158, respectively). These supplies are compared to the demand estimated by the Los Angeles Development Monitoring System for 2012 (FAA p. 2.5-153) and the Santa Clarita Valley Build-out Scenario for 2020/2045 (FAA p. 2.5-158). By subtracting the cumulative demand from the cumulative supply, the FAA concludes that adequate cumulative supplies exist to meet cumulative demand under both scenarios.

Based on the above procedure, the FAA concludes that no significant unavoidable environmental effects result from supplying the cumulative water demand (FAA p. 2.5-156). By relying on the UWMP water supply assumptions, the FAA makes the implicit assumption that making available the long-term water supplies assumed in the UWMP have no adverse environmental impacts. There is no documentation in the FAA, AR or UWMP that the environmental impacts of actually supplying the water volumes assumed in the UWMP have ever been determined (FAA Appendix 2.5(a) UWMP Table 2-1). Without further analysis, the UWMP cannot be used as a reference in an EIR such as Newhall Ranch, as an entire impact area (i.e. the environmental effects of actually supplying the cumulative water demand) has not been addressed by the UWMP. The FAA needs to document the environmental effects, specifically the impacts to downstream users, of supplying the groundwater volumes assumed in FAA p. 2.5-153 and 158 since the UWMP does not. 12

We raised this issue in our comments to the DAA (Public Comments p. 30). The response (FAA p. RTC-56) was that the UWMP pumping patterns were modeled in the DAA as part of the ASR analysis. However, the referenced study does not: (1) model the UWMP pumping patterns; and, (2) does not address the issue of environmental impacts from UWMP pumping:

(a) The DAA assumes less pumping than does the UMWP, and therefore does not evaluate the environmental effects of the UWMP. The DAA assumptions are described at p. 2.5-179. These results are displayed in DAA Figure 2.5-31 which notes in footnote "2" that the pumping patterns were taken from UWMP Table 2-1 (UMWP p. 2-5). However, the DAA does not use the UWMP pumping assumptions. The following table lists the DAA assumptions which do not match those of the UWMP.

ASSUMED PUMPING RATES

	Normal/average years	Dry years
Alluvial Aquifer		
Urban Water Man. Plan[1]	40,000 afy	35,000 afy
Draft Additional Analysis[2]	35,000	32,500
Underestimate by DAA	5,000	2,500
Saugus Aquifer		
Urban Water Man. Plan[1]	15,000 afy	35,000 afy
Draft Additional Analysis[2]	11,000	21,000[3]
Underestimate by DAA	4,000	16,000

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[1] UWMP Table 2-1 p. 2-5. The 2000 Santa Clarita Valley Water Report (FAA Appendix 2.5(L)) contains the same pumping rates as the UWMP.
[2] DAA p. 2.5-179
[3] DAA p. 2.5-179 assumes first dry year pumping of 15,000 afy, second year of 25,000 afy, and third year of 35,000 afy, or an average of 25,000 afy for a three year drought. However, in DAA Figure 2.5-31, the average pumping for the five dry years is 21,000 afy.

The DAA did not model the full project description of the UWMP. The UWMP assumes that certain amounts of water are available in every normal/average year and different amounts in every dry year. In every case except the third year of a drought for the Saugus Aquifer, the DAA assumes less pumping than does the UWMP. While the DAA typically uses the mid-point of the pumping ranges assumed in the UWMP, the UWMP tables do not assume that the midpoint is used, but rather that the maximum end of the range could be pumped every year. In order to evaluate the environmental effects of the UWMP, the full implementation of the UWMP project description should be

used. This requires that the maximum end of the UWMP pumping ranges be modeled, rather than the mid-point of those ranges, which are not part of the UWMP.

The 1999 Valencia Water Company Water Management Program (VWMP) was recently approved by the Public Utilities Commission as the current water supply and demand planning document for the Valencia Water Company. Revised Figure III-2 from that plan (attached to this memo as PUC Exhibit 51) contains a third pumping pattern which differs from the both the DAA and UWMP patterns described above. The VWMP lists average/wet year pumping of the Alluvial Aquifer of 40,000 afy compared to 35,000 afy in the DAA, and average/wet year pumping of the Saugus Aquifer of 20,000 afy compared to 11,000 afy in the DAA. Dry year pumping of the Alluvial Aquifer of 32,500 afy is the same for both scenarios, although the VWMP assumes 40,000 afy for the Saugus Aquifer compared to only 21,000 afy in the DAA. The DAA model uses lower pumping volumes than both the UWMP and the VWMP, and as such cannot be used to represent the environmental impacts of either document. 12

(b) The analysis referenced at FAA p. RTC-56 was done in support of the ASR and is not designed to evaluate the regional impacts to groundwater quantity and quality resulting from the UWMP pumping pattern. Although some information is provided comparing historic groundwater levels to future groundwater levels under a non-UWMP scenario (DAA Figures 2.5-36, 37, and 38), this data is only used to support the ASR analysis, and is not an analysis of UWMP pumping impacts.

An impact analysis of the UMWP would have used different assumptions, and explicitly discussed the differences between historic and projected water levels. It would provide the information discussed starting on p. 17 of the attached PUC Prepared Direct Testimony of Scott Ellison (PDT) (see below for discussion). Such a study would also evaluate data similar to DAA Figures 2.5-39 and 40 which explicitly compare the change in water levels between the ASR and historic flows at the County line. Absent such studies, the FAA needs to evaluate the environmental effects of the UWMP before it can conclude that there are no cumulative impacts to downstream users. 13

The UWMP does not evaluate the environmental effects of the cumulative water supply because UWMPs are exempt from CEQA (Cal Water Code Sec. 10652). In addition, the PUC recently ruled that the VWMP is not a project under CEQA; as such, it does not require a CEQA environmental analysis. These reports show pumping patterns similar to other regional planning documents such as the Santa Clarita Valley Water Management Plan and the Integrated Water Resources Management Plan. None of these reports have analyzed the environmental effects

of supplying the groundwater volume they assume will be available.

The issue of what environmental analysis has been done for the VWMP and by extension the other regional water planning documents was previously considered in PUC hearings related to the VWMP. The attached PDT is the PUC testimony that directly addresses this issue. The PDT, which was not challenged as part of the PUC hearing, demonstrates that documents such as the VWMP, and project-specific EIRs which the VWMP relied on, do not assess the environmental effects of the future groundwater pumping assumed by the Santa Clarita Valley water purveyors. Since the UWMP and VWMP did not require a CEQA analysis, and other regional planning documents conducted no environmental analysis, the environmental effects of actually pumping future groundwater volumes are not assessed by the regional planning documents.

The failure of the regional planning documents to evaluate the effects of groundwater pumping leaves the analysis to the project-specific EIRs. As noted at PDT p. 8 and 9, individual projects are usually not large enough to justify the environmental analysis of regional groundwater pumping volumes. However, the Newhall Ranch Specific Plan is a large enough percentage of the cumulative build-out to justify requiring it to perform the environmental analysis of cumulative groundwater pumping not done by the UWMP. The UWMP estimates current cumulative water demand of 74,400 afy (UWMP p. 3-5), while the FAA projects a 2020 average year demand of 105,200 afy and year 2045 demand of 153,500 afy (p. 2.5-158). Since the Newhall Ranch Specific Plan will demand 17,700 afy (FAA page 2.5-113), the Newhall Ranch represents 57% of the cumulative increase of 30,800 afy in demand between now and 2020, and 22% of the 79,100 afy cumulative increase in demand by 2045. As such, the Newhall Ranch Specific Plan is large enough to perform a regional analysis if no regional planning document performs the required environmental assessments. 13

Since the FAA did not analyze the UWMP pumping patterns, and the regional planning documents do not evaluate the environmental effects of pumping, the FAA needs to undertake such a study before it can conclude that water volumes to meet the projected demand can actually be supplied without creating significant unavoidable environmental effects.

5. **The Mitigation Measure for Use of Agricultural Water Needs to be Modified**

New FAA Mitigation Measure 4.11-15 (Mitigation p. 4.0-72) discusses discontinuing water use on irrigated agricultural land owned by Newhall Land and Farming ". . . on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County" in order to apply this water to the demand for potable water from the Newhall Ranch Specific 14

Plan. This concept is discussed at FAA p. 2.5-172 and FAA Appendix 2.5(m). The mitigation measure and the discussions are deficient for the following reasons:

a. The discussions do not identify the locations of the agricultural land on and off the Specific Plan site. There is no break-down of how much irrigated land is off the site and how much water this land consumes. Without this information it is not clear how much land will automatically come out of irrigation when it is developed, and how much may not be developed at all because it is located outside the Specific Plan area.

b. The mitigation measure does not indicate how the reductions in agricultural use will be coordinated with the water demand of the Specific Plan. There are many ways this could be coordinated, all with different effects. For example: (i) irrigation could be reduced by the same amount of water required by each project such that by the time the Specific Plan is consuming 7,038 afy of water, no land farmed by Newhall Land and Farming in Los Angeles County will be irrigated; (ii) irrigation could be reduced by some fraction of total demand, on the assumption that other sources are also providing water; or (iii) irrigation could continue as currently occurs with irrigation dropping only when agricultural land is actually urbanized, up to the end of the project when land outside the Specific Plan area comes out of production to mitigate the last phases of the project in 20 to 25 years. 14

   Without knowing how the timing of irrigation reductions is linked to increases in water potable demand, it is not possible to know how to "credit" the project for this water source as the project builds out.

c. No assurances are provided on how the farmland located off the Specific Plan site is to be kept out of irrigation once "credit" for the water is assigned to the Specific Plan. Some type of legal forfeiture of water rights of this land needs to be implemented.

d. It is not clear how use of reclaimed water alters the amount of "credit" the Specific Plan receives from the diversion of irrigation water.

Mitigation Measure 4.11-15 and the FAA discussions need to be revised to address these issues before the FAA can claim that 7,038 afy of irrigation water is available for use by the Specific Plan.

DLS

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of Valencia Water Company (U342-W) seeking approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999	)	Application No. A-99-12-025

PREPARED DIRECT TESTIMONY OF SCOTT ELLISON

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DATE: June 1, 2001

TESTIMONY OF SCOTT ELLISON

Q.: PLEASE STATE YOUR NAME.

A.: Scott Ellison.

Q.: PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND YOUR PROFESSIONAL EMPLOYMENT EXPERIENCE.

A.: I hold a bachelor of science degree from the University of California, Davis in environmental planning and management and a masters degree from the University of California, Los Angeles in urban planning.

From 1972 to 1974 I was employed as an urban planner for the United States Army Corps of Engineers, Sacramento District. I prepared socioeconomic community flood damage studies for National Environmental Protection Act environmental impact statements and developed guidelines for these studies used by three districts of the Corps of Engineers.

From 1976 to the present I have served as an assistant, associate and I am currently a senior planner with the Planning Division for the County of Ventura. In the course of this employment I have had extensive experience in reviewing, evaluating, and coordinating environmental impact reports for various projects including several planned communities ranging from 1,200 to 2,500 dwelling units, landfills, and various sand and gravel operations.

As a planner I am not trained as an expert in specific disciplines such as hydrology, traffic engineering, biology, or flood control engineering. However, I am trained to recognize environmental issues raised by these general areas of concern. When I review environmental documents or prepare scopes of work for those who prepare environmental documents, it is my responsibility to identify potential environmental impacts of specific projects so that appropriate mitigation measures can be considered and implemented if feasible.

In the course of my employment I have been required to evaluate water resources sections of environmental impact reports to determine if potential environmental impacts due to proposed water usage have been adequately identified. I perform this task by reviewing the text of the environmental impact report ("EIR") itself with supporting appendices and comments made by interested parties including experts trained in the technical issues. Then, based on this information, I prepare directions to the EIR consultant to revise the environmental document if it appears

that additional analysis is required to identify potential impacts, or propose feasible mitigation measures.

In my current employment I use population projections in connection with traffic models, census data, and general population statistics utilized to determine projected demand on various resources such as water, roads, housing and water reclamation plants.

Q.: WHAT DOCUMENTS DID YOU REVIEW FOR YOUR PRESENT TESTIMONY?

A.:

1. Valencia Water Company ("Valencia") Water Management Program dated December 16, 1999 ("WMP");
2. Advice Letter 88 dated March 20, 2000;
3. Advice Letter 90 dated September 19, 2000;
4. [Valencia] Proponent's Environmental Assessment dated November 13, 2000 ("PEA");
5. Draft EIR for the North Valencia No. 2 Specific Plan ("North Valencia No. 2") dated March 1999;
6. Draft EIR for North Valencia No. 2, Technical Appendices, dated March 1999;
7. Final EIR for North Valencia No. 2 Revised, dated October 1999;
8. Addendum to Final EIR for North Valencia No. 2 dated March 23, 2000;
9. Draft EIR for the Tesoro del Valle Project ("Tesoro del Valle") dated October 1995;
10. Draft EIR Technical Appendices, Volumes I, II, and III, for Tesoro del Valle dated October 1995;
11. Final EIR for Tesoro del Valle dated December 1996;
12. Additional Environmental Information for Inclusion in the Final EIR for Revised Tesoro del Valle dated October 1998;
13. Findings of Fact and Statement of Overriding Considerations Regarding Tesoro del Valle dated May 1999;
14. Draft EIR for the Seco Canyon Development III (Seco III) Project [Mountain View Project] with the Extension of Copper Hill Drive dated March 1993 ("Seco Canyon III / Mountain View");
15. Final EIR, Including Response to Comments, Regarding the Mountain View Project [Seco Canyon III] with the Extension of Copper Hill Drive dated September 1993;
16. Mitigation Monitoring Programs for the Mountain View Project [Seco Canyon III] with the Extension of Copper Hill Drive dated September 1993;

17. Findings of Fact and Statement of Overriding Considerations Regarding Seco Canyon III / Mountain View with the Extension of Copper Hill Drive dated September 27, 1993;
18. Draft EIR for the West Creek Project ("West Creek") dated April 1999;
19. Draft EIR for West Creek, Technical Appendices, Volumes I and II, dated April 1999;
20. Final EIR for West Creek dated April 2000;
21. WMP Revised Exhibit III-2 submitted May 14, 2001 ("WMP Revised Ex. III-2");
22. Further Testimony of Robert J. DiPrimio dated May 14, 2001 ("DiPrimio Further Testimony");
23. Reply Testimony of Robert J. DiPrimio dated May 5, 2000 ("DiPrimio Reply");
24. Prepared Direct Testimony of Robert J. DiPrimio dated April 10, 2000 ("DiPrimio Testimony");
25. Reply Testimony of Joseph C. Scalmanini dated May 5, 2000 ("Scalmanini Reply");
26. Prepared Direct Testimony of Joseph C. Scalmanini dated April 10, 2000 ("Scalmanini Testimony");
27. 2000 Urban Water Management Plan dated December 2000, by Castaic Lake Water Agency, et al. ("2000 UWMP");
28. Santa Clara Valley Water Report 1999 ("1999 Water Report");
29. Santa Clara Valley Water Report 1998 ("1998 Water Report");
30. Castaic Lake Water Agency Draft Integrated Water Resources Water Demand and Supply Evaluation dated February 1998 ("IWRP");
31. Richard C. Slade, Consulting Groundwater Geologist, Volume I – Report Text, Hydrogeologic Investigation, Perennial Yield and Artificial Recharge of the Alluvial Sediments in the Santa Clara Valley dated December 1986 ("Slade 1986 Report"); and
32. December 6, 1994, Minutes of the Board of Supervisors, County of Los Angeles.

Q.: PLEASE SUMMARIZE THE ANALYSIS CONTAINED IN EACH EIR OFFERED BY THE PEA TO SUPPORT THE AVAILABLE WATER SUPPLY PROPOSED BY VALENCIA'S WMP.

A.: **North Valencia No. 2:** This EIR used the following water quantity significance threshold to determine if a project has a significant impact: "Encourage activities which result in the use of large amounts of fuel, water, or energy." (Draft EIR, p. 4.9-13.)

The Draft EIR found that the project-specific water demand was met by existing Valencia supplies. Cumulative water demand was evaluated in two ways: (1) existing and future water demand using the Los Angeles County Development Monitoring System ("DMS") within Valencia's service area with no build-out year specified, and (2) total Castaic Lake Water Agency ("CLWA") demand for the year 2020 using data from the IWRP. Water supplies from Valencia were found to be adequate to meet future DMS demand, while CLWA supplies did not meet year 2020 demand. These impacts were not considered significant given the proposed mitigation measures: (1) payment of CLWA hook-up fees, and (2) Valencia's written agreement to provide water service for the project prior to recordation of the final map. (Draft EIR, pp. 4.9-21 - 4.9-22.)

The Final EIR increased the CLWA supply by 41,000 acre-feet per year ("afy") compared to the Draft EIR although no change was made to the EIR text or table references to explain the change. With this change, the Final EIR concludes that CLWA has adequate water to supply the year 2020 demand.

Tesoro del Valle: This EIR used the following water quantity significance threshold:

> "The proposed project would result in a significant impact if water supplies were not available to meet the demand of the project, if water transmission facilities would require extensions through undisturbed areas, or if no water provider serves the development." (Draft EIR, p. 5.10-40.)

The Final EIR calculated project-specific demand and compared it to Valencia supplies. The cumulative impacts analysis considered the existing Valencia demand plus future DMS demand within Valencia's service area with no build-out year. The Final EIR concluded that existing Valencia supplies are adequate to supply both project-specific and cumulative demand. This impact was not considered significant given the mitigation measure requiring submittal of an acceptable water supply letter from Valencia. (Draft EIR, p. 5.10-43.)

Seco Canyon III / Mountain View: This EIR provides no significance threshold with which to evaluate the project-specific and cumulative impacts. The document calculates the project-specific and cumulative water demand within Valencia's boundaries, then compares this demand to existing Valencia supplies. It concludes that project-specific demand can be met. Cumulative demand is divided into two categories: (1) future demand in 1999 when the project is built-out, and (2) year 2010 demand. Cumulative development is based on tentative

maps, zone changes and plan amendments provided by the County of Los Angeles Planning Division for the Valencia service area. Both years 1999 and 2010 cumulative water demand was found to exceed existing and future supplies. (Draft EIR, pp. 145-148.)

These impacts were found to be less than significant since:

> *"The Developer will be required to provide a firm commitment from the water purveyor (Valencia Water Company) that the necessary quantities of water for domestic and fire flow will be available to the proposed development, and that water will be provided to each lot/parcel."* (Draft EIR, p. 148.)

West Creek: This EIR used the following water quantity significance threshold:

> "'[E]ncourage activities which result in the use of large amounts of . . . water . . .' or 'use . . . water . . . in a wasteful manner.' In addition, County of Los Angeles Environmental Document Reporting Procedures and Guidelines state that department staff are concerned with adverse impacts on water availability when the project cannot be served by the existing water system facilities due to:
>
> "1. inadequate capacity in water lines, piping systems, water treatment and/or water storage facilities, and/or
> "2. inadequate water supplies to meet domestic and/or fire flow demands." (Draft EIR, pp. 4.8-19 - 4.8-20.)

The Final EIR calculates the project-specific impacts, compares them to current Valencia supplies and concludes that the project demand does not exceed those supplies. The Final EIR considers cumulative demand as existing demand plus future demand calculated for three scenarios: (1) DMS demand for the Valencia service area with no build-out date; (2) total DMS demand for the Santa Clarita Valley with a build-out date of 2020; and, (3) full build-out of all general plans and implementation of all proposed general plan amendments within the valley with no build-out date. The Final EIR concludes that adequate water supplies exist to meet the demands for Scenario 1 but that CLWA supplies as of the year 2020 would be inadequate to meet the demand in Scenarios 2 and 3. These impacts are not considered significant because all future projects will be required

to demonstrate that an adequate supply of water exists prior to map recordation. (Draft EIR, pp. 4.8-26 - 4.8-27.)

Q.: DID ANY OF THESE EIRs OFFERED TO SUPPORT THE PEA EVALUATE THE ENVIRONMENTAL EFFECTS OF THE INCREASED GROUNDWATER AVAILABLE AS PROPOSED BY THE WMP?

A.: No they did not. None of the EIRs evaluate the environmental effects of making groundwater available in the quantities proposed by the WMP, specifically at Figure III-2 (Revised – To Show Demands For AL88 And AL90) ("Figure III-2 (Revised)"), which was submitted by Robert J. DiPrimio with his further testimony on May 14, 2001. (WMP Revised Ex. III-2.)

The Seco Canyon III / Mountain View and Tesoro del Valle EIRs simply repeat Valencia's information that adequate water is available from groundwater and the State Water Project ("SWP"). They do not discuss issues such as the source of that water, storage or potential overdraft of groundwater aquifers, or the availability of SWP entitlements versus actual water deliveries over historical wet and dry cycles. As such, they do not consider any potential environmental impacts from increased groundwater pumping or the impacts from variable supplies of SWP water.

The North Valencia No. 2 EIR provides general background information about the SWP, CLWA as the SWP wholesaler, and Valencia as the water retailer. General discussions are presented about existing and potential water sources, including references to conjunctive use of groundwater and augmented SWP supplies. This EIR makes no attempt to evaluate the environmental effects of increased groundwater pumping or variable deliveries of SWP water.

The West Creek Draft EIR presents general discussions about water supplies. The appendix and/or Final EIR include documents and planning studies previously submitted as part of these Public Utilities Commission hearings. It does not present any new information not previously released.

The West Creek EIR makes an attempt to address the cumulative water supply issue by including in the Final EIR a new analysis entitled "Water Availability and Groundwater Impacts." This simply updates the Draft EIR tables to reflect the purchase by CLWA of 41,000 afy from the Kern County Water Agency to conclude that both CLWA and Valencia have adequate water to meet projected demands. (West Creek Final EIR, Appendix C, § 9.) No attempt is made to

assess the impacts of supplying water in the quantities proposed by Valencia's WMP to meet the total cumulative demand.

Q.: WHY ARE THE ENVIRONMENTAL EFFECTS OF SUPPLYING WATER IN THE QUANTITIES PROPOSED IN THE WMP NOT EVALUATED IN THESE EIRs?

A.: These are project-specific EIRs. As such, they concentrate on the environmental effects of each specific project.

The three significance thresholds for water related impacts contained in these EIRs are not concerned with the environmental effects of supplying water to the region as proposed by the WMP. Rather, they are explicitly concerned about the project's use of water (North Valencia No. 2) or inadequate cumulative water supplies (Tesoro del Valle and West Creek). The fourth EIR (Mountain View/Seco Canyon III) does not include a specific significant threshold, but the water discussion does conclude that if Valencia obtains additional water supplies then cumulative water demand will be met. (Seco Canyon III / Mountain View Draft EIR, pp. 145-148.)

In some cases, even the EIRs acknowledge that they do not consider the regional impacts of supplying water in the quantities proposed by Valencia's WMP to be available for the region. The Tesoro del Valle EIR, which considers the largest project of any of the EIRs, concludes that:

> "There is no information in the draft EIR that would suggest that the proposed project would result in groundwater extraction beyond the safe yield of the local aquifer. This issue goes beyond the purview of this EIR." (Tesoro del Valle Final EIR, p. 3-53.)

Consistent with this limited scope of review, neither the EIR for Tesoro del Valle nor the other three EIRs discussed either individually or collectively the environmental impacts of supplying water to the region in the quantities proposed by the WMP.

Q.: BASED ON YOUR EXPERIENCE AS A PROFESSIONAL PLANNER, DESCRIBE THE GENERALLY ACCEPTED PROCEDURE TO ASSESS THE ENVIRONMENTAL IMPACTS OF REGIONAL PLANNING PROGRAMS.

A.: Such impacts are usually evaluated as part of a large scale or regional planning process which attempts to avoid the cumulative impacts. Typically, these are general purpose planning processes for general plans or specialized planning processes such as district or valley-wide water supply studies. These processes normally consider the environmental effects of the cumulative development and propose ways to avoid those environmental impacts or mitigate them as feasible.

Planners typically use a two tiered approach whereby the large scale planning process focuses on direct and indirect cumulative impacts and mitigation measures, while project-specific EIRs focus on project-specific impacts and use the results of the large scale planning process as they apply to that project.

The four project-specific EIRs offered to support the PEA accept as given the water supply quantities in Valencia's WMP. Sound planning procedure would dictate that the regional environmental impacts of the water management program are assessed first so that the individual project-specific environmental documents may rely on them. In this case, the PEA is proposing the exact opposite by suggesting that the individual project-specific EIRs may substitute for a regional environmental impact analysis.

California Code of Regulations (§ 15000 et seq. ["CEQA Guidelines"]) section 15130, subdivision (e), gives an example of this two tiered approach as it relates to general plans:

> "If a cumulative impact was adequately addressed in a prior EIR for a community plan, zoning action, or general plan, and the project is consistent with that plan or action, then an EIR for such a project should not further analyze that cumulative impact, as provided in Section 15183(j)."

By analogy, the WMP is the general plan for water delivery to the region and each of the individual developments are specific project recipients of the water resources claimed to be available by the WMP. For instance, the Tesoro del Valle EIR assesses the impacts of approximately 3,900 homes, or less than 2 percent of the full build out of the Santa Clarita Valley. The project-specific EIR for Tesoro del Valle did not provide a full environmental analysis of direct and indirect

impacts resulting from supplying water to the region equal to approximately 50 times the number of households proposed for Tesoro del Valle.

As would be expected, regional impact analyses are typically done at the regional planning level. In this case, the evaluation of direct and indirect impacts should occur with documents such as the WMP, the urban water management plans required by water retailers, or the annual water report written by the Santa Clara Valley Water Committee. These studies have as their focus the long range planning of water supplies and how best to meet future demand. These documents are the most appropriate places to evaluate the direct and indirect impacts of providing valley-wide water supplies.

Q.: DOES THE FUTURE WATER SUPPLY CONTAINED IN THE WMP PROPOSE A CHANGE IN GROUNDWATER PUMPING COMPARED TO EXISTING AND HISTORIC LEVELS?

A.: Yes it does. The WMP discusses existing and future pumping of the Alluvial Aquifer (p. 10), the Saugus Aquifer (p. 11), and firming water from the Saugus Aquifer (pp. 14-15), and displays these results for wet and dry years in Figure III-2, which was subsequently revised by Mr. DiPrimio. (WMP Revised Ex. III-2.) As noted on page 9 of the WMP, the report relies on three support documents – Valencia's 1995 WMP, the 1998 Water Report and the IWRP.

Table III-7 of the 1998 Water Report shows annual production from the Alluvial and Saugus aquifers from 1980 through 1998. This shows that on average the Alluvial Aquifer was pumped at a rate of 28,439 afy, while the Saugus Aquifer was pumped at a rate of 7,357 afy. The WMP proposes significant future increases over the historical pumping rates for both aquifers. The 1998 Water Report and Figure III-2 (Revised) show the following:

	HISTORIC PUMPING[1]	FUTURE WET YEAR	FUTURE DRY YEAR
Alluvial Aquifer	28,439 afy	40,000 afy	32,500 afy
Saugus Aquifer	7,357	20,000	41,000[2]

[1] 1980 to 1998, 1998 Water Report, Table III-7
[2] Includes 30,000 afy in "firming" supplies

The WMP is proposing to greatly exceed historic average pumping levels under both wet and dry year scenarios.

Q.: DOES THE WMP OR ANY OF ITS SUPPORTING DOCUMENTS EVALUATE ANY ENVIRONMENTAL IMPACTS OF THE ADDITIONAL PROPOSED GROUNDWATER PUMPING?

A.: Neither the WMP nor its three supporting documents evaluate the regional environmental impacts from increased pumping.

The WMP summarizes data and findings from its three supporting documents, but does not provide significant original data or analysis. For instance, pages 10, 11 and 15 of the WMP summarize the IWRP analysis of the existing and proposed pumping patterns. The three supporting documents contain very similar information and generally address existing and future water supplies, and existing and future water demands, in the same way and at the same level of detail.

These documents do not quantify, evaluate, or in any way analyze the potential environmental impacts of increasing the pumping of the Alluvial Aquifer by 11,000 afy in wet and normal years and 4,000 afy in dry years compared to historical pumping or the environmental impacts of increasing the pumping of the Saugus Aquifer by 13,000 afy in wet and normal years and by 33,000 afy in dry years.

Q.: ARE THERE ANY ISSUES RAISED IN THE GROUNDWATER ANALYSIS SUGGESTING THE NEED FOR FURTHER REVIEW OF POTENTIAL ENVIRONMENTAL IMPACTS RESULTING FROM SUPPLYING GROUNDWATER IN THE QUANTITIES PROPOSED BY THE WMP?

A.: Yes. There are several such issues raised by the discussion of annual perennial yield and average recharge rate.

Even if Groundwater Pumping Does Not Exceed Measures Such as Annual Perennial Yield or Average Recharge Rate, Environmental Impacts May Occur Simply Because Pumping is Increased Over Historical Levels

For both aquifers the documents present the argument that the proposed increase in pumping would be below the annual perennial yield of the Alluvial Aquifer and, with artificial injection, would be below the average recharge rate of the

Saugus Aquifer. This argument that increased pumping will not exceed the annual perennial yield of the Alluvium or the recharge rate of the Saugus does not address the more basic question concerning the potential environmental impacts of the substantially increased groundwater pumping proposed by the WMP. Assuming for the sake of argument that the proposed increased pumping will not exceed the annual perennial yield of the Alluvium and the annual recharge rate of the Saugus, it may still be the case that the proposed increased groundwater pumping will cause downstream environmental impacts such as reduced surface and groundwater flow into Ventura County, or long term impacts to both water supply and groundwater quality, as explained earlier in this proceeding in the testimony of Dr. Steven Bachman.

Just pumping below the annual perennial yield or recharge rate is no guarantee that significant environmental impacts will not occur if the planned pumping is significantly above historic pumping. The existing environment or "environmental setting" is the actual historic pumping pattern, not a higher theoretical number which has never been achieved on a long term basis. CEQA Guidelines section 15125, subdivision (a), states in relevant part:

> "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective.. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."

Under CEQA, the "environmental setting" to be evaluated is *not* the perennial yield or recharge rate, it is the historic pumping rate. This setting is then compared to the proposed change in pumping. As such, the environmental analysis should not automatically stop once the conclusion is drawn that the perennial yield or recharge rate will not be exceeded. If projected pumping is significantly higher than historic pumping, the impacts of that pumping need to be assessed regardless of its relationship to the perennial yield or recharge rate.

The Proposed Groundwater Pumping in the WMP Will Exceed the Established Rate of 32,500 AFY

The reports seem to create two "perennial yields" for the Alluvial Aquifer: (1) a quantified, objective determination based on long term pumping experience and

water levels, and (2) a non-quantified, subjective determination based on the last few years of pumping.

The quantified perennial yield was first calculated in 1986 by Richard C. Slade when he used 28 years of data to calculate a perennial yield for the Alluvial Aquifer of between 31,600 and 32,600 afy. (Prepared Direct Testimony of Scalmanini, 4/10/00, pp. 5-6.) This range was used in 1998 by the IWRP (pp. 1-2, 3-2 and 3-7) and in 1999 when the Santa Clara Valley Water Committee adopted a perennial yield of 32,500 afy for the Alluvial Aquifer. (1999 Water Report, p. 7.)

"Perennial yield" is defined by Mr. Scalmanini as:

> ". . . that amount of ground water [sic] that can be pumped without causing an undesirable result. The most common undesirable results of ground-water [sic] development in excess of perennial yield are long-term ground-water level decline (and associated decline in ground-water storage) and ground-water quality degradation." (Prepared Direct Testimony of Scalmanini, 4/10/00, pp. 3-4.)

Therefore, any long term pumping beyond the perennial yield will result in an "undesirable result," i.e. a drop in groundwater level, and groundwater quality degradation.

Based on Mr. DiPrimio's Figure III-2 (Revised), the WMP proposes to pump the Alluvial Aquifer at a rate of 32,500 afy (i.e. perennial yield) during dry years, and 40,000 afy (i.e. almost 8,000 afy beyond perennial yield) in wet/normal years. (WMP Revised Ex. III-2) If the Alluvial Aquifer is always pumped at or beyond the perennial yield as proposed, then the average pumping rate mathematically *must* be higher than the perennial yield of 32,500 afy. Consequently, Mr. Scalmanini's undesirable result occurs. Yet, the environmental impacts of this result are not quantified or evaluated.

The Assumption That There is an Unquantified "Perennial Yield" Higher Than 32,500 AFY is Not Supported By Substantial Evidence in the Record

The PEA concludes that the actual perennial yield of the Alluvial Aquifer is higher than 32,500 afy, but does not quantify this new yield. (PEA, Attach. A, p. 25, ¶ b.) The assumption of a higher, but unspecified perennial yield is based on citations from the 1998 and 1999 Water Reports. (Pp. ii and 10, respectively.) This information does not provide any substantial evidence supporting a perennial yield higher than 32,500 afy.

The PEA cites the 1998 Water Report, page ii, as follows:

> "'average groundwater levels measured in the Alluvial Aquifer at 5 representative wells were at or above previously measured historic high water levels indicating a full aquifer. The aquifer remains full even though annual pumping has been above the perennial yield since 1994. Operating results indicate the aquifer is in good operating condition and can produce more water than the annual perennial yield of 32,500 acre-feet during average or wet years without consequence.'" (PEA, Attach. A, p. 25, ¶ b.)

The argument appears to be as follows:

1. Groundwater pumping in the Alluvial Aquifer from 1994 to 1999 was in excess of 32,500 afy;
2. During this period, the Alluvial Aquifer remained full; and
3. Therefore, pumping in the Alluvial Aquifer can exceed 32,500 afy without resulting in lower groundwater levels.

Data provided by CLWA contradicts the assertion that the Alluvial Aquifer was full during this period. The 2000 UWMP shows detailed water levels for seven alluvial wells (Figures 8.1-8.7, attached hereto as Exhibit A[1/], pp. 12-18.), including one (Valencia Well No. Q2) which is one of the five wells evaluated in the 1998 Water Report, Figure II-3. Of the seven wells shown in the UWMP, five clearly had lower water levels in 1998 than previous high water levels during the 1976-1984 time period, one well's data was unclear in that the 1998 level was very close to the previous high, and the last well had incomplete data. Valencia's Well No. Q2 1994 high water levels clearly are lower than occurred in the early 1980s, but are *higher* than they were in 2000. If there is trend, it is downward in spite of 1991 through 1999 being a wetter than average period when the Alluvial Aquifer is supposed to be storing water for dry periods. Since water levels were higher during the years 1976 through 1984, the aquifer was in fact *not* "full" in the years 1994 through 1998.

This argument is also based on the false premise that the Alluvial Aquifer did not show lower groundwater levels during the period of 1994 to 1999. During the wet period 1976 to 1984, the water levels in the Alluvial wells rose as expected. However, during the 1994 to 1999 wet period, water levels in all the Alluvial

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[1/] Exhibit A consists of true and exact copies of excerpts from Appendix C to the 2000 UWMP and is incorporated herein by this reference.

wells with data either dropped or were flat (Figures 8.1-8.7, Ex. A, pp. 12-18) when they would normally be expected to rise, because the period starting 1991 to 1999 was a period of higher than average rainfall. (Figure 3, Ex. A, p. 9.)

Consequently, the coincidence of higher than normal rainfall, pumping in excess of 32,500 afy, and *lower* or flat Alluvial water levels provides no justification for increasing the perennial yield of the Alluvium beyond 32,500 afy. In fact, because the Alluvium is not increasing its water storage during wet periods, this set of facts would suggest that pumping in excess of this rate contributes to lower long term Alluvium water levels with potential adverse impacts to downstream users in Ventura County.

The PEA also relies on the 1999 Water Report (p. 10) to support its assumption of perennial yield in excess of 32,500 afy with a specific reference as follows:

> "'. . . the Alluvium shows no signs of water level-related overdraft, i.e., no trend toward decreasing water levels and storage. On those bases, pumpage from the Alluvium has been and continues to be within the perennial yield of that aquifer.'" (PEA, Attach. A p. 25, ¶ b (bottom).)

Although perhaps a correct statement concerning existing conditions (see above), this reference provides no support that the perennial yield is higher than the 32,500 afy adopted by the Water Report in 1999. The PEA cites only part of the full statement which reads as follows:

> "*On a long-term basis, whether over the last 20 years when average pumpage was slightly less than the 1986 estimate of perennial yield, or over the last 40 to 50 years (since the 1950's-60's),* the Alluvium shows no signs of water level-related overdraft, i.e., no trend toward decreasing water levels and storage. On those bases, pumpage from the Alluvium has been and continues to be within the perennial yield of that aquifer." (1999 Water Report, p. 10; emphasis added to indicate omitted text in the PEA quote.)

This observation that the perennial yield (i.e. 32,500 afy) has not been exceeded over the last 20 years is verified by the 1999 Water Report, Tables III-5 and III-6, showing the average annual pumping from the Alluvial Aquifer from 1980 to 1999 to be 29,187 afy. The factual statement that the 20-year pumping average of 29,187 afy is below the perennial yield of 32,500 afy does not demonstrate that the perennial yield is higher than 32,500 afy.

The perennial yield is a long term average. It is not calculated over a 5 or 6-year period as the PEA claims. Mr. Slade's original calculations (Slade 1986 Report, p. 91) utilized meteorological data beginning in 1928-29 "because of its longer record" compared to one that only started in 1946-47. (Slade 1986 Report, p. 86.)

Mr. Scalmanini in his reply testimony acknowledges the long term nature of "perennial yield" when he notes that the:

> "... determination of perennial yield is a recognition that aquifer systems experience wet and dry cycles, when recharge is higher or lower than long-term average. Similarly embedded in any valid determination of perennial yield is a recognition that pumpage from an aquifer system can vary, in some cases significantly, above and below the perennial yield number from year to year, depending on water demands and the same wet and dry cycles." (Scalmanini Reply, p. 3.)

Mr. Scalmanini analyzes perennial yield with reference to 50 years of groundwater levels and pumping fluctuations. Given the long term nature of perennial yield, a four or five-year pumping record is not adequate to conclude that the existing calculation of perennial yield can be disregarded. The current perennial yield adopted by the Santa Clara Valley Water Committee only two years ago should not be abandoned based on short term pumping patterns.

To abandon the current perennial yield estimate based on short term pumping rates and consequently approve higher long term pumping volumes based on short term data may cause permanently lower groundwater levels due to over-drafting.

Of particular concern in the PEA is the proposal to increase Alluvial pumping during wet and normal years while reducing pumping in dry years (see table above, at p. 9). This is the reverse of what has happened historically. As noted by the PEA:

> "Historical use of the local groundwater basins by local purveyors indicates that it is common for the basins to be pumped beyond the annual perennial yields in dry years and then to be allowed to be recharged during wet years. Both the CLWA and the local purveyors believe this to be proper use and management of the groundwater resources in the Santa Clarita Valley." (PEA, Attach. A, p. 26, 1st. ¶.)

Nevertheless, the PEA, and the1998 and 1999 Water Reports propose just the opposite, and also propose to extract groundwater at, or in excess of the adopted perennial yield of 32,500 afy regardless of precipitation levels.

There is No Substantial Evidence that the Saugus Can Safely Be Pumped at 20,000 AFY in Wet/Normal Years and 40,000 AFY in Dry Years

The documents referenced in the PEA and the four EIRs do not provide documentation that the Saugus Aquifer can safely be pumped at 20,000 afy in wet/normal years and 40,000 afy in dry years. On the contrary, they clearly indicate that not enough information is known to support such a substantial increase in pumping. As noted in the IWRP, additional wells must be constructed in the Saugus Aquifer for the expanded pumping program since the current wells only have a capacity of 16,000 afy. (IWRP, pp. 3-8 & 5-2 - 5-3.) The IWRP, at page 5-3, states that the new wells to accommodate this increased pumping be constructed in a phased manner and that water levels should be carefully monitored to ensure that there are no adverse impacts to the basin before the well field is expanded. A similar caution is noted at IWRP, page 3-8. The IWRP also indicates that an expanded Saugus Aquifer pumping program will require an artificial injection program. The feasibility/environmental effects of this injection program are also unknown. (IWRP, p. 5-3.)

This emphasis on phased construction and careful monitoring *before* more wells are added indicates that the environmental effects of the full pumping program are unknown.

The little data that does exist seems to indicate that the historic pumping in the Saugus Aquifer is already approximately at perennial yield. Mr. Scalmanini concludes that ". . . the long-term trend in the Saugus (over the last 35 to 40 years) has been one of relative ground-water stability . . . ." (Scalmanini Testimony, p. 13.) The 2000 UWMP (i.e. Slade update on the aquifers; see Figures 4 & 5, Ex. A, pp. 10-11), provides the annual pumping from the Saugus Aquifer for that time period. (Figure 5, Ex. A, p. 11.) While Mr. Slade does not calculate a 35 to 40-year pumping average, he does calculate a 20-year average from 1980 to 1999. (Ex. A, p. 4.) During the last 20 years, the Saugus Aquifer was pumped at an average rate of 7,145 afy, a time during which Mr. Scalmanini noted water levels were "one of relative ground-water stability." (Scalmanini Testimony, p. 13.) Since water levels did not show a long term rise or a long term decline, the historic pumping rates should approximately be at the perennial yield of the aquifer. The available data seems to indicate that the perennial yield of the Saugus Aquifer is

something less than 10,000 afy and certainly less than the 20,000 afy *minimum* pumping rate proposed by the WMP.

The documents relied upon by the PEA admit that much more environmental information is required before a full pumping program could be implemented. Yet, the PEA and the WMP assume that the Saugus can be pumped at 20,000 afy in wet/normal years and 41,000 afy in dry years. Thus, Valencia is assuming the implementation of the final stage of a multiple stage program when the environmental impacts of the earlier stages and required injection program are unknown. (1999 Water Report, p. 22.)

Moreover, there is a significant inconsistency between the WMP and the IWRP. The IWRP does not propose pumping the Saugus Aquifer at 20,000 afy during wet years as proposed by the WMP Figure III-2 (Revised) submitted by Mr. DiPrimio. The IWRP, page 5-3, proposes that wet year production can be increased from 5,000 to 10,000 afy, and even that increase would require artificial injection. This is significantly less than that proposed in Figure III-2 (Revised). (WMP Revised Ex. III-2.)

Q.: WHAT IN YOUR OPINION WOULD BE THE BASIC CONSTITUENTS OF AN ADEQUATE ENVIRONMENTAL ANALYSIS OF THE INCREASED GROUNDWATER PUMPING PROPOSED IN THE WMP?

A.: An adequate CEQA analysis for pumping should contain the following elements:

1. An explanation of the interrelationship between and among perennial yield, annual yield, safe yield, annual rate of recharge and overdraft, and the circumstances under which they are interchangeable. Although these terms have been defined in various places, their relationships are unclear as evident from the inconsistent usage in various supporting documents;
2. Development of significance thresholds applicable to water resources impacts, including an inventory of potential impacts to consider and a methodology to quantify levels of significance. Absent such inventory and measurement criteria, there is no baseline to evaluate potential environmental impacts of increased groundwater pumping. Potential impacts to Ventura County may include changes in water volume, water quality, the water Ventura County would receive in wet years versus multiple dry years, and the time of year water would be received;

3. Use of a long term average pumping rate as the "environmental setting" for both aquifers against which proposed pumping is evaluated. Then, an analysis should be done to determine if and to what extent water flows change as a result of increased pumping over the existing long term pumping rates;
4. Any new estimate of the perennial yield of the Alluvial Aquifer should be based on the additional 15 years of data available since Slade's 1986 estimate of 32,500 afy. A new quantitative perennial yield is critical to evaluate various pumping programs, to monitor previous and current programs, and to document whether and to what extent adverse impacts occur. This new estimate should be developed using a methodology agreeable to all interested parties in the region. Slade's 1986 methodology may serve as a foundation. (Slade 1986 Report, pp. 89-90.) In the meantime, Mr. Slade's estimate should continue to be used until it is recalculated;
5. If the Saugus Aquifer is to become a major source of water under all weather conditions in the quantities proposed by the WMP, then a perennial yield for the Saugus Aquifer must first be determined. Only after a phased program such as the one suggested by the IWRP has provided adequate documentation to determine the perennial yield of the Saugus Aquifer is it appropriate to quantify the realistically available long term groundwater supply from the Saugus. Until such a perennial yield is determined, the historic pumping rate of approximately 7,000 afy should be used, since it results in "relative ground-water stability." (Scalmanini Testimony, p. 13.);
6. As noted in the IWRP an artificial recharge program is necessary if large scale pumping of the Saugus Aquifer is undertaken. A test program of injection and withdrawal needs to be undertaken to determine if such a program is feasible. Questions to be addressed include:
    a. What percentage of injected water remains in storage such that it can actually be withdrawn?
    b. What percentage would enter the Alluvial Aquifer and therefore potentially could be lost through surface flows downstream? Of the water "lost" downstream, how much would occur in winter? In summer? (Summer flows may benefit Ventura County, while winter flows may not as they may waste to the ocean.)
    c. What percentage becomes entrapped in areas of the Saugus Aquifer which are inaccessible to wells?

d. How much total water can be injected and stored at any one time in the Saugus Aquifer without loss?

e. How long can storage occur? Can water be stored for multiple years without being lost due to migration and downstream flow?

7. An explicit monitoring program should be developed to quantify the relationship between actual pumping and the perennial yield of the aquifers to preclude over-drafting the aquifers in any given year, or any multi-year period. Continuous monitoring on a regional basis with the cooperation of all users of the basin is necessary to manage the groundwater supply efficiently and avoid the adverse impacts of excessive groundwater pumping.

Q.: PLEASE SUMMARIZE YOUR TESTIMONY.

The four EIRs do not provide additional environmental analysis of the environmental effects of supplying the cumulative water demand beyond that provided in the various planning documents written by Valencia, CLWA or the Santa Clara Valley Water Committee. This cumulative water supply results in significant increases in groundwater pumping compared to the long term historic pumping levels. However, the environmental effects of this increased pumping is not addressed by the PEA, or any of the referenced documents. These documents conclude, without substantiation, that cumulative water demand can be met without over-drafting the aquifers and thereby creating adverse impacts. The data is inadequate to draw such a conclusion. On the contrary, the available data seems to indicate that the additional pumping may result in lower groundwater levels by exceeding the perennial yield of both aquifers. My recommendation is that the PEA be revised to comply with CEQA by addressing the issues I listed in the previous question.

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RICHARD C. SLADE & ASSOCIATES LLC

CONSULTING GROUNDWATER GEOLOGISTS

MEMORANDUM

November 16, 2000

To: Mr. Robert Sagehorn
General Manager
Castaic Lake Water Agency
27234 Bouquet Canyon Rd
Santa Clarita 91350-2175

From: Richard C. Slade, Principal Groundwater Geologist
Richard C. Slade & Associates, LLC

Job S2052

Re: Groundwater Extractions,
Alluvial and Saugus Formation Aquifer Systems
Santa Clarita Valley

In resonse to your request to support Black and Veatch in their preparation of the Urban Water Management Plan, we submit the following work on the alluvial and Saugus Formation aquifer systems in the Santa Clarita Valley:

1. **Well Locations**

Figure 1 – Map of Wells and Aquifer Systems – illustrates the locations of key municipal-supply water wells and the geologic contacts for the alluvial and Saugus Formation aquifer systems in the Santa Clarita Valley. Specifically denoted on Figure 1 are the locations, municipal-supply ownerships, and well numbers/names for each alluvial-supply well and for each Saugus Formation water well.

2. **Rainfall**

Long-term rainfall data are available from the Saugus rainfall gage for a period of record of 1883 through 1998. Figure 2 – Total Annual Rainfall – presents a bar chart of the annual rainfall versus time over the period of record. Average annual rainfall over the period of record has been approximately 18 inches as shown on Figure 2.

Historic high rainfall over the period of record was 42.11 inches in 1884, although annual totals in excess of 35 inches were also recorded in 1890, 1978, 1983, and 1998. Historic low rainfall over the period of record was 3.32

Exhibit A
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NAPA VALLEY OFFICE: 176 MAIN ST., SUITE B, ST. HELENA, NAPA VALLEY, CALIFORNIA 94574 TELEPHONE: (707) 963-3914

inches in 1898, although annual totals less than 8 inches were also recorded in 1885, 1894, 1899, 1900, 1925, 1948, 1950, 1961, 1987, 1990, and 1997.

From these data accumulated rainfall departure values were calculated for each year of rainfall relative to the long-term average and plotted to determine long-term historic trends in rainfall for the region.

Figure 3 – Cumulative Departure Curve – presents a graph of the accumulated departure from the average annual precipitation (rainfall) data shown on Figure 2. These accumulated departure values are plotted relative to the long-term rainfall of approximately 18 inches over the period of rain gage data (1883–1998). The purpose of Figure 3 is to illustrate temporal trends in the rainfall data. For example, the slopes of the curves declining to the right-hand side of the graph (negative slopes) indicate those years where accumulated rainfall departure totals are declining, relative to the long-term average. These declining trends represent general periods of deficient rainfall, wherein each yearly rainfall total was generally at or below the long-term average. Conversely, those portions of the Figure 3 curve that are ascending towards the right-hand side of the graph (positive slopes) indicate years where accumulated rainfall totals are increasing, relative to the long-term average; in essence, these rising trends represent periods of generally excess rainfall wherein each yearly rainfall total was generally at or above the long-term average.

Figure 3 shows a few periods for which rainfall was in a state of general decline relative to the long-term average. Examples of these period include 1890 through 1904 and 1944 through 1966. These time periods are considered to be relatively "dry" hydrologic periods, and are characterized by a series of years in which most of the years had annual rainfall totals that were at or below the long-term average rainfall in the area. In contrast, the Figure 3 curve shows a general state of increasing rainfall relative to the long-term average rainfall. Examples of these periods include 1904 through 1922 and 1966 through 1983. These periods are considered to be relatively "wet" hydrologic periods and are characterized by a series of years in which most of the years had annual rainfall totals that were at or above the long-term average annual rainfall in the area.

3. Groundwater Extractions

Figures 4 and 5 have been prepared to depict the historic variations in the total groundwater extractions by the municipal-supply and main agricultural-supply purveyors from their water-supply wells in the alluvium, and in the Saugus Formation, respectively. Specifically, those graphs show the changes in groundwater extrac-

tions in acre-feet (AF) versus time between 1947 and 1999 for the alluvial aquifer system and between 1954 and 2000 for the Saugus Formation.

a. *Alluvial Aquifer Extractions*

For the alluvial aquifer system, municipal-supply purveyors have included: Newhall County Water District (NCWD); Santa Clarita Water Company (SCWC); Valencia Water Company (VWC); and the Wayside Honor Rancho (WHR). The only agricultural-supply purveyor included in the groundwater production database is the Newhall Land and Farming Company (NLF).

Not included in the data graphed on Figure 4 for the alluvium is any additional historic or current groundwater pumpage by any other privately-owned industrial, agricultural, ranch or domestic-supply well. Hence, data graphed on Figure 4 do not include an estimated 500 AF per year of additional historic pumpage by those other types of privately-owned pumpers.

As seen on Figure 4, historic groundwater extractions have ranged approximately between a high of 42,589 AF in 1999 and a low of 19,380 AF in 1983. The average long-term extraction from the alluvium during the period of available data record has been approximately 32,400 AF/yr. As stated previously, these production totals do not include any alluvial pumpage by privately-owned wells except for that owned by NLF.

During the period of available data, maximum annual groundwater production from the alluvial aquifer system has exceeded 40,000 AF/yr a total of 5 times: 1951 (41,315 AF); 1955 (41,478 AF); 1960 (42,003 AF); 1964 (40,314 AF); and 1999 (42,589 AF). Four of these five dates lie within a long-term period of generally deficient rainfall that occurred in the area between approximately 1944 and 1966 (as evidenced by the trends on Figure 3 of cumulative departure from the average rainfall for the period of historic record; a portion of that cumulative rainfall departure curve is shown on each of the water level hydrographs on Figures 6.1 through 6.7 and 7.1 through 7.4, discussed below in Section 4.

b. *Saugus Formation Extractions*

For the Saugus Formation aquifer system, municipal-supply purveyors have included NCWD, SCWC, VWC and WHR. NLF represents the only agricultural-supply purveyor whose data are included on Figure 5. Not included on the Figure 5 graph is any additional historic or current pumpage by any other privately-owned Saugus Formation water wells in the region.

Hence, Figure 5 data do not include an estimated 100 AF per year, or less, of additional historic Saugus Formation pumpage by such private pumpers. The period of record for available Saugus Formation production data is from 1954 through 1999.

During this period of record, maximum Saugus Formation production was 14,915 AF in 1991, a time period that was near the end of the 1986 through 1991 drought. In the past 20 years (1980 – 1999, inclusive), which would include a period of time of more development in the region, the average Saugus Formation production has been approximately 7145 AF/yr.

4. Water Levels

Graphs of water levels versus time (hydrographs) have been prepared for selected municipal-supply wells constructed in the alluvium and in the Saugus Formation (refer to Figures 6.1 through 6.7 and 7.1 through 7.4, respectively). Also illustrated on Figures 6 and 7 for comparative purposes are: the 1950 through 1998 portion of the long-term accumulated rainfall departure curve as adapted from Figure 3; and the depths to the top (uppermost section) of the perforated interval and to the base (lowermost section) of the perforated interval in each respective well.

These well locations are shown on Figure 1 and include:

- *Alluvial Aquifer Wells*

  SCWC Lost Canyon 2, North Oaks, and Honby.
  VWC L2, Q2, S2, and T2.

- *Saugus Formation Wells*

  NCWD Nos. 9 and 10, and
  VWC Nos. 157 and 160.

a. *Alluvial Aquifer Hydrographs*

As shown by the alluvial hydrographs (Figures 6.1 through 6.7), water levels clearly fluctuate on a seasonal basis each year, with spring months and fall months representing the annual high and annual low water level periods, respectively. Superposed on this annual water level cycle are the long-term trends; these trends for the alluvium tend to closely follow long-term trends in annual rainfall, surface water runoff and resulting recharge. Periods of recent long-term water level trends include: declining water

levels during extended droughts (such as 1944 through 1966 and 1983 through 1991); refer also to the long-term cumulative rainfall departure curve on Figure 3; and rising water levels during periods of excess rainfall (such as 1966 through 1971, and 1978 through 1983).

Noteworthy on the alluvial aquifer hydrographs is that high rainfall totals in only one or two years generally will cause water levels to rise quickly and by a relatively large amount. Such water level response to rainfall is a significant characteristic of permeable, porous, alluvial aquifer systems that occur within large watersheds.

It is notable also that the annually large extractions from the alluvium between 1953 and 1966 (a 14-year period during which 531,266 AF of pumping occurred, for an average alluvial production of 37,948 AF/yr) was concurrent with the latter portion of the long-term drought of approximately 1944 through 1966 in which there was deficient rainfall and recharge (see also long-term departure curve on Figure 3). Yet, Figures 6.1 through 6.7 hydrographs for wells having lengthy periods of record clearly reveal four conditions: 1) water levels in the alluvial wells were declining through the drought, but; 2) water levels recovered quickly and completely to pre-drought levels as soon as normal or above-average rainfall occurred; 3) none of the historic water levels in any of the alluvial wells declined to the base of the respective casing perforations; and 4) no permanent dewatering or overdraft in water levels in the alluvial aquifer system has occurred.

Current water levels in the alluvium, as seen on Figures 6.1 through 6.7, are at or near their historic high regardless of either historic amounts of alluvial production and/or very long periods of drought (like 1945 through 1966).

b. *Saugus Formation Hydrographs*

Figures 7.1 through 7.4 hydrographs for Saugus Formation wells reveal that water levels in those wells are at or near their historic highs. The graphs also reveal a direct relationship between excess or deficient rainfall/recharge and water levels in the Saugus Formation, although the relationship is not as strong as it is for the alluvial wells.

Typical Saugus Formation wells range in total depth from 1100 ft to 1900 ft; most of the newer wells have uppermost perforations that begin at depths on the order of 500 ft. Typical historic depths to the non-pumping piezometric water levels in Saugus Formation wells have been in the range

of 40 ft to a maximum of 250 ft below ground surface, depending on the well. The total amplitude of these long-term water level fluctuations in these Saugus Formation wells has typically been in the range of only 40 to 100 ft, depending on the well.

None of the water levels in any of the Saugus Formation wells has ever declined to the top (uppermost) perforated zones in any of these wells. Moreover, no permanent dewatering or overdraft in water levels in the Saugus Formation aquifer system has occurred.

5. **Water Levels vs. Total Groundwater Production**

Figures 8 and 9 have been prepared to illustrate historic fluctuations in water levels (hydrographs) relative to total annual pumpage from the alluvial aquifer system and the Saugus Formation aquifer system, respectively. The wells for which hydrographs are presented include the same alluvial and Saugus Formation wells as were discussed previously in Section 4 of this Memorandum.

a. *Alluvial Aquifer Graphs (Figures 8.1 through 8.7)*

These graphs present historic water level fluctuations in the selected alluvial aquifer system wells relative to total annual groundwater extractions by all municipal-supply and agricultural-supply alluvial wells over time in the area. Also illustrated on Figure 8 are the depths to the top (uppermost) and base (lowermost) of the perforated intervals in each respective well.

The graphed data reveal that historic water level fluctuations in the alluvial aquifer system are not related to the historic annual volumes of groundwater production from the alluvium.

b. *Saugus Formation Graphs (Figures 9.1 through 9.4)*

These graphs show historic water level fluctuations in the selected Saugus Formation aquifer system wells relative to total groundwater extractions by all known Saugus Formation wells over time in the area. Also illustrated on Figure 9 are the depths to the top (uppermost) and base (lowermost) of the perforated intervals in each respective well.

The graphed data reveal that historic water level fluctuations in the Saugus Formation aquifer system are not related to the historic annual volumes of groundwater production from the formation.

6. Conclusions

a. Alluvial water levels have repeatedly recovered over time following droughts of various durations (including the very long-term drought of approximately 1945 through 1966), and there is no evidence for permanent overdraft or dewatering of this aquifer system.

b. Even with groundwater production at or above 40,000 AF/yr (such as 1951, 1955, 1960 and 1964), all of which occurred during the very long-term drought of 1945 through 1966), groundwater levels in alluvial wells have recovered regardless of the timing (date) of this amount of production relative to the accumulated rainfall departure curve.

c. As a result of the above, it is considered to be hydrogeologically feasible to utilize groundwater extractions from the alluvial aquifer system at the rate of 30,000 AF/yr to 40,000 AF/yr in normal (average) rainfall conditions. During dry periods, alluvial aquifer production should be reduced to the range of 30,000 AF/yr to 35,000 AF/yr.

d. For the historic annual amounts of groundwater production from the Saugus Formation (to date, up to 15,000 AF/yr), there is no relationship between non-pumping (static) water levels in individual Saugus Formation wells and total groundwater extraction by those wells.

e. Saugus Formation hydrographs, which in some cases date to the early-1960s, reveal both seasonal and long-term fluctuations in water levels over time; these water levels respond to changes in rainfall/recharge conditions in the region. Current water levels in Saugus Formation wells are at or near their historic highs. There is no evidence for permanent overdraft or dewatering of the Saugus Formation aquifer system.

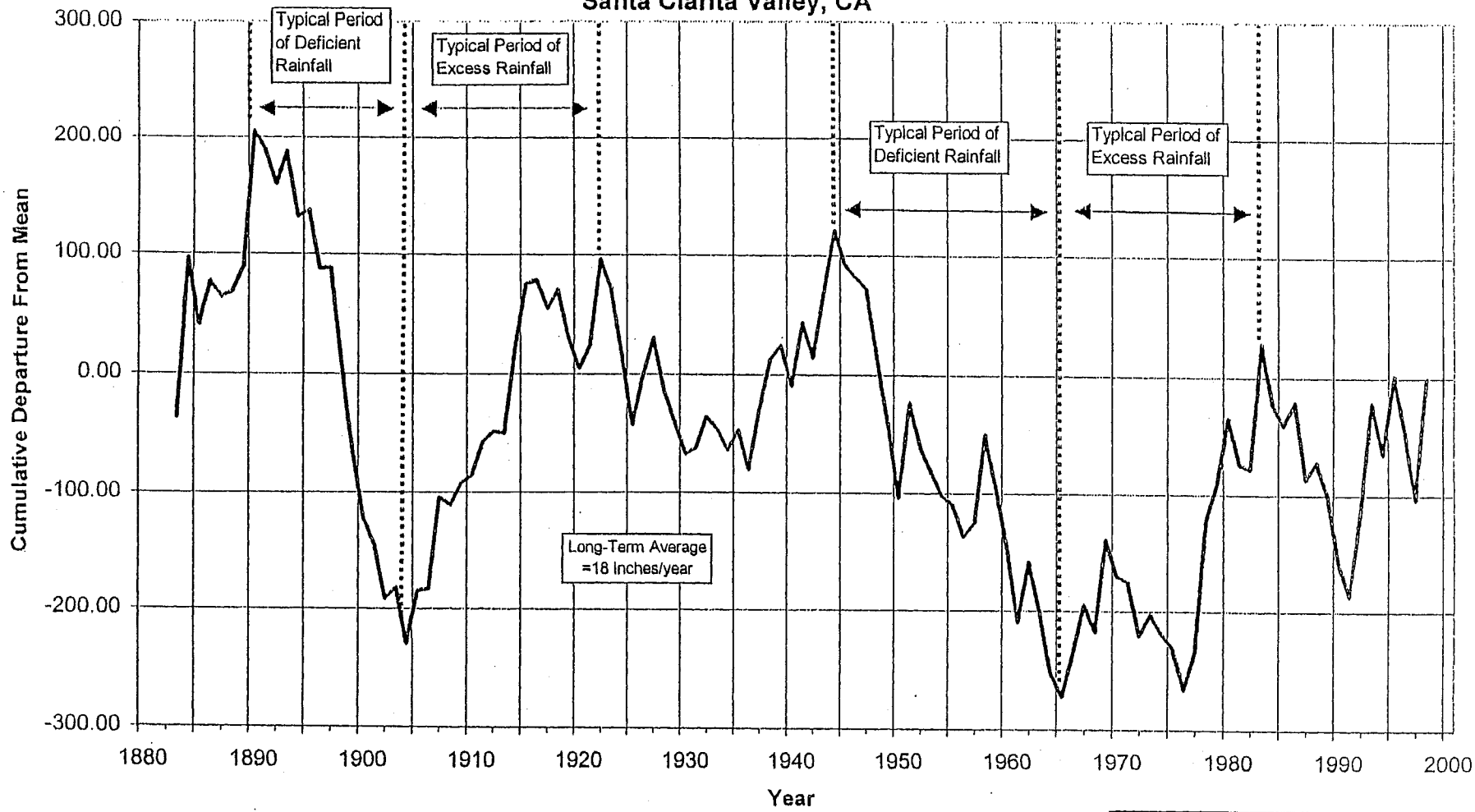
f. Because of its relatively large areal extent and substantial vertical depth, the Saugus Formation conservatively contains on the order of 1 million AF of groundwater in storage in the depth zone of 500 ft to 2500 ft and/or the base of fresh water within the formation.

g. Historic and current depths to water and the known amount of historic water level fluctuations in Saugus Formation wells, even recognizing the resulting pumping rates and specific capacities of the wells, are considered small compared to the depths of these wells and to the future amount of available drawdown in each well.

h. As a result of all the above conditions, it is considered to be hydrogeologically feasible to increase production from Saugus Formation aquifers for short-term periods (e.g., for a few years) even during drought conditions. At this time, increasing maximum production in a staged or ramped process from 15,000 AF/yr to 25,000 and then to 40,000 AF/yr for such short-term periods is considered to be hydrogeologically feasible. This staged increase in Saugus Formation production to 40,000 AF/yr for short-term periods amounts to a maximum increase of 25,000 AF/yr over the known historic maximum groundwater extractions from this formation. This 25,000 AF/yr increase represents only a very small percentage of the total amount of groundwater calculated to be present in storage in the depth range of 500 ft to either 2500 ft or the base of fresh water within the Saugus Formation.

c.c. Mr. Dirk Reed, Black and Veatch

Cumulative Rainfall Departure Curve
Newhall - Soledad Gage
Santa Clarita Valley, CA



Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 3

Job No. S2052 November 2000

Exhibit A-1044-

Total Alluvial Aquifer System Production

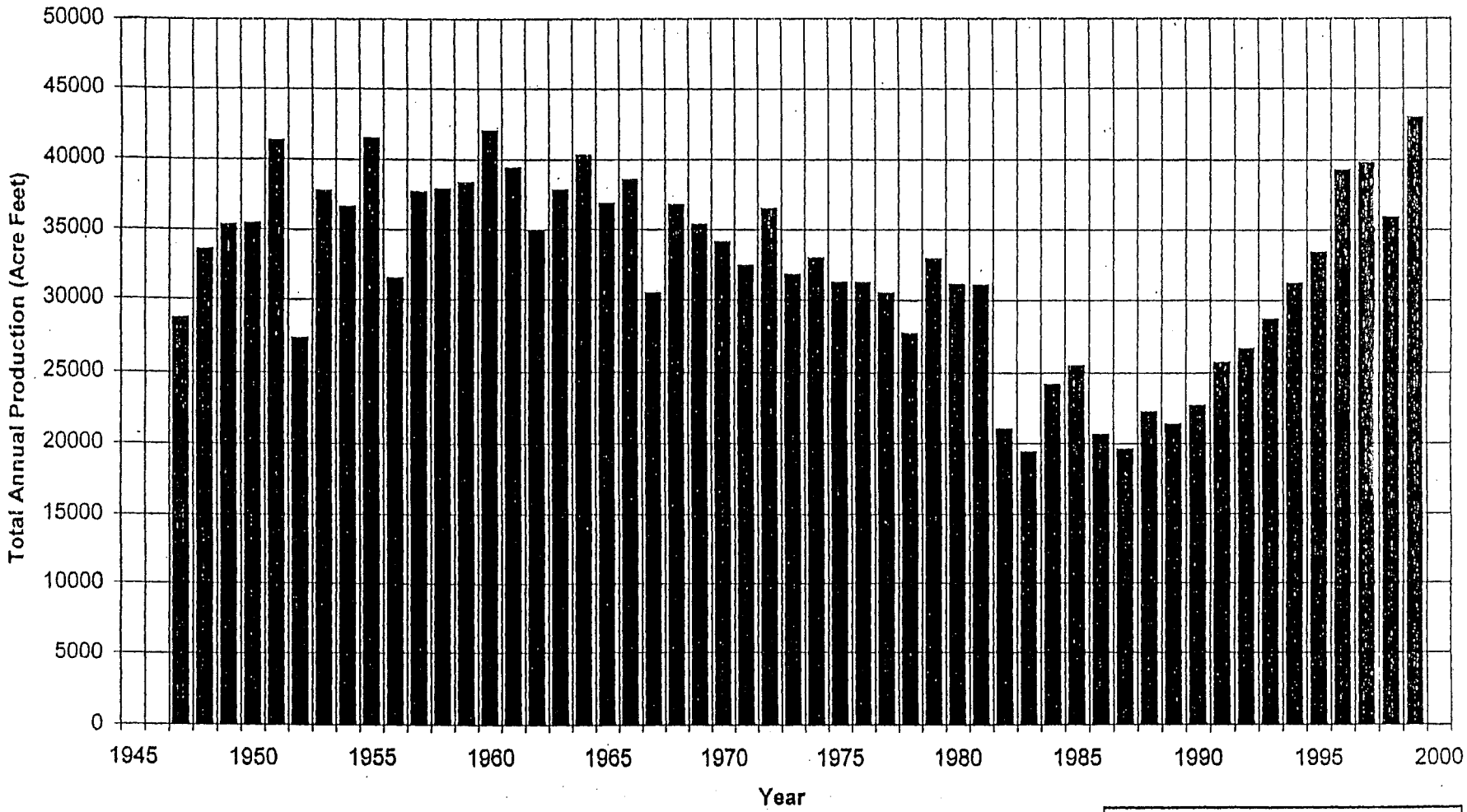
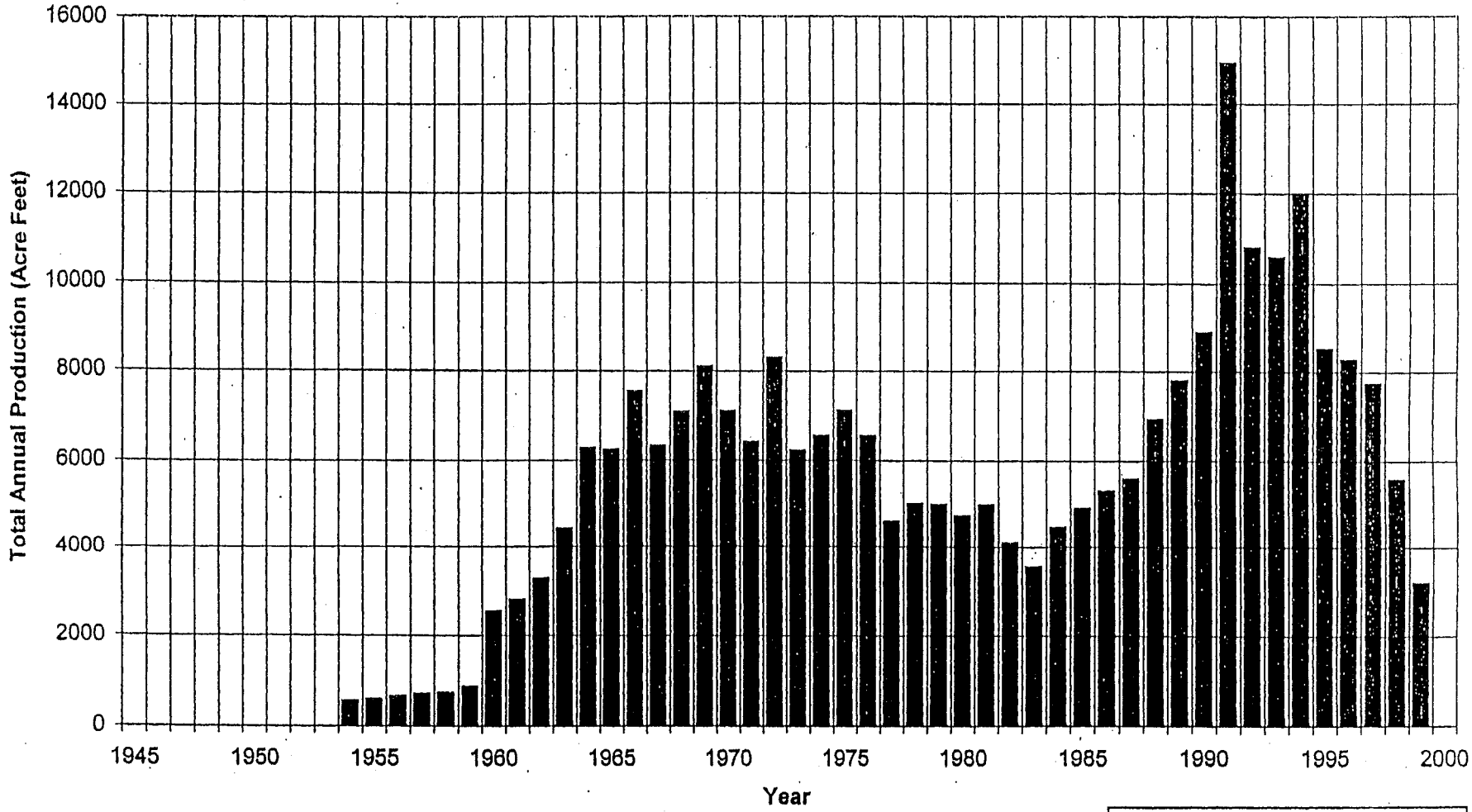


Exhibit 10 - 1045

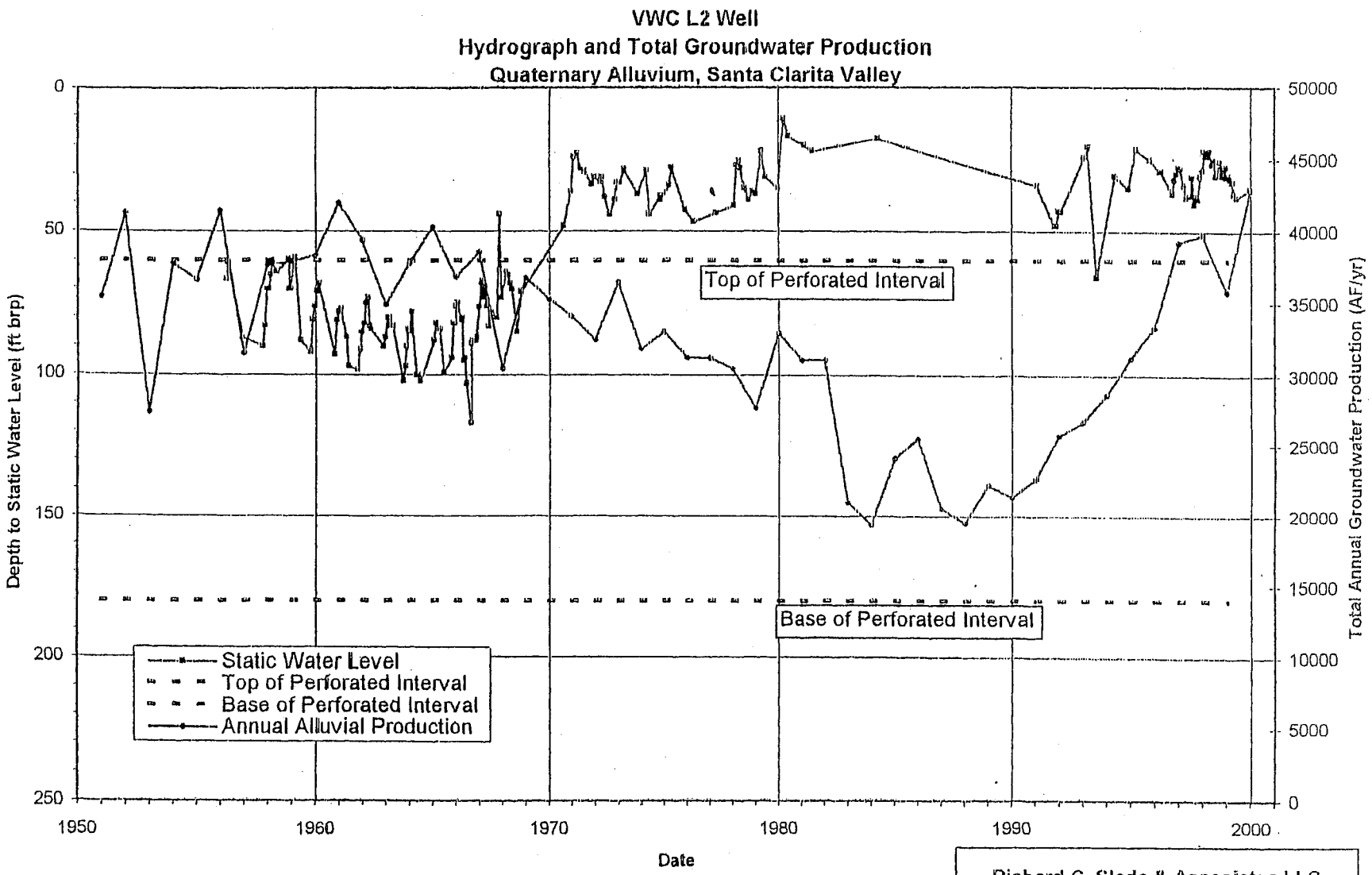
Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 4
Job No. S2052 November 2000

Total Saugus Formation Aquifer System Production



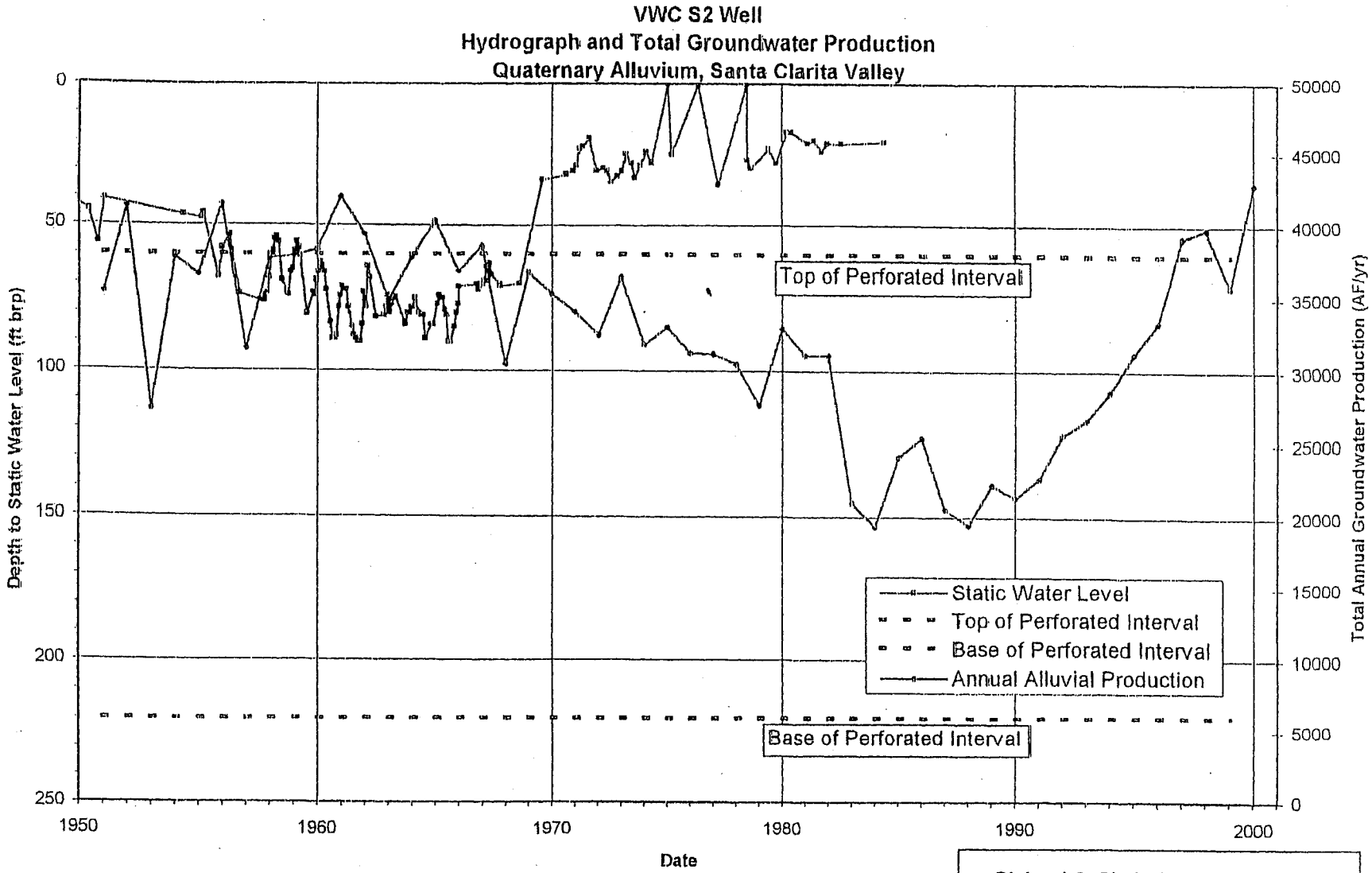
Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 5
Job No. S2052 November 2000

Exhibit - 1046 - A



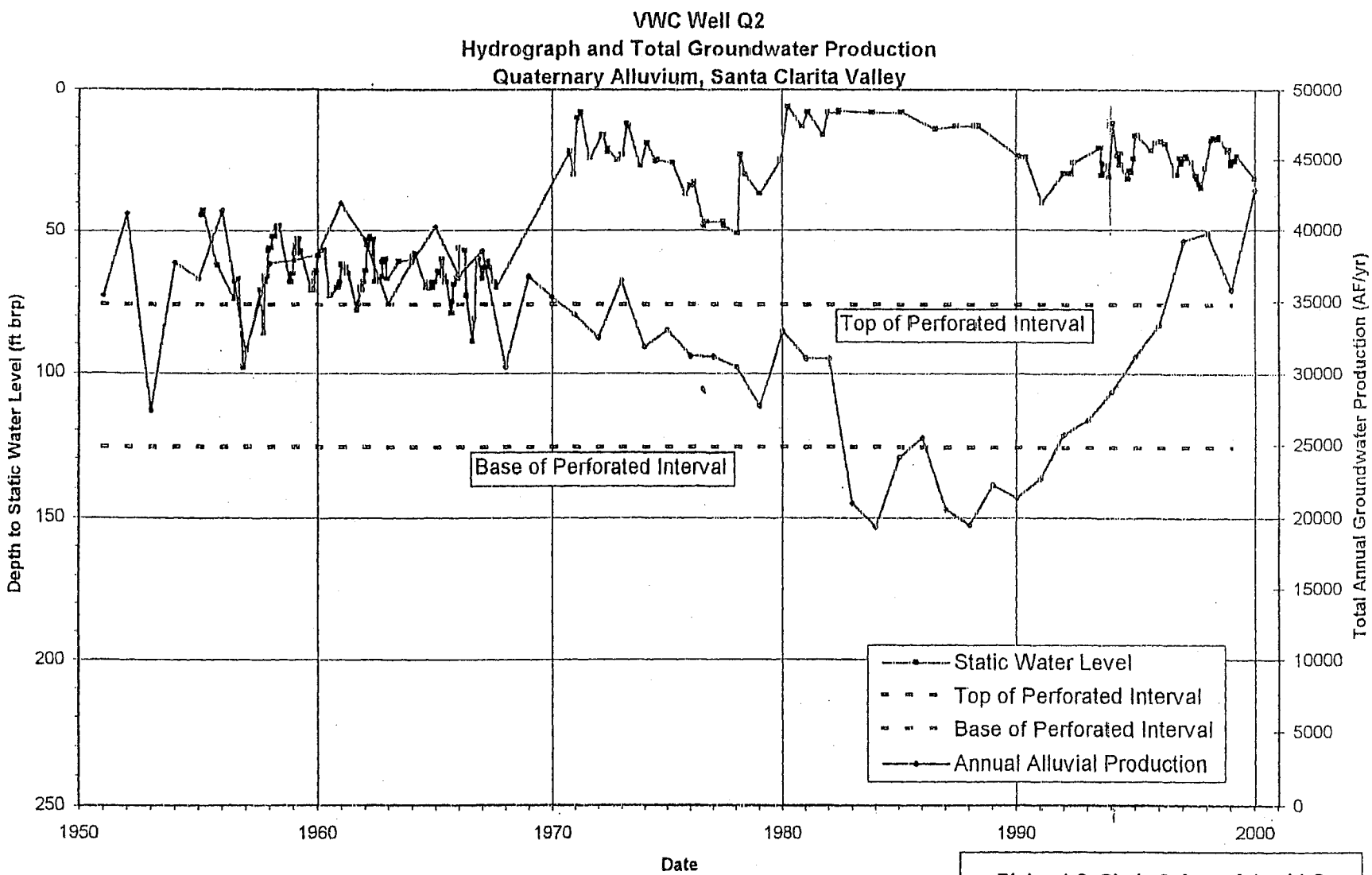
Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 8.1
Job No. S2062 November 2000

Exhibit 1047



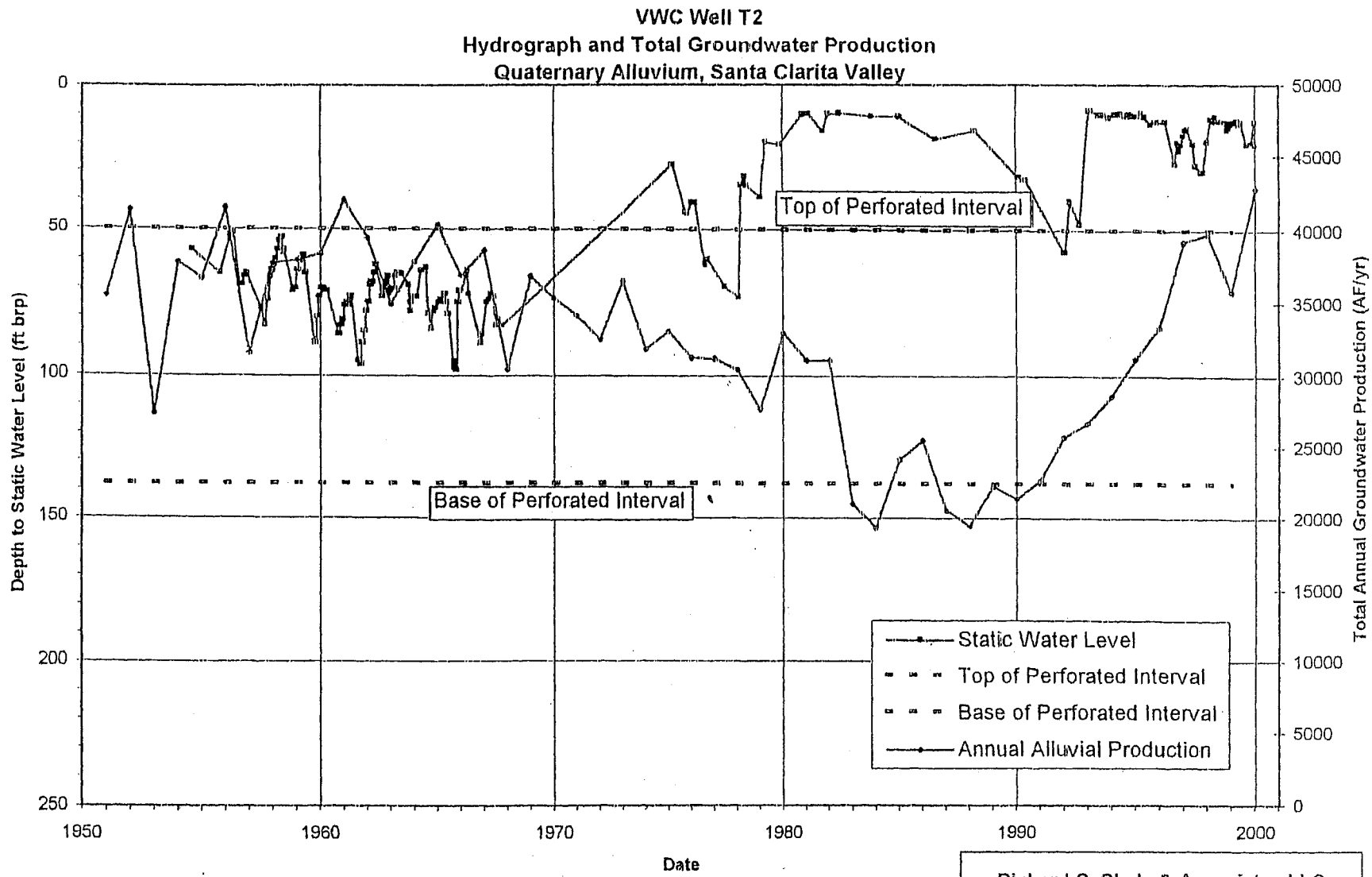
Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 8.2
Job No. S2052 November 2000

Exhibit A-1048-



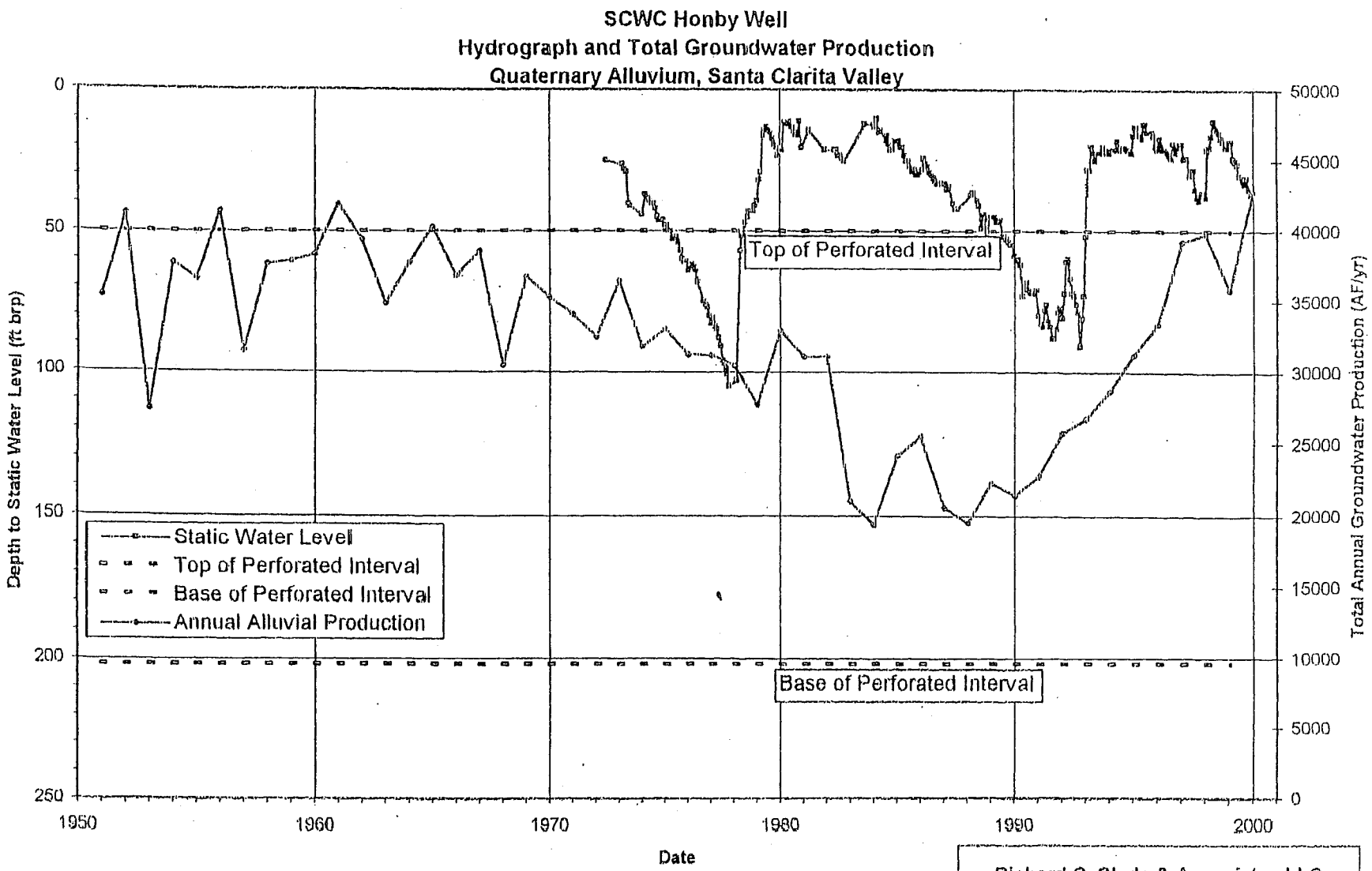
Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 8.3
Job No. S2052 November 2000

Exhibit A-1049
Page 14



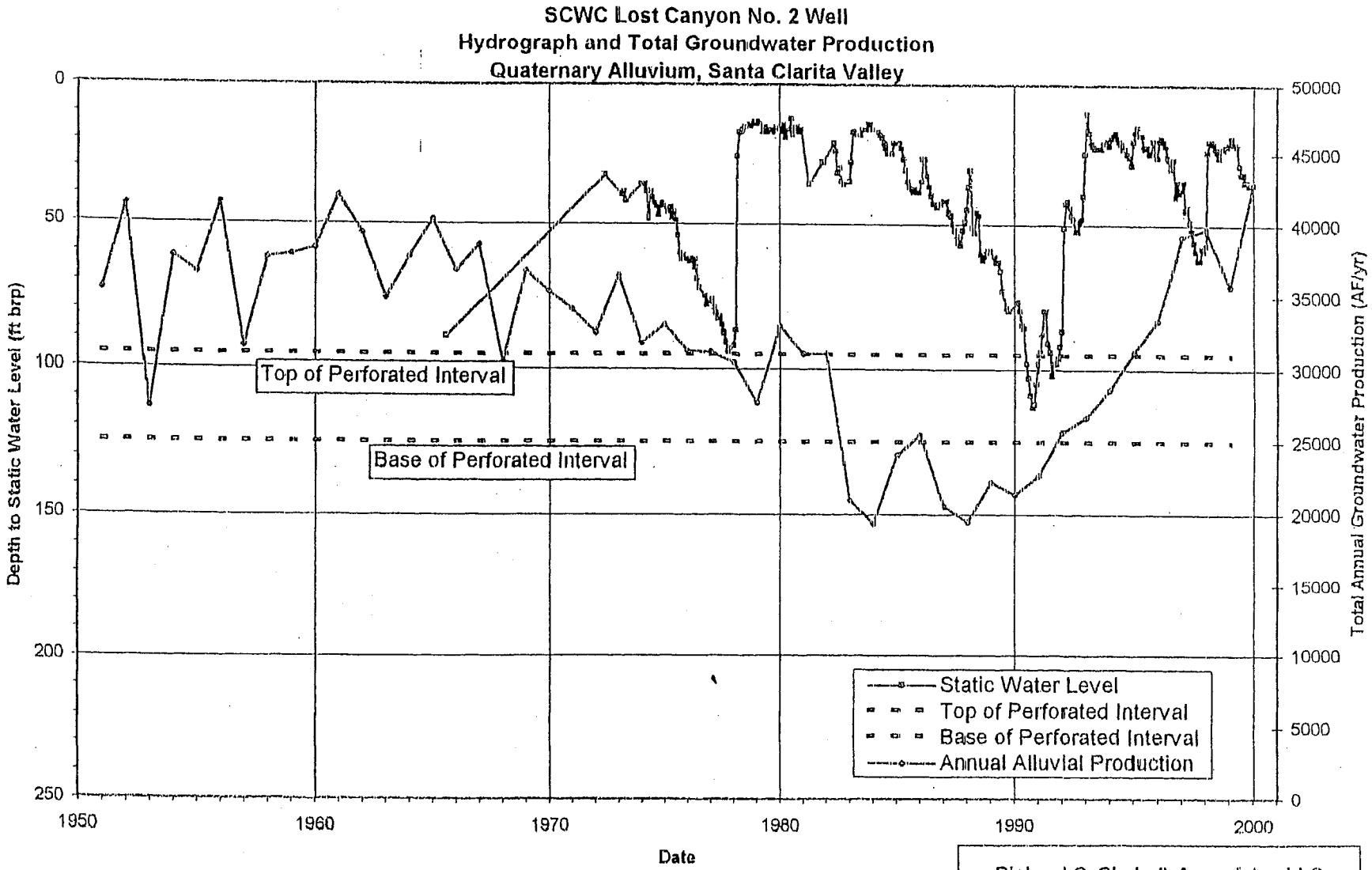
Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 8.4
Job No. S2052 November 2000

Exhibit 15 A-1050-



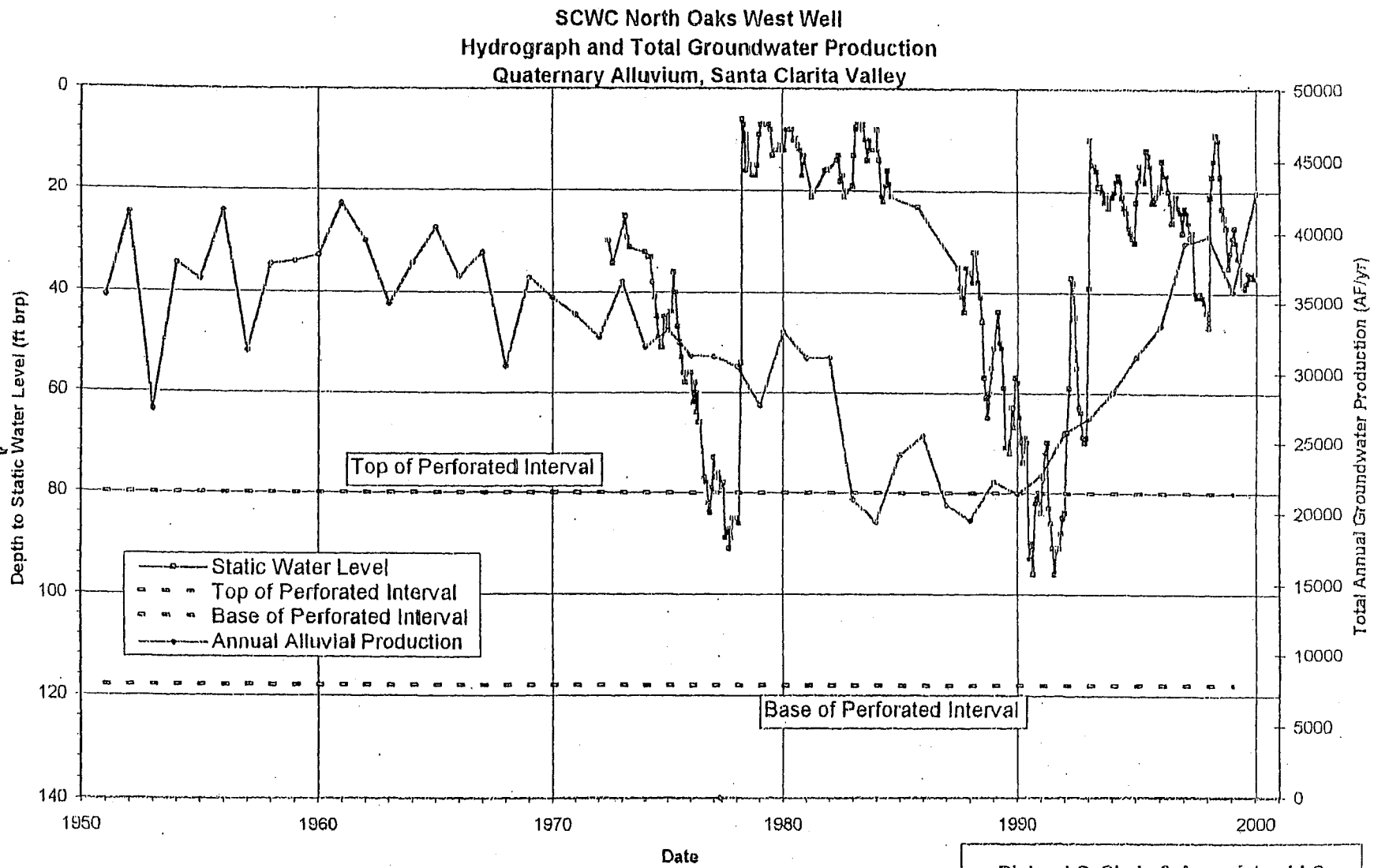
Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 8.5
Job No. S2052 November 2000

Exhibit A-1051



Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 8.6
Job No. S2052 November 2000

Exhibit 1052



Richard C. Slade & Associates LLC
Consulting Groundwater Geologists
Figure 8.7
Job No. S2052 November 2000

Exhibit A
Page 18 - 1053 -

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I hereby certify that I have this day served a copy of **PREPARED DIRECT TESTIMONY OF SCOTT ELLISON** on all known parties to Application No. A-99-12-025 by mailing a properly addressed copy by first-class mail, with postage prepaid, to each party named below in the service list.

Executed on June 1, 2001, at Ventura, California.

SHEILA L. DELEO

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Service list last changed 3/7/01.

Application 99-12-025
Exhibit 51
Date: May 14, 2001

VALENCIA WATER COMPANY

WATER MANAGEMENT PROGRAM

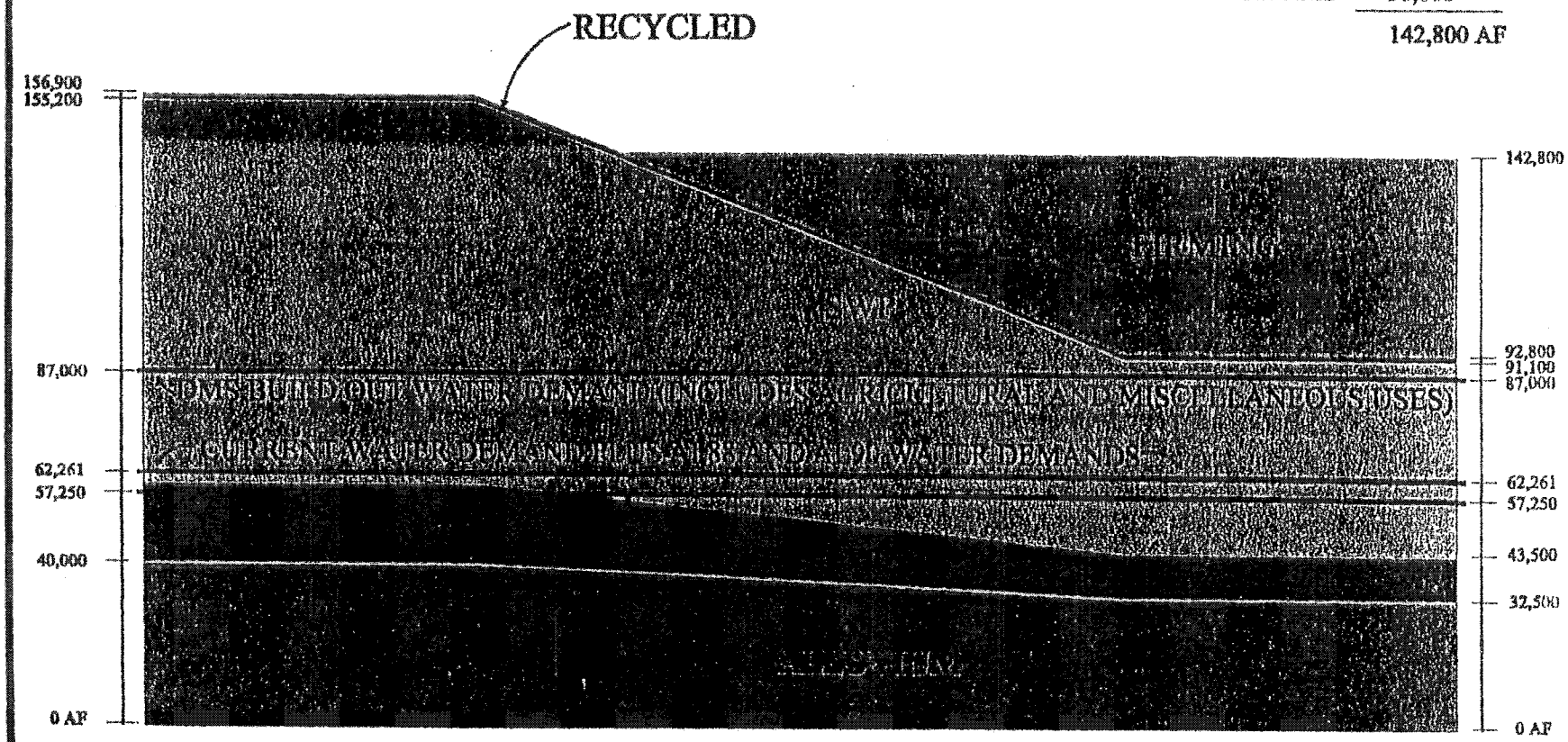
REVISED EXHIBIT III-2

SANTA CLARITA VALLEY WATER SUPPLIES
FIGURE III-2

(REVISED - TO SHOW DEMANDS FOR AL88 AND AL 90)

WET YEAR	
ALLUVIUM	40,000
SAUGUS	20,000
SWP	95,200
RECYCLED	1,700
	156,900 AF

DRY YEAR	
ALLUVIUM	32,500
SAUGUS	11,000
SWP	47,600
RECYCLED	1,700
	92,800 AF
FIRMING SUPPLIES	50,000
	142,800 AF



WET YEAR — SUPPLY AVAILABILITY — DRY YEAR

*Current water demand of 57,250 acre-feet as reported in Table IV-1 of the 1999 Water Report.
**Water demands for AL88 and AL90 are included in DMS build out water demand.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

BOARD OF DIRECTORS
Lynn E. Maulhardt, Chair
Michael Conroy
John K. Flynn
Al Fox
Roseann Mikos, Ph.D.

AGENCY COORDINATOR
Lowell Preston, Ph.D.

RECEIVED
DEC 26 2001
REGIONAL PLANNING
L.A. COUNTY

December 24, 2001

Los Angeles County Board of Supervisors
C/O Ms. Joanne Sturges, Executive Officer
Room 383
500 W. Temple Street
Los Angeles, CA 90012

Subject: **Final Additional Analysis and Staff Report (Water Resources) for the Newhall Ranch Specific Plan FEIR DATED October 2001**

Dear Members, Board of Supervisors:

The subject report addresses the utilization of agricultural water, state project water and reclaimed water to support a demand of 17,680 acre feet for the subject project. Additional sources of ASR banking, water from Kern Water Bank and flood flows have also been identified as potential supplies. The Fox Canyon Groundwater Management Agency (FCGMA) has reviewed the Staff Report and the Final Additional Analysis for the Newhall Ranch Specific Plan and provides the following comments:

Irrigation Water. The applicant proposes to transfer the irrigation water previously used by Newhall Ranch to be used as a supply for the Newhall Ranch Development. We concur that the agricultural irrigation water used on parcels that will be taken out of service and become part of the Newhall Ranch Project represent an existing use and can therefore be shown as a source of water for the project. This only applies to the parcels that are within the boundary of this project. We agree that this is a valid supply and we agree that the existing use can be reasonably determined by applying the California Irrigation Management Information System (CIMIS) formula. However, we believe that additional accuracy is required. The FCGMA uses CIMIS as one means of managing the groundwater within its boundary. Due to this employment of CIMIS, the FCGMA has an indepth awareness of the detailed requirements necessary to determine the quantity of irrigation water used by various crop types. The following comments apply to the use of CIMIS: 1

1. The rainfall was not accounted for in the calculation of water use. Evapotranspiration (Et) values represent the water needed by a crop type. When there is rainfall the amount of rainfall that deep percolates supplies part of the total water required for that period. This part of the needed supply would not have been drawn from groundwater. The applicant made no provision to include rainfall. <u>This inflates the water use</u>. 2
2. The calculated irrigation water use included an additional arbitrary factor of 60% or 70% for soil type and irrigation method that is not part of the CIMIS formula. <u>This factor inflates the water use</u>. 3
3. Et is applicable to irrigated acreage. The calculated value did not explain how the acreage was determined. Experience from the FCGMA has shown that the acreage is typically <u>overstated by 10 to 20% by simply using the parcel size and not deducting areas not irrigated.</u> 4

800 South Victoria Avenue, Ventura, CA 93009-1600
(805) 654-2327 or 645-1372 FAX (805) 654-3350
Web sites: *www.foxcanyongma.org* or *www.ventura.org/vcpwa/fcgma*

4. There was no description of the irrigated agricultural properties. It is assumed that the irrigation water to be transferred to supply the demand for the project is currently being used on properties that are within the project boundary. Due to difficulties of monitoring and control, we do not concur with the use of irrigation water from any area not within the project boundary. 5

If the property currently receiving the irrigation water is within the project boundary, Table 1 shows a more accurate calculation of the irrigation water used. To construct Table 1., a crop factor of 1.0 was used since there is no detailed explanation of the crops actually grown. This favors the applicant. An effective rainfall of 25% of the approximately 16 inch annual average rainfall was applied.

Table 1.

Year	Crop	Acres	Et	Rain	Crop Factor	AF	Sub Totals
2000	Alfalfa	55	62.21	4	1	266.7958	
	Sudan/pasture	150	62.21	4	1	727.625	
	Veg. Row crop	722	62.21	4	1	3502.302	4496.723
1999	Alfalfa	55	63.08	4	1	270.7833	
	Sudan/pasture	150	63.08	4	1	738.5	
	Veg. Row crop	709	63.08	4	1	3490.643	4499.927
1998	Alfalfa	115	56.39	4	1	502.0708	
	Sudan/pasture	100	56.39	4	1	436.5833	
	Veg. Row crop	663	56.39	4	1	2894.548	3833.202
1997	Alfalfa	160	61.34	4	1	764.5333	
	Sudan/pasture	103	61.34	4	1	492.1683	
	Veg. Row crop	663	61.34	4	1	3168.035	4424.737
1996	Alfalfa	105	61.28	4	1	501.2	
	Sudan/pasture	170	61.28	4	1	811.4667	
	Veg. Row crop	537	61.28	4	1	2563.28	3875.947
	Average						**4226.107**

6

The irrigated acreage was not changed nor was there an additional factor employed to account for soil type and irrigation method. It is believed that, even though the average annual use is considerably less, Table 1. shows a reasonable accommodation of the proposed methodology while still relating to CIMIS concept.

The agricultural water available for transfer to the new project is on the order of 4200 to 4300 acre feet per year. If the water is used, then recycled, approximately 50% to 80% of the water can be recovered depending upon the treatment selected. Using the maximum of 80% would result in a supply of 3440 acre feet available for irrigation. This would then make up a total supply of 4300+3440 = 7740 acre feet. Adding the 3691 acre feet of reclaimed water from CLWA would bring the total excluding imported water to 7740+3691 = 11431 acre feet. The balance of water needed can then be supplied by imported water 7

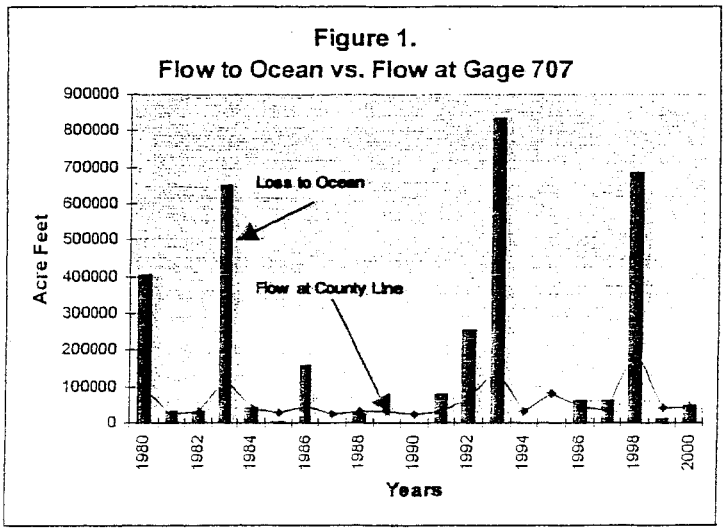
(New Imported Water 17680-11431 = 6249. Imported water would be any water obtained from a source not in hydrologic continuity with the Santa Clara River. e.g. water stored in the Kern Water Bank) 7

Regarding the ASR project. The ability of the Saugas Aquifer to function under storage and recovery operations has been shown by testing and is no longer a point of contention. However, the lack of calibration to transient conditions is still questioned. 8

The applicant addressed the impacts to Ventura County by comparing the existing and future flows at the County line during wet periods and dry years. Constructing a model calibrated to steady state conditions facilitated a conclusion that the net water flowing into Ventura County would be increased. There are two problems with this procedure; 1) the steady state model selected, and 2) the analysis using a net flow criterion.

1) The problem with the model produced by the additional analysis is that a steady state solution was used to determine the effects of the injection/extraction. Since the pumping and recharge to the aquifer varies over time, the model used to portray the system must have the ability to incorporate the changing environment to which it is exposed. The effects to an aquifer result in different pressures in the aquifer. These pressures are called heads. Steady state solutions are useful to determine the relative difference in heads due to drawdown from pumping, but they do not produce the absolute value of the head. The absolute value of the head is the true pressure in the aquifer and the pressure that produces the gradient that is used to determine the potential for flow (in this case flow into Ventura County). Steady state conditions do not incorporate regional flow caused by regional head gradients and are not appropriate to represent systems that change over time. To determine the effects of time dependent influences, a transient model is required. The difference between a transient model and a steady state model is that a steady state model generates one set of heads and a transient model produces a set of heads for each time period. 9

The proponent's response to this problem contended that one steady state pressure head was compared to a new steady state pressure head thereby eliminating the necessity for transient calibration. This is inaccurate for two reasons; 1) the steady state model does not apply to a system constantly under going changes, and 2) because the question of concern is the absolute value of the pressure head, not the relative difference between two heads.



10

The analysis of the results of the model is also inaccurate because increasing the water crossing the County line at USGS Gauging Station Number 707 during a wet year does not contribute to recharge and

consequently has no value. This happens because river water is already being lost to the ocean. **Figure 1.** shows the water lost to the ocean in wet years as compared to river flow. It is easy to see that any time there is increased flow at the County Line there is an even greater loss to to the ocean during that same period. This leads to discounting the potential benefit of additional water during wet years. 10

An adequate model of the river system is complicated and difficult. However, a solution that would be adequate consists of injecting 9000 acre feet before the first 4100 acre feet is extracted. Thereafter an injection of 4500 acre feet may be followed by an extraction of 4100 acre feet without damage to downstream flows. This solution adds an additional 4500 acre feet to the Saugas Aquifer that is never removed. 11

In summary, there are three problems:

1) The calculation of the agricultural water used.
2) The type of model selected for analysis.
3) The wet year/dry year analysis.

All three of these issues can be resolved by:

1) Limiting the groundwater use to the 4300 acre feet that is available from the current agricultural irrigation water.
2) Increasing the imported water to 6249 acre feet. (State water or water stored in a location not hydrologically connected to the Santa Clara River)
3) Injecting 9000 acre feet during the first year of the ASR program and subsequently withdrawing 4100 acre feet as proposed. After the first year, 4500 acre feet could be added and 4100 acre feet extracted. 12

It is requested that this letter be made a part of the Administrative Record.

Very truly yours,

Lowell Preston, Ph.D.

cc: Lee Stark, Los Angeles County Planning Department, 320 Temple St., Los Angeles Ca 90012

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division
Christopher Stephens
Director

January 17, 2002

Members, Los Angeles Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
500 W. Temple Street, Room 383
Los Angeles, California 90012

RE: COMMENTS TO THE FINAL ADDITIONAL ANALYSIS FOR THE NEWHALL RANCH SPECIFIC PLAN DATED OCTOBER 2001

Dear Members, Board of Supervisors:

By letter dated December 26, 2001 the Ventura County Planning Division provided comments on the Final Additional Analysis (FAA) for the Newhall Ranch Specific Plan dated October 2001. Part of those comments include a Public Utilities Commission (PUC) decision dated November 29, 2001 which is relevant to our issues of concern. Unfortunately, the original Figure III-2 (Appendix A) of the decision we received from the PUC was not a very good copy, and did not reproduce legibly. We believe that Figure III-2 in central of our water resource concerns. Consequently, please find attached more legible color and black and white copies of Figure III-2. Please ensure these legible copies are included in the project administrative record for the January 22, 2002 hearing by the Los Angeles Board of Supervisors on Newhall Ranch. 1

If you have any questions, please contact me at (805) 654-2495.

Sincerely,

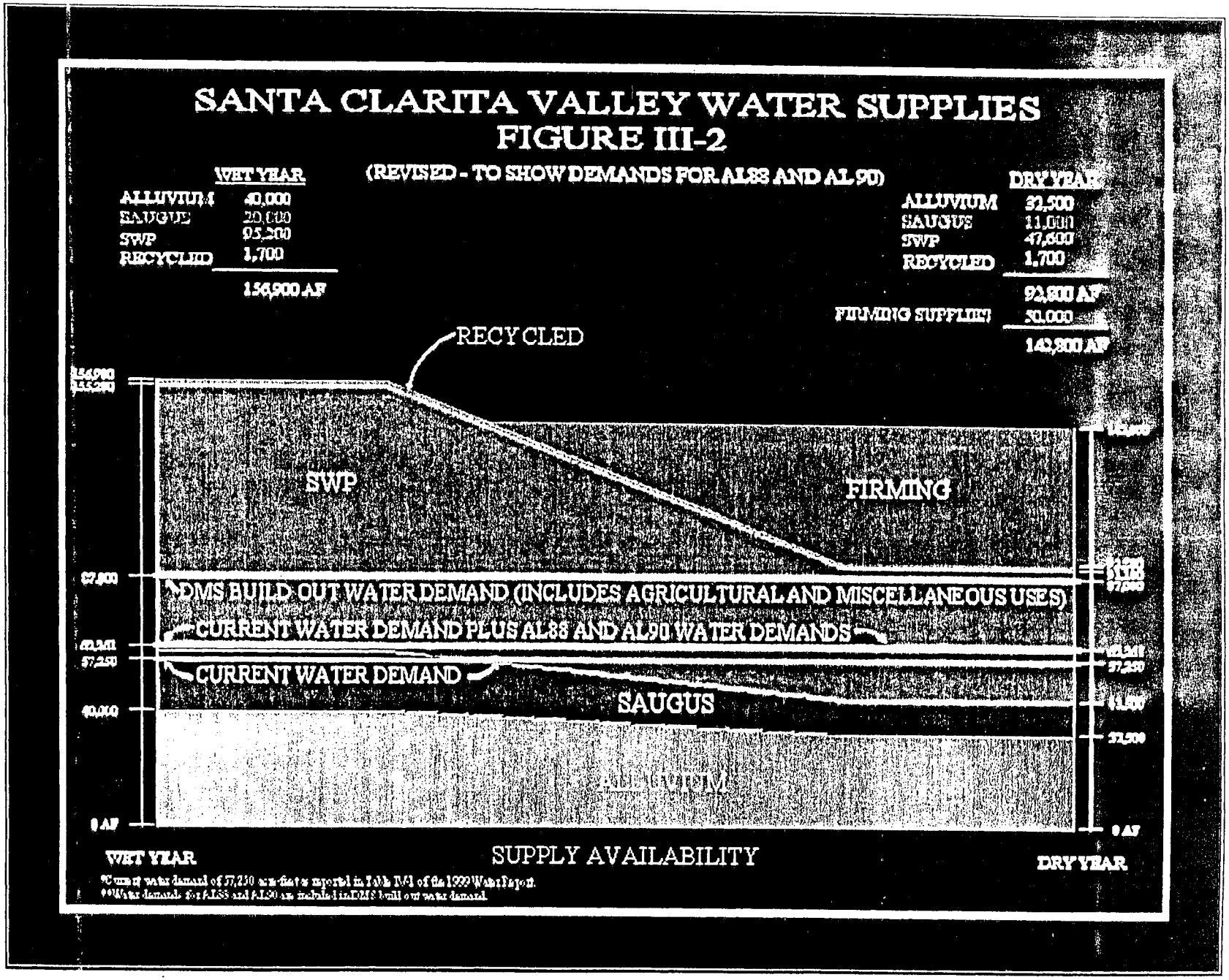
Scott Ellison, Senior Planner
Planning Division

Attachment

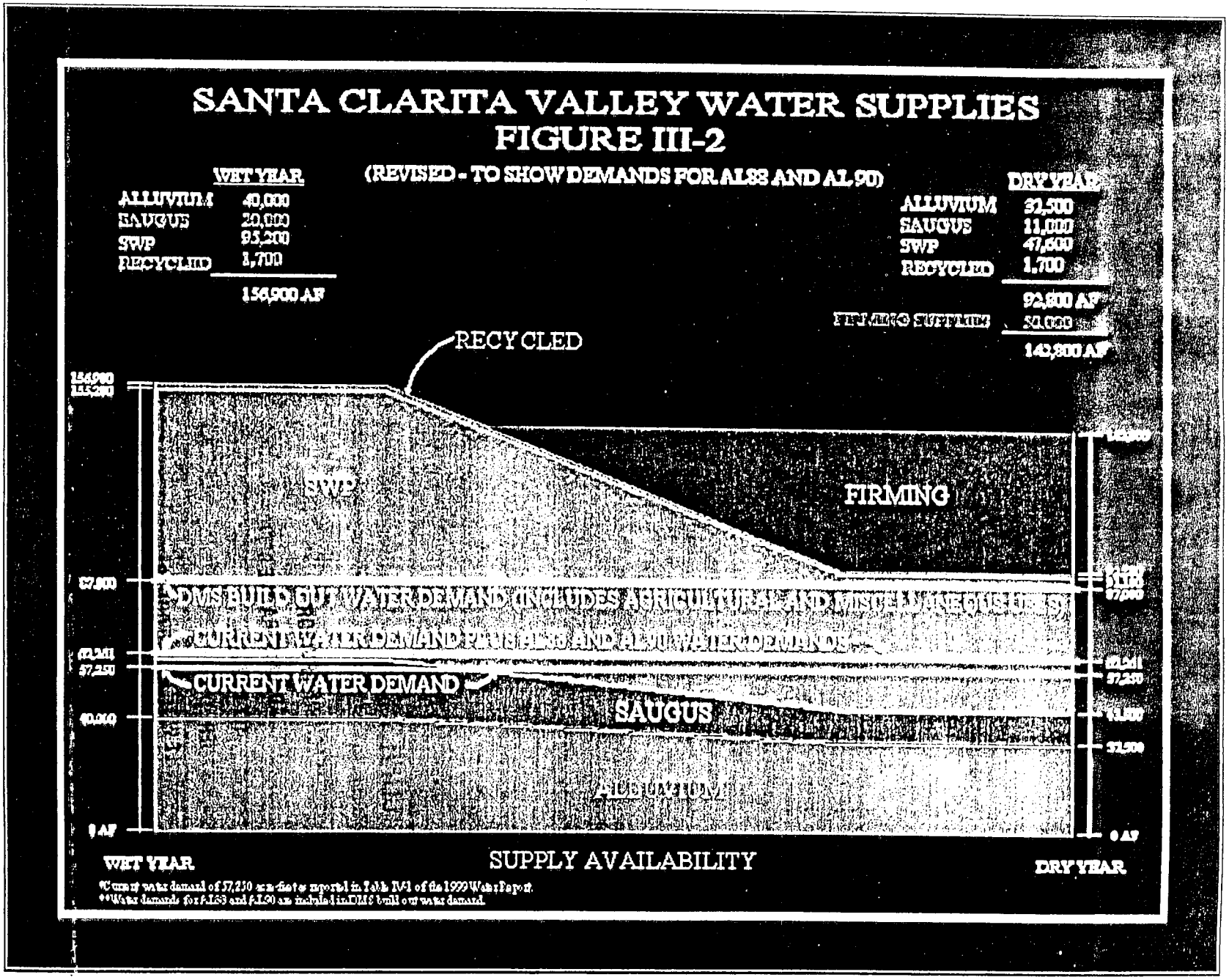
C:
Dennis Slivinski, County Counsel
Lee Stark, Los Angeles Planning Department

800 South Victoria Avenue, L# 1750, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509

Printed on Recycled Paper



(END OF APPENDIX A)



(END OF APPENDIX A)

8967 Wonderland Park Ave.
Los Angeles, CA 90046
323-654-0373
Email: rhethmon@aol.com

20 January 2002

Executive Office
Los Angeles County Board of Supervisors
500 West Temple St.
Los Angeles, CA 90012

Gentlepersons:

This letter is a demand that the Supervisors TAKE NO FURTHER ACTION to APPROVE the monstrous 21,000-unit Newhall Ranch project, just west of Highway I-5 in the present and the coming years.

I moved to Saugus in 1963 and lived there until 1976. It was during this period that the Newhall Land and Farming Co. developed the community of Valencia. It was once confined to the east side of I-5, but it has now expanded greatly to the west side of that freeway. I have to say that the development of Valencia was intelligently carried out so that a decently planned coomunity has resulted.

But the proposed project along the Santa Clara River is a clearly threatening departure from the policy of restraint that characterized the earlier development of Valencia. The watershed of the Santa Clara River is a natural treasure close to the metropolis. I have spent years exploring the river and its tributaries. Much natural countryside has been preserved. The Santa Clara is still a free-flowing river. This is a wonderful area which Newhall L. and F.'s proposal will destroy forever. This company is an enormous corporation, which I have followed for years, and I am sure that it has no concern or scruple as a corporate citizen of our county beyond its own profit. 1

Building this elephantine project will not only destroy the natural resources of the area, but it will place enormous strains on an already greatly stressed, almost catastrophic, traffic situation. I-5 from Santa Clarita into Los Angeles has already far exceeded its capacity to carry rush-hour traffic. The greatly overloaded Castaic-Ventura corridor cannot–without vast expenditures of public funds–be expanded so as to keep down the traffic deaths for which it is notorious if the traffic from this project is added to that already overloaded traffic flow.

The wild character of the riparian life along much of the river will be destroyed. Ninety-five per cent of the river's tributaries will be changed into storm drains. There is now not sufficient water to increase greatly the number of residents of the area without FINDING A WAY OF FUNDING THE REMOVAL OF THE ROCKET FUEL (AMMONIUM 2

PERCHLORATE) POLLUTION ALREADY THERE IN THE GROUND.

I have for many years been a friend of Mr. Ron Bottorff, the selfless Head of the Friends of the Santa Clara River, which has been fighting to preserve the rights of all citizens who will be harmed if the Newhall L. and F. is allowed to exploit this natural area in its reckless quest for profit. He is an engineer and outdoorsman, a man of complete integrity who has been studying this proposal and its probably disastrous consequences full time for years. He urges the Supervisors, and I strongly support his position, to

(1) give NO APPROVAL to any part of the project until complete water monitoring data has been obtained and a thorough water management plan is in place;

(2) give FULL PROTECTION to the Salt Creek Wildlife Corridor that passes through Ventura County; 3

(2) to give PRIORITY to protecting the public treasure that is the Santa Clara River and its RARE SPECIES.

My thanks to the Supervisors for their consideration and public spirit in dealing with this dubious proposal.

Sincerely,

Robert H. Hethmon, Ph.D.
Professor Emeritus
UCLA

→ RPD 4/23/02

3-02-02

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, Ca. 90012

Re: Newhall Ranch Project # 94-087
Please copy to all Supervisors

Dear Supervisors:

As a resident of the Santa Clarita Valley, I am opposed to this project because I am worried about our water supply. Over the past several years there have been many articles about the pollution of the Saugus aquifer by rocket fuel (ammonium perchlorate). This pollution has caused the shut down of four drinking water wells and, according to the Dept. of Toxic Substances Control, the pollution is spreading. There aren't any facilities in place to clean-up this pollution, nor is there any money to pay for it. Because of this, the water agencies in the Santa Clarita Valley are suing the discharger for damages and funds to clean up the pollution. This could take years. In the meantime, we do not have a clean and safe drinking water supply for our existing community, far less 21,000 additional houses! 1

Ammonium prechlorate causes changes to thyroid levels. This can cause retardation in children. It is unthinkable that you would give Erin Brokevich an award for her work in Hinkley to save that community from water pollution and yet you would approve the Newhall Ranch project knowing that our community would then have to rely on this polluted water source for our drinking water supply.

I am also very concerned about the increased traffic and air pollution that will be generated by 21,000 more houses. There are already 50,000 houses approved, but unbuilt in the Santa Clarita area. There is no way that all this traffic can be accommodated. What will you do about this?

Lastly, this plan does not leave enough open space along the Santa Clara River to protect it. The Santa Clara River is the last unchannelized river in Los Angeles County and home to many birds and animals. It is important to preserve this natural river. 2

Thank-you for voting no and saving our community.

Sincerely,

Linda Jenkins

Name Linda Jenkins
Address 23745 Sarda Rd
Valencia, CA 91355
Phone (661) 259-5969

(See over)

P.S. I would like a-1 copy of the "Master Plan" to be published in full in the newspaper - over

FILED

When will N.L and F be held responsible for partially upgrading our public schools? They reap the revenues of this Valley - but the homeowners are being "forced" to decide to upgrade & build new schools. It would be nice if NL+F had to ~~pay it~~ meet dollar for dollar the needed school funds. Then I would vote yes on these bond issues.

NHL+F lacks accountability and responsibility for S.C and other residents.

EACH SUPERVISOR
CHIEF ADMINISTRATIVE OFFICE
COUNTY COUNSEL
OTHER
FILE WITH BOARD ORDER
FILE:
IN ACCORDANCE WITH RETENTION SCHEDULE
INDEFINITELY
REFER TO
DON'T FILE

3

1/20/02

Executive Office
500 W. Temple St.
L.A., CA 90012

Attention: Executive Office

I have been informed that L.A. County is again thinking about putting in the Newhall Ranch Project down the 126 highway. When is enough, enough? I strongly disagree with this project and any further building on our mountains for several reasons. The environment is being ruined, we don't have enough park space as it is, we have over crowded schools, and the traffic is horrendous. 1

Putting in the 21,000 units is not good for the river and the environment and that is why Ventura County has sued you. Our open spaces are shrinking. Where are the animals supposed to go? Do you remember that several years ago California voted that mountain lions not be killed? The tremendous building that is going on is hindering their space. And yes, there are **many voters** who do care about this. Further, there is the issue of water supply and Santa Clarita has been informed that there is not enough water for this project. 2

We have over 2400 soccer players in the Valencia region alone. Saugus and Canyon Country have about a total of 3000. Club soccer in this area is strong with about 1500 players. Hart baseball has about 2000 players. **We** in Santa Clarita are getting down right angry that our children do not have space to play. Instead of putting in more houses why don't you put in park lands? Your **voters** would be much happier! We want a nice place to live when our children become voters and homeowners. 3

The third issue, but not third important by any means, is the issue of overcrowded schools. LA County has continued to **underestimate** the need for more schools. Before Stevenson Ranch Elementary was complete, it was overcrowded. There were no plans for a junior high or high school. Ground is being broken for a new elementary school, however, do you realize that this elementary school is already at capacity. The school is only being built for 700 students. The county is/has put in several thousand new homes, apartments and townhouses. Where are those students going to go to school? Stevenson Ranch is only one example. Canyon Country and Saugus have the same problems. Now you're thinking about 21000 new homes? Are you going to grossly underestimate that communities needs for schools as well? 4

The 5 freeway is jam packed in the morning and afternoon commutes. There is only four ways to get in and out of Santa Clarita. 95% of the traffic travels south on the 5 freeway. It is unimaginable what 21,000 more residents will bring to the commute.

When is someone going to advocate for the people instead of being bought off by big companies? The next voting time I have decided that I will not vote in any incumbents because they are not working for us. I hope you take this letter very seriously. I am speaking for **many** families in this community. I saw an advertisement for the Santa Clarita Community. The sign stated safe and good schools and a family environment. This environment is slowly deteriorating. The issues are the same and many are angry. I hope you will do the right thing and stop this ridiculous plan to build a Newhall Ranch project. Get us more parks, **PLEASE!** 5

Sincerely,

Debra Bartke
25468 Hardy Place
Stevenson Ranch, CA 91381

Cc Santa Clarita City Council

4-23-02 Board Meeting

Dear Sirs: 2-07-02

Newhall Ranch should not be considered until funding & facilities are in place to clean up the Saugus aquifer. Traffic concerns must also be addressed + a buffer zone created to protect the Santa Clara River + its endangered species. Mark Yon. Sincerely

Marion & Yet M. Sice

1

Mrs. Laurie Allen
2662 Valencia Cir.
Thousand Oaks, CA 91360
January 16, 2002

RECEIVED
JAN 31 2002
REGIONAL PLANNING
L.A. COUNTY

LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Dear Sir or Madam,

We need to save the Santa Clara River and protect our water supply. To that end, please do not give approval to the Newhall Ranch project until water monitoring data is obtained and a water management plan is in place. The Salt Creek Wildlife Corridor also needs full protection for all of the wildlife and rare species that live there. Please help save the Santa Clara River. Thank you. 1

Sincerely,
Laurie Allen

Heather Conn
3038 E. 8th St
Long Beach, CA 90804

Vasily Kandinsky, Russian (1866-1944)
An Arabesque, 1938
Oil on canvas 36-1/2" x 25-5/8"
The Milton Wichner Collection
Long Beach Museum of Art

LONG BEACH CA 90804
PM
14 JAN
2007

Please make sure that Newhall Ranch is not considered until funding & facilies are put in place to clean up the Sagus Aquifer. Also, traffic concerns need to be addressed and protection should be in place for the animals along the river.

Thank You for your support

Los Angeles County
Board of Supervisors
500 W. Temple St
Los Angeles CA 90012

Attn: Newhall Ranch
Project #94-087

1

Dear LA County Board of Supervisors 1-13-02

Re: Newhall Ranch Project # 94-087

Please REJECT the developers' request for a permit to build the 21,600 unit project in Santa Clarita Valley.

The water supply is inadequate for the proposed community. Traffic and pollution will increase significantly and wildlife will be impacted if this project goes forward. 1

Respectfully

Lorraine Edmondson

Jan. 18, 2002

Andrew Christie
12775 Pacific Ave. #207
L.A. CA 90066

RE: Newhall Ranch project #94-087

To the Supervisors:

In the matter of the Jan. 22 hearing on the Newhall Ranch project, I would like to draw your attention to the fact that in 1998 the proposed Hearst Ranch resort development was rejected by the California Coastal Commission and the people of the Central Coast because it posed the same insurmountable problems as remain present in the proposed Newhall Ranch development: An inadequate water supply, unmitigatable traffic congestion, and insufficient envrionmental protections.

All of these conditions pertain In the case of Newhall Ranch. Without a full clean-up of the Saugus aquifer, the developers cannot guarantee a water supply for the project. Congestion on Interstate 5 with the addition of the traffic resulting from the project's 21,600 units will become impassible. Without an expanded buffer zone around the Santa Clara River, endangered species are at risk, along with the water supply for current area residents. 1

Newhall Land has failed to address these problem as the Hearst Corporation failed to do so on the Central Coast. Their proposal must be rejected for the same reasons.

Sincerely,

Andrew Christie

ROUTING & REQUEST

Please...
- [ ] Read
- [ ] Handle
- [ ] Approve

And...
- [ ] Forward
- [ ] Return
- [ ] Keep or Recycle
- [ ] Review with Me

To:

From:

Date: 1-22-2

Post-it® 7664 C3M 1995

Los Angeles County Boa
500 W. Temple St.
Los Angeles, CA 9001
Jan. 15, 2002

Dear L.A County Boa

Regarding the Newhall Ranch project of a 21,000 unit city, please protect those of us who live down stream from the proposed new city. There is no assurance that adequate water will be available to a project of this magnitude.

The riparian habitat of the Santa Clara River must be protected, especially the Salt Creek Wildlife Corridor. This project is too big, too much damage will occur for years to come. The air quality, traffic and especially water quanity and quality will all be negatively affected and those of us who already live here will have a reduced quality of live. 1

Please do not approve this project as it is proposed. It is too large and the water issue must be addressed!

Thank you for your attention.

Sincerely,
Susan Stephenson
Santa Paula, CA 93060

January 17, 2002

Dear Supervisors:

I send this letter in regards to the **Newhall Ranch Project** in Santa Clarita. Have you really looked at the long-term effects? This development is planning to build 21,000 units.

1. **Has "water monitoring data" been obtained?**
2. **Is there a "water management" plan in place?**
3. **Is the ground water safe from previous "rocket fuel pollution"?** 1
4. **Have you considered the rare species of animals that may become extinct from our world forever?**

Please consider your conscious and choices!!!

Sincerely,

Scott Miller
Santa Clarita Resident
23412 Berwick Pl.
Valencia, CA 91354

January 18, 2002

Dear Sir or Madame,

As residents of the Santa Clarita Valley for seventeen years, we have witnessed this city grow and expand to what it is today. We write to you out of concern for a new housing project planned in our community. The huge 21,000 unit Newhall Ranch project concerns us because we feel there are many health and environmental issues still unresolved and unexplored concerning the impact of the new community on the Santa Clara River. The Santa Clara River and the health of residents of Santa Clarita are too valuable to put at risk without knowing full facts. We ask the following of you: 1

1. No approval until water monitoring data is obtained and a water management plan is in place.
2. No approval until the rocket fuel pollution is cleaned out of our ground water supply.
3. Protect the Santa Clara River and its rare species.

Thank you for your time and concern.

Sincerely,

The Hiszpanski Family

28639 Vineyard Ln.
Castaic, CA 91384
January 19, 2002

Dear Los Angeles Board of Supervisors,

Please don't approve the Newhall Ranch development plan in the Santa Clarita Valley! There really is a shortage of potable water, and there will be serious shortage problems if we ever have a drought. It's time to slow growth in our county until we are sure we can handle all the ramifications. Thanks for listening. 1

Sincerely,

Judy Ferkel

Judy Ferkel,
a Los Angeles county resident since 1974

RECEIVED
MAY 1 2002
REGIONAL PLANNING
L.A. COUNTY

MULTIPLE COPIES OF FORM LETTER

4-20-02

Executive Office
LA County Board of Supervisors
500 W. Temple St.
Los Angeles, Ca. 90012

Re: Newhall Ranch Project

Dear Supervisors:

As a resident of Los Angeles that cares about protecting our local watersheds, I am asking you to oppose this project. Although the Santa Clara River is designated a significant ecological area, this project fails to comply with the General Plan to protect the river and its rare habitat. The Court found this to be true when it set the project aside in August of 2000. The County has failed to make any changes to comply with the Court order. 1

I am excited about the "greening" of the Los Angeles River. Now we have an opportunity to save the Santa Clara, the County's last wild river, AND save future tax-payer dollars trying to undo bad planning, merely by following the County General Plan requirements for significant ecological areas. Please respect our General Plan.

Also, I am concerned that you would even consider approving a project that would over-draft the Santa Clara River for a water supply. We must use our watersheds sustainably so that they are available for our children as well as ourselves. 2

Lastly, I have heard about the water pollution problems from rocket fuel in the Santa Clarita Valley. This ammonium perchlorate pollution affects the thyroid glands and can cause retardation in babies. Four drinking water wells in Santa Clarita have already been closed down. I think it is unconscionable that this huge project which relies on a polluted water supply, would be considered before the a clean-up method is approved and built. How can you, as planners for the public welfare of this community, allow housing to proceed before the water supply is safe to drink? 3

Thank-you for considering my comments.

Sincerely,

Name Lincoln Kamm

Address 10920 LANDALE St
North Hollywood, CA 91602
Phone Number 818-508-1433

RPD
4/23/02

RECEIVED
APR 8 2002
REGIONAL PLANNING
L.A. COUNTY

1-02-02

Executive Office
Los Angeles County Board of Supervisors
500 W. Temple St.
Los Angeles, Ca. 90012

MULTIPLE COPIES OF FORM LETTER

Re: Newhall Ranch Project # 94-087
Please copy to all Supervisors

Dear Supervisors:

As a resident of the Santa Clarita Valley, I am opposed to this project because I am worried about our water supply. Over the past several years there have been many articles about the pollution of the Saugus aquifer by rocket fuel (ammonium perchlorate). This pollution has caused the shut down of four drinking water wells and, according to the Dept. of Toxic Substances Control, the pollution is spreading. There aren't any facilities in place to clean-up this pollution, nor is there any money to pay for it. Because of this, the water agencies in the Santa Clarita Valley are suing the discharger for damages and funds to clean up the pollution. This could take years. In the meantime, we do not have a clean and safe drinking water supply for our existing community, far less 21,000 additional houses! 1

Ammonium prechlorate causes changes to thyroid levels. This can cause retardation in children. It is unthinkable that you would give Erin Brokevich an award for her work in Hinkley to save that community from water pollution and yet you would approve the Newhall Ranch project knowing that our community would then have to rely on this polluted water source for our drinking water supply.

I am also very concerned about the increased traffic and air pollution that will be generated by 21,000 more houses. There are already 50,000 houses approved, but unbuilt in the Santa Clarita area. There is no way that all this traffic can be accommodated. What will you do about this? 2

Lastly, this plan does not leave enough open space along the Santa Clara River to protect it. The Santa Clara River is the last unchannelized river in Los Angeles County and home to many birds and animals. It is important to preserve this natural river. 3

Thank-you for voting no and saving our community.

Sincerely,

Name- Joseph DiNome
Address 14630 Geranium Gl IN
Canyon Country CA 91387
Phone 661 252 7277

-1080-

RESOURCE MANAGEMENT AGENCY

County of Ventura

Planning Division
Christopher Stephens
Director

February 10, 2003

Members, Los Angeles Board of Supervisors
c/o Ms. Joanne Sturges, Executive Officer
500 W. Temple Street, Room 383
Los Angeles, California 90012

RE: ADDITIONAL COMMENTS TO THE REVISED DRAFT ADDITIONAL ANALYSIS FOR THE NEWHALL RANCH SPECIFIC PLAN DATED NOVEMBER 2002

Dear Members, Board of Supervisors:

By letter dated January 16, 2003 Ventura County provided your Board with comments to the November 2002 Revised Draft Additional Analysis (RDAA) for the Newhall Ranch Specific Plan. Please find attached additional comments which should be considered part of the comments from Ventura County. Please include these additional comments as part of the administrative record for the January 28, 2003 hearing on Newhall Ranch that was continued to March 25, 2003. 1

We recommend that your Board address the issues raised in the attached memo as well as those raised in our previous RDAA, DAA, and FAA comments before taking final action on the Newhall Ranch Specific Plan.

If you have any questions, please contact Scott Ellison of my staff at (805) 654-2495.

Sincerely,

Chris Stephens, Director
Planning Division

Attachment

Memo from Lowell Preston to Dennis Slivinski, dated January 29, 2002

800 South Victoria Avenue, L# 1750, Ventura, CA 93009 (805) 654-2481 Fax (805) 654-2509

C:
Supervisor Michael Antonovich
Supervisor Don Knabe
Supervisor Zev Yaroslavsky
Supervisor Yvonne Burke
Supervisor Gloria Molina
Dennis Slivinski, County Counsel
Lee Stark, Los Angeles Regional Planning Department

Supervisor Kathy Long
Supervisor John Flynn
Supervisor Judy Mikels
Supervisor Steve Bennett
Supervisor Linda Parks
Johnny Johnston, CEO
Tom Berg, RMA

WATER RESOURCES & DEVELOPMENT DEPARTMENT
WATER RESOURCES DIVISION
MEMORANDUM

January 29, 2003

To: Dennis Slivinski

From: Lowell Preston

Subject: **NEWHALL RANCH SPECIFIC PLAN, Revised Draft Additional Analysis**

The Water Resources Department has the following comments:

AGRICULTURAL PUMPING

1) As noted in our June 11, 2001 memorandum, we agree that the groundwater historically used for agricultural purposes can be transferred to partially satisfy the Newhall demand. However, there appears to be some inconsistencies in the determination of how much water has been used for agricultural purposes over the years. 2

2) Page ES-10/Table ES-1 notes that existing agricultural water is a primary supply yielding 7038 AF annually. 3

3) The analysis on Page 2.5-139 regarding agricultural groundwater use explains how electric meters are used to determine the amount of groundwater pumped, but offers no data on which an estimate of that groundwater use can be determined. Instead, the analysis transitions to an estimate of groundwater used based upon evapotranspiration (Et). 4

4) Page 2.5-139 notes the lack of consistent climatic conditions and soils then proceeds to employ the evaporation values as published by the State CIMIS Station located at Piru in Ventura County. 5

5) Page 2.5-138 states that the agricultural water to be used for the project would consist of the water historically and currently used for agriculture in Los Angeles County. Page 9, Appendix 2.5 refers to Newhall Ranch agricultural lands outside the Newhall Ranch footprint. 6

6) Page 2.5-45 states that the average annual rainfall for Santa Clarita Valley is 19.5 inches. 7

7) Page 2.5-140 explains the procedure for determining that the historical water available for the project is 7038 AF annually. This procedure includes the following: 8

- State CIMIS station at Piru was used to determine the evapotranspiration for the area in question. That Et is 62.75 inches per year, or 62.75/12 = 5.23 AF per acre annually.

8

- The crop factors for the State CIMIS system were used.

- An irrigation efficiency factor for each crop was added to increase the water use. This factor ranged from 50% to 70% and increases the water use by a factor ranging from 1.43 to 2.0 times.

Although we agree that the groundwater previously used for irrigation is properly available to offset the demand for the proposed project, we do not agree that the determination of water use is sufficiently accurate:

9

1) Electric meter records were cited as a means of determining water use. No data was provided to show the extent of water used by this method. Using electric meters is an acceptable practice only when the meters are regularly calibrated.

2) Although the CIMIS Station at Piru has not been maintained on a routine basis by the State and frequently experiences a dysfunction of one or more of the weather variables, it is believed that the evapotranspiration values remain reasonable. 10

3) Due to the lack of explaining which lands previously and currently are in agricultural production combined with the comment noted in item 4) above, it appears that the agricultural lands to be fallowed to free up the water for the project apparently exceed the lands that will be occupied by the project. This leaves no control of the future use of water on those farmlands. If Newhall accepts a condition for the permanent set aside of these lands previously in agricultural production, the use of this water would be appropriate. If this condition cannot be met then the lands could be placed in use to create a double water demand. 11

4) A CIMIS Station collects rainfall data but does not incorporate that data in the calculation of Et.

Rainfall is not part of this determination, and the resulting calculation, such as shown in Table 2.5-32 shows that rainfall was not used. If the rainfall is not calculated, that is essentially free water that hasn't been counted. The reason this happens is the difficulty in determining reasonably accurate deep percolation, root depth and runoff factors that vary with the intensity and duration of rainfall. However, rainfall counts, and cannot be ignored. If half of the rainfall total is used, then some 10 inches must be deducted from the amount of water required for the crop. Actually the number that would be more accurate is 25% or perhaps 5 inches. 12

5) The method of calculating the water used essentially fell apart when the irrigation efficiency factors are applied. An irrigation efficiency of 50% means that due to the 13

practice employed, the amount of water used was twice as much water as was necessary. For example: The Fox Canyon Groundwater Management Agency requires a minimum of 80% in irrigation efficiency. In a time when water is a very valuable commodity, an irrigation efficiency of 50% would be considered a waste of water. However, using these numbers, evaporation has been accounted for, as has transpiration. This leaves runoff to the Santa Clara River, with subsequent percolation and on site deep percolation as the possible destination of the excess water applied. When the water use is transferred to the project, there will be a greatly reduced amount of deep percolation. 13

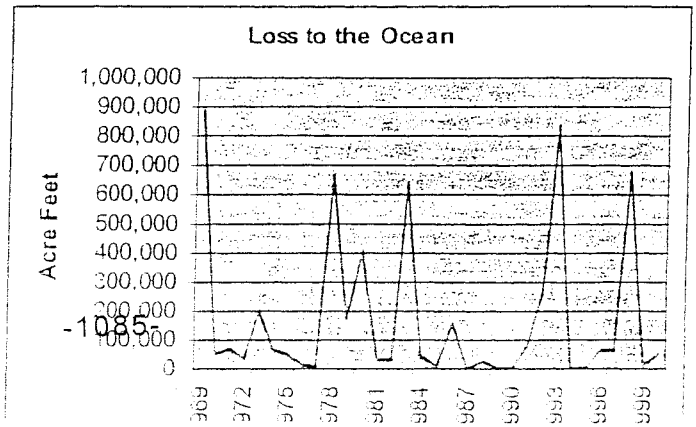
In other words, let's not quibble with numbers, but let's just talk net water use. The net water use would not consider water that was returned to the ground in any event. It is noted that the ASR model has been revised to show this added deep percolation which may mean the 4000 acre feet of deep percolated water may have been double counted. Recalculating the water use as net water is shown in the following table along with the recalculation to compensate for rainfall for the year 2000: 14

Acres	Crop	Et	Factor	demand/acre	Water Used
	Alfalfa	62.7	1	5.2	287.6
	Sudan	62.7	1	5.2	784.3
	veg.	62.7	1	5.2	3775.4
Total					4847.4
Add Rainfall at 25%					
	Alfalfa	57.7	1	4.8	264.7
	Sudan	57.7	1	4.8	721.8
	veg.	57.7	1	4.8	3474.6
Total					4461.2

The resulting figure is shown for the year 2000 only, but is substantially lower that the claimed 7476 AF per year.

Saugas ASR program

The additional analysis concentrated on showing that an ASR project would work. Although the Ventura County did comment that it had not been shown that an ASR project would work, the intent was to point out that that data had not been presented and would certainly be a good place to start. Ventura County can now acknowledge that the additional analysis does provide data to support that conclusion. However, considering that ASR has been shown to be 15



feasible, the question remains whether Ventura County will be damaged by the operation of the ASR. In this respect, previous objections to the ASR model emphasized the static design as opposed to a dynamic model design, and objected to the timing of lowering water levels in the Santa Clara River during droughts and increasing water levels during flood flows when Ventura County traditionally loses water to the Ocean anyway. Our previous objection remains unchanged. 15

As has been previously noted, the graph below shows losses to the Pacific Ocean in prior years. Therefore, the extra water during wet years does not provide usable water to offset the loss in dry years. Although this has been pointed out in prior reviews, the ASR alternative continues to avoid a discussion of the problem, and insists that the wet year flows more than compensate for the dry year shortage. 16

In summary, the County does not agree to the amount of agricultural transfer, and does not agree with the conclusions of the Saugas ASR model since it still reflects the static model. Even though the model shows a decrease in river flows in dry years, the applicant fails to acknowledge that the wet year flows will be lost, and therefore cannot be used to offset a dry year deficit. 17

In as much as the County has no issues with the Nickel Family water and the Semi-Tropic Water Bank, deletion of the Saugas ASR alternative would simplify the overall water availability picture. 18

END MEMO

January 18, 2003

MULTIPLE COPIES OF FORM LETTER

Executive Office
Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

Re: Newhall Ranch Project, Los Angeles County Project Number 94087

As a resident of Los Angeles County who cares about protecting our local watersheds, I am asking you to oppose this project.

The Santa Clara River is designated as a significant ecological area (SEA), and as such, the Los Angeles County General Plan requires that a SEA be protected as well as its habitat. The Court found this to be true when it set aside the project in August 2000. I am excited about the "greening" of the Los Angeles River, but we have the opportunity now to save the Santa Clara River (Los Angeles County's last wild river) and at the same time save future taxpayer dollars merely by following the County's General Plan requirements for significant ecological areas. Please respect our General Plan. 1

I am also concerned that you would consider approving a project that would overdraft the Santa Clara River for a water supply. We must use our watersheds sustainably so that water is available for our children and their children as well. 2

I have also heard about the water pollution problems arising from rocket fuel contamination in the Santa Clarita Valley. This ammonium perchlorate pollution affects the thyroid glands and can cause retardation in babies. Now five drinking water wells in Santa Clarita have been closed down. I think it is unconscionable that this huge project, which relies on a polluted water source, would be considered before a clean up method is approved and built. How can you, as planners for the public welfare of this community, allow housing to proceed before the water supply is safe to drink? 3

Thank you for considering my comments.

Sincerely,

Name Fred Starner

Address 8755 Limerick Ave
Winnetka, CA 91306

1 of 3
enter to
Sups

page 1 of 14
Please copy all
supervisors ASAP

Executive Office
LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Re: Proposed Newhall Ranch Project,

Dear Supervisors,
Thank you for the opportunity to comment on the Newhall Ranch Project, LA County Project # 94087.

I am an environmental activist in Santa Clarita with a passion for our natural heritage and the species that depend on it. As an environmental activist, citizen of Santa Clarita, mother and wife I strongly oppose the proposed Newhall Ranch Project.

The Santa Clara River is the longest free-flowing river in southern California, and is the only one that extends from the desert to the coast. As such, it is of critical biological importance, linking several major ecoregions (Coastal Plain, Coast Ranges, Transverse Ranges, Mojave Desert). The Santa Clara River and its tributaries are within one of the most rapidly urbanizing watersheds in the state. The Santa Clara River, southern California's last truly dynamic big river, boasts one of the largest watersheds in the South Coast region at 1,600 square miles. The 116-mile-long river rises on the northern slope of the San Gabriel Mountains in Los Angeles County and traverses to Ventura County, lined by riparian habitat featuring willow, mulefat, and cottonwood forests — habitats so rare that they still exist in only three to five percent of their original range in the western United States. These streamside habitats are home to many imperiled native birds, mammals, reptiles, amphibians and fish species. 1

Here is a list of some of the problems associated with Newhall Land and their proposed Newhall Ranch project.
1. CONFIDENTIALITY AGREEMENTS:
Biologists working for Newhall Land and Farming, including Impact Sciences, Inc., Aquatic Consulting Inc. (Cortois), and others, must sign confidentiality agreements prohibiting disclosure of findings to the public agencies. These agreements threaten to sue the biologists should they report their findings to any person, state or federal agency. Such agreements clearly are intended to hide the findings of the biologists, and may in fact render subsequent Environmental Impact Reports invalid, groups and agencies cannot know to mitigate for the loss of special status species and their habitat if they have not rightfully and completely been made aware of the natural resources present in a project area. 2

The ability of Newhall Land and Farming to hinder the intent of CEQA as a full disclosure process and the inability of the Los Angeles County to correct this problem calls into question all the other EIR consultants' reports prepared for the Newhall Ranch EIR. Los Angeles County has no way of knowing what other data has been incorrectly presented or omitted in the EIR. .

2. WILLFUL CONCEALMENT AND DESTRUCTION OF ENDANGERED SPECIES WITHIN PROJECT AREA:
San Fernando Valley Spineflower (Thought to have been extinct, and now a Candidate for State and Federal Endangered Species status)
This plant was found on the Newhall Ranch property during surveys conducted by URS consultants, and because of the potential impact of the find, a sample was sent by the consultants to a local arboretum for confirmation. When word got out that it had been found, URS was ordered off the property, and because of the confidentiality agreements, was not able to discuss the findings with the appropriate agencies. The Fish & Wildlife Service heard secondhand about the find and tried to receive confirmation from NLF to no avail. After waiting a month or more Newhall Land reported only one small population of spineflower - yet they knew that there were several populations on their property. They referred to these as possible populations, as if they did not know what they were, when the identification was certain. The other populations found on the site were originally concealed (and Newhall bound their biologists to confidentiality agreements) while they quietly tried to destroy them. California Department of Fish and Game has contended in a legal brief filed against Newhall Land that they tried to destroy 3

2/4/03

populations of spineflowers by having them ploughed under (without obtaining permits) and then laying bales of hay, encouraging cattle to graze, trample and destroy all evidence of the flower. Is this Newhall Lands's idea of being a good land steward? Of caring for the sensitive resources under their corporate flag? 3

3A. ENDANGERED ARROYO TOAD NOT ADDRESSED IN THE EIR

Newhall Land was aware that arroyo toads were found in the Santa Clara River near the Bridgeport and Jefferson apartments as far back as 1994; this information is in the public record (California Natural Diversity Data Base, and several EIRs for local projects). Newhall Land's own biologists located arroyo toads in the Santa Clara River on their property in 1994, and then again in 1996, and 2000, but they conveniently failed to report the latter two findings until after the Santa Clara River critical habitat designation had been removed. Friends of the Santa Clara River hired a biologist (referred by U.S. Fish and Wildlife) who found arroyo toads right near the confluence of San Francisquito Creek near the old railroad bridge. Then Newhall Land had the gall to question whether the biologist had "planted" the toads on the site. This allowed them (in their minds anyway) to continue to destroy the habitat while arguing over the toads existence. Eventually, NL&F's very own biologists confirmed their presence in the river, but not until damage had been done. In February 2001 The Signal newspaper published an article "Arroyo Toad Hops off Critical List", in which Newhall states, "There has never been a documented sighting (arroyo toads) on our property." In Newhall Land's unique perspective, having honest biologists AND their own less-than-credible biologist find arroyo toads on the site, and list them in state agency records simply does not constitute "documenting."

Yet, nowhere in the Newhall Ranch EIR is there any mention that the Arroyo Toads have been documented within the reaches of Newhall Ranch, not even in the most updated version of the EIR. Newhall Land briefly mentions in the original draft eir that arroyo toads have been observed in upper Castaic Creek and that there may be habitat for them within the boundaries of the project site, yet not another reference to the three findings of arroyo toads just 1/2 mile upstream of the project area. 4

The Arroyo Toad is a habitat specialist requiring uplands for its survival, soft sandbars along the river for burrowing and clean water for breeding and hydration. The arroyo toad can travel up and down the river and up onto the uplands (where they spend a great deal of their time) up to 2 miles out of the river system. Clearly Arroyo Toads occur in the proposed Newhall Ranch project area, clearly Newhall Land has knowingly concealed the presence of this species in their multiple projects along their Natural River Management Plan where it meets the proposed Newhall Ranch project area. Clearly Newhall Land has destroyed the habitat of the toad upstream of this project area, installing roads along the river - causing mortality, loss of burrowing sand bars, loss of uplands, introduction of non native predatory amphibians such as the african clawed frog and bull frog attracted to the many manmade water features within Newhall's projects. The cumulative impacts to the Arroyo Toad caused by one developer must be addressed and appropriately mitigated for - with a habitat conservation plan that addresses the requirements of Arroyo Toads use of uplands. Treated water being released into the river is already impacting aquatiuc insects, two biologists (Dr. Dan Holland and Nancy Sandburg) believe that the quality of the treated water and the temperatures up to 100 degrees is harmful to amphibians.

3B. Unarmored Threespined Stickleback

Newhall Land and their hired biologists claim that the impacts to the Unarmored Threespined stickleback will be less than significant. We disagree and believe that this project will further threaten the existence of the Unarmored Threespined stickleback in the Santa Clara River. Again, you can not expect the citizens and agencies to believe anything addressed in Newhall Lands EIR. If Newhall Land is capable of concealing the presence of endangered species then they are surely capable of distorting the truth on any issue including the Unarmored Threespined stickleback. 5

4. STREAMBED ALTERATION VIOLATION

Newhall Land is currently preparing for a court trial scheduled for February 12 for violating state law as they have been charged by California Department of Fish and Game of illegally altering the streambed in a tributary to the Santa Clara River. Newhall Land was charged in September with illegally altering this stream bed on the site of its proposed Newhall Ranch (the 21,600 home development). This is a violation of the Clean Water Act, and California Department of Fish and Game codes. It also is not the first time NLF has been caught with its hand inside this particular cookie jar. Certainly a company of this size and experience can't plead ignorance in regard to its role and responsibility in such issues and actions. But, of course, Newhall contends that they did nothing wrong. 6

5. SEVERE AND EXTENSIVE OIL FIELD CONTAMINATION.

Severe and extensive oil field soil contamination on the proposed Newhall Ranch property has just been made public. Although many thousands of pages of environmental documents going back to the 1996 Draft EIR have been released, none have disclosed this contamination. How can anyone know what information the EIR consultants did not discuss because of the confidentiality agreements? Does BELMONT ring a bell? 7

6. PERCHLORATE CONTAMINATION IN THE SAUGUS AQUIFER
As of this day the perchlorate on the Bermite Site has yet to be cleaned up. And, yet this year another municipal water well was shut down because of perchlorate pollution. Obviously the perchlorate is spreading through the aquifer. The Saugus Aquifer is a major source of water for the current citizens of Santa Clarita and yet it is threatened. There should be no further housing developments approved in this region until clean up has been completed. The more we learn about perchlorate the more concerned we become for the health of our unborn children, our living children and adults. There is ongoing battles that include many players in the blame game. Yet know one is even close to cleaning up this pollution. 8

7. OTHER NEWHALL LAND ACTIVITIES ALONG THE SANTA CLARA RIVER
* See Attached 1: letter sent to Director Robert Hight of the California Department of Fish and Game dated May 23, 2002. This letter identifies ongoing degradation to the Santa Clara Rirver within Newhall Land'ss Natural River Management Plan (which Newhall says is the footprint of the Newhall Ranch Project) and destruction to habitat already taken by Newhall Land on the proposed Newhall Ranch Project.

This letter signed by Sierra Club, Audubon chapters, Environmental Defense Center, Center for Biological Diversity, Friends of the Santa Clara River, SCOPE (Santa Clarita Organization for Planning and the Environment), outlines Newhall Land's total disregard for species occurring along the Santa Clara River. It further outlines loss of wetlands not addressed in any environmental impact report, and loss of blue line streams with native fish in them. Newhall Land's practices of scaring away endangered migratory birds, their concealment and denial of Arroyo Toads occurring in the project area, their inability and lack of desire to protect the natural resources. This letter substantiates that Newhall Land, Local, State and Federal Agencies are incapable and often unwilling to protect the natural resources of the Santa Clara River.
You might remember that Newhall's Natural River Management Plan is a footprint of how the rest of the Santa Clara River will be managed and or developed. The impacts to the Santa Clara River by Newhall's ongoing Natural River Management Plan have been disastrous, with new and significant impacts being recognized on a continous basis. What we have here is proof that the mitigation measures set forth in Newhall Land's proposed Newhall Ranch are the same as those proposed in the Environmental Impact Report for their Natural River Management Plan. If the proposed Newhall Ranch project is approved, it will devastate the biodiversity of the Santa Clara River, its tributaries, wildlife corridors and all the species dependent upon it for survival. 9
Attachment 2: Audubon California has identified the Santa Clara River as a globally important bird area. Attached is the report on the Santa Clara River prepared by Dan Cooper, Director of Bird Conservation, Audubon California.
The Newhall Ranch project must be denied, the environmental impact reports are woefully incomplete - the County of Los Angeles must reject the Newhall Ranch project. Require a new environmental impact report and require independent studies within the proposed project area to be conducted by independent consultants. Newhall Land's history on the Santa Clara River makes it clear that they have concealed the presence of endangered species, and then knowingly destroyed their habitat. Newhall has used consultants willing to sign confidentiality agreements. You can not expect the citizens of Los Angeles County, and Santa Clarita to believe anything in the environmental impact reports. The fact of the matter is - Newhall has already impacted species they say did not occur there, 9 additional special status plants have been located on the project site. How are we to trust that all the other impacts to the river will be less than significant when it is evident that Newhall has distorted the facts in order to gain approval of this project?
All documents prepared under Newhall confidentiality agreements should be rejected, and new reports prepared under the direct supervision of Los Angeles County. Only in this way can the public be assured that the resulting document provide full disclosure as required by CEQA.
Regards,
Teresa Savaikie, Center for Biological Diversity, 26724 Mocha Drive, Saugus, Ca. 91350 &
Peter Galvin, California and Pacific Director Center for Biological Diversity, Post Office Box 40090
Berkeley, California 94704. Ph. (510) 841-0812 Fax (510) 841-0187

Attachments 1 & 2: Letter to California Fish and Game - Director Robert Hight, and Audubon California important bird area report.

cc: Environmental Defense Center, Director Robert Hight - California Department of Fish and Game, Friends of the Santa Clara River, SCOPE.

Santa Clara River Estuary

Ventura
Cities within or adjacent to site: Ventura, Oxnard
Size: A
IBA Criteria: 1 (M)
Sensitive species: 3 (Snowy Plover, Least Tern, Yellow-breasted Chat)
Threat: High
Primary source: Walter Wehtje
Local Audubon Chapter: Ventura

Attachment
Important
Bird area

Description: The Santa Clara River mouth has three main components: the estuary itself, which can be either a lagoon or broad mudflat, depending on the tide and status of the outlet to the sea; the riparian thicket within the campground at McGrath State Beach on the south side of the estuary; and a sandy beach north and south of the mouth. A small, reed-lined pond formed by discharge from a wastewater treatment plant adjacent to the estuary (north side) provides additional habitat complexity.

Birds: The Santa Clara River mouth is one of the more heavily-used stopover sites for shorebirds in coastal southern California in both spring and fall, and is also an important year-round foraging area for waders, gulls and terns. A small colony of Least Tern and Snowy Plover breed in an exclosure along the beach, and the riparian thicket is one of the farthest-south strongholds in the state for such breeding species as Swainson's Thrush and Wilson's Warbler. During spring and fall migration, this thicket can be alive with migrants.

Conservation Issues: The Santa Clara River mouth is in great need of a management plan that addresses the constant harassment of birds by off-leash dogs and their owners, a major problem all year. Better signage and patrolling by a volunteer group would benefit the area greatly.

Santa Clara River Valley

Ventura/Los Angeles
Cities within or adjacent to site: Ventura, Santa Paula, Fillmore, Santa Clarita, Saugus, Canyon Country
Size: C
IBA Criteria: 2 (F,L)
Sensitive species: 9 (Long-eared Owl, Willow Flycatcher, Loggerhead Shrike, Bell's Vireo, Cactus Wren, Yellow Warbler, Yellow-breasted Chat, Summer Tanager, Tricolored Blackbird)
Threat: Critical
Primary source: Kimball Garrett, Los Angeles County Museum of Natural History; Reed V. Smith
Local Audubon Chapter: Ventura, Conejo Valley, San Fernando Valley

Description: The Santa Clara River is the longest free-flowing river in southern California, and is the only one that extends from the desert to the coast. As such, it is of critical biological importance, linking several major ecoregions (Coastal Plain, Coast Ranges, Transverse Ranges, Mojave Desert). The Santa Clara River and its tributaries are within one of the most rapidly-urbanizing watersheds in the state, with both Ventura and Los Angeles counties racing to develop tens of thousands of homes west and east of the I-5 corridor, which roughly bisects the river. Though much of the mountainous habitat high above the floodplain in the Los Angeles Co. stretch (and to a lesser extent in Ventura Co.) is well protected within the Los Padres and Angeles national forests, the most sensitive habitats along the river, its tributaries, and on adjacent terraces are in private hands. What was once a continuous expanse of bottomland riparian woodland (Fremont Cottonwood mixed with willows) is becoming increasingly fragmented, broken up by residential development and (Ventura Co.) orchards. Other important habitats include dense riparian scrub of Mulefat, willows and Mexican Elderberry, as well as open fields and fallow pastures bordering the river. Major tributaries with well-developed riparian vegetation within this IBA include Piru Creek (below dam) and Sespe Creek (lower portion) in Ventura Co., and San Francisquito and Soledad canyons in Los Angeles Co.

Birds: The habitat along the Santa Clara River supports the largest community of riparian-obligate birds between the Santa Ynez River in Santa Barbara Co. and the Prado Basin in Riverside Co. Though large areas of habitat remain unexplored (on private lands), recent investigation has turned up a large population of Least Bell's Vireo along the Ventura Co. portion, and scattered territories of Southwestern Willow Flycatcher (vic. Saticoy and along Soledad Canyon). Summer Tanager and other desert species breed along the Soledad Canyon stretch in Los Angeles Co. While rarely observed, Long-eared Owl probably persists in wider sections of the floodplain one of its few remaining populations of this once-common species along the southern California coastal plain. Even Yellow-billed Cuckoo has been reported in recent years from the ancient Fremont Cottonwoods near the Los Angeles/Ventura Co. border.

Conservation Issues: Portions of the intact lowland riparian bird community of the Santa Clara River are teetering on the brink of disaster, particularly within Los Angeles Co. Even now, massive residential developments and associated river channelization threaten to irrevocably bisect the riparian habitat into a lower (Ventura Co.) and an upper (Los Angeles Co.) section, separated by an impenetrable gap of urbanization along I-5 (City of Santa Clarita). Other threats include sand and gravel mines that continue to expand (e.g. along Soledad Canyon), regular bulldozing of channels for "flood control" throughout the watershed, and the lining of tributaries with concrete as a requirement of development projects (e.g. Newhall Ck.). Exotic plants (esp. Arundo) pose a serious risk to existing diversity, and threaten future restoration efforts, though several agencies have made some progress in their control.

4

Attachment 2
1 of 10
Letter to
Fish & Game

May 7, 2002

Director Robert Hight
California Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

Phone: (916) 445-0411

Fax: (916) 653-1856

Re: Management of the Santa Clara River

Dear Director Hight,

Ongoing degradation of the Santa Clara River valley is threatening the important ecological values of this rich and diverse area. On behalf of the undersigned organizations and their members, we submit these comments and concerns about the management of the Santa Clara River.

The Santa Clara River is important habitat for many endangered species, native birds, plants, amphibians, reptiles, and fish. We have monitored many unlawful violations and environmental abuses in this area. Thus far, regulatory agencies have failed to respond to these problems. Recognizing that the mission of the Department of Fish and Game (DFG) is to manage California's diverse fish, wildlife, and plant resources - and the habitats upon which they depend - for their ecological values and for their use and enjoyment by the public, we urge you to take action to protect the resources of the Santa Clara River.

Specifically, we encourage the DFG to:

Revoke thestreambed alteration agreement for Newhall Land and Farming/Valencia Company (COE404/CDFG1603),aka; Valencia Company's Natural River Management Plan - NRMP) The agreement, based on inadequate biological data, fails to consider important concerns. A new, amended agreement must be adopted subsequent to a careful environmental impact review.

Withhold approval for the Newhall Ranch project until an unbiased, scientific review guided by applicable federal and California environmental statutes can inform necessary protection and mitigation measures for endangered and threatened species.

As an important part of California's natural heritage the Santa Clara River should be a high priority for conservation measures and protection from degradation. The California Department of Fish and Game has a responsibility to uphold the public trust by protecting wildlife and its habitat. We appreciate your consideration of this letter that
describes our concerns about the ongoing Natural River Management Plan, the proposed Newhall Ranch project, and the context for those concerns.

5

The Santa Clara River

The Santa Clara River

The Santa Clara River, southern California's last truly dynamic big river, boasts one of the largest watersheds in the South Coast region at 1,600 square miles. The Santa Clara River is the longest free-flowing river in southern California, and is the only one that extends from the desert to the coast. The river is of critical biological importance linking several major ecoregions: Coastal Plain, Coast Ranges, Transverse Ranges, and Mojave Desert. The 116-mile-long river rises on the northern slope of the San Gabriel Mountains in Los Angeles County, traverses Ventura County, lined by riparian habitat featuring willow, mulefat, and cottonwood forests - habitats so rare that they still exist in only three to five percent of their original range in the western United States. These streamside habitats are home to 12 federally endangered species among other sensitive native wildlife. Unfortunately, the Santa Clara River and its tributaries are within one of the most rapidly urbanizing watersheds in the state. This makes the area a high priority for monitoring and enforcing environmental regulations.

Wildlife

The Santa Clara River is a key wildlife corridor that connects the Los Padres and Angeles National Forests.

The habitat along the Santa Clara River supports the largest community of riparian-obligate birds between the Santa Ynez River in Santa Barbara County and the Prado Basin in Riverside County. The Audubon Society designated this area as an Important Bird Area. Some of the sensitive bird species that occur within this stretch of the Santa Clara River include: least Bell's vireo, southwestern willow flycatcher, yellow-billed cuckoo, Cooper's hawk, sharp shin hawk, merlin, prairie falcon, yellow breasted chat, yellow warbler, common yellowthroat, mountain plover, western burrowing owl, long-eared owl, ferruginous hawk, white-tailed kite, tri-colored blackbirds, many other sensitive raptors and songbirds.

Mammals observed or expected to occur in this area include. California leaf-nosed bat, small-footed myotis, long-eared myotis, fringed myotis, long-legged myotis, Yuma myotis, pale Townsend's big-eared bat, spotted bat, pallid bat, California mastiff bat, San Diego black-tailed jack rabbit, San Diego desert woodrat, Los Angeles pocket mouse, ringtail, mountain lion, bobcat, coyote, gray fox, American badger, and deer.

Reptiles include: western pond turtle, San Diego horned lizard, California horned lizard, coastal western whiptail, silvery legless lizard, rosy boa, San Bernadino ringneck snake, two-striped garter snake. Insects: riverside fairy shrimp, and San Emigdio blue.

Fish: unarmored threespined stickleback, arroyo chub, Santa Ana sucker, and steelhead trout.

Amphibians occurring include: arroyo toad, western spade-foot toad, and California red-legged frog.

Many California native and rare plants are also present.

While this list is not exhaustive of the incredible wildlife that inhabits the Santa Clara River area, it exhibits the rich diversity and importance of preserving habitat for these species.

6

Streambed Alteration Agreement Requires Review and Amendment

Newhall Land and Farming Company (NLF) has been engaged in development activities in the Santa Clara River valley for decades. Such development poses a strong threat to the persistence of native wildlife and natural ecosystems. A Natural River Management Plan (NRMP) was created by Newhall Land and Farming to guide the development of the Santa Clara River valley. Since the plan was created, significant new scientific information has rendered the NRMP inadequate. Year after year, NLF has used an outdated agreement to continue development and inhibit environmental protection on hundreds of acres along the river. The NRMP streambed alteration agreement should be revoked and a comprehensive review of the Newhall Land and Farming Company's development in the Santa Clara River valley must be conducted as mandated by the California Environmental Quality Act (CEQA).

Two key factors have demonstrated the inadequacy of the current NRMP. First, the biological inventories are inadequate and overlooked several important natural resources. And second, the approved Natural River Management Plan does not provide satisfactory mitigation for the negative impact that the development has on the ecosystem.

Inadequate Biological Inventories

The current NRMP was based on surveys conducted by scientists with a conflict of interest. The scientists conducting the surveys were employed by Newhall Land and Farming Company. The biological inventories were never reviewed by independent biologists and they failed to identify many important natural resources that need to be conserved.

Originally, the use of hazing machines during wildlife surveys may have precluded an accurate count of state and federally protected species. NLF installed more than 30 hazers to scare away nesting birds along sections of the river. Officials estimate that the hazers had been in place for as many as 2 to 5 years. The river provides suitable habitat for two endangered birds, the willow flycatcher and the least Bell's vireo. As federally protected species, the hazing machines may have excluded these birds from surveys and it is likely that the machines also harassed the birds.

Also, an endangered species, the arroyo toad (Bufo microscaphus californicus), was not accounted for in the NRMP despite the fact that it can be found within the boundaries of the area covered by the NRMP. The arroyo toad was listed as a federal endangered species in 1994. The State of California classifies it as a Species of Special Concern. The arroyo toad has been extirpated from approximately 75 percent of its previously occupied habitat. This amphibian is a habitat specialist to the dynamic climatic regime and drainages of the central and southern California coast, and a sensitive indicator to the quality of riparian habitats and stream systems. The major reason for their decline is human alteration and use of arroyo toad habitats that include water storage reservoirs, recreational facilities, flood control structures, agriculture and urbanization. Introduction of predatory non-native fish and wildlife has also impacted the arroyo toad. Studies conducted by Dan Holland on Camp Pendleton revealed that arroyo toads travel up to 1.5 miles from the edge of the riparian

ecotone to utilize upland habitats for foraging and burrowing. In upland travel, these toads are vulnerable to predation, entrapment, and human-caused sources of mortality such as roadways. Burrowed toads are often situated a few inches below the soil surface, and can be easily crushed by pedestrian or vehicle traffic.

The first records of the arroyo toads within the vicinity of Newhall Land and Farming development were listed in the California Biodiversity Data Base in 1994. Biologists also reported presence of the arroyo toad in 1996, 1998 (egg cases), and 2000 (tadpoles). The toads in this area have been continuously overlooked by regulation agencies. The U.S. Fish and Wildlife Service failed to include land owned by NLF as critical habitat for the arroyo toad. This is a noteworthy omission since no other river system with arroyo toads lacks such designation. Subsequently, the Fish and Wildlife Service did not address impacts upon the arroyo toad in the Biological Opinions for the development projects.

In April of 2001, four adult arroyo toads were located in field surveys conducted by N.H. Sandburg along the Santa Clara River in the ongoing North Valencia 1 project. The riparian area and the river were incurring heavy impacts from trespassing off-highway vehicle (OHV) traffic, directly impacting burrow substrate in the area where the toads were located. In addition, a flowing tributary adjacent to the area where one toad was located was channeled by heavy equipment and denuded of riparian vegetation.

While agencies concur that the arroyo toad exists in the Newhall development area, these agencies have failed to take appropriate regulatory action:

Newhall Land andFarming disked arroyo toad upland habitat directly above the site location of four adult toads, which most likely caused take on the arroyo toad. Again, the Fish and Wildlife Service and Army Corps declined to take regulatory action.

Hundreds of acres of cottonwood and other vegetation types that comprised arroyo toad upland habitat has been removed and replaced by asphalt, parking lots, and roadways. Arroyo toads require and utilize upland habitats wherever accessible for foraging and burrowing. They cannot maintain populations where riparian systems have been lost.

Large apartment complexes have been constructed directly on upland habitat of the arroyo toads most recently located. The creek directly downstream of the apartment complex has again been channeled by heavy equipment and denuded of riparian vegetation. This creek would have been an important water source and breeding habitat for the toad. The uplands continue to be developed with intensive land manipulations and roadways. Off-road traffic continues on top of breeding, foraging, and burrow habitat in the Santa Clara River bed.

Therefore, new measures must be included in an amended plan that protects the arroyo toad from harm or harassment.

Currently the implementation of the NRMP allows the "take" of endangered species that cannot be ignored. The CEQA, EIR, and NRMP documents did not acknowledge the arroyo toad, and subsequently failed to address impacts upon this endangered species with the result that

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irrevocable harm and take has undoubtedly occurred. Any new management plan should incorporate new biological surveys conducted by independent scientists.

Unsatisfactory Mitigation and a History of Violations

Second, the approved Natural River Management Plan does not provide satisfactory mitigation for the negative impact that the development has on the ecosystem. Newhall Land and Farming (NLF) has a history of unlawful activities along the Santa Clara River. It is imperative to monitor this company and uphold applicable environmental laws. Some of Newhall's most significant violations to-date include:

1. In 1992, NLF unlawfully channelized Bouquet Creek near the confluence of the Santa Clara River. The company illegally poured concrete in the creek and destroyed habitat along the banks. The concrete was never removed, Newhall paid a fine of only a small portion of the cost of the damage and their wetland mitigation measures have failed miserably.

2. Newhall widened the McBean Parkway Bridge over the Santa Clara River without a permit. As a result Newhall sidestepped laws that would have required them to mitigate for threats to endangered species and habitat destruction.

3. In 2001, Friends of the Santa Clara River reported that NLF dewatered wetlands that were not identified in the Natural River Management Plan or Streambed Alteration Agreement. In the last year, vital wetlands have been destroyed and in a single day hundreds of thousands of amphibian eggs, native fish, acres of cattail/willow habitat have been wiped out.

4. In violation of the Migratory Bird Treaty Act, there have been several incidents of NLF's activities harming colonies of migratory songbirds. Biologists reported that colonies of redwings, song sparrows, and common yellowthroats along San Francisquito creek were extirpated in June 1999. Without a permit, NLF has installed hazing machines to keep endangered birds such as the least Bell's vireo from breeding and nesting in areas planned for development. Such harassment could be considered a violation of the Endangered Species Act among other laws intended to protect endangered species.

The current NRMP has resulted in damage to the biological diversity of the Santa Clara River and its tributaries. A new management plan should account for these violations and incorporate mitigation for problems such as the lost wetlands. The NRMP must be pulled for CEQA review to address the problems described above.

The Newhall Ranch Project

Newhall Ranch is a "new town" proposed by the Newhall Land and Farming Company (also known as the Valencia Company). The project consists of 22,000 dwelling units on nearly 12,000 acres that will house approximately 68,000 people. The project features 323 acres of commercial and business uses, over 5,000 acres of high country and river corridor open areas, an 18-hole golf course, a 15-acre man-made lake, and a 6.9 million gallons-per-day water reclamation plant.

Potential Impacts of the Newhall Ranch Project

The development of the proposed Newhall Ranch will have many environmental impacts that must be addressed. The Newhall Ranch project plan that was created for this area has not provided adequate regulatory measures.

First, the Santa Clara River is a major wildlife corridor that will be fragmented by development. The Santa Clara River and its tributaries serve as major wildlife corridors. Newhall Land and Farming's development has substantially degraded the value of the Santa Clara River as a wildlife corridor. Already the development has hemmed in the Santa Clara River with thousands of homes, condominiums, apartments, drive through restaurants, retail stores, gas stations, car washes and various other commercial and industrial sites within no more then a 100 foot buffer zone from the river.

Second, development in the Santa Clara River valley will change water quality, flow, and may deplete water resources. The Newhall Ranch is being constructed in a flood plain. Such development requires massive alteration to the natural flow of the river. Changes to the river and the riparian habitat surrounding the river will inevitably result in changes in the flow, course, and cleanliness of the river water. This will negatively impact the wildlife in the area. Moreover, the use of water for the new town will deplete local aquifers and lower the water table upon which local vegetation depends. Increased storm runoff and channelization of the river's tributaries will result in higher water velocities and increase the likelihood of flooding. Runoff will also exacerbate water quality problems in the Santa Clara River. The proposed urban area is expected to release millions of gallons of treated sewage water into the river. Currently the water has a very high level of chemicals that have triggered an investigation by CA Regional Water Quality Control Board to determine whether treatment plant releases are responsible.

Third, endangered, threatened and other special status birds, fish, reptiles, and amphibians will be impacted from "take" and habitat destruction. The habitat along the Santa Clara River supports a large community of wildlife that is considered a high priority for protection. Several species that occur in the valley are listed as endangered or threatened pursuant to the federal Endangered Species Act. There are other imperiled species with habitat in this area that are protected under California laws. The Newhall Ranch will threaten these species through habitat destruction and direct "take" of species-that means to harass, harm, hunt, shoot, wound, kill, trap, capture, or collect.

For example, the unarmored threespine stickleback Gasterosteus aculeatus williamsoni, an endangered species, is at risk. The unarmored threespine stickleback is protected both under the federal Endangered Species Act and California law. The stickleback is a small, scaleless, freshwater fish that inhabits the slow and quiet waters of streams and rivers. The stickleback depends on clean, clear water with a good diversity of algae and other plants. Historically, the stickleback was found throughout Southern California, but by 1985 it only remained in a small portion of the upper Santa Clara River

drainage in Los Angeles County and the San Antonio Creek drainage in Santa Barbara county. The decline of the stickleback is attributed to urbanization in the Los Angeles area.

The cumulative impacts of the development permitted by the current Natural River Management Plan and the proposed Newhall Ranch will seriously and adversely impact the stickleback population in the San Francisquito Creek. The overall impacts of development on lower San Francisquito Creek are likely to increase the isolation of this population of the unarmored threespine stickleback. This will increase the risk of extirpation of this population. Isolation prevents genetic exchange and the stickleback requires upstream movement in its life strategy. The second potential adverse impact is from water extraction. If the frequency, magnitude and length of time water flows are present in this area are reduced this could harm the stickleback population. Deviation from historical hydrological conditions creates greater impacts on natural ecosystems.

The impacts upon the arroyo toad and unarmored threespine stickleback have not been adequately addressed within the Natural River Management Plan and the proposed Newhall Ranch plan. This is a serious regulatory and legal failing of federal and state jurisdictional agencies. The continuing unregulated impacts of this project may cause the loss of the remaining and increasingly isolated population of arroyo toads and stickleback within the Santa Clara River valley.

Fourth, existing measures have not adequately considered or mitigated for environmental impacts. Unregulated actions by Newhall Land and Farming continue and have significant negative impacts. These actions include: habitat destruction, take of endangered species, violation of the Migratory Bird Treaty Act, paving, construction, disking, draining of wetlands, channeling streams, introduction of non-native predators, sewage run-off, and pollution. The EIR, CEQA, and NFMA documents are seriously deficient and fail to address many of these critical issues and their cumulative effects.

<bold>Newhall Ranch Is Already Moving Ahead Prior to Official Approval

Newhall Land and Farming destroyed the Spineflower, an important plant that was once thought extinct. Although the San Fernando Valley Spineflower was once assumed to be extinct, it has been properly identified on the proposed site of the Newhall Ranch. The spineflower is a candidate for listing on the Endangered Species Act. Recently, biologists have observed that the activities of NLF have systematically destroyed the habitat and threatened the survival of this rare species. Impacts to rare species, especially rare plants, are extremely difficult and expensive to mitigate. A study by Dr. Peggy Fiedler demonstrated that mitigation measures for rare plant species, such as the Spineflower, have failed over 90 percent of the time.

Major alterations were made to the Santa Clara River prior to preparing the required Environmental Impact Report</underline>. In 1992 NLF engaged in major alterations to the Santa Clara River at the proposed Newhall Ranch site. Some controversy exists over whether these alterations took place prior to completing measures required by law.

Photos of the streambed alterations compared with overlays of the proposed Newhall Ranch project substantiate that the alterations happened before an adequate environmental review.

Responsibilities of the California Department of Fish and Game

The mandate of the California Department of Fish and Game requires the DFG to uphold environmental laws and ensure that California's diverse wildlife, plants, and their habitat are preserved for their ecological values. As a part of this commitment the Department of Fish and Game must take action to ensure that the Santa Clara River Valley is protected as a part of California's natural heritage. Additionally, due to the sensitive issues around the Newhall Ranch project we are concerned that employees may face retaliatory actions or may be reprimanded for reporting violations. DFG employees who take proactive steps toward assuring that the DFG complies with environmental laws and its mission should be commended. As an interested party in the protection of the Santa Clara River we intend to monitor the actions of the Department of Fish and Game and its compliance and enforcement of environmental laws.

Conclusion

The Newhall Land and Farming's Natural River Management Plan has failed to protect the diversity and natural resources in the Santa Clara River valley. The plan was approved before important natural resources were identified. These poor management practices are a precursor to the destruction the Newhall Ranch project may impose on the Santa Clara River if approved. The Natural River Management Plan has permitted the destruction of portions of the Santa Clara River and will continue the devastation up the San Francisquito Creek and down the river through the proposed Newhall Ranch project area unless the Department of Fish and Game requires further CEQA review and depends upon sound, unbiased scientific studies to ensure adequate mitigation measures. The Department of Fish and Game needs to take proactive measures to monitor the actions of Newhall Land and Farming Company and must uphold the strictest environmental regulations to protect the biologically important Santa Clara River valley.

We urge the Department of Fish and Game to revoke the streambed alteration agreement until the Natural River Management Plan accounts for the impacts described above and withhold new permits until adequate CEQA reviews and mitigation measures can protect the ecological values in this region.

Sincerely

FOR IMMEDIATE RElease: May 23, 2002 For Information.
Contact: John Buse 805-677-2570 Press Release

(2)

GROUPS DEMAND AGENCY ACTION TO PROTECT SANTA CLARA RIVER VALLEY

Extensive Violations by Newhall Land and Farming/Valencia Spark Concerns

VENTURA, CA A coalition of statewide environmental groups sent a letter to the California Department of Fish and Game on Monday requesting that the agency take action to protect the resources of the Santa Clara River valley that are being threatened by the actions of Newhall Land and Farming Company. The groups submitted a detailed list of concerns that Newhall's actions are resulting in ongoing degradation of the Santa Clara River valley and threatening the important ecological values of this rich and diverse area.

The groups claim that regulatory agencies have failed to respond to Newhall _s numerous violations and environmental abuses in this area. Specifically, the groups ask that Fish and Game revoke the streambed alteration agreement for Newhall's Valencia Natural River Management Plan, which is based on inadequate biological data and fails to consider important concerns. The groups also request that the agency withhold approval on any permits or agreements for the proposed Newhall Ranch project until an unbiased, scientific review, guided by California and federal environmental laws, can adequately address and recommend necessary protection and mitigation measures for endangered and threatened species in the area.

We are asking the State to act to protect the longest free-flowing river in southern California and the threatened species that depend on it, said John Buse, Attorney with the Environmental Defense Center. Newhall must be held accountable for ensuring that its actions do not destroy the natural resources and diversity of the Santa Clara River valley.

The Environmental Defense Center (EDC) represents Sierra Club, Friends of the Santa Clara River, and the Santa Clarita Organization for Planning and the Environment (SCOPE) in the legal challenge to Los Angeles County _s approval of the Newhall Ranch project, which, as proposed, would consist of 21,400 residential units on nearly 12,000 acres on the Santa Clara River in Los Angeles County between I-5 and the Ventura County line. The Newhall Ranch project, which includes a 15-acre man-made lake and a 6.9 million gallons-per-day water reclamation plant, would require extensive modification of the Santa Clara River channel, and would eliminate some of the most sensitive river habitat for species such as the endangered least Bell _s vireo, southwestern willow flycatcher, and unarmored threespine stickleback. Significant unresolved issues include the project _s impacts on the resources of the Santa Clara River, the adequacy and quality of the water supply, and inconsistencies with the L.A. County General Plan.

Groups that signed the letter include Audubon Society (San Fernando Valley and Los Angeles Chapters), California Native Plant Society (Channel Islands, Los Angeles and Santa Monica Chapters), Center for Biological Diversity, Environmental Defense Center, Friends of the Santa Clara River, SCOPE (Santa Clarita Organization for Planning the Environment), and Sierra Club (Angeles and Santa Clarita Valley

3-25-03

January 22, 2003

L.A. County Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Attn: Executive Office

Re: 21,000 [illegible] Newhall Ranch Project West of I-5

Dear Sirs:

I am writing again over concern about this project because I am against banking (cementing) the sides of the Santa Clara River and using its tributaries as storm drains. A project just north of my address is doing something similar to a smaller creek and it is devastating to the remaining wildlife in our area and I can see the consequences if a larger project does this to our only remaining un-banked river in Southern California. 1

We rely on infiltration of water for some of our drinking water. There is no water management plan in place, so how can you be sure that this will not endanger water supplies in the future? 2

Our ground water is contaminated at this time by chemicals from the rocket fuel producing plant that once operated here. How can you think of adding the 21,000 new units and the many more people to burden an already threatened water supply? 3

Please consider these points, in addition to the grid-lock waiting to happen on I-5. 4

Thank you for your time in this matter.

Denice Schelling

Denice Schelling
28219 Stanley Court
Canyon Country, CA 91351

February 1, 2003

Executive Office
Los Angeles County Board of Supervisors
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

Re: Newhall Ranch Project
Los Angeles County Project Number 94087, SCH # 95011015

As a 34-year resident of Santa Clarita, I am asking you to reject the REVISED DRAFT ADDITIONAL ANALYSIS to the NEWHALL RANCH SPECIFIC PLAN and WATER RECLAMATION PLANT FINAL ENVIRONMENTAL IMPACT REPORT dated November 2002, prepared by Impact Sciences, Inc. The document is flawed.

As you are aware, the Santa Clara River is an integral part of this proposed project. The Santa Clara River is designated as a significant ecological area (SEA) and as such, the Los Angeles County General Plan requires that a SEA be protected as well as its habitat. The Court found this to be true when it set aside the proposed project in August 2000. In the above cited document the river and its habitat are not adequately protected. 1

I respectfully direct your attention to a January 14, 2003 meeting of the Significant Ecological Advisory Team Committee (SEATAC). You will find by a review of the tape of this meeting that once again Newhall Land and Farming Company has been caught in a blatant cover-up of actions that violate state environmental law. At this meeting a Newhall Land and Farming representative admitted the presence of the Southwestern Arroyo Toad, a federally-listed endangered species, on its Newhall Ranch property. The cassette tape of this meeting may be obtained from Daryl Koutnik, Department of Regional Planning, Impact Analysis Section (213-974-6461). The details of this important finding are not found in the document referenced in paragraph one of this letter; therefore, the document is flawed. 2

Much has been written about the San Fernando Valley Spineflower, thought to have been extinct but now a candidate for state and federal endangered species status. The Los Angeles Times [see important article published January 27, 2003, page A1] has conducted an exhaustive study (specifically reporters Richard Fausset and Nicholas Riccardi) which clearly calls into question the honesty and integrity of both Newhall Land and Farming Company and the District Attorney's Office. The destruction of populations of the spineflower by Newhall Land and Farming Company is clearly against the law. 3

I respectfully remind you also that Newhall Land and Farming Company is preparing for a court trial scheduled for February 12, 2003 for violating state law as they have been charged by California Department of Fish and Game of illegally altering a stream bed in a tributary of the Santa Clara River on their Newhall Ranch property. 4

I respectfully remind you that Newhall Land and Farming Company has been caught employing the use of illegal hazing machines to drive away endangered birds on its property - hazing machines which were in use during some of Newhall Land's biological field surveys. This was clearly a violation of all the rules by which EIRs should be prepared, and can be substantiated by contacting the U.S. Fish and Wildlife Service. Newhall Land was caught in a lie. It is also notable that the Santa Clara River has been identified by Audubon California as an Important Bird Area (IBA). Please contact Dan Cooper, Director of Bird Conservation, (323) 254-0252, for details of this designation. 5

Newhall Land and Farming Company's practice of requiring their environmental consultants to sign confidentiality agreements has come to light and I wish to thank Supervisor Antonovich for his research into this practice. However, I would also like to mention that confidentiality agreements are not permitted in many California counties (by example, Santa Barbara County) and I would hope that the allowance of this practice would soon be forbidden. A company which employs such agreements is immediately suspect. 6

Recently another problem with this proposed project has come to light, a huge problem which has not received much publicity nor is it examined in subject paragraph one document - the "severe and extensive" [Newhall Land and Farming Company words] oil contamination spreading under its Newhall Ranch property (1300 acres known as the Newhall Potrero Field, planned for homes and commercial building). See Los Angeles Times, January 9, 2003, page B3, and I quote from the article, "Soil contaminated by oil is capable of generating methane gas and other toxic vapors, according to documents filed by the developer with the county in 1996." Surely, this important issue (which appears to be tied up in a lawsuit set for trial May 12) requires much more discussion before Los Angeles County Board of Supervisors approval of the subject proposed project. 7

In conclusion, I respectfully call for new studies into these issues conducted by impartial sources and obviously without the use of confidentiality agreements. I request that Impact Sciences, Inc. of Agoura Hills, California not be used for these studies. Not until new studies are completed will you, who are responsible for the public welfare of this community, know and understand how to proceed on this project. 8

Thank you for considering my comments.

Sincerely,

J.A. McClure
29111 Lotusgarden Drive
Santa Clarita, California 91387

Gary Kodel
29262 Marilyn Drive
Canyon Country, CA 91387

1-30-03

Executive Office
RE: Newhall Ranch
500 West Temple Street
Los Angeles, CA 90012

Dear Executive Office,

The Newhall Ranch Project will destroy oak tree communities adjacent to our city. Please do not approve this project because it destroys our native oak trees and the numerous species of wildlife that depend on the oak tree communities. 1

Actually, we humans also depend on the biodiversity of native plants and animals for our survival. Even though we do not obtain food directly from the oak tree communities as our Native American ancestors did, our food supply depends on sustaining the biodiversity of life on land in areas where food is grown. Unless we learn to supply ourselves with food in sustainable ways (promote the biodiversity of the local food supplying community), we will become victims of food shortages similar to those occurring in many areas of the world due to depletion of the biologic resource base required to sustain food production.

Please consider the consequences of our over-development. What is the City of Santa Clarita becoming? What will it be like for our children and grandchildren? To find the answers we merely have to look at the obvious consequences (overcrowding, traffic, dirty environs) that result from the same pattern of development that plagues the rest of Los Angeles (particularly the San Fernando Valley). We do not own the earth and its inhabitants (i.e. oak tree communities) to dispose of as we please. The earth is allowing us to borrow the space we call Santa Clarita to live in. If we continue to consume this community's biodiversity, then our children will inherit this precious space in worse condition than we received it - a desolate, lifeless wasteland - a scar on the face of Mother Earth. 2

This concept is most eloquently expressed in the following Kashmiri Proverb:

"We do not inherit the earth from our forefathers, we borrow it from our grandchildren."

Sincerely,

Gary Kodel

Gary Kodel
Phone # (661)-298-5635
e-mail: g0s0k0@aol.com

ANGELES COUNTY BOARD OF SUPERVISORS
0 W. TEMPLE STREET
0 ANGELES, CA. 90012

JAN 22, 2003

TTN: EXECUTIVE OFFICE
THE HONORABLE MICHAEL ANTONOVICH

E: NEWHALL RANCH PROJECT — 21,000 UNITS

DO NOT APPROVE THIS PROJECT AT THIS TIME BECAUSE OF SERIOUS UNRESOLVED ISSUES.

WATER ENTILMENT DOES NOT MEAN THE WATER EXISTS. A WATER MANAGEMENT PLAN NEEDS TO BE IN PLACE. THE OVER-BURDENED SANTA CLARITA CITY AREA WATER SUPPLY HAS PERCHLORATE CONTAMINATION IN THE DEEPER AQUIFER BELOW 500 FT. 1

- A SEVERE IMPACT WOULD BE UPON OUR MAJOR FOOD GROWING AREA SURROUNDING THIS PROPOSED PROJECT. THEY PROPOSE 95% OF RIVER TRIBUTARIES WOULD BECOME STORM DRAINS. THE WATER CHLORINATION CHANGE WOULD DESTROY A NUMBER OF CROPS IN VENTURA AGRICULTURE BELT, TIED INTO THIS WATER SUPPLY. 2

- THERE IS NO METRO LINK STATION FOR APPROXIMATELY 60 MILES. NO PLANS FOR MASS TRANSIT HAVE BEEN CONSIDERED. 3

SINCERELY
Carole L. Cole
CAROLE L. COLE

VALENCIA, CA

TOPICAL RESPONSE 7: THE USE OF CONFIDENTIALITY AGREEMENTS AND DISCLOSURE OF INFORMATION REGARDING SPINEFLOWER

Comments have been received suggesting that confidentiality agreements signed by some of the consultants retained by The Newhall Land and Farming Company ("Newhall") have precluded the full disclosure of studies, reports and other environmental-related information in connection with the environmental review process for the Newhall Ranch Specific Plan and Water Reclamation Plant. For example, some comments have stated that the County should reject reports, studies and other information prepared by consultants operating under confidentiality agreements with Newhall. Other comments have claimed that confidentiality agreements were used by Newhall to prevent consultants from communicating with the County and other public agencies, such as California Department of Fish and Game ("CDFG").

In addition, Ventura County has submitted comments questioning whether the County of Los Angeles can be sure that any of the studies referenced in the Newhall Ranch Final EIR or the additional environmental analyses are complete or adequately represent the consultants' findings due to confidentiality agreements between the consultants and Newhall. Finally, comments have asserted that confidentiality agreements have impeded experts from including information regarding the existence of additional spineflower locations on Newhall Ranch, which should have been disclosed in environmental reports, citing newspaper articles (*e.g.*, Daily News, Los Angeles Times) to support the position.

Staff Review and Oversight

The County's Department of Regional Planning ("DRP") has conducted an investigation regarding the CEQA review process and the preparation of the biological resources reports for Newhall Ranch. The investigation included an assessment of whether the use of confidentiality agreements by the applicant, Newhall, has resulted in the withholding of information necessary to review the potential environmental impacts of the Newhall Ranch Specific Plan and related actions on the spineflower and other sensitive species. The position of County staff, as described below, was included in a staff report from DRP to the County's Board of Supervisors, dated January 13, 2003 (a copy of which is provided in **Appendix AD** to this Final Additional Analysis) and incorporated by this reference. Based on the findings in that staff report, and for the reasons discussed below, County staff has concluded that the existence of confidentiality provisions has not prevented the County from completing an appropriate and thorough environmental review regarding the spineflower and other sensitive plant species as they relate to the Newhall Ranch Specific Plan and Water Reclamation Plant.

First, County staff has determined that confidentiality agreements, in general, are an increasingly common business practice primarily intended to prevent business competitors and others from gaining a

strategic or financial advantage, if they were to obtain confidential or sensitive information about plans for potential development.

Second, County staff has noted that confidentiality agreements are becoming a more routine practice in both the public and private sector according to several environmental consultants that were contacted by County staff. However, notwithstanding the use of confidentiality agreements to prohibit consultants from divulging proprietary project information to potential business competitors, CEQA mandates public involvement and full disclosure of project information to the lead agency for its determination regarding inclusion in project environmental documentation. As such, confidentiality agreements cannot legally be used to prevent compliance with state law, which requires full disclosure of all pertinent information to the public and decision-makers prior to discretionary actions being taken.

Third, County staff has contacted the City of Los Angeles and other jurisdictions with respect to their practices and concerns over the preparation of environmental documents. For example, the City of Los Angeles relies on project proponents to directly contract with the EIR consultant, just as with the County, and the City Planning Department did not indicate any known problems from the withholding of information in the preparation of EIRs from any consultant. In addition, the County of Orange utilizes a three-way contract when an EIR is to be prepared for a project. Under such an arrangement, the EIR consultant works for the County in addition to the project proponent and the environmental information is delivered directly to the County where it becomes part of the public record for that project.

Fourth, it is County staff's experience that the use of confidentiality agreements with any specific project has not hindered its efforts of independent review in responsibly complying with the provisions of CEQA.

Additional Staff Oversight

Since the preparation of the staff report to the County's Board of Supervisors, dated January 13, 2003, County staff has further reviewed public comments and news articles regarding Newhall's use of confidentiality agreements with its consultants. In response, County staff has directed that Newhall provide staff with the confidentiality provisions contained in its consultant contracts. Based on a review of those provisions, County staff has now completed its review of the consultant contracts, and has determined that Newhall used two types of confidentiality provisions in connection with the Newhall Ranch environmental review process.

The first type of confidentiality provision, contained in virtually all of Newhall's consultant contracts, does not preclude Newhall's consultants from disclosing the nature and purpose of its services to "public agency staff". More precisely, the confidentiality provision states that the non-disclosure of certain information does not apply to "public agency staff".

The second type of confidentiality provision, which is contained in a limited number of Newhall's consultant contracts, requires consultants to not disclose confidential information by using the same means it would use to protect its own confidential proprietary information. However, this provision allows the consultants to disclose confidential information without liability or penalty if the consultant "is requested or required by applicable law, regulation or legal process to disclose any [such] information received pursuant to" the Newhall/consultant agreement. In addition, the provision allows the consultants to disclose confidential information to any party or entity, provided that Newhall's written consent is first obtained.

County staff has also noted that all of Newhall's consultant contracts containing confidentiality clauses expressly include a provision stating that the consultants and their subcontractors "shall comply with all laws, regulations,...ordinances, resolutions and other acts of any governmental authority, including...federal and state...environmental...laws...." Notwithstanding the above, the second type of confidentiality provision is of more concern to County staff because it does not clearly authorize or direct the consultants to divulge all necessary environmental information to the County, absent prior approval from the applicant. In light of concerns regarding the latter confidentiality provision, County staff has provided a number of directives to the applicant, as discussed below. One such directive is that Newhall contact its consultants and advise them that this provision allows the consultants to disclose to the County all environmental-related information associated with the Newhall Ranch Specific Plan. In staff's opinion, this direction to Newhall will help to ensure that the County has received all information required to complete its own independent review of the environmental documentation for the Specific Plan.

In addition, County staff focused on Newhall's contracts with the Newhall Ranch EIR consultant, Impact Sciences, Inc. Impact Sciences has been the principal EIR consultant for the Newhall Ranch Specific Plan and related actions since the Specific Plan application was filed with the County. Nothing in the Impact Sciences contract precludes Impact Sciences from fully disclosing all environmental-related information to public agencies, including the County of Los Angeles, CDFG and other federal, state and local agencies. In addition, County staff has reviewed Newhall's contract with RECON. Both RECON and Impact Sciences, Inc. prepared the *Biota Report Newhall Ranch Specific Plan*, dated September 7, 1995, and revised July 1996, which was used as the technical report for Section 4.6, Biological Resources, of the Newhall Ranch Revised Draft EIR (March 1999). (See, Newhall Ranch Revised Draft EIR, Section 4.6, p. 4.6-2 and Appendix 4.6 [Biota Report].) As part of that Biota Report, RECON conducted field investigations in 1995, which confirmed a prior biological consulting firm's field reconnaissance of the Newhall Ranch site. (See Revised Draft EIR, Section 4.6, p. 4.6-2.) Nothing in the RECON contract

precluded RECON from fully disclosing all biological survey data and any other biology-related information concerning the Specific Plan.[1]

As to the most recent biological field surveys conducted on Newhall Ranch (2001 and 2002), biology reports were prepared by Dudek & Associates, Inc. and FLx consultants. Those reports have been provided to the County's biological staff and to CDFG. Those reports were also made part of the Revised Draft Additional Analysis. In addition, the County's biological staff accompanied Dudek personnel during one of the 2002 surveys to ensure that the survey personnel, protocols and survey locations were adequate.

In light of County staff's concerns regarding the involved confidentiality provisions, County staff has further directed that the applicant either eliminate such confidentiality provisions from its consultant contracts, or revise such provisions to make clear that consultants are not precluded from disclosing environmental-related information regarding Newhall Ranch to the County.

In addition, County staff has directed Newhall representatives to obtain disclosure statements, signed under penalty of perjury, from Newhall's consultants certifying that their reports, studies or other environmental-related information required for the Newhall Ranch Specific Plan EIR and additional analyses have been fully disclosed in that documentation. This step helps to ensure that the County has received all environmental-related information required for the Specific Plan and Water Reclamation Plant.

Finally, County staff has further noted that Newhall, CDFG and the District Attorney's office recently announced a settlement, in which Newhall had agreed to set aside and maintain in perpetuity by conservation easement an approximate 64-acre preserve for the San Fernando Valley spineflower ("spineflower"). As part of that settlement, Newhall and CDFG have agreed that Newhall will provide CDFG with improved access to the Newhall Ranch property. In addition, as part of that settlement, Newhall will provide CDFG with all final biological reports to be prepared by biologists/botanists retained by Newhall with respect to all future biology or botany-related surveys on the Newhall Ranch Specific Plan site. Upon request of CDFG, Newhall will also provide CDFG with improved access to the documents that serve as the basis for the findings in any such final report, including original field notes of such biologists/botanists."

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[1] As discussed further in this response, County staff has nevertheless required all Newhall's consultant contracts to be amended to either eliminate such confidentiality provisions, or make clear that consultants are not precluded from disclosing, and, in fact, are required to disclose environmental-related information regarding Newhall Ranch to the County. County staff has also required that all of Newhall's consultants provide the County with disclosure statements, signed under penalty of perjury, certifying that the consultants' reports, studies or other environmental-related information required for the Newhall Ranch Specific Plan EIR and additional analyses have been fully disclosed in that environmental documentation.

In discussions with Newhall representatives, County staff has further directed Newhall to provide the County with the very same "property access" and "document access" provisions as those contained in its settlement with CDFG. County staff has also requested that Newhall amend its existing consultant contracts to ensure that "document access" provisions be made part of the Newhall/consultant contracts. These provisions provide additional assurances to both the County and CDFG that there will continue to be full compliance with the provisions of CEQA in connection with the Newhall Ranch Specific Plan and related actions.

Applicant Response

Finally, County staff has required that Newhall respond directly to comments and allegations to the effect that the spineflower sites were not "timely" disclosed to the County and the CDFG and that this lack of disclosure was related, in whole or in part, to the existence of confidentiality provision. Provided below is the applicant's explanation.

1. The spineflower was not observed on the Newhall Ranch site, based on thoroughly prepared biological surveys and reports prepared for the July 1996 Newhall Ranch Final EIR. At that time, the spineflower was determined to have a low potential for occurrence on the Newhall Ranch site because it had not been found during surveys, and because it was presumed extinct. However, even though the spineflower had been designated as having a low potential for occurring on the site, the original Newhall Ranch EIR conducted an impacts analysis on the spineflower, and other sensitive plants, and included mitigation measures for such impacts (*e.g.*, Mitigation Measure 4.6-53). As a result, the original program EIR did address and provide mitigation measures for the spineflower.

In 1999, the spineflower was found on the Ahmanson Ranch site in Ventura County. This represented the first time that the spineflower had been recorded since the 1930s. As of 1999, the spineflower was not listed as a protected plant species under either the California Endangered Species Act ("CESA") or federal Endangered Species Act. The listing of the spineflower under CESA only became effective September 8, 2002. At the federal level, the spineflower is still not a listed species, but it has been designated as a "candidate" species.

2. Newhall found the spineflower on the Grapevine Mesa area of its property in May 2000 as part of biological survey work for proposed federal and state project-specific permitting actions for Newhall Ranch. Newhall notified CDFG and other agencies, including Los Angeles County, of the presence of spineflower in the Grapevine Mesa portion of Newhall Ranch, and erected posts to protect the plant in that location. At that time, the spineflower was not listed as an endangered plant. In addition, as stated in the Newhall Ranch Final EIR, prepared in 1996, and subsequently in the Draft Additional Analysis (April 2001), no development is allowed to take place on the Newhall Ranch property (except for the Water Reclamation Plant), until additional plant and animal surveys are completed in processing land

use entitlements at the subdivision map level. Therefore, proposed development from Newhall Ranch Specific Plan-related activities have not, and could not, impact sensitive plant species on Newhall Ranch.

3. CDFG's investigative report noted that Newhall advised CDFG in September 2000, shortly after discovery of the spineflower, that there is probably more habitat for the rare plant. Newhall also advised CDFG that it would survey for the spineflower as each phase of any entitled development is implemented, consistent with the adopted biology-related mitigation measures contained in the Newhall Ranch Final EIR (March 1999).

4. At about the time that the spineflower was first observed on Newhall Ranch, the Court in the Newhall Ranch litigation issued its ruling (May 31, 2000), upholding approval of the Newhall Ranch EIR and project in most respects. However, the Court also ordered the County and Newhall to provide additional environmental analysis relating to six specific issues. In light of the Court's ruling, Newhall determined that implementation of any further project-specific planning activities would be set back for a year or more; and, consequently, suspended the plant surveys and a number of other planning activities relating to Newhall Ranch. Newhall then turned its attention to the steps required to comply with the specified issues raised by the Court in its decision. Thereafter, Newhall also advised CDFG and other agencies of its decision to withdraw from consideration proposed federal and state project-specific permitting actions, until the Court's six issues were addressed in an additional environmental analysis. Newhall decided to halt active project-specific biological activities, and to defer documentation of those activities, until the six issues were studied and finalized in the additional environmental analysis. Newhall halted project-specific activities, including further assessment of URS' preliminary plant survey data in other locations of Newhall Ranch. The URS data was maintained for future use with other additional plant surveys to be performed at the project-specific level. Newhall then focused on the six specified issues raised by the Court, none of which required assessment of biological conditions in the upland areas of Newhall Ranch proposed for future development.

5. The Draft Additional Analysis released in April 2001 did disclose the confirmed location of spineflower at Grapevine Mesa. In light of the confirmed location of spineflower on a portion of the project site, the DAA contained detailed requirements for project-level surveys involving the spineflower that were intended to apply to all future development portions of Newhall Ranch. Newhall did not believe it was necessary to further address, or otherwise quantify, other confirmed or unconfirmed spineflower locations on Newhall Ranch because: (a) the prior Newhall Ranch EIR already addressed the spineflower, project impacts and mitigation; (b) the mitigation program contained in the Newhall Ranch DAA was strengthened to require detailed project-level surveys for the spineflower and other sensitive plant species prior to construction (except as relates to the Water Reclamation Plant, and that site was surveyed and found not to contain spineflower); (c) annual plants like the spineflower are well known to fluctuate dramatically each year based on various factors (*e.g.*, rainfall); (d) spineflower was not a listed

species until September 2002; and (e) no project-related activities could occur on Newhall Ranch to adversely impact the spineflower.

6. From April 2001 until 2002 (prior to public circulation of the Newhall Ranch RDAA), Newhall did not take steps to review the URS field work to confirm the presence of spineflower in other locations on Newhall Ranch. Instead, Newhall believed that the URS field work would be reviewed and confirmed at the time additional project-level surveys would be performed on Newhall Ranch. However, after CDFG conducted a search on Newhall Ranch in May 2002, the County directed biologists/botanists retained by Newhall to conduct plant surveys, including spineflower, on all developable portions of the Specific Plan site. The County also directed that the Newhall Ranch RDAA specifically address the spineflower and the additional plant surveys. In November 2002, during preparation of the Newhall Ranch RDAA, Section 2.6, Spineflower and Other Sensitive Plant Species, and at Newhall's request, URS reviewed its field maps from the May 2000 surveys and assisted Newhall in preparing graphics displaying URS' field observations. The Newhall Ranch RDAA (November 2002), Appendix 2.6(g), includes the URS mapping, verified by URS. Based on the URS review, URS found that the mapping contained in Appendix 2.6(g) "accurately [portrayed] [URS] observations of the spineflower and other sensitive plant species in the areas ...surveyed."

7. After public circulation of the Newhall Ranch DAA in April 2001, Newhall directed FLx consultants to conduct rare plant surveys in the spring of 2001 (May) for use in future subdivision map applications. At that time, however, Newhall also determined that it was necessary for FLx to conduct plant surveys on the Water Reclamation Plant site, because that site was being reviewed at the project or "construction" level. In the spring of 2001, FLx completed plant surveys on the Water Reclamation Plant site and other areas of Newhall Ranch, including the San Martinez canyon area. The plant surveys conducted by FLx on the Water Reclamation Plant site were disclosed in responses to comments in the Newhall Ranch FAA (October 2001), **Appendix B**. However, at that time, Newhall did not provide the County with the FLx survey data regarding spineflower located in the San Martinez canyon area. This survey data was not provided to the County until preparation of the Newhall Ranch RDAA, which was circulated for public review in November 2002. Newhall did not provide the FLx survey data on San Martinez because: (a) the San Martinez area was not subject to construction, like the Water Reclamation Plant site; (b) the mitigation program contained in the Newhall Ranch DAA required detailed project-level surveys of spineflower and other sensitive plant species prior to allowing construction in any portion of the San Martinez area; (c) Newhall intended to provide multi-year project-specific survey data from FLx in association with a subdivision map application in that area; (d) no project-related activities could occur on Newhall Ranch to adversely impact the spineflower in that area; and (e) the spineflower found on San Martinez remains intact.

8. In May 2002, CDFG and the District Attorney's office conducted a search on Newhall Ranch for evidence of an alleged unlawful "take" of the spineflower. That search resulted in one misdemeanor

count of an alleged streambed alteration, and no charges of an unlawful "take" of the spineflower. No spineflower charges were ever brought against Newhall.

9. The area subject to CDFG's investigation focused on the Airport Mesa portion of Newhall Ranch, which was cleared and terraced for the planting of agave, a plant used in making tequila and some soft drinks. Newhall had entered into agricultural leases with an existing tenant to allow for the planting of agave. Agave also has been planted on the Grapevine Mesa portion of Newhall Ranch (in areas outside of where the spineflower is located). Agave is also planted on land owned by Newhall in Ventura County.

10. Following notification of the CDFG investigation and further information regarding additional potential and confirmed locations of additional spineflower populations, County staff directed that Newhall complete spineflower surveys on all developable portions of Newhall Ranch.

11. In November 2002, in the Revised Draft Additional Analysis, extensive spineflower survey data was published showing five spineflower populations, three located on Newhall Ranch and two located off-site. The published data is comprehensive in nature. (*See,* Revised Draft Additional Analysis, Appendix 2.6). The published data includes an extensive mitigation program for the spineflower, in conjunction with mitigation for other sensitive plant species. The spineflower mitigation program includes, among other requirements:

(a) Updated survey requirements at the subdivision map level;
(b) Agency consultation requirements;
(c) Spineflower mitigation overlay study areas;
(d) Creation of spineflower preserve areas, with connectivity, reserve design and buffer area requirements;
(e) Several preserve protection measures;
(f) Fire management plan provisions;
(g) Water flow diversion and management provisions;
(h) Biological monitoring;
(i) Construction impact avoidance measures;
(j) Monitoring, reporting and management measures;
(k) Translocation and reintroduction program; and
(l) Restrictions on on-going agricultural activities.

The spineflower mitigation program was thoroughly reviewed by both the County and CDFG prior to its release to the public for review. CDFG has characterized this spineflower mitigation program as "a framework from which necessary protection for the spineflower and its long-term management can be developed." (*See,* CDFG letter, dated January 29, 2003.)

12. In February 2003, the Los Angeles County District Attorney's office, CDFG and Newhall reached a global agreement on the issues regarding the spineflower on Newhall Ranch. The settlement focused

on the dedication by conservation easement of over 64 acres as a permanent spineflower preserve (which represents approximately ten-fold the approximately 6.2 acres of land occupied by spineflower plants on Newhall Ranch). The dedication area, as indicated above, protected far more land than where spineflower was actually found; it was on prime development land area; and it required both a management plan and an erosion control plan to be funded by Newhall. Newhall also agreed to improve CDFG access to Newhall Ranch and to biological surveys and reports. In addition, Newhall committed to performing additional plant surveys as part of the subdivision map process. Newhall also committed to implementing the spineflower mitigation program, as outlined above, upon project approval.

Summary of Staff Recommendations

Based on its review and investigation of all spineflower-related issues and the environmental documents submitted to date, in staff's opinion, the applicant should have apprised the County sooner regarding other spineflower located on the Newhall Ranch site, and, had County staff been so advised, it may have required the disclosure of all such locations and further spineflower surveys on developable portions of Newhall Ranch. Nevertheless, County staff has now required the applicant to complete spineflower surveys on all developable portions of Newhall Ranch, and has reviewed the protocol, survey methodologies and qualifications of the personnel used to conduct those surveys. County staff was also in the field to monitor those surveys. Based on the survey data, County staff determined that the environmental documentation for Newhall Ranch needed to be revised and recirculated with respect to the spineflower and other issues. See, Newhall Ranch Revised Draft Additional Analysis. The Newhall Ranch RDAA has been circulated for public review for a 70-day period.

In addition, prior to recirculation, County staff thoroughly reviewed the Newhall Ranch RDAA for accuracy and completeness. During that review, County staff requested that the applicant work closely with CDFG in developing a comprehensive mitigation program for the spineflower and other sensitive plant species. The mitigation program contained in the RDAA, Section 2.6.7, has been closely scrutinized by both the County and CDFG.

Based on the above, in staff's opinion, the delayed disclosure by Newhall of information regarding spineflower locations has not ultimately impaired the adequacy of the environmental analysis of spineflower impacts or the identification of adequate mitigation measures to address spineflower issues at the development phase of Newhall Ranch. Furthermore, the current Specific Plan does not authorize any construction activities, with the exception of the Water Reclamation Plant, and detailed surveys for the spineflower already have been conducted there.

As stated above, the County-directed additional surveys for the spineflower and other sensitive species have been completed, and the spineflower and its distribution on Newhall Ranch have been fully disclosed. Finally, the County's experience with the applicant, Newhall, dates back to the environmental

review and processing of Newhall's Valencia properties (1970s to the present), and the preparation and review of the Newhall Ranch Final EIR (1996 - 1999). The County's past experience has shown that the applicant has adequately fulfilled project-imposed conditions and environmental mitigation measures at the subdivision map level.

Nevertheless, as identified above, County staff has directed that Newhall take certain required actions, and Newhall has complied with staff's direction. In summary, staff has directed Newhall to take the following actions:

(a) Facilitate staff's review of Newhall's specific confidentiality provisions contained in its consultant contracts;

(b) Contact its consultants to advise them that specific provisions in the consultant contracts allow consultants to disclose to the County all environmental-related information associated with the Specific Plan and related actions, and that the applicant will amend its contracts to either eliminate such confidentiality provisions, or make clear that consultants are not precluded from disclosing and, in fact, are required to disclose environmental-related information regarding Newhall Ranch to the County;

(c) Obtain disclosure statements, signed under penalty of perjury, from its consultants certifying that the consultants' reports, studies or other environmental-related information required for the Newhall Ranch Specific Plan EIR and additional analyses have been fully disclosed in that environmental documentation;

(d) Provide the County with the same "property access" and "document access" provisions as those contained in the settlement reached with CDFG; and

(e) Amend its existing consultant contracts to ensure that the "document access" provisions in the Newhall/CDFG settlement are made part of Newhall's consultant contracts.

(f) Revise its current mitigation relating to ongoing agricultural activities (Mitigation measure 4.6-79) to ensure that the applicant's ongoing agricultural activities will not significantly impact the spineflower.

In addition, staff recommends that the Board of Supervisors consider imposing the following additional conditions in connection with the Newhall Ranch Specific Plan in order to ensure continued disclosure of environmental information:

(a) Require the applicant to submit a signed statement, filed concurrently with the filing of any departmental development application, obligating the applicant to disclose to the Department of Regional Planning the existence of any endangered or threatened species that are known or suspected to exist on the subject property.

(b) Require the applicant to report to the Department of Regional Planning the results of all on-site biological surveys within thirty (30) days after completion of the survey work.

(c) Require the applicant to schedule a consultation meeting between the Department of Regional Planning, the applicant and environmental consultant(s) to discuss the results of the survey work, and to ensure public disclosure of the survey results in the required environmental documentation for the proposed project.

If adopted, these conditions could be made part of the Newhall Ranch Mitigation Monitoring Program, which will ensure Newhall's compliance throughout the subdivision map process.

TOPICAL RESPONSE 8: COMPLIANCE WITH THE COURT'S DECISION

Comments have stated that the applicant's agricultural activities on a portion of the Specific Plan site constitute a violation of the Kern County Superior Court's Writ of Mandate, issued by the Honorable Roger D. Randall on August 1, 2000. A copy of the Court's Writ is found in the Draft Additional Analysis, Volume II, Appendix 1.0(a).

The Court's Writ voided certification of the Newhall Ranch Final EIR, but only with respect to specified issues. The Writ also included an order suspending any and all "specific Project activity or activities" that could result in an adverse change or alteration to the physical environment, unless and until the actions specified in the Writ were taken to bring the County's actions into compliance with CEQA and the Court's Statement of Decision. Specifically, the relevant portion of the Court's Writ ordered the County:

> "2. To suspend any or all *specific Project activity or activities* that could result in an adverse change or alteration to the physical environment, unless and until you have taken the actions specified in this Writ to bring your actions into compliance with the California Environmental Quality Act (CEQA) in accord with the Court's Statement of Decision with regard to the specific issues identified below: ...." *See*, DAA, Appendix 1.0(a), Writ, p. 3, lines 9-14. (*Emphasis added.*)

The Court expressly defined the term "Project" in the Writ. On page 3, the Court identified the "Project" as "the Newhall Ranch Specific Plan and Water Reclamation Plant (Project No. 94087, State Clearing House No. 95011015), which includes General Plan and Sub-Plan Amendments No. 94-087-(5), Vesting Tentative Parcel Map 24500-(5), Conditional Use Permit No. 94-087-(5), Zone Change No. 94-087-(5), and related approval to construct the Wastewater Treatment Plant." Writ, p. 3, lines 3-8. Therefore, based on the Court's Writ, the County adopted the appropriate resolution, which, among other things, suspended any and all Project activity or activities with respect to the Newhall Ranch Specific Plan, Water Reclamation Plant and related discretionary actions (*i.e.*, "Project activity or activities").

Newhall's position is that the activities conducted on its Newhall Ranch property, which gave rise to CDFG and District Attorney concerns, were part of its legitimate on-going agricultural activities. Legitimate agricultural activities on Newhall Ranch are land use activities for which the property is currently zoned (*i.e.*, agricultural) and, for which no discretionary approval or permit is needed from the County's Department of Regional Planning, since such land uses neither require discretionary land use entitlements, nor was approval of the Specific Plan necessary for such operations to be conducted. Newhall's agricultural operations would not constitute activities in violation of the Court's Writ, since the Court's Writ specifically prohibits only Specific Plan-related actions (*i.e.*, "Project activity or activities").

Newhall owns the Newhall Ranch site, which is over 11,000 acres of largely undeveloped land. Newhall has owned the land over 100 years. Two of the areas on the Newhall Ranch site are known as "Grapevine

Mesa" and "Airport Mesa". These two mesa areas, and other significant portions of Newhall Ranch, have been used for farming and other agricultural operations for many, many years. Newhall still conducts on-going, productive row crops and cattle grazing activities on the Newhall Ranch site up to the present. These existing farming, grazing and other agricultural activities are well documented in the Newhall Ranch Revised Draft EIR (March 1999), Section 4.4, Agricultural Resources. For information regarding Newhall's agave activities on Newhall Ranch, please refer to the Newhall Ranch Final Additional Analysis, **Appendix AI**. Other responsive information is found in **Response 5** to the **Comment Letter 101** from County of Ventura Resource Management Agency, dated January 16, 2003.

In addition, issues related to the use of confidentiality agreements and their impact on the environmental documents, including spineflower studies, are addressed in **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower.** The County has considered this response in assessing the Writ compliance claims presented in various comments.

County staff has concluded that Newhall's legitimate agricultural activities do not constitute Specific Plan-related activities, nor do they constitute violations of the Court's Writ suspending Specific Plan activities. Writ compliance claims can be addressed by the Kern County Superior Court, which has retained jurisdiction over the Newhall Ranch proceedings, if properly brought before that court (*See*, RDAA Appendix 1.0 [Writ, p. 5]).

TOPICAL RESPONSE 9: SPINEFLOWER SURVEYS AND THE COUNTY'S EXISTING EIR PROCEDURES

Comments have questioned the accuracy of the San Fernando Valley spineflower surveys conducted by biologists/botanists on the Newhall Ranch site, and have requested that the County require all new surveys on Newhall Ranch by "independent" biologists/botanists. Other comments have included a "chronology" regarding the spineflower, as it relates to the Newhall Ranch site. Based on the results of the County's own investigation, County staff believes that the spineflower surveys conducted on Newhall Ranch are accurate and complete and no new or additional surveys are needed or required at this time; however, further surveys will be required during the subsequent Newhall Ranch subdivision map entitlement application process.

On January 7, 2003, the County's Board of Supervisors directed the Department of Regional Planning (DRP) to conduct a thorough investigation regarding preparation of the biota report for Newhall Ranch, including a detailed chronology of events regarding the San Fernando Valley spineflower. The Board also directed DRP to conduct a survey of other California planning agencies to determine what procedures are employed elsewhere to ensure compliance with the environmental reporting requirements of CEQA. On January 13, 2003, DRP submitted a staff report to the Board of Supervisors summarizing the results of its investigation. A copy of this staff report is included **Appendix AD** of this Final Additional Analysis.

Staff Investigation/Chronology Regarding Spineflower

As part of DRP's report, County staff prepared and attached a detailed chronology of spineflower-related events from 1995 to the present. The chronology summarized the events surrounding the discovery of the spineflower on Newhall Ranch.

County staff's review indicates that the spineflower was discovered on the Newhall Ranch property after the County originally certified the Final EIR for the Specific Plan in March 1999. Newhall Ranch staff notified DRP shortly after its confirmation that the spineflower was present on site in 2000 in the Grapevine Mesa area, as disclosed in the Draft Additional Analysis (DAA) (April 2001). As to the spineflower found on the Specific Plan site, and for the remainder of the Specific Plan developable areas, the DAA stated that site-specific surveys must be conducted within those areas of the Specific Plan where this plant is likely to occur and that these surveys must be completed at the time that a subdivision map is filed with the County, citing Final EIR Mitigation Measure 4.6-53. *See*, DAA, Section 3.0, p. 3.0-14. In response to public comments, County staff further reviewed the DAA and the prior Final EIR mitigation measures relating to rare, threatened or endangered plant or animal species. Based on that review, the County found that Specific Plan impacts to the spineflower include (as previously stated in the Final EIR)

potential loss of individual plants due to development, which was considered a potential significant impact absent mitigation. *See*, FAA, Volume I, **Topical Response 3**, p. 19-20.

The County then directed that two mitigation measures from the prior Final EIR be revised to further strengthen the overall mitigation program for such plant or animal species, including the spineflower, and the applicant agreed to the revised measures. *Id.*

Newhall's position is that the activities conducted on its Newhall Ranch property, which gave rise to the CDFG and District Attorney concerns were part of its legitimate on-going agricultural activities. Legitimate agricultural activities occurring on the Newhall Ranch property are land uses for which the property is zoned and for which no discretionary approval or permit is needed from the DRP. There was no requirement for Newhall to apprise DRP of legitimate agricultural land use activities that are authorized within that zoning designation, since such land uses neither require discretionary land use entitlements, nor was approval of the Specific Plan necessary for such operations to be conducted.

The County's review of the spineflower claims has resulted in staff recommendations to ensure continued compliance with the environmental reporting requirements of CEQA. For further information regarding this topic, please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower.**

Staff Review of Spineflower Surveys

County staff independently reviewed the Newhall Ranch Final EIR, including the original biology reports. County staff also reviewed the Newhall Ranch DAA (April 2001), the Newhall Ranch FAA (October 2001) and the Newhall Ranch RDAA (November 2002).

In the spring of 2002, the applicant apprised County staff that additional plant surveys would be performed on Newhall Ranch. After CDFG obtained a warrant and conducted spineflower surveys over a portion of Newhall Ranch in May 2002, the applicant directed the biologists/botanists, Dudek & Associates, to survey and flag those areas surveyed by CDFG. At that time, County staff directed the applicant to have Dudek expand its plant surveys to cover all developable areas within the Specific Plan.

In addition, the County's biological staff accompanied Dudek personnel during a portion of the 2002 plant surveys to ensure that the survey personnel, protocols and survey locations were adequate.

As to the most recent biological field surveys conducted on Newhall Ranch (2001 and 2002), both Dudek & Associates and FLx consultants prepared detailed biology reports, which were provided to, and reviewed by, the County's biological staff and CDFG. Those reports were made part of the RDAA. According to CDFG, the RDAA "provides a framework from which necessary protection for the

spineflower and its long-term management can be developed." (*See*, the Newhall Ranch FAA, Volume III [p. 1 of **Comment Letter 97**].)

Furthermore, to ensure that full disclosure of all biology and other environmentally-related information has been made to County staff to date, staff directed that the applicant obtain written disclosure statements, signed under penalty of perjury, from its consultants certifying that their reports, studies or other environmental-related information required for the Newhall Ranch Specific Plan EIR and additional analyses have been fully disclosed. Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, for further information responsive to staff's review of spineflower on Newhall Ranch.

Staff Survey of Other Jurisdictions

In response to the Board of Supervisors' direction, DRP also conducted a survey of other public agencies in California to determine what procedures are employed to ensure compliance with the provisions of CEQA. The results of that survey are presented below.

A. Los Angeles County

1. Environmental Document Preparation and Contracting Arrangement

DRP currently relies on consultants who contract directly with a project proponent to prepare EIRs with County staff providing independent review of all EIRs to ensure that CEQA requirements are met. This process has been in place for more than a decade with the preparation of more than 100 EIRs in that time. The process has been upheld by the state appellate courts and the CEQA *Guidelines* are consistent with this process. The legal support for the County's existing procedures is found in CEQA (Public Resources Code §21082.1) and the CEQA decision, *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, and other cases referenced in that decision.

2. Staffing

The DRP CEQA compliance staff's (five planners and two biologists) primary responsibility is to review EIRs and to directly and independently prepare other environmental documents such as Mitigated Negative Declarations, Negative Declarations and Categorical Exemptions. There are currently two staff planners (one being the senior biologist) assigned to review EIRs and four planners responsible for completing CEQA Initial Studies.

B. Contracting Arrangements of Planning Agencies within California

The Governor's Office of Planning and Research (OPR) conducted surveys in 1997 and 1999 involving the state's planning agencies. According to the survey results, three different contracting arrangements in preparing EIRs are utilized: (i) the project proponent contracts directly with an EIR consultant; (ii) the lead agency contracts with the EIR consultant with the developer involved in the selection process; and (iii) the lead agency contracts directly with the EIR consultant without developer involvement. A variation of these options is where a local jurisdiction (*e.g.*, the City of Santa Monica) maintains a list of approved consultants that a project proponent may select from for purposes of obtaining environmental services. Another adaptation is where a three-way contract is entered into between the applicant, the environmental consultant and the lead agency (*e.g.*, Orange County).

Generally, the larger a jurisdiction is, the more likely the agency is to allow the developer to select the EIR consultant. Some of these agencies include the Counties of Los Angeles and San Diego, and the City of Los Angeles. The primary responsibility of staff within these jurisdictions is to independently review and analyze the environmental documentation, and to ensure that the draft environmental documentation reflects staff's independent judgment.

It should be noted that the number of jurisdictions allowing a project proponent to contract directly with the environmental consultant increased in the 1999 survey from those reported in 1997.

The OPR surveys also indicate that lead jurisdictions that are of moderate to small size allow developers to participate in the contracting process with the local agency, or they retain the EIR consultants without any developer involvement. Some of these jurisdictions include the Counties of Ventura, Marin, and Santa Clara.

The OPR surveys were intended to determine the number of public agencies that permitted developers to retain the EIR consultants. In 1997, OPR determined that 466 public agencies relied on consultants to prepare EIRs. Of those agencies responding, 13 percent allowed the developer to select the EIR consultant; 51 percent involved the developer with the agency in the selection process; and 36 percent made the selection without developer participation. In the later 1999 OPR surveys, OPR noted that three times as many jurisdictions than in 1997 allowed the developer to hire the EIR consultant (*i.e.*, a 286 percent increase).

EXAMPLES FROM NEIGHBORING JURISDICTIONS

C. Orange County

1. Environmental Document Preparation and Contracting Arrangement

Three-party (the county, the consultant, and the developer) contracts are enacted when an EIR is to be prepared for a project. Generally, the developer establishes a deposit account with the County, and the consultant is paid through this County account. The consultant is selected through the Request for Proposal (RFP) process. Notice is sent to all consultants on the County's general list.

2. Staffing

Staff assigned to the Environmental & Project Planning Services Division (EPPSD) of the County of Orange. EPPSD includes those whose primary responsibility is the implementation of CEQA. Currently, there are three planners assigned to handle environmental review and environmental document preparation for private sector projects. These three planners review an average of two to three EIRs each year.

D. City of Los Angeles

1. Environmental Document Preparation and Contracting Arrangement

The City of Los Angeles Department of City Planning (DCP) relies on consultants who contract directly with project proponent to prepare EIRs. City staff provides independent review of all environmental documents. This is similar to the process used in the County of Los Angeles.

2. Staffing

DCP currently uses five planners whose primary responsibility is to review and prepare environmental documents: Two planners review EIRs and three planners are responsible for other environmental documents such as Mitigated Negative Declarations, Negative Declarations, and Categorical Exemptions. There are approximately 15 pending EIR projects in various stages of review.

E. Conclusion

In its January 13, 2003 report, DRP concluded that the current EIR process used in the County of Los Angeles works to ensure that environmental documentation is prepared in full compliance with the

environmental reporting requirements of CEQA and the CEQA *Guidelines*. That report concludes that DRP's current staffing levels are also appropriate for the current caseload, and properly functions under the existing County policies and procedures. In addition, based on staff's investigation regarding spineflower, staff finds that the spineflower surveys conducted on Newhall Ranch are now adequate and fully disclosed.

TOPICAL RESPONSE 10: SPINEFLOWER MITIGATION PROGRAM AND ADDITIONAL MITIGATION THROUGH NEWHALL/CDFG CONSERVATION EASEMENT AND AGREEMENT

Comments have suggested that the mitigation program for the San Fernando Valley spineflower (*Chorizanthe parryi* var. *fernandina*; "spineflower") needs to be more definitive and that the mitigation is "improperly" deferred under CEQA and the CEQA *Guidelines*. Other comments have claimed that the mitigation is "vague and unspecific", and, at times, "speculative". The County does not concur with these comments.

The Revised Draft Additional Analysis (RDAA), Section 2.6, summarized the pertinent history and background relating to the spineflower and other sensitive plant species on Newhall Ranch, including surveys conducted by the applicant and the California Department of Fish and Game (CDFG). The section identified the applicable significance criteria used in assessing project impacts on the spineflower, and other sensitive plant species, consistent with CEQA. This section also included an analysis of direct, indirect and cumulative impacts on the spineflower and other sensitive plants due to development of the Specific Plan and Water Reclamation Plant (WRP). The section also sets forth a comprehensive set of mitigation measures and alternatives in combination with those already presented in the Newhall Ranch Revised Draft EIR to avoid or minimize impacts to the spineflower and other sensitive plant species that may be found on the site. The spineflower mitigation program consisted of the following components:

(a) The existing Specific Plan EIR mitigation measures, which were adopted by the County's Board of Supervisors on March 23, 1999, and which were found by the Court to be adequate under CEQA in the Newhall Ranch litigation;

(b) The revised Specific Plan EIR mitigation measures contained in the Newhall Ranch Final Additional Analysis (October 2001); and

(c) The additional Specific Plan EIR mitigation measures, which the applicant has agreed to have imposed in the event that the Newhall Ranch Specific Plan is re-approved.

The spineflower mitigation program also includes a County-required mitigation measure requiring preparation of a tiered project-level EIR in conjunction with each project-specific tentative tract map for the Newhall Ranch Specific Plan (see, Specific Plan EIR Mitigation Measure 4.11-17). In addition, the spineflower mitigation program expressly anticipated that each project-specific EIR for the Newhall Ranch Specific Plan will impose conditions and mitigation measures beyond those identified in the Newhall Ranch Final EIR and the Final Additional Analysis. For that reason, the spineflower mitigation program specifically stated that the standards set forth in that program are "*minimum* standards subject to change or increase after completion of each project-specific EIR, including the required, updated sensitive plant and animal surveys for each subdivision map, and the consultation and project-level permitting requirements imposed by federal and state agencies, as appropriate." (*See,* revised Specific Plan EIR Mitigation Measure 4.6-53, 4.6-59 and RDAA, Section 2.6, p. 2.6-42.)

Finally, the spineflower mitigation program includes specific, enforceable, performance-based mitigation measures. Those measures do not constitute an improper deferral of mitigation. Rather, the measures include, among other criteria:

(a) Updated survey requirements at the subdivision map level;
(b) Agency consultation requirements;
(c) Spineflower mitigation overlay study areas;
(d) Creation of spineflower preserve areas, with connectivity, reserve design and buffer area requirements;
(e) Several preserve protection measures;
(f) Fire management plan provisions;
(g) Water flow diversion and management provisions;
(h) Biological monitoring;
(i) Construction impact avoidance measures;
(j) Monitoring, reporting and management measures;
(k) Translocation and reintroduction program; and
(l) Restrictions on on-going agricultural activities.

The spineflower mitigation program was independently reviewed by both the County and CDFG. CDFG has characterized this spineflower mitigation program as "a framework from which necessary protection for the spineflower and its long-term management can be developed." (*See*, the Newhall Ranch FAA, Volume III [**Comment Letter 97** from CDFG, dated January 29, 2003, p. 1].)

Since circulation of the RDAA, including the spineflower mitigation program, Newhall, CDFG and the Los Angeles County District Attorney announced a final settlement of all outstanding issues, including those relating to the finding of spineflower on Newhall Ranch. The settlement resulted in the dedication by conservation easement of over 64 acres as a permanent spineflower preserve. The dedication area protects more land than spineflower actually occupies, and it includes both a management plan and an erosion control plan to be funded by Newhall. Newhall also agreed to improve CDFG access to Newhall Ranch and to biological surveys and reports. (*See*, "Civil Compromise Agreement," dated February 11, 2003.) A copy of this Agreement is provided in **Appendix AF** of this Final Additional Analysis. In addition, Newhall will be required to perform additional plant surveys as part of the subdivision map process. Newhall also will be required to implement the spineflower mitigation program, as outlined above, in connection with the Specific Plan, if approved.

The Conservation Easement constitutes further mitigation for impacts to the spineflower by securing, in perpetuity, portions of the Newhall Ranch property "to protect the spineflower and its habitat, and to create, within the Conservation Easement, buffer areas surrounding spineflower populations" on the subject property. (*See*, Conservation Easement Deed, dated February 12, 2003, p. 2.) A copy of this easement is provided in **Appendix AG** of this Final Additional Analysis.

TOPICAL RESPONSE 11: UPDATE REGARDING THE STATUS OF PERCHLORATE AND RELATED ISSUES

Several comments have raised issues and concerns regarding the detection of ammonium perchlorate (perchlorate) in Santa Clarita Valley groundwater supplies. In part, the comments have raised issues similar to prior comments submitted on the Newhall Ranch Draft Additional Analysis (April 2001). Responses to those comments are included in the draft of the Newhall Ranch Final Additional Analysis (FAA), Volume I, (October 2001). The County suggests that the reader review the previous responses, in addition to this response.

Since preparation of the Newhall Ranch FAA (October 2001), and the subsequent public circulation of the Newhall Ranch RDAA (November 2002), as discussed below, there have been certain developments related to the detection of perchlorate in groundwater in Santa Clarita Valley. In addition, as discussed below, planning for remediation of the perchlorate problem is substantially underway, and production facilities, which are sufficiently remote from the Whittaker-Bermite contamination site, can be relied upon for the quantities of water projected to be available from the Alluvial aquifer and Saugus Formation, as described in the Santa Clarita Valley 2001 Urban Water Management Plan (UWMP).[1] Furthermore, Castaic Lake Water Agency (CLWA), the local retail water purveyors, the state Department of Toxic Substances Control (DTSC), and the U.S. Army Corps of Engineers are closely monitoring the perchlorate problem, which reasonably ensures a prompt response to any significant changes in conditions.

The following is a summary of the perchlorate-related comments submitted on the Newhall Ranch RDAA, followed by a discussion of pertinent events related to perchlorate, which have occurred since the Newhall Ranch RDAA was publicly circulated. This response also includes responses to specific comments submitted on this subject.

Summary of Perchlorate-Related Comments to the RDAA

Comments have stated that the detection of perchlorate in the Saugus aquifer requires additional new analysis because the "seriousness of the problem" was not disclosed in the original Newhall Ranch Draft EIR. Other comments have stated that there are now five municipal wells "closed down due to this pollution and production from the Saugus aquifer has been reduced to 25 percent of its peak production." Other comments have stated that the U.S. Environmental Protection Agency (EPA) "has

[1] A complete copy of the UWMP is found in the Newhall Ranch Draft Additional Analysis, Volume III, Appendix 2.5(a).

substantially reduced the exposure level for this contaminant" due to concerns over its adverse health effects.

In addition, comments have stated that the water agencies "are practicing a policy of non-disclosure" regarding perchlorate, which is "similar" to the applicant's "confidentiality agreements."[2] Other comments have stated: "with the detection of ammonium perchlorate contamination in four Saugus aquifer municipal wells ... water production from this source of supply is currently severely reduced." Other comments have stated: "recently the US EPA reduced the spread acceptable limit of ammonium perchlorate in drinking water to 4 ppb", and that the state Department of Health Services (DHS) "has now issued an action level of 6ppb."[3] Comments have stated that "water from these wells is not available until a clean-up process is approved and facilities are in place."

Comments have further noted that CLWA and the U.S. Army Corps of Engineers recently signed an agreement to characterize the perchlorate plume in the Saugus aquifer. These comments have also stated that the DTSC "has expressed the opinion that the pollution plume should be characterized before further pumping from this source is allowed so that the further spread of the plume is curtailed."

Other comments have stated that, although a clean-up method for perchlorate pollution currently exists in the San Gabriel Valley, this remediation method requires a "brine line", and that the Santa Clarita Valley does not have a brine line. Comments have also stated that "[i]t will take several years to characterize the pollution plume and to develop, acquire land, and build remediation facilities to make this water source safe for public use", and, until that time, "water from this source should not be reported as available for a public drinking water supply."

Finally, the comments have stated that "new issues have come to light since the original EIR was circulated", including "the discovery of ammonium perchlorate in several municipal water wells, the subsequent closure of those wells and the loss of production from those polluted wells is also a major new impact." Comments have asserted that CEQA "requires that such new impacts be addressed in a subsequent or supplemental EIR which is circulated to all interested agencies."

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2 For information responsive to the use of confidentiality agreements, please refer to Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower.

3 As stated in this response, DHS is required to adopt a primary drinking water standard for perchlorate by January 1, 2004. Currently, there is no DHS drinking water standard. However, DHS has set a provisional "action level" limit for perchlorate, which is 4 parts per billion (ppb).

Perchlorate Detected in Alluvial Aquifer

As summarized in the Newhall Ranch DAA (April 2001), several years ago, under the direction of the DHS, extensive tests of all local municipal wells were initiated to determine if perchlorate was present in the water. At that time, although the RDAA reported "concentrations of perchlorate" detected in Alluvial monitoring wells near the Whittaker-Bermite site, tests showed no perchlorate in any Alluvial municipal supply wells. However, perchlorate was found in 4 of 12 wells pumping from the deeper Saugus aquifer. These four wells were promptly taken out of service and are not currently operated.

In late November 2002, perchlorate was detected in a single Alluvial aquifer municipal supply well adjacent to the Whittaker-Bermite property. The well, referred to as the Stadium Well, is a shallow well with a depth of 100 feet that draws from the Alluvial aquifer near Saugus Speedway and the Whittaker-Bermite site. (The Whittaker-Bermite site is considered the source of the perchlorate, based on testing confirming that perchlorate has leached from the soil on the currently vacated Whittaker-Bermite site into the groundwater beneath and adjacent to the site.)

The perchlorate was detected following routine quarterly testing of the Stadium Well by the Santa Clarita Water Company. The Santa Clarita Water Company conducted two tests of the well, with the tests showing perchlorate levels at 5.9 ppb and 4.0 ppb, respectively. The 5.9 reading was above the recommended action level of 4 ppb. On November 26, 2002, Santa Clarita Water Company closed the Stadium Well.

As discussed below, the water purveyors in Santa Clarita Valley have advised the County that the closure of the Stadium Well does not adversely affect overall groundwater production in the Santa Clarita Valley. Furthermore, as discussed below, the water and regulatory agencies are continuing to move forward to clean-up the perchlorate from the groundwater supply and, in doing so, restoring the system to its full production capacity.

RDAA Considered Four Saugus Wells

Preliminarily, the County notes that the Newhall Ranch RDAA (November 2002) disclosed the detection of perchlorate in the Saugus aquifer, and the subsequent closure of the four municipal-supply water wells in that aquifer. The RDAA stated that the water purveyors in the Santa Clarita Valley reported the existence of perchlorate in the Saugus aquifer for several years, and, due in part to the development of potential treatment methods and construction of new wells, the Saugus aquifer remains "an important and viable groundwater resource for the Santa Clarita Valley." *See,* RDAA

p. 2.5-70 - 2.5-71. Although four wells in the Saugus are closed to production presently, the other eight Saugus municipal supply water wells are operational. Thus, comments that the detection of perchlorate in the four Saugus aquifer municipal wells "severely reduced" this source of water supply, are overstated.

Additionally, as reported in the *2001 Santa Clarita Valley Water Report* filed with the County in April 2002, total groundwater pumpage in the Santa Clarita Valley was about 41,400 acre-feet (AF) in the year 2001. Of that total, nearly 37,300 AF was pumped from the Alluvial aquifer and about 4,100 AF was pumped from the underlying deeper Saugus Formation. Alluvial pumpage represented about a 2,500 AF decrease from 2000, while Saugus pumpage increased by approximately 60 AF over calendar year 2000. Neither pumping volume resulted in any notable change in groundwater conditions, such as water levels or water quality, in either aquifer system. (*See*, RDAA, Volume II, Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report*, p. iv].)

CLWA and the local retail water purveyors have reported to the County that they have significant capacity to produce water from the Saugus Formation, if needed. However, the purveyors have elected to use other available supplies to meet demand, and to take a cautious and prudent approach toward utilizing the Saugus as a resource in the short term until lost capacity is restored by installation of perchlorate treatment through proven technologies. In this respect, the purveyors have also reported to the County that they have voluntarily decided to supply customers with water from alternate sources, most notably SWP supplies. If necessary, the purveyors have reported to the County that they have the capacity to produce up to 15,000 acre-feet per year (AFY) from the Saugus aquifer, from non-impacted wells, in addition to pumping increased amounts from the Alluvial aquifer. However, for the near term, SWP supplies are available to meet water demands in the Santa Clarita Valley.

As stated above, as reported by CLWA and the retail water purveyors, the primary goal is to return the impacted wells to production through proven well-head treatment technologies. However, another available option for restoring production in the Saugus is to drill replacement wells in areas west and south of the San Gabriel fault, located miles away from the Whittaker-Bermite site.

Saugus Formation

As reported in the *2001 Santa Clarita Valley Water Report*, the Saugus Formation aquifer has an estimated storage capacity of about 1.4 million AF. For long-term planning purposes, the Santa Clarita Valley 2000 Urban Water Management Plan (UWMP) includes pumping from the Saugus aquifer in the range of 7,500 to 15,000 AFY in average/normal years. The UWMP also includes planned dry-year

pumping from existing and planned new wells in the Saugus aquifer of 21,000 to 35,000 AFY for one to three consecutive dry years, when shortages to CLWA's SWP water supplies could occur. Such pumping would be followed by periods of lower pumpage (the 7,500 to 15,000 AFY in average/normal years as noted above) in order to allow recharge of water levels and storage in the Saugus aquifer.

In addition, maintaining the Saugus Formation to help "drought proof" water supplies in the Santa Clarita Valley is an important strategy of CLWA and the local retail water purveyors. As stated in the *2001 Santa Clarita Valley Water Report*, the long-term trend in the Saugus (for the last 35 to 40 years) has been one of relative groundwater level stability. There is no trend toward a sustained decline in Saugus water levels or storage capacity that would be indicative of overdraft. On that basis, and with recognition that historical (pre-1980) pumpage was quite small, and that average pumpage over the last two decades has been less than the reported range of potential recharge to the Saugus, pumpage from the Saugus has been and continues to be within acceptable ranges. (*See,* for example, RDAA, Volume II, Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report*, pp. 12-16].) As a result of long-term, relatively low pumpage from the Saugus Formation, groundwater levels in that aquifer have remained essentially constant over the last 35 to 40 years. That trend continued in 2001, the last year for which data is available. (*See,* for example, RDAA, Volume II, Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report*, p. vii].)

As noted above, approximately 4,100 AF of groundwater was pumped from the Saugus aquifer during calendar year 2001. The combined annual capacity of the eight operating municipal supply water wells in the Saugus aquifer is 21,100 AF (without accounting for operational factors). This amount will provide the 7,500 - 15,000 AFY projected to be pumped from existing wells in the Saugus aquifer in the coming years, without reliance on the four impacted Saugus wells presently closed due to the detection of perchlorate.

Alluvial Aquifer

The Alluvial aquifer has an estimated storage capacity of 240,000 AF. For long-range planning purposes, pumping from the Alluvial is projected to be in the range of 30,000 - 40,000 AFY in average/normal years. During dry year conditions, pumpage is projected to be slightly reduced and in the range of 30,000 - 35,000 AFY. There is no evidence of any historic or recent trend toward permanent water level or storage capacity decline. (*See,* for example, RDAA, Volume II, Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report*, pp. 5-12].)

During the late 1940s through 1960s, the development of groundwater in the Santa Clarita Valley was primarily for agricultural water supplies. During that period, pumpage from the Alluvial was at levels relatively higher than in subsequent years. As a result, groundwater levels were lower beneath the central part of the Valley when compared to today's levels. With the decline in agricultural water use since about 1960, coupled with the development of supplemental water supplies from the State Water Project and the related increases in return flows to the Santa Clara River where they contribute to increased groundwater recharge, there has been a widespread recovery of Alluvial groundwater levels to long-term, largely constant high conditions for about 30 years. (*See,* RDAA, Volume II, Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report,* pp. vi].)

These historic conditions indicate that the Alluvium is in good operating condition and can continue to support pumpage in the projected long-term range without adverse results, such as long-term water level decline or degradation of groundwater quality. Additionally, high rainfall totals in only one or two years generally will cause water levels within the Alluvial to rise quickly, and by a relatively large amount, to a near "full" condition. This type of water level response to rainfall is a significant characteristic of permeable, porous, alluvial aquifer systems that occur within large watersheds, like the Santa Clarita Valley. (*See,* RDAA, Volume II, Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report,* pp. vi].)

As noted above, approximately 37,300 AF of groundwater was pumped from the Alluvial aquifer during calendar year 2001. This total is consistent with the projected long-range Alluvium pumpage, also noted above, of 30,000 - 40,000 AFY. During 2001, approximately 565 AF of groundwater was pumped from the Stadium Well by Santa Clarita Valley Water Company. There are 36 municipal supply wells in the Alluvial aquifer, which are currently operational. The closure of Santa Clarita Valley Water Company's Stadium Well is considered a diminimus impact on production, particularly when compared to Santa Clarita Valley Water Company's total water supplies. In addition, Santa Clarita Valley Water Company has reported that it intends to rely on other available water resources, particularly SWP supplies, to account for the 565 AF of lost groundwater production, until the perchlorate treatment program is initiated.

In short, CLWA and the local retail purveyors have reported to the County that the 565 AF of lost groundwater production does not significantly impact the projected Alluvial aquifer supplies (30,000 - 40,000 AFY in average years/30,000 - 35,000 AFY in dry years). CLWA and the local retail water purveyors have reported to the County that they have made substantial progress toward restoring full capabilities of the aquifer systems. CLWA and the purveyors are also vigorously pursuing the current and prior owners of the Whittaker-Bermite site (and their insurance carriers) to

obtain cost recovery of the funds expended in their efforts to restore lost groundwater production as quickly as possible.

Update on Regulatory Standards for Perchlorate

In response to the various comments relating to the applicable federal and state standards for perchlorate, the County provides the following summary of recent regulatory developments.

On December 6, 2002, the California Office of Environmental Health Hazard Assessment (OEHHA) proposed a public health goal (PHG) for the amount of perchlorate present in drinking water. OEHHA's proposal suggests a range of 2-6 ppb. A proposed PHG is a theoretical calculation that begins a thorough, multi-year standard-setting process by the DHS. An adopted PHG reflects a very stringent health standard and is not an enforceable drinking water standard. A final PHG contributes to DHS's development of a Maximum Contamination Level (MCL). DHS is to establish an MCL at a level as close as is technically and economically feasible to its PHG.

In addition to OEHHA's proposal, the DHS is required to adopt a primary drinking water standard for perchlorate by January 1, 2004. There is, currently, no DHS drinking water standard, only a provisional limit called an "action level". The perchlorate action level is currently 4 ppb, and is not an enforceable standard. At perchlorate levels greater than ten times the action level (or 40 ppb), DHS recommends that a water system remove the well from service.

In addition to this action at the state level, on March 3, 2003, U.S. Senator Barbara Boxer introduced legislation in Congress that, if passed, would require EPA to issue public health drinking water standards for perchlorate by July 1, 2004. That date is two years earlier than EPA's present schedule for setting the standard. The EPA's current "recommended" level is 4 ppb, but that level is not enforceable until EPA formally sets the standard.

As of this writing, no MCL has been established by either the U.S. EPA or the state DHS for the amount of perchlorate allowed in drinking water. The current DHS action level is the guideline used by the water purveyors in Santa Clarita Valley until an enforceable standard is adopted.

Update on Perchlorate Remediation

1. Water Purveyor Steps with DTSC

CLWA and the other water purveyors in Santa Clarita Valley are developing a plan for a water treatment process to return the impacted wells to service as soon as possible. The plan includes the possible use of current technology already in use in other parts of California, including the nearby San Gabriel Valley. It is important to note that the development and implementation of a cleanup plan for the Whittaker-Bermite site and the impacted groundwater is being coordinated among CLWA, purveyors, DTSC and U.S. Army Corps of Engineers. DTSC is the lead state agency responsible for regulatory oversight of the Whittaker-Bermite site. Expediting clean-up is an important goal of all involved agencies.

The DTSC, CLWA and the other water purveyors are working together on a remedy that would protect the groundwater from perchlorate, and restore supplies from the affected wells.

2. DTSC/Purveyor Oversight Agreement

In February 2003, DTSC and CLWA, Newhall County Water District, Santa Clarita Water Company and Valencia Water Company entered into an agreement entitled, *Environmental Oversight Agreement* (Agreement). Under the Agreement, DTSC will provide review and oversight of the response activities being undertaken by the water agencies relating to the detection of perchlorate in the five closed well sites. (*See,* Newhall Ranch Final Additional Analysis, **Appendix T**, for a complete copy of the Agreement. In addition, **Appendices U** and **V** contain up-to-date information regarding perchlorate and efforts to clean-up well water contaminated by perchlorate, taken from the CLWA and City of Santa Clarita websites.)

The significance of the Agreement lies in the response actions to be undertaken in the "Scope of Work", which is attached as Exhibit B to the Agreement. Under the Scope of Work, the purveyors will prepare: (a) Well Characterization Reports; (b) a Health-Based Risk Assessment; (c) a Regional Groundwater Flow Model; and, (d) a Treatment Technology Evaluation Report. Most importantly, under the Scope of Work, the purveyors will prepare and implement a Removal Action Workplan that will be used in connection with water treatment programs and/or well relocation. The Workplan is important to the purveyors, who have been working to convince the regulatory agencies to continue to move forward on clean-up of the groundwater. A further description of the Workplan is presented below.

Well Characterization Reports

The purveyors will prepare well characterization reports, which will summarize the findings of the groundwater well investigations currently being undertaken, and provide recommendations and conclusions affecting clean-up. (*See,* Newhall Ranch FAA, **Appendix T** [Environmental Oversight Agreement, Scope of Work, Task 2].)

Health-Based Risk Assessment

The Health-Based Risk Assessment will assess various perchlorate exposure and toxicity levels, characterize the potential health risks associated with the contaminant, and establish the groundwater remediation goals (*See,* Newhall Ranch FAA, **Appendix T** [Environmental Oversight Agreement, Scope of Work, Task 3]).

Regional Groundwater Flow Model

The purveyors will develop a regional groundwater flow model to evaluate the effects of various well operation scenarios on the perchlorate plume. The model will assist in the development of an effective clean-up process (*See,* Newhall Ranch FAA, **Appendix T** [Environmental Oversight Agreement, Scope of Work, Task 5]).

Treatment Technology Evaluation Report

An evaluation will be conducted of the available perchlorate treatment technologies, which will include testing of the most viable processes, an evaluation of permitting issues, and an economic analysis to identify the most cost-effective option (*See,* Newhall Ranch FAA, **Appendix T** [Environmental Oversight Agreement, Scope of Work, Task 6]).

In this regard, the County notes the comments have stated that perchlorate remediation methods require a "brine line" and that such a line is not available in the Santa Clarita Valley. As discussed in the Newhall Ranch DAA, there are various options for the disposal and/or treatment of brine, a by-product of certain wellhead treatment methods. (*See,* Newhall Ranch DAA, pp. 2.5-203 - 2.5-204.) These options, which will be evaluated in the Treatment Technology Evaluation Report, include secondary treatment by catalytic destruction, which eliminates the need for a brine line. The County directs the reader to the Newhall Ranch FAA (October 2001), **Response 17** to Letter from SCOPE, dated June 15, 2001, for further information regarding this topic.

Removal Action Workplan and/or Remedial Action Plan

While the information necessary to complete the above studies is compiled, the purveyors will prepare and, following DTSC's approval, will implement a Removal Action Workplan and/or Remedial Action Plan (Workplan) to address directly the cleanup of perchlorate. The Workplan will include a compilation of data that is necessary to move forward with cleanup, a description of the goals to be achieved by the removal action, and a proposed removal process, including wellhead treatment in the form of a pump and treat program, and/or relocation of the existing municipal water supply wells (*See,* Newhall Ranch FAA, **Appendix T** [Environmental Oversight Agreement, Scope of Work, Task 4]).

Once the purveyors prepare the Workplan, it will be available for public review and comment for a minimum of 30 days. Additionally, public meetings are planned to inform the public of the proposed cleanup activities and to receive public comments on the Workplan (*See,* Scope of Work, Tasks 10.4, 10.5). Based on the comments received from the public, the Workplan may be revised, after which it will be submitted to DTSC for review and approval (*See,* Newhall Ranch FAA, **Appendix T** [Environmental Oversight Agreement, Scope of Work, Task 10.7]).

Once DTSC approves the Workplan, implementation of the approved plan would occur as expeditiously as possible. And, any removal activities put into place by the purveyors under the Workplan are to be left in place and operated by the purveyors until the DTSC determines that cleanup has been achieved (*See,* Newhall Ranch FAA, **Appendix T** [Environmental Oversight Agreement, Scope of Work, Task 12]).

Thus, while DTSC may have taken the position in the past that it was necessary to complete characterization of the perchlorate plume before initiating removal activities, DTSC has joined with the purveyors to develop and implement a Removal Action Plan. For this reason, the County does not concur with comments that DTSC is requiring full contaminant characterization *before* any pumping can occur. Moreover, with respect to comments that "it will take several years" to characterize the plume and to develop, acquire land, and build remediation facilities "to make this water source safe for public use", the DTSC's Environmental Oversight Agreement and related Scope of Work provide evidence that the development and implementation of the Workplan to remove the perchlorate is substantially underway.

In addition to the removal activities to be undertaken by the purveyors pursuant to the Workplan, the following additional steps toward remediation have been taken in the months since the release of the Newhall Ranch RDAA (November 2002):

> In November 2002, CLWA approved an engineering analysis of all available perchlorate removal technologies to determine which of the alternatives will be the most effective. The analysis, to be undertaken by Carollo Consulting Engineers (CCE), will investigate treatment options to remove the perchlorate from the groundwater and restore the lost delivery of the impacted wells. CCE will conduct tests to evaluate perchlorate in the aquifers, and then develop a pilot plant at the site of one of the wells. CCE will then recommend a treatment process that will remove and clean the perchlorate from the groundwater. CCE's pre-design work will be completed by December 2003, and design and treatment will be completed by late 2004. (*See*, Newhall Ranch FAA, **Appendix U** [Los Angeles County Department of Public Works letter, dated December 31, 2002 and CLWA website information].)
>
> On February 15, 2003, CLWA began testing several contaminated wells to determine the size and scope of the perchlorate plume. The well testing is expected to be completed in June 2003. The work is part of an ongoing joint effort by CLWA and the U.S. Army Corps of Engineers to cleanup the perchlorate contamination from the Whittaker-Bermite site. In April 2002, CLWA and the U.S. Army Corps of Engineers entered into an agreement to study and locate the source of the contamination. CLWA represents the water purveyors in the eastern Santa Clarita Valley. Under the agreement, the U.S. Army Corps of Engineers is responsible for the overall management and implementation of the project, and CLWA is responsible for select field tasks, like the testing of impacted production wells. In October 2002, the U.S. Army Corps of Engineers released a workplan, which sets forth the work to be accomplished to evaluate the nature and extent of the impacted groundwater. The findings of the workplan will form the basis for the development and evaluation of interim and long-term solutions to address the impacted groundwater. The U.S. Army Corps of Engineers/CLWA study, referred to as the "Eastern Santa Clara Basin Groundwater Study," is ongoing and will be concluded in December 2003 at an estimated shared cost of about $9 million. (*See*, Newhall Ranch FAA, **Appendix U** [Los Angeles County Department of Public Works letter, dated December 31, 2002 and CLWA website information].)[4]

As the above discussion illustrates, CLWA, the water purveyors and other federal and state agencies have been actively taking steps necessary to clean-up the perchlorate from the impacted groundwater.

3. DTSC Separate Enforcement Action

In addition to the joint remedial efforts underway by the water agencies, DTSC and U.S. Army Corps of Engineers, DTSC is pursuing its own enforcement action against the parties believed to be responsible for the perchlorate contamination.

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[4] As indicated above, the CLWA and the U.S. Army Corps of Engineers have entered into an agreement, in which CLWA serves as local sponsor for the Eastern Santa Clara Basin Groundwater Study. As indicated above, the Study is intended to provide site characterization, removal actions and a remedial investigation/feasibility study of the perchlorate contamination from the Whittaker-Bermite site. The Study will be conducted under the requirements of the CERCLA program. As such, DTSC is participating in this Study as the lead state regulatory agency. For further information regarding the Study, please refer to the Draft Final Eastern Santa Clara Subbasin Groundwater Study Site Characterization Phase (Remedial Investigation) Field Sampling Plan, Work Plan, Community Involvement Work Plan and Quality Assurance Project Plan, prepared for U.S. Army Corps of Engineers by CH2MHill, dated October 2002. Copies of this Draft Study are incorporated by reference and are available for public review at the County's Department of Regional Planning, Lee Stark, 320 West Temple Street, Los Angeles, CA 90012.

In 1994, DTSC issued a consent order to the Whittaker Corporation requiring that Whittaker investigate and remediate the Whittaker-Bermite site to DTSC's satisfaction. Whittaker, as the former site operator, is a "responsible party" under environmental laws and regulations. The DTSC is presently pursuing enforcement of the cleanup order issued to Whittaker, which was issued prior to the sale of the property to the current owner, Santa Clarita LLC. Cleanup of the groundwater was a condition of the DTSC clean-up order.

In response to Whittaker's inaction, on November 22, 2002, DTSC issued an order to Whittaker to immediately begin cleanup efforts at the site. The order was issued after negotiations to develop an Enforceable Agreement failed. The Enforceable Agreement would have established mutually agreed upon methods and schedules for cleaning the property and the groundwater. The DTSC's order forces Whittaker to take immediate steps toward cleanup and research of the pollution on a set timetable. In addition to the pressure being applied on Whittaker by DTSC, the City of Santa Clarita is also closely monitoring Whittaker's response to DTSC to ensure they act in a timely manner.

4. On-going Water Purveyor Litigation

In addition to the above cleanup efforts, CLWA and the local water agencies are moving forward with the lawsuit they filed in November 2000 against the former and current owners of the Whittaker-Bermite site. The goal in bringing the lawsuit is to compel the property owners to pay for the necessary cleanup of perchlorate in the groundwater. Under federal and state law, the property owners must implement a regulatory-approved cleanup process of the perchlorate, provide cost recovery and accept liability as to current and future damages.

As of this writing, CLWA and the other purveyors have informed the County that they are continuing to pursue the property owners, through the lawsuit, for reimbursement of the funds needed to remove perchlorate from the groundwater. The County understands that the lawsuit will likely go to trial sometime in early 2004. It is important to keep in mind, however, that the on-going testing, treatment, investigation, containment and removal work described above is not held up pending the outcome of the lawsuit.

Other Actions

In April 2001, the County of Ventura, along with Friends of the Santa Clara River and the Sierra Club, filed a lawsuit against CLWA and the water agencies charging that the 2000 UWMP was inadequate under the Urban Water Management Planning Act. The UWMP is a water management plan, which outlines the water demand, water supply, water conservation, water recycling and reliability planning

for the CLWA service area. In the lawsuit, the litigants made claims against the water agencies that are similar to those contained in the comments submitted on the Newhall Ranch RDAA, namely that the UWMP "overstated" groundwater production due to the detection of perchlorate in the groundwater.

After a hearing, the trial court in that litigation found that there was substantial evidence to support the conclusion "that the groundwater projections in the Plan [UWMP] are reasonable and substantiated." (*See,* Newhall Ranch FAA, **Appendix Z,** [Proposed Order and Findings; Statement of Decision, p. 5:4-12].) The Court ruled further that the evidence before it "also supports the conclusions contained in the Plan concerning groundwater contamination." (*Ibid.*)[5]

Similarly, in separate proceedings before the California Public Utilities Commission (CPUC) involving Valencia Water Company's application for approval of its updated Water Management Plan, the complainants in those proceedings, Ventura County, Friends of the Santa Clara River, Santa Clarita Organization for Planning the Environment and the Sierra Club raised the detection of perchlorate in the groundwater as part of their protest to Valencia Water Company's Water Management Plan. Following consideration of the issues, the CPUC rejected the claims made by the complainants, and determined that the evidence supported the Water Management Plan's analysis regarding perchlorate. Specifically, the CPUC found:

> "[P]lanning for remediation is substantially under way, and production facilities sufficiently remote from the contamination site can be relied upon for the quantities of water that the WMP assumes will be available from the Saugus Formation. Furthermore, the close monitoring of the situation by the water purveyors, CLWA, the California Department of Toxic Substances Control (DTSC), and the U.S. Army Corps of Engineers, reasonably ensures a prompt response to any change in the situation." (*See,* Newhall Ranch FAA, **Appendix Y** [CPUC Decision 01-11-048 November 29, 2001, p. 30].)

CEQA Relative to Subsequent EIRs

In response to the comments stating that the detection of perchlorate in the groundwater supply requires additional new analysis under CEQA, the County notes that the existence of perchlorate in the Saugus aquifer, and its potential impacts on water production, was thoroughly addressed in the Newhall Ranch RDAA (November 2002). As illustrated below, and as noted above, the RDAA disclosed the perchlorate conditions, noting the presence of perchlorate in both the Saugus and Alluvial aquifers,

[5] The record of proceedings from the UWMP litigation have been provided to the County, are incorporated by reference, and are available for public review at the County's Department of Regional Planning, Lee Stark, 320 West Temple Street, Los Angeles, CA 90012.

including the fact that four municipal-supply water wells in the Saugus aquifer were closed due to the potential effects of perchlorate on those water supplies.

Although test results did not detect the presence of perchlorate in an Alluvial municipal supply well until late November 2002, the closure of an additional well as a result of the detection does not result in an effect not previously disclosed, nor does it increase the severity of one that was previously disclosed. As discussed above, the closure of the Stadium Well does not adversely affect overall groundwater production in the Santa Clarita Valley, nor does it affect the RDAA analysis of Specific Plan impacts associated with the Saugus Groundwater Banking/ASR program. (Please see, RDAA, pp. 2.5-233 - 2.5-235; *see also,* **Response 11** to the letter from Friends of the Santa Clara River, dated January 30, 2003.) Furthermore, also as discussed above, the water and regulatory agencies are on their way to removing the perchlorate from the groundwater supply and restoring the system to its full production capacity.

Thus, the detection of perchlorate in an Alluvial municipal supply well does not show that the proposed Newhall Ranch Specific Plan will have significant effects not discussed previously, nor does the information show that significant effects previously examined will be "substantially more severe" than previously shown. *See,* CEQA *Guidelines* §15162(a)(3). For these reasons, the County has determined that the November 2002 detection of perchlorate in an Alluvial municipal supply well is not new information of "substantial importance" requiring preparation of a subsequent EIR.

The RDAA discusses local groundwater supplies at Section 2.5.4.2. Although the discussion states that "no perchlorate has been detected during laboratory testing for perchlorate in any municipal-supply water wells in the Alluvial aquifer", the RDAA reports that "[c]oncentrations of perchlorate have been detected in Alluvial monitoring wells near the Whittaker-Bermite site boundary and in shallow groundwater under the Saugus Metrolink site." (RDAA, p. 2.5-73) The RDAA reports that the municipal-supply water wells will continue to be sampled for possible perchlorate detection:

> "The wells will continue to be sampled, tested and monitored for possible detection of perchlorate and any other contaminants. The sampling, testing and monitoring of the numerous municipal-supply wells in the Alluvial aquifer actually serve as an early warning device for the possible detection (and ultimate treatment) of perchlorate and other contaminants. For further information regarding perchlorate and other contaminants in the Valley's other aquifer, Saugus Formation, please refer to Section 2.5.4.4(B)(4), below." (RDAA, p. 2.5-63.)

With respect to perchlorate in the Saugus aquifer, the RDAA provides the following summary:

> "Perchlorate has been detected in four wells in the eastern part of the Saugus aquifer, near the former Whittaker-Bermite facility. It has been suggested that the detection of perchlorate in the Saugus aquifer dramatically limits its usefulness as a local water supply source and that reports prepared by the water purveyors 'overestimate' groundwater supplies by not properly accounting for perchlorate detected in certain wells in the Saugus aquifer. As discussed below, the water purveyors in the Santa Clarita Valley have reported the existence of perchlorate in the Saugus aquifer for several years, and, based on the information provided below, the Saugus aquifer remains an important and viable groundwater resource for the Santa Clarita Valley. Due to the high value of this local water resource, the purveyors have placed a high priority on replacing the impacted groundwater extraction capacity by installing a wellhead treatment and the construction of new wells." (RDAA, pp. 2.5-70 - 2.5-71.)

The RDAA further reports that "[b]ased on laboratory test results, and additional information obtained by the water purveyors, four Saugus Formation municipal-supply wells located near the Whittaker-Bermite facility have been voluntarily placed on inactive status due to perchlorate detection. The eight other Saugus wells in the area are active and available for use." (RDAA, p. 2.5-71.) Notwithstanding the closures, "the Saugus aquifer is and will continue to be a viable source of water supply for the water purveyors in the Santa Clarita Valley as long as efforts remain in place to treat impacted wells on an interim basis to contain the plume." (RDAA, pp. 2.5-71 - 2.5-72.) Furthermore, with respect to the impacted supplies, "[e]ffective technologies presently exist to treat perchlorate in water in order to meet drinking water standards." (RDAA, p. 2.5-73.)

The RDAA addresses impacts associated with the groundwater detection of perchlorate at Section 2.5.6.4(h)(6)(k), pages 2.5-233 - 2.5-235. Again, while the RDAA states that it has not been shown that perchlorate has impacted the Alluvial water supply wells, the RDAA reports perchlorate detection in the original four Saugus water supply wells, and that concentrations of perchlorate have been detected in alluvial monitoring wells near the Whittaker-Bermite site. (RDAA, p. 2.5-233.) The RDAA goes on to state that:

> "The problem is being studied and monitored and plans are being developed by the local water purveyors and the ACOE to determine the best way to control movement of the perchlorate. The local water supply agencies also have been formulating strategies that involve containment and treatment that will restore Saugus groundwater capacity at the impacted wells." (RDAA, pp. 2.5-234 - 2.5-235.)

The RDAA further reports that "treatment options for the removal of perchlorate are also available and proven to be feasible", and that the Santa Clarita Valley water purveyors "are moving forward with implementation of perchlorate treatment options." (RDAA, pp. 2.5-234 - 2.5-235.)

Based on the above analysis, the RDAA recommends that the water agencies prepare an annual water report that will discuss the status of groundwater within the Alluvial and Saugus aquifers and State Water Project water supplies as they relate to the Santa Clarita Valley. The report will also include an annual update of the actions taken by CLWA to enhance the quality and reliability of existing and planned water supplies for the Santa Clarita Valley. The annual reports are to be provided to the County, which will consider the report as part of its local land use decision-making process. (*See*, RDAA Mitigation Measure 4.11-9, p. 2.5-244.)

In the County's view, the effects of perchlorate associated with the proposed project relate only to the effect of the contaminant on available groundwater production. As discussed above, the analysis and essential conclusion reached in the RDAA that the detection of perchlorate in the groundwater has not affected overall groundwater production in the Santa Clarita Valley is not affected by the new fact that one of the alluvial aquifer municipal water supply wells has been closed due to the detection of perchlorate. Therefore, the new information does not show new effects, nor does it show an increase in the severity of effects previously disclosed. Accordingly, the comments submitted do not present facts sufficient under CEQA to warrant preparation of additional environmental review documents.

96. Letter from the California Department of Transportation, dated January 13, 2003

Response 1

This comment is acknowledged and incorporated into the final additional analysis. The County of Los Angeles will be conducting new environmental documents for each tract map allowing construction on Newhall Ranch as they are submitted. With each map, the applicant of the map will be required to complete new traffic studies to ensure that appropriate traffic flow is maintained.

97. Letter from California Department of Fish and Game (Ronald D. Rempel, Deputy Director, Habitat Conservation Division), dated January 29, 2003

Response 1

The County agrees with California Department of Fish and Game (CDFG) that the Revised Draft Additional Analysis (RDAA) "provides a framework from which necessary protection for the spineflower and its long-term management can be developed."

The County further appreciates receipt of CDFG's comments and the comments will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed project.

Response 2

As called for in RDAA Mitigation Measures 4.6-53 and 4.6-59, focused plant surveys will be conducted in the future on the Newhall Ranch Specific Plan site. The focused surveys will be conducted in areas considered to be potential habitat for sensitive plant species. The term "potential to occur" can be defined as anywhere suitable habitat is present, including substrate, vegetational community, aspect or slope. The RDAA and County are not excluding areas (*e.g.*, previously grazed areas) from surveys that exhibit potentially suitable habitat characteristics.

In response to this comment, a table has been developed to define the criteria for identifying potential habitat for sensitive plant species for purposes of conducting focused plant surveys. The text of the RDAA has been amended to include the table. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**."

Response 3

It is acknowledged that direct impacts to individual spineflower plants and potential impacts to the seed bank are likely to occur with development of Newhall Ranch. It is further acknowledged that native annual species such as spineflower are known to lie dormant as seed in soils at varying depths for several years before conditions are suitable for growth and reproduction. Therefore, areas on Newhall Ranch could contain additional populations of spineflower that have not been, and cannot be, detected at this time. These considerations are part of the reasons for not developing "hard line" spineflower preserves at this time. Further plant surveys are required at the subdivision map level, and no construction is authorized in connection with the Specific Plan land uses (with the exception of the Water Reclamation Plant (WRP), which has been surveyed for spineflower and other sensitive plant species, none of which were found). In any case, the mitigation program presented in the Newhall Ranch RDAA ensures that the impacts to the spineflower will be avoided or mitigated.

Response 4

The text of the RDAA has been amended in response to this comment. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**" for the specific changes.

Response 5

This comment is acknowledged. The text of the RDAA has been amended in response to this comment. Specifically, the RDAA will now state that the survey methods used by Dudek in 2002 will be used in subsequent surveys for purposes of consistency. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**" for the specific changes.

Response 6

Appendix 2.6 of the RDAA includes technical reports and/or maps from each of the firms that completed surveys for sensitive plants on Newhall Ranch. Those reports and/or maps show the areas surveyed by each firm.

Response 7

The following criteria were used by Dudek to define a polygon:

- When a single plant was found, Dudek mapped a one-meter radius around the observation. One meter was selected in order to account for GPS resolution and to ensure that entire plants were captured in cases in which plants had begun to disarticulate.

- When multiple plants were observed in an area of less than one-meter radius, Dudek mapped a one-meter radius for the reasons noted above.

- When a polygon had plants in an area of more than one meter radius, Dudek mapped the area as accurately as possible given field conditions, GPS limitations, *etc.* Dudek used a minimum convex polygon and did not take into account seed bank that may extend beyond the range of the observed plants.

- When two polygons were within four meters of each other Dudek either: (1) mapped the two in the field as one polygon; or (2) edited field maps in the office so that there was only one polygon.

The same or similar criteria will be used to define polygons in subsequent survey efforts to be undertaken in accordance with RDAA Mitigation Measures 4.6-53 and 4.6-59. Concerns regarding the use of terms such as "small" and "large" are noted and definitions for such terms will be provided if these terms are used in reports documenting subsequent survey efforts.

Response 8

The text of the RDAA has been amended in response to this comment. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**" for the specific changes.

Response 9

The Final EIR (Figure 4.5-1 on page 4.5-3) illustrates portions of Grapevine Mesa and Airport Mesa are within the Exxon Castaic Junction oil lease area. The lease itself has been terminated, and this lease area has been completely abandoned and remediated. Therefore, the management of the preserves on the Specific Plan site would not be adversely affected.

Response 10

AES Engineering Geology, Inc. (B. Swanson, personal communication, February 27, 2003) stated that the landslide debris at the San Martinez location is derived from the Pico Formation.

Response 11

Excerpts from the Sapphos (2001) report will be appropriately referenced in the RDAA. It is our understanding that a geologist did not conduct a site-specific investigation for the Sapphos report and this understanding/limitation is noted in the "**Amended Revised Draft Additional Analysis Pages**" portion of this report.

Response 12

The text of the RDAA has been amended in response to this comment. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**" for specific changes.

Response 13

The County agrees that the Sapphos report is speculative concerning the source for characterizing vegetation at historic spineflower localities and acknowledges that the use of herbaria label data would be an appropriate source for historic vegetation associations. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**" for specific changes where the RDAA has been revised to reflect this change.

Response 14

It is appropriate to distinguish between direct and indirect effects as required by CEQA. The RDAA has been revised to link mitigation measures to the specific impacts (both direct and indirect) in order to elucidate their relationship. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**" for specific changes.

Response 15

The RDAA has been revised to cite the CBI (2000) report and disclose the limitations of buffers less than 200 feet in width as appropriate. Please see the section entitled, "**Amended Revised Draft Additional Analysis Pages**" for specific changes.

Response 16

This comment is noted. *See*, **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation through Newhall/CDFG Conservation Easement and Agreement** for related information.

Response 17

This comment is noted. The County's spineflower mitigation program, in the RDAA, requires mitigation for impacts to known stands as well as any stands identified during subsequent surveys. It is acknowledged that a separate CESA permitting process through CDFG will also be required and that one of the CESA standards is to fully mitigate impacts, including avoidance, to listed species.

Response 18

Introduction of spineflower seeds to preserve areas is considered a potential method of mitigating impacts that cannot be avoided or minimized to a level below significance. Genetic contamination will be addressed in the development of the protocol for the seeding effort. At this time, it is assumed that preserves would include suitable areas not currently occupied by spineflower that could benefit from such seeding. It is recognized that spineflower appears to have particular edaphic requirements that may limit the ability to broaden existing distribution on Newhall Ranch; spineflower probably already occurs in the areas where there is suitable habitat and it is acknowledged that it may be difficult to introduce it to new areas. However, at this early stage of development, the County believes it is appropriate to include a reintroduction/translocation program as part of the overall program for mitigation of impacts to the spineflower. For further information responsive to this topic, please refer to **Response 21** to **Comment Letter 101** from County of Ventura Resource Management Agency (Chris Stephens), dated January 16, 2003.

Response 19

"Persistent" is used in Mitigation Measure 4.6-66 regarding population decline. In this sense, "persistent decline" is defined as "a trend in steady population decline that persists for a period of five consecutive years, or a substantial drop in population detected over a 10-year period." The comment further states that the size and duration of the seed bank is not yet known and that it is uncertain whether clusters of spineflower represent metapopulations, true colonies or separate populations. These considerations are part of the reasons for not yet developing "hard line" spineflower preserves at this time. Further plant surveys are required, and no construction is authorized in connection with the Specific Plan land uses (with the exception of the Water Reclamation Plant (WRP), which has been surveyed for spineflower and other sensitive plant species, and no such species were present).

Response 20

Annual monitoring and reporting can provide meaningful information, including the identification of factors that may be important in maintaining and increasing spineflower populations. The development

of "a suite of ecological indicators to assess the integrity of spineflower habitat and to document ecological change" should take into account annual data of spineflower population flux. Naturally occurring, dramatic yearly fluctuations will not affect the accuracy of monitoring. Rather, annual fluctuations may reveal the extent of currently unknown parameters, such as (by extrapolation) dynamics within the seed bank. In addition, the management protocol to be developed for the spineflower will endeavor to include a suite of ecological indicators to assess the "health" of the populations.

Response 21

This comment refers to the approach to the monitoring effort referenced in CDFG's comments (*See,* **Response 20** above) and suggests that the monitoring effort be augmented to include evaluation of a variety of ecological indicators outlined in CDFG's comments (*See,* **Response 25** below). As noted in **Response 25** below, knowledge regarding specific ecological indicators for which data should be collected and specific methods to collect such data is not well developed at this time. It is acknowledged that such efforts will be a component of long-term spineflower monitoring on Newhall Ranch. However, the County considers these ecological indicators as complementary to annual population censuses for which methods are known, for which data can be quickly assembled and analyzed, and which can be a useful part of a dataset that contributes to the formation of a useful, ecologically based management plan.

Response 22

In accordance with Mitigation Measure 4.6-72, a Fire Management Plan will be completed for each subdivision map adjacent to a spineflower preserve. The Fire Management Plan will restrict fuel modification activities within spineflower preserves to selective thinning with hand tools. In addition, annual maintenance of fuel modification zones in a spineflower preserve will include "removal of undesirable non-native plants, revegetation with acceptable locally indigenous plants and clearing of trash and other debris." Therefore, there is some reason to believe that setbacks from spineflower areas must not be exclusive of fuel management zones. Still, every effort will be made to design the preserves to buffer any necessary thinning zones to be outside of the actual spineflower-occupied habitat areas.

Response 23

In accordance with Mitigation Measure 4.6-77, active management measures will be implemented each year an annual population census indicates a population decline following County re-approval of the Specific Plan. Mitigation Measure 4.6-77 recognizes the potential for wide fluctuations in population on an annual basis by calling for an assessment of ecological factors that may explain a decline. It is agreed, as stated in the comment, that the focus of management activities should be obvious threats, and such an evaluation will be part of the annual assessment. Additional measures will be implemented in the event that there is a downward population decline over five consecutive years, or a substantial population decline over a 10-year period should the County re-approve the Specific Plan.

Response 24

It is acknowledged that reintroduction or translocation for spineflower is experimental and, for that reason, it is referenced in the RDAA to be used only to offset impacts that cannot be avoided or minimized to below a level of significance. The reintroduction plan drafted to implement this component of the spineflower mitigation plan will incorporate performance criteria to measure the success of the reintroduction effort and will identify actions to be taken if performance criteria are not met to ensure that the increment of mitigation intended to be contributed by the reintroduction plan is, in fact, completed. For responsive information regarding the County's view that such a program is a feasible form of mitigation at this time is found in **Response 21** to the **Comment Letter 101** from County of Ventura Resource Management Agency (Chris Stephens), dated January 16, 2003. In addition, the reintroduction/translocation mitigation measure did not mean to imply awareness of studies demonstrating that translocation is successful for the spineflower. Instead, the County appropriately acknowledged that such a program is necessarily experimental primarily because the spineflower was thought to be extinct since the early 1930s, until recently discovered in 1999 on Ahmanson Ranch.

With respect to the mitigation ratios identified in Mitigation Measure 4.6-78, it is acknowledged that these measures have been determined to be appropriate for purposes of the current CEQA process and that a separate review and permitting process will be undertaken by CDFG in accordance with CESA.

Response 25

The suggested outline presents a good list of possible ecological indicators to assess spineflower and these indicators will be considered in developing future management plans for the spineflower preserve(s). As noted in **Response 21** above, data regarding some of these indicators is not well known at the present time and methods for data collection are not well established. For example, identifying potential seed predators or transporters or identifying the suite of pollinators and seasonality of species may take years to establish scientifically significant data due to natural population fluctuations. Likewise, given the natural population fluctuations of the spineflower, determining the significance of duff cover and depth as well as the area, viability and germinability of the seed bank may take years to accomplish. As called for in Mitigation Measure 4.6-77, the Specific Plan applicant will work with the County and CDFG to develop the monitoring and management plans.

98. Letter from California Regional Water Quality Control Board, Los Angeles Region, Dennis Dickerson, dated February 3, 2003[1]

General Response

This response presents information responsive to several comments made by the RWQCB concerning the potential for the Newhall Ranch Specific Plan to degrade water quality. Specifically, the RWQCB contends that ASR and recycling of reclaimed water has the potential for significant adverse impacts on groundwater and surface water quality. The RWQCB states that the groundwater is impaired for nitrates. They also raised concerns that irrigation of reclaimed wastewater and subsequent percolation to groundwater would increase chloride loading to the Santa Clara River. Each of these and other concerns is discussed below.

It is important to note that water quality impacts were one of the issues raised by project opponents to invalidate the Final EIR. The trial court ruled in favor of the County because of the sufficiency of the information presented in the Final EIR (Section 4.2) and the adequacy of the mitigation:

> "Substantial evidence appears in the Administrative Record to justify the findings of the Board [of Supervisors] with regard to the issue of storm water pollution. In this case, given the need to tailor drainage systems to the specific subdivision in the development, discussion of the drainage system and its impacts Project-wide were sufficient to allow proper input during the process of developing the EIR." Statement of Decision, pp. 26-27 (FAA **Appendix A**).

As a result, the stormwater quality analysis and mitigation program are not part of the six issues requiring further study. Nevertheless, the County has made a good faith effort and reasoned analysis to provide an estimate of chloride and nutrient loadings and overall water quality impacts in the responses below, and the RDAA contains an analysis of the project compliance with the RWQCB nutrient and chloride TMDLs. Based upon the analysis contained in the RDAA and responses below, the County's previous conclusion that there will be no significant adverse impacts to water quality remains unchanged.

Regulatory Framework

The second paragraph of the comment states that the Regional Water Quality Control Board (RWQCB) has authority to regulate water quality in the Santa Clara River watershed where the proposed Newhall Ranch project is to be sited. The previously certified Newhall Ranch Final EIR provides an in-depth discussion of the regulatory and permitting framework pertaining to water quality in California, including the role of the RWQCB in connection with National Pollutant Discharge Elimination System (NPDES) permits and related mitigation measures. *See*, Final EIR, Section 2.0, pp. 2-25-2-29; FEIR Topical Response 13: NPDES Program and Its Effect on Potential Water Quality Impacts of the Specific Plan; RDAA Section 2.5.6.4 (h), pp. 2.5-223-233; and FAA Response to Comments pp. RTC-23-27. As discussed

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[1] Similar issues were raised in the June 19, 2001 RWQCB comment letter. *See*, Newhall Ranch FAA, pp. RTC-13-48, for additional responses.

below, this response further elaborates on relevant aspects of the federal and state water quality regulatory framework.

Water quality is regulated through a hierarchy of laws at the federal and state levels. The federal Clean Water Act established the national strategy for controlling water quality. The primary purpose of the Act is "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" and to attain a level of water quality "which provides for the protection of and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water[.]" 33 USC §1251(a).

The federal Clean Water Act contains two strategies for managing water quality. One is a technology-based approach that sets requirements to maintain a minimum level of pollutant management using the best available control technology (BACT). The second relies on evaluating the condition of surface waters and setting limits on the amount of pollution that the water can be exposed to without adversely affecting the beneficial uses of those waters. Section 303(d) of the federal Clean Water Act specifies that, once a water body is listed as "impaired," the states must establish total maximum daily loads (TMDLs) for the pollutants causing the impairment (33 USC §1313(d)(c)). The states must then develop a "pollution budget" or pollutant load allocation for point and non-point sources that are contributing to the water quality impairment.[2] Once these allocations have been set, waste load allocations for point and non-point sources are implemented through NPDES permits, waste discharge requirements (WDRs), or other regulatory mechanisms for individual dischargers. Non-point source discharges are subject to load allocations that can be implemented through the TMDL program. As discussed below, a TMDL for chloride was adopted by RWQCB for the Santa Clara River on October 28, 2002. The County Sanitation Districts of Los Angeles County petitioned the RWQCB's approval of the chloride TMDL to the SWRCB, and provided extensive written comments, technical support documents, legal analysis and background information as part of the administrative record, a copy of which is incorporated and available for review at the County's Department of Regional Planning (Lee Stark). On February 19, 2003 the State Water Resources Control Board remanded the chloride TMDL back to the RWQCB to consider sequentially phasing TMDL implementation tasks, extending the interim limits, and reevaluation of the chloride objective itself. (For more detail, please see **Response 8** below and FAA **Appendix O** [SWRCB Resolution No. 2003-0014, February 19, 2003].) A TMDL for nutrients is currently being developed by RWQCB. The Specific Plan and Newhall Ranch Water Reclamation Plant (WRP) must both be consistent with these and other applicable TMDLs and associated standards and implementation plans, during the specific design, engineering and permitting phases of the project. Verification will be provided by RWQCB and Los Angeles County in conjunction with WRP design, engineering and future permitting, as well as the Specific Plan subdivision map process.

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[2] Point sources are those that generate discharge from a discrete conveyance facility. Non-point sources represent all other sources.

At the state level, the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) governs the State's regulation of water quality, including the regulatory activities of the State Water Resources Control Board (SWRCB), and nine RWQCB's. In this Act, the Legislature directed that state policy should provide principles and guidelines for water quality control and objectives for key geographic locations. To accomplish this objective, the state is subdivided into nine regions each containing a separate regional water quality control board. This statute gives the state and regional water quality control boards broad powers to protect water quality by regulating waste disposal and requiring cleanup of hazardous conditions.

The SWRCB sets state policy for water quality control that must be followed by the regional water boards and by other state agencies and offices. Each regional board must formulate and adopt a water quality control plan for all areas within their region. This regional plan must conform to the policies set forth in the Porter Cologne Act and water quality policies established by the SWRCB. The regional plan must: (a) identify beneficial uses of the waters that are to be protected, such as domestic, navigational, agricultural, industrial and recreational uses, as well as aesthetic enjoyment; (b) establish water quality objectives, limits or levels of constituents or characteristics established to protect beneficial uses and to prevent nuisances; and (c) present an implementation program necessary to achieve those water quality objectives. The Basin Plan, SWRCB's relevant policies, and federal regulations govern the State's implementation of water quality control planning and control programs, including NDPES permitting, required under the Clean Water Act and delegated to the State by U.S. EPA. As disclosed in the Newhall Ranch Final EIR, under the Clean Water Act, the State was originally required to develop water quality standards and plans as a prerequisite to receiving federal funding for the construction of municipal wastewater treatment plants.

In accordance with the Porter-Cologne Act and the Clean Water Act, the RWQCB developed the "Water Quality Control Plan [Basin Plan] for the Coastal Watersheds of Los Angeles and Ventura Counties", as amended.[3] The Basin Plan includes the Santa Clara River and its watershed in the Los Angeles Region (Region 4). The Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters within Region 4. The Basin Plan includes narrative and numerical water quality objectives for numerous constituents and parameters that in the RWQCB's judgment will ensure protection of designated beneficial uses of waters within the region. The County has analyzed the potential water quality impacts of the Specific Plan in the RDAA and **Response 11** herein, using the applicable RWQCB narrative and numerical water quality objectives. Both the Newhall Ranch Specific Plan and WRP are part of the Santa Clara River basin and associated watershed and, therefore, are subject to regulation under RWQCB programs implementing the Basin Plan.

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[3] The Basin Plan is incorporated by this reference and is available for public review by contacting either Los Angeles County Department of Regional Planning (Lee Stark) or Impact Sciences, Inc. (Tom Worthington).

On February 4, 2003 the SWRCB adopted the 2002 Clean Water Act section 303(d) list of water quality limited segments for surface waters in California. Reach 7 of the Santa Clara River, from Blue Cut to West Pier Highway 99 (I-5), was listed as impaired for chloride, nitrate and nitrite, and coliform, and delisted for ammonia. Regulatory permitting of the Newhall Ranch Specific Plan and WRP would be subject to any applicable TMDLs adopted by RWQCB.

Newhall Ranch WRP

The regulatory framework described above will govern requirements for the proposed Newhall Ranch WRP. The WRP will apply for the necessary RWQCB permits by filing a Report of Waste Discharge (ROWD) or an NPDES application pursuant to Section 13260 of the California Water Code, whereupon the Regional Board will issue Waste Discharge Requirements (WDRs) governing the discharge of wastes to surface waters.

As indicated in Section 3.4.2.2 of the Draft Additional Analysis, the plant design is such that most, if not all, of the treated wastewater will be used for irrigation and little or none will be discharged into the Santa Clara River on a seasonal basis. Therefore, under most circumstances, the operation of the proposed WRP will not directly impact the river's water quality. However, in wet winter seasons, it is possible that some tertiary-treated water not reclaimed through the irrigation system may be discharged to the river between October and March.

The proposed Newhall Ranch WRP will be required to comply with the ROWD/WDRs issued by the Regional Board which will, in turn, implement any applicable adopted TMDL requirements. In its WDR, the treatment plant applicant will be required to characterize the discharge by providing estimates of discharge flows and a list of constituents and their respective concentrations/loadings. The use of a specific treatment technique will be determined based on the effluent limits and other provisions in the WDR issued to the WRP. The WRP technology will be capable of reducing pollutant loads to limits set in the WDR. No significant impacts to human health or the environment are expected with the compliance of the conditions placed on the discharge permit. *See,* **Response 2** below for a discussion of the WRP loadings. *See,* DAA, Section 4.0, Mitigation Measures 5.0-16, 5.0-18, 5.0-20, 5.0-53, 5.0-54 and 5.0-55 relating to erosion control, biological impacts; sedimentation and flooding; treatment plant design; reclaimed water use; and discharges to the Santa Clara River. *See also,* County Staff Report, dated August 27, 2001, relating to water quality and the WRP.

Newhall Ranch Specific Plan

The development of the Newhall Ranch Specific Plan site would be subject to NPDES municipal storm water permitting requirements under Section 402 of the Clean Water Act, which requires NPDES permits

for storm water discharges from storm drain systems[4] to waters of the United States. Section 402(p)(3)(B) requires that permits for storm drain systems "(i) may be issued on a system- or jurisdiction-wide basis; (ii) shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers; and (iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." Best Management Practices (BMPs) to minimize pollutants and sedimentation entering the storm drain system, and other relevant measures, must be employed pursuant to the regulations. *See,* Final Newhall Ranch EIR, p. 4.2-31; Topical Response 13: NPDES Program and Its Effect on Potential Water Quality Impacts of the Specific Plan, and RDAA pp 2.5-227, 230-233. The U.S. EPA is responsible for implementing the NPDES program at the federal level. The SWQCB is responsible for implementing the federal NPDES requirements in California. In 1992, the SWQCB issued two statewide NPDES General Permits: one for stormwater from industrial sites (NPDES No. CAS000001) and the other for storm water from construction sites (CAS000002). Industrial and construction activities with a disturbed area of 5 acres or more are required to obtain individual NPDES permits for stormwater discharges, or be covered by the above statewide General Permits.

A NPDES Municipal Permit No. CAS004001 (MS4) was reissued to Los Angeles County on December 13, 2001. Under the permit, Los Angeles County is divided into 6 watersheds, including the Santa Clara River watershed. Also included within the MS4 permit are a Storm Water Quality Management Plan (SQMP) and Monitoring Program. Los Angeles County has implemented a Countywide Storm Water Management Plan (CSWMP) and is in the process of developing a Watershed Management Area Plan as required by the MS4 permit.

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[4] Storm drain systems are described as Municipal Separate Storm Sewer Systems (MS4s) and include streets, gutters, conduits, natural or artificial drains, channels and water courses or other facilities that are owned, operated, maintained or controlled by any Permittee (cities and counties) and used for the purpose of collecting, storing, transporting or disposing of storm water.

Applicants for development projects have two major responsibilities under the County's plans and ordinances implementing the NPDES Municipal Permit No. CAS004001. The first is to incorporate into their project plans appropriate Standard Urban Storm Water Mitigation Plan (SUSMP) requirements, including design features and BMPs appropriate to the project.5 The purpose of the SUSMP requirements is to reduce post-construction pollutants in storm water discharges. Prior to issuance of any grading or building permit, the County must review and approve the developer's project plans for compliance with SUSMP requirements. The Los Angeles County Municipal Permit, at pages 34-35, contains a discussion of the SUSMP requirements.

The applicants' second responsibility is to prepare a Storm Water Pollution Prevention Plan (SWPPP) for all construction projects with disturbed areas of greater than one acre. The applicant must also conform to the SWRCB-issued General Construction Activity Storm Water Permit[6] for projects greater than one acre. Before it can be issued a grading permit by the County, the applicant must ensure that a SWPPP is approved, and file a Notice of Intent to comply with the SWRCB General Permit.

Specific mitigation measures have been incorporated into the SUSMP and SWPPP requirements for development projects under NPDES Municipal Permit No. CAS004001, and will be further updated as NPDES requirements are updated over the coming years. The specific requirements under the SWRCB General Permit and SUSMP will be incorporated into project designs, plans and SWPPPs prepared for individual subdivisions.

The Specific Plan contains a conceptual NPDES Water Quality Plan. This plan is discussed in the Newhall Ranch Final EIR, Section 4.2, page 4.2-31. In addition, the Newhall Ranch Final EIR includes the Drainage Report for Newhall Ranch, Appendix 4.2. Until actual project design occurs, specific BMPs that would be employed cannot be determined. *See*, Final EIR, pages 4.2-31 to 4.2-33, for examples of "source control" and "treatment control" BMPs that are relevant to the Specific Plan. The Final EIR, Section 4.2, includes mitigation measures that address the NPDES regulations. Given the substantial amount of regulation in place, that the various components of the SQMP taken as a whole rather than individually

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5 On March 3, 2000, the RWQCB, Los Angeles Region, approved the County's SUSMP that requires new construction and development projects to implement BMPs. The SUSMP was subsequently amended pursuant to SWRCB Order WQ 2000-011 (October 2000). The SUSMP requires that new developments and re-development projects employ a variety of general and land use specification measures to reduce the post-project discharge of pollutants from stormwater conveyance systems, and design standards. In May 2000, the County of Los Angeles finalized its "Manual for the Standard Urban Storm Water Mitigation Plan," which details the requirements of the SUSMP. Projects that fall into any of the seven SUSMP development categories (including home subdivisions with 100 or more housing units) are required to incorporate appropriate SUSMP requirements into project plans as part of the development plan approval process for building and grading permits.

The County's SUSMP, and the County's Manual for the SUSMP are incorporated by this reference and are available for public review by contacting either the Los Angeles County Department of Regional Planning (Lee Stark) or Impact Sciences, Inc. (Tom Worthington).

6 SWRCB Order No. 99-08-DWQ (modified by motion approved December 2, 2002 to include small construction projects).

are expected to reduce pollutants in storm water and urban runoff, and the fact that the Specific Plan and WRP must, like all other development, meet the standards resulting from these adopted permits and regulations, the Final EIR concludes that no unavoidably significant water quality impacts would occur. Based on the latest SUSMP requirements, County staff recommends that the Newhall Ranch Final EIR mitigation measures be revised to add the following new measure:

> 4.2-8. The applicant for any subdivision map permitting construction shall comply with all appropriate requirements of the County of Los Angeles Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, and comply with the SWRCB-issued General Permit for Construction Activity Storm Water (SWRCB Order 99-08-DWQ), as it may be amended from time to time or replaced by other applicable stormwater permits.

Response 1

The first paragraph of the comment letter provides factual background information regarding the proposed project. This information will be part of the record and made available to the decision-makers prior to a final decision on the proposed project. No further response is required because the comment does not raise an environmental issue regarding the content of the Revised Draft Additional Analysis. It should be noted that the Specific Plan contains 11,963 acres, not 4,835 acres.

Response 2

Previous RWQCB Comment Letters

The RWQCB references prior comment letters dated November 7, 2001, June 19, 2001, December 18, 2000 and October 10, 1996. The County's responses to those comments are contained in the FAA and FEIR.

Pollutant Loadings

The RWQCB requests quantification of loadings for chloride, nitrogen and other pollutants that the Specific Plan will add to the watershed. The comment states that such loading analysis has not been provided. However, a chloride loadings analysis was previously provided in the FAA Responses to Comments (p. RTC-13) and is discussed further in this response. A loadings analysis for nitrate plus nitrite and coliform is also provided below. Based upon the loadings analysis, and the performance-based mitigation measures contained in the Newhall Ranch DAA, the County's previous finding that there will be no significant adverse impacts to water quality from the Specific Plan and WRP remains unchanged.

Chloride Loadings

Loading estimates for chlorides from the Newhall Ranch WRP were previously provided in the County's response to the RWQCB June 19, 2001 letter and based upon the <u>existing</u> RWQCB NPDES effluent limits for the Valencia WRP, which has a chloride limit of 190 mg/L (*See*, Newhall Ranch FAA p. RTC-34). Since no specific effluent limits currently exist for the Newhall Ranch WRP, this is the most conservative estimate of loadings. In addition, the County has estimated chloride loadings for the Newhall Ranch

WRP based on an estimated effluent chloride concentration of 97 mg/L, which assumes self-regenerating water softeners are prohibited in Newhall Ranch. (*See,* proposed Mitigation Measure 5.0-52(b) in **Response 4** below and FAA **Appendix R** [Integrated Water Resources (IWR) Technical Memorandum dated March 7, 2003].) The current RWQCB surface water quality objective for this reach of the Santa Clara River is 100 mg/L. The total chloride loading to the Santa Clara River is estimated at 206 pounds per day. The RWQCB, through its NPDES permitting authority, would establish a concentration-based chloride effluent limit necessary to maintain water quality on the Santa Clara River from discharges from the Newhall Ranch WRP. The performance-based mitigation measures applicable to the Newhall Ranch WRP already require the WRP to satisfy the RWQCB discharge limits for recycled water discharged to the Santa Clara River and for the irrigation of landscaped areas. Please refer to the following measures:

> 5.0-53. The Newhall Ranch water reclamation plant shall be designed and operated to satisfy the requirements of Title 22 of the California Administrative Code, which regulates reuse of reclaimed water.
>
> 5.0-54. The Newhall Ranch water reclamation plant shall be designed and operated to satisfy the California Regional Water Quality Control Board, Los Angeles Region discharge limits for reclaimed water discharged to the Santa Clara River and for the irrigation of landscaped areas.
>
> 5.0-55. The Newhall Ranch water reclamation plant shall obtain a National Pollutant Discharge Elimination System permit from the California Regional Water Quality Control Board, Los Angeles Region for reclaimed water discharged to the Santa Clara River and for the irrigation of landscaped areas.

As identified in the Newhall Ranch DAA and RDAA (p. 2.5-169 and 2.5-188, respectively) discharges of reclaimed water must conform to the established water quality objectives and other applicable provisions specified in the RWQCB Basin Plan, including applicable provisions of the adopted TMDL, and must meet concentration-based chloride effluent limits set as part of the NPDES permit for the Newhall Ranch WRP. The RWQCB Basin Plan groundwater quality objective in this portion of the groundwater basin is 150 mg/L.

The Newhall Ranch WRP is intended to operate as a near "zero discharge" facility to maximize use of recycled water for non-potable demands and reduce reliance upon potable water sources for irrigation. Only during winter months when irrigation demands are low would effluent be discharged to the Santa Clara River. As noted in the RWQCB chloride TMDL staff report:

> "Regional Board staff understands that an additional water reclamation plant [Newhall Ranch WRP] is planned to accommodate future growth in the Santa Clarita Valley and that this plant will discharge only during rain events." (RWQCB Staff Report Chloride TMDL 12/19/02 p. 34.)

As noted in the RWQCB's adopted chloride TMDL:

> "The waste load allocations are expressed as a concentration limit derived from the existing WQO [water quality objective] thereby accommodating future growth. (...) The source analysis indicated non-point sources [*i.e.*, irrigation and urban runoff] are not a major source of chloride."[7]

Therefore, the County finds that chloride loadings from point and non-point sources will not adversely impact surface or groundwater quality because the estimated concentration-based chloride loadings would not exceed the RWQCB Basin Plan surface water objective of 100 mg/L or the groundwater objective of 150 mg/L. Furthermore, the project mitigation measures require compliance with the RWQCB's NPDES and TMDL regulations for protecting and maintaining water quality.

Nitrogen Loadings

The RWQCB has requested quantification of nitrogen loadings for the Specific Plan. The RWQCB is in the process of developing a concentration-based nutrient TMDL that addresses the SWRCB 2002 303(d) list nitrate plus nitrite impairment for the upper Santa Clara River. A discussion of the Specific Plan's conformance with the RWQCB's Draft Nutrient TMDL is contained in the RDAA, at page 2.5-228. This TMDL is anticipated to be completed in the fall 2003. Two initial work products have been produced by the RWQCB and the Steering Committee that identifies the existing sources of nitrate plus nitrite loadings[8] and the expected instream loadings from those sources.[9] The Systech Task 1 analysis identifies the primary source of loadings as the two existing County Sanitation District WRPs, which represent approximately 91% and 66% of the total loadings during dry and wet years, respectively. Nitrogen loadings for the Newhall Ranch WRP were estimated based upon the <u>existing</u> nitrate plus nitrite RWQCB NPDES effluent concentration limits established for the Valencia WRP. The current nitrogen effluent limits set by the RWQCB for the Valencia WRP is 10 mg/l (nitrate plus nitrite as N). Assuming the same effluent limit concentration of 10 mg/l is established by the RWQCB for the Newhall Ranch WRP, and 286 acre-feet per year discharge to the river as anticipated, the total nitrate plus nitrite loading to the Santa Clara River is estimated to be 21 pounds per day (as N). If, in the future, the RWQCB through its NPDES permitting authority and TMDL implementation plan determines lower concentration-based effluent limits for the Newhall Ranch WRP are necessary to maintain water quality on the Santa Clara River, the mass loading would be reduced corresponding to that new limit. The WRP technology will be capable of reducing pollutant loads to limits set by the RWQCB. The critical condition, which will most

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7 RWQCB Resolution R02-018 Attachment A Table 7.6.1 Upper Santa Clara River Chloride TMDL Elements (FAA **Appendix O**).

8 Final Task 1 Report For Santa Clara River Nutrient TMDL Analysis: Source Identification and Characterization, Systech Engineering, July 15, 2002.

9 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality*, Systech Engineering, September 1, 2002. (see FAA **Appendix P**).

likely be identified in the TMDL as the summer low flow period,[10] when effluent from the Valencia and Saugus WRPs is the primary source of flow in the River. During such low flow conditions, there is "zero discharge" from the Newhall Ranch WRP to the river and therefore no impact on instream nitrate plus nitrite concentrations.

The Systech linkage analysis quantified non-point sources from the existing residential, high density residential, commercial/industrial and septic systems in the Santa Clarita Valley (which encompasses the urbanized portion of the watershed), which were described as representing approximately 0.2% and 0.4% of the instream nitrate loads during dry and wet years, respectively.[11] The addition of Newhall Ranch non-point source nutrient loadings would have a similar but smaller percentage contribution to instream loadings than the current urban loadings in the Valley because the land use types for the Newhall Ranch Specific Plan are similar to the rest of the Valley, but the proposed developed acreage of Newhall Ranch is significantly smaller. Because the Newhall Ranch Specific Plan area encompasses only 3% of the 640 square-mile drainage area tributary to Reach 7, its non-point source contribution is a negligible component (<1%) of the total instream nitrate load.[12]

An additional component of nitrate plus nitrite loading to land surfaces is expected from recycled water and potable water used for landscape irrigation in the Newhall Ranch Specific Plan. Total estimated loads are 397 pounds per day (as N) from Newhall Ranch WRP recycled water, 219 pounds per day (as N) from CLWA recycled water, and 45 pounds per day (as N) from potable supplies used for irrigation (groundwater and imported water blend) (*See,* FAA **Appendix R** [IWR]). This cumulative load totals 661 pounds per day. Non-point studies have shown that the vast majority of this loading (50%-80%) will be attenuated by soil denitrification prior to reaching either the groundwater or the River.[13] This fact is further demonstrated through the technical analysis for the nutrient TMDL, where it has been shown that the total land surface loading of nitrate – which includes atmospheric deposition, fertilization, and irrigation – represents 56% of the total source load to Reach 7 [14] (Blue Cut to I-5 Freeway), but by the time these loads reach the River they constitute only 6-12% of the total instream load.[15] Furthermore, the Newhall Ranch Specific Plan Area encompasses only 3% of the 640 square-mile drainage area tributary to Reach 7, so its non-point source contribution is a negligible component of the total instream nitrate load from all non-point sources.

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10 RWQCB identified a low flow critical condition for the Calleguas Creek Nutrient TMDL. RWQCB Resolution 02-017 Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Nitrogen Compounds and Related Effects in Calleguas Creek, October 24, 2002.

11 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality,* Systech Engineering, September 1, 2002. (see FAA **Appendix P**).

12 Integrated Water Resources Technical Memo, dated March 7, 2003 (see FAA **Appendix R**).

13 *Groundwater Recharge Using Water of Impaired Quality,* National Academy of Sciences Committee on Ground Water Recharge, 1994 p. 115

14 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality,* Systech Engineering, September 1, 2002, pp 40-41 (see FAA **Appendix P** [Systech]).

15 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality,* Systech Engineering, September 1, 2002, pp 142-143 (see FAA **Appendix P** [Systech]).

As another means of determining whether Newhall Ranch non-point sources of nitrogen would be a significant loading source to the surface and groundwater, the County reviewed the RWQCB's recently adopted concentration-based Nutrient TMDL for the similar and adjacent Calleguas Creek watershed.[16] That watershed contains the growing cities of Simi Valley, Moorpark, Thousand Oaks, Camarillo and Oxnard. This TMDL established nitrate and nitrite numeric targets of 10 mg/L and 1 mg/L, respectively. The RWQCB's linkage analysis between nitrogen sources in the watershed and in-stream water quality was developed through a mass continuity model based on recent hydrologic and water quality data. The principal sources of nitrogen identified by the RWQCB in that urbanizing watershed were discharges from six WRPs, and runoff from agricultural activities. Urban non-point sources, such as irrigation or urban runoff, were not identified as major sources contributing to that watershed's nitrogen impairment.

Because the Newhall Ranch WRP will have "zero discharge" to the Santa Clara River during critical summer low flow months, and based upon preliminary results of the Systech linkage analysis for the Santa Clara River that show irrigation and urban runoff are an insignificant source of instream loadings, and a comparison with the RWQCB's source analysis in the Calleguas Creek watershed, the County finds that nitrate plus nitrite loadings from the Newhall Ranch Specific Plan point and non-point sources will not significantly adversely impact surface water quality.

Coliform

The reach of the Santa Clara River through the Newhall Ranch Specific Plan is listed as impaired on the SWRCB 303(d) list for fecal coliform. Coliform is similar to nitrate/nitrite in that nearly all of the load applied to land is attenuated prior to reaching surface or groundwaters. Coliform loadings from the Newhall Ranch WRP discharges to the river and use of reclaimed water are expected to be below the detection limit based upon reported values from the existing Valencia WRP (*See*, Newhall Ranch FAA, **Appendix R** [IWR]). The County acknowledges that urban stormwater runoff from the Specific Plan area is a potential source of coliform loading. However, since site-specific land uses, percent imperviousness, location and sizing of best management practices to treat urban runoff and nuisance flows, and source controls can not be precisely determined, the County cannot quantify the amount of coliform loading from the Specific Plan.

Conclusion

The County has made a good faith effort to quantify potential pollutant loadings from the Specific Plan, recognizing that the project will be built over 25-30 years, and efforts to estimate concentrations of pollutants in source waters and urban runoff, taking into consideration both changes in pollution control technologies and regulatory standards that far into the future, are speculative. Furthermore, the County's performance-based mitigation measures set forth above and below were previously deemed by the court

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[16] RWQCB Resolution 02-017 Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Nitrogen Compounds and Related Effects in Calleguas Creek, October 24, 2002.

as "substantial evidence [...] in the Administrative Record to justify the findings of the Board [of Supervisors] with regard to the issue of storm water pollution." [17]

4.2-2. All necessary permits or letters of exemption from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the Regional Water Quality Control Board for Specific Plan-related development are to be obtained prior to construction of drainage improvements. The performance criteria to be used in conjunction with 1603 agreements and/or 404 permits are described in Section 4.6, Biological Resources, Mitigation Measures 4.6-1 through 4.6-10 (restoration) and 4.6-11 through 4.6-16 (enhancement).

4.2-7. The applicant for any subdivision map permitting construction shall satisfy all applicable requirements of the NPDES Program in effect in Los Angeles County to the satisfaction of the County of Los Angeles Department of Public Works. These requirements currently include preparation of an Urban Storm Water Mitigation Plan (USWMP) containing design features and Best Management Practices (BMPs) appropriate and applicable to the subdivision. In addition, the requirements currently include preparation of a Storm Water Management Pollution Prevention Plan (SWPPP) containing design features and BMPs appropriate and applicable to the subdivision. The County of Los Angeles Department of Public Works shall monitor compliance with those NPDES requirements.

4.11-1. The proposed Specific Plan shall implement a water reclamation system in order to reduce the Specific Plan's demand for imported potable water. The Specific Plan shall install a distribution system to deliver non-potable reclaimed water to irrigate land uses suitable to accept reclaimed water, pursuant to Los Angeles County Department of Health Standards.

4.11-7. Prior to commencement of use, all uses of recycled water shall be reviewed and approved by the State of California Health and Welfare Agency, Department of Health Services.

4.11-9. Pursuant to Public Resources Code §21081(a)(2), the County shall recommend that the Upper Santa Clara Water Committee, made up of the Castaic Lake Water Agency, Los Angeles County Waterworks District No. 36, Newhall County Water District, Santa Clarita Water Division of CLWA and the Valencia Water Company, prepare an annual water report that will discuss the status of groundwater within the Alluvial and Saugus Aquifers, and State Water Project water supplies as they relate to the Santa Clarita Valley. The report will also include an annual update of the actions taken by CLWA to enhance the quality and reliability of existing and planned water supplies for the Santa Clarita Valley. In those years when the Committee does not prepare such a report, the applicant at its expense shall cause the preparation of such a report that is acceptable to the County to address these issues. This annual report shall be provided to Los Angeles County, which will consider the report as part of the its local land use decision-making process. (To date, three such water reports have been prepared (1998, 1999 and 2000) and provided to both the County of Los Angeles and the City of Santa Clarita.)

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[17] *See*, Newhall Ranch FAA **Appendix AC** [Statement of Decision, p. 27].

4.11-17. In conjunction with each project-specific subdivision map for the Newhall Ranch Specific Plan, the County shall require the applicant of that map to cause to be prepared a supplemental or subsequent Environmental Impact Report, as appropriate, pursuant to CEQA requirements. By imposing this EIR requirement on each Newhall Ranch tentative subdivision map application allowing construction, the County will ensure that, among other things, the water needed for each proposed subdivision is confirmed as part of the County's subdivision map application process. This mitigation requirement shall be read and applied in combination with the requirements set forth in revised Mitigation Measure 4.11-6, above.

4.12-2. A 5.8 to 6.9 mgd water reclamation plant shall be constructed on the Specific Plan site, pursuant to County, State and Federal design standards, to serve the Newhall Ranch Specific Plan.

The County's recommended mitigation measures, and further environmental review on a subdivision-by-subdivision level, are the best means for assuring that potential water quality impacts from chlorides, nitrates, coliform and other pollutants are mitigated to below a level of significance. Therefore, the County's previous findings that the magnitude of all water quality related impacts is considered to be less than significant remains unchanged. *See*, Final EIR, Section 4.2; DAA Section 4.0, Mitigation Monitoring Program; FAA Response to Comments (**General Response** and **Response 1**, above).

Response 3

The RWQCB notes that the project will potentially affect water quality during the pre- and post-construction phases, and numerous public agencies will be responsible for implementation and compliance with appropriate water quality regulations. The RWQCB believes the responsible parties have not been identified, and the approach, feasibility, funding and implementation for complying with the water quality standards have not been discussed.

The County does not concur with this statement. The responsible parties have been identified in the Mitigation Monitoring Program, and the feasibility, funding and implementation are known. The Mitigation Monitoring Program contained in the Final EIR (March 1999), Section 13, and the DAA, Section 4.0 Mitigation Monitoring Program, identifies the various public agencies responsible for enforcement and monitoring of each phase of the Specific Plan, both during and after construction. They include the County's Department of Public Works, and Department of Regional Planning, Department of Health Services; and other public agencies include the County Sanitation Districts of Los Angeles County, the WRP Operator, Castaic Lake Water Agency, Valencia Water Company, and the California Department of Conservation. Homeowner associations, landscape maintenance districts and the County Department of Public Works will have long-term maintenance responsibility for the various best management practices (BMPs) and facilities that will be constructed. The RWQCB itself has perhaps the largest role in determining the approach, feasibility, implementation and enforcement of water quality standards through its various regulatory, monitoring and enforcement authorities (*See*, **Response 1** above). Installation of BMPs and water quality facilities occurs as each subdivision is built and is in

nearly all instances the project applicant's responsibility to fund and construct. Once constructed, property tax assessments, special assessments or homeowner dues fund ongoing and long-term maintenance.

Response 4

The RWQCB states that pollutants such as chloride and nitrate already impair the Santa Clara River and groundwater, and that development of the Specific Plan will add additional loadings that will accumulate in the groundwater and/or be disposed in the Santa Clara River unless advanced treatment technologies at the Newhall Ranch WRP are implemented. This treatment will add additional cost to project residents that is not addressed in the EIR or RDAA.

The County believes there is substantial evidence to indicate that the groundwater is not impaired for nitrates, that chloride loadings from the Specific Plan will not exceed RWQCB Basin Plan water quality objectives, and the cost to project residents, if advance treatment technologies are required for the Newhall Ranch WRP is not a significant environmental effect under CEQA (CEQA *Guidelines* Section 15131(a)).

The Santa Clara River surface water within Newhall Ranch is listed on the SWRCB 2002 303(d) list as impaired for chloride and nitrate plus nitrite. However, the County is not aware of any information that indicates the groundwater is impaired for these constituents, nor has any information been provided by the RWQCB to support that statement. Under CEQA, such documentation is mandatory for a commenting public agency.[18] A more detailed discussion of groundwater conditions and applicable objectives is included in **Response 11** below.

To evaluate whether groundwater quality is impaired or has degraded over time, available water quality data for the Alluvial aquifer in the Santa Clarita Valley was compiled from a number of sources, including The Newhall Land and Farming Company and local water providers. Chloride and nitrate concentration versus time was plotted for numerous Alluvial wells. Also plotted were data for cumulative rainfall departure and total WRP discharge. The data were compared to the concentration of chloride and nitrate in the Alluvial aquifer to determine if there is a causal relationship.

Figure 1 is a map showing the location of the Alluvial wells included in the plots and **Figures 2** through **9** are the time series plots of chloride and nitrate concentration versus time. The figures show that there is no long-term increasing chloride or nitrate concentration trend in Alluvial groundwater in the Newhall Ranch Specific Plan area. Seasonal and annual variation is evident, but there is also no consistent

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[18] *See*, Pub.Res.Code §21104(c) (Comments within the agency's area of expertise "shall be supported by specific documentation." *See also*, Pub.Res.Code §21153(c) and CEQA Guidelines §§15086(c).

relationship to WRP discharge to the river that has steadily increased over time. As would be expected, there appears to be a relationship between precipitation and chloride concentration.

Figure 2 shows the chloride concentrations from Alluvial wells is significantly below the RWQCB Basin Plan groundwater chloride objective of 150 mg/L. **Figures 3** and **4** present chloride concentrations in Alluvium compared to the long-term cumulative rainfall departure curve and WRP outflows. Cumulative departure for rainfall is the year-to-year deviation from the mean rainfall expressed as a percentage. For example, consecutive years of below normal rainfall plot as a downward slope and consecutive years of above normal rainfall plot as an upward slope. As shown in **Figures 3,** higher chloride concentrations in the Alluvial aquifer appear to be related to extended periods of below normal rainfall. This is not unexpected because there is more evaporation and less flow in the shallow groundwater system during drought periods. This same correlation can also be made when reviewing river water quality trends. **Figure 5** shows the chloride concentrations in relation to historic groundwater pumping. **Figure 6-9** presents nitrate concentrations for the same wells, with a comparison to the Basin Plan groundwater water quality objective of 10 mg/L (**Figure 6**) cumulative rainfall departure curve (**Figure 7**), WRP outflows (**Figure 8**), and historic groundwater pumping (**Figure 9**).

The final effluent treatment technologies that will be utilized in the Newhall Ranch Water Reclamation Plant have not been designed at this time. Whether or not advanced treatment technologies such as membrane bioreactors, ultraviolet disinfection, or reverse osmosis are needed will ultimately be determined based upon the effluent limits set by RWQCB during the Newhall Ranch WRP permitting process, and the effectiveness of source controls as discussed below. Once the treatment technology is determined, the cost for construction, operation and maintenance can be determined, following which the new County Sanitation District will set sewer connection fees and property tax assessment. The magnitude of sewer rates do not result in a physical change in the environment and, therefore, are not considered a significant effect on the environment. (*See,* CEQA *Guidelines* Section 15131(a).)

The County agrees that source controls are an alternative to advance treatment for reducing chloride loadings to the Santa Clara River. The County Sanitation Districts conducted a study to quantify the sources of chloride in the influent at its two treatment plants in the Santa Clarita Valley.[19] The report concluded that self-regenerating water softeners (SRWS) represent over two-thirds of the chloride loading to the two existing treatment plants from existing residences. The Districts evaluated two source control scenarios: Scenario 1 - a prohibition on installation of new SRWS beginning January 1, 2003, and Scenario 2 - no prohibition on SRWS. The Districts concluded that Scenario 1 would over time reduce the chloride concentration in the Districts effluent from the current 168 mg/L to 114 mg/L by the year 2050.

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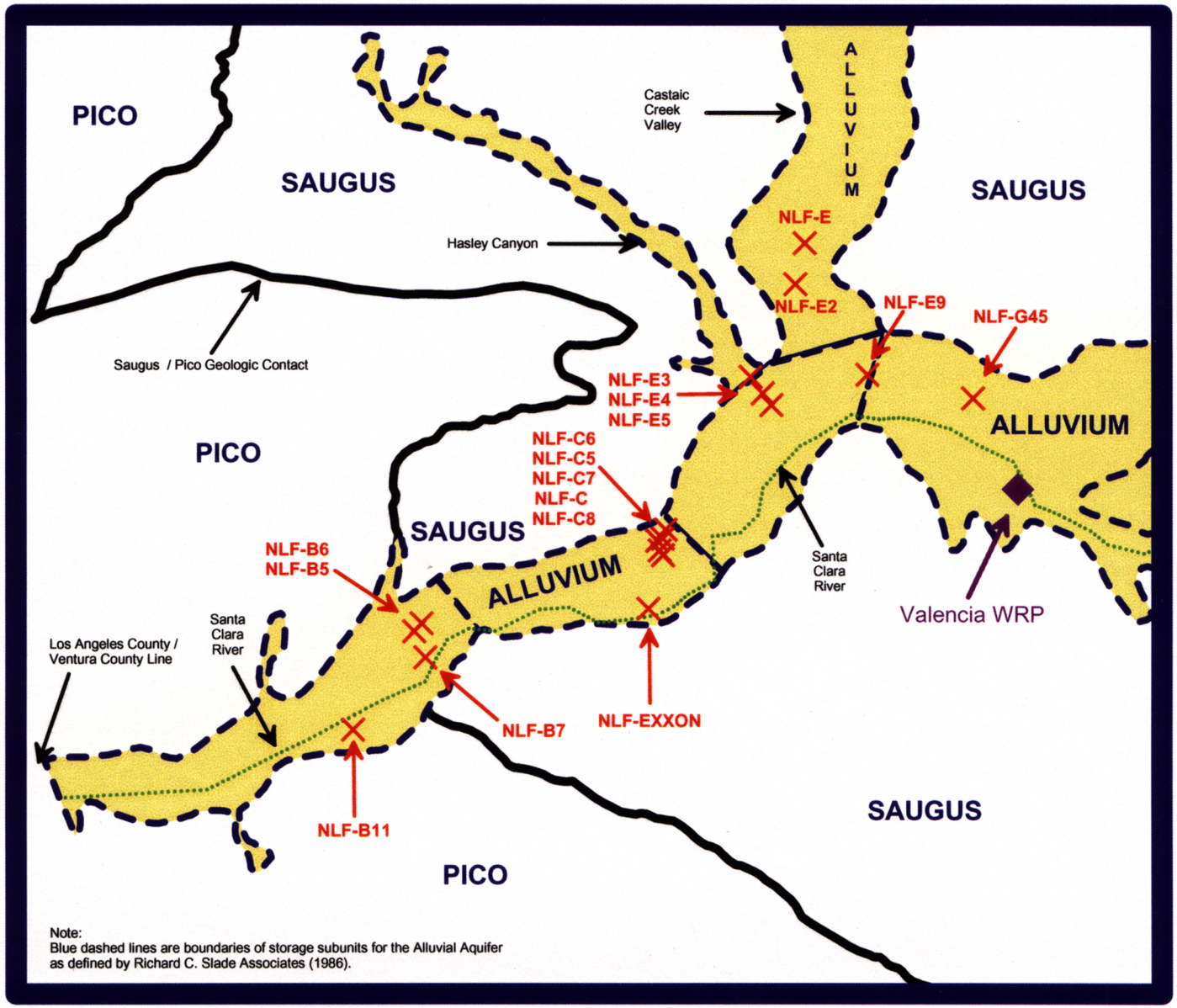
[19] Sanitation Districts of Los Angeles County, *Santa Clarita Valley Joint Sewerage System Chloride Source Report*, October 2002 (see FAA **Appendix Q**).



LEGEND

- Alluvial Well With Owner-ID (NLF = Newhall Land & Farming)
- Water Reclamation Plant

CH2MHILL

Figure 1
Alluvial Wells With Available Chloride and Nitrate Data
In The Western Portion of the Santa Clarita Valley, CA

WQ wells west map.srf

Figure 2
Chloride Concentration in Alluvial Groundwater West of I-5

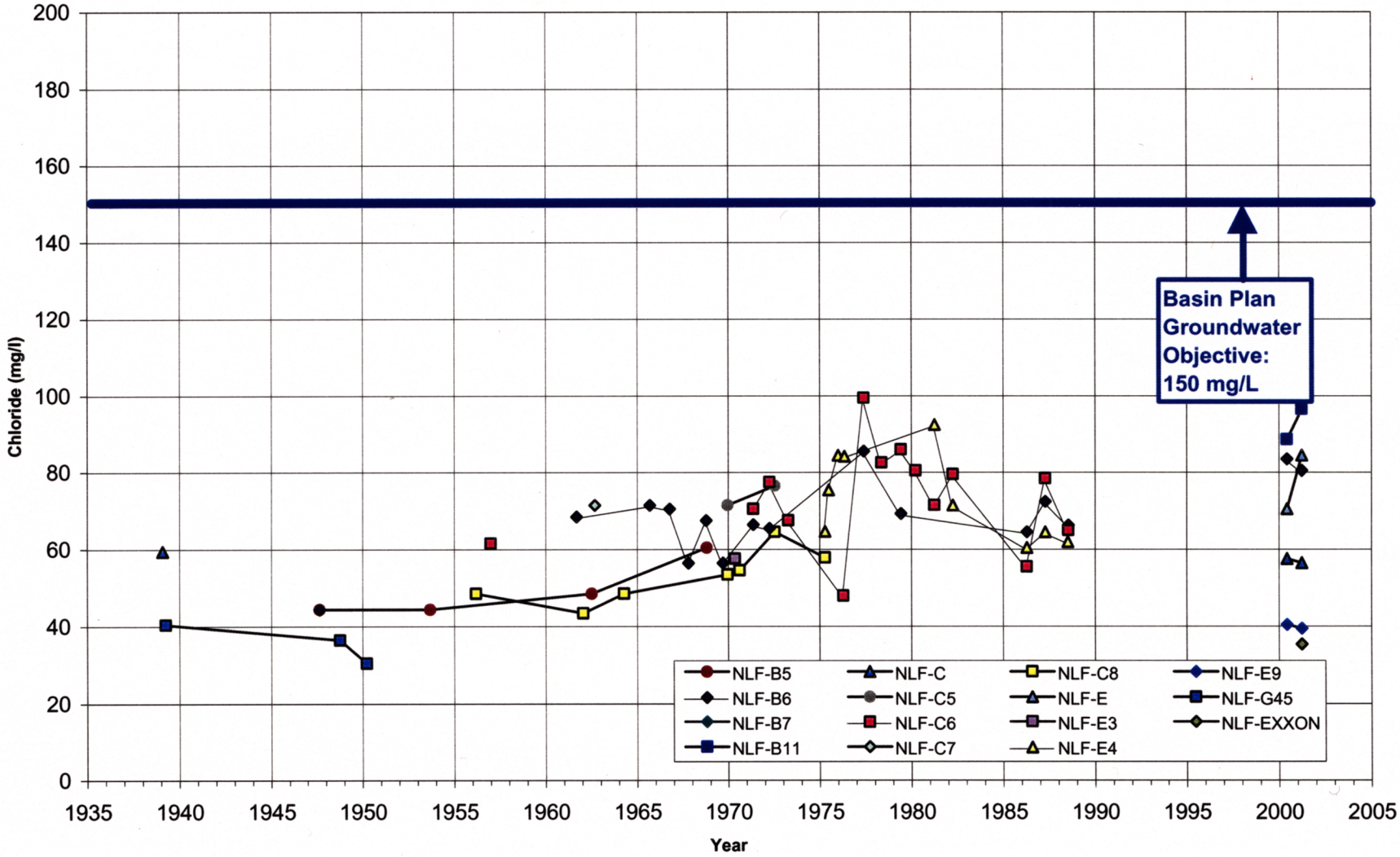


Figure 3
Chloride Concentration in Alluvial Groundwater West of I-5 and Cumulative Departure of Rainfall

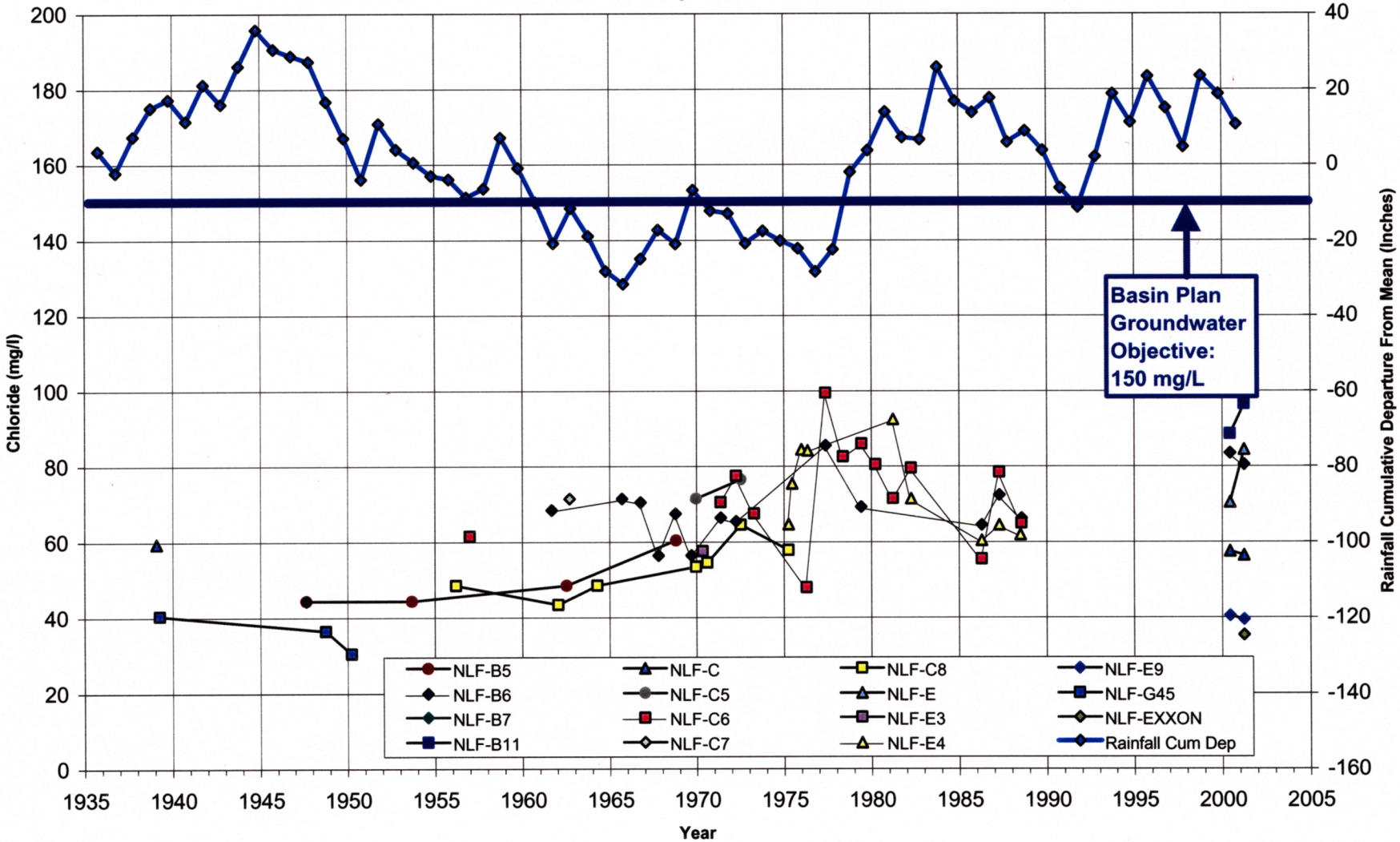


Figure 4
Chloride Concentration in Alluvial Groundwater West of I-5 and WRP Discharges To Santa Clara River

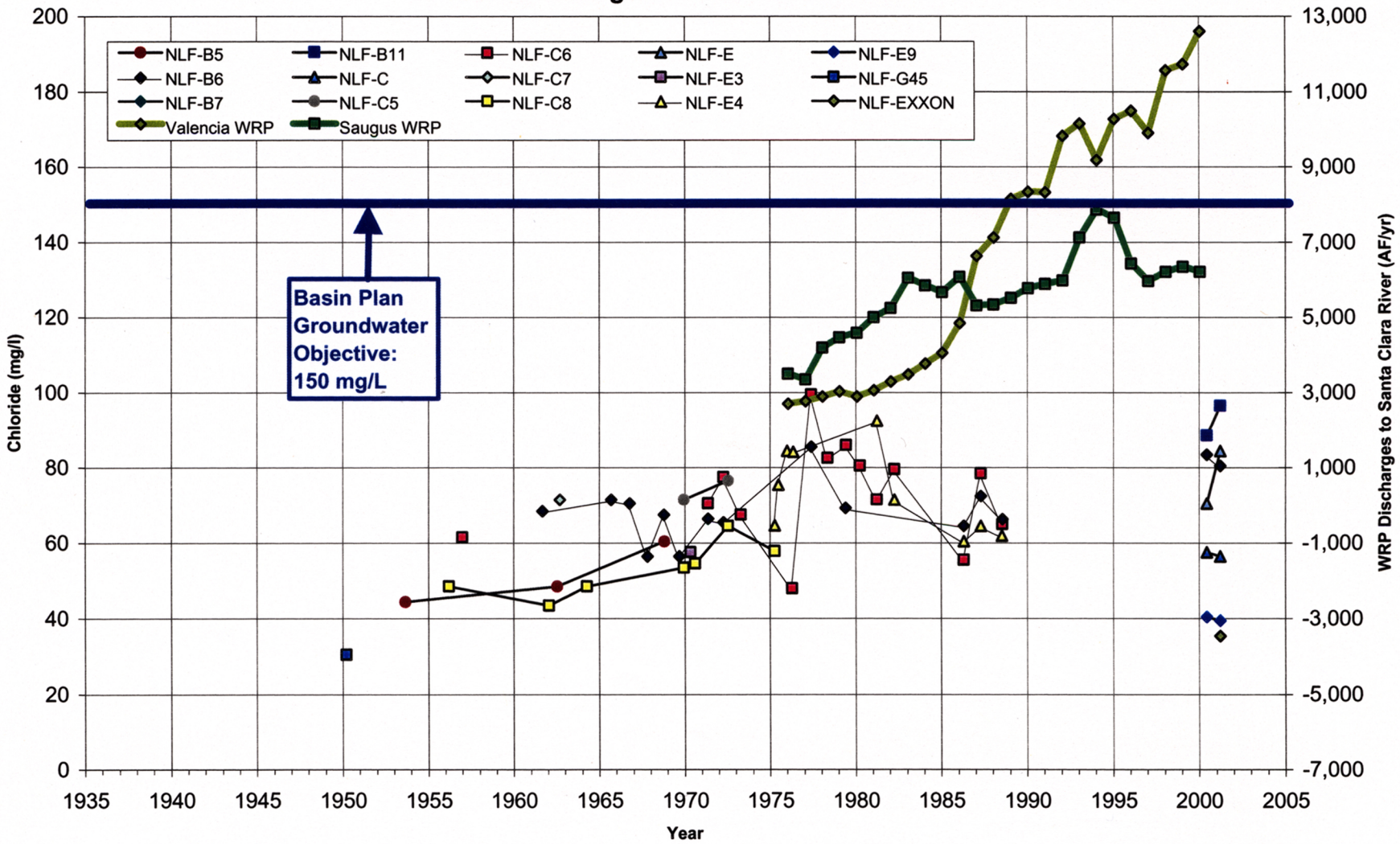


Figure 5
Chloride Concentration in Alluvial Groundwater West of I-5 and Groundwater Pumping from the Alluvium and the Saugus Formation

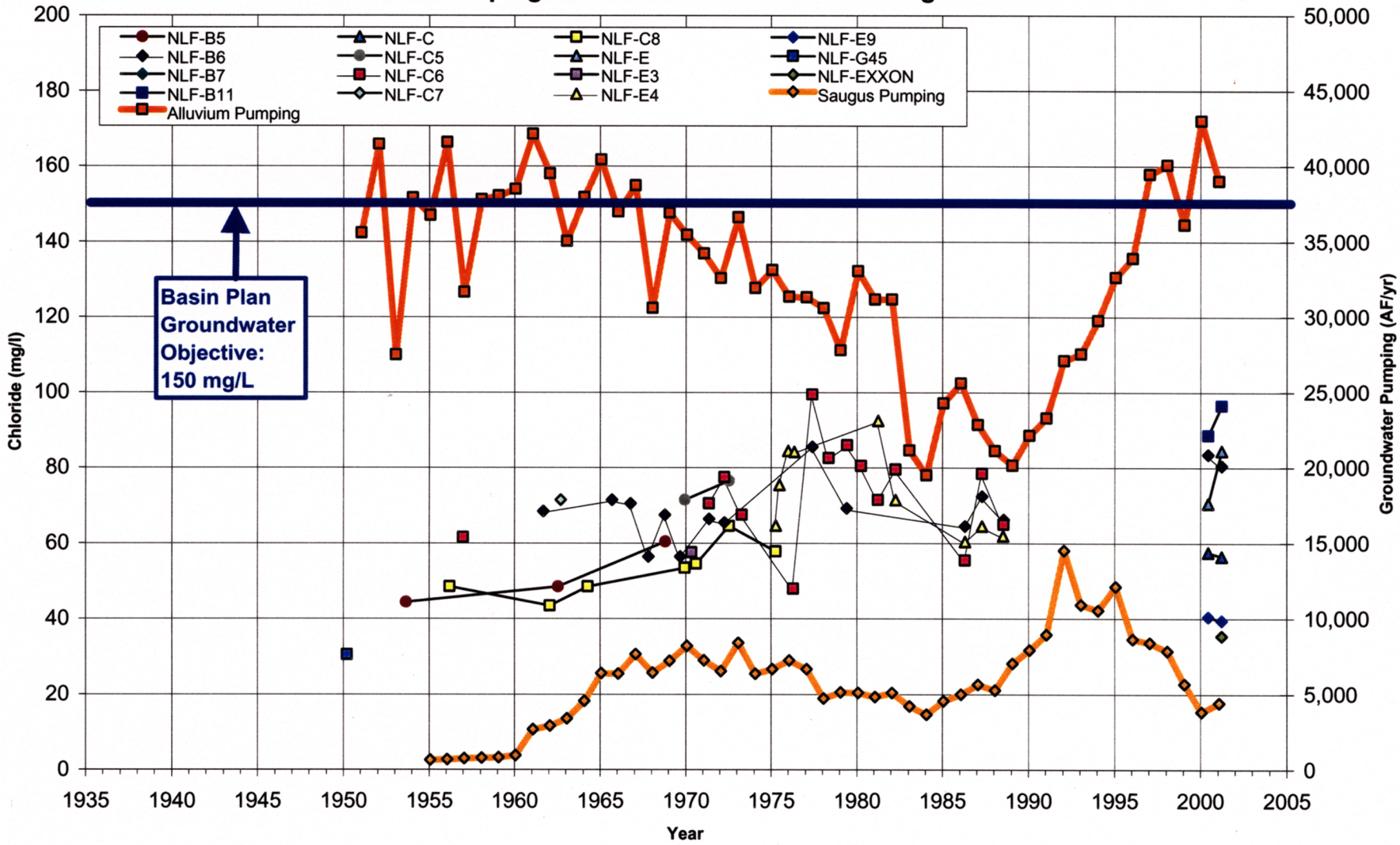


Figure 6
Nitrate Concentration (as NO3) in Alluvial Groundwater West of I-5

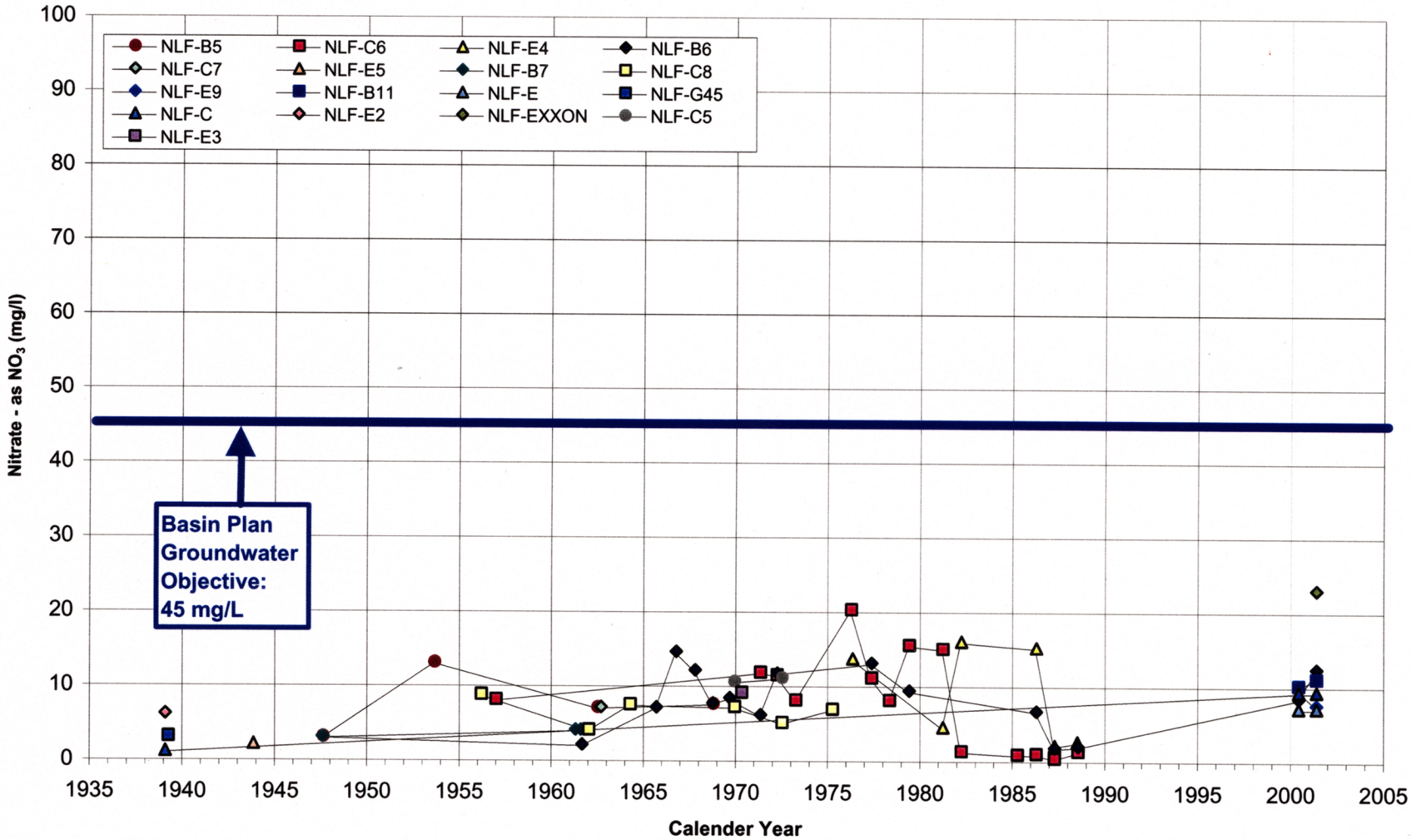


Figure 7
Nitrate Concentration (as NO3) in Alluvial Groundwater West of I-5 and Cumulative Departure of Rainfall

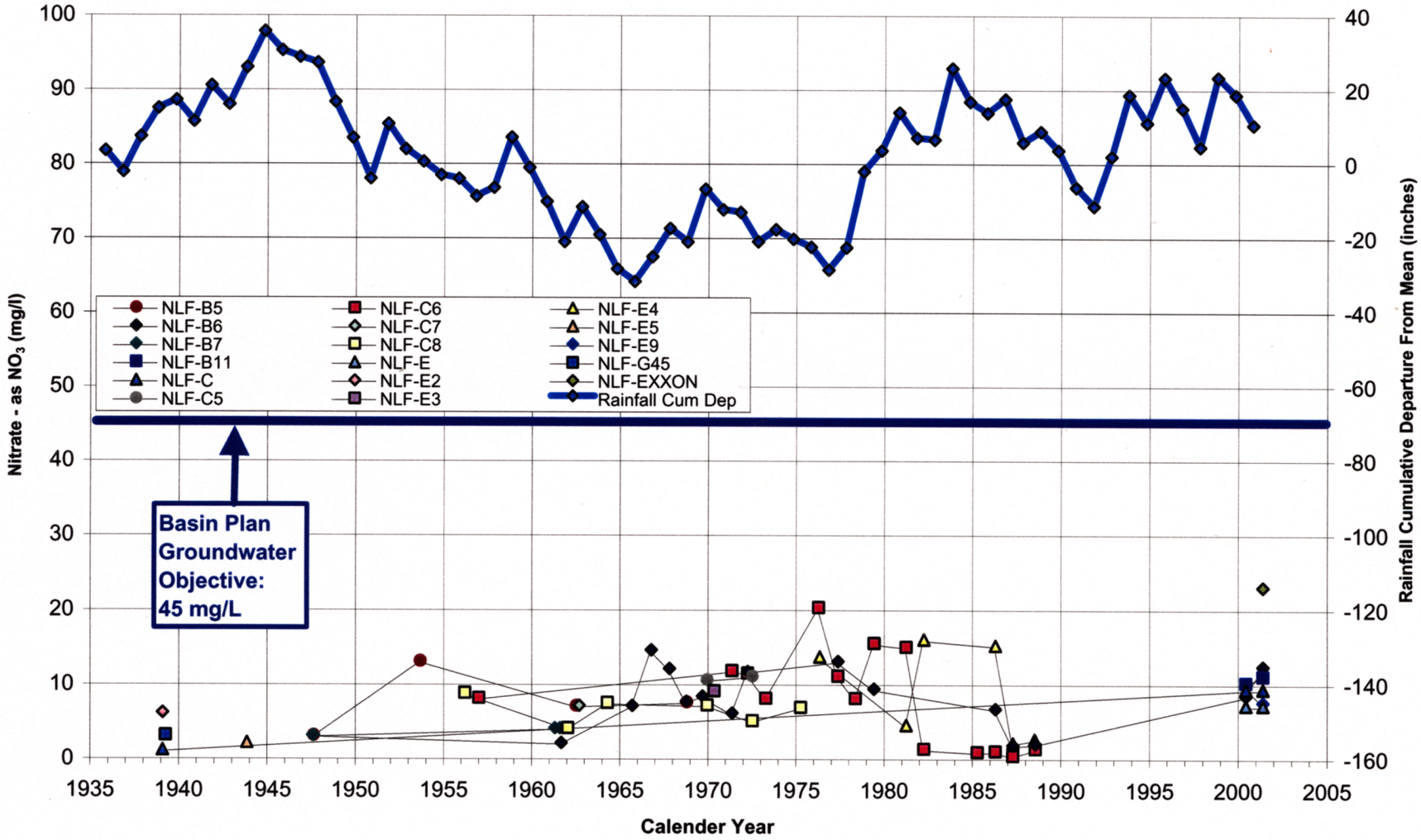


Figure 8
Nitrate Concentration (as NO3) in Alluvial Groundwater West of I-5 and WRP Discharges to Santa Clara River

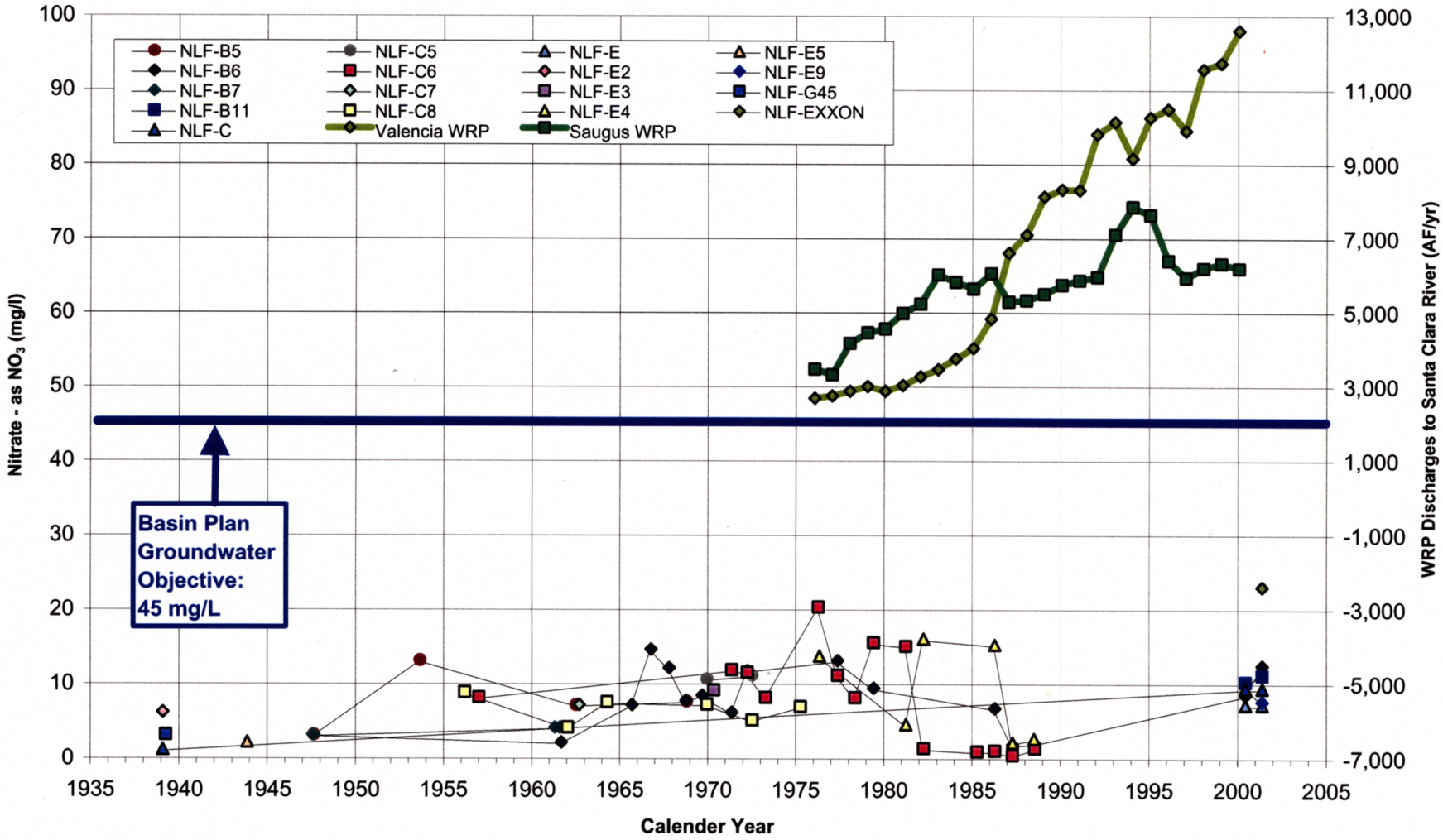
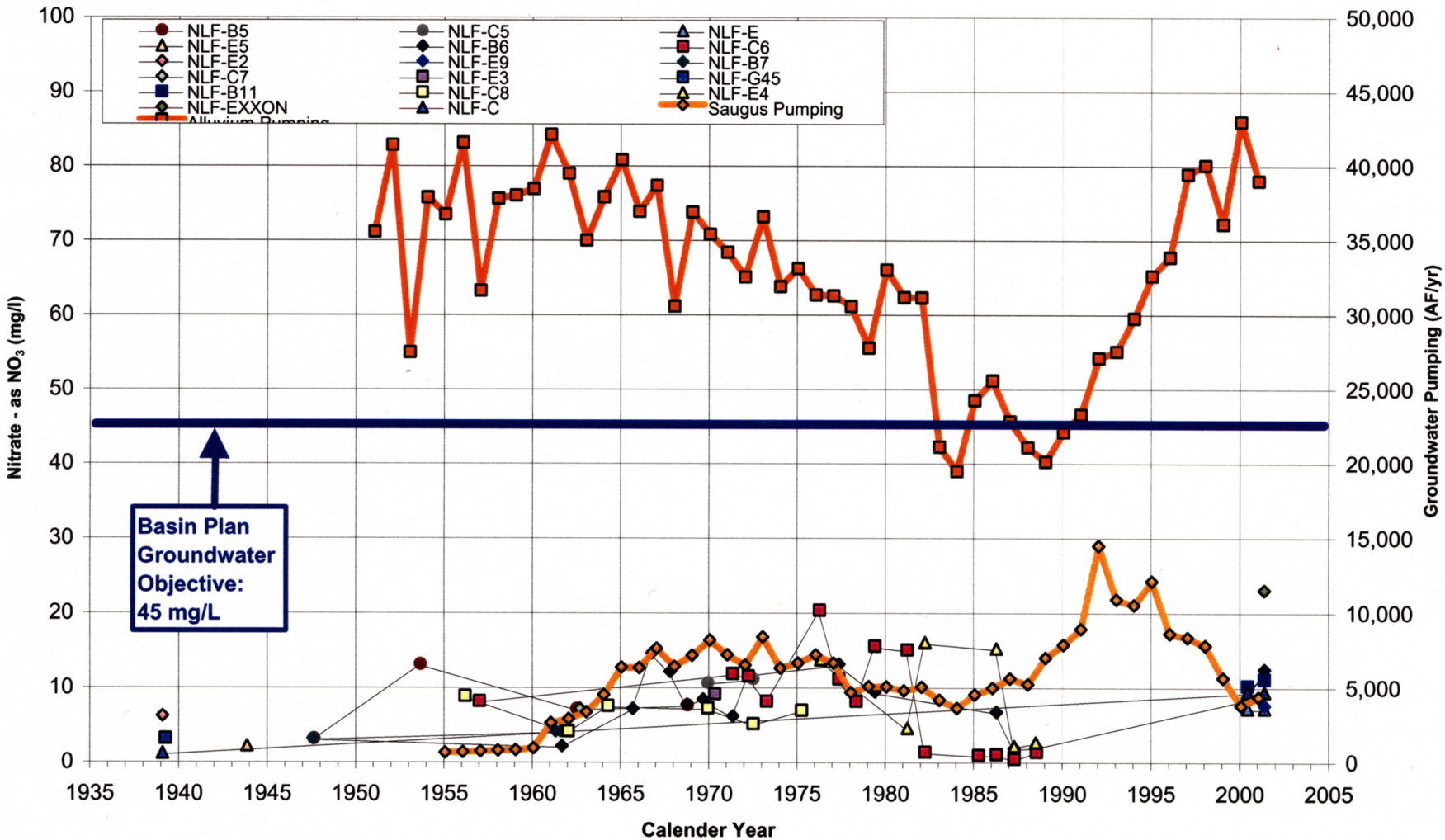


Figure 9
Nitrate Concentration (as NO3) in Alluvial Groundwater West of I-5 and Groundwater Pumping from the Alluvium and the Saugus Formation



The Districts also determined that if existing residential SRWS were removed/retired from use through a rebate program or public education, than the chloride concentration would be further reduced to 97 mg/L by 2050. However, without prohibitions on SRWS, the chloride concentration would increase to 245 mg/L by 2050. Based upon the results of the study, the Districts adopted the "Ordinance Prohibiting Installation of Certain Water Softening Appliances" on February 25, 2003, which prohibits the installation and use of new self-regenerating water softeners. The applicant has submitted a letter in support of adoption of that ordinance (*See,* FAA **Appendix X**).

The County believes that a similar restriction on SWRS within Newhall Ranch would have significant beneficial impacts to surface and groundwater quality as identified in the CSD study. However, the responsibility and jurisdiction for approving such a restriction lies within the authority of the not yet formed Newhall Ranch County Sanitation District. A SWRS restriction can and should be adopted by the Newhall Ranch County Sanitation District following approval of the Specific Plan. Therefore, the County recommends that the Newhall Ranch Final EIR mitigation measures be revised to add the following new measure:

> 5.0-52(b). The applicant shall initiate a request to the new County sanitation district formed for the Newhall Ranch Specific Plan site to adopt an ordinance prohibiting the installation and use of self-regenerating water softeners within the new sanitation district prior to connection of the first residential unit to the sanitary sewer system.

Response 5

The RWQCB asserts that while the precise pollutant loads from the Newhall Ranch project have not been calculated, there is a potential to preclude attainment of water quality objectives unless mitigation measures are implemented, and the RDAA does not propose any mitigation measures.

The County has evaluated the potential source waters and urban runoff pollutant loadings from the Specific Plan, and has required performance-based mitigation measures, as set forth above. The County's previous finding that the magnitude of all water quality related impacts is considered to be less than significant remains unchanged. The RDAA, DAA and the prior Final EIR require numerous mitigation measures applicable to the potential sources of water quality impacts (namely, the Newhall Ranch WRP, reclaimed water use, the ASR program and non-point sources such as urban runoff and irrigation) designed to reduce impacts from pollutant loads to a level below significance (*See,* **Response 1** above).

Response 6

The specific issues addressed in the RDAA are Section 2.5 Water Resources, Section 2.6 Spineflower and Other Sensitive Plant Species, and Section 2.7 Additional Alternatives. A discussion of biological impacts of bank hardening and channelization is specifically contained in the DAA, Section 2.3 Floodplain Modifications, and the alternate siting of the WRP is contained in the DAA, Section 3.0 Water

Reclamation Plant Alternatives. Each section of the RDAA and DAA (with the exception of RDAA Section 3.0 WRP Alternatives) contains performance-based mitigation measures the County will require to ensure no significant adverse impacts on water quality.

Response 7

The RWQCB states that the Specific Plan will increase importation of State Water Project (SWP) water to 56,800 acre-feet and its subsequent disposal through WRPs in the watershed will affect both surface water and groundwater quality.

The RWQCB is incorrect in concluding that the Specific Plan will increase importation of SWP water. In addition, the RDAA has identified that the Specific Plan primary water sources will not affect surface and groundwater quality. The impacts of wastewater disposal, stormwater and reclaimed water are discussed in detail in the responses herein and in the RDAA, Section 2.5.6, the DAA, Section 2.5.6.4, and the Final EIR, Sections 4.11.7 and 5.12. The sources of water supply to the Specific Plan are discussed in detail in the Section 2.5 of the RDAA.

The County notes that the figure for SWP importation cited by the RWQCB comment is correct, but does not correspond to the sources of supply for the Newhall Ranch Specific Plan. Table 2.5-2 of the RDAA shows imported SWP water supplies to the Santa Clarita Valley of 56,800 acre feet in average years. However, the actual Newhall Ranch Specific Plan water supplies are described immediately below the Santa Clarita Valley Supplies in Table 2.5-2. The Specific Plan does not rely upon the importation of SWP water as the primary source of water supply for the Specific Plan. During average years, Nickel Water (1,607 acre-feet or 9.1% of the project water supply) is the only water supply source that would be imported into the Santa Clarita Valley for the Specific Plan. The state Department of Water Resources monitors quality of non-project groundwater that is pumped into the California Aqueduct in order to assess its affect on SWP water quality. The water quality of the Nickel Water would be essentially indistinguishable from SWP water quality due to dilution during conveyance through the California Aqueduct. (*See*, FAA **Appendix AA** [DWR's Summary, dated September 25, 2002].) During dry years, the project would supplement Nickel Water supplies with 865 acre feet of water (4.4% of the project water supply) stored in the Semitropic Groundwater Banking Project. A variety of sources of water could be stored in the Semitropic Groundwater Banking Project, including Nickel Water, Castaic Creek Flood Flows, Newhall/SWP supplies, CLWA SWP entitlement and other CLWA supplies. Since water stored in the Semitropic Groundwater Banking Project would also be conveyed through the State Water Project, its water quality would be essentially indistinguishable from SWP water quality. The SWP water delivered by CLWA meets all public drinking water quality standards. The environmental impacts of the use of Nickel Water and Semitropic Groundwater Banking Project water are discussed in the RDAA, Section 2.5.6.4 (pp. 2.5-196 - 2.5-198). The water quality impacts of the discharge of effluent from the Newhall Ranch WRP have been previously described and are also discussed in the RDAA, Section 2.5.6.4 (pp. 2.5-223 - 2.5.6. 237).

Response 8

The RWQCB describes the status of the chloride and nutrient TMDLs being developed to address Santa Clara River impairments for these two constituents. Preliminary data received by the RWQCB from the California Department of Fish and Game (CDFG) and University of California, Los Angeles (UCLA) indicate degradation of aquatic habitat in some sites in the vicinity of the project area. RWQCB suggests continued monitoring and development of appropriate mitigation measures to maintain the aquatic life habitat of the Santa Clara River.

The status of the Santa Clara River chloride TMDL has changed since the date of the RWQCB February 3, 2003 comment letter. The SWRCB has remanded the chloride TMDL back to the RWQCB on February 19, 2003 (*See,* FAA **Appendix O**) and directed the RWQCB to consider:

(a) Expansion of the current phased-TMDL approach so that County Sanitation Districts of Los Angeles County can complete their implementation tasks by Regional Board-specified dates sequentially and within 13 years of the effective date of the TMDL. If advanced treatment facilities and disposal facilities are found to be necessary for compliance with the TMDL, the Regional Board may consider extending the implementation schedule as necessary to account for events beyond the control of the County Sanitation Districts of Los Angeles County.

(b) Extension of the interim effluent limits beyond the currently proposed 2 years so that these limits may remain in effect during the planning, construction and execution portions of the TMDL's implementation tasks.

(c) Whether provision of a long-term alternate water supply to agricultural diverters of surface water by the County Sanitation Districts of Los Angeles County would be appropriate; and consider re-evaluation of the agricultural water quality objective and the agricultural beneficial use designation if such alternate supply is provided. The reevaluation of the alternative water supply should consider re-examining and modifying the trigger and compliance schedule for providing the alternative water supply. The Regional Board's re-evaluation of the objective should consider accounting for the beneficial use(s) to be protected, the quality of the imported water supply to the Upper Santa Clara River watershed and the impacts of periods of drought or low rainfall.

(d) An integrated solution, which may be a single comprehensive TMDL, for all water quality pollutants in the Santa Clara River basin listed on the Clean Water Act section 303(d) list

The RWQCB is in the process of developing a nutrient TMDL for the upper Santa Clara River that addresses the SWRCB 2002 303(d) list nitrate plus nitrite impairment. This TMDL is anticipated to be complete in the fall 2003. Two initial work products have been produced by the RWQCB and the Steering Committee; the Task 1 Report identifies the existing sources of nitrate plus nitrite loadings[20] and

[20] *Final Task 1 Report For Santa Clara River Nutrient TMDL Analysis: Source Identification and Characterization, Systech Engineering, July 15, 2002.*

the Linkage Analysis predicts expected instream loadings from those sources.[21] The Systech linkage analysis identifies the primary source of loadings as the two existing County Sanitation District WRPs, which represent approximately 91% and 66% of the total Reach 7 instream loads during dry and wet years, respectively. Non-point sources from the existing residential, high density residential, commercial/industrial and septic systems in the Santa Clarita Valley (which encompasses the urbanized portion of the watershed), were described as representing only 0.2% and 0.4% of the nutrient loadings during dry and wet years, respectively. Given that the Newhall Ranch Specific Plan Area encompasses only 3% of the 640 square-mile drainage area tributary to Reach 7, its non-point source contribution is therefore a insignificant component of the total instream nitrate load non-point. Point source nitrate loads to the River from the Newhall Ranch WRP are estimated to be approximately 21 pounds per day (as N). *See also,* **Response 2** above.

The applicant provided access to its property for CDFG and UCLA to conduct bioassessment water quality sampling in October 2001. The CDFG sampling in and adjacent to the Newhall Ranch Specific Plan consisted of one sample taken near Blue Cut, immediately downstream and off site of the Newhall Ranch project, another sample taken near the vicinity of the proposed Long Canyon Bridge over the Santa Clara River, and another sample taken upstream of the I-5 Freeway. The UCLA sampling consisted of one sample taken at Blue Cut and another just downstream of the Valencia WRP. Neither UCLA site is located on the Newhall Ranch Specific Plan site.[22] The County is not aware of any other previous bioassessments of the Santa Clara River and believes this is the only data of its kind. The only information made available by the RWQCB is the preliminary CDFG bioassessment data and a bioassessment study prepared by UCLA study, copies of which are found in FAA **Appendix S** (*See,* RWQCB letter dated February 13, 2003, and "Environmental Monitoring and Bioassessment of Coastal Watersheds in Ventura and Los Angeles Counties," prepared by UCLA, February 2003). The RWQCB does not provide a methodology for how "degradation of aquatic habitat in some sites in the vicinity of the project area" was statistically determined from this very limited data set, nor whether the "degradation" can be directly attributed to chloride or nitrogen impairments. Therefore, it is not possible for the County to evaluate or interpret the data without multiple years of data, taking into account seasonality, and without using data from rivers similar to the Santa Clara, with and without tertiary treated effluent flows for comparison.

Nevertheless, in order to assure designated beneficial uses are supported within the Newhall Ranch Specific Plan, and to respond to the RWQCB's suggestion for continued monitoring, the County recommends that the Newhall Ranch Final EIR mitigation measures be revised to add the following new mitigation measure. Results from this surface and groundwater monitoring would enable the RWQCB to

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21 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality,* Systech Engineering, September 1, 2002. (*See,* FAA **Appendix P** [Systech]).

22 *Environmental Monitoring and Bioassessment of Coastal Watersheds in Ventura and Los Angeles Counties,* Richard Ambrose, Steve Lee, Sean Bergquist, UCLA, February, 2003(see FAA **Appendix S**).

monitor the Specific Plan's point and non-point source effects within the Specific Plan area to assure designated beneficial uses are supported:

> 4.11-21. The applicant, in coordination with RWQCB staff, shall select a representative location upstream and downstream of the Newhall Ranch Specific Plan and sample surface and groundwater quality. Sampling from these two locations would begin upon approval of the first subdivision map and be provided annually to the RWQCB and County for the purpose of monitoring water quality impacts of the Specific Plan over time. If the sampling data results in the identification of significant new or additional water quality impacts resulting from the Specific Plan, which were not previously known or identified, additional mitigation shall be required at the subdivision map level.

Response 9

The RWQCB indicates that increasing chloride concentrations are attributable to water importation and residential use of this water that is largely attributable to recent residential construction and no mitigation plan is provided to allow the Specific Plan to meet the TMDL waste load allocations required to attain water quality objectives.

This comment is similar to the issues discussed in the RWQCB **Response 4** and **5** above. The County has required numerous performance-based mitigation measures to assure the Specific Plan will comply with the RWQCB's TMDL, NPDES and other regulatory programs. As noted earlier, the County Sanitation Districts completed a detailed and comprehensive study of the sources of chloride loading in the Santa Clarita Valley. Water supply, which is a blend of imported SWP water and local pumped groundwater that is delivered to homes and businesses for consumption, cooking, toilets and industrial uses, comprised 42% of the chloride loadings and contributed 71mg/L to the total chloride effluent concentration from the WRPs. This concentration is below the 100mg/L chloride surface water quality objective and, if discharged to the Santa Clara River prior to any municipal use, would not cause an impairment by itself during average rainfall years.[23] Once this water is delivered to homes and business for interior use, residential use (primarily from self-regenerating water softeners (SRWS)) adds an additional 78 mg/L of chloride concentration to the water supply before it is disposed of in the sewer for treatment. At this point, the concentration is 148 mg/L, which exceeds the RWQCB surface water quality objective, demonstrating that source controls are a significant means for improving water quality in the Santa Clara River. Based upon the results of the study, the Districts received the staff report, dated February 5, 2003, and adopted the "Ordinance Prohibiting Installation of Certain Water Softening Appliances" on February 25, 2003. The Ordinance prohibits the installation and use of new self-regenerating water softeners. The applicant has submitted a letter in support of adoption of that

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[23] During drought periods chloride concentrations in imported water before delivery to homes and businesses exceed 100mg/L, the RWQCB Basin Plan surface water quality objectives. See **Figure 4.1.2-4** Sanitation Districts of Los Angeles County, *Santa Clarita Valley Joint Sewerage System Chloride Source Report*, October 2002 (FAA **Appendix Q**).

ordinance. (*See,* FAA **Appendix N** [staff letter, dated February 5, 2003, Ordinance dated February 25, 2003, and Newhall Land letter, dated February 20, 2003])

The County believes that a similar restriction on SWRS within Newhall Ranch would have beneficial impacts to surface and groundwater quality as identified in the CSD study. However, the responsibility and jurisdiction for approving such a restriction lies within the authority of the not yet formed Newhall Ranch County Sanitation District. A SWRS restriction can and should be adopted by the Newhall Ranch County Sanitation District following approval of the Specific Plan. Therefore, the County recommends that the Newhall Ranch Final EIR mitigation measures be revised to add the following new measure:

> 5.0-52(b). The applicant shall initiate a request to the new County sanitation district formed for the Newhall Ranch Specific Plan site to adopt an ordinance prohibiting the installation and use of self-regenerating water softeners within the new sanitation district prior to connection of the first residential unit to the sanitary sewer system.

Response 10

The RWQCB chloride TMDL identifies source reduction and advanced WRP treatment as mitigation methods to reduce chloride loadings, and notes that in the absence of any source reduction and advance treatment mitigation measures, the project will exacerbate impacts to water quality.

This comment raises issues addressed above in **Response 9**.

Response 11

The RWQCB states the RDAA contains an incomplete and inaccurate listing of the groundwater objectives contained in the Basin Plan. Table 2.5-41 of the RDAA shows that the Basin Plan nitrogen objectives are already exceeded in groundwater underlying the Specific Plan, and the Specific Plan will add additional nitrate loading. The RWQCB claims that the RDAA does not address the impairment of groundwater by nitrate, nor propose mitigation measures to maintain the groundwater quality for drinking water.

The County has provided a complete and accurate listing of all groundwater objectives applicable to the Specific Plan in the RDAA and response below. The RWQCB has mistakenly interpreted Table 2.5-41 and there is no information to support the claim that groundwater is impaired for nitrates. The County has required mitigation measures that assure potable water sources will meet state and local drinking water standards.

The RWQCB 1994 Basin Plan includes bacteria, chemical constituents and radioactivity, mineral quality, nitrogen (nitrate, nitrite), taste and odor, total dissolved solids (TDS), sulfate, chloride and boron objectives for groundwater. Table 2.5-40 of the RDAA lists the Basin Plan mineral quality objectives for

boron, chloride, sulfate and TDS. The following is a listing of all other groundwater objectives, in addition to those previously identified in the RDAA, and constitutes a complete listing of the Basin Plan groundwater objectives. This information will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed Specific Plan:

> Bacteria: In groundwaters used for domestic or municipal supply the concentration of coliform organisms over any seven day period shall be less than 1.1/100 ml.
>
> Chemical Constituents and Radioactivity: Ground waters designated for use as domestic or municipal supply shall not contain concentrations of chemical constituents and radionuclides in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this [Basin] plan: Table 64431-A of Section 64431 (Inorganic chemicals), Table 64431-B of Sections 64431 (Fluoride), Table 64444-A of Section 64444 (Organic Chemicals), and Table 4 of Section 64443 (Radioactivity). This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. (See Tables 3-5, 3-6, 3-7, and 3-9.) Ground waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.
>
> Nitrogen (Nitrate, Nitrite): Ground waters shall not exceed 10mg/L nitrogen as nitrate-nitrogen plus nitrite-nitrogen (NO3-N + NO2-N), 45 mg/L as nitrate (NO3), 10 mg/L as nitrate-nitrogen (NO3-N), or 1 mg/L as nitrite-nitrogen (NO2-N).
>
> Taste and Odor: Ground waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses.

All Basin Plan groundwater objectives are designed to protect groundwater for municipal drinking water purposes. Final Additional Analysis Mitigation Measure 4.11-16 requires that the agricultural groundwater used to meet the needs of the Specific Plan shall meet the drinking water quality standards required under Title 22 prior to use. The FAA **Appendix AC** contains groundwater water quality results from a representative agricultural well within the Newhall Ranch Specific Plan site. None of the sampled constituents exceed Title 22 drinking water standards.

The RWQCB has misinterpreted Table 2.5-41 and incorrectly concludes that nitrate measured in groundwater within the site area exceeds the Basin Plan groundwater objective. According to Table 2.5-41, typical nitrate concentrations (expressed as NO3) range from 3 to 15 mg/L. (*See,* **Response 4** and **Figure 6** for nitrate concentrations from alluvial wells west of I-5 Freeway.) The RWQCB Basin Plan nitrate objective (expressed as NO3) is 45 mg/L; therefore, the measured concentrations do not exceed the RWQCB's groundwater objective and the groundwater is not impaired.

The RWQCB statement that the project will add additional nitrate loading to groundwater is unsubstantiated. There is no evidence that development of the basin has increased nitrate concentrations in groundwater (*See,* **Response 4**) and so there is no reason to believe that this will occur in the future (*See,* **Response 2**). As identified in the RDAA (p. 2.5-188), "The WRP would meet Basin Plan objectives and waste discharge requirements for the Santa Clara River." The waste discharge requirements set forth

in the WRP's NPDES permit will establish effluent limits based on Basin Plan objectives as well as on the wasteload allocations identified in the nutrient TMDL being developed by RWQCB. Regional Board staff has proposed a numeric target for nitrate of 5 mg/L as N (or the Basin Plan objective) for Reach 5 of the Santa Clara River. Furthermore, a margin of safety (currently proposed to be 10%) may be applied to further reduce the risk of future exceedance. The groundwater quality objective for nitrate, however, is 10 mg/L as N, or twice the numeric target. Therefore, by meeting the more stringent Basin Plan objectives and waste discharge requirements as performance standards, the WRP will not contribute to the impairment of groundwater.

Nearly all of the wastewater will be used for landscape irrigation. Based on published nitrate removal rates[24], such irrigation use of wastewater could be expected to produce 50-80% removal of total nitrogen for effluent with a BOD:N ratio of 1:1 to 2:1 (which would be expected for the WRP's effluent; *See,* FAA **Appendix R** [IWR]). Furthermore, irrigation of recycled wastewater to meet non-potable water demands will be regulated according to RWQCB requirements. Consequently, the County does not believe the Specific Plan will result in an impact to groundwater quality that would require additional mitigation measures.

Response 12

The RWQCB indicates concern that perchlorate and volatile organic compounds have been detected in groundwater and question the RDAA significance threshold of 4.0 parts per billon (ppb). If the perchlorate drinking water standard becomes lower than the current action level of 4.0 ppb then the proposed significance threshold criteria may not be protective of groundwater quality. Limiting the significance threshold criteria to only perchlorate when other contaminants such as perchloroethylene (PCE) are present in groundwater in the vicinity of the project site is not sufficiently protective of groundwater quality.

The County has thoroughly discussed the present status of the perchlorate contamination in the basin and the potential for the Specific Plan to either affect or be affected by the perchlorate detected in groundwater several miles east of the Specific Plan site (*See,* RDAA pages 2.5-233 to 2.5-235 and FAA **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**). The analysis indicates that perchlorate will not migrate as a result of the Specific Plan ASR project and that the project will have no effect on perchlorate concentrations measured in wells impacted by perchlorate, regardless of whether the perchlorate drinking water standard may be lowered at some point in the future. Whether or not the standard will be reduced by the DHS in its pending review is speculative and does not require analysis under CEQA (*See,* CEQA *Guidelines* Section 15145).

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[24] *Groundwater Recharge Using Water of Impaired Quality,* National Academy of Sciences Committee on Ground Water Recharge, 1994 p. 115.

The RWQCB did not provide documentation to support is assertion of PCE contamination in groundwater or detections of PCE in wells in the vicinity of the project site, nor is the County aware of any PCE contamination. However, PCE, also known as tetrachloroethene, was one of the volatile organic constituents sampled in the representative Newhall Ranch agricultural well water quality testing (*See,* FAA **Appendix AC**). The California Department of Health Services Title 22 Maximum Contaminant Level (MCL) for PCE is 5.0 ug/L, the detection limit for reporting is 0.5 ug/L, and the result of the test for PCE was "Non Detect".

Response 13

The RWQCB raises concerns regarding potential water quality impacts from channelization when flood waters flow across the bank-hardening materials, which can alter the chemistry of the surface waters and potentially affect the habitat for sensitive species in the Santa Clara River. Bank hardening may affect the supply of plants and other microorganisms and the RDAA does not address potential cumulative impacts to this habitat from other residential projects in the Santa Clarita Valley.

The Draft Additional Analysis includes a thorough analysis of the impacts from bank hardening, channelization and increased flow velocities of the proposed floodplain modifications, taking into account cumulative impacts from upstream development. *See,* DAA Section 2.3, pp. 2.3-2 and 2.3-23 to 2.3-87. The analysis includes a discussion of hydrological impacts related to river flows, floodplain and habitat area, river velocities, river depth and sediment scouring and deposition patterns. DAA, pp. 2.3-23 to 2.3-49. The Draft Additional Analysis includes analyses of those impacts for 2-, 5-, 10-, 20-, 50- and 100-year flood events. *Id.* The analysis also includes a discussion of biological impacts related to the same issues for the same flood events. DAA, pp. 2.3-49 to 2.3-87. The Draft Additional Analysis finds that:

> "[T]hese hydraulic effects would be minor in magnitude and extent. These effects would be insufficient to alter the amount, location, and nature of aquatic and riparian habitats in the Specific Plan area and downstream in Ventura County. Under the Specific Plan, the river would still retain sufficient width to allow natural fluvial processes to continue. Hence, the mosaic of habitats in the river that support various sensitive species would be maintained, and the populations of the species within and adjacent to the river corridor would not be significantly affected." DAA, p. 2.3-87.

The Specific Plan proposes to use buried soil cement for bank stabilization and flood control purposes. Soil cement consists of 88% to 94% native soils mixed with 6% to 12% cement. Approximately 55% of the riverbanks at the Specific Plan site would have bank stabilization, of which 75% would be buried/covered with earth and revegetated with native plants. Approximately 25% of the project bank stabilization will be exposed concrete or rip rap and be potentially exposed to contact with surface waters (*See,* DAA Figure 2.3-5). The bank stabilization is designed to be set back from the active stream channel to preserve existing sensitive habitats and minimize impacts from increase flows, velocities and flooding. Therefore, as indicated in DAA Figures 2.3-7a through 2.3-7l, floodwaters do not contact the exposed portions of the bank stabilization except in larger storm events (20-, 50-, and 100-year floods). Under

those larger storm conditions which occur once every 20, 50, or 100 years, the volumes of water are significantly large that any chemical alteration (if it does occur) from the small percentage of surface water in contact with exposed rip rap or gunite lining, compared to the total volume of flood water, would be insignificant. The RWQCB does not provide any information to support its claim that bank stabilization could alter surface water chemistry. Furthermore, it is important to note that the types of bank stabilization proposed for the Newhall Ranch Specific Plan are identical to bank stabilization being constructed upstream of the Specific Plan, which the RWQCB certified in 1999 as meeting the requirements of Section 401 of the Clean Water Act.

It should also be noted that the trial court reviewed the requests of project opponents to invalidate the adequacy of the biological analysis and mitigation measures contained in the Final EIR (Section 4.6), and ruled on the adequacy of the information presented, including the performance-based mitigation program.

In the Court's Statement of Decision,[25] it summarized the opponents' claim as involving a challenge to the adequacy of the EIR for "improperly deferring" both the analysis and mitigation of the project's biological impacts. *Id.* at p. 14. The claim also involved arguments that the Final EIR lacked "specificity in its treatment of biological resources and, in essence, [deferred] evaluation of the impact of the Project on fish and wildlife until the approval process for Specific Tract Maps or for section 404 permits and section 1603 agreements." *Id.* at p. 14-15. The Court rejected the project opponents' arguments, based, in part, on a review of the Specific Plan Resource Management Plan and Mitigation Monitoring Plan, and found that:

> "The mitigation requirements...do include performance standards that can be utilized to hold the [County and Specific Plan Applicant] to compliance with the EIR, and that adequately inform the public of the nature of the proposed mitigation designed to reduce the significant impacts on biological resources in the area during the development of the Project." *Id.* at p. 16.
>
> "In contrast [to arguments advanced by project opponents], the environmental consequences of the Project to biological resources on site have been explored in the instant case and mitigation measures adopted with performance standards specific enough to demonstrate the feasibility of the mitigation that is proposed." *Id.* at p. 17.

Response 14

The RWQCB suggest that a water quality and biological resources management plan be incorporated as a mitigation measure for the project.

Specific measures to mitigate impacts to biological resources are incorporated in the Resource Management Plan (RMP) that is part of the Newhall Ranch Specific Plan. (*See,* Chapter 2.6 Newhall Ranch Specific Plan.) The RMP provides a set of standards by which biological and cultural resources

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[25] *See,* **Appendix A** to Final Additional Analysis [Statement of Decision, filed August 3, 2000].

within the project will be managed during construction and thereafter for the life of the community. This will be achieved through restoration and enhancement activities to mitigate impacts, establishment of mitigation banks, transition zone standards, public access and recreation criteria, and a framework for the long-term management and ownership of the River Corridor. Mitigation and management activities within Newhall Ranch will be subject to a variety of future requirements, including Fish and Game 1603 Streambed Alteration Agreements, Army Corps Section 404 permits, and RWQCB Section 401 certifications. Mitigation measures to require implementation of the RMP are set forth in the DAA Mitigation Monitoring Program Section 4.0. The RWQCB is also referenced in numerous mitigation measures as either the responsible enforcement or monitoring agency with respect to some of the flood-related and other applicable mitigation measures. *See*, DAA, Section 4.0 Mitigation Monitoring Program, pp. 4.0-15, 16, 84, 89, 91, and 99.

In order to monitor water quality within the Newhall Ranch Specific Plan, the County recommends that the Newhall Ranch Final EIR mitigation measures be revised to add the following new mitigation measure:

> 4.11-21. The applicant, in coordination with RWQCB staff, shall select a representative location upstream and downstream of the Newhall Ranch Specific Plan and sample surface and groundwater quality. Sampling from these two locations would begin upon approval of the first subdivision map and be provided annually to the RWQCB and County for the purpose of monitoring water quality impacts of the Specific Plan over time. If the sampling data results in the identification of significant new or additional water quality impacts resulting from the Specific Plan, which were not previously known or identified, additional mitigation shall be required at the subdivision map level.

Response 15

The RWQCB states that the WRP siting analysis is not consistent with the chloride TMDL because it may increase the loading of chloride and nitrogen to the groundwater underlying the project site. The RWQCB is concerned that the location of the plant is such that reclaimed water may enter the Santa Clara River within a brief period of time because the proposed site overlies thin aquifers, and the evaluation of treatment plant sites is not complete because it does not consider the effects of the application of reclaimed water on surface and groundwater quality objectives.

The RWQCB has mistakenly interpreted the purpose of the trial court ruling regarding the WRP siting. The trial court directed the County to address the alternative of siting the WRP off-river, including an analysis of the biological impacts of that siting as it relates to SEA 23. Reclaimed water would be distributed throughout the project for irrigation purposes irrespective of which WRP site is selected. Therefore, the water quality impacts from reclaimed water would be the same for all alternatives. The County has selected the Reduced Habitat Impact site as the environmentally preferred alternative. As stated in the responses above, the potential impacts to surface and groundwater quality from reclaimed water use, and project compliance with the RWQCB chloride and nutrient TMDLs has been analyzed in

the RDAA (*See,* RDAA pp. 2.5-223 - 2.5-237; and **Responses 2, 4** and **11** above.) Further discussions of impacts on groundwater quality are set forth in **Response 9, 10** and **11** above.

Response 16

The RWQCB indicates pollutant loadings, assimilative capacity, the interaction of groundwater and surface water, and analysis of critical conditions in the Santa Clara River are necessary to evaluate the water quality impacts of the project.

The County has provided an estimate of chloride and nutrient loadings and overall water quality impacts in the above responses, and the RDAA contains a detailed analysis of the project compliance with the RWQCB nutrient and chloride TMDLs. Furthermore, water quality impacts were one of the issues raised by project opponents to invalidate the Final EIR. The trial court ruled in favor of the County, because of the sufficiency of the information presented in Final EIR (Section 4.2) and the adequacy of the mitigation. *See,* Newhall Ranch FAA **Appendix A** [Statement of Decision, pp. 26-27]. As a result, the stormwater quality analysis and water quality mitigation program are not part of the six issues requiring further study.

Response 17

The RWQCB restates its concern about the absence of quantitative estimates for the Specific Plan's contribution to impairing pollutants, an incomplete set of groundwater objectives, and insufficient analysis of the potential interaction between surface water and groundwater.

The RDAA includes an analysis of the potential impacts to surface and groundwater and compliance with the RWQCB chloride and nutrient TMDLs, along with a discussion of potential impacts to assimilative capacity (*See,* RDAA, pp. 2.5-223-237). Estimates of chloride and nutrient loadings from the project are also quantified above. (*See,* **Responses 2** and **4**.) A complete set of groundwater objectives were provided in **Response 11** above that will be part of the record and made available to the decision-makers prior to a final decision on the proposed Specific Plan.

Response 18

The RWQCB indicates the in-stream water quality effects of the predicted small reduction in groundwater discharge due to the ASR system during extended drought periods has not been characterized.

The County has quantified all aspects of the water quality affects of the ASR program. The groundwater flow model described in the Revised Draft Additional Analysis (Section 2.5) predicts that the Specific Plan, including ASR, will actually increase the amount of groundwater discharging to the river in most years (an annual average increase of 1,050 to 1,100 AFY. (RDAA p. 2.5-227), because the ASR program

banks more water than it pumps, and in non-drought years, injection will occur on a continual basis. During these years, it was predicted that there would be increased dilution and assimilative capacity resulting from ASR injection. Only during extended drought periods when the ASR wells are pumped will there be a predicted small reduction in groundwater discharge. This reduction in groundwater discharge is short-lived and is small (0.5 to 3.0 percent on an annual basis, 1,050 AFY) relative to the total river flow at the County line (34,000 to 212,000 acre feet). This small reduction in groundwater discharge will not significantly increase chloride concentrations in the river and therefore would not impact downstream agricultural beneficial uses.[26] Because the ASR program would be increasing groundwater discharge in at least 7 out of every 10 years and the chloride concentration increase during extreme drought conditions is less than one percent, the County believes that the overall impact on surface water quality caused by the ASR program is beneficial.

Response 19

The RWQCB is concerned the analysis has not addressed or quantified the impacts of the use of reclaimed water on surface waters or rising groundwaters.

This comment restates the issues that were addressed above in previous responses. The RDAA includes an analysis of the potential impacts of reclaimed water use to surface and groundwater and compliance with the RWQCB chloride and nutrient TMDLs (*See,* RDAA, pp. 2.5-223 - 2.5-237). Estimates of chloride and nutrient loadings from the Specific Plan are quantified above.

Irrigation with reclaimed wastewater will be done in accordance with RWQCB requirements and RWQCB Basin Plan policy that encourages reuse to preserve limited potable water resources. The County has conditioned the project to comply with reclaimed water discharge limits established by the RWQCB at the time the WRP is designed and prior to issuance of construction permits (*See,* DAA Mitigation Monitoring Plan Measures 5.0-54 and 5.0-55). However, the responsibility and jurisdiction for approving the use of reclaimed water lies within the authority of the RWQCB. Appropriate effluent limits to protect surface and groundwater quality can and should be adopted by the RWQCB during the permitting process for the WRP.

Response 20

This is a summary of the RWQCB comments that the County has responded to above.

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[26] Assuming the future maximum surface water chloride concentration does not increase above the existing chloride concentrations at the County line (115 mg/L) due to successful implementation of the chloride TMDL, then a reduction of 1,050 af/yr in groundwater flow (est. chloride concentration 68 mg/L) during the third year of a three-year drought would result in a surface water chloride concentration of 116 mg/L, an increase of 0.87%. The impact resulting from a drought (slight increase in chloride concentration and reduction in flow) is reversed quickly when normal or wet conditions return. The net effect is a long-term decrease in chloride concentrations and an increase in GW discharge (and corresponding decrease in river chloride levels) that occurs during all non-drought years because the ASR system is injecting, not pumping and there are more injection years than pumping years.

99. Letter from the Southern California Association of Governments, dated February 4, 2003

Response 1

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

Response 2

It is acknowledged that the additional water source information presented in the Revised Draft Additional Analysis is supportive of the Water Resources Chapter policy found in SCAG's RCPG.

Response 3

It is acknowledged that the information on the San Fernando Valley Spineflower and other sensitive plants presented in the Revised Draft Additional Analysis are supportive of the Growth Management and Open Space Chapters Policies found in SCAG's RCPG.

100. Letter from County Sanitation Districts of Los Angeles County (Sean Michael Christian), dated January 13, 2003

Response 1

This exhibit has been corrected and is located in the Newhall Ranch Final Additional Analysis (FAA) section entitled, "**Amended Revised Draft Additional Analysis Pages.**"

Response 2

This comment provides factual information about the existing Valencia WRP. This information has been corrected and is located in the Newhall Ranch FAA section entitled, "**Amended Revised Draft Additional Analysis Pages.**" This information will be part of the record and made available to the decision-makers prior to a final decision on the proposed project. No further response is required given that the comment does not question the content of the Revised Draft Additional Analysis.

Response 3

This comment provides factual information about the existing Saugus WRP. This information has been corrected and is located in the Newhall Ranch FAA section entitled, "**Amended Revised Draft Additional Analysis Pages.**" This information will be part of the record and made available to the decision-makers prior to a final decision on the proposed project. No further response is required given that the comment does not question the content of the Revised Draft Additional Analysis.

Response 4

This comment provides factual information about the existing Valencia WRP. This information has been corrected and is located in the Newhall Ranch FAA section entitled, "**Amended Revised Draft Additional Analysis Pages.**" This information will be part of the record and made available to the decision-makers prior to a final decision on the proposed project. No further response is required given that the comment does not question the content of the Revised Draft Additional Analysis.

Response 5

This comment provides factual information about the existing Valencia WRP. This information has been corrected and is located in the Newhall Ranch section entitled, "**Amended Revised Draft Additional Analysis Pages.**" This information will be part of the record and made available to the decision-makers prior to a final decision on the proposed project. No further response is required given that the comment does not question the content of the Revised Draft Additional Analysis.

Response 6

This figure has been updated and is located in the Newhall Ranch FAA section entitled, "**Amended Revised Draft Additional Analysis Pages.**"

Response 7

This table has been updated and is located in the Newhall Ranch FAA section entitled, "**Amended Revised Draft Additional Analysis Pages.**"

101. Letter from County of Ventura Resource Management Agency (Chris Stephens), dated January 16, 2003

Response 1

The first part of this comment is an introduction to comments that follow in the letter. In addition, as requested, the County will make the letter part of the record. No further response is required.

The process employed by the County of Los Angeles to prepare environmental impact reports is one of the methods allowed by CEQA (Public Resources Code Sections 21082.1 and 21151). In fact, some of the larger jurisdictional public agencies in California use the same method (*e.g.*, City of Los Angeles; *See*, Staff Report, dated January 13, 2003 prepared by the County's Department of Regional Planning, **Appendix AD**). The Newhall Ranch environmental documents were all independently reviewed by County staff prior to public circulation. County staff also evaluated comments on all Newhall Ranch environmental documents, provided written responses to comments, and independently reviewed the final environmental documentation. Prior to approving the Newhall Ranch Specific Plan and related actions, the County's Board of Supervisors certified that the final environmental documentation was reviewed and considered, and that it reflected the County's independent judgment and analysis, consistent with the requirements of CEQA (*e.g.*, CEQA *Guidelines* Sections 15088, 15089, 15090).

As indicated in the January 13, 2003 Staff Report, the signing of confidentiality agreements is a common practice, in both the public and private sectors. The Staff Report concluded that, after an investigation into the matter, the existence of confidentiality provisions has not prevented the County from completing an appropriate and thorough environmental review regarding the spineflower and other sensitive plant species as they related to the Newhall Ranch Specific Plan and Water Reclamation Plant (WRP). For additional responsive information, please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower,** and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**.

The County has also reviewed the attachments to this letter, including the California Department of Fish and Game (CDFG) search warrant and report (Attachments 1 and 2). Based on the documents, the warrant was obtained on allegations of the unlawful "taking" of the spineflower. However, no charges were brought against the applicant based on the documents, or such allegations.

Response 2

The County believes that all environmental-related information has been presented to the public and the decision-makers in this case. The Revised Draft Additional Analysis (RDAA) presents a comprehensive chapter addressing the San Fernando Valley spineflower. Prior to public circulation in November 2002, the RDAA, including the spineflower chapter, was thoroughly reviewed by County staff, County biologists, and staff from the CDFG. For further information responsive to this comment, please refer to

Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures.**

Response 3

The comment refers to information that the commentator received from a lawsuit that Newhall has filed against operators of an oil lease on the Newhall Ranch site (in this case, operators of the Newhall Potrero Field). Newhall has indicated that the purpose of the lawsuit is to ensure that the oil lease area is remediated consistent with state and federal standards. As discussed below, the 1996 Newhall Ranch Draft EIR disclosed the existence of the oil field operations, and the types of conditions found on the oil leased land. The 1996 EIR also identified mitigation requiring remediation and other measures to address the oil field operations. In addition, the 1996 EIR is a "program-level" document under CEQA (*See*, CEQA *Guidelines* Section 15168), which is appropriately more general than a "project-level" EIR. In this case, subsequent project-level environmental documents must be prepared before construction is permitted on any portion of the Specific Plan site, including the Newhall Potrero Oil Field, with the sole exception of the Water Reclamation Plant. For further information regarding the type of EIR prepared for the Newhall Ranch Specific Plan and WRP, please refer to the Newhall Ranch Final EIR, Volume III, dated November 24, 1997, and specifically, Topical Response 1: Type of EIR and Level of Detail Required.

As discussed above, the partially certified Newhall Ranch EIR has disclosed information regarding the oil lease lands on Newhall Ranch. The commentator is directed to the original 1996 Newhall Ranch EIR, and specifically, to Section 4.5, Environmental Safety. Excerpts from the 1996 EIR, Section 4.5, are provided below.

On page 4.5-1, the EIR included an initial summary, which referred to a portion of the Newhall Ranch site "presently used for crude oil and natural gas production." The EIR further stated that: "[b]ecause crude oil is not considered to be a hazardous material, residential and non-residential development in areas currently occupied by the oil production facilities would not, when remediated to local, state and federal standards, result in environmental safety hazards to Specific Plan residents, employees and/or visitors. Permanent development near abandoned oil and natural gas production wells, and development in proximity to remaining oil and natural production wells and flaring operations, which is typical of similar oil field operations throughout California, would be subject to the requirements of the California Department of Conservation, Division of Oil and Gas, that would allow safe development of these areas to occur."

On page 4.5-2, the EIR stated: "Potential impacts may result if development occurs in the following locations: ...adjacent to historic and continuing oil and natural gas production operations." Under "Existing Oil and Natural Gas Production Operations", and beginning on page 4.5-2, the EIR stated:

> "There are two large oil and natural gas fields on the Newhall Ranch site: the Newhall Potrero Field operated by Medallion, and the Castaic Junction Field (which is in the process of being abandoned and remediated) previously operated by Exxon Company, USA (*See*, Figure 4.5-1, Major Oil Field Locations). There are also two smaller fields on site: the LBTH Field operated by Blair, and the Blackhawk Field operated by Vintage."

The EIR, Figure 4.5-1, specifically depicted the "Newhall Potrero Lease," the "Exxon Castaic Junction Lease," and the "Other Lease" areas, located on Newhall Ranch. On page 4.5-4, the EIR provided information regarding the oil-leased lands, including the Newhall Potrero Field:

> "**(1) Newhall Potrero Field**
>
> The Newhall-Potrero Oil Field (shown in Figure 4.5-2, Newhall-Potrero Oil Field Site Plan) is an active field located within the central portion of the Newhall Ranch site. It lies within Potrero Canyon and produces oil and natural gas from an asymmetrical, northwesterly-plunging, faulted anticline that is approximately 4 miles long and 1 mile wide. The oil field comprises 1,470 acres and two leases: the Rancho San Francisco (RSF) lease of 1,270 acres and the Ferguson lease of 100 acres, both of which are operated by Medallion at the time of this writing. Although 100 acres of the oil and natural gas field lie outside of the Newhall Ranch Specific Plan boundaries, this acreage is discussed in this section because operations in this area could affect development on the Specific Plan site.
>
> Shown on Figure 4.5-2, the production facility includes 163 well sites, six production satellite stations, a shipping tank area, a shop area, a warehouse area, tank batteries, water tanks, earthen sumps and pits, pipelines, and other production facilities. Of the 163 well sites, 119 are active or idle, and forty-four have been abandoned...."

The EIR, Figure 4.5-2, identified the boundary of this oil-leased land, and the specific locations of the producing injection and abandoned wells. In addition, this section of the EIR disclosed the common substances found in oil fields, like those found on the Newhall Ranch site:

> "**(4) Common Substances Found in Oil Fields**
>
> Substances that are commonly found on oil and natural gas fields include total petroleum hydrocarbons and aromatic volatile organic compounds. These are briefly described below:
>
> **(a) Total Petroleum Hydrocarbons**
>
> Total petroleum hydrocarbons (TPH) associated with crude oil production, storage, processing, and transport are the primary substances potentially present in on-site soils.
>
> **(b) Aromatic Volatile Organic Compounds**
>
> The most frequently occurring volatile organic compounds (VOCs) found in soils at oil and natural gas fields are xylenes and ethylbenzene, followed by toluene and benzene (benzene, toluene, ethylbenzene, and xylenes together are referred to as 'BTEX'), all of which are commonly found in crude oil. The most frequently occurring semi-volatile

organic compounds (SVOCs) are phenanthrene and 2-methylnaphthalene, and naphthalene, also typical of crude oil. Other SVOCs which could be found in small quantities include acenaphthene, acenaphthylene, benzo(a)anthracene, benzo(b)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, benzyl alcohol, chrysene, fluoranthene, ideno(1,2,3-c,d)pyrene, and pyrene.

Organic vapor may also be detected in an oil field. It is possible that petroleum hydrocarbon-contaminated soils associated with oil fields and abandoned wells are capable of generating methane gas through anaerobic biodegradation. Other potentially toxic organic vapors may also be generated, such as benzene."

Under "Specific Plan Impacts", on page 4.5-18, the EIR stated:

"Crude oil is not listed as a hazardous material in the California Health and Safety Code (Division 20, Chapter 6.5, Article 13, Management of Used Oil). In general, crude oils that have been removed from the ground and placed in pits or sumps have to be certified as non-hazardous according to the California Health and Safety Code. Spilled crude oil which enters either surface or ground water would be subject to clean-up regulations specified by the Regional Water Quality Control Board. There are no established regulatory clean-up levels for dissolved TPH in ground water; rather, clean-up levels are usually determined by appropriate regulatory agencies on a case-by-case basis.

If development is to occur on the site in the areas where oil and natural gas production has occurred, each area must be remediated per State law. If such areas are to be developed in the future, the methods of remediation could include any of the following: stabilization, on-site incineration, off-site landfilling, bioremediation, and use in cold-batch asphalt.

The mineral leases with the operating companies require the clean up of sites in conjunction with abandonment of the lease. Once these sites have been remediated to local, Federal and State standards, they would be considered safe for development, would not pose a hazard to people, animal, or plant populations, and would, therefore, not result in a significant impact."

The EIR also disclosed the fact that proposed development is likely to impact, or encroach in, areas where there are on-going oil and natural gas operations on the Newhall Ranch site:

"In addition to development occurring in areas no longer in production, development is likely to encroach in areas where oil and natural gas operations are on-going. Such an occurrence is common in southern California and is generally not a source of significant impacts if on-going oil and natural gas related facilities are secured from public access by proper fencing and are accessible to maintenance crews. Given that all such facilities which would occur in development areas would need to be fenced and gated by State law, the Newhall Ranch Specific Plan would not create a potential public health hazard or involve the use, production or disposal of any materials which pose a hazard to people, animal, or plant life populations from oil and natural gas production operations. Therefore, the Specific Plan would not have a significant effect on the environment relative to development at former or adjacent to on-going oil and natural gas production."

Under "Mitigation Measures", and beginning on page 4.5-22, the EIR further recommended performance-based mitigation measures to address the issue of oil and natural gas-related uses on the Specific Plan site. The mitigation measures are as follows:

> "4.5-3. Prior to issuance of grading permits, all abandoned oil and natural gas-related sites must be remediated to the satisfaction of the California Department of Oil and Gas, the Los Angeles County Hazardous Materials Control Program, the South Coast Air Quality Management District, and/or the Regional Water Quality Control Board (Los Angeles region).
>
> 4.5-4. All on-going oil and natural gas operational sites adjacent to or in close proximity to residential, mixed-use, commercial, business park, schools, and local and Community Parks shall be secured by fencing and emergency access to these locations shall be provided.
>
> 4.5-7. In accordance with the provisions of the Los Angeles County Building Code, Section 308(d), all buildings and enclosed structures that would be constructed within the Specific Plan located within 25 feet of oil or gas wells shall be provided with methane gas protection systems. Buildings located between 25 feet and 200 feet of oil or gas wells shall, prior to the issuance of building permits by the County of Los Angeles, be evaluated in accordance with the current rules and regulations of the State of California Division of Oil and Gas."

Lastly, on page 4.5-23, the EIR stated that:

> "As long as the sites of the oil production facilities are remediated to the satisfaction of the State and County and as long as the Newhall Ranch Specific Plan complies with Division of Oil and Gas development requirements for the capping of closed wells and the fencing of the remaining operating facilities, no unavoidable significant safety impacts associated with development on these sites are expected."

In short, at the program-level, the Newhall Ranch EIR disclosed the oil field activities on Newhall Ranch, the byproducts associated with crude oil production, the potential impacts, and the need for remediation, pursuant to performance-based mitigation measures.

Response 4

Please see **Response 1** above. Consistent with the provisions of CEQA, the Newhall Ranch Final EIR and Additional Analysis have disclosed to the public and the decision makers all program-level information regarding spineflower and oil field conditions on the Newhall Ranch Specific Plan site. Based on County staff's investigation, and the additional measures required by County staff to verify that all necessary information has been provided by Newhall's environmental consultants (please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**), it is County staff's position that there is no basis for rejecting all documents prepared at Newhall's direction. The new spineflower surveys also have been prepared at the County's direction and with the County's oversight.

Response 5

The mitigation measures presented in the RDAA are not intended to "prevent additional loss of spineflower" but rather are directed at mitigating the effects of impacts to spineflower associated with implementation of the Newhall Ranch Specific Plan and Water Reclamation Plant. Those are the effects that are addressed in the RDAA. Newhall's legitimate ongoing agricultural operations on the Newhall Ranch property are not properly identified as the "project" for which this environmental analysis and documentation is being prepared under CEQA. Newhall's use of the Newhall Ranch Specific Plan site for agricultural operations is part of the existing conditions on the Newhall Ranch site and considered a permitted use under the agricultural zoning of the property. Those existing conditions were thoroughly disclosed in the Newhall Ranch Revised Draft EIR (March 1999), Section 4.4, Agricultural Resources, and updated in the RDAA, Section 2.6, Spineflower and Other Sensitive Plant Species, pp. 2.6-16 - 2.6-20.

In addition, this comment states that environmental "impacts from the Specific Plan" have already occurred by suggesting that the applicant has intentionally cleared land in the Airport Mesa portion of Newhall Ranch for agricultural activities, including the planting of agave, as a means of destroying the spineflower to "reduce the impacts" of the Specific Plan. According to the applicant, the agave planting on portions of Newhall Ranch were part of its ongoing agricultural operations. The RDAA disclosed that Newhall's legitimate ongoing agricultural uses and operations (Section 2.6, pp. 2.6-16 - 2.6-17), do not constitute "Specific Plan" impacts on the spineflower. For further information regarding this topic, please refer to **Topical Response 7: Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower, Topical Response 8: Compliance with the Court's Decision, Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**, and **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation Through Newhall/CDFG Conservation Easement and Agreement.**

Based on the information provided above, and in response to this comment, there was no Specific Plan development activity that occurred on the Specific Plan site, and the agave agricultural activities were not in furtherance of, or pursuant to, the Specific Plan. These findings are also based on the applicant reporting to the County that it had entered into leases with a tenant farmer for purposes of planting and cultivating agave on the Airport Mesa portion of Newhall Ranch. According to the applicant, the farmer had leased other agricultural land from Newhall, including the land directly adjacent to the approximately 28-acre site on Airport Mesa that was cleared for agave planting.

According to the applicant, the farmer grows agave in Mexico for sales purposes, and the price of agave has increased substantially in the past few years. The farmer is also able to harvest the agave in much shorter time periods than was claimed in the report prepared by CDFG. According to the applicant, since the CDFG investigation, agave has been planted on the Grapevine Mesa portion of Newhall Ranch (in areas outside of where the spineflower is located), and on land owned by Newhall in Ventura County. For further agave-related information, please refer to **Appendix AI** of this Final Additional Analysis.

Response 6

The RDAA provided the following mitigation measure relating to restrictions on on-going agricultural operations:

> "4.6-79. The project applicant, or its designee, shall engage in regular and ongoing consultation with the County and CDFG in connection with its ongoing agricultural operations in order to avoid or minimize significant impacts to the spineflower.
>
> In addition, the project applicant, or its designee, shall provide 30 days advance written notice to the County and CDFG of the proposed conversion of its ongoing rangeland operations on Newhall Ranch to more intensive agricultural uses. The purpose of the advance notice requirement is to allow the applicant, or its designee, to coordinate with the County and CDFG to avoid or minimize significant impacts to the spineflower prior to the applicant's proposed conversion of its ongoing rangeland operations to more intensive agricultural uses. This conversion shall not include ordinary pasture maintenance and renovation or dry land farming operations consistent with rangeland management."

As indicated in **Response 5** above, the applicant has been farming its land for a number of years. In addition, the scientific data suggests that site disturbance, through the elimination of non-native plant species, may possibly benefit spineflower populations. *See*, for example, RDAA, Section 2.6, page 2.6-18, which states: "Spineflower was observed on both undisturbed and recently disturbed ground. However, the 2002 plants were most common and robust in the disturbed areas at the Airport Mesa location (subareas 2 and 3)." Furthermore, in a recent annual progress report of the spineflower on Ahmanson Ranch, Sapphos Environmental, Inc. stated that, based on work on other *Chorizanthe* species, low-competition habitat was a major factor affecting the growth and distribution of such species. In addition, grazing and other disturbances that reduce competition were suggested to enhance the performance of other *Chorizanthe* species, and that these results suggested that some degree of vegetation removal may be used to enhance spineflower colonies if introduced to areas of unoccupied habitat. For a complete copy of this report, which is incorporated by this reference, please refer to **Appendix AH** of this Final Additional Analysis **2081(a) Permit Annual Progress Report for the San Fernando Valley Spineflower Spring Introduction Pilot Study Conducted at Ahmanson Ranch** prepared by Sapphos Environmental, Inc., dated September 16, 2002.

However, in response to this comment, the County has directed that revisions be made to the above mitigation measure in order to provide both the County and CDFG with the authority to prevent the proposed conversion of the applicant's rangeland operations on Newhall Ranch from adversely impacting the spineflower. The applicant has agreed to the revised mitigation measure. As revised, Mitigation Measure 4.6-79 provides that:

> "4.6-79. The project applicant, or its designee, shall engage in regular and ongoing consultation with the County and CDFG in connection with its ongoing

agricultural operations in order to avoid or minimize significant impacts to the spineflower.

In addition, the project applicant, or its designee, shall provide 30 days advance written notice to the County and CDFG of the proposed conversion of its ongoing rangeland operations on Newhall Ranch to more intensive agricultural uses. The purpose of the advance notice requirement is to allow the applicant, or its designee, to coordinate with the County and CDFG to avoid or minimize significant impacts to the spineflower prior to the applicant's proposed conversion of its ongoing rangeland operations to more intensive agricultural uses. This coordination component will be implemented by or through the County's Department of Regional Planning and/or the Regional Manager of CDFG. Implementation will consist of the County and/or CDFG conducting a site visit of the proposed conversion area(s) within the 30-day period, and making a determination of whether the proposed conversion area(s) would destroy or significantly impact spineflower population in or adjacent to those areas. If it is determined that the conversion area(s) do not destroy or significantly impact spineflower populations, then the County and/or CDFG will authorize such conversion activities in the proposed conversion area(s). However, if it is determined that the conversion area(s) may destroy or significantly impact spineflower populations, then the County and/or CDFG will issue a stop work order to the applicant, or its designee. If such an order is issued, the applicant, or its designee, shall not proceed with any conversion activities in the proposed conversion area(s). However, the applicant, or the designee, may take steps to relocate the proposed conversion activities in an alternate conversion area(s). In doing so, the applicant, or its designee, shall follow the same notice and coordination provisions identified above. This conversion shall not include ordinary pasture maintenance and renovation or dry land farming operations consistent with rangeland management. "

Response 7

This comment refers to a notice of preparation of a joint EIR/EIS by CDFG and U.S. Army Corps of Engineers (ACOE) on January 3, 2000, which was initiated by the applicant after the County approved the Specific Plan in March 1999, but before the Court partially set aside the Specific Plan approval and EIR on May 31, 2000. The applicant had initiated discussions with CDFG and ACOE for the processing of Master Section 1600 and 404 permits necessary for the approval of a Newhall Ranch River Management Plan. As indicated in the Final Additional Analysis (October 2001), in response to a letter submitted by CDFG, "[a]t one point, County staff was advised by the applicant that it was exploring an infrastructure approval program with federal and state agencies; however, the applicant withdrew the program after the Court's decision in the Newhall Ranch litigation."[27]

The comment also raises the question, "How can a second EIR be started before the biological impacts of the Specific Plan EIR have been certified?" This comment suggests that the applicant started the EIR/EIS before the Specific Plan EIR was certified. This suggestion is incorrect. An EIR/EIS process was initiated as part of the next step to implementation of the Specific Plan. It was specifically started after the Specific

[27] CDFG's comment letter refers to, and confirms, the applicant's decision to withdraw from the federal/state process initiated prior to the Court's decision in the Newhall Ranch litigation. *See*, Newhall Ranch FAA, dated October 2001, CDFG's letter, p. 2.

Plan EIR was certified by the County in March 1999, and not beforehand. As indicated in the Final Additional Analysis (October 2001), the applications before CDFG and ACOE were formally withdrawn by the applicant after the Kern County Court issued its decision in the Newhall Ranch litigation. *See also,* RDAA, Section 2.6, p. 2.6-6.

The comment states that, "[s]ince the Specific Plan EIR has not been fully certified, the more detailed assessment should be completed and incorporated into the EIR before it is certified." As stated above, and in the RDAA, the applicant formally withdrew from the project-specific federal and state permitting activities after the Court issued its tentative decision in the Newhall Ranch litigation. Therefore, no project-level EIR/EIS was ever completed, and the federal and state permitting activities did not result in "detailed" assessments, as suggested by the comment.

With the exception of potential impacts associated with bank hardening, the Court expressly found that the biological analysis and the biological mitigation program presented in the County's Final EIR was legally adequate for purposes of approving the Newhall Ranch Specific Plan. That Court determination remains in effect today. The Newhall Ranch Additional Analysis (April 2001) prepared by the County in response to the six court-ordered issues also presented relevant additional information regarding the spineflower found on Newhall Ranch, including the mitigation of potential significant impacts. In addition, the County directed the applicant to conduct new plant surveys, including spineflower, on all developable portions of Newhall Ranch in May 2002. These surveys took place from approximately May 2002 through early September 2002. County staff oversaw the biologists' protocols and methodology in connection with those surveys, and conducted a thorough review of the biology reports documenting the survey work. In addition, the County requested that the biology reports and other environmentally-related information be included and circulated for public review in the Newhall Ranch RDAA (November 2002). Please see RDAA, Section 2.6, and Appendix 2.6.

Since the applicant is still not requesting any entitlement that allows construction on the Specific Plan site, with the exception of the Water Reclamation Plant, the project-level EIR that is sought in this comment is still not appropriate at this stage of development. Project-level environmental documents will be required when the applicant seeks entitlements that allow construction of the uses proposed by the Specific Plan. In fact, the applicant is required by a County-initiated mitigation measure (Mitigation Measure 4.11-17) to prepare tiered project-level EIRs in conjunction with each project-specific tentative tract map for the Newhall Ranch Specific Plan. Please see RDAA, Section 2.6, p. 2.6-42.

Response 8

This comment states that "there is never actually a requirement that [the Nickel Water] be used or stored at the beginning of the project." However, the Nickel Water is not needed at the beginning of buildout of the Specific Plan. The analysis presented in the RDAA, page 2.5-143, states that "Nickel Water would only be needed on the Specific Plan site in years when all of the Newhall Agricultural Water has been

used, which is estimated to occur after the 20th year of project construction. Up to that point in time, the unused Nickel Water would be available for storage in groundwater banking programs on an annual basis." This means that the water would need to be available to the Specific Plan at the time of need, or after the 20th year of Specific Plan buildout.

Only after the Newhall agricultural water is in full use (21 years after buildout of the Specific Plan; *see* Revised Draft Additional Analysis, pages 2.5-143 and 144), and in dry years, would approximately 865 acre-feet per year (AFY) of water be used from the Semitropic Groundwater Bank. As stated in the RDAA (page 2.5-149), Newhall has, or potentially will have, access to several water sources that may be stored in its portion of that groundwater bank, including, but not limited to: (a) Newhall/SWP supplies (for which Newhall has an executed agreement for use; *See*, Revised Draft Additional Analysis pages 2.5-150 to 152); (b) CLWA SWP water (for which Newhall has access to by virtue of the fact that the Specific Plan site is within the CLWA service area; *See* RDAA pages 2.5-149 and 150); (c) other CLWA supplies (*See*, RDAA page 2.5-150); (d) Castaic Creek flood flows (*See*, RDAA pages 2.5-152 to 157); and (e) Nickel Water (*See*, RDAA pages 2.5-142 to 147). This comment suggests that the Nickel Water be singled-out for mandatory storage in the Semitropic Groundwater Bank even though any one, or any combination, of the above sources can be used for storage in that groundwater bank. In addition, the RDAA already contains a mitigation measure (Mitigation Measure 4.11-18; page 2.5-246) requiring the applicant to commit its entire Semitropic Groundwater Bank capacity to the Specific Plan. However, in response to this comment, the County has directed that RDAA Mitigation Measure 4.11-20 be revised as follows:

> 4.11-20 The Specific Plan applicant, or its successors, shall assign its acquired Nickel Water rights to the Valencia Water Company <u>or Castaic Lake Water Agency (CLWA), and, in consultation with</u> The Valencia Water Company<u>, CLWA or their designee(s), the applicant</u> shall ensure that the Nickel Water is delivered to the appropriate place of use necessary to serve the Newhall Ranch Specific Plan at the time of need, as determined by the County of Los Angeles through required SB-221 and/or SB-610 analyses for future subdivision map applications. <u>Upon approval of the Specific Plan, the applicant, Valencia Water Company, CLWA or a designee, will take delivery of the Nickel Water, so that such water will be used, or stored for use, for the Specific Plan in future years.</u>

Response 8A

This comment suggests that groundwater models should be supplemented by actual monitoring to actually measure the amount of surface and groundwater flow into Ventura County, and to "compensate downstream users" if water volumes are below historic levels.

First, the RDAA stated that the Specific Plan will not result in significant downstream water-related impacts. Absence any significant impact, no mitigation is required under CEQA. Second, no provision of CEQA forms the basis for downstream water users receiving "compensation" if historical water levels are

not maintained. Such a compensation request presumes a level of water rights by downstream water users (in this case, Ventura County) that does not exist.

Notwithstanding these facts, the information contained in the RDAA supports the conclusion that water flows in the Santa Clara River to areas downstream have actually increased as a result of water importation to the Santa Clarita Valley. This trend is expected to continue as CLWA purchases and brings additional imported water supplies to the Santa Clarita Valley.

While no significant impacts have been identified, the RDAA included, and the applicant accepted, measures that address this comment. Please see RDAA Mitigation Measures 4.11-15 and 4.11-19 on pages 2.5-246 and 2.5-247. Mitigation Measure 4.5-15 states that: "The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY...." Pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley. To monitor groundwater use, the Newhall Land and Farming Company, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County." From the standpoint of groundwater pumping to serve the Specific Plan, this measure ensures that no net increase in groundwater pumping will occur in excess of historical pumping levels. Mitigation Measure 4.11-19 relates to the Memorandum of Understanding (MOU) and Water Resources Monitoring Program that was entered into between the United Water Conservation District in Ventura County and the Upper Basin Water Purveyors. This measure includes, among other items, a monitoring program that will result in a database addressing water usage in the Saugus and Alluvium aquifers over various representative water cycles.

As part of the MOU process, the United Water Conservation District and the applicant have also entered into a "Settlement and Mutual Release" agreement, which is intended to continue to develop data as part of an on-going process for providing information about surface and groundwater resources in the Santa Clara River Valley. That agreement includes the provision stating that "If the then-existing data produced by the MOU's monitoring program identifies significant impacts to surface water or groundwater resources in the Santa Clara River Valley, Los Angeles County will identify those impacts and adopt feasible mitigation measures in accordance with the California Environmental Quality Act." The combination of these two measures, which will become conditions of Specific Plan approval, reasonably achieve what is requested in this comment.

In addition, the following information supports the conclusion that no significant cumulative impacts would be created by the Specific Plan:

1. Rainfall and pumping are not the sole factors affecting water flows at the County Line gage. Other factors outside of Newhall's control will affect year-to-year river flows, including:

- **Antecedent hydrologic conditions.** As an example, a 20-inch rainfall year will generate more river flow if it was preceded by an above-normal rainfall year than if it was preceded by a year of normal or below-normal rainfall. Consequently, there will never be an exact match between the historical rainfall/annual flow record and the future rainfall/annual flow record for any given rainfall or annual flow volume.

- **Changes in land use and water use outside of the Newhall Ranch Specific Plan footprint.** These changes influence the magnitudes and timing of runoff and deep percolation, as well as the volumes of water being applied at the ground surface for outdoor uses (*e.g.*, agricultural, residential, golf courses, or other urban/suburban uses).

- **The timing of storm events.** Two years with equal annual rainfall may have very different patterns of rainfall duration, rainfall intensity, and the number of days with rainfall. These differences would influence the magnitudes of flow observed at the County line on an annual basis.

2. Historical data (presented in the RDAA) show that river flows during the summer months have increased as the amount of land put into urban use has increased. This, in part, is due to the importation of water from outside the basin, which will continue and is expected to increase in the future. This, in turn, has resulted in increased discharges of water reclamation plant flows to the river.

3. The need to reduce water demands from the local aquifers in the Santa Clarita Valley has not been demonstrated by Ventura County. To the contrary, the analyses presented in the RDAA shows that the urbanization of the past 30 years has not caused long-term water level declines in either the alluvium or the Saugus, and that groundwater levels, in fact, are higher today than during the 1950s, when water use was primarily agricultural. The information provided in the RDAA supports the conclusion that no significant cumulative impacts to Ventura County would occur.

In conclusion, no cumulatively significant impacts would occur and, therefore, the suggested monitoring program is not necessary or required.

Response 8B

On January 21, 2003, the County's Board of Supervisors adopted a motion by Supervisor Antonovich indicating the Board's intent to continue, without discussion, the January 28, 2003 public hearing on Newhall Ranch to March 25, 2003, and to extend the written public comment period for the Newhall Ranch additional environmental analysis from January 27, 2003 to February 4, 2003, and further instructed staff to prepare appropriate responses to comments and final environmental documentation, and to make the responses to comments available to the Board and responding agencies in advance of the continued hearing date, in compliance with the requirements of CEQA.

In addition, this comment refers to other previously submitted comments, and responses to those referenced comments are provided below.

Responses to Comments on Biological Resources

Response 9

The information presented in the RDAA pertains to environmental review of the Newhall Ranch Specific Plan. The RDAA accurately portrays information pertaining to environmental impacts associated with the Specific Plan, since the program EIR for the Specific Plan was previously circulated for public review. Information relevant to the Specific Plan environmental review process includes the information regarding the presence and distribution of spineflower on Newhall Ranch. The references cited in the comment do not pertain to environmental impacts associated with implementation of the Newhall Ranch Specific Plan. Nonetheless, the CDFG investigation report cited in the comment is discussed, where appropriate, in order to respond to certain environmental-related issues. In addition, the references cited in the comment will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed Specific Plan.

Response 10

This comment is a summary of various comments that are contained in more detail in the letter. The responses provided below address this summary of comments.

In general, however, as further discussed below, based on its review and investigation of all spineflower-related issues and the environmental documents submitted to date, in staff's opinion, the applicant should have apprised the County sooner regarding other spineflower located on the Newhall Ranch site, and, had County staff been so advised, it may have required the disclosure of all such locations and further spineflower surveys on developable portions of Newhall Ranch. Nevertheless, County staff has now required the applicant to complete spineflower surveys on all developable portions of Newhall Ranch, and has reviewed the protocol, survey methodologies and qualifications of the personnel used to conduct those surveys. County staff was also in the field to monitor those surveys. Based on the survey data, County staff determined that the environmental documentation for Newhall Ranch needed to be revised and recirculated with respect to the spineflower and other issues. *See,* Newhall Ranch Revised Draft Additional Analysis. The Newhall Ranch RDAA has been circulated for public review for a 70-day period. In addition, prior to recirculation, County staff thoroughly reviewed the Newhall Ranch RDAA for accuracy and completeness. During that review, County staff requested that the applicant work closely with CDFG in developing a comprehensive mitigation program for the spineflower and other sensitive plant species. The mitigation program contained in the RDAA, Section 2.6.7, has been closely scrutinized by both the County and CDFG.

As explained in more detail in **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, in staff's opinion, the delayed disclosure by Newhall of information regarding spineflower locations has not ultimately impaired the adequacy of the environmental analysis of spineflower impacts or the identification of adequate mitigation measures or

alternatives to address spineflower issues at the development phase of Newhall Ranch. Furthermore, the current Specific Plan does not authorize any construction activities, with the exception of the Water Reclamation Plant, and detailed surveys for the spineflower already have been conducted there. In summary, the County-directed additional surveys for the spineflower and other sensitive species have been completed, and the spineflower and its distribution on Newhall Ranch have been fully disclosed.

The comment also questions the applicant's intent, the accuracy of the Specific Plan EIR regarding biology and other issues, and the ability of the County to enforce the EIR mitigation measures. These topics have been addressed in **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**. County staff has taken steps in response to these issues, and it is satisfied with the adequacy of the prior EIR and related technical reports, and the ability of the County to enforce all EIR mitigation measures.

Response 11

This comment states that the Newhall Ranch DAA (April 2001) and FAA (October 2001) do not accurately reflect the distribution of spineflower on the Newhall Ranch site and that spineflower information was not timely disclosed until preparation and public circulation of the Newhall Ranch RDAA (November 2002). As part of the County staff's investigation regarding the CEQA review process and the preparation of reports assessing sensitive biological resources on Newhall Ranch, including the spineflower, County staff directed Newhall to respond to comments like those presented above. Provided below is the applicant's explanation, followed by County staff's determination.

1. The spineflower was not observed on the Newhall Ranch site, based on thoroughly prepared biological surveys and reports prepared for the July 1996 Newhall Ranch Final EIR. At that time, the spineflower was determined to have a low potential for occurrence on the Newhall Ranch site because it had not been found during surveys, and because it was presumed extinct. However, even though the spineflower had been designated as having a low potential for occurring on the site, the original Newhall Ranch EIR conducted an impacts analysis on the spineflower, and other sensitive plants, and included mitigation measures for such impacts (*e.g.*, Mitigation Measure 4.6-53). As a result, the original program EIR did address and provide mitigation measures for the spineflower.

In 1999, the spineflower was found on the Ahmanson Ranch site in Ventura County. This represented the first time that the spineflower had been recorded since the 1930s. As of 1999, the spineflower was not listed as a protected plant species under either the California Endangered Species Act (CESA) or federal Endangered Species Act. The listing of the spineflower under CESA only became effective September 8, 2002. At the federal level, the spineflower is still not a listed species, but it has been designated as a "candidate" species.

2. Newhall found the spineflower on the Grapevine Mesa area of its property in May 2000 as part of biological survey work for proposed federal and state project-specific permitting actions for Newhall Ranch. Newhall notified CDFG and other agencies, including Los Angeles County, of the presence of spineflower in the Grapevine Mesa portion of Newhall Ranch, and erected posts to protect the plant in that location. At that time, the spineflower was not listed as an endangered plant. In addition, as stated in the Newhall Ranch Final EIR, prepared in 1996, and subsequently in the Draft Additional Analysis (April 2001), no development is allowed to take place on the Newhall Ranch property (except for the Water Reclamation Plant), until additional plant and animal surveys are completed in processing land use entitlements at the subdivision map level. Therefore, proposed development from Newhall Ranch Specific Plan-related activities have not, and could not, impact sensitive plant species on Newhall Ranch.

3. CDFG's investigative report noted that Newhall advised CDFG in September 2000, shortly after discovery of the spineflower, that there is probably more habitat for the rare plant. Newhall also advised CDFG that it would survey for the spineflower as each phase of any entitled development is implemented, consistent with the adopted biology-related mitigation measures contained in the Newhall Ranch Final EIR (March 1999).

4. At about the time that the spineflower was first observed on Newhall Ranch, the Court in the Newhall Ranch litigation issued its ruling (May 31, 2000), upholding approval of the Newhall Ranch EIR and project in most respects. However, the Court also ordered the County and Newhall to provide additional environmental analysis relating to six specific issues. In light of the Court's ruling, Newhall determined that implementation of any further project-specific planning activities would be set back for a year or more; and, consequently, suspended the plant surveys and a number of other planning activities relating to Newhall Ranch. Newhall then turned its attention to the steps required to comply with the specified issues raised by the Court in its decision. Thereafter, Newhall also advised CDFG and other agencies of its decision to withdraw from consideration proposed federal and state project-specific permitting actions, until the Court's six issues were addressed in an additional environmental analysis. Newhall decided to halt active project-specific biological activities, and to defer documentation of those activities, until the six issues were studied and finalized in the additional environmental analysis. Newhall halted project-specific activities, including further assessment of URS' preliminary plant survey data in other locations of Newhall Ranch. The URS data was maintained for future use with other additional plant surveys to be performed at the project-specific level. Newhall then focused on the six specified issues raised by the Court, none of which required assessment of biological conditions in the upland areas of Newhall Ranch proposed for future development.

5. The Draft Additional Analysis released in April 2001 did disclose the confirmed location of spineflower at Grapevine Mesa. In light of the confirmed location of spineflower on a portion of the project site, the DAA contained detailed requirements for project-level surveys involving the spineflower that were intended to apply to all future development portions of Newhall Ranch. Newhall did not

believe it was necessary to further address, or otherwise quantify, other confirmed or unconfirmed spineflower locations on Newhall Ranch because: (a) the prior Newhall Ranch EIR already addressed the spineflower, project impacts and mitigation; (b) the mitigation program contained in the Newhall Ranch DAA was strengthened to require detailed project-level surveys for the spineflower and other sensitive plant species prior to construction (except as relates to the Water Reclamation Plant, and that site was surveyed and found not to contain spineflower); (c) annual plants like the spineflower are well known to fluctuate dramatically each year based on various factors (*e.g.*, rainfall); (d) spineflower was not a listed species until September 2002; and (e) no project-related activities could occur on Newhall Ranch to adversely impact the spineflower.

6. From April 2001 until 2002 (prior to public circulation of the Newhall Ranch RDAA), Newhall did not take steps to review the URS field work to confirm the presence of spineflower in other locations on Newhall Ranch. Instead, Newhall believed that the URS field work would be reviewed and confirmed at the time additional project-level surveys would be performed on Newhall Ranch. However, after CDFG conducted a search on Newhall Ranch in May 2002, the County directed biologists/botanists retained by Newhall to conduct plant surveys, including spineflower, on all developable portions of the Specific Plan site. The County also directed that the Newhall Ranch RDAA specifically address the spineflower and the additional plant surveys. In November 2002, during preparation of the Newhall Ranch RDAA, Section 2.6, Spineflower and Other Sensitive Plant Species, and at Newhall's request, URS reviewed its field maps from the May 2000 surveys and assisted Newhall in preparing graphics displaying URS' field observations. The Newhall Ranch RDAA (November 2002), Appendix 2.6(g), includes the URS mapping, verified by URS. Based on the URS review, URS found that the mapping contained in Appendix 2.6(g) "accurately [portrayed] [URS] observations of the spineflower and other sensitive plant species in the areas...surveyed."

7. After public circulation of the Newhall Ranch DAA in April 2001, Newhall directed FLx consultants to conduct rare plant surveys in the spring of 2001 (May) for use in future subdivision map applications. At that time, however, Newhall also determined that it was necessary for FLx to conduct plant surveys on the Water Reclamation Plant site, because that site was being reviewed at the project or "construction" level. In the spring of 2001, FLx completed plant surveys on the Water Reclamation Plant site and other areas of Newhall Ranch, including the San Martinez canyon area. The plant surveys conducted by FLx on the Water Reclamation Plant site were disclosed in responses to comments in the Newhall Ranch FAA (October 2001), **Appendix B**. However, at that time, Newhall did not provide the County with the FLx survey data regarding spineflower located in the San Martinez canyon area. This survey data was not provided to the County until preparation of the Newhall Ranch RDAA, which was circulated for public review in November 2002. Newhall did not provide the FLx survey data on San Martinez because: (a) the San Martinez area was not subject to construction, like the Water Reclamation Plant site; (b) the mitigation program contained in the Newhall Ranch DAA required detailed project-level surveys of spineflower and other sensitive plant species prior to allowing construction in any

portion of the San Martinez area; (c) Newhall intended to provide multi-year project-specific survey data from FLx in association with a subdivision map application in that area; (d) no project-related activities could occur on Newhall Ranch to adversely impact the spineflower in that area; and (e) the spineflower found on San Martinez remains intact.

8. In May 2002, CDFG and the District Attorney's office conducted a search on Newhall Ranch for evidence of an alleged unlawful "take" of the spineflower. That search resulted in one misdemeanor count of an alleged streambed alteration, and no charges of an unlawful "take" of the spineflower. No spineflower charges were ever brought against Newhall.

9. The area subject to CDFG's investigation focused on the Airport Mesa portion of Newhall Ranch, which was cleared and terraced for the planting of agave, a plant used in making tequila and some soft drinks. Newhall had entered into agricultural leases with an existing tenant to allow for the planting of agave. Agave also has been planted on the Grapevine Mesa portion of Newhall Ranch (in areas outside of where the spineflower is located). Agave is also planted on land owned by Newhall in Ventura County.

10. Following notification of the CDFG investigation and further information regarding additional potential and confirmed locations of additional spineflower populations, County staff directed that Newhall complete spineflower surveys on all developable portions of Newhall Ranch.

11. In November 2002, in the Revised Draft Additional Analysis, extensive spineflower survey data was published showing five spineflower populations, three located on Newhall Ranch and two located off site. The published data is comprehensive in nature. (*See*, Revised Draft Additional Analysis, Appendix 2.6). The published data includes an extensive mitigation program for the spineflower, in conjunction with mitigation for other sensitive plant species. The spineflower mitigation program includes, among other requirements:

(a) Updated survey requirements at the subdivision map level;
(b) Agency consultation requirements;
(c) Spineflower mitigation overlay study areas;
(d) Creation of spineflower preserve areas, with connectivity, reserve design and buffer area requirements;
(e) Several preserve protection measures;
(f) Fire management plan provisions;
(g) Water flow diversion and management provisions;
(h) Biological monitoring;
(i) Construction impact avoidance measures;
(j) Monitoring, reporting and management measures;
(k) Translocation and reintroduction program; and
(l) Restrictions on on-going agricultural activities.

The spineflower mitigation program was thoroughly reviewed by both the County and CDFG prior to its release to the public for review. CDFG has characterized this spineflower mitigation program as "a framework from which necessary protection for the spineflower and its long-term management can be developed." (*See,* CDFG **Comment Letter 97**, dated January 29, 2003.)

12. In February 2003, the Los Angeles County District Attorney's office, CDFG and Newhall reached a global agreement on the issues regarding the spineflower on Newhall Ranch. The settlement focused on the dedication by conservation easement of over 64 acres as a permanent spineflower preserve (which represents approximately ten-fold the approximately 6.2 acres of land occupied by spineflower plants on Newhall Ranch). The dedication area, as indicated above, protected far more land than where spineflower was actually found; it was on prime development land area; and it required both a management plan and an erosion control plan to be funded by Newhall. Newhall also agreed to improve CDFG access to Newhall Ranch and to biological surveys and reports. In addition, Newhall committed to performing additional plant surveys as part of the subdivision map process. Newhall also committed to implementing the spineflower mitigation program, as outlined above, upon project approval.

Based on County staff's review and investigation of all spineflower-related issues and the environmental documents and reports submitted to date, in staff's opinion, the applicant should have apprised the County sooner regarding other spineflower located on the Newhall Ranch site and, had County staff been so advised, it may have required the disclosure of all such locations and further spineflower surveys on developable portions of Newhall Ranch.

Nevertheless, County staff has now required the applicant to complete spineflower surveys on all developable portions of Newhall Ranch, and has reviewed the protocol, survey methodologies and qualifications of the personnel used to conduct those surveys. County staff was also in the field to monitor those surveys. Based on the survey data, County staff determined that the environmental documentation for Newhall Ranch needed to be revised and recirculated with respect to the spineflower and other issues. *See,* Newhall Ranch Revised Draft Additional Analysis. The Newhall Ranch RDAA has been circulated for public review for a 70-day period.

In addition, prior to recirculation, County staff thoroughly reviewed the Newhall Ranch RDAA for accuracy and completeness. During that review, County staff requested that the applicant work closely with CDFG in developing a comprehensive mitigation program for the spineflower and other sensitive plant species. The mitigation program contained in the RDAA, Section 2.6.7, has been closely scrutinized by both the County and CDFG.

Based on the above, in staff's opinion, the delayed disclosure by Newhall of information regarding spineflower locations has not ultimately impaired the adequacy of the environmental analysis of spineflower impacts or the identification of adequate mitigation measures or alternatives to address

spineflower issues at the development phase of Newhall Ranch. Furthermore, the current Specific Plan does not authorize any construction activities, with the exception of the Water Reclamation Plant, and detailed surveys for the spineflower already have been conducted there.

As stated above, the County-directed additional surveys for the spineflower and other sensitive species have been completed, and the spineflower and its distribution on Newhall Ranch have been fully disclosed. Finally, the County's experience with the applicant, Newhall, dates back to the environmental review and processing of Newhall's Valencia properties (1970s to the present), and the preparation and review of the Newhall Ranch Final EIR (1996 - 1999). The County's past experience has shown that the applicant has adequately fulfilled project-imposed conditions and environmental mitigation measures at the subdivision map level.

Nevertheless, staff has directed that Newhall take certain required actions, and Newhall has complied with staff's direction. For a complete description of staff's directions to Newhall, please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**.

Response 11A

Please refer to **Response 10** above. The applicant has reported that the May 2000 URS observations were not reported as "confirmed" until the November 2002 RDAA because, as described in the RDAA, further biology-related field work and reporting were suspended on Newhall Ranch in response to the Newhall Ranch litigation. The applicant did not direct URS to assess the May 2000 field work until it was determined to be needed for the RDAA. The URS field work was then reviewed by URS biologists and independently assessed by Dudek & Associates. In addition, the County directed Dudek to conduct new plant surveys, including spineflower, in 2002. County staff also oversaw the survey protocol and methodologies, and staff thoroughly reviewed the RDAA, including Section 2.6 and the biology reports (Appendix 2.6). The RDAA was then made available for public review for a 70-day period.

Response 11B

The comment refers to the URS mapping shown in the Newhall Ranch RDAA, Appendix 2.6(g), and asks when those spineflower occurrences were "confirmed," and why was the County, CDFG and the public not notified at that time. For the applicant's response to this inquiry, please refer to **Response 11** above. In summary, according to the applicant, the URS field work was not assessed (*i.e.*, confirmed) because, at that time (May 2000), the Court ordered additional environmental analysis on six specific issues. In light of the Court's ruling, the applicant determined that implementation of any further project-specific planning activities would be delayed; and, consequently, suspended completion of the plant survey work by URS, and a number of other planning activities relating to Newhall Ranch, so that it could focus on complying with the Court-ordered issues.

As stated above, in County staff's opinion, the applicant should have apprised the County and others sooner regarding other spineflower located on the Newhall Ranch site, and, had County staff been so advised, it may have required the disclosure of all such locations and further spineflower surveys on all developable portions of Newhall Ranch. Nevertheless, County staff has now required the applicant to complete spineflower surveys on all developable portions of Newhall Ranch, and has reviewed the protocol, survey methodologies and qualifications of the personnel used to conduct those surveys. County staff was also in the field to monitor those surveys. Based on the survey data, County staff determined that the environmental documentation for Newhall Ranch needed to be revised and recirculated with respect to the spineflower and other issues. In addition, prior to recirculation, County staff thoroughly reviewed the Newhall Ranch RDAA for accuracy and completeness. During that review, County staff requested that the applicant work closely with CDFG in developing a comprehensive mitigation program for the spineflower and other sensitive plant species.

Based on the information presented in **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, in staff's opinion, the delayed disclosure by Newhall of information regarding spineflower locations has not ultimately impaired the adequacy of the environmental analysis of spineflower impacts or the identification of adequate mitigation measures to address spineflower issues at the development phase of Newhall Ranch. Furthermore, the current Specific Plan does not authorize any construction activities, with the exception of the Water Reclamation Plant, and detailed surveys for the spineflower already have been conducted there. As stated above, the County-directed additional surveys for the spineflower and other sensitive species have been completed, and the spineflower and its distribution on Newhall Ranch have been fully disclosed.

Response 11C

Please refer to **Response 11** above. As stated, in staff's opinion, the applicant should have apprised the County sooner regarding other spineflower locations on Newhall Ranch. However, the County has now required completion of new spineflower surveys on all developable portions of Newhall Ranch, in conjunction with protocols and survey methodologies approved by County staff. County staff has also directed that all reports relating to the spineflower on Newhall Ranch be included in the Newhall Ranch RDAA, which has been circulated for public review and comment. The County has imposed certain other measures to ensure a complete and thorough environmental review regarding the spineflower and other sensitive species as they relate to the Specific Plan and Water Reclamation Plant. Please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures.**

The November 2002 RDAA has fully disclosed the presence and distribution of spineflower on Newhall Ranch. *See*, RDAA, Section 2.6. The RDAA has also included a project and cumulative impact assessment as it relates to the spineflower, and an extensive spineflower mitigation program. In short, all relevant information regarding the spineflower has now been fully disclosed.

Response 11D

Please refer to **Responses 10, 11A, 11B** and **11C** above. As stated in **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, County staff has required the applicant to take several corrective measures that will help to ensure that environmental documentation submitted to the County will continue to fully disclose all required environmental-related information. County staff will also continue to independently review all environmental-documentation for accuracy and adequacy.

Response 12

The County concurs that information regarding additional spineflower locations on Newhall Ranch should have been provided sooner to the County. In response, both the County and CDFG, with the cooperation of Newhall, have taken steps to address these issues. Please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower, Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**, and **Responses 10, 11B, 11C** and **11D** above.

Finally, the applicant and CDFG have reached a global settlement of all spineflower-related issues. For further information regarding this topic, please refer to **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation through Newhall/CDFG Conservation Easement and Agreement.**

Response 12A

The applicant has advised County staff that the statement in the comment that the herbaria and CDFG were "denied" information about the spineflower located on Grapevine Mesa is not correct. According to the applicant, in the spring of 2000, Impact Sciences followed its standard practice when it submitted a specimen found on the Grapevine Mesa location to the University of California, Berkeley in order to verify the species as spineflower. Please see Newhall Ranch RDAA, p. 2.6-6. For further information regarding this topic, please see **Responses 11, 11B, 11C, 11D** and **12**, above, **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation through Newhall/CDFG Conservation Easement and Agreement.**

Response 12B

The 2002 RDAA reported that the verification of spineflower near Grapevine Mesa occurred in May 2000, when Impact Sciences, Inc. submitted a specimen to the University of California, Berkeley (UCB). The information included a specimen of the plant and the general location of where the plant was collected. In late May 2000, UCB provided verification that the specimen was the spineflower. The confirmation of additional spineflower occurrences, particularly those of Airport Mesa, on Newhall Ranch took place when URS biologists/botanists were asked to verify their field mapping in connection with preparation of the November 2002 RDAA. Please see RDAA, Appendix 2.6(g). The confirmation process also

occurred in connection with the Dudek biologists/botanists independent field work regarding the presence and distribution of spineflower on Newhall Ranch. Dudek conducted additional plant surveys in 2002 over all developable areas of the Specific Plan site.

Response 12C

Please see **Responses 11, 11B, 11C, 11D** and **12** above. CDFG's investigative report notes that Newhall advised CDFG in September 2000, shortly after the confirmed discovery of the spineflower, that there is probably more habitat for the rare plant. Newhall also advised CDFG that it would survey for the spineflower as each phase of development is implemented, consistent with the adopted biology-related mitigation measures contained in the Newhall Ranch Final EIR (March 1999). *See also*, CDFG **Comment Letter 4**, dated June 19, 2001, at page 6, which is included in the October 2001 FAA.

Response 12D

URS did not conduct an assessment of its field work from late May 2000, or verify spineflower mapping, until requested to do so by the applicant for use in the November 2002 RDAA. As stated above, the County concurs that information regarding additional spineflower locations on Newhall Ranch should have been provided sooner to the County and CDFG. However, the County has called for new spineflower surveys on all developable portions of Newhall Ranch, which have been completed and included in the RDAA. Prior to public circulation of the RDAA, the County thoroughly reviewed the protocols and methodologies to be used in the new spineflower surveys, and independently assessed the adequacy of the spineflower data published in the biology reports, which are part of the RDAA. The County has also required the applicant's consultants to verify that all spineflower data and other environmental-related information required for the Specific Plan environmental documentation has been fully disclosed. For further responsive information, please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**.

Response 13

The comment correctly notes that the October 2001 FAA provided updated information regarding additional surveys conducted in the spring of 2001 on the Newhall Ranch Water Reclamation Plant site. These surveys noted that spineflower was not present on the WRP site. At that time, surveys of the WRP site were necessary, because the WRP was the only component of the Specific Plan that was assessed at a construction-level project for environmental assessment purposes. As stated in **Response 11** above, the applicant has advised the County that it believed the disclosure of spineflower found at the San Martinez location was not necessary because, among other things, the San Martinez location was not within the WRP area, and no development/construction was allowed in the San Martinez location. In addition, as stated in **Response 11** above, the spineflower found on San Martinez remains intact. As stated above, the County concurs that information regarding additional spineflower locations on Newhall Ranch should

have been provided sooner to the County and CDFG. Please see **Responses 11, 11A, 11B, 11C, 11D** and **12** above for further responsive information.

In addition, the publicly circulated November 2002 RDAA disclosed the presence and distribution of spineflower on Newhall Ranch, including spineflower found at the San Martinez location. There is no threat of development impacts on the San Martinez location as no subdivision map entitlements have been requested by the applicant. The existing biology-related mitigation measures, which were strengthened in the October 2001 FAA (*See*, Mitigation Measures 4.6-53 and 4.6-59), ensure that Specific Plan impacts would be avoided or minimized as it relates to spineflower and other sensitive plant species. In addition, as requested by the County, the mitigation measure restricting the applicant's ongoing agricultural operations will further ensure protection of the spineflower during the interim period should the Specific Plan be approved (*See*, Revised Mitigation Measure 4.6-79).

Response 14

The information referenced in the comment has been reflected in public documents, disclosed to the scientific community and communicated to regulatory agencies through the RDAA prepared, in November 2002, as part of the CEQA process. As discussed in **Responses 5** and **9** above, the RDAA addressed the impacts associated with the Newhall Ranch Specific Plan and does not address impacts associated with existing, ongoing agricultural activities that were the subject of the referenced CDFG search warrant. Portions of the spineflower survey data presented in the RDAA was underway by Dudek prior to the CDFG search warrant, was conducted independently of the CDFG investigation, and was not undertaken in response to the CDFG search warrant. After the CDFG surveys, the County directed Dudek to expand its plant surveys to all developable portions of Newhall Ranch. Please see RDAA, Section 2.6, p. 2.6-7, for a further response to this comment.

In addition, the RDAA (November 2002) was thoroughly and independently reviewed by both Los Angeles County and CDFG, and it was publicly circulated to the public, other regulatory agencies and all other interested persons, entities and organizations. The County's Board of Supervisors has not held any hearings regarding the RDAA, or taken any action with respect to that document.

The comment also asks, hypothetically, at what point would Los Angeles County, as CEQA lead agency, have received spineflower-related information, subsequent to the information concerning the spineflower on Newhall Ranch discussed in the original Newhall Ranch Final EIR. The initial spineflower presence and analysis of potential impacts with proposed mitigation measures were contained in the Newhall Ranch DAA (April 2001) and FAA (October 2001). The information concerning the spineflower for CEQA compliance was further disclosed in the RDAA, Section 2.6 and Appendix 2.6. The County has taken steps to address this inquiry, and all spineflower-related information has now been provided, and disclosed in the publicly circulated RDAA, Section 2.6.

Response 15

The County infers from this comment that the reader does not understand correctly the information referenced. The RDAA, Section 2.6.3.2(a) does not reference pre-2002 surveys conducted by Dudek. Rather, this section included estimates of senescent spineflower individuals observed during the surveys conducted by Dudek between May and September 2002. These senescent individuals were designated as pre-2002, because it was not possible to determine what year they germinated.

In response to the second and third paragraphs of this comment, the spineflower locations were overlayed on the Newhall Ranch Specific Plan land use plan in order to illustrate the land uses potentially impacting spineflower. Please see RDAA, Section 2.6, Figure 2.6-1. The RDAA also fully disclosed the direct, indirect and cumulative impacts on the spineflower due to development of the Specific Plan. Please see RDAA, Section 2.6, pp. 2.6-33 - 2.6-41. In addition, the RDAA fully disclosed the existing conditions on Newhall Ranch, including farming, cattle grazing and oil and natural gas production activities. Please see RDAA, Section 2.6, pp. 2.6-16 - 2.6-20. Any existing land use that may have potential to impact spineflower are not impacts to be analyzed for the proposed Specific Plan project under CEQA. It should be pointed out that the existing permitted legitimate agricultural land uses are ministerial activities exempt from CEQA. In further response to this comment, please refer to **Responses 5** and **9** above.

Response 16

The County does not concur with this comment. Please refer to **Responses 5** and **9** above, **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation through Newhall/CDFG Conservation Easement and Agreement**.

As noted in **Responses 5** and **9** above, the November 2002 RDAA addressed environmental impacts associated with the Newhall Ranch Specific Plan, not with existing, ongoing agricultural activities within the Specific Plan area. In addition, the applicant reports that the "impacts" associated with the "soil amendment" activities referenced in the comment were not "in support of the Specific Plan". In any case, Newhall's agricultural farming activities on the Airport Mesa portion of Newhall Ranch were the subject of the plant surveys conducted by Dudek. Please see RDAA, Section 2.6, pp. 2.6-7 - 2.6-8, and Appendix 2.6(a) (Dudek report). In addition, on page 2.6-33, the RDAA adopted a "worst-case" assessment of project impacts on the spineflower by finding that "all land within an area zoned for development will be converted", and, therefore, "any spineflower populations within these areas have been determined at this time to be directly impacted (*i.e.*, removed from the site) by buildout of the Specific Plan."

Finally, the global settlement reached between Newhall and CDFG on all spineflower-related issues is considered further mitigation for impacts to the spineflower by providing an easement in perpetuity on portions of the Newhall Ranch property "to protect the spineflower and its habitat, and to create, within

the Conservation Easement, buffer areas surrounding spineflower populations" on the subject property. (*See*, Conservation Easement Deed, dated February 12, 2003, p. 2.) A copy of this easement is provided in **Appendix AG** of this Final Additional Analysis.

Response 17

As noted in **Response 15** above, the pre-2002 spineflower individuals were identified between May and September 2002, by the inventorying of senescent specimens. It was not possible to determine what year they germinated. It has not been determined if these individuals dated from the same year or different years. It is postulated that since there were greater numbers of senescent individuals than living individuals at many undisturbed localities that the drought has contributed to the decline in numbers. As noted in CDFG's **Comment Letter 97**, dated January 29, 2003, p. 3 (bottom of page), the "numbers of flowering spineflower plants fluctuate widely from year to year, [and] we do not believe that an annual census will be an effective measure of species decline." In addition, observable presence of senescent spineflower individuals does not support the hypotheses of "massive destruction" referenced in the comment. In fact, it is further evidence to the contrary. Finally, the County disagrees with the comment regarding the need to "document Specific Plan impacts that have already occurred." For a further response to this comment, please refer to **Responses 5, 9, 15** and **16** above.

Response 18

The County disagrees with this comment and considers it to be irrelevant to the CEQA project under current consideration. There have been no "Specific Plan impacts that have already occurred." For a further response to this comment, please refer to **Responses 5, 9, 15** and **16** above.

Response 19

Please see **Responses 5, 9, 15** and **16** above.

Response 20

Please see **Responses 5, 9, 15** and **16** above.

In addition, in response to the question raised in this comment, subparagraph (a), the RDAA disclosed that Newhall's legitimate ongoing agricultural uses and operations (Section 2.6, pp. 2.6-16 - 2.6-17), do not constitute "Specific Plan" impacts on the spineflower. For a further response to this comment, please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 8: Compliance with the Court's Decision**.

Please see response above. In further response to the question raised in this comment, subparagraph (b), the County has stated that the applicant should have notified the County sooner regarding additional spineflower on Newhall Ranch. Please refer to **Responses 11, 11A, 11B, 11C, 11D** and **12** above. In addition, please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of**

Information Regarding Spineflower, and **Topical Response 8: Compliance with the Court's Decision**. For a further response to this comment, please refer to **Response 5** above.

In response to the question raised in this comment, subparagraph (c), please refer to the response above, and to **Responses 5, 9, 15** and **16** above. As indicated in prior responses, the County-directed additional surveys for spineflower and other sensitive species have been completed and fully disclosed in the Newhall Ranch RDAA, including an assessment of impacts to the spineflower, mitigation measures and alternatives.

Response 21

The County does not concur with the comment that the "mitigation areas would be developed through artificial reseeding programs." As discussed in RDAA, Mitigation Measure 4.6-66, the primary components of the mitigation plan are avoidance and minimization of impacts to spineflower. Contrary to the statement in the comment that the spineflower preserve(s) would be developed through artificial reseeding programs, the RDAA stated that the spineflower preserve(s) would be established to conserve known locations of spineflower as well as future locations that may be discovered as part of subsequent surveys to be undertaken in accordance with RDAA mitigation measures. Mitigation Measure 4.6-66 calls for the following: "Direct impacts to known spineflower populations within the Newhall Ranch Specific Plan area shall be avoided and minimized through establishment of one or more on site preserves that are configured to ensure the continued existence of the species in perpetuity. Preserve(s) shall be delineated in consultation with the County and CDFG, and will likely require changes and revisions to Specific Plan development footprints for lands within and around the Spineflower Mitigation Area Overlay." (Please see RDAA, Section 2.6, p. 2.6-46.)

As stated in the RDAA, translocation or reseeding programs are proposed only to mitigate residual impacts to spineflower that cannot be avoided or minimized. The RDAA called for these efforts to be undertaken "[I]n addition to conservation of known populations...." (RDAA, Section 2.6, p. 2.6-46). Please refer to **Response 24** to **Comment Letter 97** from CDFG, dated January 29, 2003, for a discussion of the feasibility of the RDAA's referenced translocation/reintroduction program.

In addition, the comment makes reference to the pilot study prepared by Sapphos Environmental, Inc., entitled "*2081(a) Permit Annual Progress Report for the San Fernando Valley Spineflower (Chorizanthe parryi* var. *fernandina) Spring Introduction Pilot Study Conducted at Ahmanson Ranch, Ventura County, California,*" dated September 16, 2002. This study was obtained from Ventura County and reviewed. Based on a review of that report, the County does not agree with the statements made in this comment to the effect that "reseeding" programs on Ahmanson Ranch "have so far resulted in failure." The report's summary, on page 2, specifically stated that Sapphos Environmental, Inc. conducted the pilot study on Ahmanson Ranch:

> "[T]o serve as the initial step in analyzing the ability of the [spineflower] to establish in currently unoccupied locations on Ahmanson Ranch. Two introduction plots and one control plot (located within existing [spineflower] habitat) were established late season, on April 9 and 10, 2002. Plots were subject to three treatments: water application, weed removal, and aspect. Plots were seeded on April 11 and 12, 2002, and monitored from April 13 to August 1, 2002. No germination among experimental plots was observed. However, plots will be monitored through Spring 2005, for germination is likely during the second, third, or fourth growth season as seed is exposed to typical winter conditions ideal for germination. Plants did germinate and establish in the control plot."

On pages 9 and 10, the report summarized one or more factors that likely led to the lack of germination of the spineflower in the experimental plots, but concluded that: "germination of [spineflower] seed among study plots during future growth seasons is likely, as suggested by the successful germination of other *Chorizanthe* species among unoccupied habitat and by [spineflower] population trends and reproductive biology," which was further discussed in that report. In short, the report does not support the comment's statement that such reseeding programs "have so far resulted in failure".

In addition, the translocation/reintroduction program for the spineflower, referenced in Mitigation Measure 4.6-78, expressly stated that the program is "experimental" at this stage. However, the County considers such a program to be a feasible secondary form of mitigation at this juncture based upon available studies conducted in connection with the Ahmanson Ranch project. Please see RDAA, Appendix 2.6(h). In addition, in publicly circulated responses to comments on Ahmanson Ranch, addressing the same issue, several studies were cited in support of the translocation/reintroduction program. For example:

> "Several studies had already been undertaken on closely related taxa that may provide insight on the biology of SFVS (Sapphos, February 2000). Significantly, research conducted on Parry's spineflower (Ellstrand, 1992-1996), Ben Lomond spineflower (C. *pungens* var. *hartwegiana*), slender-horned spineflower (*Dodecahema leptoceras*) (Allen, 1996; Fergusen et al. 1996) and ongoing monitoring of Monterey spineflower (C. *pungens* var. *pungens*) (Zander Associates, 1997-present) have identified that these species are highly susceptible to several risk factors including invasive non-native plants, fire and shade. While these species are adversely affected by these risk factors, *research efforts show that they respond positively to revegetation efforts. Laboratory studies indicate that the seed germination rate is very high.* The biological character of spineflowers as opportunistic species in general allows them to readily colonize new areas; this characteristic is amenable to revegetation efforts that include introduction of nursery-grown material and seed sowing. As long as target areas provide appropriate habitat, are regularly monitored, and have a regular weed abatement program, the reintroduction of spineflower species appears to be possible." (*Emphasis added.*) *See,* Ahmanson Ranch Responses to Comments, Response GC-BIO-12.

Response 22

The County has taken steps to ensure the accuracy and adequacy of the environmental documentation prepared for Newhall Ranch. In addition, the County has required the applicant to obtain disclosure statements, signed under penalty of perjury, from its consultants. County staff also personally supervised the additional spineflower surveys on the Newhall Ranch property in the spring of 2002.

Please see **Responses 11, 11A, 11B, 11C, 11D** and **12** above, and **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower, Topical Response 8**: Compliance with the Court's Decision, **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**, and **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation through Newhall/CDFG Conservation Easement and Agreement.**

Response 23

Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**. Los Angeles County has never been denied any information requested from any of the consultants affiliated with the Newhall Ranch Specific Plan.

Response 24

The County does not concur with this comment. As stated in **Response 3** above, the Newhall Ranch program EIR disclosed the oil field activities on Newhall Ranch, the byproducts associated with crude oil production, the potential impacts, and the need for remediation, pursuant to performance-based mitigation measures. In addition, the comment questions the adequacy of Mitigation Measure 4.5-3 contained in the partially certified Newhall Ranch EIR (March 1999). A challenge to this mitigation is beyond the scope of both the Court's decision and writ and the Newhall Ranch Additional Analysis. Mitigation Measure 4.5-3 is contained in the partially certified Newhall Ranch EIR, which has been certified by the County as adequate, and, which was not challenged in the prior Newhall Ranch litigation.

Response 25

The County disagrees with references made in the comment regarding the County's resources. In addition, the attachment to the comment (Attachment 4) does not support the statements made in the comment. As to the other comments regarding the Newhall Ranch environmental documentation, please see **Responses 11, 11A, 11B, 11C, 11D** and **12**. In addition, please refer to **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower, Topical Response 8: Compliance with the Court's Decision**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**. In addition, please see **Responses 3** and **24** above. The County's environmental review process works as CEQA intends, as a public disclosure method. Contrary to the comment, the County's environmental review was successful, just as in Ventura County, in disseminating the existence of "hundreds of thousands" of spineflower when the preceding 65 years could not (1937 being the last known collection of the species prior to the discovery in 1999 on Ventura County's Ahmanson Ranch project).

Response 26

Mitigation principles incorporated in the RDAA are consistent with those presented in the Newhall Ranch Final EIR and in the Specific Plan policies referenced in the comment. The RDAA, Section 2.6,

does not propose to "delay" spineflower surveys for years until individual tract maps are submitted. As noted in RDAA, Mitigation Measure 4.6-59, *additional* spineflower surveys will continue to be conducted in suitable habitat within the entire Specific Plan Area as was initiated in 2002. Mitigation Measure 4.6-66 requires that spineflower preserve(s) be defined for the entire Specific Plan area "with approval of the first Newhall Ranch subdivision map filed in either the Mesas Village, or that portion of Riverwood Village in which the San Martinez spineflower population occurs." (Please see RDAA, Section 2.6, p. 2.6-46.) With the recently enacted agreement between CDFG and the applicant, this mitigation measure has been functionally initiated.

Likewise, the RDAA acknowledged that Specific Plan designated development areas will change with identification of spineflower preserve(s). As stated in RDAA Mitigation Measure 4.6-65, and as shown on Figure 2.6-8, "changes will likely occur to Specific Plan development footprints, roadway alignments, and the limits, patterns and techniques associated with project-specific grading at the subdivision map level." As a result of these anticipated changes, and because of the requirement for further plant surveys at the project-level, it was determined that the spineflower preserve(s) could be established more definitively in connection with approval of the first Newhall Ranch subdivision map filed in either the Mesas Village or that portion of Riverwood Village in which the San Martinez spineflower population occurs. This determination was found to be appropriate, particularly in light of the fact that the Specific Plan and related actions do not authorize development or construction (with the exception of the Water Reclamation Plant).

In addition, as described in Section 2.6.5.5 of the RDAA, Habitat Characterization, both the timing and amount of precipitation are important factors for the spineflower with respect to germination and survival. As depicted in Table 2.6-1, the surveys conducted during 2002, a year of low rainfall, resulted in far lower counts of spineflower compared to the number of senescent individuals observed in that year from previous year(s). This reflects the fact that, as also noted by CDFG in its comment letter, spineflower may experience dramatic yearly fluctuations in population size.

Based on these factors, further, additional surveys are to be conducted in accordance with RDAA Mitigation Measure 4.6-77. This measure requires that annual surveys be conducted each year for a period of three years should the Specific Plan be reapproved. It is intended that the survey results gathered over the years (across years of varying rainfall) will provide better information on distribution, abundance and variations in population size for spineflower on Newhall Ranch. This information will be used to design and configure spineflower preserves on Newhall Ranch to best achieve the overall goal of the mitigation for this species, which, as stated in the RDAA, is to ensure persistence of this species on Newhall Ranch. This information will also be used to implement avoidance and minimization measures as development occurs on Newhall Ranch, as required in Mitigation Measures 4.6-53 and 4.6-59.

CDFG's **Comment Letter 97**, dated January 29, 2003, page 1, also states that the RDAA "provides a framework from which necessary protection for the spineflower and its long-term management can be developed." As discussed in RDAA Mitigation Measure 4.6-66, the primary components of the mitigation program are avoidance and minimization of impacts to spineflower, which is consistent with the policies stated in the Final EIR and Specific Plan.

Response 27

The County infers from the opinions expressed in this comment that the reader does not fully comprehend the intent of the mitigation measure referenced in that comment. RDAA Mitigation Measure 4.6-79 constitutes an affirmative, enforceable mitigation requirement imposed on the applicant to first "engage in regular and ongoing consultation with the County and CDFG in connection with its ongoing agricultural operations *in order to avoid or minimize significant impacts to the spineflower*." (*Emphasis added*.) Second, the measure requires the applicant to provide "30-days advance written notice to the County and CDFG of the proposed conversion of its ongoing rangeland operations on Newhall Ranch to more intensive agricultural uses." The stated purpose of this measure is to provide "advance notice...to allow the applicant...to coordinate with the County and CDFG to avoid or minimize significant impacts to the spineflower prior to the applicant's proposed conversion of its ongoing rangeland operations to more intensive agricultural uses." By this measure, the applicant has voluntarily agreed to work closely with both the County and CDFG in order to ensure that its ongoing agricultural operations *avoid or minimize* significant impacts to the spineflower. However, in response to this comment, the county revised Mitigation Measure 4.6-79 with the applicant's agreement. The revised Mitigation Measure 4.6-79 now provides that:

> "4.6-79. The project applicant, or its designee, shall engage in regular and ongoing consultation with the County and CDFG in connection with its ongoing agricultural operations in order to avoid or minimize significant impacts to the **spineflower.**
>
> In addition, the project applicant, or its designee, shall provide 30 days advance written notice to the County and CDFG of the proposed conversion of its ongoing rangeland operations on Newhall Ranch to more intensive agricultural uses. The purpose of the advance notice requirement is to allow the applicant, or its designee, to coordinate with the County and CDFG to avoid or minimize significant impacts to the spineflower prior to the applicant's proposed conversion of its ongoing rangeland operations to more intensive agricultural uses. <u>This coordination component will be implemented by or through the County's Department of Regional Planning and/or the Regional Manager of CDFG. Implementation will consist of the County and/or CDFG conducting a site visit of the proposed conversion area(s) within the 30-day period, and making a determination of whether the proposed conversion area(s) would destroy or significantly impact spineflower population in or adjacent to those areas. If it is determined that the conversion area(s) do not destroy or significantly impact spineflower populations, then the County and/or CDFG will authorize such conversion activities in the proposed conversion area(s). However, if it is determined that the conversion area(s) may destroy or significantly impact spineflower populations, then the County and/or CDFG</u>

> will issue a stop work order to the applicant, or its designee. If such an order is issued, the applicant, or its designee, shall not proceed with any conversion activities in the proposed conversion area(s). However, the applicant, or the designee, may take steps to relocate the proposed conversion activities in an alternate conversion area(s). In doing so, the applicant, or its designee, shall follow the same notice and coordination provisions identified above. This conversion shall not include ordinary pasture maintenance and renovation or dry land farming operations consistent with rangeland management. "

Please see RDAA, Section 2.6, for a discussion of the "regulatory setting" associated with legitimate agricultural practices impacting plant species. For a further response to this comment, please refer to, for example, **Response 5** above, **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 8: Compliance with the Court's Decision.**

Response 28

In response to this comment, the proposed measures are neither required nor warranted. RDAA Mitigation Measure 4.6-79 has been revised in response to comments, and is considered adequate and consistent with the suggestions made in this comment.

In addition, RDAA Mitigation Measures 4.6-53 (requiring updated surveys at the subdivision map level), 4.6-59 (requiring extensive County/CDFG consultation at various stages, including additional permitting and mitigation requirements), 4.6-74 (biological monitoring requirements), and 4.6-76 (requiring reassessment of project impacts to spineflower and the potential imposition of additional mitigation) sufficiently address the concerns raised in this comment.

Response 29

Please see **Topical Response 8: Compliance with the Court's Decision.**

Response 30

The County does not concur with the opinions expressed in this comment. First, the comment states that Alternatives 7, 8 and 9 do not meet CEQA requirements for alternatives because they "do nothing to increase the protection of the spineflower." This comment is incorrect.

The RDAA, Section 2.7, p. 2.7-6, specifically states that Alternative 7's primary purpose is to "avoid significant impacts to the on-site spineflower populations by actively translocating all known spineflower plants and seed bank to a location on the Specific Plan site suitable for spineflower growth, including the collection of top soils containing spineflower plants and seed bank, so that the top soil could be relocated to the same relocation area(s) as the translocated spineflower plants." In addition, Alternative 7 states that "[w]hile all the Specific Plan objectives would be met with this alternative, Alternative 7 may not

necessarily be considered environmentally superior to the Specific Plan with respect to spineflower impacts."

The primary reason for the proposed rejection of this alternative is that it would not have the same degree of connectivity to proposed open area that would occur under the Specific Plan. In addition, the Specific Plan's spineflower mitigation program would result in the direct preservation in place of significantly more of the known spineflower plant area, and would result in several more mitigation features (*i.e.*, connectivity, buffering, providing hydrologic protection of spineflower areas, managing water flow, *etc.*) than would be provided under this alternative. Therefore, although other project objectives may not be met, the rejection of the alternative is based on the fact that the alternative is not as favorable from a rare plant perspective as that offered in the Specific Plan.

Alternative 8's primary purpose is also to "avoid or minimize" significant project-related biological impacts to the spineflower by reducing the amount of development and by reducing the footprint upon which such development would occur. *See,* RDAA, Section 2.7, p. 2.7-8. Like Alternative 7, this alternative also provides that the applicant has indicated that certain project features and benefits would not result, if this alternative were adopted *in lieu* of the Specific Plan. This "trade off" between reduced impacts through alternatives and the elimination or minimization of project objectives is not unusual for large-scale proposed development. In any case, however, the primary reasons for the proposed rejection of Alternative 8 are that it "too narrowly limits the range of housing opportunities provided", and because, when compared with the Specific Plan's spineflower mitigation program, the alternative would not provide the connectivity to open areas as proposed under the Specific Plan. Please see RDAA, Section 2.7, p. 2.7-23.

Alternative 9's primary purpose is also to "avoid or minimize" significant project-related biology impacts by reducing the amount of development and the associated development's footprint. *See,* RDAA, Section 2.7, pp. 2.7-25-2.7-40. Like other project alternatives, the applicant has indicated that, if this alternative were implemented, certain other project objectives and benefits would not be provided. However, again, this alternative was rejected in favor of the Specific Plan because it too narrowly limits the range of housing opportunities, and because preserved spineflower populations would not be connected to open areas to the same degree as that provided under the Specific Plan's mitigation program.

In short, the alternatives analysis is sufficient to substantiate rejection of the three alternatives in favor of the Specific Plan's spineflower mitigation program.

Response 30A

This comment expresses the opinion that the Specific Plan should be redesigned, which is a topic thoroughly addressed in the alternatives analysis in the prior Newhall Ranch Final EIR, and updated in the RDAA, Section 2.7, pp. 2.7-2 - 2.7-40. *See also,* **Response 26** above. No further alternatives analysis is needed or required.

Response 30B

Please see **Responses 30** and **30A** above.

Response 31

Please see **Response 7** above.

Response 32

The comment is noted and specific responses to the additional referenced comments are provided below.

Response 33

As stated in **Response 8** above, Mitigation Measure 4.11-20 has been revised in response to comments, so that the Nickel Water will be required to be used, or stored for use, for the Specific Plan.

Response 34

This comment is incorrect. As stated in the RDAA (page 2.5-138), the land presently irrigated with Newhall's agricultural water that would be used to serve the Specific Plan with potable water is located within Los Angeles County. As shown in RDAA, Appendix 2.5(a), Table 1 of the CH2M HILL November 2002 report, a total of 825 acres of land in Los Angeles County is irrigated with the Newhall agricultural water. Of that amount, 550 acres is within the Newhall Ranch footprint, all of which would be developed or fallowed in the Open Area land use designation of the Specific Plan. This table also shows that 275 acres are outside the Newhall Ranch footprint. On page 10 of the CH2M HILL report (under the heading "Elimination of Agricultural Return Flows"), it states that all the existing agricultural-related return water flow would be eliminated upon full build-out of the Specific Plan. This can only happen if the full 7,038 AFY being used to irrigate this land is converted from agricultural uses to Specific Plan uses. Therefore, the RDAA states that the 825 acres of agricultural land in Los Angeles County would be fallowed and/or developed in order to free-up the water for use on the Specific Plan site.

However, in response to comments, the County has requested, and the applicant has agreed to, the following additional mitigation measure (Mitigation Measure 4.11-21):

> 4.11-21. The applicant, in coordination with RWQCB staff, shall select a representative location upstream and downstream of the Newhall Ranch Specific Plan and sample surface and groundwater quality. Sampling from these two locations would begin upon approval of the first subdivision map and be provided annually to the RWQCB and County for the purpose of monitoring water quality impacts of the Specific Plan over time. If the sampling data results in the identification of significant new or additional water quality impacts resulting from the Specific Plan, which were not previously known or identified, additional mitigation shall be required at the subdivision map level.

Response 35

It is speculative at this time to attempt to predict how the reductions in agricultural use will be coordinated with the water demand of the Specific Plan. Several different combinations of water service are possible. The analysis presented in the RDAA assumes that the applicant's primary water sources would be used before any supplemental water source (*i.e.*, agricultural water followed by Nickel Water). From an environmental standpoint, this is a worst-case scenario (*i.e.*, maximum withdrawal of local groundwater results in the greater impact potential than does reliance on imported sources). However, while not expected at this time, the applicant has the option of using Nickel Water first in varying amounts combined with agricultural water, or it could legally exercise its rights to use some imported SWP water provided through CLWA or its Newhall/SWP water source in combination with agricultural water. It could also use all of these sources simultaneously. It is also not required at the program-level to attempt to predict the ultimate order of water use. Such information will be defined on a tract map-by-tract map basis through the tiered project-specific environmental review process for Newhall Ranch.

Response 36

Mitigation Measure 4.11-15 has been revised in response to this comment:

> 4.11-15. Groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County shall be made available by the Newhall Land and Farming Company, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan. The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY. This is the amount of groundwater pumped historically and presently by the Newhall Land and Farming Company in Los Angeles County to support its agricultural operations. Pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley. To monitor groundwater use, the Newhall Land and Farming Company, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County <u>and the specific land upon which that groundwater was historically used for irrigation. For agricultural land located off the Newhall Ranch Specific Plan site in Los Angeles County, at the time agricultural groundwater is transferred from agricultural uses on that land to Specific Plan uses, The Newhall Land and Farming Company, or its assignee, shall provide a verified statement to the County's Department of Regional Planning that Alluvial aquifer water rights on that land will now be used to meet Specific Plan demand.</u>

In regard to paragraph (d) on page 22 of the comment, the statement is confusing and unclear. Therefore, no additional response can be provided.

Response 37

The RDAA states that the agricultural water would come from land in Los Angeles County (*See*, RDAA, page 2.5-138, and Mitigation Measure 4.5-15, page 2.5-246). The applicant is not proposing the use of groundwater pumped in Ventura County and the total amount of groundwater that can be pumped cannot exceed 7,038 AFY. Therefore, the requested revision is not needed or required.

Response 38

This comment suggests that the water mitigation program as revised does not provide adequate assurance that no more than 7,038 AFY of groundwater would be pumped in association with the Specific Plan. To support the comment, the commentator speculates that the sources of irrigation water of the Semitropic storage project could become "contaminated". The County disagrees with the comment. Mitigation Measure 4.5-15 states that: "The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY...." Pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley. "To monitor groundwater use, the Newhall Land and Farming Company, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County." This measure accomplishes the request made in this comment, which is to provide a performance standard.

Response 39

Page 2.5-248 of the RDAA states that:

> "...adequate water supplies are available for build-out of the Newhall Ranch Specific Plan. In addition, the Specific Plan can be provided with water supplies without creating significant water-related impacts onsite, in the Santa Clarita Valley and downstream in Ventura County ...."

Because the Specific Plan applicant has secured water supplies that more than meet the water demands of the Specific Plan, implementation of the Specific Plan will not contribute to a decline in regional water supplies; therefore, implementation of the Specific Plan will not result in a significant cumulative water availability impact. In addition, cumulative water supplies exceed cumulative water demand; therefore, cumulative development (including the proposed Newhall Ranch Specific Plan) would not result in unavoidable significant cumulative impacts on Santa Clarita Valley water resources. As a result, cumulative impact mitigation measures are not required. However, to ensure sufficient long-term water supplies for all cumulative development (including the proposed Specific Plan), the County's General Plan Development Monitoring System (DMS) requires that tentative map applications show that water supplies are adequate to meet demand." In addition, new laws applicable to certain types of residential subdivisions and other projects (SB-610/SB-221) impose additional water assessment and verification requirements, which will help to ensure sufficient long-term water supplies for cumulative development in Santa Clarita Valley.

The mitigation measures referenced in this comment (*i.e.*, Mitigation Measures 4.5-9 to 4.5-15) are not, contrary to the comment, "designed to mitigate impacts from cumulative water demand". They represent measures designed to ensure that no significant impacts are created by the Specific Plan. In addition, the following information supports the conclusion that no significant cumulative impacts would be created by the Specific Plan:

1. Rainfall and pumping are not the sole factors affecting water flows at the County Line gage. Other factors outside of Newhall's control will affect year-to-year river flows, including:

- **Antecedent hydrologic conditions.** As an example, a 20-inch rainfall year will generate more river flow if it was preceded by an above-normal rainfall year than if it was preceded by a year of normal or below-normal rainfall. Consequently, there will never be an exact match between the historical rainfall/annual flow record and the future rainfall/annual flow record for any given rainfall or annual flow volume.

- **Changes in land use and water use outside of the Newhall Ranch Specific Plan footprint.** These changes influence the magnitudes and timing of runoff and deep percolation, as well as the volumes of water being applied at the ground surface for outdoor uses (*e.g.*, agricultural, residential, golf courses, or other urban/suburban uses).

- **The timing of storm events.** Two years with equal annual rainfall may have very different patterns of rainfall duration, rainfall intensity, and the number of days with rainfall. These differences would influence the magnitudes of flow observed at the County line on an annual basis.

2. Historical data (presented in the RDAA) show that river flows during the summer months have increased as the amount of land put into urban use has increased. This is in part due to the importation of water from outside the basin, which will continue and is expected to increase in the future. This, in turn, has resulted in increased discharges of water reclamation plant flows to the river.

3. The need to reduce water demands from the local aquifers in the Santa Clarita Valley has not been demonstrated by Ventura County. To the contrary, the data analyses presented in the RDAA show that the urbanization of the past 30 years has not caused long-term water level declines in either the alluvium or the Saugus, and that groundwater levels are in fact higher today than during the 1950s, when water use was primarily agricultural. The information provided in the RDAA supports the conclusion that no significant cumulative impacts to Ventura County would occur.

Based on the above, no cumulatively significant impacts would occur and, therefore, the suggested monitoring program is not needed or required.

102. Letter from Castaic Lake Water Agency (Dan Masnada), dated January 17, 2003

Response 1

This comment is consistent with the information presented in the Newhall Ranch RDAA, Section 2.5, pages 2.5-96 to 2.5-113, and, specifically, Figure 2.5-19, Table 2.5-15, Section 2.5.4.10, pp. 2.5-114 to 2.5-120, and Section 2.5.5.3, pp. 2.5-149 to 2.5-150. Both the RDAA and this response acknowledge that CLWA's annual SWP Table A entitlement is not necessarily wholly available each and every year, but rather a varying percentage of that entitlement is allocated by the Department of Water Resources (DWR) for actual delivery to CLWA's service area, based on many factors, including each year's hydrology (*i.e.*, rains, snowfall, *etc.*), SWP system storage, agricultural markets, the availability (and cost) of other water resources, municipal and industrial demands, and environmental requirements (and constraints) associated with the Sacramento-San Joaquin Delta (Delta). *See, for example,* RDAA, p. 2.5-96.

The RDAA used SWP reliability data from the DWRSIM model. *See,* RDAA, pp. 2.5-99 - 2.5-100. To account for variability in SWP supplies, the DWRSIM model simulates the operation of the SWP, based on historical hydrogeologic conditions and other factors, and estimates SWP delivery and reliability. Based on the modeling, it is estimated that 59.7 percent of CLWA's SWP entitlement is available for delivery in average years and that 39.8 percent is available for delivery in dry years.

Both the RDAA, p. 2.5-96 to 2.5-97, and this response further acknowledge that the reliability of CLWA's current SWP Table A contractual entitlement (95,200 AFY) is affected by a number of factors, as stated above. Because of these factors, *actual* SWP supplies and deliveries are subject to reduction. These reductions can occur in average and dry years, and, particularly, during drought periods. In short, neither CLWA nor the RDAA rely on CLWA's total contractual Table A entitlement of 95,200 AFY for planning purposes (*i.e.*, 100 percent of the contractual entitlement). Instead, projected supplies/deliveries of CLWA Table A entitlement are based on a varying percentage of that amount each year. CLWA's current total SWP Table A contractual entitlement (95,200 AFY) is not necessarily available each year because, as stated above, several factors affect and reduce actual deliveries.

It is further acknowledged that the SWP has never been fully constructed and, as a result, DWR cannot deliver 4.23 million acre-feet annually, as once contemplated. DWR's draft *State Reliability Project Delivery Reliability Report,* August 2002, p. 5, makes clear that a SWP contractor's Table A entitlement "is used to define each contractor's proportion of the available water supply that [DWR] will allocate and deliver to that contractor. The Table A amounts in any particular contract, accordingly, *should not be read as a guarantee of that amount, but rather as the tool in an allocation process that defines an individual contractor's 'slice of the pie'.*" According to DWR, the size of the "pie" itself is determined by numerous factors. *Id.* Those factors include, but are not limited to, hydrology considerations, SWP system storage, agricultural markets, availability and cost of other water resources, and environmental requirements and constraints associated with the Delta. DWR's Report, Appendix C, page C-1, provides a detailed description of the

"SWP Table A" component of the water supply contract between DWR and the 29 SWP water contractors. (A complete copy of DWR's Report is provided in the Newhall Ranch RDAA, Volume II, Appendix 2.5(m).) This Report makes clear that the amounts listed in the Table A portion of a SWP water contractor's water supply contract "cannot be viewed as an indication of the SWP water delivery reliability, nor should these amounts be used to support an expectation that a certain amount of water will be delivered to a contractor in any particular time span." *Id.* For these reasons, the Newhall Ranch RDAA, and this response, have *not* relied on CLWA's total contractual "SWP Table A" entitlement of 95,200 AFY for planning purposes.

For a specific analysis of the variability in SWP supplies available to CLWA, please refer to the RDAA, pp. 2.5-96 to 2.5-113, and, particularly, pp. 2.5-98 - 2.5-99 and Figure 2.5-19 and Table 2.5-15. In addition, please refer to the RDAA's summary of water supplies and demand for Santa Clarita Valley. *See,* RDAA, Section 2.5.4.10, pp. 2.5-114 to 2.5-120. This discussion includes an analysis of the imported water supplies, including SWP, which are available to the Santa Clarita Valley. The planned imported SWP supplies are broken down by wet year, average/normal year, and dry year. The source for this information is the Santa Clarita Valley December 2000 Urban Water Management Plan (UWMP), which was included in the Newhall Ranch Draft Additional Analysis (*See,* DAA, Appendix 2.5(a)).

The 2000 UWMP also includes a detailed analysis of the reliability of SWP supplies. According to the UWMP, the issues regarding the reliability of SWP supplies are described as "among the most complex in the resource planning process." The UWMP goes on to identify the opportunities and constraints associated with SWP supplies. (Please see DAA, Appendix 2.5(a) [UWMP, pp. 2-10 to 2-20, and Chapter 4, Reliability Planning, pp. 4-1 to 4-5].)[28]

The RDAA also includes important source documents relating to SWP supplies. For example, please refer to RDAA, Appendix 2.5(i), Volume II, for a complete copy of the most recent *2001 Santa Clarita Valley Water Report,* dated April 2002, including its analysis of CLWA's SWP supplies and water supply reliability (pp. 16-21).

In addition, the RDAA, Appendix 2.5(m), Volume II, includes a complete copy of the draft *State Water Project Delivery Reliability Report,* August 2002, which was issued by DWR to assist the contractors of the SWP in the assessment of the adequacy of the SWP component of their overall water supplies. Information in this report is also useful in assessing SWP supply reliability, which is of key importance to local agencies, like the County.

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[28] The Santa Clarita Valley 2000 UWMP was recently found to be legally adequate, despite claims requesting that the UWMP be set aside. For further information responsive to this topic, please refer to the Newhall Ranch FAA, Appendix Z [trial court transcript announcing decision upholding UWMP, and proposed Statement of Decision].

This comment also addresses the Nickel Water that is referenced in the RDAA, Section 2.5. The RDAA's analysis of the Nickel Water is consistent with this comment, which states that the Nickel Water is fully available each year and that the water would be delivered through the SWP California Aqueduct. *See,* RDAA, beginning on page 2.5-142 for a discussion regarding the Nickel Water; and RDAA, beginning on page 2.5-187 for an analysis of impacts associated with Nickel Water use, including the method of delivery. Regarding the use of SWP California Aqueduct capacity, the RDAA states that:

> "California State Water Code §1810 requires that any available capacity in any water conveyance facility be made available if needed. Specifically, the Code section states '... neither the state, nor any regional or local public agency may deny a bona fide transferor of water the use of a water conveyance facility which has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid for that use.... '" *See,* RDAA, Section 2.5, p. 2.5-142.

This Water Code provision requires that public agencies make available unused conveyance capacity of their facilities, subject to payment of fair compensation and other conditions. The legislative findings adopted when this Water Code provision was passed state that: "[i]t is the policy of the state to facilitate the voluntary sale, lease or exchange of water, or water rights in order to promote efficient use." *See,* Water Code Section 1810 (Historical and Statutory Notes). At this point, as noted in the comment, separate agreements, called "point of delivery" agreements, would allow conveyance of the Nickel Water through SWP facilities to the Semitropic Water Storage District for storage, and the conveyance of the stored water from Semitropic to CLWA. These agreements would involve DWR, Kern County Water Authority (KCWA) and Castaic Lake Water Agency. As stated in the comment, these agreements would require separate CEQA compliance by different lead agencies (KCWA/CLWA). As an example, a similar agreement was recently obtained by CLWA with DWR, which allowed CLWA to deliver its Table A water to the Semitropic Water Storage District for storage. CLWA's compliance with CEQA consisted of a mitigated negative declaration and DWR acted as a responsible agency.

The RDAA, Volume III, Appendix 2.5(d), also includes a report entitled, *Evaluation of Available Capacity in the California Aqueduct from Reach 10A to Reach 30,* prepared by Provost & Pritchard Engineering Group (November 23, 2002). This report evaluated the ability of the existing California Aqueduct and associated facilities to convey the 1,607 AFY of Nickel Water from areas in Kern County (Aqueduct Reach 10A) to CLWA at Castaic Lake (Aqueduct Reach 30) through the year 2035. This report was reviewed and had the input of CLWA and the Metropolitan Water District. As stated below, the report concluded that sufficient capacity in the California Aqueduct is available to convey the additional Nickel Water. Specifically, the report provided that:

> "<u>Purpose</u>
>
> The purpose of this report is to evaluate the ability of existing SWP facilities to convey the remaining 1,607 af/y from areas in Kern County (Aqueduct Reach 10A) to Castaic Lake (Aqueduct Reach 30 on West Branch) through the year 2035. In perspective, 1,607

af/y equates to 8.8 cfs flowing for 3 months per year (or 2.2 cfs flowing throughout the year) in a Aqueduct conveyance system with an operational capacity of 1,680-6,350 cfs and a storage capacity of 540,520 af[29] within these reaches.

Executive Summary

Sufficient capacity in the California Aqueduct is available through 2035 to convey an additional 1,607 af/y of water from Kern County (Reach 10A) to Castaic Lake (Reach 30). Although a theoretical situation exists in which that capacity could be temporarily unavailable, that situation is very unlikely to occur. Further, that situation would occur only in an extremely wet year in which all SWP contractors received and requested delivery of 100% of their SWP water allocations to locations south of the Tehachapi Mountains. In such a year, CLWA would have an abundance of water from CLWA's existing SWP supplies (including the 41,000 af/y SWP entitlement recently acquired by CLWA and 7,648 af/y being acquired by NLF from BMWD) and the water needs of the NLF development could be met using CLWA and/or BMWD water, eliminating the need for the 1,607 af/y that could theoretically be temporarily displaced from the California Aqueduct.

Furthermore, approximately 53,000 af/y in supplemental SWP conveyance capacity is conservatively estimated to be available in the California Aqueduct and the West Branch...from other SWP West Branch contractors and Aqueduct design features that provide operational flexibility and other unscheduled contingencies. Additional conveyance capacity is likely; as in years with 100% SWP entitlement allocations, significant quantities of SWP water from SWP contractors south of the Tehachapi Mountains would be expected to be delivered to areas north of the Tehachapi Mountains to groundwater banking programs and/or sales through the SWP Turnback Pool Program." *See,* RDAA, Appendix 2.5(d), pp. 1-2.

Response 2

This comment refers to the "Supplemental Water Supplies" referenced in the RDAA, Section 2.5, pp. 2.5-134 to 2.5-136 and 2.5-149 to 2.5-168. As summarized in the RDAA, Section 2.5.5.3, there are sufficient water supplies to meet the Newhall Ranch Specific Plan demand. However, certain "Supplemental Water Supplies" were identified—over and above that required for the Specific Plan—"to hedge against potential regulatory and operational risks that may adversely affect the reliability of water supplies over the years." *See,* RDAA, p. 2.5-134.

As to these "Supplemental Water Supplies," the RDAA states that one way of providing "insurance" against the potential "regulatory and operational risks" that may adversely affect the reliability of water supplies over the long-term is to secure additional or supplemental water supplies. The RDAA then provides the following summary of those supplemental supplies that could be available to serve the Newhall Ranch Specific Plan:

"Although the region has planned and developed water supplies to maintain reliability even with a repeat of the recent statewide droughts, the Santa Clarita Valley water

[29] Combined storage of Quail Lake, Pyramid Lake, Elderberry Forebay, Castaic Lake, and Castaic Lake Lagoon (Ref: DWR Data Handbook).

agencies are faced with impacts due to the potential future promulgation of increasingly stringent water quality standards, litigation over water supplies and allocations, environmental constraints and changes in SWP operational criteria. These regulatory and operational uncertainties are many times unanticipated developments and not easily quantifiable. However, these types of uncertainties have occurred throughout the history of California's development of water resources. It is expected that they will continue in the future. A major challenge in water planning is to determine the appropriate measures of insurance to safeguard against these uncertainties to enhance supply reliability. One way of providing supply insurance against such risks is to secure additional or supplemental water supplies. The summary provided below identifies some of the important supplemental water supplies that could be available to serve the Newhall Ranch Specific Plan:

CLWA SWP and Other Supplies. A relatively small portion of CLWA's existing SWP Table A water entitlement could be used, if needed, to supplement a portion of the Specific Plan's potable water need. As a SWP contractor, CLWA may also obtain additional SWP supplies from or through DWR in connection with other programs. The other SWP supplies include the Turnback Water Pool program, the Interruptible water program, Surplus water provisions and Carryover water. These SWP supplies are available in average/normal years as water supply sources for the Saugus Groundwater Banking/ASR program and the Semitropic Groundwater Banking project. However, the CLWA supplies are only considered a supplemental source for Newhall Ranch because the applicant has taken steps to secure its own primary potable water supplies.

Newhall/SWP Water. The project applicant has entered into an agreement to reserve and ultimately purchase 7,648 AFY of additional SWP water entitlement, which would be delivered through SWP facilities to CLWA and be available to serve the Specific Plan. The same SWP reliability parameters discussed above for CLWA SWP water would apply to this source of water.

Castaic Creek Flood Flows. Subject to approval by DWR, Castaic Creek flood flows could be used as a variable supply source in normal/average years, when available, for the Semitropic Groundwater Banking Project (through a water transfer), or for the Saugus Groundwater Banking/ASR program (from CLWA).

Semitropic Groundwater Banking Project. The project applicant has entered into an agreement to reserve and purchase water storage capacity of up to 55,000 acre-feet in the Semitropic Water Storage District Groundwater Banking Project. Sources of water that can be stored in this banking project include, but are not limited to, Nickel Water, Newhall/SWP supplies, and Other CLWA Supplies. The stored water would be extracted in dry years in amounts of up to 4,950 AFY from the project. Up to 865 AFY of this amount would be used as a primary water source during dry years. The remainder (4,085 AFY) would be available as a supplemental source.

Saugus Groundwater Banking/ASR Program. The Groundwater Banking/Aquifer Storage and Recovery (ASR) program, which involves installation of six wells in the Saugus aquifer, would be used to inject or "bank" 4,500 AFY of treated SWP water or other available water when those sources are readily available in normal/average years. During drought periods, when SWP water supplies or other available sources are curtailed, the ASR wells would then be used to recover up to 4,100 AFY to partially meet Specific Plan water demand. In lay terms, the program would operate much like a local bank. Water would be deposited (injected) into the groundwater basin and later withdrawn (recovered), when needed, in dry years." *See,* RDAA, pp. 2.5-134 - 2.5-135.

It is recognized that the identified "Supplemental Water Supplies"—which are not needed to meet the Newhall Ranch Specific Plan demand—may require further project-level analysis and CEQA compliance, if such supplemental supplies are needed in the future as "insurance" against potential regulatory and operational risks, as described above. In addition, it is important to note that, because the proposed Newhall Ranch Specific Plan is at the General Plan and zoning stages only, the EIR and Additional Analysis do not, and cannot, analyze impacts or proposed mitigation measures associated with subsequent project-specific subdivision maps or other plans to implement the Specific Plan. For that reason, the County elected to use a "first-tier" EIR to analyze the potential environmental effects associated with the long-range development of the Newhall Ranch Specific Plan. If the Specific Plan is approved, then the County will require further environmental review as the adopted Specific Plan moves through a series of separate but related project-specific implementation decisions, from possible approval of specific subdivision maps to approval of other related projects, plans, or agreements required to implement the Specific Plan. Each of these possible future project-specific approvals is subject to CEQA compliance (*See,* Newhall Ranch Revised Draft Additional Analysis, Mitigation Measure 4.11-17). *See also,* Newhall Ranch Final EIR, Volume III (November 1997), Topical Response 1: Type of EIR and Level of Detail Required.

In addition, this comment, and other comments identified below, state that implementation of some of the "Supplemental Water Supplies" may call for additional agreements and further CEQA compliance as part of a separate project with different lead agencies. Please see **Response 1** above. In addition, as stated in the RDAA, pp. 2.5-11 - 2.5-12, in conducting the analysis presented in the water resources section, "a good-faith effort was made to provide meaningful information regarding water demand, water supplies and the significant environmental effects that are reasonably foreseeable given those water supplies." *See,* RDAA, Section 2.5.6.4, Impacts Analysis. The RDAA also summarized the applicable legal standards at this stage of development (*i.e.,* general plan land use designations and zoning only). Specifically, the RDAA stated that:

> "It should be emphasized, however, that CEQA does not require that project sponsors actually secure sources of water for a long-term project before an EIR will be viewed as 'adequate'. Instead, under CEQA, it is sufficient to identify water sources, to show that the water sources are adequate and available for build-out of the project, and to consider the impacts of supplying such water to the project site.[30]
>
> In addition, as discussed in the Newhall Ranch Final EIR, it should be emphasized that the County of Los Angeles has already determined that a "program" or "first-tier" EIR is appropriate for the Specific Plan because the Newhall Ranch planning process is at the general plan and zoning stages only, to be followed by subsequent project-specific subdivision maps and further environmental review, and because the build-out for Newhall Ranch is projected to occur over approximately 25 to 30 years.[31]

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[30] *See,* Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal. App. 4th 182, 205-206.

[31] For further information regarding program EIR standards and "tiering" guidelines, please refer to CEQA (Public Resources Code §§21068.5, 21093) and the CEQA *Guidelines* (Guidelines §§15146, 15168, 15385).

> Consistent with the CEQA standards for a program/first-tier EIR, the County contemplates that further environmental documentation will be required as the Specific Plan moves from the general plan/zoning stages to project-specific subdivision maps. The environmental documentation for project-specific subdivision maps will involve the preparation of [tiered] Environmental Impact Reports in accordance with the requirements of CEQA and the CEQA *Guidelines*. By imposing a [tiered] EIR requirement on future project-specific subdivision map applications, the County will ensure that, as part of the Specific Plan subdivision map process, water availability will be verified for each subdivision map under review by the County through its Development Monitoring System ("DMS"), which is a required component of the County's General Plan. As each Specific Plan subdivision map is processed, the County will require confirmation from the water purveyor that it can serve each subdivision with available water supplies. The County will also continue to monitor implementation of all water-related mitigation measures adopted as part of the Newhall Ranch Final Program EIR." *See*, RDAA, p. 2.5-12.

At this stage of development, if the County approves the Specific Plan, the land use entitlements associated with the Specific Plan do not allow for construction or development on the Newhall Ranch site (with the exception of the Water Reclamation Plant). Further processing of Newhall Ranch subdivision maps, and other project-specific entitlements, are still required before any construction may take place on the site.

In addition to the above requirements, the recently enacted measures, SB 610 (Costa) and SB 221 (Kuehl), require water supply assessments and water verifications for subdivision maps that meet certain criteria. Subsequent maps under the Specific Plan will meet the listed criteria and will be subject to the requirements of both of these legislative enactments at the map preparation and review stages (*See*, Newhall Ranch RDAA, Mitigation Measure 4.11-17).

Response 3

This comment refers to the supplemental water supply identified in the RDAA as the "Newhall/SWP Water." For information generally responsive to this comment, please see **Response 2** above.

As noted in this comment, the RDAA, at page 2.5-35, disclosed that the project applicant had entered into agreements with Kern County landowners to reserve and ultimately purchase 7,648 afy of additional SWP Table A entitlement, which would be delivered through SWP facilities to CLWA and be available to serve the Specific Plan. The RDAA also made clear that the same SWP reliability parameters (which result in reductions to that entitlement) would apply to this source of water. *See*, RDAA, p. 2.5-136, Table 2.5-31 (including footnote b).

As stated in this comment, this supplemental water supply source—which is not needed to meet Newhall Ranch Specific Plan water demand—could become part of CLWA's SWP contractual entitlements, subject to additional determinations and agreements among the applicant, CLWA, DWR, the Berrenda Mesa Water District in Kern County (BMWD) and Kern County Water Agency (KCWA). In addition, as stated in this comment, the applicant is likely to designate CLWA as the SWP contractor for purposes of

delivering this supplemental water supply source for use by the applicant on Newhall Ranch in the future, if needed.

The RDAA, at page 2.5-150 to 2.5-152, states that, under the terms of the two agreements with the Kern County landowners, the parties acknowledge that the BMWD would be the party to execute the definitive agreements for the sale of the surplus SWP water from BMWD to the appropriate SWP contractor for the benefit of Newhall. As stated in the RDAA, the likely SWP contractor is CLWA, since the Specific Plan site is within the CLWA service area. For that reason, as stated in this comment, it is likely that DWR will make an agreement with CLWA to provide the surplus SWP water that will service the Newhall Ranch site. The DWR/CLWA agreement is likely to take the form of an amendment to the existing water supply contract between DWR and CLWA, like other amendments that have been entered into, which have increased CLWA's Table A SWP entitlement over the years.

For purposes of the agreements between the applicant and the landowners for the surplus SWP water, the RDAA also discloses that the "surplus SWP water includes all rights and costs associated with the surplus SWP water, including without limitation, the associated storage rights in SWP reservoirs and all rights and capacity in the California Aqueduct necessary to convey the surplus SWP water to the District's historic point(s) of diversion on the California Aqueduct." *See*, RDAA, p. 2.5-151. As stated in the RDAA, and in this comment, additional agreements are required to implement this supplemental water supply should it be necessary. As stated in the RDAA, page 2.5-194, the proposed agreements, if needed, constitute a separate project, which may have a significant effect on the environment and, therefore, an EIR would be required in accordance with CEQA. CLWA is likely to be the SWP contractor and "lead agency" under CEQA, which would prepare the EIR for the proposed transfer of the surplus SWP water, since the water would be used on the Specific Plan site, located within the CLWA service area. The RDAA, at pages 2.5-194 - 2.5-196, addresses the environmental impacts of the proposed transfer at a program-level.

Since circulation of the RDAA, in fact, in cooperation with the applicant and others, the County has been informed by CLWA that it is currently considering preparation of an environmental impact report that would address this additional SWP entitlement, in conjunction with other available SWP entitlement.

Specifically, CLWA proposes to acquire additional SWP Table A entitlement and annex lands to the CLWA service area. CLWA would acquire up to 16,000 afy of SWP Table A entitlement from KCWA through an agreement with the BMWD. The proposed project would increase the total CLWA SWP Table A entitlement from 95,200 afy to up to 111,200 afy. The proposed project would also include acquisition of SWP contractual rights that provide a means of storage and delivery of the water to CLWA.

It is expected that the disposition of the 16,000 acre-feet proposed to be acquired will be addressed in agreements with landowners, like the applicant. Those agreements will in part address the means by

which those lands will utilize portions of the acquired water to meet future water assessment requirements found in new legislation that would be applicable at the Newhall Ranch subdivision map level (SB 221 and SB 610), if this supplemental water source is needed in the future.

Response 4

This comment refers to the supplemental water supply identified in the RDAA as the "Semitropic Groundwater Banking Project". For information generally responsive to this comment, please see **Response 2** above.

As stated in the RDAA, at page 2.5-135, the applicant has entered into an agreement to reserve and purchase water storage capacity of up to 55,000 acre-feet in the Semitropic Water Storage District Groundwater Banking Project. As stated on page 2.5-135, the sources of water than can be stored in this banking project include, among others, the Nickel Water, the Newhall/SWP supplies, and other CLWA supplies.

As stated in this comment, conveyance of water to and from the applicant's Semitropic storage facility account to the CLWA service area will require agreements among DWR, KCWA and CLWA. As previously noted, conveyance of this water through existing public facilities may not be denied provided sufficient capacity exists and fair compensation is paid (Water Code Section 1810). In addition, as stated in this comment, CLWA is currently undertaking the engineering and CEQA analysis that could allow it to obtain its own long-term groundwater banking account in the Semitropic Water Storage District Groundwater Banking Project. As stated in the comment, water banked in such an account could include portions of the Newhall/SWP supplies (7,648 afy), which could become part of CLWA's SWP Table A entitlement, as discussed above.

However, it should be noted that the Newhall Ranch applicant is not requesting that CLWA convey its SWP supplies into the applicant's account. Such a request is not required in order for the Specific Plan to be served with an adequate supply of water.

Response 5

This comment refers to the supplemental water supply identified in the RDAA as the "Saugus Groundwater Banking/ASR Program." For information generally responsive to this comment, please see **Response 2** above.

As stated in this comment, and in the RDAA, CLWA supplies are listed as available for such a program, subject to the annual allocations of SWP Table A entitlement from DWR, as described above. It is acknowledged that CLWA may allocate water to the Valencia Water Company for use in a Saugus/ASR program. Finally, as stated in this comment, and based on the study and analysis contained in the RDAA, p. 2.5-168, the Saugus/ASR program has been demonstrated to be feasible. *See,* Newhall Ranch

DAA, Volume III, Appendix 2.5(c). In addition, Ventura County has acknowledged that the DAA provides data to support the conclusion that the Saugus/ASR program would "work". (*See*, Letter from County of Ventura, dated February 10, 2003, and attached memorandum from Lowell Preston, dated January 29, 2003, p. 3.)

Response 6

This comment refers to the supplemental water supply identified in the RDAA as "Castaic Creek Flood Flows." For information generally responsive to this comment, please see **Response 2** above.

As stated in the comment, and the RDAA, p. 2.5-135, "[s]ubject to approval by DWR, Castaic Creek flood flows could be used as a variable supply source in normal/average years, when available, for the Semitropic Groundwater Banking Project (through a water transfer), or for the Saugus Groundwater Banking/ASR Program (from CLWA)." In addition, as stated in the RDAA, this supplemental water supply source is not needed to meet Newhall Ranch Specific Plan demand. However, this supplemental water supply source is identified because there is a current proposal pending before DWR with respect to the use of these flood flows. *See*, RDAA, pp. 2.5-152 to 2.5-157.

The current proposal involves all of the "Downstream Water Users", including the United Water Conservation District (UWCD), an entity that was previously opposed to such a proposal. Regarding the use of Castaic Creek flood flows on Newhall Ranch, it is acknowledged in the RDAA, p. 2.5-152, that the use of such water is subject to approval by DWR. As stated above, this supplemental source of water is not considered a primary source of water needed for the Specific Plan. Finally, as stated in this comment and in the RDAA, the Downstream Water Users have had discussions with DWR regarding a long-term amendment to the agreement regarding use of the Castaic Creek flood flows, and those discussions are ongoing.

The RDAA, at pages 2.5-238 - 2.5-239, discusses the issues regarding potential downstream impacts associated with the use of the Castaic Creek flood flows as a supplemental water supply for Newhall Ranch. The discussion also assesses water quality-related issues. These issues are fully addressed in the RDAA at a program-level. In addition, the RDAA identifies the beneficial impacts that would occur if the Castaic Creek flood flows were used as part of the Saugus/ASR program (*See*, p. 2.5-239).

Response 7

This comment is consistent with the information presented in the RDAA. Regarding the use of SWP California Aqueduct capacity, please see **Response 1** above.

The Nickel Water is under the control of the Newhall Ranch applicant by contract, and as indicated in the RDAA and this comment, this water source is "firm", or 100 percent reliable. As stated in the comment, the Nickel Water is considered "firm" because the amount is available each year during the contract term,

and is not subject to the annual allocation percentages (and possible reductions) from DWR. For the Nickel Water to become part of CLWA's supplies, the contract right to the water would need to be transferred to CLWA from the applicant. At that time, as stated in the comment, such a proposed water transfer may require separate project-specific CEQA analysis. However, as stated in the RDAA, p. 2.5-196, the proposed transfer of the Nickel Water to the CLWA service area would not require the construction of any new SWP facilities, or the construction or improvement of any other new or existing water facilities or infrastructure. As a result, use of the Nickel Water is not expected to cause any potential significant impacts to the physical environment. In addition, as stated above, the RDAA has already addressed the capacity of the California Aqueduct and associated facilities to convey the Nickel Water to the CLWA service area. The RDAA has also assessed other potential environmental issues associated with use of the Nickel Water, such as the capability to deliver the water to Santa Clarita Valley, the quality of the water, and the impacts to sensitive biological resources, including the Santa Clara River. These issues are assessed in the RDAA, pp. 2.5-197 to 2.5-198. Finally, as stated in the RDAA, the use of the Nickel Water will facilitate the phased development of the Newhall Ranch Specific Plan. However, the growth associated with the Specific Plan has been previously addressed in the partially certified Newhall Ranch Final EIR.

Response 8

In response to this comment, it is acknowledged that this supplemental supply source (Newhall/SWP supplies) would be used under an allocation method being developed by CLWA.

Response 9

This comment refers to the 2000 UWMP, which was referenced in the RDAA, Section 2.5. This comment also references the litigation challenging the adequacy of the UWMP. This litigation is discussed in the RDAA, at pages 2.5-41 to 2.5-42.

Since preparation of the RDAA, Section 2.5, the UWMP litigation has been resolved at the trial court level in favor of the Santa Clarita Valley water purveyors (*See*, Kern County Superior Court No. 245365-RJO). In that litigation, the Court upheld the validity of the UWMP. For a copy of the trial court transcript announcing the decision, and the proposed statement of decision in UWMP litigation, please see the Newhall Ranch Final Additional Analysis, **Appendix Z**.

103. Letter from California Native Plant Society (CNPS) (Ileene Anderson and David L. Magney), dated February 4, 2003

Response 1

This comment is acknowledged and incorporated in the Final Additional Analysis (FAA; October 2001). The County appreciates the comments provided by the California Native Plant Society ("CNPS"). The comments have been made part of the record. The comments will also be made available to the decision-makers prior to a final decision on the proposed project.

Response 2

More rare plants than were reported in the 1996 Newhall Ranch Draft EIR have been recently observed on the Newhall Ranch site because additional plant surveys have been conducted since that time. Similar to the November 2002 Revised Draft Additional Analysis (RDAA), the 1996 Draft EIR was prepared as a "program" document, as defined by CEQA and the CEQA *Guidelines*. As discussed in prior responses to comments, precise development and grading boundaries have not been determined since project-specific design analysis and review has not been completed. Therefore, focused surveys for listed and special-status plant and animal species are not required to be conducted until tiered project-level EIRs are prepared at the subdivision map level entitlement stage. Nevertheless, all listed and special-status plant species that have some potential of occurring on the Newhall Ranch site, including those that were recently observed on the site, have been addressed at the program-level in both the 1996 Draft EIR and the November 2002 RDAA.

The Newhall Ranch site is not located in an "ecotone". The term "ecotone" normally applies to zones of transition between clearly demarcated organismal or vegetational communities, such as between riparian vegetation along a creek and adjacent upland vegetation. Newhall Ranch is part of the overall coastal range ecoregion in southern California, but is not considered within, nor does it abut, desert or montane ecoregions. However, the Newhall Ranch property does indeed exhibit many ecotones in the sense of the term defined in this comment. These include the transition between riparian and upland habitats as well as those between shrublands, grasslands and woodlands.

Response 3

Please see **Topical Response 2: Type of CEQA Document**, presented in the October 2001 Final Additional Analysis prepared by the County, for information responding to the question raised in the comment as to how the Additional Analysis fits into the CEQA process. This response explains how the Additional Analysis is the appropriate type of document.

Response 4

The County has provided appropriate mitigation measures that the County believes will adequately mitigate for impacts to sensitive species. Those impacts are fully identified in the project Specific Plan

EIR. In addition, responses to comments made regarding mitigation measures presented in the Newhall Ranch RDAA are provided below.

We presume that the nine species generally referenced in this comment are those other than *Chorizanthe parryi* var. *fernandina* (spineflower), which are referenced in the spineflower section of the Newhall Ranch RDAA: *Calochortus clavatus* vars. *clavatus*, and *gracilis*, *Calystegia peirsonii*, *Cecocarpus betuloides* var. *blanchae*, *Dudleya cymosa* ssp., *Helianthus nuttallii* ssp. *parishii*, *Juglans californica*, *Juncus acutus* ssp. *leopoldii* and *Opuntia basilaris* var. *brachyclada*. The Newhall Ranch Final EIR (1999) specifically addressed potential impacts to sensitive plant species, and the Newhall Ranch RDAA, Section 2.6, specifically addressed impacts to the spineflower, among other sensitive plant species. The Final EIR and RDAA have included numerous mitigation measures and alternatives that specifically address the potential significant biological impacts of the Specific Plan and Water Reclamation Plant (WRP). When the County certified the Final EIR in March 1999, it did so with appropriate findings regarding the unavoidable significant impacts of the Specific Plan and WRP, including impacts to habitat for sensitive plants (*See*, Final EIR, page 4.6-156). It should be noted the Kern County Superior Court ruled that the Final EIR adequately analyzed the impacts of the Specific Plan and WRP on sensitive plants, including the adoption and evaluation of appropriate mitigation measures and alternatives (*See also*, October 2001 FAA, General Response to CNPS **Comment Letter 16**, dated June 18, 2001, beginning on page RTC-98). The County believes that the EIR including the RDAA meet the provisions of CEQA, and satisfy the requirements of the Kern County Superior Court.

Response 5

The County does not concur with the comment regarding "speculative" language in the RDAA. The referenced text cited from the RDAA is considered part of the required regulatory setting for the spineflower found on Newhall Ranch. In addition, the County believes that the language found in the RDAA does not "represent a flawed interpretation" of the California Endangered Species and the Native Plant Protection Acts. The basis for the text found in the RDAA is summarized in the RDAA, Section 2.6.4.5, pp. 2.6-18 - 2.6-20.

Response 6

This comment is correct in that there is no "agricultural conservation program" authorized by CDFG on Newhall Ranch. In addition, although not stated in the comment, the referenced program is strictly a voluntary one. *See*, Fish and Game Code Section 2086.

Response 7

This comment makes reference to California Attorney General Opinion 98-105, which was published in the Official Reports on June 23, 1998. This Opinion was considered, but was not the only basis supporting the regulatory setting discussion found in the RDAA (Section 2.6.4.5).

In any case, the County does not concur with the comment regarding this Opinion. For example, the comment states that Attorney General Opinions are not legally binding on California Department of Fish and Game (CDFG) or any other party. The published Opinions of the Attorney General often have been considered by the courts of this state and have been given substantial weight, absent contrary applicable legal authority. In addition, courts have presumed that the interpretations found in published Attorney General Opinions have come to the attention of the Legislature, and that if they were contrary to legislative intent, corrective measures would have been adopted in the course of legislative enactments on the subject. In short, the published Opinion (No. 98-105) provides useful information and was considered.

The County does not view an environmental document under CEQA as the appropriate vehicle for the discussion of legal concerns. The proper forum for such legal analysis is in the courts of this state. In any case, the RDAA (Section 2.6.4.5) includes an appropriate response to the commentator's legal analysis and no further response is required at this time.

Response 8

The County does not concur with this comment. For further information responsive to this comment, please refer to **Topical Response 8: Compliance with the Court's Decision**.

Response 9

The Kern County trial court ruled (in May 2000) that the biological analysis of impacts resulting from the Specific Plan is adequate under CEQA. This includes the analysis of impacts to plants and animals. The time to challenge the adequacy of the Specific Plan EIR's biological analysis and the trial court's ruling has passed. Notwithstanding this position, the following is provided for the reader's information.

Surveys on Newhall Ranch for plants have focused on those species that have been listed as "rare, threatened, or endangered" by CDFG or U.S. Fish and Wildlife Service (USFWS), or that are otherwise considered of "special status" by local, state, and/or federal resource agencies. The classification of certain non-vascular plants, particularly lichens and bryophytes, as being of "special status" was only recently recognized by the CDFG, primarily due to the lack of adequate information regarding threats to these species and their overall population status. With respect to lichens, the latest CDFG Natural Diversity Database documentation of *Special Vascular Plants, Bryophytes, and Lichens List* (July 2001) states the following: "There are a few lichens in California for which we have adequate information to place them on the list of Special taxa. We are not including lichens for which little is known, even if they are only known from a few sites in California because the level of information is not developed enough. As information on individual taxa becomes better developed, more lichens may be added." None of the lichens or bryophytes listed in the CNDDB are state or federally listed as Threatened or Endangered. As indicated in the RDAA (p. 2.4-43), site-specific surveys for all special-status animal and plant species

(which, by definition, will include non-vascular plants) potentially occurring on properties proposed for future sub-division will be conducted during project-level environmental review and analysis.

As appropriate, project-level surveys for sensitive plants and animals will occur in association with the processing of tentative tract maps allowing construction on the Newhall Ranch site.

Response 10

The comment does not state where in CEQA the requirement exists that "species of local concern" be addressed in an environmental document. As stated in the October 2001 FAA response to this issue (page RTC-107), "whether plant or animal species of 'local concern' should be addressed in CEQA documents has been long debated. However, if the CEQA *Guidelines* thresholds of significance are used (*See*, CEQA *Guidelines*, Appendix G), species of 'local concern' need not be addressed."

In further considering this comment, it should be noted that CEQA does not define "species of local concern," nor does CNPS in its comment. Therefore, CEQA, Appendix G, again remains the only source for this comment. Since the CEQA *Guidelines* continue only to require consideration of "candidate, sensitive or special status species," as they did when the previous comment was submitted in 2001, the RDAA still is not required to address "species of local concern."

CNPS' prior letter included a list of plants that CNPS regarded as "species of local concern". However, this list, as prepared by one of the signatories to the CNPS letter (David Magney), has not been incorporated into Appendix G of the CEQA *Guidelines*, and thus need not be considered in this RDAA. As noted by Mr. Magney in his *Checklist of Ventura County Rare Plants*, updated September 16, 2002 (Magney D.L. 2002):

> "Under CEQA, lead agencies have considerable discretion in determining whether a species should be considered rare or sensitive. See, for example, the State CEQA *Guidelines* Appendix G checklist cited above, which indicates that lead agencies may designate candidate, sensitive, or special status species in local or regional plans, policies, or regulations." *See*, Magney, D.L. 2002.

The lead agency for the Specific Plan, the County of Los Angeles, has not identified any "species of local concern" in any of its local or regional plans, policies or regulations. The County also has not characterized the plants listed in Mr. Magney's last letter as candidate, sensitive or special status species, or as rare, endangered or threatened species, and, therefore, they were not required to be addressed in the RDAA.

In addition, Mr. Magney's list cannot function as a CEQA threshold of significance for Los Angeles County. As also noted by Mr. Magney in his *Checklist of Ventura County Rare Plants*:

> "CEQA requires, however, that thresholds of significance for general use in a lead agency's environmental review process 'must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence.'" *See*, above, Magney, D.L. 2002, quoting, *Guidelines* §15064.7.

Although Mr. Magney argues that his list should be recognized under CEQA, in this case, the County has not adopted his list of "species of local concern" by ordinance, resolution, rule or regulation through any public review process. Absent such requirements being met, the list referenced in prior CNPS comments need not be addressed by the RDAA.

Response 11

The County believes that the proposed Specific Plan, as revised, is compatible with the biotic resources present within the existing boundaries of SEA 23. For example, this finding is based on information presented in the Draft Additional Analysis (DAA), Section 2.4, General Plan Consistency, generally and starting on page 2.4-21. As stated in the DAA:

> "[T]he Specific Plan is considered highly compatible with the biotic resources present within the existing boundaries of SEA 23 for the following reasons: (a) the Specific Plan proposes to set aside appropriate and sufficient undisturbed sensitive habitat areas within the existing boundaries of SEA 23; (b) the Specific Plan proposes to retain the River Corridor in a largely natural state; (c) only a relatively small amount of sensitive habitat (i.e., 28 acres, or 2 percent of the existing SEA [7 percent of existing riparian habitat]) is being removed due to development; (d) the impacted area would be fully mitigated; (e) the River Corridor would still be sufficiently wide to accommodate the County's Capital Flood and still retain the sensitive riparian vegetation; (f) winter storm runoff would still continue to open its own channels through the River vegetation, flowing in a natural, non-invasive manner and preserve the meandering characteristics of the streambed; (g) the tributary canyons and bluffs on the south side of the River would still be preserved and provide an additional 543 acres (including 451 acres of undisturbed land) which would be dedicated to Open Area adjacent to the River; and (h) due to implementation of the Specific Plan, approximately 156 acres of additional sensitive habitat areas within and adjacent to the SEA 23/River Corridor SMA would be permanently preserved." (*See*, Draft Additional Analysis page 2.4-24.)

In addition, the County's Regional Planning Commission held several public hearings (August 20, 2001, July 16, 2001 and August 27, 2001) before taking action on October 24, 2001, to forward the Newhall Ranch matter to the Board with its recommendation for approval. As part of the Commission's further consideration of Newhall Ranch, it adopted additional findings as to Newhall Ranch's requested Conditional Use Permit (No. 94-087-(5)).

The Commission adopted findings that the proposed adjustments to the existing boundaries of SEA 23 are consistent with General Plan policies requiring the protection of natural resources within SEAs. The Commission also adopted findings regarding Specific Plan development within existing SEA 23, including an assessment that the proposed development conformed to all SEA "design compatibility criteria." The Commission's findings specifically addressed the criterion that the Specific Plan

development was designed to be highly compatible with the biotic resources present in SEA 23, including the setting aside of appropriate and sufficient undisturbed areas. Based upon those findings, the Commission concluded that the Specific Plan development is consistent with the County's General Plan; and that adjustments to the existing SEA 23 boundaries (by removing acreage from the SEA) will nevertheless allow the existing SEA to remain in a viable and largely natural condition.

Based on the findings, the Commission also concluded that the Specific Plan development conforms to all General Plan SEA design compatibility criteria. *See,* Findings of the Regional Planning Commission and Order, Conditional Use Permit No. 94-087-(5), dated October 2001. The Commission's CEQA findings also show that the Commission fully considered claims regarding the Specific Plan's consistency with the existing SEA 23. *See,* Additional CEQA Findings Regarding the Final Additional Analysis to the Partially Certified Final EIR for the Newhall Ranch Specific Plan and Water Reclamation Plant, dated October 2001.

The comment also states that the "disturbed areas in SEA 23 are part of the material disturbance regimes that are essential to maintaining natural hydrology." The County does not concur with this comment since the areas within the SEA designated as disturbed are those areas resulting from farm activities along the River. These land uses (*i.e.*, agriculture) occur on property zoned for farming and other agricultural activities, and from which no discretionary approval or permit is needed from the County's Department of Regional Planning. However, the comment will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed project.

Response 12

The County does not concur with this comment. The mitigation of significant impacts to spineflower is not to be delayed to some future document as suggested in this comment. *See,* **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation through Newhall/CDFG Conservation Easement and Agreement** for related information. In addition, the applicant has entered into an agreement with CDFG providing permanent protection through a conservation easement of approximately 64 acres of spineflower habitat. This amount of land is approximately ten-fold more than the 6.2 acres of land on the Specific Plan site occupied by spineflower. This agreement, in combination with the spineflower mitigation program presented in the RDAA, results in the creation of preserves at this stage of the planning process. Furthermore, Mitigation Measure 4.6-65 states that:

> "4.6-65. In order to facilitate the conservation of the spineflower on the Newhall Ranch Specific Plan site, the applicant, or its designee, shall, concurrent with Specific Plan approval, agree to the identified special study areas shown below in Figure 2.6-8, Spineflower Special Study Mitigation Overlay. The applicant, or its designee, further acknowledges that, *within the Spineflower Special Study Mitigation Overlay (Figure 2.6-8), changes could occur to Specific Plan land use designations, roadway alignments, and the limits, patterns and techniques associated with project-specific grading at the subdivision map level.* The applicant, or its designee, shall design subdivision maps that are responsive to the characteristics

> of the spineflower and all other endangered plant species that may be found on the Specific Plan site." [*Emphasis Added*]

With this mitigation measure, the applicant has acknowledged that, at the appropriate time (*i.e.*, once a tentative tract map allowing construction is created showing the actual design of Specific Plan components), the Specific Plan's design will need to take into consideration the presence of the spineflower, including its ecological requirements or "characteristics". These requirements or characteristics are discussed at length in the RDAA, Section 2.6.5.3, pp. 2.6-23 - 2.6-26. These requirements or characteristics will also take into account the range, distribution and abundance of spineflower, as discussed in the RDAA, Section 2.6.5.4, pp. 2.6-26 - 2.6-30. In short, the performance standard set forth in Mitigation Measure 4.6-65 will ensure that impacts to the spineflower are further avoided or mitigated at the subdivision map level.

Response 13

As indicated in **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation through Newhall/CDFG Conservation Easement and Agreement**, preserves have been created with the cooperation and guidance of CDFG. The agreement, along with the RDAA mitigation program, includes monitoring and review by CDFG and County biologists over time. Several scientifically based resources were utilized in preparing the Newhall Ranch spineflower mitigation program. Those references are considered to be the best available information. Please see RDAA, Section 2.6.10 (References). *See also,* **Response 12** above for further responsive information.

Response 14

The focus of the RDAA, as it pertains to the spineflower and other special-status plant species, is to disclose the potential direct and indirect impacts to these plants due to implementation of the Newhall Ranch Specific Plan and WRP, as well as measures to mitigate these impacts. The discussion of soils, substrate, vegetation, aspect, and elevation found in the RDAA, on pages 2.6-27 through 2.6-30, is presented as a summary of the physical characteristics of the locations of spineflower plants on Grapevine Mesa and Airport Mesa and the similarities and differences of these characteristics from spineflower locations on Ahmanson Ranch. A more thorough discussion of the types and classifications of plant communities within the Newhall Ranch Specific Plan boundary can be found in the 1996 Newhall Ranch Draft EIR. In addition, a more detailed discussion of the plant communities in which spineflower populations have been observed can be found in the Dudek biology report in Appendix 2.6(a) of the RDAA.

In addition to discussions characterizing the plant communities within the areas surveyed, the Dudek report included the CNDDB California Native Species Field Survey Forms that described the plant communities (including dominant plant species) in which each of the special-status plant species observed on Newhall Ranch was found. The biology report, prepared by FLx (September 2002), also

contained a thorough discussion of the plant communities within those portions of Newhall Ranch surveyed for special-status plants. *See*, RDAA, Appendix 2.6(b). There has been no formal adoption of the *Manual of California Vegetation* plant community nomenclature by state or federal resource agencies. Whether or not this system or the Holland system is used seems to be a matter of preference by each agency's regional offices, as well as individuals working for those agencies.

Response 15

The comment expresses the opinion of the commentator. The spineflower mitigation program presented in the RDAA, in combination with the CDFG conservation easement and agreement, provides the appropriate set of performance standards needed to avoid or mitigate potential impacts to the spineflower. At the time tentative tract maps are designed, the County and CDFG will further determine the appropriate level of preservation/mitigation, based on specific map/land use designs and project-level EIRs.

Response 16

Please see **Response 12** above.

Response 17

Please see **Response 12** above. Based on the spineflower section in the Newhall Ranch RDAA, additional information, through surveys, is required prior to identifying the initial spineflower preserves on Newhall Ranch. As described in Section 2.6.5.5 of the RDAA, Habitat Characterization, both the timing and amount of precipitation are important factors for the spineflower with respect to germination and survival. As depicted in Table 2.6-1, the surveys conducted during 2002, a year of low rainfall, resulted in far lower counts of spineflower compared to the number of senescent individuals observed in that year from previous year(s). This reflects the fact that spineflower may experience dramatic yearly fluctuations in population size. This factor was also considered important by CDFG. (*See*, CDFG **Comment Letter 97**, dated January 29, 2003.)

Based on these factors, baseline surveys are proposed to be conducted in accordance with RDAA Mitigation Measure 4.6-77. This mitigation measure requires that annual surveys be conducted for a period of three years if the Specific Plan is re-approved. It is intended that survey results gathered over three years (across years of varying rainfall) will provide better information on distribution, abundance, and variations in population size for spineflower on Newhall Ranch. This information will be used to design and configure spineflower preserves on Newhall Ranch to best achieve the overall goal of the mitigation for this species, which, as stated in the RDAA, is to ensure persistence of this species on Newhall Ranch. This information will also be used to implement avoidance and minimization measures as development occurs on Newhall Ranch as required in Mitigation Measures 4.6-53 and 4.6-59.

Response 18

This comment is not accurate. The RDAA spineflower mitigation program includes monitoring provisions and "triggers for action" if persistent population declines are found. Specifically, Mitigation Measure 4.6-66 (Spineflower Preserves) states, in pertinent part:

> "Once the boundaries of the Newhall Ranch spineflower preserve(s) are delineated, the project applicant, or its designee, shall be responsible for conducting a spineflower population census within the Newhall Ranch spineflower preserve(s) annually for 10 years. (These census surveys shall be in addition to the surveys required by Mitigation Measure 4.6-53, above.) The yearly spineflower population census documentation shall be submitted to the County and CDFG, and maintained by the project applicant, or its designee. *If there are any persistent population declines documented in the annual population census reports, the project applicant, or its designee, shall be responsible for conducting an assessment of the ecological factor(s) that are likely responsible for the decline, and implement management activity or activities to address these factors where feasible. If a persistent population decline is documented, such as a trend in steady population decline persists for a period of 5 consecutive years, or a substantial drop in population is detected over a 10-year period, spineflower may be introduced in appropriate habitat and soils in the Newhall Ranch preserve(s), utilizing the bulk spineflower seed repository, together with other required management activity or activities. These activities shall be undertaken by a qualified botanist/biologist, subject to approval by the County. The project applicant, or its designee, shall be responsible for the funding and implementation of the necessary management activity or activities, as approved by the County and CDFG.*" (*Emphasis added.*)

In addition, the RDAA found that "annual status reports shall be submitted to the County and CDFG for 10 years following delineation of the Newhall Ranch spineflower preserve(s) to ensure long-term documentation of the spineflower population status within the Newhall Ranch preserve(s)." (*Emphasis added.*)

It should be noted that Mitigation Measure 4.6-74 (Biological Monitor) states, in pertinent part:

> "The biological monitor will have authority to immediately stop any such grading activity that is not in compliance with the adopted Newhall Ranch Mitigation Monitoring Program (Biota section), and to *take reasonable steps to avoid the take of, and minimize the disturbance to, spineflower populations within the preserve(s).*" (*Emphasis added.*)

Mitigation Measure 4.6-77 (Newhall Ranch Monitoring and Management) states, in pertinent part:

> "**Management**. Based on the outcome of ongoing monitoring and additional project-specific surveys addressing the status and habitat requirements of the spineflower, *active management of the Newhall Ranch spineflower preserve(s) will be required in perpetuity.* Active management activities will be triggered by a downward population decline over 5 consecutive years, or a substantial drop in population over a 10-year period following County re-approval of the Specific Plan. Examples of management issues that may need to be addressed in the future include, but are not limited to, control of exotic competitive non-native plant species, herbivory predation, weed control, periodic controlled burns or fuel modification compliance.

> After any population decline documented in the annual populations census following County re-approval of the Specific Plan, the project applicant, or its designee, shall be responsible for conducting an assessment of the ecological factor(s) that are likely responsible for the decline, and implement management activity or activities to address these factors where feasible. If a persistent population decline is documented, such as a trend in steady population decline persistent for a period of 5 consecutive years, or a substantial drop in population detected over a 10-year period, spineflower may be introduced in appropriate habitat and soils in the Newhall Ranch preserve(s), utilizing the bulk spineflower seed repository, together with other required management activity or activities. These activities shall be undertaken by a qualified botanist/biologist, subject to approval by the County. *The project applicant, or its designee, shall be responsible for the funding and implementation of the necessary management activity or activities, as approved by the County and CDFG.*
>
> *The length of the active management components set forth above shall be governed by attainment of successful management criteria set forth in the plan rather than by a set number of years.*" (*Emphasis added.*)

With these measures, spineflower conditions and declines can be identified and remedied as necessary. As stated in the above measures, the County has required the applicant to ensure active, perpetual management of the preserves funded by the applicant, or its designee. In addition, the RDAA (p. 2.6-46) addressed the need to obtain an incidental take permit pursuant to Section 2081 of the California Endangered Species Act. Any measures pertaining to the monitoring and/or maintenance of spineflower populations within designated preserve areas required as part of that permit will be implemented as well.

Response 19

RDAA Mitigation Measure 4.6-78 addressed the collection of spineflower seeds. As stated:

> "**Direct seeding**. Prior to the initiation of grading, the project applicant, or its designee, shall submit to the County a program for the reintroduction of spineflower on Newhall Ranch. The reintroduction program shall include, among other information: (a) location map with scale; (b) size of each introduction polygon; (c) plans and specifications for site preparation, including selective clearing of competing vegetation; (d) site characteristics; (e) *protocol for seed collection and application*; and (f) monitoring and reporting. The program shall be submitted to CDFG for input and coordination. The project applicant, or its designee, shall implement the reintroduction program prior to the initiation of grading. At least *two* candidate spineflower reintroduction areas will be created within Newhall Ranch and one candidate spineflower reintroduction area will be identified off site. Both on-site and off-site reintroduction areas will be suitable for the spineflower in both plant community and soils, and be located within the historic range of the taxon. Success criteria shall be included in the monitoring/management plan, with criteria for the germination, growth, and production of viable seeds of individual plants for a specified period." (*Emphasis added.*)

The precise protocol for seed collection and application has not yet been determined. However, as called for in this mitigation measure, the protocol shall be submitted to CDFG for input and coordination. The opinion of the commentator is acknowledged and incorporated in the Final Additional Analysis. The opinion of CNPS will be evaluated in this process. It is further acknowledged that a permit from CDFG is required prior to seed collection efforts.

Response 20

The County agrees that connectivity is a factor in preserve design. For that reason, the RDAA included Mitigation Measure 4.6-67, Connectivity, Reserve Design and Buffers. This mitigation measure provides, in pertinent part:

> "4.6-67. Indirect impacts associated with the interface between the preserved spineflower populations and planned development within the Newhall Ranch Specific Plan shall be avoided or minimized by establishing open space connections with Open Area, River Corridor, or High Country land use designations.... The open space connections and buffer configurations shall take into account local hydrology, soils, existing and proposed adjacent land uses, the presence of non-native invasive plant species, and seed dispersal vectors.
>
> Open space connections shall be configured such that the majority of the spineflower preserves are connected to Open Area, River Corridor, or High Country land use designations. Open space connections shall be of adequate size and configuration to achieve a moderate to high likelihood of effectiveness in avoiding or minimizing indirect impacts (*e.g.*, invasive plants, increased fire frequency, trampling, chemicals, *etc.*) to the spineflower preserve(s). Open space connections shall be configured in consultation with the County and CDFG. Open space connections shall be established in conjunction with approval of the first Newhall Ranch subdivision map filed in either the Mesa Village, or that portion of the Riverwood Village in which the San Martinez spineflower location occurs.
>
> The project applicant, or its designee, shall be responsible for revegetating open space connections and buffer areas of the Newhall Ranch spineflower preserve(s) to mitigate temporary impacts due to grading that will occur within portions of those open space connections and buffer areas. The impacted areas shall be reseeded with a native seed mix to prevent erosion, reduce the potential for invasive non-native plants, and maintain functioning habitat areas within the buffer area. Revegetation seed mix shall be reviewed and approved by the County and CDFG."

In addition, beyond the requirements of Mitigation Measure 4.6-67 above, the RDAA's spineflower mitigation area overlay (Figure 2.6-8) will assist in the further study of connectivity for the spineflower on Newhall Ranch. As is appropriate for future project-level planning, the precise connection point and width of these areas will be determined with assistance from CDFG and the County once tract maps are designed.

Response 21

To avoid creating preserves surrounded by development, and to minimize fragmentation and increased edge effect, spineflower preserves will be configured so that habitat linkages between preserves and other designated open areas are maintained. These other open areas may include those designated as Open Area, River Corridor, or High Country in the Newhall Ranch Specific Plan. As stated on page 2.6-46 of the RDAA, "a sufficient number of known spineflower populations shall be included within the Newhall Ranch spineflower preserve(s) in order to ensure the continued existence of the species in perpetuity." In

other words, the preserves will be created to include existing spineflower populations, and no preserves would be created in open areas that do not already contain spineflower plants or habitat. In addition, as stated on page 2.6-46 and 2.6-48 of the RDAA, preserves will be delineated in consultation with the County and CDFG to ensure effective preserve design.

Response 22

The CBI report concluded that a buffer width of 200 feet, with no habitat manipulation or management actions, would be "highly effective" at minimizing anticipated urban development edge effects of invasive plants, vegetation clearing, increased water supply, trampling, and chemicals, and "moderately effective" at minimizing invasive animals and increased fire frequency. Distances beyond 200 feet showed no detectable differences in buffer effectiveness. At 80-100 feet, buffers were considered to be "unlikely to be effective" for two of the edge effects, "moderately effective" for four of the edge effects, and "highly effective" for one edge effect. CBI also concluded that the addition of specific management actions can further increase the effectiveness of buffers. For example, according to the CBI report, where a buffer width between 80-100 feet in and of itself would be "unlikely to be effective" at minimizing impacts due to invasive animals, the addition of certain management actions (*e.g.*, constructing barriers to exclude non-native animals, utilizing French drains to minimize water seepage into preserve areas, restricting landscaping palettes adjacent to the preserve to exclude use of invasive exotic species, *etc.*) would make this distance "moderately" or even "highly" effective at minimizing these impacts.

Therefore, based on the information contained in the CBI report, the RDAA is correct in stating that buffers between 80 and 200 feet can achieve a moderate to high likelihood of effectiveness, particularly if used in conjunction with various management activities (as included in the RDAA, *see*, pages 2.6-49 through 2.6-53), which minimize edge effects associated with urban development.

Response 23

The revised Mitigation Monitoring Program (MMP) for the Specific Plan, including revegetation as described in Mitigation Measure 4.6-67, will be enforced by the County through its biological planning staff. As stated in Mitigation Measure 4.6-78, spineflower reseeding may also occur with "input and coordination" with CDFG.

Response 24

The opinions expressed in this comment are noted. The information presented in the RDAA is generally consistent with this comment. As stated in the RDAA on page 2.6-56, "the translocation program is experimental at this stage." However, elimination of such a potential mitigation measure at this stage would preclude the use of this technique if greater success in the future is achieved. For this reason, proposal of this mitigation measure is considered appropriate.

Response 25

It is appropriate that the mitigation ratio be greater for direct impacts. Direct impacts include the complete conversion of habitat for spineflower to development related land uses. Indirect impacts do not result in complete conversion, and stands of plants and seed banks may remain. Consequently, areas indirectly impacted do not generally require the same degree of mitigation.

Response 26

The County appreciates the comments provided by CNPS. It should be noted that the Newhall Ranch site does not represent "one of the last remaining open large areas of open space in Los Angeles County". Newhall Ranch is proposed on the edge of an already urbanizing portion of the County. Hundreds of square miles of mountainous and desert landscapes in Los Angeles County remain as open areas.

104. Letter from San Marino Environmental Associates, dated February 4, 2003

General Response

Hydrology and Biology

This letter generally states that the study of floodway impacts presented in the Draft Additional Analysis did not base conclusions on "credible" supporting information. The County environmental document provides hydrological and biological data that the County considers to be credible. The study of the Specific Plan's impact on river biology caused by bank stabilization and channelization is based on data and modeling produced specifically in support of the Draft Additional Analysis. The author of this letter provides no supporting information or data to support his statements and conclusions.

As stated in Draft Additional Analysis, Section 2.3, Floodplain Modifications, page 2.3-1 and 2:

> "The trial court directed Los Angeles County to address the biological impacts on the Santa Clara River corridor due to channelization, increased flow velocities and bank hardening. The trial court also directed the County to consider the analysis and adopt such mitigation measures, alternatives, and/or additional or revised findings as may be necessary to comply with CEQA and the trial court's writ.
>
> The [] analysis [presented in Draft Additional Analysis Section 2.3, Floodplain Modifications,] is intended to respond to the direction in the trial court's writ by undertaking an additional assessment of hydraulic impacts on biological resources in the Santa Clara River corridor due to floodplain modifications associated with the Newhall Ranch Specific Plan. The objective of this analysis is to determine whether the predicted change would cause significant impacts to the nature, amount, and location of the aquatic/riparian habitats in the Santa Clara River corridor, the Specific Plan site, and in downstream reaches in Ventura County. Floodplain modifications include three bridge crossings over the river, bank stabilization along portions of the banks in the Specific Plan area, and removal of 141 acres of mostly agricultural land from the floodplain by raising these areas or placing elevated bank protection.
>
> The focus of the assessment is on impacts to habitat and sensitive species in the River corridor on the Specific Plan site or downstream.
>
> The impact assessment is based on the relationship between hydraulic conditions and aquatic/riparian habitats in the Santa Clara River on the Specific Plan site, and the determination of whether the predicted changes in hydraulic conditions would significantly affect those habitats. The assessment is focused on habitats of sensitive species rather than individuals or populations, which are highly variable over time and space along the River corridor."

This study was undertaken using the description of the occurrence of sensitive species habitats presented in the Final EIR, and from studies prepared by RECON and Aquatic Consulting Services. It was also based on a characterization of the Santa Clara River hydrology and hydraulics prepared by Sikand Engineering. *See,* Draft Additional Analysis page 2.3-2 for more information related to the method of study.

From a hydrological perspective, the data presented in the Draft Additional Analysis stated, at pages ES-4 and ES-5, that:

> "For high frequency floods (2-year, 5-year, and 10-year), the proposed floodplain modifications would not hinder flows or reduce the floodplain area. Instead, ***these flows would spread across the river channel, unaffected by the bank protection because the river would have sufficient width to allow these flows to meander and spread out further than they would under pre-project conditions.***
>
> It is only during more infrequent floods (20-year, 50-year and 100-year events) where flows would spread out to the buried bank stabilization (but no further). This would limit the area of the floodplain during these infrequent flood events, causing inundation over a smaller area because the bank protection will prevent flooding of formerly adjacent floodplain areas. However, the reduction in floodplain area caused by bank protection does not create a significant increase in overall velocities or water depth, because the volume of flow carried in these shallow, slow-moving areas along the margins of the river is small. Moreover, variations are localized and limited in scope, especially when viewed in the entirety of the river corridor within the Specific Plan site and downstream. (*Emphasis added.*)

Based on the hydrological and hydraulic information in the Draft Additional Analysis, the analysis states, at page ES-5, that:

> "... the overall mosaic of habitats in the river would be maintained because the key hydraulic characteristics would not be significantly different under the Specific Plan. Based on these results, the floodplain modifications associated with the Specific Plan (*i.e.*, bank protection and bridges) would not cause significant changes to key hydraulic characteristics, and therefore, would not alter the amount and "pattern" of aquatic, wetland, and riparian habitats in the river at the Specific Plan site and downstream in Ventura County."

Water Quality

The comment also indicates that the topic of water quality impacts caused by the Specific Plan is not adequately addressed in the Draft Additional Analysis. The County addressed the water quality impacts of the Specific Plan in the Final EIR, and the trial court found that the program EIR's analysis of this topic was adequate under CEQA. The time to challenge the trial court's decision on this topic is past. Consistent with the trial court's decision, the Draft Additional Analysis focused on the Specific Plan impacts to the river caused by bank hardening and channelization, not the general water quality impacts of the Specific Plan. Specific mitigation measures have been incorporated into the SUSMPs and the SWPPPs for development projects under NPDES Municipal Permit No AS614001. As NPDES requirements are updated over the coming years, the specific requirements would become part of the SUSMPs and SWPPPs prepared for each individual subdivision. All development entitlements subsequently approved within the Specific Plan area will be required to implement these mitigation measures and any additional measures specific to that approval.

The Specific Plan contains a conceptual NPDES Water Quality Plan. This plan is discussed in the Newhall Ranch Final EIR, Section 4.2, page 4.2-31. In addition, the Newhall Ranch Final EIR includes the *Drainage Report for Newhall Ranch*, Appendix 4.2. Until actual project design occurs, specific BMPs that would be employed cannot be determined. *See*, Final EIR, pages 4.2-31 to 4.2-33, for examples of "source control" and "treatment control" BMPs that are relevant to the Specific Plan.

Regarding the protection of water quality, the Final EIR, Section 4.2, includes mitigation measures that address the NPDES regulations. Given the substantial amount of regulation in place, and the fact that the Specific Plan and WRP must, like all other development, meet the standards resulting from the regulations, the Final EIR concludes that no unavoidably significant water quality impacts would occur. As indicated in the Final EIR at pages 2.1-40 to 2.1-41, the following water quality-related mitigation measures are required:

"4.2-5. Prior to the approval and recordation of each subdivision map, a Hydrology Plan, Drainage Plan, and Grading Plan (including an Erosion Control Plan if required) for each subdivision must be prepared by the applicant of the subdivision map to ensure that no significant erosion, sedimentation, or flooding impacts would occur during or after site development. These plans shall be prepared to the satisfaction of the County of Los Angeles Department of Public Works.

4.2-6. Install permanent erosion control measures, such as desilting and debris basins, drainage swales, slope drains, storm drain inlet/outlet protection, and sediment traps in order to prevent sediment and debris from the upper reaches of the drainage areas which occur on the Newhall Ranch site from entering storm drainage improvements. These erosion control measures shall be installed to the satisfaction of the County of Los Angeles Department of Public Works.

4.2-7. The applicant for any subdivision map permitting construction shall satisfy all applicable requirements of the NPDES Program in effect in Los Angeles County to the satisfaction of the County of Los Angeles Department of Public Works. These requirements currently include preparation of an Urban Storm Water Mitigation Plan (USWMP) containing design features and Best Management Practices (BMPs) appropriate and applicable to the subdivision. In addition, the requirements currently include preparation of a Storm Water Management Pollution Prevention Plan (SWPPP) containing design features and BMPs appropriate and applicable to the subdivision. The County of Los Angeles Department of Public Works shall monitor compliance with those NPDES requirements."

Based on the new regulations relating to SUSMP requirements, the following *additional* mitigation measure would be adopted by the County for the Newhall Ranch Specific Plan:

4.2-8. The applicant for any subdivision map permitting construction shall comply with all appropriate requirements of the County of Los Angeles Standard Urban Stormwater Mitigation Plan ("SUSMP") requirements, and comply with the SWRCB-issued General Permit for Construction Activity Storm Water (SWRCB Order 99-08-DWQ), as it may be amended from time to time or replaced by other applicable stormwater permits.

As each subdivision map is processed by the County, project-specific environmental documents will be required to show how that subdivision will meet all applicable water quality standards in effect at the time the subdivision is processed and reviewed.

Conclusion

Contrary to the statements presented in this letter, the Draft Additional Analysis is based on information, modeling and data collected and generated specifically in response to the trial court's decision. Specific responses to comments presented in this letter are provided below.

Response 1

The comment states that sensitive habitats along the river require meandering streams, and good quality water free of sediments and chemicals. The comment then states that the Draft Additional Analysis does not provide adequate evidence that such conditions would be maintained with the Specific Plan. For a response to water quality issues, please see the **General Response** above.

The Newhall Ranch Specific Plan proposes to utilize innovative techniques to meet the requirements of flood control while maintaining the natural resources and meandering river course within the Santa Clara River. This is obviously a compromise between public safety and natural resources and processes. As indicated in the Draft Additional Analysis (page 2.3-18), "[t]raditional flood control techniques in use within Los Angeles County rely upon reinforced concrete or grouted rock rip-rap to minimize erosion while maximizing the volume of flood flows carried by the drainage. While exceedingly efficient as a flood control technique, this approach retains none of the natural resource value."

Contrary to the comments presented in this letter, the Newhall Ranch Specific Plan proposes to retain the natural resources of the Santa Clara River to the greatest extent possible while achieving the stated Specific Plan objectives. As stated in the Draft Additional Analysis, at pages 2.3-18 to 2.3-20:

> "the Conceptual Backbone Drainage Plan of the Newhall Ranch Specific Plan provides drainage and flood control protection to developed uses ***while preserving the Santa Clara River as a natural resource***. The Drainage Plan utilizes several generalized criteria that are to be implemented by projects that develop within the Specific Plan Area. The primary criteria are as follows:
>
> Flood corridor must allow for the passage of Los Angeles County Capital Flood Flow ***without the permanent removal of natural river vegetation*** (except at bridge crossings);
>
> The ***banks of the River will generally be established outside of the "waters of the United States"*** as defined by federal laws and regulations and as determined by the delineation completed by the United States Army Corps of Engineers in August 1993;
>
> Where the ACOE delineation width is insufficient to contain the Capital Flood flow, ***the flood corridor will be widened*** by an amount sufficient to carry the Capital Flood flow

> without the necessity of permanently removing vegetation or significantly increasing velocity;
>
> Bank stabilization will occur only where necessary to protect against erosion.
>
> The Drainage Concept plans the use of buried bank stabilization where necessary to protect against erosion except at specific locations discussed later. ***Buried bank stabilization is a modern flood control technique used to protect against erosion while maintaining natural vegetation and soft banks.*** Figure 2.3-4 depicts a typical cross section for buried bank stabilization. As shown, this approach uses soil cement or rip-rap which is buried beneath the existing banks of the river. Disturbed areas are then revegetated with native plant species maintaining the natural habitat presently found along the river.
>
> The proposed project would involve the installation of bank stabilization at five primary locations, as shown on Figure 2.3-5. Locations where grouted rip rap or reinforced concrete will be used are limited to outlet structures, access ramps, or bridge abutments. Approximately 55 percent of the riverbanks at the Specific Plan site would have bank stabilization, of which 75 percent would be buried.
>
> The proposed bank stabilization would encroach into the existing river channel in some areas. A total of 43 acres of existing river channel will be disturbed by bank stabilization. In other areas, the bank stabilization would be placed outside the existing river channel, ***creating additional new river channel.*** For example, bank stabilization proposed on the north side of the Santa Clara River near the confluence with Castaic creek will be constructed on agricultural land, back behind the existing channel. This former agricultural land will be excavated to allow passage of flows generated during the County Capital Storm event (Qcap). ***Overall, more additional new river channel is created by the proposed Specific Plan (43 acres of river channel are impacted/removed by stabilization while 59 acres of new river channel are created by stabilization, for a net increase in river channel of 16 acres).*** *(Emphasis added.)*

Regarding meandering streams, as indicated immediately above, the Draft Additional Analysis states that "[f]lood corridor must allow for the passage of Los Angeles County Capital Flood Flow ***without the permanent removal of natural river vegetation,*** "***banks of the River will generally be established outside of the 'waters of the United States,'***" "***the flood corridor will be widened*** by an amount sufficient to carry the Capital Flood flow without the necessity of permanently removing vegetation or significantly increasing velocity," and "***more additional new river channel is created by the proposed Specific Plan (43 acres of river channel are impacted/removed by stabilization while 59 acres of new river channel are created by stabilization, for a net increase in river channel of 16 acres).*** *(Emphasis added.)* The Draft Additional Analysis, at page 2.3-24, states that, from the biological perspective:

> "For high frequency floods (2-year, 5-year, and 10-year), the proposed floodplain modifications would not hinder flows or reduce the floodplain area. Instead, ***these flows would spread across the river channel, unaffected by the bank protection because the river would have sufficient width to allow these flows to meander and spread out further than they would under pre-project conditions.***
>
> However, during more infrequent floods (20-year, 50-year and 100-year events), flows would spread out to the buried bank stabilization (but no further). This would limit the

> area of the floodplain during these infrequent flood events, causing inundation over a smaller area because the bank protection will prevent flooding of formerly adjacent floodplain areas. These formerly adjacent areas would be developed under the Specific Plan for various land uses, including residential, commercial, industrial, and parks. Most of the areas being developed consist of agricultural fields and, to a lesser extent, disturbed and upland habitat areas with limited riparian habitat. Table 2.3-10 shows the different habitat types affected by proposed development." (*Emphasis added.*)

The Draft Additional Analysis, at page 2.3-87, then states that, based on the data collected and the engineering analysis performed:

> "A similar analysis was conducted to estimate impacts to aquatic, wetland, and riparian habitats from floodplain boundary changes caused by the proposed development. This analysis provides a direct assessment of the potential change in total acreage and configuration of habitats along the river in the Specific Plan site. The results are shown in Charts 2.3-1a and 2.3-1b. ***The charts show that there are negligible differences in the total habitat area inundated under existing and proposed conditions in both Los Angeles County and Ventura County.*** In all cases, the predicted change is not considered significant (less than 5 percent)." (*Emphasis added.*)

Regarding the potential for sedimentation impacts to biota, the Draft Additional Analysis, at page 2.3-87, states that:

> "Changes in discharge, water velocities, and water depth can alter the sediment transport characteristics of the river. In addition, runoff from urbanized areas convey less sediments than from an undeveloped watershed; hence, runoff from the tributaries at the Specific Plan site could alter sediment dynamics in the river to the extent these flows reach the river and can pick up and carry sediment. Changes in sediment dynamics in the river could adversely affect aquatic and riparian habitats by filling pools, scouring sandbars with riparian vegetation, and lowering channel depths, which may prevent riparian growth. ***The sediment modeling analysis indicates that the overall 'pattern of sediment deposition' (i.e., areas where sediment is deposited) and scouring (i.e., areas where sediment is removed) along the studied river corridor segment would not change due to the proposed project*** at the Specific Plan site. By extension, no impact is anticipated in Ventura County (see **Charts 2.3-4a** through **2.3-4f**)." (*Emphasis added.*)

As stated in the Final EIR and Draft Additional Analysis, the arroyo toad is not known to occur or be present on Newhall Ranch. Several arroyo toad surveys of the Newhall Ranch property[32] have confirmed this finding, although the species is recorded upstream of the project in both the Santa Clara River and Castaic Creek. Based on the information presented in the Draft Additional Analysis and Final EIR, potential water quality, sedimentation and river course movement (meandering) impacts to biota would be less than significant. Lacking any other information from the commenting party, no further response can be provided.

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[32] Arroyo toad surveys were conducted on Newhall Ranch by RECON in 1994, 1995 and 1999, and by Impact Sciences in 2001. Aquatic Consulting Services, Inc.'s 2002 survey report, provided in this Final Additional Analysis, **Appendix AE**, also provides confirmation that the arroyo toad has not been discovered on the Newhall Ranch Specific Plan site.

Response 2

The comment states that the installation of buried and other bank stabilization will destroy the riparian vegetation upon which some species depend.

This is not accurate. The design concept for the Specific Plan provides that the flood corridor must allow for the passage of Los Angeles County Capital Flood Flow *without the permanent removal of natural river vegetation* (*See*, Draft Additional Analysis page 2.3-19). On page 2.3-87, the Draft Additional Analysis states that:

> "The proposed Specific Plan would modify the floodplain by placing bank stabilization along selected portions of the river, developing the floodplain areas behind the bank stabilization, and installing three bridges across the river. These actions would alter flows in the river; however, the effects would only be observed during infrequent flood events that reach the buried banks (*e.g.*, 50-year and 100-year flood events). The proposed Specific Plan would cause an increase in flows, water velocities, water depth; changes in sediment transport; and changes in the flooded areas. However, these hydraulic effects would be minor in magnitude and extent. ***These effects would be insufficient to alter the amount, location, and nature of aquatic and riparian habitats in the Specific Plan area and downstream in Ventura County.*** Under the Specific Plan, the river would still retain sufficient width to allow natural fluvial processes to continue. Hence, ***the mosaic of habitats in the river that support various sensitive species would be maintained,*** and the populations of the species within and adjacent to the river corridor would not be significantly affected." (*Emphasis added.*)

As indicated, the Draft Additional Analysis concludes that the amount, location, and nature of aquatic and riparian habitats would not be impacted by the Specific Plan. This conclusion is based on the sedimentation model prepared to support the analysis presented in the Draft Additional Analysis. Also, the Final EIR, beginning on page 4.6-151, presents several mitigation measures that are focused on mitigating impacts to sensitive riparian species and habitats, including:

> "4.6-54. Prior to development within or disturbance to occupied unarmored threespine stickleback habitat, a formal consultation with the USFWS shall occur.
>
> 4.6-55. Prior to development or disturbance within wetlands or other sensitive habitats, permits shall be obtained from pertinent Federal and State agencies and the Specific Plan shall conform with the specific provisions of said permits. Performance criteria shall include that described in Mitigation Measures 4.6-1 through 4.6-16 and 4.6-42 through 4.6-47 for wetlands, and Mitigation Measures 4.6-27, 4.6-28, and 4.6-42 through 4.6-48 for other sensitive habitats.
>
> 4.6-56. All lighting along the perimeter of natural areas shall be downcast luminaries with light patterns directed away from natural areas.
>
> 4.6-57. Where bridge construction is proposed and water flow would be diverted, blocking nets and seines shall be used to control and remove fish from the area of activity. All fish captured during this operation would be stored in tubs and returned unharmed back to the River after construction activities were complete.

4.6-58. To limit impacts to water quality the Specific Plan shall conform with all provisions of required NPDES permits and water quality permits that would be required by the State of California Regional Water Quality Control Board.

4.6-59. Prior to development within or disturbance to habitat occupied by species listed as endangered, a formal consultation with the USFWS and a Section 2081 Permit with the CDFG shall occur.

4.6-63. Riparian resources that are impacted by buildout of the Newhall Ranch Specific Plan shall be restored with similar habitat at the rate of one acre replaced for each acre lost.

4.6-64. The operator of the golf course shall prepare a Golf Course Maintenance Plan which shall include procedures to control storm water quality and ground water quality as a result of golf course maintenance practices, including irrigation, fertilizer, pesticide and herbicide use. This Plan shall be prepared in coordination with the County biologist and approved by the County Planning Director prior to the issuance of a Certificate of Occupancy."

The trial court already ruled that the mitigation program presented in the Final EIR was adequate under CEQA for mitigating the effects on sensitive species and habitats.

The comment then states that "recent studies" show that revegetation efforts, even if they succeed in restoring some of the ecosystem structure fail to restore ecosystem functions. However, the "recent studies" are not included or referenced and, consequently, no further response can be provided.

Response 3

The comment states that additional downstream impacts of sediment and other water quality parameters are inadequately addressed. For a response to the topic of water quality impacts, please see the **General Response** presented above. Regarding the issue of sedimentation impacts downstream, see **Response 1** above. As indicated on page 2.3-87, the Draft Additional Analysis states that:

> *"The sediment modeling analysis indicates that the overall 'pattern of sediment deposition' (i.e., areas where sediment is deposited) and scouring (i.e., areas where sediment is removed) along the studied river corridor segment would not change due to the proposed project* at the Specific Plan site. *By extension, no impact is anticipated in Ventura* County (see Charts 2.3-4a through 2.3-4f)." *(Emphasis added.)*

Response 4

The comment states that the disruption of the disturbance regime will significantly reduce the biodiversity. Again, the comment is unsupported by any information. The information presented in the Draft Additional Analysis indicates that the modeling conducted for the Specific Plan shows that "the floodplain modifications associated with the Specific Plan (*i.e.*, bank protection and bridges, described in Subsection 2.3.4) would not cause significant scouring, and therefore, would not alter the amount and "pattern" of aquatic, wetland, and riparian habitats in the river at the Specific Plan site and downstream

in Ventura County. The current "pattern of scouring" due to high velocities would remain intact, as shown on Figures 2.3-7a through 2.3-7l." (*See,* Draft Additional Analysis page 2.3-86.) Based on this information, the disturbance regime would not be significantly altered.

Response 5

The comment states that the narrowing of the river's floodplain, which restricts the meandering of the stream, will greatly increase the chances of the organisms being washed out in a flood and will reduce the amount of habitat for riparian species. The modeling performed in support of the Draft Additional Analysis does not support this statement. As indicated in the Draft Additional Analysis, page 2.3-18 to 2.3-20, and in **Responses 1** and **2** above, "[o]verall, *more additional new river channel is created* by the proposed Specific Plan (43 acres of river channel are impacted/removed by stabilization while 59 acres of new river channel are created by stabilization, ***for a net increase in river channel of 16 acres***)." (*Emphasis added.*) Regarding the claim that the Specific Plan will reduce the amount of habitat for riparian species, the Draft Additional Analysis, on page 2.3-26, states that:

> "This analysis provides a direct assessment of the potential change in total acreage and configuration of habitats along the river in the Specific Plan site. The results are shown in Charts 2.3-1a and 2.3-1b. The charts show that there are negligible differences in the total habitat area inundated under existing and proposed conditions in both Los Angeles County and Ventura County. In all cases, the predicted change is not considered significant (less than 5 percent)."

On page 2.3-87, the Draft Additional Analysis concludes by stating:

> "The proposed Specific Plan would modify the floodplain by placing bank stabilization along selected portions of the river, developing the floodplain areas behind the bank stabilization, and installing three bridges across the river. These actions would alter flows in the river; however, the effects would only be observed during infrequent flood events that reach the buried banks (*e.g.*, 50-year and 100-year flood events). The proposed Specific Plan would cause an increase in flows, water velocities, water depth; changes in sediment transport; and changes in the flooded areas. However, these hydraulic effects would be minor in magnitude and extent. ***These effects would be insufficient to alter the amount, location, and nature of aquatic and riparian habitats in the Specific Plan area and downstream in Ventura County.*** Under the Specific Plan, the river would still retain sufficient width to allow natural fluvial processes to continue. Hence, ***the mosaic of habitats in the river that support various sensitive species would be maintained,*** and the populations of the species within and adjacent to the river corridor would not be significantly affected." (*Emphasis added.*)

As stated in **Response 1** above, based on the information presented in the Draft Additional Analysis and Final EIR, potential water quality, sedimentation and river course movement (meandering) impacts to biota would be less than significant.

Response 6

Please see the **General Response** above for a response to this water quality comment.

Response 7

The comment states that increases in river flow (also taken to mean water depth) are not always good for organisms. The hydrological information presented in the Draft Additional Analysis indicates that water depths in the river would not significantly change with the Specific Plan. On page 2.3-48, the Draft Additional Analysis states that:

> "Increased flows due to the Specific Plan would also affect water depths. Water depths under existing and proposed conditions at key locations (see Figure 2.3-6 above) along the river are shown on Charts 2.3-3a through 2.3-3f. ***These data indicate that there would be no significant increase in water depth for all return intervals at all locations, including bridge locations and portions of the river in Ventura County.*** As with predicted velocities, there are localized changes in depth, most notably at the bridge crossings, due to the constriction of flow created by bridge abutments. These effects dissipate quickly as shown on Charts 2.3-3a through 2.3-3f, which compares existing and predicted water depths throughout the Specific Plan and downstream in Ventura County. As discussed above, ***the reduction in floodplain area caused by bank protection does not create a significant increase in flow depth.*** This is because the volume of flow carried in the shallow, slow-moving areas along the margins of the river removed from the floodplain by proposed development is so small." (*Emphasis added.*)

Based on this hydrological information, the Draft Additional Analysis then states on page 2.3-86 that:

> "The results of the hydraulic analysis indicates that the overall water depths in the river would not increase significantly due to the floodplain modifications associated with the Specific Plan. Overall, water depths for all return events would not be significantly different between existing and proposed conditions (Charts 2.3-3a through 2.3-3f) at and downstream of the project site in Ventura County. Hence, the floodplain modifications associated with the Specific Plan would not cause significant scouring and therefore, ***would not alter the amount and pattern of aquatic, wetland, and riparian habitats in the river at the Specific Plan site and downstream in Ventura County.***" (*Emphasis added.*)

The Draft Additional Analysis concludes, based on the modeling performed in support of the documentation that water depths would not significantly increase in the river. Therefore, no significant impacts to UTS or its habitat are anticipated.

Response 8

The comment states that the Draft Additional Analysis does not provide any criteria for significance for biological impacts. This is incorrect. On page 2.3-20, the Draft Additional Analysis identifies specific thresholds of significance. As indicated:

> "Modification of the floodplain would cause a significant impact to biological resources if the change in hydraulic conditions in the Santa Clara River caused: (1) widespread and chronic scouring of the channel bed that removes a significant amount of aquatic, wetland, and riparian habitats from the river channel; (2) substantial modification of the relative amounts of these different habitats in the river, essentially altering the nature and quality of the riverine environment; (3) direct removal of sensitive habitat by channelization; and/or (4) substantial effects to rare, endangered, or sensitive species."

Response 9

The comment states that project proponents provide "no credible support" for statements of significance. Other than such generalized statements, the commentator does not provide any supporting information to which a specific response can be made. As indicated in **Response 8** above, the Draft Additional Analysis provides specific significance thresholds that are not specifically contested in this comment. The Draft Additional Analysis then goes on to compare the Specific Plan's impact potential against the provided thresholds. The conclusions reached in the Draft Additional Analysis are based, in large part, on the modeling specifically performed to support the analysis. Given the lack of more specific information, no further response is possible.

105. Letter from Santa Clarita Organization for Planning the Environment (SCOPE) (Jeffrey Kanner), dated February 3, 2003

Response 1

The County believes that the proper environmental document was prepared in response to the Court's writ and decision in the Newhall Ranch litigation. In addition, for further information responsive to this comment, please see **Topical Response 2: Type of CEQA Document**, presented in the October 2001 draft of the Final Additional Analysis.

Response 2

All comment periods for the environmental documents prepared for Newhall Ranch have substantially exceeded the public review requirements of CEQA. No further extensions are considered to be needed or required.

Response 3

For information regarding imported State Water Project (SWP) water supplies and delivery of such supplies, please refer to the RDAA, Section 2.5, pp. 2.5-81 - 2.5-85.

For information regarding Castaic Lake Water Agency's (CLWA) SWP Table A entitlement and deliveries, please refer to RDAA, Section 2.5, pp. 2.5-86 - 2.5-96.

For information regarding the reliability of CLWA's SWP entitlement, please refer to RDAA, pages 2.5-96 to 2.5-103.

The comment refers to the draft *State Water Reliability Report* (referenced excerpts were not attached). Until the State Department of Water Resources (DWR) finalizes its draft *State Water Reliability Report* and the CALSIM model results presented in that report, the appropriate reliability data used in the RDAA is from the DWRSIM model. Please see RDAA, pages 2.5-99 and 2.5-100. Based on the DWRSIM model, 59.7 percent of CLWA's SWP entitlement is available for delivery in average years and 39.8 percent is available for delivery in dry years. As stated in the RDAA, "when compared with DWRSIM, this model [CALSIM as presented in the draft *State Water Reliability Report*] generally forecasts that *more* water will be available in average/normal years and slightly less water will be available in dry years." (*Emphasis added.*) (See RDAA, page 2.5-100.)

In further response to this comment, the County acknowledges the referenced appellate decisions, *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892 (and, particularly, page 908, footnote 5, where the court noted the difference between contractual water entitlements and the amount of water actually delivered by the SWP); and *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2002) 95 Cal.App.4th 1373 (and, particularly, page 1376, where the court

notes that DWR, which manages the SWP, has historically delivered less water than the contractual entitlements to the 29 SWP contracting agencies or "contractors").

In addition, the County has reviewed **Comment Letter 102** submitted by CLWA, dated January 17, 2003, which is part of the "comments and responses" portion of the Final Additional Analysis. In that letter, CLWA acknowledged, as did the RDAA, pp. 2.5-85, 2.5-96, that CLWA's current SWP Table A entitlement of 95,200 acre-feet per year (AFY) is an annual *contractual* entitlement, based on a water supply contract entered into between DWR and CLWA. All water supply contracts between DWR and the SWP contracting agencies, including CLWA's, provide that in a year when DWR is unable to *actually deliver* the full amount of contractor requests, deliveries to contractors will be *reduced*, so that total deliveries equal total available supply for that year.

CLWA's letter further acknowledged, as did the RDAA, pp. 2.5-96-97, that the reliability of CLWA's current SWP Table A contractual entitlement (95,200 AFY) is affected by a number of factors, including hydrologic conditions, the status of SWP facilities' construction, environmental requirements and evolving policies for the Sacramento-San Joaquin Delta (Delta), where the water supplied by the SWP originates. Because of these factors, *actual* SWP supplies and deliveries are subject to reduction. These reductions can occur in average and dry years, and, particularly, during drought periods. In summary, the CLWA letter discloses that:

> "The State Water Project (SWP) supply referred to in the Draft Additional Analysis is a contract right of CLWA. ... .
>
> DWR makes its annual SWP entitlement water allocation based on each year's hydrology and SWP system storage. In any given year, the water allocation is based on a *percentage* of each contractor's total SWP Table A entitlement. Thus, CLWA's current total SWP Table A entitlement of 95,200 acre-feet (af) is *not necessarily wholly available each and every year, but a varying percentage of that amount is available each year*. As CLWA's SWP Table A entitlement may be increased through time (as additional SWP Table A entitlement is purchased and added to its contract), DWR will make allocations on the basis of that new total." (*Emphasis added.*) (CLWA letter, dated January 17, 2003, p. 1.)

In summary, neither CLWA nor the RDAA rely on CLWA's total contractual Table A entitlement of 95,200 AFY for planning purposes (*i.e.*, 100 percent of the contractual entitlement). Instead, projected supplies/deliveries of CLWA Table A entitlement are based on a varying percentage of that amount each year. CLWA's current total SWP Table A contractual entitlement (95,200 AFY) is not necessarily available each year because, as stated, several factors affect and reduce actual deliveries (*i.e.*, hydrologic conditions, SWP system storage, SWP facilities' construction, environmental constraints, water availability and evolving policies for the Delta).

For a specific analysis of the variability in SWP supplies available to CLWA, please refer to RDAA, Section 2.5, pp. 2.5-96 - 2.5-113, and, particularly, pp. 2.5-98-2.5-99 and Figure 2.5-19 and Table 2.5-15. In

addition, please refer to the RDAA's summary of water supplies and demand for Santa Clarita Valley. RDAA, Section 2.5.4.10, pp. 2.5-114 - 2.5-120. This discussion includes an analysis of the available of imported water supplies, including SWP, to the Santa Clarita Valley. The planned imported SWP supplies are broken down by wet year, average/normal year, and dry year. The source for this information is the Santa Clarita Valley December 2000 Urban Water Management Plan (UWMP), which has been made part of the Newhall Ranch Draft Additional Analysis (see DAA, Appendix 2.5(a)).

The 2000 UWMP also includes a detailed analysis of the reliability of SWP supplies. According to the UWMP, the issues regarding the reliability of SWP supplies are described as "among the most complex in the resource planning process." The UWMP goes on to identify the opportunities and constraints associated with SWP supplies. Please see DAA, Appendix 2.5(a) (UWMP, pp. 2-10 - 2-20, and Chapter 4, Reliability Planning, pp. 4-1 - 4-5).

The RDAA also includes important source documents relating to SWP supplies. For example, please refer to RDAA, Appendix 2.5(i), Volume II for a complete copy of the most recent *2001 Santa Clarita Valley Water Report*, dated April 2002, including its analysis of CLWA's SWP supplies and water supply reliability (pp. 16-21). In addition, the RDAA, Appendix 2.5(m), Volume II, includes a complete copy of the draft *State Water Project Delivery Reliability Report*, August 2002, which was issued by DWR to assist the contractors of the SWP in the assessment of the adequacy of the SWP component of their overall water supplies. Information in this report is also useful in assessing SWP supply reliability, which is of key importance to local agencies, like the County, which has the responsibility to plan for future growth in the context of providing an available, adequate and affordable water supply for existing and projected needs.

Response 4

The comment states that CLWA's additional 41,000 AFY water transfer was "set aside". This comment is incorrect. As noted in the court decision, *Friends of the Santa Clara River v. Castaic Lake Water Agency* (2002) 95 Cal.App.4th 1373, 1388, the appellate court allowed CLWA's 41,000 AFY water transfer agreement to remain intact and remanded the issue to the trial court for resolution. After a hearing in Los Angeles County Superior Court on September 24, 2002, the trial court allowed CLWA's 41,000 AFY water transfer agreement to remain intact and ruled that CLWA may utilize and rely on the 41,000 AFY. Specifically, the trial court found that CLWA is not prohibited from using the water to which it is entitled. For a complete copy of the transcript of the trial court proceedings on this point, please see RDAA, Appendix 2.5(n), Volume II. For a complete copy of the trial court's Judgment with respect to the 41,000 AFY water transfer agreement, please see RDAA, Appendix 2.5(q), specifically, Judgment, p. 3, lines 17-25. (The trial court's Judgment is currently on appeal.)

Response 5

The SWP water entitlement transfer acquired by the Specific Plan applicant (*i.e.*, "the Newhall/SWP water supplies") is not speculative. Agreements have been reached between the selling and buying parties. Therefore, this water is considered to be a reasonably available water source for the Specific Plan at this stage of development. Please see DAA (April 2001), Volume III, Appendix 2.5(e) for a copy of the agreements. In addition, the Newhall/SWP water supplies have been summarized and analyzed in the RDAA, Section 2.5, pp. 2.5-150-2.5-152.

As part of the agreements, the parties have also acknowledged that, in order to finalize the intended sale of the surplus SWP water from the Berrenda Mesa Water District to an SWP contractor for the benefit of Newhall, several actions must be taken, including: (a) the execution of an amendment to the existing agreement between the District and the Kern County Water Agency; (b) the execution of an amendment to the existing water supply agreement between the Kern County Water Agency and DWR; (c) the execution of a purchase and sale agreement for the surplus SWP water between the District and the SWP contractor designated by Newhall; and (d) DWR's approval of the water transfer to the designated SWP contractor. However, the parties further agree to cooperate with each other to accomplish the above-actions, including the sellers' agreement to use their diligent good-faith reasonable efforts to cooperate with and reasonably assist Newhall in consummating the ultimate purchase of the surplus SWP water.

For purposes of this analysis, Newhall's purchase of rights to the 7,648 AFY of surplus SWP water entitlement would be *reduced* in average/normal years to approximately 59.7 percent of entitlement (or 4,566 AFY) and in dry years to approximately 39.8 percent of entitlement (or 3,044 AFY). This analysis is consistent with DWR's modeling projections using the DWRSIM model. In any given year, the actual amount of SWP water deliveries could be above or below these model projections.

Response 6

Based on a review of this comment, it is not clear which "statements" made by CLWA are being referred to. CLWA's SWP supplies are available to all customers within its service area. The policies and procedures of CLWA are not subject to the County's Development Monitoring System (DMS). Under DMS, new tract maps proposed in the Santa Clarita Valley are required to have an adequate supply of water. No further response can be provided.

Response 7

The County does not concur with the comment that the detection of perchlorate in the groundwater and the closure of five municipal wells is "significant new information" that should be addressed further in a supplemental EIR. The topics of perchlorate and its influence on the aquifers in the Santa Clarita Valley is addressed in the Additional Analysis and no new documentation is required under CEQA. Please see RDAA, pages 2.5-69 to 2.5-76 for responsive information. As discussed in the RDAA, and as detailed further in **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, the

closure of the municipal wells has not adversely affected groundwater production in the Santa Clarita Valley. The groundwater wells not affected by the detection of perchlorate remain operating, and have adequate groundwater capacity to offset the loss in production resulting from the closed wells. For further information, please refer to the draft of the FAA (October 2001), **Topical Response 5: Perchlorate Issues**. In addition, please see RDAA, Appendices 2.5(y) and 2.5(z). The RDAA also correctly indicated that the existing action level for perchlorate is 4 parts per billion (see RDAA, p. 2.5-70).

Response 8

In response to the comments regarding confidentiality agreements, please see FAA **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**. In response to comments regarding non-disclosure due to confidentiality agreements in the area of geology, there was no withholding of geotechnical information required for the Newhall Ranch Specific Plan EIR, as suggested by the comment. Without a more specific comment, no further response can be provided.

With respect to the Whittaker-Bermite lawsuit and any stipulation the parties to that lawsuit may have entered into regarding the disclosure of perchlorate-related documents, the County notes preliminarily that the referenced lawsuit was brought by the water purveyors in November 2000 to compel the property owners to pay for the necessary cleanup of perchlorate in the groundwater. The County is not a party to the Whittaker-Bermite lawsuit, and any stipulation entered into by the parties regarding the disclosure of litigation-related documents is unrelated to the County's review of the Newhall Ranch Specific Plan EIR. The FAA, along with the information contained in **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, addresses the detection of perchlorate in the groundwater, and the potential effects related to perchlorate have been disclosed in accordance with the requirements of CEQA.

Response 9

Regarding the use of confidentiality agreements, please see FAA **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower.**

Response 10

The County disagrees with this comment. The RDAA presents information showing that a Saugus/ASR groundwater-banking program is feasible. For example, please see RDAA beginning on page 2.5-199. In addition, Ventura County, a litigant in the prior Newhall Ranch litigation that challenged the feasibility of the Saugus/ASR groundwater-banking program, has submitted a comment letter acknowledging that the RDAA provides data supporting the conclusion that the Saugus/ASR program is feasible. Please see **Comment Letter 134** from County of Ventura, dated February 10, 2003, and, specifically, the attached memorandum from Lowell Preston to Dennis Slivinski, dated January 29, 2003, pp. 3-4.

Response 11

In response to this comment, the agricultural water that will be used to serve the Specific Plan will come from agricultural wells in the Alluvial aquifer. The water quality of the groundwater in the Alluvial aquifer has been tested by qualified experts. For example, the Newhall Ranch RDAA referred to a recent report prepared by Richard C. Slade & Associates, which addresses the water quality in the Alluvial aquifer. The information summarized below is from the Newhall Ranch RDAA, Volume II, Appendix 2.5(l), (*2001 Update Report on the Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, prepared by Richard C. Slade & Associates LLC, July 2002). As stated in the Updated Report, there have been historical fluctuations in concentrations of total dissolved solids (TDS), and corresponding fluctuations of individual TDS constituents. In general, however, there has been no long-term trend toward groundwater quality degradation:

> "D. Water Quality [Alluvial]
>
> The overall character of groundwater within the alluvial aquifer changes gradually from a calcium bicarbonate to a calcium sulfate character as the groundwater moves from east to west across the Valley. Alluvial groundwater in the tributary canyons in the western part of the area also tends to have a calcium sulfate character.
>
> Concentrations of nitrate and total dissolved solids (TDS) in the groundwater within the alluvial aquifer system show measurable changes as one moves from the eastern to the western end of the Valley. In the eastern and central portions of alluvial aquifer (east of I-5) nitrate levels range from 14 to 27 milligrams per liter (mg/l), while west of I-5 they drop to less than 10 mg/l. TDS concentrations average approximately 550 to 660 mg/l in the eastern and central portions of the alluvial aquifer. TDS concentrations are highest in the alluvial groundwater west of I-5, averaging approximately 1000 mg/l TDS. Neither nitrate nor TDS concentrations exceed their respective State Primary or Secondary Maximum Contaminant Levels (MCLs) in any samples. Groundwater extracted in the area west of I-5 is used solely for agricultural irrigation, and not for municipal-supply purposes.
>
> Between 1985 and 2000, even though some low levels of volatile organic compounds (VOCs) were detected in a few alluvial municipal-supply wells in the Valley, none of these VOCs was encountered at concentrations exceeding its respective MCL. ...." (*See*, Newhall Ranch RDAA, Volume II (November 2002), Appendix 2.5(l), [*2001 Update Report on the Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, prepared by Richard C. Slade & Associates LLC, July 2002, p. vi].)

In addition, the RDAA includes the *2001 Santa Clarita Valley Water Report*, dated April 2002, prepared by CLWA and the local water purveyors in the Valley. This report, at pages 11 and 12, contains responsive groundwater quality data related to the Alluvial aquifer. Based on the data, the Report concludes that "the Alluvial aquifer is an ongoing viable water supply source for municipal, industrial, and agricultural use." (Please see, the Newhall Ranch RDAA, Volume II, Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report*, dated April 2002].) In further response to this comment, the Newhall Ranch FAA, **Appendix AC**, includes representative water quality data for one of the applicant's agricultural wells. The testing data is generally consistent with the information referenced above.

It should be noted that the RDAA included a mitigation measure requiring that the agricultural water be treated to meet the drinking water standards of Title 22. Please see RDAA Mitigation Measure 2.5-16.

Response 12

The purchase of water, through water transfers, is permissible. Please see RDAA, Section 2.5, pp. 2.5-108 - 2.5-109. The County's DMS requires that tract maps have an adequate supply of water. In this case, a project applicant is utilizing its own sources of water that are independent from the supplies provided through CLWA to other customers in the Santa Clarita Valley. No less water will be available to other developments in the Valley if the Newhall Ranch Specific Plan is approved. Therefore, Newhall Ranch will not affect the amount of water available to other developments in the Valley. This comment does not make it clear why "private" water is less preferable than "public" water. In addition, the comment does not articulate the "moral, philosophical and legal issues" that must be addressed. Therefore, no further response can be provided.

Response 13

Please see **Topical Response 8: Compliance with the Court's Decision**.

Response 14

Please see **Response 8** above, and **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**. Without a more specific comment, no further response can be provided.

The comment also makes reference to the arroyo toad. In response, the County believes that potential impacts to arroyo toad have been properly analyzed in the Final EIR and Additional Analysis. For example, please see Final EIR (March 1999), **Table 4.6-5**, p. 4.6-21, and pp. 4.6-99 - 4.6-100. In addition, please see the Newhall Ranch DAA (April 2001), pp. 2.3-17, 3.0-13. The DAA's discussion of impacts to the arroyo toad is based on field surveys. *See, e.g.*, DAA, Volume III, Appendix 3.0(b). The DAA also included a copy of the USFWS' final designation of critical habitat for the arroyo toad. Please see DAA, Volume III, Appendix 3.0(c). Focused arroyo toad surveys were conducted on the Specific Plan site by RECON consultants in 1994, 1995 and 1999, and by Impact Sciences, Inc. in spring 2001. *See*, FAA (October 2001), Volume II, **Appendix B**. Finally, the FAA, Volume I, includes arroyo toad information and analysis, all of which is summarized in **Topical Response 3**, pp. 10, 14-15, 19-21.

Response 15

In response to the comment regarding SEA 23, please see **Response 11** to **Comment Letter 103** from California Native Plant Society (CNPS) (Ileene Anderson and David L. Magney), dated February 4, 2003. In response to the remaining portion of this comment, all comments will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed project.

106. Letter from Friends of the Santa Clara River (Ron Bottorff, Chair), dated January 30, 2003

Response 1

Similar comments have already been made and responded to. Please see, for example, **Response 3** to Letter from Friends of the Santa Clara River, Ron Bottorff and David Magney, dated June 20, 2001 in the Newhall Ranch Final Additional Analysis (FAA, Volume I, p. RTC-255). In addition, the Newhall Ranch RDAA (November 2002) disclosed that the County directed the applicant to conduct new plant surveys, including spineflower, on all developable portions of Newhall Ranch. County staff also conducted oversight regarding the protocols, methodologies and personnel to be used for those surveys. The RDAA, Section 2.6, disclosed the distribution of spineflower on the Newhall Ranch site, and it includes an additional assessment of mitigation measures and alternatives. As to prior reports regarding biological resources and other environmental data relating to the Specific Plan site, County staff directed the applicant's consultants to provide disclosure statements, signed under penalty of perjury, certifying that all of their reports, studies and other documents required for the Specific Plan environmental documentation have been disclosed.

For further information responsive to this request, please see **Topical Response 7: The Use of Confidentiality Agreements, Topical Response 8: Compliance with the Court's Decision** and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**. Other information responsive to this comment is found in the draft of the Newhall Ranch FAA (October 2001), **Topical Response 3: Recirculation of Draft Additional Analysis**, pp. TR-10, TR-14-15, TR-19-21.

Response 2

The biologists that conducted surveys for arroyo toads and red-legged frogs on Newhall Ranch are all well qualified field biologists properly permitted by the U.S. Fish and Wildlife Service (USFWS) and, under the federal Endangered Species Act, Section 10(a) requirements, these biologists/permit-holders are required to submit their survey results to the USFWS within 45 days of survey completion. Consequently, information collected during such surveys on Newhall Ranch was disclosed to the USFWS. Based on the surveys, neither the arroyo toad nor the red-legged frog was found on Newhall Ranch by any field biologist. Please see Newhall Ranch FAA, **Appendix AE**. These findings are consistent with the information presented in the Final EIR (March 1999), DAA (April 2001) and FAA (October 2001).

It is important to note that all such surveys were completed during the appropriate season and following survey protocols of USFWS. Based on this information, County staff does not believe that additional surveys for the arroyo toad, or other sensitive animal species, are needed at this time, particularly in light of the performance-based mitigation program for listed plant and animal species (*e.g.*, Final EIR, Section 4.6, pp. 4.6-131 to 4.6-152, and RDAA, Section 2.6, pp. 2.6-43 to 2.6-45). It should be noted that, prior to

approval of any future subdivision maps associated with the Specific Plan, which would allow construction on the site, updated surveys are required, along with the application of appropriate mitigation measures, pursuant to state and federal requirements for referenced plant and animal species. Please see RDAA, Mitigation Measures 4.6-53 and 4.6-59, pages 2.6-43 - 2.6-45.

Response 3

The proper environmental document has been prepared for the reasons stated in **Topical Response 2**: Type of CEQA Document, presented in the 2001 draft of the Newhall Ranch FAA, Volume I (October 2001). The Newhall Ranch RDAA (November 2002) contains an extensive amount of information regarding the San Fernando Valley spineflower. All biological information has been circulated for public review. The public review and comment period for the Newhall Ranch project approvals has always exceeded the 45-day public comment period required by CEQA. For example, at the Board level, the Newhall Ranch RDAA was circulated for a 70-day public review and comment period. In addition, a complete copy of the RDAA was directly mailed to the commenting party. Both the extended public comment period and the direct mailing of the RDAA to the commenting party and other public agencies, organizations and individuals, were at the direction of the County.

Response 4

The opinions expressed in this comment address areas, which have received extensive analysis in the Newhall Ranch DAA (April 2001) and FAA (October 2001). For example, please see **Response 4** to the letter from Friends of the Santa Clara River, Ron Bottorff and David Magney, dated June 20, 2001, in the draft of the 2001 FAA, Volume I, beginning at page RTC-256). In addition to the information presented in **Response 4**, the DAA (April 2001) and record support a finding of consistency between the Specific Plan and the County's General Plan Significant Ecological Area, SEA 23. On page 2.4-24, the Newhall Ranch DAA states that:

> "In summary, the Specific Plan is considered highly compatible with the biotic resources present within the existing boundaries of SEA 23 for the following reasons: (a) the Specific Plan proposes to set aside appropriate and sufficient undisturbed sensitive habitat areas within the existing boundaries of SEA 23; (b) the Specific Plan proposes to retain the River Corridor in a largely natural state; (c) only a relatively small amount of sensitive habitat (*i.e.*, 28 acres, or 2 percent of the existing SEA [7 percent of existing riparian habitat]) is being removed due to development; (d) the impacted area would be fully mitigated; (e) the River Corridor would still be sufficiently wide to accommodate the County's Capital Flood and still retain the sensitive riparian vegetation; (f) winter storm runoff would still continue to open its own channels through the River vegetation, flowing in a natural, non-invasive manner and preserve the meandering characteristics of the streambed; (g) the tributary canyons and bluffs on the south side of the River would still be preserved and provide an additional 543 acres (including 451 acres of undisturbed land) which would be dedicated to Open Area adjacent to the River; and (h) due to implementation of the Specific Plan, approximately 156 acres of additional sensitive habitat areas within and adjacent to the SEA 23/River Corridor SMA would be permanently preserved."

The DAA, at pages 2.4-43 and 2.4-44 states that:

> "The land use plan proposed as part of the Newhall Ranch Specific Plan has been designed to minimize impacts to sensitive resources, and where avoidance is not possible, to minimize impacts where feasible. A total of 380 acres of sensitive habitat areas exist within SEA 23 and only 28 acres (or seven percent of sensitive habitat areas and two percent of the original SEA) would be directly impacted by development. The remainder would remain protected in open space areas as part of the revised SEA 23, SEA 20 or within the Open Area designations. This is consistent with criteria one that requires setting aside of appropriate and sufficient undisturbed area. Development on land already disturbed poses no direct impacts to resources found within the SEA. Of the 28 acres of sensitive habitat removed by development in the SEA, 20 acres of sensitive riparian habitat is being removed to accommodate residential, commercial or mixed land uses. As illustrated on Figure 2.4-4, the affected land represents small patches of disconnected habitat distributed throughout the Specific Plan area rather than a contiguous patch of 28 acres that provides higher habitat value. Based on the above information, the Newhall Ranch Specific Plan is compatible with the sensitive resources found within SEA 23 as proposed."

For further information regarding the Specific Plan's consistency with existing SEA 23, please see **Response 11** to **Comment Letter 103** from California Native Plant Society (CNPS), dated February 4, 2003, and the County's Regional Planning Commission Newhall Ranch CUP findings in connection with its consideration of the Specific Plan, WRP and related environmental documentation.

Response 5

The opinions expressed in this comment address areas, which have received extensive analysis in the Newhall Ranch DAA (April 2001) and FAA (October 2001). For example, please see **Response 4** to the letter from Friends of the Santa Clara River (Ron Bottorff and David Magney), dated June 20, 2001, in the draft of the 2001 FAA (beginning at page RTC-256). In addition to the information presented in **Response 4**, the Newhall Ranch DAA (April 2001) and the record support a finding of consistency between the Specific Plan and the County's General Plan Significant Ecological Area, SEA 23. This comment also states that "there is substantial evidence, not referenced in the DAA, which shows the Specific Plan does not meet the criteria." No such evidence or information was provided in support of this comment. Therefore, no further specific response can be provided.

Regarding design compatibility criterion (a), please see **Response 4** above. Regarding criterion (d), or criterion 4 as presented in the DAA (April 2001), the DAA, at pages 2.4-27 and 2.4-28, states that:

> "Species that utilize the Santa Clara River corridor are typically found in the riverbed itself or within the riparian habitats found adjacent to the river course. As discussed under the first compatibility criterion above, after combining the land preserved in the revised SEA (819 acres) with the preserved Open Area immediately adjacent to the revised SEA (451 acres), a total of 1,270 acres of undisturbed land would be preserved as part of the Specific Plan, including 509 acres of sensitive habitat. The existing SEA 23 consists of 353 acres of sensitive habitats. Due to Specific Plan implementation, 156 acres of additional sensitive habitats within and adjacent to the River Corridor would be permanently preserved when compared with the amount of sensitive habitat within the

existing SEA 23. This additional amount of land would provide sufficient habitat and open areas to buffer the sensitive resources from the 28 acres of development proposed on sensitive habitats within SEA 23.

In addition to the amount of land that will be permanently preserved for use by sensitive species, the Specific Plan requires a setback between the River and proposed land uses of 75 to 100 feet in width. This area will be planted with native species to buffer sensitive species from potential impact. The Specific Plan also provides transition areas between the riparian resources of the proposed SEA 23/River Corridor SMA and proposed urban development.

...

The Specific Plan also includes 451 acres of Open Area, including oak-filled canyons, River bluffs and a Community Park that would separate riparian habitats from urban development on the south side of the river. The Specific Plan contains a number of measures that are intended to promote compatibility between developed uses and preserved Open Area. For example, the Resources Management Plan (Section 2.6) contains standards covering recreation and access, location and nature of bank protection, and grading. The Resource Management Plan requires graded areas adjacent to and within SEAs to be clearly marked thereby buffering and avoiding important habitat areas from impacts from development. Furthermore, Chapter 4 (Design Guidelines) of the Specific Plan requires shielded lighting fixtures to minimize glare and direct rays impacts to adjacent areas, resulting in additional protection of the habitat areas.

The tributaries (Castaic, San Martinez, and Chiquito Canyon Creeks) to the Santa Clara River are all maintained with SEA 23, and are preserved in a largely natural state pursuant to Section 2.5 (Public Services and Facilities Plan) and Section 2.6 (Resources Management Plan) of the Specific Plan. Furthermore, the remainder of these tributaries within the Specific Plan are designated Open Area and are preserved in a largely natural state.

In summary, the Specific Plan retains sufficient cover and open space to buffer critical resources from proposed development. Implementation of the Specific Plan would result in the direct preservation of 1,270 acres of land along the Santa Clara River Corridor within the boundaries of the plan area. The Specific Plan also incorporates a development setback of 75 to 100 feet dependent on the resource to buffer resources within the SEA 23 River Corridor SMA."

Response 6

The opinions expressed in this comment address areas, which have received extensive analysis in the Newhall Ranch DAA (April 2001) and FAA (October 2001). For example, please see **Response 5** to the letter from Friends of the Santa Clara River (Ron Bottorff and David Magney), dated June 20, 2001 in the draft of the 2001 FAA (beginning at page RTC-257). **Response 5** to the June 2001 letter states that:

"The River corridor, including the "buffer" area, was extensively addressed in the prior Newhall Ranch Final EIR, Sections 4.2 and 4.6. The overall design of the River corridor on Newhall Ranch was also thoroughly addressed in responses to comments on the prior Final EIR (*e.g.*, Responses 22b and 22c to Letter from the Santa Clarita Organization for Planning the Environment and Friends of the Santa Clara River, dated February 9, 1997). Based on a review of these responses to comments, it appears that the commentator is

making the same or similar claim that was made in the prior Newhall Ranch litigation, namely the buffer area along the Santa Clara River is "not adequate." The County continues to disagree with the claims made in this and other prior comments.

The "adequacy" of the width of the proposed buffer area along the Santa Clara River was previously evaluated by the Board of Supervisors when the Specific Plan was originally approved in March 1999. Prior to final approval, the Board required that the Specific Plan design be revised to incorporate an additional 100-foot buffer between development and riparian resources to protect riparian habitat and sensitive species within SEA 23 boundaries. This finding was arrived at after evaluating the potential impacts of proposed land uses along the entire length of the River, coupled with the existing habitat protection and enhancement provisions contained in the Specific Plan Resource Management Plan and Design Guidelines.

Exhibit 3 below (2 figures) is taken from the County Staff Report to the Regional Planning Commission, dated August 27, 2001. The exhibit depicts the Newhall Ranch River corridor riparian habitat buffers along the entire course of the Santa Clara River within the Specific Plan boundaries.

The exhibit shows the width of the buffer between the riparian resources and adjacent development along the entire length of the River as originally approved by the Board. (Note that the exhibit does not reflect changes to the Potrero Bridge or the WRP site, which would increase the acreage of riparian habitat and buffer area.)

As shown on the exhibit, the width of the riparian habitat corridor varies from a minimum of 300 feet to 2,205 feet (0.4 miles) at its widest point. The total buffer area (478 acres) varies in width from a minimum of 135 feet to more than 800 feet, and is three-quarters the size of the riparian habitat area itself. As can be seen, the buffer widths are greatest where the existing riparian habitat corridor is the narrowest; in some cases two to three times greater.

The buffer area is comprised of several different components: (a) the Salt Creek wildlife corridor connection and the High Country half mile wide buffer at the west end of the Specific Plan on the south side of the river; (b) native upland habitats in the Open Area along the south side of the river; (c) disturbed areas within the River corridor that will be restored or enhanced as riparian habitat; (d) buried bank stabilization that will be revegetated with native riparian and upland plant species; and (e) landscaped open space areas such as community parks, the Regional River Trail and community trails.

The Specific Plan, Chapter 2.6, Resource Management Plan, provides standards by which biological resources will be managed during construction and thereafter for the life of the community. It contains: (a) provisions for restoration and enhancement of disturbed areas such as agricultural fields; (b) restrictions on pedestrian and vehicular access to the river corridor; (c) design standards for transition areas between development and the river; (d) conveyance of conservation easements; and (e) preparation of a financial plan for the long term management of the riparian resources by the Center for Natural Lands Management. In addition, the Specific Plan, Chapter 4, Design Guidelines, contains provisions restricting the manner in which developed areas relate to the River corridor, including site planning, fencing, landscape design, grading and lighting. All of these measures were previously found by the Board of Supervisors to satisfy the General Plan SEA design compatibility criteria as means to protect sensitive habitat and species, including the unarmored three-spine stickleback (UTS) and least Bell's vireo.

In addition, County staff reviewed the two articles submitted by Friends of the Santa Clara River dealing with the design of buffers to determine if the articles apply to the

Specific Plan site. The first article, "*Predicting the Impacts of Urbanization on Riparian Bird Communities*" was a study of three relatively narrow creeks in the San Francisco Bay area. The creeks were less than 45 feet wide, with a riparian corridor width of less than 240 feet. In contrast, the Santa Clara River riparian corridor and buffers are four to ten times wider. The study did not evaluate the direct effects of habitat alteration, but instead "focused on the ways in which intact remnants of riparian habitat have been affected by urbanization on adjacent lands," (*i.e.*, where no buffers currently exist). The study also did not identify a minimum buffer width required for the maintenance of the integrity of riparian bird communities, but suggests that broader buffers better maintain riparian bird species richness. The study noted that species richness and density were negatively related to the abundance and proximity of bridges, either because the bridges hindered free movement across gaps between sections of riparian habitat, or because they were simply an indicator of the overall degree of adjacent urbanization. The study also stated that:

> "[S]ome of the detrimental effects of urbanization on riparian bird communities can be minimized with proper planning. The single most important step that can be taken to conserve riparian bird communities in the face of urbanization is to minimize development in and along floodplains by maintaining broad buffers of undeveloped land between developed areas and riparian habitats. Habitat restoration efforts, particularly those that broaden riparian corridors and link fragments of riparian habitat, would augment habitat area and enhance the value of existing habitat by further buffering riparian birds from human influences outside the corridor. Where development has occurred in close proximity to riparian habitats, efforts to minimize direct human disturbance of riparian plant and bird communities (*e.g.*, by restricting access to riparian habitats) and replace exotic plants with native species would also benefit riparian bird communities."

Based on the County's biological consultant's review, this article is not directly applicable to the conditions found on the Specific Plan site. For example, unlike the areas in the article, the Specific Plan design: (a) identifies a minimum buffer width which is considered to be required to maintain the integrity of sensitive species and habitats; (b) includes bridge crossings, which were not found to cause significant impacts to riparian habitat; and (c) includes candidate habitat restoration areas, which link riparian habitat and augment other habitat areas. Furthermore, the Santa Clara River corridor through the Specific Plan area is itself a very wide, long and continuous wildlife corridor and habitat area that is larger than any addressed in the article.

The second article submitted by the commentator was reviewed again by County staff (the article was previously referenced in comments and responses to the prior Newhall Ranch Final EIR, as identified above). The article is entitled, "*Buffer Zones for Ecological Reserves in California: Replacing Guesswork with Science.*" As stated in prior responses to comments, the article is an informative review of buffer issues, which was generated from issues related to the design of reserves of the Kangaroo Rat habitat conservation plan in Riverside County. The article describes several approaches to quantifying edge effects in order to design buffer zones for nature reserves. The study suggests developing a buffering protocol that identifies the external forces likely to impact the sensitive species in question, determining the extent to which external forces are likely to penetrate the reserve boundary, and ranking those forces in terms of likely negative impact in order to produce a prioritized list of buffering requirements. As stated, the article studied the Kangaroo Rat reserve and did not specify a buffer distance for a riparian corridor, such as the Santa Clara River SEA 23. As a result, County staff believes that the only relevant evidence in directly assessing the "adequacy" of a buffer area for this riparian corridor is found in the site-specific studies and analyses that already have been performed along the River corridor within the Specific Plan site.

> Based on a review of the information in the prior Final EIR, the Draft Additional Analysis and the articles submitted by Friends of the Santa Clara River, County staff supports the Board's prior finding that the Specific Plan and its mitigation measures meet the SEA design criteria for buffering critical resource areas.
>
> In addition, it is County staff's position that there is no universal prescription for appropriate buffer widths in and surrounding development area. This position is supported by articles cited in the Draft Additional Analysis, Section 6.0, References. In response to comments, County staff also considered California Department of Fish and Game ("CDFG"), Region 1, recommendations relating to riparian habitat buffer protection areas.[33]
>
> Although addressing a different region in California, CDFG's riparian habitat recommendations address main and secondary tributaries identified in northern California, and use the Upper Sacramento Valley (urban and rural setting) as an example. Based on the recommendations, main tributaries require either a 100-foot minimum buffer (from top of bank), or a 50-foot buffer (from the outside edge from existing riparian), whichever is greater. For the Sacramento River, the recommendations require either a 150-foot minimum buffer (from top of bank), or a 75-foot buffer (from the outside edge from existing riparian), whichever is greater.
>
> The Newhall Ranch River corridor riparian habitat buffer compares favorably to these CDFG recommendations. As noted above, the total buffer area (478 acres) varies in width from a minimum of 135 feet to more than 800 feet, and is three-quarters the size of the riparian habitat area itself. The average buffer width is approximately 400 feet."

This previously provided response is still considered accurate and responsive to this comment.

Response 7

The opinions expressed in this comment address areas, which have received extensive analysis in the Newhall Ranch DAA (April 2001) and FAA (October 2001). Please see **Response 6** above. Specific to the two scientific papers referenced in this comment, please see the County biologist's review and assessment of such papers in **Response 6** above. As stated, County staff also considered California Department of Fish and Game (CDFG), Region I, recommendations relating to riparian habitat buffer protection areas. (Please see Appendix I to the draft of the Newhall Ranch FAA [CDFG Buffer Criteria].) Based on CDFG buffer criteria the Newhall Ranch corridor riparian habitat buffer compares favorably to CDFG recommendations.

This comment makes reference to the County's draft General Plan Update, including proposed changes to SEA policies and boundaries. For information responsive to this comment, please see FAA, Volume I (October 2001), **Topical Response 4: Consistency of the Specific Plan with Draft General Plan Update.**

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[33] See, **Appendix I** to Final Additional Analysis [CDFG Buffer Criteria].

Response 8

The need for protection of the Salt Creek corridor in Ventura County is not borne out by the impact analysis conducted in the Newhall Ranch DAA, Section 2.2 (April 2001). As stated in the DAA, p. 2.2-40, the Specific Plan would not significantly impact the portion of the Salt Creek corridor in Ventura County. The corridor would continue to function largely as it does today. Therefore, mitigation is not required. In addition, as stated in the Newhall Ranch DAA, p. 2.2-8, there are existing programs in place in Ventura County that apply to limit development within the Salt Creek watershed situated in Ventura County, and it is not appropriate for Los Angeles County to unilaterally impose further "protections" on property outside of its jurisdictional boundaries. *See*, DAA, pp. 2.2-35 to 2.2-40.

Response 9

The Alluvial aquifer is not being "over-pumped" and the information presented in the Newhall Ranch RDAA, Section 2.5, is based on substantial evidence in the record. For additional information regarding this topic, please see Response 12 to Letter from SCOPE, dated June 15, 2001, in the draft of the FAA, Volume I (October 2001). In addition, Richard C. Slade & Associates submitted a technical memorandum in connection with the 2000 Urban Water Management Plan (UWMP).[34] A complete copy of the 2000 UWMP is included in the Newhall Ranch DAA (April 2001), Volume III, Appendix 2.5(a). Mr. Slade's technical memorandum is found in Appendix C to the UWMP.

In that technical memorandum, Mr. Slade analyzed the groundwater production and operational yield of the Alluvial aquifer, and found no evidence of overdrafting of the aquifer system. Specifically, Mr. Slade concluded that:

> "a. Alluvial water levels have repeatedly recovered over time following droughts of various durations (including the very long-term drought of approximately 1945 through 1966), and there is no evidence for permanent overdraft or dewatering of this aquifer system.
>
> b. Even with groundwater production at or above 40,000 AF/yr (such as 1951, 1955, 1960 and 1964), all of which occurred during the very long-term drought of 1945 through 1966), groundwater levels in alluvia wells have recovered regardless of the timing (date) of this amount of production relative to the accumulated rainfall departure curve.
>
> c. As a result of the above, it is considered to be hydrogeologically feasible to utilize groundwater extractions from the alluvial aquifer system at the rate of 30,000 AF/yr to 40,000 AF/yr in normal (average) rainfall conditions. During dry periods, alluvial aquifer production should be reduced to the range of 30,000 AF/yr to 35,000 AF/yr."

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[34] Richard C. Slade has conducted extensive assessments of the hydrogeological characteristics, conditions and capabilities of the Santa Clarita Valley's Alluvial and Saugus aquifers. Mr. Slade holds a Bachelors degree in geology from the University of California, Los Angeles and a Masters in Science degree in engineering geology from the University of Southern California. Mr. Slade is also a registered geologist in California, Arizona and Idaho, a certified engineering geologist in California, and a registered professional hydrogeologist with the American Institute of Hydrogeology. Mr. Slade has worked full-time in the field of groundwater in both the public and private sector since 1967.

(*See*, Newhall Ranch DAA, Volume III, Appendix 2.5 UWMP, and, specifically, Appendix C to the UWMP [Technical Memorandum from Richard C. Slade & Associates, LLC, dated November 16, 2000.].)

Mr. Joseph C. Scalmanini (Partner in the firm of Luhdorff & Scalmanini, Consulting Engineers) was asked to review and comment on the work performed by Richard C. Slade & Associates for the UWMP.[35] Based on that review, Mr. Scalmanini found that the Alluvial aquifer was operating within its yield and would not result in overdraft or depletion of groundwater resources if pumped at the levels identified in the UWMP. Specifically, Mr. Scalmanini found that:

> "As part of the overall water supply for the Santa Clarita Valley area, the UWMP includes groundwater supplies from the two aquifer systems beneath the Valley as follows: from the Alluvium - 30,000 to 40,000 afy in average/normal years, and 30,000 to 35,000 afy in dry years; and from the Saugus - 7,500 to 15,000 afy in average/normal years, and 21,000 to 35,000 afy in dry years. Based on a combination of historical operating experience with the Alluvium and a general assessment of pumping and recharge in the Saugus Formation, we would expect that those ranges of pumping will likely be within the perennial yields of the two aquifer systems, and will not resulting any obvious overdraft or depletion of ground-water resources in the area.
>
> The Alluvial aquifer system is the easier of the two to address since it has historically (over the last 50 years) been pumped in numerous years and for extended periods in the ranges cited in the UWMP without undesirable results, *i.e.*, without any evidence of overdraft. In other words, the Alluvium has been managed within its perennial yield, while pumping in the broad range of nearly 20,000 afy to more than 42,000 afy. Although there have been seasonal and longer term intermittent lowering of ground-water levels in response to both variations in pumping and variations in precipitation (and associated recharge), the long-term trend in Alluvial ground-water levels has been stable, with no persistent trend toward lower water levels and associated depletion of ground-water storage. While the cited ranges for Alluvial pumpage in various year-types suggest that, overall, the average extraction will be greater than the perennial yield reported by Slade in 1986, recent high Alluvial pumping and sustained high ground-water levels suggest that an updated perennial yield analysis would result in a higher value of perennial yield than that reported by Slade nearly 15 years ago. Ultimately, however, the exact number is not as important as operating in a range of production that does not cause undesirable results such as chronic ground-water level decline; the ranges cited in the UWMP would certainly fit that criterion. In any case, in light of the range of historical pumping from the alluvium and the lack of any chronic ground-water level depression as a result of that pumping, it appears sound to plan on long-term ground-water supplies from the Alluvium in the general ranges of pumping included in the UWMP, which are consistent with what has been successfully practiced over the last 60 years." (*See*, Newhall Ranch DAA, Volume III, Appendix 2.5 UWMP, and, specifically, Appendix D to the UWMP [Letter from Joseph C. Scalmanini, Luhdorff and Scalmanini Consulting Engineers, dated December 15, 2000, p. 2.].)

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35 Mr. Scalmanini's responsibilities for his firm include oversight and direction of the firm's work with respect to the investigation, development and management of groundwater and water resources throughout California. Mr. Scalmanini holds a Bachelor of Science degree in Mechanical Engineering from Santa Clara University (1967), and a Master of Civil Engineering degree, with a focus in groundwater hydrology and water resources engineering from the University of California, Davis (1984).

In addition, Richard C. Slade & Associates recently completed an update report on the hydrogeologic conditions in both the Alluvial and Saugus Formation aquifer systems (July 2002). This report is found in the Newhall Ranch RDAA, Volume II (November 2002), Appendix 2.5(l).

In that report, Mr. Slade updated the Alluvial groundwater production and operational yield, and specifically addressed the issues presented in this comment:

> "C. Groundwater Production and Operational Yield
>
> Since the mid-1940s, annual groundwater production from the alluvium has ranged from a low of approximately 20,000 acre feet per year (AF/yr) in 1983, to a high of at least 44,000 AF/yr in 1955. The historically largest alluvial extractions occurred between 1951 and 1960, and between 1991 and 2000 (both are 10-year periods, during which the average annual pumpage was approximately 37,000 AF/yr and 35,000 AF/yr, respectively.
>
> *The annual groundwater production from the alluvial aquifer* over the last ten years has averaged approximately *35,000* AF/yr, *about 10 percent higher* then the "practical or *perennial yield*" of 31,600 to 32,600 AF/yr calculated in the Slade 1986 Report. However, this *increase* in average production has occurred *without any onset of undesirable conditions* such as lowered water levels that might be indicative of overdraft. The primary *reason* that the alluvial aquifer has been able to supply groundwater in volumes that are well in excess of its previously estimated perennial yield for the past ten years is that *imports of SWP water into the Valley* have risen from approximately 1,100 AF/yr in 1980 to over 32,000 AF/yr in 2000. Much of this additional water is returned to the alluvial aquifer in the form of discharge from the two WRPs located along the Santa Clara River.
>
> One of the *disadvantages* of utilizing perennial yield as a basis for managing the pumpage from an aquifer system is that it represents a long-term average value for annual yield. There is a potential for the perennial yield value to be interpreted as a "not-to-exceed" volume, with a related potential for pumpage above the perennial yield value in any given year to be incorrectly interpreted as "overdraft". A recently advanced concept intended to deal with such misinterpretations is that of operational yield. *Operational yield* can be defined as a fluctuating value of pumpage that may be above or below the perennial (or average) yield in any given year, and that varies as a function of the availability of other water supplies. The basic intent of the operational yield value is that it should not exceed the perennial yield of the groundwater basin over multi-year wet and dry cycles.
>
> The operational yield concept includes flexibility of groundwater use by allowing increased pumping during dry periods and increased recharge (direct or in-lieu) with supplemental water when it is available in wet/normal rainfall periods. The operational yield protects the aquifer by helping to assure that groundwater supplies are adequately replenished on a long-term basis from one wet/dry cycle to the next. *In the Valley, historical groundwater data demonstrate that the alluvium has been, and continues to be developed within its long-term sustainability (i.e., no continuous lowering of water levels, no notable trend toward degradation of groundwater quality, etc.).*
>
> It is evident from observation of the response of the alluvial aquifer system to average pumping over the last several decades, and response to pumping in individual years, that pumping from the alluvium can be performed at a higher average pumping rate and over a wide range of yearly pumping rates without inducing undesirable conditions that

would be indicative of overdraft, *i.e.*, long-term continuous and progressive decline in water levels and storage. This observation is particularly evident since the initiation of supplemental SWP water deliveries in 1980. As a result, the operational yield of the alluvial aquifer, or the yearly yield for operating purposes, could range from an individual annual pumping volume as low as about 20,000 AF to an individual annual pumping volume as high as about 45,000 AF. The ultimate goals would be to avoid short-term adverse impacts as a result of year-to-year fluctuations in pumping, and to avoid long-term adverse impacts such as continuously lowered water levels and reduced amounts of groundwater in storage.

Recognition of the historical response of the alluvium to the wide range of annual pumping and the higher average rate of pumping in recent years has led to the following *two plans* regarding operation of this aquifer system: 1) development of an Urban Water Management Plan *(UWMP) in 2000* that includes water supply from the alluvial aquifer within both the long-term yearly operational range and the recent (last ten years) average pumping capacity; and 2) *commitment* via a Memorandum of Understanding (*MOU*) process between the Santa Clarita Valley Water Purveyors, Castaic Lake Water Agency (CLWA), and the downstream United Water Conservation District to develop a numerical groundwater flow model in order to analyze in greater detail how the alluvium can be operated in the future to optimize its yield without adverse impact to either the aquifer (avoidance of depressed water levels and depleted storage) or the environment associated with this aquifer (avoidance of decreased stream flows, avoidance of depleting riparian vegetation, *etc.*).

In summary, the combination of historical observations and current planning has led to the *present conclusion* that *the alluvial aquifer system can be operated over a wide range of pumping volumes in any given year. As summarized in the 2000 UWMP, the operation of the alluvial aquifer will typically be in the 30,000 to 40,000 AF/yr range for most wet and normal rainfall years, with an expected reduction into the range of 30,000 to 35,000 AF/yr in dry years.*

Given that the rate of alluvial groundwater extraction over the past ten years has averaged approximately 35,000 AF/yr and no long-term or permanent decline in water levels or groundwater in storage has occurred, the range of pumping proposed for the alluvial aquifer in the most recent UWMP is well within the operational yield of the aquifer." (*See*, Newhall Ranch RDAA, Volume II (November 2002), Appendix 2.5(l), [*2001 Update Report on the Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, prepared by Richard C. Slade & Associates LLC, July 2002, pp. iv-vi].)

The County has considered this information in assessing water supplies from the Alluvial aquifer.

Response 10

This comment does not specifically state which part of the RDAA is at issue in this comment (and which "Quarterly Monitoring Reports" are being referenced). Therefore, a specific response is not possible. Water quality was adequately addressed in the Newhall Ranch Final EIR and is addressed further in the RDAA, Section 2.5, beginning on page 2.5-187.

The letter also claims that a study by Steve Bachman, Ph.D. shows a degradation of water quality in the Alluvial aquifer; however, this is unsubstantiated. In fact, Mr. Bachman's testimony in the separate CPUC proceedings does not address water quality in the Alluvial aquifer. Instead, Mr. Bachman's testimony includes claims about poorer water quality in the Saugus aquifer, however, those claims are

directly rebutted by expert testimony in those proceedings from Richard C. Slade (a certified engineering geologist).[36]

In further response to the comment, please see the water quality findings presented below for both the Alluvial and Saugus aquifers. (The information summarized below is from the Newhall Ranch RDAA (November 2002), Volume II, Appendix 2.5(l), [*2001 Update Report on the Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, prepared by Richard C. Slade & Associates LLC, July 2002].) As stated in the Updated Report:

> "D. Water Quality [Alluvial]
>
> The overall character of groundwater within the alluvial aquifer changes gradually from a calcium bicarbonate to a calcium sulfate character as the groundwater moves from east to west across the Valley. Alluvial groundwater in the tributary canyons in the western part of the area also tends to have a calcium sulfate character.
>
> Concentrations of nitrate and total dissolved solids (TDS) in the groundwater within the alluvial aquifer system show measurable changes as one moves from the eastern to the western end of the Valley. In the eastern and central portions of alluvial aquifer (east of I-5) nitrate levels range from 14 to 27 milligrams per liter (mg/l), while west of I-5 they drop to less than 10 mg/l. TDS concentrations average approximately 550 to 660 mg/l in the eastern and central portions of the alluvial aquifer. TDS concentrations are highest in the alluvial groundwater west of I-5, averaging approximately 1000 mg/l TDS. Neither nitrate nor TDS concentrations exceed their respective State Primary or Secondary Maximum Contaminant Levels (MCLs) in any samples. Groundwater extracted in the area west of I-5 is used solely for agricultural irrigation, and not for municipal-supply purposes.
>
> Between 1985 and 2000, even though some low levels of volatile organic compounds (VOCs) were detected in a few alluvial municipal-supply wells in the Valley, none of these VOCs was encountered at concentrations exceeding its respective MCL. ...". (*See*, Newhall Ranch RDAA, Volume II (November 2002), Appendix 2.5(l), [*2001 Update Report on the Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, prepared by Richard C. Slade & Associates LLC, July 2002, p. vi].)
>
> "D. Groundwater Quality [Saugus]
>
> Groundwater in the Saugus Formation varies in character from calciumbicarbonate (Ca-HCO_3) along the South Fork of the Santa Clara River, to calcium-sulfate (Ca-SO_4) in the central part of the Valley, to sodiumbicarbonate (Na-HCO_3) further west within the central fault block. The TDS concentration of Saugus Formation groundwater typically ranges from 500 to 900 mg/l, which is below the maximum State Secondary MCL for TDS of 1000 mg/l. We have performed a recent re-examination of water quality data for possible historical trends in TDS concentrations in the Saugus Formation. This revealed that although there has been a slight increase in TDS concentrations in most Saugus Formation wells in the past 40 years, this increase could not be correlated with increased groundwater production. On the contrary, there is evidence that TDS concentrations

[36] Please see **Appendix C** to Final Additional Analysis for true and correct copies of the reply testimony of Richard C. Slade, dated May 5, 2000 [Exhibit 16, pp. 13-17, including referenced exhibits].

have actually decreased during periods of increased Saugus Formation groundwater production.

VOCs generally have not been detected in Saugus Formation groundwater, with the exception of four Saugus Formation water wells in the eastern part of the Valley. In these few wells, certain VOCs (primarily TCE) and the inorganic compound perchlorate have been encountered. None of the four impacted wells has been used for municipal-supply purposes since perchlorate was first detected in each of these wells in 1997. Results of ongoing laboratory testing of the other eight active Saugus Formation municipal-supply wells have all shown non-detection of perchlorate. Steps are currently being taken by the water purveyors to safely restore the capacity of the four impacted wells." (*See*, Newhall Ranch RDAA, Volume II (November 2002), Appendix 2.5(l), [*2001 Update Report on the Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*, prepared by Richard C. Slade & Associates LLC, July 2002, p. viii].)

Response 11

The Saugus/ASR Groundwater Banking program referred to in the Newhall Ranch RDAA is considered one of the supplemental water supply sources for the Specific Plan. The RDAA generally describes groundwater banking/ASR programs, and shows that the use of the Saugus aquifer for a groundwater bank is a feasible and reliable means of ensuring adequate water supplies for build-out of the Specific Plan. The information presented in Section 2.5.5.3 is based on the *Newhall Ranch ASR Impact Evaluation*, dated February 2001, prepared by CH_2MHill, and the *Assessment of the Hydrogeologic Feasibility of Injection and Recovery of Water in the Saugus Formation, Santa Clarita Valley, California*, dated February 2001, prepared by Slade, including the Technical Appendix by Slade entitled, *Hydrogeologic Conditions in the Saugus Formation, Santa Clarita Valley, California*, February 2001.

The comment also states that the Saugus/ASR program as a supplemental supply source is "unwarranted" based on reductions in the yield from the Saugus aquifer due to the discovery of perchlorate in the Saugus groundwater. The County does not concur with this comment. The water purveyors in the Santa Clarita Valley (CLWA, Newhall County Water District, Los Angeles County Waterworks District #36 and Valencia Water Company) have issued annual water reports since 1998, which provide information about the current surface water and groundwater supplies of the Santa Clarita Valley. These reports have assessed the groundwater production in the Saugus aquifer, including impacts on production due to the discovery of perchlorate in 1997. In the *2001 Santa Clarita Valley Water Report* (April 2002), the Santa Clarita Valley water purveyors summarized the current status of the historical and current groundwater conditions in the Saugus aquifer, including impacts on production due to perchlorate. As discussed below, the 2001 Water Report finds that there are approved wellhead treatment technologies in use today that are expected to restore production of groundwater supplies from the Saugus aquifer. Ongoing efforts are also underway to restore the affected wells to a clean and useful status, including funding from the federal government and pursuing litigation against the former and current owners of the facility believed to be responsible for the groundwater cleanup. In summary, the Report states that:

> "In 1997, ammonium perchlorate was discovered in four wells operating in the Saugus Formation in the vicinity of the Whittaker-Bermite facility located generally on the east side of the basin. Two wells were immediately shut down. Perchlorate found in the other two wells was at concentrations that did not exceed the State Department of Health Services' (DHS) action level at the time. However, recent action by DHS lowered the action level from 18 micrograms per liter to 4 micrograms per liter. Because of the current action level for perchlorate and the public concern regarding perchlorate in drinking water, the purveyors have suspended operation of their perchlorate impacted wells. All other wells owned and operated by the Purveyors continue to be sampled on a routine basis and have not detected perchlorate.
>
> There are approved treatment technologies available for the removal of perchlorate from water. At present, ion exchange has been identified as the best available technology by DHS. DHS has issued a domestic water supply permit to deliver drinking water from contaminated wells, treated with this technology, to customers in the San Gabriel Valley. In April, representatives of the Santa Clarita Valley water purveyors toured the La Puente perchlorate treatment facilities that have been up and running successfully for more than two years. This technology is available for use in the Santa Clarita Valley.
>
> Since the discovery of perchlorate, the Purveyors have held discussions pertaining to removal of this contaminant from the groundwater in the Saugus. The water agencies acknowledge that although perchlorate has been detected in a limited number of wells within the Saugus Formation, measures will be implemented to restore the affected wells to a clean and useful status as soon as possible.
>
> CLWA recently approved a plan with the U.S. Army Corps of Engineers to study the problem and evaluate long term and, if necessary, interim solutions to address impacted groundwater within the vicinity of the Whittaker-Bermite site. Data and analyses collected by the study will provide CLWA information on how best to restore pumping operations of the four impacted wells. Federal funding for this effort was made possible through the efforts of Santa Clarita Valley Congressional Representative Howard "Buck" McKeon." (*See*, RDAA, Volume II (November 2002), Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report*, pp. vi-vii].)

The *2001 Santa Clarita Valley Water Report* also provided a summary of the status of the on-going litigation pursued by the water purveyors, which seeks to recover the costs associated with the remediation of perchlorate in the Santa Clarita Valley groundwater supplies:

> "In 2000, the Purveyors filed a lawsuit against Whittaker Corporation (the former owner of the contaminated property) and Santa Clarita LLC and Remediation Financial, Inc. (the current owners). The lawsuit seeks to have the defendants pay all necessary costs of response, removal of the contaminant, remedial action costs, and any liabilities or damages associated with the contamination. Under federal and state law, the owners of the Whittaker-Bermite property have the responsibility for the groundwater cleanup." (See RDAA, Volume II (November 2002), Appendix 2.5(i) [*2001 Santa Clarita Valley Water Report*, p. 23].)

In addition, for further information responsive to perchlorate detected in the groundwater in Santa Clarita Valley, please see the Newhall Ranch FAA, **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and the draft of the Newhall Ranch FAA (October 2001), Volume I, **Topical Response 5: Perchlorate Issues**.

Response 12

Based on discussions with CLWA and the local water purveyors, the County does not concur with the statement that the detection of perchlorate in the four impacted Saugus municipal supply wells has "severely reduced" water production from the Saugus aquifer. As discussed in the Newhall Ranch RDAA, and as detailed further in **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, the Saugus wells not affected by the detection of perchlorate remain safe and operating, and have adequate groundwater capacity to offset the loss in production resulting from the four impacted Saugus wells.

Please see **Response 11** above. The health effects of perchlorate and its influence on local groundwater supplies are described in the RDAA beginning on page 2.5-70. For further responsive information, please see the Newhall Ranch FAA, **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and the draft of the Newhall Ranch FAA (October 2001), Volume I, **Topical Response 5: Perchlorate Issues**.

In addition, the Newhall Ranch DAA (April 2001) referred the reader to the state Department of Health Services (DHS) website for additional responsive information regarding perchlorate. As updated in March 2003, the DHS information provides that:

> "No state or federal drinking water standard—also called a maximum contaminant level (MCL)—exists for perchlorate, DHS will be adopting an MCL soon (see MCL Update).
>
> Until an MCL is in place, DHS uses a 4-microgram per liter ($\mu g/L$) advisory action level to protect consumers from perchlorate's adverse health effects. ...
>
> California's early findings (1997) showed perchlorate to be a drinking water contaminant. Since then, 20 states have confirmed perchlorate releases in ground or surface water. Disposal of large volumes of perchlorate has occurred since the 1950s (US EPA, 2002).
>
> Recognizing facilities, processes or products that use or contain perchlorate can be helpful in identifying activities that may affect drinking water supplies.
>
> According to US EPA (2002), perchlorate (an oxidizing anion that originates from the dissolution of ammonium, potassium, magnesium, or sodium salts) is exceedingly mobile in aqueous systems, persisting for many decades under conditions typical for ground and surface water.
>
> Ammonium perchlorate is the primary ingredient in solid propellant for rockets, missiles, and fireworks. Perchlorate salts are used on a large scale as a component of air bag inflators, and also in nuclear reactors and electronic tubes, as additives in lubricating oils, in tanning and finishing leather, as a mordant for fabrics and dyes, in electroplating, in aluminum refining, and in rubber manufacture, and in the production of paints and enamels. Chemical fertilizer has been reported as a potential source of perchlorate contamination, but US EPA, based on new investigations, does not consider it to be an issue for agricultural applications (US EPA, 2002).

Perchlorate is also used in the manufacture of matches, flares, pyrotechnics, ordnance, and explosives, and in analytical chemistry.

For examples of sites with perchlorate contamination, see:

- State Water Resources Control Board/Depar[t]ment of Toxic Substances Control
- Los Angeles Regional Water Quality Control Board
- Santa Ana Regional Water Quality Control Board

MCL Update

Health and Safety Code §116275 [Chapter 425, Statutes of 2002, SB 1822 (Sher)] requires DHS to adopt an MCL for perchlorate by January 1, 2004.

Health and Safety Code §116365(a) requires DHS, while placing primary emphasis on the protection of public health, to establish a contaminant's MCL at a level as close as is technically and economically feasible to its public health goal (PHG). A PHG is the contaminant's concentration in drinking water that does not pose any significant risk to health, derived from a human health risk assessment.

PHG Update

Health and Safety Code §116275 also requires and the Office of Environmental Health Hazard Assessment (OEHHA) to establish a perchlorate PHG by January 1, 2003.

OEHHA released a draft 2- to 6-μg/L PHG, based on the inhibitory effect of perchlorate on the uptake of iodide by the thyroid gland (OEHHA, 2002). Such an effect decreases production of thyroid hormones, which are needed for prenatal and postnatal growth and development, as well as for normal body metabolism. The perchlorate action level page includes information about the derivation of the draft PHG."

This updated DHS website information is found in the Newhall Ranch RDAA, Section 2.5.

In addition, in December 2002, the state Office of Environmental Health Hazard Assessment (OEHHA) published a draft report entitled, *Public Health Goal for Perchlorate in Drinking Water.* Although not a regulatory standard, and still a draft, which is subject to change, the report summarized the current draft public health goal for perchlorate in drinking water. The draft Report provides that:

"A Public Health Goal (PHG) in the range of 2 to 6 ppb (or from 2 to 6 µg/L) is proposed for perchlorate in drinking water. The inhibitory effect of perchlorate on the uptake of iodide by the thyroid gland is identified as the critical event for assessing perchlorate risk. Perchlorate competes with iodide at a transport molecule called the 'sodium-iodide symporter' (NIS) that is responsible for the active transport of iodide into the thyroid. Iodine is an essential trace element and can be rate limiting in thyroid hormone synthesis. Because perchlorate inhibits or reduces uptake of iodide by the thyroid, many adverse health effects associated with low-dose perchlorate exposure are expected to be similar to those caused by iodine deficiency. This evaluation included a review of the toxicity data on perchlorate and adverse health effects associated with iodine deficiency. In animal as well as human studies, it has been shown that perchlorate can inhibit the NIS, disrupt thyroid-pituitary homeostasis, and cause pathological changes of the thyroid and

> sometimes even thyroid tumors. The proposed PHG range is designed to prevent the very first step, inhibition of NIS. It is believed that by doing so, one can also prevent all the subsequent events.
>
> Three sensitive subpopulations are identified in this evaluation: (i) pregnant women who are marginally iodine deficient; (ii) fetuses of these pregnant women; and (iii) individuals suffering from hypothyroidism. Since there are defined members of the population suffering from iodide deficiency or hypothyroidism, it is essential that their deficiency or illness not be exacerbated. Furthermore, since fetuses of pregnant women with low iodide intake are at risk from permanent neurological effects, it is important to select an endpoint that will not increase the risk or potential for these effects to occur."

This draft report is found in the Newhall Ranch FAA, **Appendix X.**

Based on all of the above information, the water purveyors in the Santa Clarita Valley have taken numerous steps to address the detection of perchlorate in the Valley's groundwater supplies. The water purveyors have also assessed reductions in the production of groundwater from the wells where perchlorate has been detected. The water purveyors' most current actions are summarized in **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues.**

Response 13

The Newhall Ranch RDAA does not show a yield from the Saugus aquifer of 40,000 acre-feet as indicated in this comment. Based on the 2000 Urban Water Management Plan, the RDAA reports that the Saugus aquifer is expected to provide a source of supply ranging from 7,500 to 15,000 acre-feet in average/normal years to 11,000 to 15,000 acre-feet in dry years. *See*, RDAA, Section 2.5, beginning on page 2.5-67. The water purveyors in Santa Clarita Valley have also stated that the contamination caused by perchlorate can be treated with workable technologies. For example, CLWA and the other water purveyors in Santa Clarita Valley are developing a plan for a water treatment process to return the four impacted Saugus wells to service as soon as possible. The plan includes the possible use of current technology, already in use in other parts of California, most notably in the nearby San Gabriel Valley (La Puente Valley County Water District). This process removes perchlorate and restores the water to safe drinking water quality. Recently, the CLWA Board of Directors also approved an engineering analysis of all available perchlorate removal technologies to determine which will be the most effective. (*See*, Newhall Ranch FAA, **Appendix U** [CLWA/City of Santa Clarita Valley website information regarding perchlorate].) For additional information responsive to this comment, please see, the Newhall Ranch FAA, **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and the draft of the Newhall Ranch FAA (October 2001) **Topical Response 5: Perchlorate Issues.**

Furthermore, the projected yield of the Saugus aquifer is not considered "hypothetical". As stated, the projected groundwater supplies from the Saugus aquifer are referenced in the 2000 UWMP, prepared by the Santa Clarita Water Valley purveyors. (*See*, Newhall Ranch DAA, Volume III (April 2001), Appendix 2.5(a) for a complete copy of the UWMP.)

The groundwater projections in the UWMP are supported by UWMP, Appendix C (*see*, memorandum from Richard C. Slade & Associates, dated November 16, 2000), and Appendix D (*see*, letter from Joseph C. Scalmanini, Luhdorff & Scalmanini, dated December 15, 2000). For example, based on Mr. Slade's analysis, he has concluded that:

"d. For the historic annual amounts of groundwater production from the Saugus Formation (to date, up to 15,000 Af/yr), there is no relationship between non-pumping (static) water levels in individual Saugus Formation wells and total groundwater extraction by those wells.

e. Saugus Formation hydrographs, which in some cases date to the early-1960s, reveal both seasonal and long-term fluctuations in water levels over time; these water levels respond to changes in rainfall/recharge conditions in the region. Current water levels in Saugus Formation wells are at or near their historic highs. There is no evidence for permanent over-draft or dewatering of the Saugus Formation aquifer system.

f. Because of its relatively large areal extent and substantial vertical depth, the Saugus Formation conservatively contains on the order of 1 million AF of groundwater in storage in the depth zone of 500 ft to 2500 ft and/or the base of fresh water within the formation.

g. Historic and current depths to water and the known amount of historic water level fluctuations in Saugus Formation wells, even recognizing the resulting pumping rates and specific capacities of the wells, are considered small compared to the depths of these wells and to the future amount of available drawdown in each well.

h. As a result of all the above conditions, it is considered to be hydro-geologically feasible to increase production from Saugus Formation aquifers for short-term periods (*e.g.*, for a few years) even during drought conditions. At this time, increasing maximum production in a staged or ramped process from 15,000 AF/yr to 25,000 and then to 40,000 AF/yr for such short-term periods is considered to be hydrogeologically feasible. This staged increase in Saugus Formation production to 40,000 AF/yr for short-term periods amounts to a maximum increase of 25,000 AF/yr over the known historic maximum groundwater extractions from this formation. This 25,000 AF/yr increase represents only a very small percentage of the total amount of groundwater calculated to be present in storage in the depth range of 500 ft to either 2500 ft or the base of fresh water within the Saugus Formation." (*See*, Newhall Ranch DAA, Volume III (April 2001), Appendix 2.5(a) [UWMP, Appendix C, pp. 7-8].)

In addition, Mr. Scalmanini (Luhdorff & Scalmanini) reviewed Mr. Slade's analysis and found that:

"The Saugus Formation is the more difficult of the two aquifers in the area to assess, both in terms of dry period water supply and long-time dependability, primarily because there is no historical operating experience in the range of dry-year Saugus pumping cited in the UWMP. The memorandum in Appendix C includes a brief discussion of historical pumpage (up to a maximum of nearly 15,000 afy, and an average of slightly more than 7,000 afy over the last 20 years), limited historical water levels (no long-term change or other evidence of overdraft, with current levels comparable to pre-development levels), and ground-water storage (on the order of one million af in storage in the depth zone of

500 to 2,500 feet). Based on these conditions and a couple of other considerations (large areal extent and substantial vertical depth of the Saugus, and typically deep well completions with sufficient available drawdown in wells), it is concluded that it is hydrogeologically feasible to increase pumpage from the Saugus for short-term periods in a ramped manner from 15,000 to 25,000 to 40,000 afy. The memorandum is not specific with regard to pumping outside the "short-term" periods when pumpage might be increased; however, it implies that increased pumpage would occur only during dry periods, and that pumpage would decline to lower values in wet and normal periods such that the long-term stability in water levels and storage discussed in the memorandum would be maintained.

Our impression of the concerns expressed about the UWMP overstating the availability of ground water and the potential for pumpage at the yields in the UWMP to deplete or "dry up" the aquifer is that they are primarily concerned with the preceding increase in short-term, *i.e.,* dry period, pumpage from the Saugus. While we agree that it is likely, based on the various considerations discussed in the Appendix, that the Saugus can support such an increase in pumpage without substantially affecting the significant storage in the aquifer and without any significant constraints by such factors as well completion depths and screen intervals, the key question not discussed in the Appendix is whether the Saugus can be expected to recover (recharge) from the short-term dry-period increases in pumpage. To generally address the latter concern as part of our review, we prepared several general water balances of the Saugus based on the ranges of pumping included in the UWMP and the recharge potential previously reported for the Saugus (Slade, 1988). While our water balance approach was very general in nature, it provides a useful indication that the Saugus should be in general balance and, more importantly, that the short-term dry-period increases in Saugus pumpage will not be permanent reductions in ground-water storage. In summary, we examined a range of pumping scenarios for the Saugus as follows, all based on the water supply summaries in Tables 1-4, 2-1, and 4-2 in the UWMP:

- pumpage in the middle of the 7,500 - 15,000 afy range (11,250 afy) in all average/normal years, and dry year pumpage in the middle of the 21,000 - 35,000 afy range (28,000 afy).

- historical average pumpage (7,500 afy) in average/normal years, and ramped increase in dry year pumpage as indicated in Table 4-2.

- historical average pumpage (7,500 afy) in average/normal years, and maximum Saugus pumpage (35,000 afy) in all dry years.

- historical maximum pumpage (15,000 afy) in all average/normal years, and ramped increase in dry year pumpage as indicated in Table 4-2.

All the preceding scenarios show general long-term balances, with the reductions to historical average pumpage or even to historical maximum pumpage in average/normal years sufficient to allow ground-water storage to recover such that the short-term dry period increases in pumpage do not represent permanent reductions in ground-water storage. Based on the information included in the UWMP, complemented by the general water balance assessment described above, we would conclude that the Saugus ground-water supply component in the UWMP is a reasonable plan for use of that aquifer system for a small part of the overall water supply, while also utilizing it on a renewable (recharged) basis to meet short-term dry period reductions in other water supplies."

In addition, as stated above, Richard C. Slade & Associates recently completed a 2001 Update Report regarding the hydrogeologic conditions of both the Alluvial and Saugus aquifers. The Update Report states that:

"B. Groundwater in Storage

The amount of groundwater in storage in the Saugus Formation was calculated to be approximately 1.41 million AF, using an upper limit of 500 ft below ground surface (bgs) as part of the calculations, as reported by Slade in the original 1988 Report on the Saugus Formation aquifer system (Slade 1988 Report). More recent information on the thickness of the alluvium and the degree of potential drawdown interference between adjacent Saugus Formation and alluvial water wells has led us to adjust this upper limit from 500 ft bgs to 300 ft bgs. Updated calculations of groundwater in storage reveal a value of approximately 1.65 million AF, an increase of about 18% more than the 1.41 million AF calculated in the original Slade 1988 Report. This increase is due almost entirely to raising the upper limit of our depth zone for calculations from 500 ft to 300 ft bgs.

C. Groundwater Production and Operational Yield

Groundwater production from the Saugus Formation has averaged approximately 8,600 AF/yr from 1991 to 2000, with the highest ever historical production of approximately 15,000 AF/yr occurring in 1991, towards the end of a multi-year drought. No long-term continuous or permanent decline in either water levels or the amount of groundwater in storage has occurred under this historical range of pumping. In summary, the combination of historical observations and current planning has led to the present conclusion that the Saugus Formation aquifer system can be operated on a long-term average basis in the range of 7,500 to 15,000 AF/yr. Infrequently, during dry periods of one to three years, pumping extractions from the Saugus Formation can be ramped up from 15,000 to 25,000 AF/yr, and ultimately to 35,000 AF/yr if dry conditions continue. These latter increases would be temporary and would return to or below the historical range of 7,500 to 15,000 AF/yr once rainfall patterns returned to normal.

As summarized in the 2000 UWMP, the operation of the Saugus Formation aquifer system will typically be in the 7,500 to 15,000 AF/yr range for most years of normal or wet conditions, with possible short-term increases in dry periods into the 15,000 to 35,000 AF/yr range. It is recommended that a program of enhanced water level and water quality monitoring accompany this incremental temporary "ramp-up" in groundwater production from the Saugus Formation. However, such a temporary increase in pumping over and above historic levels is unlikely to have an adverse impact on the Saugus Formation aquifer system, and in particular is unlikely to induce a permanent loss of groundwater from storage or a decline in water quality." (*See*, Newhall Ranch RDAA, Volume II (November 2002), Appendix 2.5(l) [*2001 Update Report on the Hydrogeologic Conditions in the Alluvial and Saugus Formation Aquifer Systems*], pp. vii-viii.)

Response 14

As indicated in this comment, in April 2002, CLWA and the U.S. Army Corps of Engineers entered into a cost-sharing agreement to conduct a phased feasibility study, which involved sampling, data compilation, and analysis of perchlorate-contaminated groundwater from the Whittaker-Bermite

property to provide a thorough evaluation of the contamination. This work complements testing and evaluation of the perchlorate contamination in the four Saugus wells, being conducted by CLWA and the local water purveyors.

In addition, based on information provided by CLWA and the local water purveyors, the County does not concur with the statement regarding the need to characterize the perchlorate before initiating water treatment programs. The County has been advised by CLWA and the purveyors that the state Department of Toxic Substances Control (DTSC) met with the water purveyors in October 2002, to discuss possible water treatment options to bring the four impacted Saugus wells back into service. The purveyors also provided DTSC with additional technical information regarding groundwater treatment options.

In February 2003, DTSC, CLWA and the other local water purveyors entered into an "Environmental Oversight Agreement." As explained in more detail in **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues,** referenced below, under this Agreement, DTSC will provide review and oversight of the response activities being undertaken by the water purveyors regarding the perchlorate contamination in all impacted wells. For further information responsive to this comment, please see the Newhall Ranch FAA, **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and the draft of the Newhall Ranch FAA (October 2001) **Topical Response 5: Perchlorate Issues.**

Response 15

As discussed in the Newhall Ranch DAA, there are various options for the disposal and/or treatment of brine, a by-product of certain wellhead treatment methods. Please see Newhall Ranch DAA, pages 2.5-203 - 2.5-204. As discussed in **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, these treatment options will be evaluated by CLWA in conjunction with the DTSC. With respect to the concerns raised by the comment regarding groundwater production, please **Response 12** above, and the Newhall Ranch FAA, **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues.**

Response 16

Please see **Responses 11** and **12** above. In addition, in the context of California Public Utilities Commission (CPUC) proceedings involving Valencia Water Company's application for approval of its updated Water Management Plan (and not the Newhall Ranch DAA), Mr. Bachman stated his belief that the future pumping levels shown in Valencia Water Company's Plan for the local aquifers are "too high," because, in his view, the future levels exceed the "perennial yield."

In response to Mr. Bachman's testimony,[37] Valencia Water Company submitted the direct and reply testimony of Joseph C. Scalmanini (Luhdorff & Scalmanini) in the separate CPUC proceedings. The scope and objective of Mr. Scalmanini's direct testimony before the CPUC (attached in the draft of the FAA (October 2001) **Appendix C**) was to present the results of the general assessment of groundwater conditions in the Santa Clarita Valley for purposes of examining "whether the two principal aquifers [the Alluvium and the Saugus Formation] [were] being utilized within their perennial (commonly called "safe") yield or, if not, whether they have been developed to a condition of overdraft." *Id.* at p. 3.

Based on Mr. Scalmanini's review and assessment of the groundwater data in prior studies and reports, Mr. Scalmanini concluded that the pumpage from the Saugus Formation has not resulted in any overdraft conditions over the past four decades, and that there are no long-term trends toward declining groundwater levels, storage or quality in the Saugus Formation. In summarizing the results of his analysis, Mr. Scalmanini testified that:

> "Based on review of ground-water conditions in the Alluvial and Saugus aquifers beneath the Santa Clarita Valley, I conclude that neither aquifer has experienced any overdraft conditions as a result of pumpage to meet municipal, agricultural, and other water demands in the Valley over the last four decades. Actual historical ground-water levels and quality do not reflect any trends which might be indicative of pumpage in excess of perennial yield. Although there are short-term fluctuations in Alluvial ground-water levels that result from alternating wet and dry hydrologic periods, and there are typical seasonal fluctuations in Saugus water levels related to pumping, there are no long term trends toward declining ground-water levels, storage, or quality. In fact, on a long-term basis, ground-water levels, storage, and quality in both aquifers are generally stable, indicative of pumping within the perennial yields of the respective aquifers, and further indicative of aquifers that are not in overdraft. Continued use of ground water within its long term perennial yield, in combination with supplemental imported surface water and some recycled water, will be adequate to meeting existing and long-term projected (over the next 20 years) municipal water demand while also continuing to meet the residual, declining agricultural water demand in the Valley. *Id.* at p. 17-18.

In Mr. Scalmanini's reply testimony, he disagreed with testimony submitted against Valencia Water Company's application by the Sierra Club, Friends of the River, SCOPE, Mr. Bachman, Ph.D. and others. *Id.* at p. 1. In response to statements that the local aquifer is in "overdraft," Mr. Scalmanini testified that the opposition testimony was technically flawed in that it failed to "recognize that the perennial yield of an aquifer system is a long-term average value, and that "overdraft" cannot be concluded simply because recent pumping has exceeded a long-term average number, even if for several years." Mr. Scalmanini testified that, "in any valid determination of perennial yield, [there] is a recognition that aquifer systems experience wet and dry cycles, when recharge is higher or lower than long-term average," and that "pumpage from an aquifer system can vary, in some cases significantly, above and below the perennial yield number from year to year, depending on water demands in the same wet and dry cycles." *Id.* at p. 3.

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[37] Please see **Appendix C** to Final Additional Analysis (2001) for true and correct copies of the direct and reply testimony of Joseph C. Scalmanini, dated April 10, 2000 [Exhibit 13] and May 5, 2000 [Exhibit 14], respectively.

Mr. Scalmanini was also of the opinion that the opposition in the separate CPUC proceedings misunderstood the concept of "overdraft", and he was not persuaded by the data relied upon by the Sierra Club of "proof" of overdraft. *Id.* at pp. 4-6.

After an extensive hearing process, the CPUC addressed the opponents' claims that the aquifer would be "over pumped," if pumped to the full extent shown in Valencia's Water Management Plan (which is consistent with the figures shown in the 2001 UWMP). Specifically, the CPUC issued its written decision approving Valencia's Water Management Plan, and rejecting the "overdraft" claims regarding the Saugus aquifer. (Please see Newhall Ranch FAA, **Appendix Y** [CPUC Decision 01-11-048, November 29, 2001, pp. 25-29].) The County has reviewed the CPUC decision in responding to this and other comments.

Based on this information, and other data in the record, the County finds that the Newhall Ranch Additional Analysis (DAA, April 2001; draft of the FAA, October 2001; and RDAA, November 2002) contains substantial evidence to support the conclusion that the Saugus aquifer is not "in danger of being subjected to high overstress due to projected growth."

107. Letter from Sierra Club, Angeles Chapter (Karen Pearson), dated February 3, 2003

Response 1

Please see County staff report prepared by the Department of Regional Planning for the County Board of Supervisors, dated January 13, 2003 (**Appendix AD**). The staff report concluded that, after an investigation into the spineflower, the existence of confidentiality provisions in the applicant's consultant contracts has not prevented the County from completing an appropriate, thorough and independent environmental review regarding the spineflower and other sensitive species as they relate to the Newhall Ranch Specific Plan and Water Reclamation Plant. Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures.**

Response 2

The comment states that pleadings filed in a referenced court case (*The Newhall Land and Farming Company v. Kerr-McGee Operating Corporation, et al.*, Los Angeles County Superior Court No. BC 244203, filed January 30, 2001) "seem to indicate" that confidentiality agreements "[a]pparently have "impeded experts from [disclosing geology reports] which should have been disclosed in environmental reports," and that this "brings into question the adequacy of the geology studies in the EIR for the [Potrero] Canyon area." The County disagrees with this statement.

According to the applicant, the "geology reports" referred to in the comment actually consist of preliminary technical data prepared by Seward Engineering Geology, Inc. (Seward) that are subject to change and further evaluation. This preliminary technical data is also part of the ongoing evaluation of soils, faults, landslides and related geologic/geotechnical issues that the County required the applicant to undertake as part of the adopted mitigation measures in the partially certified Newhall Ranch EIR. Those mitigation measures require the applicant's geotechnical consultants to undertake an in-depth evaluation related to the geologic/geotechnical issues associated with project-specific development on Newhall Ranch at the subdivision map stage. The County does not require such preliminary geologic/geotechnical information to be submitted to the County for adoption of a Specific Plan (*i.e.*, general plan land use designations, zoning only). In addition, such information is not related to the County's review of the Additional Analysis, which has been prepared in response to the Court's decision and writ in the Newhall Ranch litigation. Finally, as discussed below, the preliminary technical data relates to geologic/geotechnical issues that were previously disclosed to the County and the public as part of the original program EIR for Newhall Ranch.

In further response to this comment, the comment is directed at a section of the Newhall Ranch EIR, Section 4.1, which has been certified as adequate and complete under the provisions of CEQA. Therefore,

this comment raises issues that are beyond the scope of the Newhall Ranch DAA (April 2001), FAA (October 2001) or RDAA (November 2002).

The original Newhall Ranch EIR provides the following "summary" of the analysis presented in Section 4.1, Geotechnical and Soil Resources:

> "There are geologic formations in the proposed development areas of the Newhall Ranch Specific Plan site that, in their current states, are not suitable for development. Specifically, the Specific Plan proposes development in areas of the site that are subject to landslides, surficial failure, hydroconsolidation, and liquefaction, as well as in areas of expansive soils. In addition, the site will be subject to hazards associated with seismic activity in the region. Development in areas of geologic instability on the site would result in a significant impact because it would expose people and structure to geologic hazards. However, implementation of the mitigation measures proposed in this section would reduce these geologic impacts to below the level of significance and no unavoidable significant geologic impacts would occur." See Final EIR, p. 4.1-1.

The Newhall Ranch Final EIR, Section 4.1, Geotechnical and Soil Resources, is based on information presented in several soils and geologic reports prepared for the Newhall Ranch Specific Plan site. Section 4.1 disclosed that development in areas of geologic instability on the site would result in a significant impact because it would expose people and structures to geologic hazards. Specific to Potrero Canyon, the EIR disclosed "special concerns" regarding the soils in Potrero Canyon due to the soft saturated silt and clayey soils present, as well as the deformations in that soil caused by the Northridge earthquake.

With respect to the substantive issue raised by the comment, the Newhall Ranch Final EIR, **Section 4.1** addressed the Specific Plan impacts related to the geologic/geotechnical hazards on the site at the appropriate program level. The section summarized the following soils and geologic reports prepared for the Specific Plan site, and copies of the reports were included in the Newhall Ranch Final EIR, **Appendix 4.1**.

Specific to the comment, the EIR disclosed that the technical reports of Allan E. Seward Engineering Geology, Inc. (Seward) evaluated various fault zones, delineated the approximate extent of on-site landslides, provided preliminary recommendations relative to the proposed grading concept for the Newhall Ranch Specific Plan, and evaluated the feasibility of the proposed extensions of Magic Mountain Parkway and Valencia Boulevard from I-5 to Newhall Ranch." *See*, Final EIR, p. 4.1-2.

Seward's on-site geologic investigation also included:

- Review of in-house data; published and unpublished maps and documents; the 1992 Munger Map Book for California-Alaska, Oil and Gas Fields, aerial photographs of the Newhall Ranch Specific Plan area from 1928, 1945, 1977, and 1994; the topographic base maps of the subject site; and data gathered by the U.S. Geological Survey (USGS) at Potrero Canyon following the Northridge Earthquake;

- Geologic logging of forty-seven trenches (totaling 3,827 lineal feet) and dozer cuts excavated to a maximum depth of 11 feet;

- Delineation of landslides present on the Newhall Ranch Specific Plan site;

- Delineation of the Salt Creek and Del Valle Fault Zones as they occur in the Newhall Ranch Specific Plan development area and designation of geologically recommended preliminary Building Setback Zones;

- Preliminary review of the proposed grading concepts; and

- Coordination with the Newhall Ranch Specific Plan Geotechnical (Soils) Engineer, R.T. Frankian & Associates, and the grading engineer, Alliance Land Planning and Engineering. *See*, Final EIR, pp. 4.1-2 - 4.1-3.

Seward's investigation of off-site roadway extensions included "review of in-house data; published and unpublished maps and documents; the 1992 Munger Map Book for California-Alaska, Oil and Gas Fields, aerial photographs of the Newhall Ranch Specific Plan area from 1928; and the topographic based maps of the proposed alignments of the roadway extensions." *See*, Final EIR, p. 4.1-3.

In addition to the above work, R.T. Frankian & Associates (Frankian) conducted a geotechnical reconnaissance of the project site and off-site roadway extensions to supplement the Seward reports and investigations with respect to future potential earthquake ground motion and liquefactions. Reports prepared by Frankian also evaluated the site within 21 distinct geographic areas. *See*, Final EIR, pp. 4.1-2 - 4.1-3.

Based on the above documentation, Final EIR Section 4.1 analyzed the "existing conditions" relating to each of the following six topic areas: earth materials, mass movement deposits, geologic structure, seismicity, groundwater and geotechnical reconnaissance. *See*, Final EIR, pp. 4.1-3 to 4.1-46. After an analysis of the existing conditions, Section 4.1 again summarized the Specific Plan impacts by stating that:

> "There are geologic formations in the proposed development areas of the Newhall Ranch Specific Plan site that, in their current state, are not suitable for development. For instance, portions of the Newhall Ranch Specific Plan site are subject to landslides, surficial failures, expansive bedrock, liquefaction, and hydroconsolidation. In addition, the site would be subject to hazards associated with regional seismic activities. " *See*, Final EIR, p. 4.1-46.

Section 4.1 then conducted a program-level assessment of the impacts of the proposed Specific Plan relative to: (i) landslides; (ii) surficial failures; (iii) cut slopes; (iv) groundwater; (v) expansive bedrock; (vi) hydroconsolidation; (vii) liquefaction potential; (viii) oil wells; and (ix) seismic hazards. *See*, Final EIR, pp. 4.1-46 - 4.1-54. The impacts analysis concluded that "[d]evelopment in landslide areas, and in areas of surficial and slope failure, expansive soils, hydroconsolidation, and liquefaction would be significant because it would expose people and structures to geologic hazards." *See*, Final EIR, p. 4.1-54.

Based on the conclusions reached in the impacts analysis, the EIR recommended, and the County adopted, numerous mitigation measures to offset the identified impacts. *See*, Final EIR, pp. 4.1-54 to 4.1-63. In addition, the County's adopted mitigation measures requiring the applicant to further evaluate areas subject to liquefaction, expansive soil, landslides, *etc.*, at the subdivision stage when project-specific EIRs are required.

Specific to Potrero Canyon, the excerpts from the EIR, below, evidence identification of the soils in Potrero Canyon as of "special concern" because of their composition and buckling during the Northridge earthquake, and, that due to the liquefaction potential of the soils in Potrero Canyon, unless grading removal and recompaction and/or improvement of the existing alluvium occurred to reduce the potential for liquefaction and lateral spreading, development in the area would result in a significant geotechnical impact. In the "existing conditions" portion of the EIR, it described the Potrero Canyon areas:

> "The alluvium in Potrero Canyon below approximately 5 feet is commonly saturated and trench excavations are prone to caving. The phenomenon of collapsing soils is the result of water interacting with void-bearing sediments. Water in the sediments reorganizes sediment particles into a more compact arrangement, causing reduction of the void space. This causes settlement (hydroconsolidation) of the material, which is potentially hazardous to overlying structures." *See*, Final EIR, p. 4.1-8.

> "A large topographic anomaly on the southern side of Potrero Canyon was originally mapped by Allan E. Seward Engineering Geology, Inc. as a terrace deposit. This designation was based on the generally flat nature of the surface and on its topographic compatibility with the large distinctive terrace (Potrero Mesa) mapped on the northern side of the canyon. Subsequent geologic mapping of this feature indicates that, at six separate locations along the margins of the anomaly, terrace material was exposed overlying the Pico Formation sandstone and conglomerate. Several exposures showed cobble to boulder rich terrace material directly overlying the Pico Formation bedrock. The detailed mapping indicates that the northern Ot/Tp contact is approximately 25 feet lower than originally believed and that the questioned landslide on the western margin of the terrace is probably actually an eroded remnant of the same terrace." *See*, Final EIR, p. 4.1-11.

> "Numerous shallow failures and rock falls/debris flows were activated on the steeper slopes of the site by strong ground motion from the Northridge Earthquake. Surficial failures which occurred prior to the Northridge Earthquake are also common on the site, especially on the steeper hillsides around Potrero Canyon. The steeper hillsides around Potrero Canyon are underlain largely by siltstone, the upper 5 to 10 feet of which are generally highly fractured and weathered, and prone to failure during intense rainfall and/or earthquake-generated ground motions. This debris commonly accumulates into thick, poorly consolidated deposits of heterogeneous material at the base of steep slopes and is generally unsuitable for building foundations." *See*, Final EIR, p. 4.1-12 - 4.1-13.

> "Area 18, Long/Potrero, includes a portion of the north central side of Potrero Canyon and the western half of the southern side of Long Canyon. [¶] Thin layers of clean, fine sand, and layers of gravel up to about 5 feet thick were occasionally encountered. Soils in the tributary valleys normally consist of silty to very silty, fine sand to depths of about 5 to 20 feet below ground surface, and below that clayey to very clayey silt. Within Area 18, the floor of Potrero Canyon is comprised of soft, saturated silt and clay soils, and the water level during the investigation, and after the Northridge event, was within a few

feet of the ground surface. [¶]The soils in the floor of Potrero Canyon ... were severely deformed during the Northridge Earthquake, demonstrating linear cracks in the soil formed parallel to the axis of the canyon principally along the southern and northern margins of the canyon ... Plasticity indices for the floor of Potrero Canyon were high enough to consider the soils to be non-liquefiable. However, for this report it will be assumed that the soft, fine grained soils within Area 18, if left in their present condition, will produce significant deformation under a similar dynamic loading as experienced during the Northridge event of January 17, 1994. [¶]Natural soils encountered in Area 18 are generally poorly consolidated to a depth that ranges between 7 to 31 feet below the existing ground surface." *See*, Final EIR, p. 4.1-40.

"Area 19, North Upper Potrero, includes the northern side of the upper third of Potrero Canyon, which is topographically similar to the portion of Potrero Canyon described for Area 18. [¶]The northern portion of this area is at a higher elevation and performed well seismically; however, soils in the floor of the lower portion of Potrero Canyon were severely deformed during the Northridge Earthquake. Although cracking was not as severe in this portion of Potrero Canyon, linear cracks in the soil formed parallel to the axis of the canyon, principally along the southern and northern margins of the canyon. [¶]For this report it will be assumed that the soft, fine grained soils, if left in their present condition, will experience significant deformation under a similar dynamic loading as experienced during the Northridge event of January 17, 1994. [¶]Natural soils in Area 19 are generally poorly consolidated to a depth that ranges between 5 to 8 feet below the existing ground surface." *See*, Final EIR, p. 4.1-41.

"Area 20, South Upper Potrero, includes the southern side of the eastern two-thirds of Potrero Canyon and four large tributary canyons. [¶]The portions of Area 20 which are in the floor of Potrero Canyon represent a special concern because of the soft, saturated silt and clayey soils present. [¶]The portions of this area that are mountainous performed well seismically; however, the soils in the floor of Potrero Canyon were severely deformed during the Northridge Earthquake. Linear cracks in the soil formed parallel to the axis of the canyon principally along the southern and northern margins of the canyon. [¶]The plasticity index for the soils range from 7 to 18 percent, and many of the plasticity indices were high enough to consider the soils to be non-liquefiable. However, for this report it will be assumed that the soft, fine grained soils of South Upper Potrero Canyon, if left in their present condition, will produce significant distortion under a similar dynamic loading as experienced during the Northridge event of January 17, 1994. [¶]Natural soils in Area 20 are generally poorly consolidated to a depth that ranges between 5 to 10 feet below the existing ground surface." *See*, Final EIR, p. 4.1-42.

Section 4.1 described and analyzed the Specific Plan's impacts, as it related to proposed development in Potrero Canyon:

"Shallow ground water is present on the site within the Santa Clara River Valley alluvium and alluvium of the major tributary canyons. Saturated alluvium is noted within 5 feet of the surface of Potrero Canyon and minor seepage was noted along Salt Creek at a depth of approximately 7 feet. A seep is characterized by an oozing of water rather than a flowing from a slope. Seeps do not typically cause slope failure. Therefore, ground water is not expected to be an issue in the elevated areas of the site." *See*, Final EIR, p. 4.1-50.

"Soils in the floor of Potrero Canyon in Areas 18, 19, 20, 22, and 24 have been determined by R.T. Frankian & Associates to have liquefaction potential. Subdrain systems will be required in areas with high ground water conditions (Potrero Canyon in particular) or where extensive irrigation is planned. Unless grading removal and recompaction and/or improvement of the existing alluvium to reduce the potential for liquefaction and lateral

> spreading occurs where unsuitable materials are currently present, development in areas of liquefaction potential would result in a significant geotechnical impact.
>
> The Los Angeles County Department of Public Works has expressed the opinion that a maintenance district or other maintenance program would be necessary in the event that permanent dewatering, monitoring, and maintenance facilities requiring pumping facilities are required within Potrero Canyon for permanent stability. Based on existing information, geotechnical consultants believe that control of liquefaction is feasible without installation of permanent facilities. Dewatering will be accomplished by the installation of an extensive system of subdrains during grading operations. The general concept will be to install subdrains in the alluvial bottoms at regular horizontal intervals in the bottom of Potrero Canyon to prevent a potential rise in ground water from the alluvium into the overlying fill. Subdrains will be placed at vertical intervals of 5 to 15 feet along the south side of Potrero Canyon to collect water migrating into the canyon along the regional north-dipping bedding. Additional subdrains will also be installed along specific porous and permeable beds exposed in the Pico Formation and adjacent to the terrace deposits along Potrero Canyon if they will be present in the subgrade adjacent to the fill. Temporary dewatering activity may be necessary to remove the alluvium in order to construct the subdrains. Potential hazards from ground water will also be reduced by raising the proposed grade in Potrero Canyon. Drainage from these structures will be by gravity flow and are not expected to require pumping facilities." *See*, Final EIR, p. 4.1-52.

The EIR mitigation measures directed toward impacts associated with Potrero Canyon include, among others, Mitigation Measures 4.1-8 [at the time of subdivision, areas subject to liquefaction are to be mitigated to the satisfaction of the Newhall Ranch Specific Plan Geotechnical Engineer prior to site development]; Mitigation Measures 4.1-9 [subdrains are to be placed in areas of high ground water conditions (Potrero Canyon, in particular) or wherever extensive irrigation is planned]; and, Mitigation Measures 4.1-52 [additional subsurface evaluation within Potrero Canyon will be performed during the subdivision stage to confirm that nontectonic alluvial movement was the cause of surface ground cracking during the Northridge Earthquake and to evaluate the potential for shallow-depth faults].

The above EIR excerpts and mitigation measures illustrate that the soils and geotechnical issues, including proposed development in Potrero Canyon, were sufficiently discussed at the program-level and that further evaluation and mitigation is required at the subdivision stage in the context of the County's EIR reporting requirements.

Response 3

The water information presented in the Additional Analysis (draft and final) has been reviewed by the County, the Santa Clarita Valley Water purveyors, and the United Water Conservation District (UWCD) in Ventura County in association with the Memorandum of Understanding signed by those agencies.

Based on this and other comments, the County has undertaken its own review of the applicant's confidentiality provisions in its consultant contracts, and has concluded that the existence of the confidentiality provisions has not prevented the County from completing an appropriate, thorough and independent environmental review regarding the water resources as they relate to the Newhall Ranch

Specific Plan and Water Reclamation Plant. Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures.**

In addition, the County directed the applicant to obtain disclosure statements, signed under penalty of perjury, from its water consultants verifying that all of the information required for the Specific Plan EIR and additional analyses have been disclosed. For other directives that the County made to the applicant, please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower.**

Response 4

The County has made an inquiry regarding the applicant's consultant contracts, including the confidentiality provisions. Based on that, County staff has required the applicant to obtain written disclosure statements, signed under penalty of perjury, by the applicant's consultants. County staff has also required the applicant to take steps to ensure that the confidentiality provisions do not impede the County's EIR reporting requirements. Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure of Information Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**. County staff has deemed these steps to be adequate to ensure that complete disclosure has occurred, and will occur with respect to future consultant studies supporting additional Newhall Ranch environmental documents. However, the comment will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed project.

Response 5

The comment addresses a subject area that received extensive analysis in the Newhall Ranch DAA, Volumes I-III (April 2001) and FAA, Volumes I-II (October 2001). Except as provided below, the comment does not raise any specific issue regarding that analyses and, therefore, no more specific response can be provided or is required. However, the comment will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed project.

The comment states that the Specific Plan "should be changed to eliminate commercial and housing unit densities higher than those allowed by the SEA designation ... before it can be approved." In response, the County's General Plan does not place a specific limit on the densities of development allowed in SEAs. In addition, the Newhall Ranch DAA (April 2001) and FAA (October 2001) support a finding of consistency between the Specific Plan and the County's General Plan Significant Ecological Area, SEA 23. For further information, please see **Response 11** to **Comment Letter 103** from California Native Plant Society (CNPS) (Ileene Anderson and David L. Magney), dated February 4, 2003.

Response 6

The County has previously responded to comments regarding the environmental document that was prepared in response to the Court's decision and writ in the Newhall Ranch litigation. Please see, **Topical Response 2: Type of CEQA Document**, presented in the draft of the Final Additional Analysis, Volume I (October 2001). The Additional Analysis (draft and final) contains an extensive amount of information regarding the arroyo toad. This comment does not specifically question the adequacy of that particular information. In addition, no evidence has been provided to the applicant, the County or any other agency that indicates arroyo toads have been found on the Newhall Ranch site.

In further response to this comment, please see the RDAA (November 2002) Section 2.6, for further information regarding spineflower. In addition, the Newhall Ranch DAA (April 2001), FAA (October 2001) and RDAA (November 2002) have been all reviewed and circulated to numerous public agencies, individuals, organizations and other interested parties during public review periods that exceed the requirements of CEQA and the *Guidelines*.

With respect to perchlorate, the County notes that the existence of perchlorate in the Saugus aquifer and its potential impacts on water production were addressed in the Newhall Ranch RDAA. The RDAA disclosed the perchlorate conditions, noting the presence of perchlorate in both the Saugus and Alluvial aquifers, including the fact that four municipal-supply water wells in the Saugus aquifer were closed due to the potential effects of perchlorate. Additionally, an update on the status of issues relating to perchlorate is provided in the Newhall Ranch FAA, **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**. For the reasons presented, the comments submitted relating to perchlorate do not present facts sufficient under CEQA to warrant preparation of any additional environmental review documents.

Response 7

Please see, **Topical Response 8: Compliance with the Court's Decision.**

Response 8

Please see **Responses 1 through 4** and **6** above. In addition, at the Board level, the public review and comment on the Newhall Ranch additional environmental analyses was for a 60-day period, which commenced on November 27, 2002, and ended on January 27, 2003. The Board of Supervisors then extended the written public comment period from January 27 to February 4, 2003, for a public review and comment period totaling 70 days. However, this comment will be included as part of the record and made available to the decision-makers prior to a final decision on the proposed project.

108. Letter from Santa Clarita Oak Conservancy (Cynthia Neal-Harris), dated February 3, 2002

Response 1

The Newhall Ranch Specific Plan Final EIR contains adequate thresholds of significance for biological resources. Based on a review of this comment, it also appears that there is a misunderstanding regarding the scope of the biological analysis required to be completed in the Newhall Ranch Additional Analysis. The comment appears to take the position that now is the appropriate time to provide comments on the adequacy of the biological analysis presented in the prior, partially certified Newhall Ranch Final EIR. This is incorrect.

The Court refused the requests of project opponents to invalidate the adequacy of the biological analysis and mitigation measures contained in the prior Final EIR (Section 4.6), despite litigation challenges to the sufficiency of the information presented, including challenges to the adequacy of the mitigation program. In the Statement of Decision,[38] the Court summarized the opponents' claim as involving a challenge to the adequacy of the EIR for "improperly deferring" both the analysis and mitigation of the project's biological impacts. *Id.* at p. 14. The claim also involved arguments that the Final EIR lacked "specificity in its treatment of biological resources and, in essence, [deferred] evaluation of the impact of the Project on fish and wildlife until the approval process for Specific Tract Maps or for Section 404 permits and Section 1603 agreements." *Id.* at p. 14-15. The Court rejected the project opponents' arguments, based, in part, on a review of the Specific Plan Resource Management Plan and Mitigation Monitoring Plan, and found that:

> "The mitigation requirements ... do include performance standards that can be utilized to hold the [County and Specific Plan Applicant] to compliance with the EIR, and that adequately inform the public of the nature of the proposed mitigation designed to reduce the significant impacts on biological resources in the area during the development of the Project." *Id.* at p. 16.
>
> "In contrast [to arguments advanced by project opponents], the environmental consequences of the Project to biological resources on site have been explored in the instant case and mitigation measures adopted with performance standards specific enough to demonstrate the feasibility of the mitigation that is proposed." *Id.* at p. 17.

The time to appeal the Court's decision has long since passed; therefore, it is no longer timely to challenge the adequacy of the biological information presented in the Final EIR. As a result, the Final EIR remains certified and valid as to the EIR's overall biological impact analysis and related mitigation program. The only outstanding biology-related environmental issues relate to: (a) the biological impacts on the Santa Clara River corridor due to channelization, increased flow velocities and bank hardening; (b) the Specific

[38] *See*, **Appendix A** to Final Additional Analysis [Statement of Decision, filed August 3, 2000].

Plan's biological impact of restricting wildlife movement in the Salt Creek corridor lying within Ventura County; (c) the alternative of siting the Newhall Ranch WRP off-river, including an analysis of the biological impacts of that siting; and (d) other biology-related topics that constitute "significant new information" under CEQA.

109. Letter from Piru Neighborhood Council, Inc. (Janet Bergamo), dated February 3, 2002

Response 1

Without more specific comments regarding the adequacy of the Revised Draft Additional Analysis (RDAA), no specific response to this comment can be provided.

Response 2

The opinions of the commentator are noted. Both the Newhall Ranch Additional Analysis and the Final EIR correctly indicate that traffic impacts of the Specific Plan can be mitigated, including those created in Ventura County.

The Final EIR also found that certain biological impacts can and cannot be mitigated to less than significant levels. Please see Final EIR, Section 4.6, Biota, for more information. As indicated at the end of Section 4.6:

> "a. Specific Plan Impacts
>
> Due to the conversion of approximately 5,132 acres of habitat that are in a largely natural condition to a suburban and urban condition, implementation of the Newhall Ranch Specific Plan would substantially diminish habitat for wildlife and plants. Implementation of the Specific Plan would also significantly impact sensitive wildlife species, significantly impact the ability of animals to move across portions of the site, and significantly impact several sensitive upland habitat types. All of these are considered unavoidable significant impacts that cannot be fully mitigated.
>
> b. Cumulative Impacts
>
> As indicated above, several large development projects are proposed for the Los Angeles/Ventura County region, including the Newhall Ranch Specific Plan. All of these proposed developments would remove natural habitat. The Newhall Ranch Specific Plan will convert approximately 5,132 acres of land from a largely natural, albeit partially disturbed, habitat condition, to that of a suburban/urban environment. That conversion, when added to all the other such conversions of open area that are proposed, will permanently decrease the amount of land available for natural habitats and the flora and fauna that inhabit them. Neither implementation of the Newhall Ranch Specific Plan nor any other similar large scale project proposed on the edge of the existing urban environment can mitigate from a biological perspective the permanent conversion of large blocks of open area. It is for this reason that the cumulative impact is considered unavoidably significant."

Response 3

The RDAA indicates that the applicant has secured an adequate supply of water for the Specific Plan. The impact analysis presented in the Newhall Ranch RDAA, Section 2.5, shows that downstream water users would not be significantly impacted.

Response 4

As indicated in the Revised Draft Additional Analysis, ammonium perchlorate has been detected in water wells in the eastern part of the Saugus Aquifer. Since circulation of the Revised Draft Additional Analysis, perchlorate has been detected in one additional municipal well near the Whittaker-Bermite site. This is several miles east of the Newhall Ranch Specific Plan site. The Revised Draft Additional Analysis includes a mitigation measure requiring that the agricultural water be treated to meet the drinking water standards of Title 22. *See,* Revised Draft Additional Analysis Mitigation Measure 2.5-16. See other related information regarding perchlorate beginning on page 2.5-70 of the Revised Draft Additional Analysis. For other responsive information regarding perchlorate, please refer to the Newhall Ranch FAA, **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**. Recent water quality testing of a representative agricultural well on the Newhall Ranch Specific Plan in 2001 showed a "Non Detect" for perchlorate with a detection limit of 4 parts per billion (*See,* Final Additional Analysis **Technical Appendix AC** - Well Water Quality).

110. Letter from the California Office of Planning and Research, dated January 28, 2003

Response 1

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

111. Letter from Thomas Barron, dated January 23, 2003

Response 1

Pico Canyon Road was not deleted from the County Master Plan of Highways upon approval of the Newhall Ranch Specific Plan. The figure provided with this comment letter (Figure III-5 entitled "Proposed Arterial Highway System Changes") showing Pico Canyon Road deleted from the Arterial Highway Plan is from an early traffic study included in the Newhall Ranch Specific Plan Draft EIR which addressed the applicant's original request to delete Pico Canyon Road from the County's Master Plan of Highways. Pico Canyon Road is classified as a Secondary Highway on the County's Master Plan of Highways within the Newhall Ranch Specific Plan area and is consistent with the County's General and Area Plans for the area.

The original Newhall Ranch Specific Plan proposed by the applicant (Newhall) included a request that, if approved, would have amended the General Plan and Area Plan deleting Pico Canyon Road from the County's Master Plan of Highways westerly beyond the intersection of Stevenson Ranch Parkway. Prior to the approval of the 1999 Newhall Ranch Specific Plan, the applicant amended its request to eliminate the change and, instead, the portion of Pico Canyon Road within the Newhall Ranch was classified as a Secondary Highway. (Please see page 2-60, below, of the Newhall Ranch Specific Plan for the final approved description and classification of the road.) The Final EIR, therefore, included an analysis of both scenarios (*i.e.*, both with and without Pico Canyon Road from Newhall Ranch to Stevenson Ranch Parkway); however, the County did not approve the original request and the application and the Specific Plan were modified accordingly.

Impacts to Pico Canyon Road were analyzed to the satisfaction of the County of Los Angeles Department of Public Works and mitigation measures adequately address the need for and improvements to these roadways commensurate with the Specific Plan's anticipated impact. The Final EIR's impact analysis demonstrated that the Specific Plan would cause an incremental increase in traffic on Pico Canyon Road, but that the volumes would be within the capacity of the road. As a safeguard, and consistent with the programmatic nature of the EIR, mitigation measures require that as each tract map is prepared and processed to implement the Specific Plan, a performance evaluation (traffic study) be prepared to identify specific improvements needed for each development tract. (*See*, Final EIR Mitigation Measures 4.8-2, 6, 7, 10, & 13)

It is important to understand that Pico Canyon Road does not extend directly out of Newhall Ranch into the existing Stevenson Ranch Community. Rather, the road passes through a large, vacant area of land referred to as Stevenson Ranch Phase 5. An application for a specific plan and tentative map for Stevenson Ranch Phase 5 is presently being processed by the County of Los Angeles, which could further modify the alignment and configuration of the road within the Stevenson Ranch Phase 5 area.

Performance evaluations (traffic studies) for Newhall Ranch tentative tract maps and the traffic studies for Stevenson Ranch Phase 5 will have to address the specific roadway conditions present at the time the maps are filed. If circumstances were to change over time, or if traffic patterns differ from what was anticipated or if a roadway like Pico Canyon were to be built late in the development phasing, then the tract-by-tract analysis would identify specific impacts and prescribe specific improvements needed to Pico Canyon Road as mitigation for that particular tract.

Response 2

This comment includes the statement that roadway improvements to Pico Canyon Road currently being proposed by the County are not consistent with the Newhall Ranch Specific Plan. This statement is not supported by the documents attached to the letter. The Newhall Ranch Specific Plan EIR suggests that a minimum of 4-lanes are needed west of Stevenson Ranch Parkway and that the classification of Pico Canyon Road as a secondary highway within the Newhall Ranch Specific Plan is justified. See **Response** 1 above.

Response 3

The County does not understand this comment. If the commentator is referring to traffic improvements required of a completely unrelated development along Pico Canyon Road being constructed by Laing Homes, improvements that are the responsibility of Laing Homes are not related to Newhall Ranch. Further, if the commentator is suggesting that the extension of Pico Canyon Road west of Stevenson Ranch Parkway is not needed, this is incorrect. See **Response** 1 above. No further response can be provided.

Response 4

The County Public Works Department independently reviewed and approved the traffic analysis prepared for the Newhall Ranch Specific Plan. The trial court ruled that the analysis of Newhall Ranch traffic impacts in Los Angeles County is adequate under CEQA. The opinions of the commentator are noted and included in the Final Additional Analysis for the Board of Supervisors' review.

Response 5

The opinions of the commentator are noted and included in the Final Additional Analysis for the Board of Supervisors' review.

Page from Newhall Ranch Specific Plan

(f) **San Martinez Grande**: The southerly portion of this existing road will be relocated to provide safer access to both adjacent residential neighborhoods and SR-126, and to connect with Potrero Valley Road at its intersection with SR-126. The road will be designed as a Collector and will feature a Local Trail.

(g) **Pico Canyon Road**: The on-site portion of this existing road will be constructed as a Secondary Highway within the *Specific Plan Area*.

(2) Hierarchy of Roads

The Newhall Ranch hierarchy of roads is designed to correspond to the Los Angeles County Subdivision Planning and Zoning Code, Chapter 21.24 with the exception of State Route-126, which is designed consistent with Caltrans standards. Roads designated in the Master Circulation Plan are set forth in Roadway Sections A1 through D, Exhibits 2.4-3 and 2.4-4.

SR-126 is planned to State Highway standards and is anticipated to be an 8-lane State Highway from I-5 west to Commerce Center Drive where it will transition to a 6-lane State Highway until it reaches Potrero Valley Road where it will transition to a 4-lane State Highway. Landscaping within the median and recovery areas of the State-owned and maintained highway will be encouraged.

Major Highways within Newhall Ranch are designed to the County standard section with landscaped medians. Secondary Highways are modified from County standards to include a landscaped median, adding 14 feet to the standard 80 foot ROW for a total 94-foot ROW.

Collector roads correspond to Urban Collector Streets in the County code (see Section D on Exhibit 2.4-4). Collector streets may be widened to include landscaped medians at entry areas and other appropriate locations. Collector roads may also use the "Alternate Cross-Section," which results in the sidewalk being adjacent to the curb, as permitted by Chapter 21 of the Los Angeles County Subdivision Code.

112. Letter from Sally White, dated January 27, 2003

Response 1

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

Response 2

The Revised Draft Additional Analysis indicates that the applicant has secured an adequate supply of water for the Specific Plan (*See,* Revised Draft Additional Analysis beginning on page 2.5-2).

The Revised Draft Additional Analysis contains an extensive amount of information regarding ammonium perchlorate beginning on page 2.5-70. Also see Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and Final Additional Analysis (2003) **Appendices U, V, W, and X**. Also see **Response 7** to the comments presented by SCOPE in **Comment Letter 105**, dated February 3, 2003.

Response 3

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

113. Letter from Thomas Barron, dated January 28, 2003

Response 1

The County does not believe that the analysis before the Board has been limited by the use of confidentiality agreements. For a response to issues relating to the use of confidentiality agreements, please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure Information of Regarding Spineflower**. For factual information regarding the agreement reached between The Newhall Land and Farming Company and the California Department of Fish and Game, see **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation Through Newhall/CDFG Conservation Easement and Agreement** (Final Additional Analysis **Appendix AF** contains a copy of the Civil Compromise Agreement reached between the California Department of Fish and Game (CDFG) and The Newhall Land and Farming Company, and **Appendix AG** contains a copy of the Conservation Easement Deed conveyed to CDFG). For information regarding the plant surveys competed on the Newhall Ranch site, see **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**.

114. Letter from Audubon California, Daniel Cooper, dated February 3, 2003

General Response

This comment letter contains a review of, and many statements regarding, the Draft EIR prepared for the Newhall Ranch Specific Plan by the County of Los Angeles in 1996. The EIR was certified by the County of Los Angeles in 1999 and the Kern County Superior Court found that the biological analysis presented in the EIR, and as it pertains to the various types of comments presented in this letter, was adequate under CEQA. The time to comment on the content of the Draft EIR is past, as is the time to appeal the ruling of the trial court. Notwithstanding this information, provided below are responses to the comments presented.

Response 1

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

Response 2

This comment is in general agreement with the information presented in the Draft EIR, which states that unavoidably significant impacts would occur if the Specific Plan is constructed. No further response is required.

Response 3

This comment is acknowledged and hereby incorporated into the Final Additional Analysis. The County believes, and the Kern County Superior Court agreed in its May 2000 ruling, that the biological analysis performed for the Specific Plan was adequate under CEQA.

Response 4

Loggerhead Shrike is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-87. The opinion of the commentator is noted.

Least Bell's Vireo is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on pages 4.6-75 and 76. The opinion of the commentator is noted. The Santa Clara River through the Specific Plan site would not be a "confined riverbed". See **Responses 2** and **5** to **Comment Letter 104** presented by San Marino Environmental Associates dated February 4, 2003 for additional information. In addition, the County is aware of no evidence that supports a claim that noise-making machines have ever been in operation on Newhall Ranch.

Tricolored Blackbird is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-90. The opinion of the commentator is noted.

Arroyo toad is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-99. The opinion of the commentator is noted. Consistent with the several surveys conducted over the past several years, no arroyo toads have ever been detected on Newhall Ranch.

Sharp-shinned Hawk is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on pages 4.6-108 and 109. The opinion of the commentator is noted.

Mesic Meadow habitat is addressed in the Final EIR on pages 4.6-3, 12, 25, 38, 45, 46, 123, and 125. The opinion of the commentator is noted. The Specific Plan has been modified to avoid the majority of the mesic meadow habitat near the mouth of Potrero Canyon, and to reroute the road that was originally planned to run through this habitat. This will result in conservation of approximately 30 percent of the mesic meadow habitat, including the highest quality northern portion of the meadow. This area will also maintain its connection to the open space in the Santa Clara River Corridor to the south.

Cooper's Hawk is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-84. The opinion of the commentator is noted.

Vermilion Flycatcher is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-85. The opinion of the commentator is noted.

Horned Lark is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-86. The opinion of the commentator is noted.

Mountain Plover is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-100. The opinion of the commentator is noted.

Fulvous Whistling-Duck is addressed in the Final EIR on Table 4.6-3, Sensitive Wildlife Species Observed or Detected on Newhall Ranch, and on page 4.6-10. The opinion of the commentator is noted. As indicated in the Final EIR, this species is not expected to occur on the Specific Plan site.

Response 5

Plant surveys conducted in support of the Final EIR were habitat or plant community based. This is appropriate for a program EIR. Project-level surveys will be conducted in association with the processing of future tract maps allowing construction. See the **General Response** above.

Response 6

The opinion of the commentator is noted. For related information, please see **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures** and **Topical Response 10: Spineflower**

Mitigation Program and Additional Mitigation Through Newhall/CDFG Conservation Easement and Agreement.

Response 7

See **Response 5** and the **General Response** above. For information regarding the arroyo toad (not present on the Newhall Ranch Specific Plan site) and the least Bell's vireo, see **Response 4** and the **General Response** above.

Response 8

The opinion of the commentator is noted and will be incorporated into the Final Additional Analysis.

115. Letter from the California Department of Transportation, dated November 8, 2001

Response 1

This comment is acknowledged and incorporated into the Final Additional Analysis. The County of Los Angeles will be conducting new environmental documents for each tract map allowing construction on Newhall Ranch as they are submitted. With each map, the applicant of the map will be required to complete new traffic studies to ensure that appropriate traffic flow is maintained.

116. Letter from California Regional Water Quality Control Board, Los Angeles Region, Samuel Unger, dated November 7, 2001[39]

General Response

This response presents information responsive to several comments made by the RWQCB concerning the potential for the Newhall Ranch Specific Plan to degrade water quality. Specifically, the RWQCB contends that the County's legal interpretation of RWQCB's authority is mistaken and significant environmental issues regarding groundwater and surface water quality are being disregarded. The RWQCB states that quantification of pollutant loadings is needed in order to support the County's conclusion that the Specific Plan's water supply and waste discharge plans, including the Newhall Ranch Water Reclamation Plant (WRP) and ASR program, would not have a significant adverse affect on water quality. Each of these concerns is discussed below.

Water quality impacts were one of the issues raised by project opponents to invalidate the Newhall Ranch Final EIR. The trial court ruled in favor of the County, because of the sufficiency of the information presented in the Final EIR (Section 4.2) and the adequacy of the mitigation. *See*, Newhall Ranch Final Additional Analysis (FAA) October 2001, Volume II **Appendix A** [Statement of Decision, pp. 26-27]. As a result, stormwater quality analysis and mitigation program are not part of the six issues requiring further study. Nevertheless, the County has provided an estimate of chloride and nutrient loadings and overall water quality impacts, and the Revised Draft Additional Analysis (RDAA) contains a detailed analysis of project compliance with the RWQCB nutrient and chloride TMDLs (see also Newhall Ranch FAA **Responses to Comment Letter 98**, dated February, 3, 2003). The County has made a good faith effort to quantify potential pollutant loadings from the Specific Plan, recognizing that the project will be built over 25-30 years, and efforts to estimate concentrations of pollutants in source waters, taking into consideration both changes in pollution control technologies and regulatory standards that far into the future, are speculative. The County's recommended mitigation measures, and further environmental review on a subdivision-by-subdivision level, are the best means for assuring that potential water quality impacts of the project are reduced to below a level of significance. Based upon the analysis contained in the RDAA and responses below, the County's previous findings that there will be no significant adverse impacts to water quality remains unchanged.

Response 1

The first paragraph of the comment letter provides factual background information regarding the proposed project. This information will be part of the record and made available to the decision-makers prior to a final decision on the proposed project. No further response is required because the comment does not raise an environmental issue regarding the content of the Revised Draft Additional Analysis. It should be noted that the Specific Plan contains 11,963 acres, not 4,835 acres.

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[39] Similar issues were raised in the June 19,2001 and February 3, 2003 RWQCB comment letters. *See*, FAA Response to Comments.

Response 2

The RWQCB references comment letters, dated June 19, 2001, December 18, 2000, and October 10, 1996. The County's responses to those comments are contained in the Newhall Ranch FAA (October 2001) and Final EIR (March 1999).

Response 3

The RWQCB takes exception with the County's interpretation of the RWQCB's regulatory authority and sets forth the reasons in the following comments.

Response 4

The RWQCB disagrees with the County's interpretation of the *Gentry v. City of Murrieta* (1995) 36 Cal. App.4th 1359 decision and the applicability of that case to the Newhall Ranch Specific Plan.

The County acknowledges that RWQCB is a responsible agency in the context of the Newhall Ranch Specific Plan as that term is defined in CEQA (*See*, CEQA *Guidelines* Section 15381). Under CEQA, a responsible agency commenting on the adequacy of an EIR has a mandatory obligation to comment only on those subjects within the agencies' particular expertise. *See*, Pub.Res.Code §21104(c) ("A responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency.[40]). It is well recognized that the actions of a public agency are limited pursuant to the statutes, which delineate the agency's powers and authorities. The *Gentry* case is cited because it addresses the issue of agency authority and expertise in the CEQA context, specifically with regard to the RWQCB. In that case, the petitioner argued that the City should have submitted a negative declaration to the RWQCB because the subject project had the potential to increase "water erosion." The court rejected the petitioner's argument, stating that: "[a]lthough the State Water [Resources] Control Board and the various regional water quality control boards have statutory jurisdiction over water quality (Water Code, §13001), *they have no particular authority over water erosion.*" *Id.* at p. 1389. (*Emphasis added.*) The *Gentry* decision shows that the RWQCB's authority is limited and does not extend to every impact that may have some relationship to water resources.

Response 5

The RWQCB states that the *Gentry* case in not applicable to its regulatory authority with respect to the Newhall Ranch Specific Plan because it is already commenting on the environmental documents and a regional board was not participating in the *Gentry* lawsuit.

The County makes reference to the *Gentry* case only because of its reference to the RWQCB's authority over "water erosion".

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[40] *See also*, Pub.Res.Code Section 21153(c); CEQA *Guidelines* Sections 15086(c), 15204(d).

Response 6

The RWQCB references its regulatory authority to address "erosion issues" in its MS4 Permit issued to Los Angeles County, the Statewide General Construction Storm Water Permit, and the Water Code wherein it is responsible for identifying and protecting beneficial uses, including aquatic habitat. The RWQCB water quality objectives are established to "ensure the reasonable protection of beneficial uses".

The County is not aware of any RWQCB Basin Plan water quality objectives for erosion. Narrative objectives are contained in the Basin Plan for solid, suspended or settleable materials and for protection of the hydrology and habitat of wetlands as set forth below:

> **Solid, suspended or settleable materials**
>
> "Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses." RWQCB Basin Plan 1994 p. 3-16.
>
> **Wetland Hydrology**
>
> "Natural hydrologic conditions necessary to support the physical, chemical, and biological characteristics present in wetlands shall be protected to prevent significant adverse effects on: natural temperature, pH, dissolved oxygen, and other natural physical/chemical conditions; movement of aquatic fauna, survival and reproduction of aquatic flora and fauna, and water levels." RWQCB Basin Plan 1994 p. 3-17
>
> **Wetland Habitat**
>
> "Existing habitat and associated populations of wetlands fauna and flora shall be maintained by: maintaining substrate characteristics necessary to support flora and fauna which would be present naturally; protecting food supplies for fish and wildlife; protecting reproductive and nursery areas, and; protecting wildlife corridors." RWQCB Basin Plan 1994 p. 3-17

As directed by the trial court, the County analyzed the hydraulic impacts on biological resources in the Santa Clara River corridor due to floodplain modifications associated with the Newhall Ranch Specific Plan (*See*, Newhall Ranch DAA, Section 2.3, Floodplain Modifications). This assessment focused on impacts to aquatic, wetland, riparian habitats, and endangered and other sensitive species from changes in floodplain boundary and areas, flow amount, flow velocities, and sediment transports and deposition patterns. Impacts on wildlife movement were discussed in the Newhall Ranch DAA, Section 2.4, SEA General Plan Consistency. The County concluded that the proposed Specific Plan would result in modification to the floodplain and an increase in flows, water velocities, water depth, and changes in sediment transport and flooded areas. However, these hydraulic effects would be minor in nature, and would only be observed during infrequent flood events that reach the buried banks (*e.g.*, 50-year and 100-year flood events). Under the Specific Plan, the river would still retain sufficient width to allow natural fluvial processes to continue and hence the habitats would be maintained and species would not be significantly affected, so the RWQCB beneficial uses set forth above would be maintained and protected.

Response 7

The RWQCB indicates that its jurisdiction includes numerous other water resource issues because improperly stabilized banks, increased river velocities, increased scouring, and aquatic habitat loss can destroy or adversely impact water quality.

The County acknowledges the regulatory authority of the RWQCB with respect to water quality and water resources issues. The water quality regulatory framework for the Specific Plan is described in detail in the response to the RWQCB's comment letters, dated June 19, 2001 and February 3, 2003 (*See,* Newhall Ranch FAA Response to Comments). As the comment does not raise any issues regarding environmental effects, no further response can be provided. However, by the nature of the County's written responses, the County does not desire to dismiss issues raised by RWQCB.

Response 8

The RWQCB previously raised concerns that additional information is required to address the project's impact on water quality from bank stabilization, floodplain impacts, river velocities, sediment depositions and scouring patterns and habitat loss, and the County does not wish to dismiss these issues.

However, no water quality issues relating to bank stabilization, floodplain impacts, *etc.*, are raised in this comment. There were water quality issues from proposed floodplain modifications referenced by the RWQCB in its letter, dated June 19, 2001, and the County provided responses to that letter (*See,* FAA Response to Comments, pp. RTC-39-46 and Section 2.3 of the DAA).

Response 9

The RWQCB indicates that implementation of regulatory programs such as NPDES and SUSMP do not necessarily assure that water quality objectives would be met. The RWQCB is required to develop total maximum daily loads (TMDLs) for those water bodies to ensure water quality standards can be achieved, and the RWQCB requests information required for its TMDL analysis.

Based on the loadings analysis, and the performance-based mitigation measures contained in the Newhall Ranch DAA that require the Specific Plan to comply with the NPDES, TMDL and other RWQCB regulatory programs, the County's previous statements that there will be no significant adverse impacts to water quality from the Specific Plan and WRP remain unchanged.

The County has previously acknowledged the RWQCB regulatory authority through the TMDL program. This is another regulatory tool available to the RWQCB to develop a "pollution budget" or pollutant load allocation for point and non-point sources that are contributing to the water quality impairment.[41] Once

[41] Points sources are those that generate discharge from a discrete conveyance facility. Non-point sources represent all other sources.

these allocations have been set, waste load allocations for point and non-point sources are implemented through NPDES permits, waste discharge requirements (WDR), or other regulatory mechanisms for individual dischargers. Non-point source discharges are subject to load allocations that can be implemented through the TMDL program. Therefore, it is not clear from the RWQCB comment why its regulatory program would not assure that water quality objectives would be met.

A TMDL for chloride was adopted by RWQCB for the Santa Clara River on October 28, 2002. However, on February 19, 2003, the State Water Resources Control Board remanded the chloride TMDL back to the RWQCB to consider sequentially phasing TMDL implementation tasks, extending the interim limits, and reevaluation of the chloride objective itself. (For more detail, please see FAA Response to Comments and FAA **Appendix O** [SWRCB remand resolution].) A TMDL for nutrients is currently being developed by RWQCB. The Specific Plan and Newhall Ranch WRP must be consistent with both these and other applicable TMDLs and associated standards and implementation plans, during the specific design, engineering and permitting phases of the project. Verification will be provided by RWQCB and Los Angeles County in conjunction with WRP design, engineering and future permitting, as well as during the subsequent subdivision map approval process.

Response 10

The RWQCB requests information quantifying estimates of pollutant loadings, assimilative capacity of the Santa Clara River, and a linkage analysis correlating the loadings with water quality impacts.

The County has provided detailed estimates of the loadings for chloride, nitrate and coliform, the pollutants for which the Santa Clara River is listed as being impaired (*See*, RDAA pp. 2.5-223 - 2.5-233, FAA Response to Comments, and FAA **Appendix S** [IWR])). The County has made a good faith effort to quantify potential pollutant loadings from the Specific Plan, recognizing that the project will be built over 25-30 years, and efforts to estimate concentrations of pollutants in source waters and urban runoff, taking into consideration both changes in pollution control technologies and regulatory standards that far into the future, are speculative. The County's recommended mitigation measures, and further environmental review on a subdivision-by-subdivision level, are the best means for assuring that potential water quality impacts of the Specific Plan are reduced to below a level of significance. *See, e.g.*, Final EIR, Section 4.2; DAA Section 4.0, Mitigation Monitoring Program, Mitigation Measures 4.2-1, 4.2-2, 4.2-5, 4.2-6 and 4.2-7; FAA Response to Comments (General Response and Response 1, RTC 13-2).

Response 11

The RWQCB requests information regarding pollutant loadings, interaction of groundwater and surface water, and analysis of the critical conditions in order to asses the water quality impacts of the project.

The County previously provided a chloride loadings analysis in the FAA Response to Comments (p. RTC-13), which is discussed further in this response. A loadings analysis for nitrate plus nitrite and

coliform is also provided below. Based upon the loadings analysis, and the performance-based mitigation measures contained in the Newhall Ranch DAA, the County's previous finding that there will be no significant adverse impacts to water quality from the Specific Plan and WRP remains unchanged.

Chloride Loadings

Loading estimates for chlorides from the Newhall Ranch WRP were previously provided in the County's response to comments and based upon the existing RWQCB NPDES effluent limits for the Valencia WRP, which has a chloride limit of 190 mg/L (*See*, Newhall Ranch FAA p. RTC-34). Since no specific effluent limits currently exist for the Newhall Ranch WRP, this is the most conservative estimate of loadings. In addition, the County has estimated chloride loadings for the Newhall Ranch WRP based on an estimated effluent chloride concentration of 97 mg/L, which assumes self-regenerating water softeners are prohibited in Newhall Ranch. (*See*, proposed Mitigation Measure 5.0-52(b) in **Response 9** to **Comment Letter 98** from RWQCB, dated February 3, 2003, and FAA **Appendix S** [Integrated Water Resources (IWR) Technical Memorandum, dated March 7, 2003].) The current RWQCB surface water quality objective for this reach of the Santa Clara River is 100 mg/L. The total chloride loading to the Santa Clara River is estimated at 206 pounds per day. The RWQCB, through its NPDES permitting authority, would establish a concentration-based chloride effluent limit necessary to maintain water quality on the Santa Clara River from discharges from the Newhall Ranch WRP. The performance-based mitigation measures applicable to the Newhall Ranch WRP already require the WRP to satisfy the RWQCB discharge limits for recycled water discharged to the Santa Clara River and for the irrigation of landscaped areas. Please refer to the following measures:

5.0-53 The Newhall Ranch water reclamation plant shall be designed and operated to satisfy the requirements of Title 22 of the California Administrative Code, which regulates reuse of reclaimed water.

5.0-54 The Newhall Ranch water reclamation plant shall be designed and operated to satisfy the California Regional Water Quality Control Board, Los Angeles Region discharge limits for reclaimed water discharged to the Santa Clara River and for the irrigation of landscaped areas.

5.0-55 The Newhall Ranch water reclamation plant shall obtain a National Pollutant Discharge Elimination System permit from the California Regional Water Quality Control Board, Los Angeles Region for reclaimed water discharged to the Santa Clara River and for the irrigation of landscaped areas.

As identified in the Newhall Ranch DAA and RDAA (p. 2.5-169 and 2.5-188, respectively) discharges of reclaimed water must conform to the established water quality objectives and other applicable provisions specified in the RWQCB Basin Plan, including applicable provisions of the adopted TMDL, and must meet concentration-based chloride effluent limits set as part of the NPDES permit for the Newhall Ranch WRP. The RWQCB Basin Plan groundwater quality objective in this portion of the groundwater basin is 150 mg/L.

The Newhall Ranch WRP is intended to operate as a near "zero discharge" facility to maximize use of recycled water for non-potable demands and reduce reliance upon potable water sources for irrigation. Only during winter months when irrigation demands are low would effluent be discharged to the Santa Clara River. As noted in the RWQCB chloride TMDL staff report:

> "Regional Board staff understands that an additional water reclamation plant [Newhall Ranch WRP] is planned to accommodate future growth in the Santa Clarita Valley and that this plant will discharge only during rain events." (RWQCB Staff Report Chloride TMDL 12/19/02 p. 34.)

As noted in the RWQCB's adopted chloride TMDL:

> "The waste load allocations are expressed as a concentration limit derived from the existing WQO [water quality objective] thereby accommodating future growth. (...) The source analysis indicated non point sources [*i.e.*, irrigation and urban runoff] are not a major source of chloride."[42]

Therefore, the County finds that chloride loadings from point and non-point sources will not adversely impact surface or groundwater quality because the estimated concentration-based chloride loadings would not exceed the RWQCB Basin Plan surface water objective of 100 mg/L or the groundwater objective of 150 mg/L. Furthermore, the project mitigation measures require compliance with the RWQCB's NPDES and TMDL regulations for protecting and maintaining water quality.

Nitrogen Loadings

The RWQCB has requested quantification of nitrogen loadings for the Specific Plan. The RWQCB is in the process of developing a concentration-based nutrient TMDL that addresses the SWRCB 2002 303(d) list nitrate plus nitrite impairment for the upper Santa Clara River. A discussion of the Specific Plan's conformance with the RWQCB's Draft Nutrient TMDL is contained in the RDAA, at page 2.5-228. This TMDL is anticipated to be completed in the fall 2003. Two initial work products have been produced by the RWQCB and the Steering Committee that identifies the existing sources of nitrate plus nitrite loadings[43] and the expected instream loadings from those sources.[44] The Systech Task 1 analysis identifies the primary source of loadings as the two existing County Sanitation District WRPs, which represent approximately 91% and 66% of the total loadings during dry and wet years, respectively. Nitrogen loadings for the Newhall Ranch WRP were estimated based upon the existing nitrate plus nitrite RWQCB NPDES effluent concentration limits established for the Valencia WRP. The current nitrogen effluent limits set by the RWQCB for the Valencia WRP is 10 mg/l (nitrate plus nitrite as N). Assuming the same

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42 RWQCB Resolution R02-018 Attachment A Table 7.6.1 Upper Santa Clara River Chloride TMDL Elements (FAA **Appendix O** [SWRCB remand Attachment 2]).

43 *Final Task 1 Report For Santa Clara River Nutrient TMDL Analysis: Source Identification and Characterization*, Systech Engineering, July 15, 2002.

44 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality*, Systech Engineering, September 1, 2002 (see FAA **Appendix P**).

effluent limit concentration of 10 mg/l is established by the RWQCB for the Newhall Ranch WRP, and 286 acre-feet per year discharge to the river as anticipated, the total nitrate plus nitrite loading to the Santa Clara River is estimated to be 21 pounds per day (as N). If, in the future, the RWQCB through its NPDES permitting authority and TMDL implementation plan determines lower concentration-based effluent limits for the Newhall Ranch WRP are necessary to maintain water quality on the Santa Clara River, the mass loading would be reduced corresponding to that new limit. The WRP technology will be capable of reducing pollutant loads to limits set by the RWQCB. The critical condition, which will most likely be identified in the TMDL as the summer low flow period.[45] when effluent from the Valencia and Saugus WRPs is the primary source of flow in the River. During such low flow conditions, there is "zero discharge" from the Newhall Ranch WRP to the river and therefore no impact on instream nitrate plus nitrite concentrations.

The Systech linkage analysis quantified non-point sources from the existing residential, high density residential, commercial/industrial and septic systems in the Santa Clarita Valley (which encompasses the urbanized portion of the watershed), which were described as representing approximately 0.2% and 0.4% of the instream nitrate loads during dry and wet years, respectively.[46] The addition of Newhall Ranch non point source nutrient loadings would have a similar but smaller percentage contribution to instream loadings than the current urban loadings in the Valley because the land use types for the Newhall Ranch Specific Plan are similar to the rest of the Valley, but the proposed developed acreage of Newhall Ranch is significantly smaller. Because the Newhall Ranch Specific Plan area encompasses only 3% of the 640 square-mile drainage area tributary to Reach 7, its non-point source contribution is a negligible component (<1%) of the total instream nitrate load.[47]

An additional component of nitrate plus nitrite loading to land surfaces is expected from recycled water and potable water used for landscape irrigation in the Newhall Ranch Specific Plan. Total estimated loads are 397 pounds per day (as N) from Newhall Ranch WRP recycled water, 219 pounds per day (as N) from CLWA recycled water, and 45 pounds per day (as N) from potable supplies used for irrigation (groundwater and imported water blend) (*See*, FAA **Appendix R** [IWR]). This cumulative load totals 661 pounds per day. Studies have shown that the vast majority of this loading (50%-80%) will be attenuated by soil denitrification prior to reaching either the groundwater or the River.[48] This fact is further demonstrated through the technical analysis for the nutrient TMDL, where it has been shown that the total land surface loading of nitrate—which includes atmospheric deposition, fertilization, and

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45 RWQCB identified a low flow critical condition for the Calleguas Creek Nutrient TMDL. RWQCB Resolution 02-017 Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Nitrogen Compounds and Related Effects in Calleguas Creek, October 24, 2002

46 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality*, Systech Engineering, September 1, 2002 (see FAA **Appendix P**).

47 Integrated Water Resources Technical Memo, dated March 7, 2003 (*See*, FAA **Appendix R**).

48 *Groundwater Recharge Using Water of Impaired Quality*, National Academy of Sciences Committee on Ground Water Recharge, 1994 p. 115.

irrigation—represents 56% of the total source load to Reach 7 (Blue Cut to I-5 Freeway)[49], but by the time these loads reach the River they constitute only 6-12% of the total instream load.[50] Furthermore, the Newhall Ranch Specific Plan Area encompasses only 3% of the 640 square-mile drainage area tributary to Reach 7, so its non-point source contribution is a negligible component of the total instream nitrate load from all non-point sources.

As another means of determining whether Newhall Ranch non-point sources of nitrogen would be a significant loading source to the surface and groundwater, the County reviewed the RWQCB's recently adopted concentration-based Nutrient TMDL for the similar and adjacent Calleguas Creek watershed.[51] That watershed contains the growing cities of Simi Valley, Moorpark, Thousand Oaks, Camarillo and Oxnard. This TMDL established nitrate and nitrite numeric targets of 10 mg/L and 1 mg/L, respectively. The RWQCB's linkage analysis between nitrogen sources in the watershed and in-stream water quality was developed through a mass continuity model based on recent hydrologic and water quality data. The principal sources of nitrogen identified by the RWQCB in that urbanizing watershed were discharges from six WRPs and runoff from agricultural activities. Urban non-point sources, such as irrigation or urban runoff, were not identified as major sources contributing to that watershed's nitrogen impairment.

Because the Newhall Ranch WRP will have "zero discharge" to the Santa Clara River during critical summer low flow months, and based upon preliminary results of the Systech linkage analysis for the Santa Clara River that show irrigation and urban runoff are an insignificant source of instream loadings, and a comparison with the RWQCB's source analysis in the Calleguas Creek watershed, the County finds that nitrate plus nitrite loadings from the Newhall Ranch Specific Plan point and non-point sources will not significantly impact surface water quality.

Coliform

The reach of the Santa Clara River through the Newhall Ranch Specific Plan is listed as impaired on the SWRCB 303(d) list for fecal coliform. Coliform is similar to nitrate/nitrite in that nearly all of the load applied to land is attenuated prior to reaching surface or groundwaters. Coliform loadings from the Newhall Ranch WRP discharges to the river and use of reclaimed water are expected to be below the detection limit based upon reported values from the existing Valencia WRP (*See*, Newhall Ranch FAA, **Appendix R** [IWR]). The County acknowledges that urban stormwater runoff from the Specific Plan area is a potential source of coliform loading. However, since site-specific land uses, percent imperviousness, location and sizing of best management practices to treat urban runoff and nuisance flows, and source

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49 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality*, Systech Engineering, September 1, 2002, pp 40-41 (see FAA **Appendix P**[Systech]).

50 *Linkage Analysis For Santa Clara River Nutrient TMDL Analysis, Parts I and II: Hydrology and Water Quality*, Systech Engineering, September 1, 2002, pp 142-143 (see FAA **Appendix P**[Systech]).

51 RWQCB Resolution 02-017 Amendment to the Water Quality Control Plan for the Los Angeles Region to include a TMDL for Nitrogen Compounds and Related Effects in Calleguas Creek, October 24, 2002.

controls can not be precisely determined, the County cannot quantify the amount of coliform loading from the Specific Plan.

Conclusion

The County has made a good faith effort to quantify potential pollutant loadings from the Specific Plan, recognizing that the project will be built over 25-30 years, and efforts to estimate concentrations of pollutants in source waters and urban runoff, taking into consideration both changes in pollution control technologies and regulatory standards that far into the future, are speculative. Furthermore, the County's performance-based mitigation measures set forth above and below were previously deemed by the court as "substantial evidence [...] in the Administrative Record to justify the findings of the Board [of Supervisors] with regard to the issue of storm water pollution."[52]

4.2-2. All necessary permits or letters of exemption from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the Regional Water Quality Control Board for Specific Plan-related development are to be obtained prior to construction of drainage improvements. The performance criteria to be used in conjunction with 1603 agreements and/or 404 permits are described in Section 4.6, Biological Resources, Mitigation Measures 4.6-1 through 4.6-10 (restoration) and 4.6-11 through 4.6-16 (enhancement).

4.2-7. The applicant for any subdivision map permitting construction shall satisfy all applicable requirements of the NPDES Program in effect in Los Angeles County to the satisfaction of the County of Los Angeles Department of Public Works. These requirements currently include preparation of an Urban Storm Water Mitigation Plan (USWMP) containing design features and Best Management Practices (BMPs) appropriate and applicable to the subdivision. In addition, the requirements currently include preparation of a Storm Water Management Pollution Prevention Plan (SWPPP) containing design features and BMPs appropriate and applicable to the subdivision. The County of Los Angeles Department of Public Works shall monitor compliance with those NPDES requirements.

4.11-1. The proposed Specific Plan shall implement a water reclamation system in order to reduce the Specific Plan's demand for imported potable water. The Specific Plan shall install a distribution system to deliver non-potable reclaimed water to irrigate land uses suitable to accept reclaimed water, pursuant to Los Angeles County Department of Health Standards.

4.11-7. Prior to commencement of use, all uses of recycled water shall be reviewed and approved by the State of California Health and Welfare Agency, Department of Health Services.

4.11-9. Pursuant to Public Resources Code §21081(a)(2), the County shall recommend that the Upper Santa Clara Water Committee, made up of the Castaic Lake Water Agency, Los Angeles County Waterworks District No. 36, Newhall County Water District, Santa Clarita Water Division of CLWA and the Valencia Water Company, prepare an annual water report that will discuss the status of

[52] *See*, Newhall Ranch FAA, **Appendix A** [Statement of Decision, p. 27].

groundwater within the Alluvial and Saugus Aquifers, and State Water Project water supplies as they relate to the Santa Clarita Valley. The report will also include an annual update of the actions taken by CLWA to enhance the quality and reliability of existing and planned water supplies for the Santa Clarita Valley. In those years when the Committee does not prepare such a report, the applicant at its expense shall cause the preparation of such a report that is acceptable to the County to address these issues. This annual report shall be provided to Los Angeles County, which will consider the report as part of the its local land use decision-making process. (To date, three such water reports have been prepared (1998, 1999 and 2000) and provided to both the County of Los Angeles and the City of Santa Clarita.)

4.11-17. In conjunction with each project-specific subdivision map for the Newhall Ranch Specific Plan, the County shall require the applicant of that map to cause to be prepared a supplemental or subsequent Environmental Impact Report, as appropriate, pursuant to CEQA requirements. By imposing this EIR requirement on each Newhall Ranch tentative subdivision map application allowing construction, the County will ensure that, among other things, the water needed for each proposed subdivision is confirmed as part of the County's subdivision map application process. This mitigation requirement shall be read and applied in combination with the requirements set forth in revised Mitigation Measure 4.11-6, above.

4.12-2. A 5.8 to 6.9 mgd water reclamation plant shall be constructed on the Specific Plan site, pursuant to County, State and Federal design standards, to serve the Newhall Ranch Specific Plan.

The County's recommended mitigation measures, and further environmental review on a subdivision-by-subdivision level, are the best means for assuring that potential water quality impacts from chlorides, nitrates, coliform and other pollutants are mitigated to below a level of significance. Therefore, the County's previous findings that the magnitude of all water quality related impacts is considered to be less than significant remains unchanged. *See, e.g.*, Final EIR, Section 4.2; DAA Section 4.0, Mitigation Monitoring Program; FAA Response to Comments (General Response and Response 1, RTC 13-2).

Response 12

See **Response 11** above and Section 2.5.6.4(h)(6) of the RDAA for a complete discussion and quantitative estimate of the Specific Plan's impact on surface water quality. The County's previous finding that the magnitude of all water quality related impacts is considered to be less than significant remains unchanged.

Response 13

The RWQCB requests that the County quantify the effect of the "small predicted reduction in groundwater discharge" when ASR wells are pumped during extended drought periods, along with potential changes to surface water quality or flow on aquatic life.

The County has quantified all aspects of the water quality affects of the ASR program. The groundwater flow model described in the Revised Draft Additional Analysis (Section 2.5) predicts that the Specific

Plan, including ASR, will actually increase the amount of groundwater discharging to the river in most years (an annual average increase of 1,050 to 1,100 AF/yr. (RDAA p. 2.5-227)), because the ASR program banks more water than it pumps, and in non-drought years, injection will occur on a continual basis. During these years, it was predicted that there would be increased dilution and assimilative capacity resulting from ASR injection. Only during extended drought periods when the ASR wells are pumped will there be a small predicted reduction in groundwater discharge. This reduction in groundwater discharge is short-lived and is small (0.5 to 3.0 percent on an annual basis, 1,050 AF/yr) relative to the total river flow at the County line (34,000 to 212,000 acre-feet). This small reduction in groundwater discharge will not significantly increase chloride concentrations in the river and therefore would not impact downstream agricultural beneficial uses.[53] Because the ASR program would be increasing groundwater discharge in at least 7 out of every 10 years and the chloride concentration increase during extreme drought conditions is less than one percent, the County believes that the overall impact on surface water quality caused by the ASR program is beneficial.

Response 14

The RWQCB states the effects of chlorides and nitrates in reclaimed water applied for irrigation have not been quantified or analyzed. This comment raises the same issues regarding loadings from chlorides and nitrates to which the County has provided responses. (See **Response 11** above and Section 2.5.6.4(h)(6) of the RDAA.)

Response 15

The RWQCB restates its concern that the County has dismissed the issues raised by the RWQCB of potential adverse environmental impacts.

As stated above, the County has made a good faith effort to quantify potential pollutant loadings from the Specific Plan, based upon current criteria recognizing that the project will be built over 25-30 years. The County has attempted to estimate concentrations of pollutants in source waters, taking into consideration both changes in pollution control technologies and regulatory standards that far into the future, are speculative. The County's recommended mitigation measures, and subsequent review on a subdivision-by-subdivision level, are the best means for assuring that potential water quality impacts of the project are reduced to below a level of significance.

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[53] Assuming the future maximum surface water chloride concentration does not increase above the existing chloride concentrations at the County line (115 mg/L) due to successful implementation of the chloride TMDL, then a reduction of 1,050 af/yr in groundwater flow (est. chloride concentration 68 mg/L) during the third year of a three-year drought would result in a surface water chloride concentration of 116 mg/L, an increase of 0.87%. The impact resulting from a drought (slight increase in chloride concentration and reduction in flow) is reversed quickly when normal or wet conditions return. The net effect is a long-term decrease in chloride concentrations and an increase in GW discharge (and corresponding decrease in river chloride levels) that occurs during all non-drought years because the ASR system is injecting, not pumping and there are more injection years than pumping years. The RWQCB Basin Plan water quality objective for aquatic life is 230 mg/L and therefore no significant impact would occur at these lower chloride concentrations.

Response 16

This is a summary of the RWQCB comments that the County has responded to above.

117. Letter from County of Ventura, Resource Management Agency (Christopher Stephens), dated December 26, 2001

Response 1

These comments are repeated in greater detail later in the letter. Please see the responses to the more detailed comments starting with **Response 2** below.

Response 2

There is no inconsistency between the Newhall Ranch FAA and the record. This comment is treating two different concepts as one, and this apples-to-oranges comparison leads to erroneous conclusions on the part of Ventura County. The comments treat the first concept, namely impacts specifically to animal movement (the relevant issue in the Additional Analysis as directed by the trial court), as if they are the same as the second concept, which is the more general impacts created by the Specific Plan addressed in the 1999 Final EIR as represented in the administrative record in the Newhall Ranch Specific Plan EIR litigation.

However, before presenting a summary of how the two concepts are being misused by Ventura County, it is important to note that the trial court already ruled that the 1999 Final EIR adequately analyzed the overall biological impacts of the Specific Plan and Water Reclamation Plant, including project-specific impacts, mitigation measures, and cumulative impacts. This ruling also included the findings prepared in 1999 by the County as presented in the AR relating to biological resources. The time to appeal the trial court's ruling regarding the 1999 biological analysis and related findings is long past, and that information must be considered final.

The only issue relevant to the Additional Analysis is the Specific Plan's potential impact on Salt Canyon in Ventura County relating to animal movement, not the Specific Plan's general biological impacts to the site or region. The trial court directed that Los Angeles County determine the project's effect on the Salt Creek Corridor situated in Ventura County, and to include an assessment of feasible mitigation measures in response to the identification of significant adverse impacts, if any.

The first concept of impacts to animal movement in Ventura County is described in the Draft Additional Analysis. The Draft Additional Analysis, beginning on page 2.1-26, states that:

> "Direct loss of habitat from the proposed Newhall Ranch Specific Plan occurs almost exclusively within the Potrero Creek watershed in Los Angeles County. The only direct impacts to habitat in the Salt Creek watershed occur in the portion of the watershed in Los Angeles County where a visitor center and access road would be built, and to accommodate estate residential uses on the ridge between Potrero and Salt Canyons. *No direct impacts to habitat in the portion of the Salt Creek watershed in Ventura County would occur in association with the Specific Plan.* Because the Los Angeles County Board of

> Supervisors established a one-half mile wide buffer [south of the river] between the development proposed as part of the Specific Plan and the Los Angeles County/Ventura County boundary line, the Specific Plan development cannot occur any closer than one-half mile from the Salt Creek corridor situated in Ventura County.
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> ...
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> ... very gradual increases in wildlife use/movement in the Salt Creek watershed in both Los Angeles County and Ventura County would be easier to absorb with wildlife movement over many, many years (i.e., the animals would have more time to adapt to the available resources or would have time to move out of the Salt Creek watershed to adjacent watersheds). *Therefore, the direct impacts of habitat loss in the Specific Plan area on wildlife movement within the Salt Creek watershed, and particularly the Ventura County portion given its distance away from proposed development, would not be significant* because: (a) the habitat losses within the Salt Creek watershed in Los Angeles County would be relatively small (i.e., no significant loss of available resources at this location); and (b) wildlife movement would not be restricted by existing land uses, and wildlife use/movement shifts from the Specific Plan area to adjacent watersheds, including some movement to the Salt Creek watershed in Ventura County, would occur over a relatively long time period (i.e., at least 25 to 30 years), thereby allowing time for some species to move to the adjacent watersheds." (*Emphasis added.*)

As directed by the trial court, all impacts were analyzed specifically in relation to animal movement.

The second concept is the analysis of more general biological impacts created by the Specific Plan addressed in the 1999 Final EIR as represented in the administrative record in the Newhall Ranch Specific Plan EIR litigation. The Final EIR concluded that several unavoidable significant impacts would occur as a result of the Specific Plan. The Final EIR provides as follows:

> "*Due to the conversion of approximately 5,132 acres of habitat* [on the Specific Plan site] *that are in a largely natural condition to a suburban and urban condition,* implementation of the Newhall Ranch Specific Plan would substantially diminish habitat for wildlife and plants. Implementation of the Specific Plan would also significantly impact sensitive wildlife species, significantly impact the ability of animals to move across *portions of the site,* and significantly impact several sensitive upland habitat types. All of these are considered unavoidable significant impacts that cannot be fully mitigated." (*Emphasis added.*)

Contrary to this comment, what is not stated in this portion of the EIR is that the Specific Plan would significantly impact the ability of animals to move off the Specific Plan site. It is specifically concluded that significant impacts to animal movement would be confined to "portions of the site." The assessment conducted in the Revised Draft Additional Analysis confirms this conclusion.

On page 4 in this comment, Ventura County misapprehends the conclusions reached regarding the Specific Plan's impact on the Specific Plan site in the County of Los Angeles to include Ventura County. The portion of the EIR conclusion relied upon and provided by Ventura County in its comment leaves out the underlined text above. However, this omitted text is a critical portion of the conclusion if one is to understand its context. This conclusion specifically refers to significant impacts that would occur on the

Newhall Ranch Specific Plan site, which by definition *excludes* land in Ventura County. Nowhere does the record support the contention that the significant impacts of the Specific Plan to animal movement that occur *on* the Specific Plan site also occur in Ventura County.

On the same page of its letter (page 4), Ventura County presents only a portion of the Final EIR conclusion regarding cumulative impacts. The entire conclusion from the EIR reads as follows:

> "*As indicated above, several large development projects are proposed for the Los Angeles/Ventura County region, including the Newhall Ranch Specific Plan. All of these proposed developments would remove natural habitat. The Newhall Ranch Specific Plan will convert approximately 5,132 acres of land from a largely natural, albeit partially disturbed, habitat condition, to that of a suburban/urban environment. That conversion, when added to all the other such conversions of open area that are proposed, will permanently decrease the amount of land available for natural habitats and the flora and fauna that inhabit them.* Neither implementation of the Newhall Ranch Specific Plan nor any other similar large scale project proposed on the edge of the existing urban environment can mitigate from a biological perspective the permanent conversion of large blocks of open area. It is for this reason that the cumulative impact is considered unavoidably significant." (*Emphasis added.*)

Again, Ventura County presents only a portion of the EIR, and the context is lost as a result. The text *in italics* above is omitted from Ventura County's comment. However, the portion of the significant cumulative impacts addressed in the Final EIR assigned to the Specific Plan consist of the conversion of 5,132 acres of land, land that is located *entirely* on the Specific Plan site in Los Angeles County. As with Specific Plan impacts, and contrary to this comment, what is not stated in the EIR text is that the Specific Plan would result in significant cumulative impacts to animal movement off the Specific Plan site. This is because both the EIR and the Additional Analysis conclude that no significant project specific or cumulative impacts to animal movement would occur at locations off the Specific Plan site.

Notwithstanding these "context" issues, the fact remains that the trial court has directed the County of Los Angeles to consider the impacts of the Specific Plan on animal movement in Ventura County in the Additional Analysis. It has not asked the County of Los Angeles to reconsider the biological impacts of the Specific Plan on the Specific Plan site and the cumulative impacts caused by the Specific Plan beyond the topic of animal movement. After considerable analysis, the conclusion reached in the Additional Analysis states that no significant impacts to animal movement in Ventura County would occur. As a result, no mitigation is directed to this issue.

Response 3

Ventura County states that "Newhall Ranch is part of a biological region that consists almost exclusively of Ventura County." While this is an over-statement of the existing conditions by Ventura County, this generally is only the case from the aspect of animal movement. Ventura County indicates that the information presented in the record and repeated in the Final Additional Analysis (October 2001) supports this statement. What Ventura County does not indicate in its comments, however, is that the

quoted statements are specifically in reference to animal movement. Ventura County is again bending the conclusions reached in the Additional Analysis and Final EIR regarding animal movement into statements regarding general regional biology. Again, the trial court has directed the County of Los Angeles to analyze potential Specific Plan impacts on animal movement in Ventura County, not reconsider the biological impacts of the Specific Plan on the Specific Plan site and the cumulative impacts caused by the Specific Plan beyond the topic of animal movement. The cumulative impact caused by the Specific Plan is the loss of 5,132 acres of open area on the Specific Plan site, not a significant impact to animal movement in Ventura County. This comment provides no information that supports the conclusion that the Specific Plan would, indeed, significantly impact animal movement in Ventura County.

Response 4

This comment looses sight of the fact that the Additional Analysis provides evidence supporting the conclusion that no significant impacts to animal movement will occur in Ventura County as a result of the Specific Plan. Mitigation is only required under CEQA when significant impacts are identified.

The examples of traffic mitigation required of the Specific Plan applicant in Ventura County are provided either because significant traffic impacts are expected to occur, which is not the case with animal movement impacts in Ventura County, or because the applicant voluntarily agreed to proposed mitigation, even though it was not in response to a "significant impact." While project applicants are free to voluntarily provide mitigation in the absence of significant impacts in areas outside of the project jurisdiction, no requirement exists in CEQA to require such a result.

Absent any significant impacts to animal movement in Ventura County resulting from the Specific Plan, the entire discussion provided by Ventura County is without meaning. Absent significant impacts to animal movement in Ventura County resulting from the Specific Plan, there is also no need or requirement to pursue the suggested "joint powers agreement".

Response 5

Please see **Response 4** above. This comment argues that "enhancement of habitat in the High Country is being used to mitigate impacts created by urban development occurring outside the High Country. This is an example of a portion of a biological community located away from the point of impact receiving mitigation, even though it is not subject to the impact being mitigated." However, the High Country is completely within the Specific Plan boundary, and, therefore, is the place of impact (*i.e.*, the Specific Plan site). Consequently, the statement provided in the comment does not seem to advance Ventura County's argument. Again, while project applicants are free to voluntarily provide mitigation in the absence of

significant impacts in areas outside of the project jurisdiction, no requirement exists in CEQA to require such a result.

Response 6

Ventura County states that mitigation measures are "arbitrarily" stopped at the County line. This is not the case. Mitigation is not provided in Ventura County because the biological information presented in the Additional Analysis demonstrates that no significant impact to animal movement would occur in Ventura County as a result of development of the Specific Plan in Los Angeles County.

Ventura County states that mitigation is provided in Los Angeles County at locations farther away from proposed development than the portion of the Salt Creek corridor in Ventura County. Ventura County then states that if mitigation is provided for areas farther than the portion of the Salt Creek corridor located in Ventura County, then the same mitigation should be provided in Ventura County. However, such comments do not take into consideration that the measures provided in High Country areas on the Specific Plan site that are farther from development than the portion of the Salt Creek corridor in Ventura County are being provided to mitigate impacts caused by the conversion of 5,132 acres of open area on the Specific Plan site and impacts to riparian areas, not necessarily because of impacts to animal movement. In fact, such areas, called out in the Final EIR as "Candidate Riparian Restoration/Enhancement Areas" (*See*, Final EIR Figure 1.0-12) are located immediately adjacent to areas proposed for development and not greater distances away, as suggested in this comment. Two mitigation measures are cited by Ventura County as examples. They are: (1) elimination of cattle grazing; and (2) dedication of land as permanent open space to a land conservation agency. Regarding the general measure of the elimination of cattle grazing, this measure is provided in response the overall conversion of 5,132 acres of open area, not due to impacts to animal movement. In fact, the Draft Additional Analysis (page 2.2-30) indicates that "cattle themselves do not represent a barrier to native wildlife movements in the watershed." The dedication of land for permanent open space is also provided to mitigate overall land conversion. As shown on EIR Figure 1.0-12, mitigation measures that would assist the movement of animals in the Salt Creek corridor on the Specific Plan site (*i.e.*, habitat enhancement activities) would occur in Salt Creek canyon, immediately adjacent to areas proposed for development.

Response 7

Ventura County states that "the record provides no biological basis for explaining why the Salt Creek Watershed is treated differently in Los Angeles County than it is treated in Ventura County." However, the biological information presented in the Draft Additional Analysis shows that the watershed is not treated differently in Ventura County. It is based on factors such as distance from development, the timing of development, and the types of animals affected. As stated in the Draft Additional Analysis, beginning on page 2.1-26:

> "Direct loss of habitat from the proposed Newhall Ranch Specific Plan occurs almost exclusively within the Potrero Creek watershed in Los Angeles County. The only direct impacts to habitat in the Salt Creek watershed occur in the portion of the watershed in Los Angeles County where a visitor center and access road would be built, and to accommodate estate residential uses on the ridge between Potrero and Salt Canyons. No direct impacts to habitat in the portion of the Salt Creek watershed in Ventura County would occur in association with the Specific Plan. Because the Los Angeles County Board of Supervisors established a one-half mile wide buffer [south of the river] between the development proposed as part of the Specific Plan and the Los Angeles County/Ventura County boundary line, the Specific Plan development cannot occur any closer than one-half mile from the Salt Creek corridor situated in Ventura County.
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> ...
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> ... very gradual increases in wildlife use/movement in the Salt Creek watershed in both Los Angeles County and Ventura County would be easier to absorb with wildlife movement over many, many years (i.e., the animals would have more time to adapt to the available resources or would have time to move out of the Salt Creek watershed to adjacent watersheds). Therefore, the direct impacts of habitat loss in the Specific Plan area on wildlife movement within the Salt Creek watershed, and particularly the Ventura County portion given its distance away from proposed development, would not be significant because: (a) the habitat losses within the Salt Creek watershed in Los Angeles County would be relatively small (i.e., no significant loss of available resources at this location); and (b) wildlife movement would not be restricted by existing land uses, and wildlife use/movement shifts from the Specific Plan area to adjacent watersheds, including some movement to the Salt Creek watershed in Ventura County, would occur over a relatively long time period (i.e., at least 25 to 30 years), thereby allowing time for some species to move to the adjacent watersheds.

As stated in the Final EIR:

> '[d]ue to the conversion of approximately 5,132 acres of habitat that are in a largely natural condition to a suburban and urban condition, implementation of the Newhall Ranch Specific Plan would substantially diminish habitat for wildlife and plants. Implementation of the Specific Plan would also significantly impact sensitive wildlife species, *significantly impact the ability of animals to move across portions of the site,* and significantly impact several sensitive upland habitat types. All of these are considered unavoidable significant impacts that cannot be fully mitigated.' (*Emphasis added.*)

The above analysis supports the conclusion reached in the Final EIR, that the Specific Plan would cause unavoidably significant animal movement impacts on the Specific Plan site. However, recent field evidence collected on the site and in Ventura County, a review of relevant literature in association with this analysis (see references in Section 6.0), and the substantial amount of related field experience maintained by the EIR biologists indicates that such significant impacts would not occur in the Ventura County portion of Salt Canyon."

Based on the information presented in the Draft Additional Analysis, the County line is not used as a factor in determining impact significance.

Response 8

These comments are repeated with greater detail later in the letter. Please see the responses to the more detailed comments starting with **Response 9** below.

Response 9

While no significant impacts to groundwater downstream in Ventura County are expected, the Specific Plan applicant has voluntarily agreed to accept provisions of the Memorandum of Understanding (MOU) reached between United Water Conservation District and the Upper Basin Water Purveyors as a condition of approval. Please see Revised Draft Additional Analysis Mitigation Measure 4.11-19 on page 2.5-247.

Response 10

Please see **Response 38** to **Comment Letter 101** from Ventura County, dated January 16, 2003.

Response 11

Please see **Response 39** to **Comment Letter 101** from Ventura County, dated January 16, 2003.

Response 12

This comment states that the Revised Draft Additional Analysis: (1) does not address the environmental impacts from CLWA's Urban Water Management Plan (UWMP) pumping; and (2) does not model the pumping patterns identified in the UWMP.

Regarding the first issue, the Revised Draft Additional Analysis is required to analyze the impacts of the Specific Plan. Given that the Newhall Ranch Specific Plan applicant is not proposing to implement the UWMP, the Revised Draft Additional Analysis is not required to analyze the environmental effects of the UWMP. It is also important to note that the UWMP is a planning study, the purpose of which is to identify how water would be provided to the Santa Clarita Valley over the long-term. It is not a request y CLWA or the other purveyors to seek approval of the specific water provisions in that plan for the Valley. It is for that reason that UWMPs are exempt from CEQA analysis.

In its role of analyzing impacts of the Newhall Ranch Specific Plan, the County of Los Angeles through the Revised Draft Additional Analysis presents reasonable assumptions in order to model the effects the Specific Plan on the Valley and areas downstream (see discussion of second issue below). Regarding the cumulative impacts of the Newhall Ranch Specific Plan, the Revised Draft Additional Analysis (page 2.5-128) states that:

> "This section provides cumulative water demand data for informational purposes only; it is not required by CEQA because the applicant has secured sufficient water sources (Newhall Agricultural Water, Nickel Water, etc.) to serve the Specific Plan through build-out. These water sources, which are independent of the water sources provided by CLWA (i.e., regional/cumulative CLWA/SWP supplies), include either: (a) water already being used by the applicant on an annual basis (i.e., agricultural groundwater); or (b) "new" water purchased by the applicant for the purpose of serving the water needs of the Specific Plan (i.e., Nickel Water, Newhall/SWP Water, etc.). *Therefore, the use of these available water supplies cannot be said to contribute to a decline in regional water supplies.* With regard to the former, the supplies are already in use on an annual basis, resulting in no change in regional supplies. As to the "new" supplies, they would not even exist but for implementation of the Specific Plan." (*Emphasis added.*)

Because the Newhall Ranch Specific Plan would be served with water from sources independent of the water sources provided by CLWA, the County of Los Angeles is under no obligation under CEQA to analyze the cumulative effects of the UWMP.

Regarding the second issue, the Revised Draft Additional Analysis water analysis for the Specific Plan does include the assumed water pumping scenario presented in the UWMP. On page 5 of this comment, a table is presented, which is entitled, "Assumed Pumping Rates". This table presents the claim that the 2001 Draft Additional Analysis "underestimates" the amount of groundwater pumping that is indicated in the UWMP. Ventura County indicates that the underestimation comes about because the modeling completed in the Additional Analysis uses the mid-point of the groundwater pumping ranges for the Alluvial and Saugus aquifers, not the "maximum" of the ranges. The comment is misleading when Ventura County states that the maximum end of the range could be pumped every year. These comments are only correct in so much as the mid point of the range of pumping assumptions is used in the Newhall Ranch modeling analysis. However, the comment is incorrect when it states that the maximum end of the range should have been used and that the maximum end of the range could be pumped every year. The groundwater model for Newhall Ranch is intended to simulate the long-term pattern of potential groundwater pumping in the Santa Clarita Valley in normal/average year and dry year cycles. It is not to predict what the worst-case pumping scenario could be for one particular year. In this light, using the mid-point (or averages) of the pumping ranges is a reasonable approach to model the long-term consequences of the Newhall Ranch Specific Plan. See also **Responses 5** through **8** to the letter submitted by Ventura County, dated June 18, 2001 in the 2001 Final Additional Analysis, beginning on page RTC-56, for related information.

Response 13

This comment states that the Additional Analysis needs to evaluate the environmental effects *of the UWMP* before it can conclude that the are no cumulative impacts to downstream users. As indicated in **Response 12** above, the Revised Draft Additional Analysis is required to analyze the impacts of the Specific Plan. Because the Newhall Ranch Specific Plan would be served with water from sources independent of the water sources provided by CLWA, the County of Los Angeles is not obligated under

CEQA to analyze the cumulative effects of the UWMP.[54] Furthermore, given that the Newhall Ranch Specific Plan applicant is not proposing to implement the UWMP, the Revised Draft Additional Analysis is not required to analysis whatever environmental effects might come from the UWMP. It is also important to note that the UWMP is a planning study, the purpose of which is to identify how water would be provided to the Santa Clarita Valley over the long-term. It is not a request being made by CLWA to seek approval of the specific water provisions for the Valley. It is for that reason that UWMPs are exempt from CEQA analysis.

Response 14

Please see **Responses 34, 35** and **36** to **Comment Letter 101** from Ventura County, dated January 16, 2003.

[54] Because of Ventura County's emphasis on the UWMP, County staff has considered both the UWMP and the UWMP's record of proceedings. This record is incorporated by reference and available for public review at the County's Department of Regional Planning (Lee Stark), 320 West Temple Street, Los Angeles, CA 90012.

118. Letter from Fox Canyon Groundwater Management Agency, Lowell Preston, Ph.D., December 24, 2001

General Response

The issues raised in this comment are similar to those raised by Lowell Preston in his memorandum to Dennis Slivinski, Deputy County Counsel, Ventura County, dated January 29, 2003 and transmitted by **Comment Letter 134** from Chris Stephens, County of Ventura, dated February 10, 2003. (*See*, **Responses** to that letter in this Final Additional Analysis.)

Comments provided by Fox Canyon Groundwater Management Agency (Fox Canyon) seem to indicate some confusion regarding the methodology used in the Revised Draft Additional Analysis to calculate the amount of water Newhall has been pumping to irrigate its agricultural property in Los Angeles County. Fox Canyon appears to believe that agricultural water supply should be calculated using just the California Irrigation Management Information System (CIMIS) data. This is not the case. As stated in the Revised Draft Additional Analysis:

> "W***ater use on Newhall's agricultural lands is calculated utilizing Southern California Edison (SCE) pump tests*** to calculate total acre-feet of pumpage. Total acre-feet of pumpage is then allocated to each crop based on crop type and historical use. Budgets are prepared each year for each crop and reconciled at the end of the year based on the actual acre-feet pumped. [ ] CIMIS [ ] data, which is provided by University of California, is a tool that can be used to compare each crop's demand for water with the estimated water allocation to each crop.
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> ...
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> ***Using CIMIS, Newhall has calculated a comparison to its estimated water use*** by crop in Los Angeles County for the past five years (1996 to 2000) by relying on data from the CIMIS station in Piru (Ventura County) and weather data collected to determine the evapotranspiration (ET) of a base crop, which is usually grass with full ground cover, and is used as the basis to calculate the actual water needs of other crops. The CIMIS program takes into consideration all weather factors, which determine a plant's water demand. [ ] To convert that to the various crops in the area, crop coefficients are applied (again see Exhibit 1 in **Appendix 2.5**), which are established by the University of California to determine the ET of the specific crop for any given year. The application efficiency of the irrigation system in then considered to determine the acre-feet (or inches) of water required to meet the crop's needs. [ ]
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> ...
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> ***To compare actual estimated water usage in Los Angeles County*** by crop, actual crop acres planted each year can be multiplied by the crop demand based on the CIMIS calculation." (*Emphasis added.*) (*See*, Revised Draft Additional Analysis, pages 2.5-139 to 2.5-140.)

As indicated in the Revised Draft Additional Analysis and above, the adjusted CIMIS evapotranspiration (ET) data is only used as a means to *allocate* the total amount of actual water actually pumped, as

calculated from pump test data, to each crop type. The actual pumpage at the end of each year is calculated by using SCE pump test data and kilowatt hours or engine hours that are recorded for the year. In response to these comments, the portion of the Revised Draft Additional Analysis that addresses this topic (*i.e.*, the subsection entitled, "Newhall Agricultural Water," beginning on page 2.5-138) has been revised to clarify the information used in determining Newhall's Los Angeles County historical agricultural water use. Please see the FAA in the section entitled, "**Amended Revised Draft Additional Analysis Pages**," beginning on page 2.5-139. As shown on the revised **Table 2.5-32**, using the actual SCE pump test data, a 5-year annual average of 7,246 acre-feet per year was pumped by Newhall and utilized for irrigation of Los Angeles County crops. Using the adjusted CIMIS ET data to compare to actual pumpage, a total of 7,038 acre-feet of water per year is the calculated pumping demand for Los Angeles County crops. The Revised Draft Additional Analysis used the lower (*i.e.*, the more conservative) of the two methods to determine the amount of agricultural groundwater pumped and delivered to Newhall's Los Angeles County agricultural lands.

Response 1

The Fox Canyon Groundwater Management Agency (Fox Canyon) agrees that agricultural irrigation supply can be used as a source of water supply for the Newhall Ranch Specific Plan, and only for the parcels within the project boundary. Fox Canyon believes that CIMIS data is only one means to reasonably determine the crop water demands, but additional accuracy is required.

It is important to note that the SCE pump test data was the means used to determine the *actual* amount of agricultural water pumped to irrigate Newhall's farm fields in Los Angeles County. The Piru CIMIS ET data is only an estimate or guide for farmers in determining their individual crop needs, and, therefore, an adjusted CIMIS method was used solely as a "cross check" to corroborate Newhall's allocation of actual water pumped from pump test calculations.

Newhall has historically used annual pump tests performed by Southern California Edison (SCE) as the primary means for determining the actual amount of water applied to farm fields. Based upon a Supreme Court ruling that using a five-year period for determining an amount of water used for beneficial uses was reasonable, the Draft Additional Analysis, Appendix 2.5(m) contains a description of how historical agricultural water pumpage was determined for the preceding 5-year period using SCE actual pump tests.[55] The Final Additional Analysis **Appendix AB** [Report from Underhill Engineering, Inc, dated March 7, 2003]) shows the calculation by dividing the total kilowatt hours (kwh) of energy used per year by each pump, by the kilowatt-hours required for each per acre-foot (kwh/AF) of water

[55] The Supreme Court in *City of Barstow v Mojave Water Agency* (2000) Cal.4th 1224 upheld a physical solution that determined water use rights that "sets a 'base annual production' amount for each party, determined by the producer's maximum annual production for the five-year period from 1986 to 1990."

from that pumps as derived from annual pump test data. The SCE pump tests have provided a consistently reliable method for determining the total amount of water applied each year depending on the actual number of acres farmed, the type of crops, the amount and distribution of rainfall, temperatures, *etc.* (Please see also **General Response** to **Comment Letter 134** from Ventura County, dated February 10, 2003, for related information.)

Response 2

The amount of water pumped and applied on Newhall's farmland in Los Angeles County is not inflated. The comment is correct in that the adjusted CIMIS ET data used did not incorporate rainfall data. However, the adjusted CIMIS method was not the basis for determining the amount of agricultural water pumped and delivered. SCE pump tests are the means for determining Newhall's total amount of agricultural water, and rainfall is factored into the amount of water pumped and delivered by the simple fact that farmers do not irrigate crops during rain events or shortly thereafter while soil moisture is higher and available for plant uptake. Therefore the SCE pump test method does not inflate the calculation for determining the actual amount of water pumped.

Response 3

It is agreed that the Piru CIMIS ET data does not include an irrigation or soil type factor in determining crop ET. It is merely a calculation of how much water a plant will transpire under certain weather conditions. It is not an indication of how much water actually needs to be pumped or delivered through an irrigation system in order for a sufficient amount of water to be available for plant uptake. Factors that affect the delivery of water to the plant include the shape and slope of the farm fields, irrigation efficiency and soil conditions. Soils are sandier on Newhall's Los Angeles County farmland than in Ventura County and, therefore, have less moisture retention properties (which also requires the application of more water for a given crop type). Irrigation efficiency is an important factor in determining whether crops will actually receive the water they need based upon the CIMIS ET data. Fox Canyon is located in the coastal Oxnard plain. Farm fields are much larger, located on very flat lands, and the farm fields are generally more regularly shaped, irrigation methods are different and water costs are much higher, which leads to improved irrigation efficiency. The Newhall farm fields are not regularly shaped (*i.e.,* rectangular or square) and instead are multi-sided and are located on significantly more sloped ground, soils tend to be much sandier and Oxnard soils, much of the land is irrigated with flood or furrow methods, and irrigation systems are older. These physical features result in the need for more water to be applied to reach all parts of the field and meet the particular crop plant uptake requirements. Therefore, crop irrigation efficiency factors were applied to the CIMIS ET data, based upon field observations (*See,* Final Additional Analysis, **Appendix AB** (Underhill).

Response 4

The comment questions how crop acreage was determined. The number of crop land acres used in the SCE pump test method, and the adjusted CIMIS estimates of pumped agricultural water, are based upon *net* irrigated crop land, and, therefore, do not inflate the water demand calculation under either method.

Response 5

The comment disagrees with the use of irrigation water from any area not within the project boundary and raises concerns regarding monitoring and control of that water. The Revised Draft Additional Analysis, (Section 2.5.5.3(c)(1), page 2.5-138) and Appendix 2.5(m) clearly identify that the source of agricultural water is from Newhall's land in Los Angeles County. This includes the agricultural land within and outside the Specific Plan boundaries, as noted by the commentator (Lowell Preston in his memorandum, dated January 29, 20003

In order to address the issue of monitoring for the conversion of water from agricultural uses to development uses pursuant to the Specific Plan, County staff recommends that the Newhall Ranch Final EIR mitigation measures be revised to add the following new mitigation measure:

> 4.11-21 The applicant, in coordination with RWQCB staff, shall select a representative location upstream and downstream of the Newhall Ranch Specific Plan and sample surface and groundwater quality. Sampling from these two locations would begin upon approval of the first subdivision map and be provided annually to the RWQCB and County for the purpose of monitoring water quality impacts of the Specific Plan over time. If the sampling data results in the identification of significant new or additional water quality impacts resulting from the Specific Plan, which were not previously known or identified, additional mitigation shall be required at the subdivision map level.

Response 6

The comment references a table prepared by Fox Canyon to determine the amount of agricultural water supply from the Los Angeles County agricultural lands using the CIMIS formula, but applying a rainfall adjustment of 25%. Fox Canyon comments that this methodology is more appropriate for quantifying the Specific Plan agricultural water supply.

Los Angeles County does not concur with this statement. It is important to note, again, that the CIMIS methodology was not relied on to determine the amount of agricultural water actually pumped to irrigate Newhall's farm fields in Los Angeles County; SCE pump test were used. (see the **General Response** above. The CIMIS ET data is only an estimate or guide for farmers in determining their individual crop needs, and, therefore, was used solely as a "cross check" to corroborate Newhall's allocation of actual water pumped based on pump test calculations (see Final Additional Analysis, **Appendix AB** (Underhill). The adjusted CIMIS ET data used does not incorporate rainfall data, since ET rates are

generally lower due to lower temperatures and higher humidity. (For those reasons, a rainfall adjustment suggested by Fox Canyon may actually underestimate crop water use.[56]) Please see **Response 3** above for why an irrigation efficiency factor was used with the Specific Plan-adjusted CIMIS ET allocation methodology.

Response 7

The comment indicates that using the lower Fox Canyon agricultural water supply calculation will require more imported water to meet the Specific Plan's total water demand. The County did not rely upon the CIMIS ET data for calculating the historical pumped agricultural water used on Newhall's Los Angeles County farm fields. The adjusted CIMIS ET data was used for allocation purposes only. Newhall has historically used annual pump tests performed by SCE as the basis for determining the actual amount of water pumped and delivered to farm fields. This frequency of testing (*i.e.*, annual testing) provides a consistently reliable method for determining the amount of water pumped each year, since it accounts for a number of variables, which include the actual number of acres farmed in that year, the type of crops grown, the amount and distribution of rainfall, temperatures, *etc.*

Response 8

Fox Canyon acknowledges that the Saugus/ASR program has been shown by testing to be feasible "and no longer a point of contention," but still questions the calibration of the modeling used. Please see **Response 15** to Ventura County's **Comment Letter 134**, dated February 10, 2003 for related information. The following comments and responses also address this concern.

Response 9

Fox Canyon raises concerns regarding the steady state model selected, aquifer heads, and the use of a net flow criterion in the analysis. Fox Canyon suggests that a transient model would be better for determining the effects of time dependent influences.

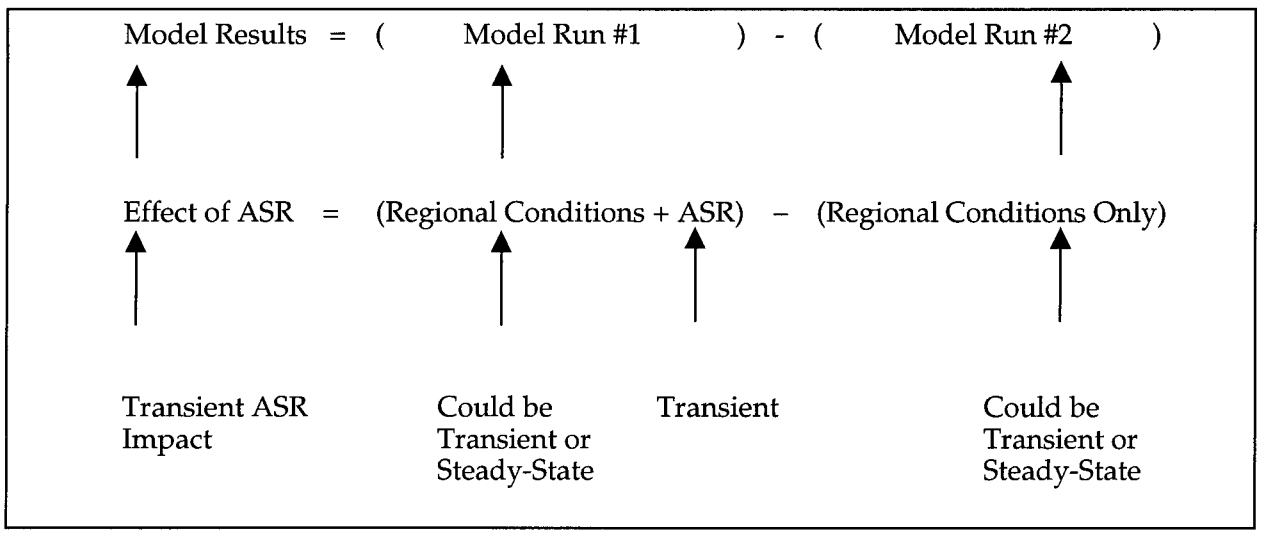
The comment is incorrect in stating that a steady state solution was used to determine the effects of the injection/extraction. A transient model simulation approach, not a steady-state modeling technique, was used to determine the effects of injection and extraction. The model runs that simulated the proposed operation of the Saugus/ASR system were completed in a transient mode to account for the fact that each ASR well will not operate uniformly at all times. Under the proposed design of the ASR system, each ASR well will inject water at certain times, pump water at certain times, and be idle at certain times. The ASR system as a whole will inject 4,500 AF/yr during non-drought years (which occur approximately 7

[56] The December 24, 2001 CIMIS calculations by Preston use an ET of 62.21 inches and a 4 inch rainfall adjustment. However, the January 29, 2003 calculations by Preston use an ET of 62.7 inches and a 5 inch rainfall adjustment.

out of every 10 years) and withdraw 4,100 AF/yr during drought years (which occur approximately 3 out of every 10 years). Therefore, only a transient simulation can account for these variations in the operational aspects of the ASR system. The ASR operations, and the transient nature of how they were simulated in the model, were described in substantial detail in Sections 5.3 and 5.4 of Appendix 2.5(d) of the Draft Additional Analysis.

The effect of the ASR system on regional groundwater conditions and river flows across the County Line was calculated by running the model twice as follows:

Effect of ASR = (Run1: Regional Conditions + ASR) – (Run 2: Regional Conditions Only). Each of the two runs calculated time-varying pressure heads. The effect of the ASR system was then calculated as the difference in the pressure heads at all locations in the model for each monthly time step throughout the 19-year simulation period. Hence, both model runs calculated the flows and the absolute values of the pressure heads, then the differences in flows and pressure heads were computed in order to evaluate the effect of ASR throughout the 19-year simulation period. For this design of the model simulations, it is important to note that the mathematical derivation of the ASR impacts (as accomplished using the model) could have been performed with any set of regional groundwater conditions. By definition, the ASR impacts can only be quantified by using the same set of regional hydrologic and hydrogeologic conditions in the two model runs (the model run without ASR and the model run with ASR). In both runs, the regional conditions need to be identical in order to define ASR impacts alone when subtracting the results of the two models. This design is necessary so that when the results of one run are subtracted from the results of another run, the difference in the hydrologic and hydrogeologic conditions is solely attributable to ASR. This is shown schematically below:



If the regional conditions had not been the same in the two models, then the difference between the two models would have represented more than just ASR processes. Consequently, in order to quantify the results of just ASR, the regional hydrologic and hydrogeologic conditions could have been modeled in any of a number of ways. For the Draft Additional Analysis and the Revised Draft Additional Analysis, the model was intentionally set up to simulate the regional conditions as time-varying throughout the 19-year period of ASR operations that was being simulated. The purpose of this approach was to introduce a greater degree of hydrologic "reality" to each of the two model runs than would have resulted from simulating the regional system more simplistically (such as using steady-state processes for the regional system). If a different approach had been used to represent the regional hydrologic system, the ASR results would still have been the same as the results presented in the Revised Draft Additional Analysis.

Not only was the modeling completed in transient mode, as described above, but it was actually run four times to evaluate the effects of ASR under different regional hydrologic conditions. Two of the runs simulated current conditions hydrologic conditions as observed and measured during calendar year 2000. The other two runs simulated estimated land use and water use conditions upon full build-out of the Santa Clarita Valley (calendar year 2045 and beyond). These two sets of evaluations for ASR impacts (for baseline regional conditions in years 2000 and 2045) were performed to comply with CEQA requirements and the ASR system influence on the Santa Clara River system if operated under the hydrologic conditions that exist in year 2000 versus the valley-wide full-build-out conditions in 2045. The differences between the current and future regional conditions (*i.e.*, conditions outside of Newhall Ranch) were (a) the amounts of water used outdoors, and (b) the amounts of pumping occurring from the alluvium and the Saugus. Hence, the potential differences in how an ASR system would influence the regional hydrogeology under current (year 2000) versus future (year 2045 and beyond) conditions were accounted for in the Revised Draft Additional Analysis.

Further, it is important to note the following information that indicates the model is well calibrated and is a reasonable representation of the hydrogeologic system in the Valley:

- The calibrated model is able to replicate the estimated groundwater discharges to the river under a variety of rainfall conditions (see Table 8 of Appendix 2.5(a) of the Revised Draft Additional Analysis).
- The calibrated model is able to replicate the water level responses observed in the Saugus Formation during the ASR field test, as well as the lack of a response in the alluvium during that test.
- Predicted changes in alluvial groundwater levels due to long-term ASR operations are small. This is consistent with the lack of hydraulic response that was measured in the alluvium during the ASR field test.
- ASR-induced changes in: (a) groundwater elevations (as shown in Figures 2.5-32 and 2.5-33 of the Revised Draft Additional Analysis); and (b) groundwater discharges to the river (as shown in Figures 2.5-34, 2.5-37, and 2.5-38 of the Revised Draft Additional Analysis) are predicted by the model to occur quickly in response to the month-to-month and year-to-year changes in the operations of the ASR system. This is consistent with historical groundwater elevation data that

show the alluvium and Saugus respond quickly to changes in pumping and changes in rainfall recharge over time.

Response 10

The comment is attempting to connect the fate of water flowing in the Santa Clara River through Ventura County and the estimates of water entering Ventura County. The comment states that the analysis is inaccurate because the model-predicted increase in water volumes during a wet year "does not contribute to recharge and consequently has no value." This statement misstates the physical nature of the surface water and groundwater system in eastern Ventura County.

Based on studies by DWR and others, there is little, if any, subsurface groundwater flow from the Upper Basin to the Lower Basin. The two basins are separated by shallow bedrock at Blue Cut, which is located about one mile downstream of the County Line. Physically, Blue Cut is an area where a bedrock promontory is present on the north side of the river. This promontory juts into the Alluvial valley from the north and forces the river to take a U-shaped jog around the south side of the promontory. At the southern-most point on this "U," the river lies not only against the promontory on the north, but also against the bedrock hills forming the south side of the Alluvial valley, and the valley has its narrowest width at this location. Bedrock of the Pico Formation is visible in the channel of the river and along its northern bank as the river jogs around the promontory. There is very little, if any, saturated thickness to the thin mantle of alluvial materials that is present at the ground surface on the riverbanks at Blue Cut.

As the river passes the Blue Cut area, its flow during non-storm events infiltrates into the underlying alluvial materials, which thicken to the west over a very short distance downstream of Blue Cut. The river is actually dry between storm events for several miles below Blue Cut. This is the case during years of below-normal, normal, and above-normal rainfall. Only relatively large storm flows eliminate the long dry reach below Blue Cut, and the dry reach reappears soon after each individual storm runoff event. Between storm events, there is no flow in the dry reach. Because there are far fewer days with storm flows, the reach just west of Blue Cut is dry during most days of the year, even in years of above-normal annual rainfall.

Hence, the comment is incorrect in stating that excess water flowing out of the Upper Basin due to ASR would automatically be lost to the ocean. To the contrary, this water would infiltrate into the Alluvial materials at the eastern end of the Lower Basin because of how few days there is storm-flow in the normally dry reach of the river west of Blue Cut in Ventura County. Even during a wet year, the number of days in which increased river flows attributable to ASR operations would be lost the ocean is far less than the number of days when these flows would instead infiltrate into the Lower Basin alluvium west of Blue Cut. Only when increased river flows attributable to ASR coincide with increased flows due to relatively large storm events would the flows attributable to ASR potentially be lost to the ocean.

Furthermore, as stated in Table 2.5-39 of the Revised Draft Additional Analysis, total average flows into Ventura County originating in Los Angeles County is approximately 57,000 acre-feet per year measured at the USGS gaging station near the Los Angeles County line. The River's total average annual flow is 220,000 acre-feet measured near the mouth of the river at the Pacific Ocean. Therefore, the Los Angeles County portion of the River's flow represents approximately 26 percent of total flows. The large majority of Ventura County's "loss" of water to the Pacific Ocean is from sources within Ventura County itself. Furthermore, the increase in flows from ASR is an insignificant contribution to these total flows (<0.5). As stated in the Revised Draft Additional Analysis:

> "a relatively small percentage of the surface and subsurface flows downstream into Ventura County actually originate upstream in Los Angeles County. As shown on **Table 2.5-39**, Major Inflows to Santa Clara River, approximately 26 percent of the surface and subsurface flows downstream in Ventura County come from the portion of the Santa Clara River watershed located upstream in Los Angeles County. The vast majority (approximately 74 percent) of the surface and subsurface flows enter the Santa Clara River in Ventura County (e.g., from the Piru Creek watershed (approximately 19 percent), Sespe Creek watershed (approximately 39 percent), Santa Paula Creek watershed (approximately 7 percent), etc.). [ ] Some comments have inferred that virtually all of Ventura County's water supply originates in Los Angeles County and would be threatened by the proposed Newhall Ranch Specific Plan and WRP, including the proposed Saugus Groundwater Banking/ASR program. This analysis, however, does not concur with those comments." (See, Revised Draft Additional Analysis, page 2.5-178.)

This information is consistent with other information provided by the California Department of Water Resources. As stated in the Revised Draft Additional Analysis:

> "The fact that surface and subsurface flows originating in Los Angeles County have a relatively minor influence on the hydrologic environment in Ventura County is supported by other studies as well. For example, DWR updated the Ventura County groundwater basin plan in a report entitled, "Final Project Report, Update of Basin Plan for Piru, Sespe, and Santa Paula Hydrologic Areas, June 1989." [ ] As to groundwater conditions, the Basin Plan reports that the upstream Santa Clara groundwater basin in Los Angeles County contributes very little to the recharge of the Santa Felicia groundwater basin. On page 24 of the Basin Plan, DWR summarized its findings with respect to the recharge of the basin in Ventura County:
>
> "Natural recharge of the [Piru] basin occurs intermittently and is largely from percolation of surface flows of the Santa Clara River, Piru and Hopper Creeks, and smaller tributaries (about 75 percent of the total recharge). About 10 percent of recharge comes from percolation of precipitation. Although steady, subsurface inflow from [the] Eastern Basin, the basin upstream [in Los Angeles County] on the Santa Clara River, *is essentially negligible* (estimated at about 240 acre-feet per year) because of the thin alluvial deposits." (*Emphasis added.*)
>
> Although subsurface flows from Los Angeles County are essentially negligible, the surface flows from Los Angeles County downstream into Ventura County have increased over time due to the importation of SWP water by CLWA in the Santa Clarita Valley. Running averages of rainfall and river flow document that these flows have increased at the Los Angeles County/Ventura County line even without significant increases in rainfall. The result of the importation of SWP water in the Santa Clarita Valley has

resulted in, and is projected to be, a significant beneficial impact on the amount of surface water flows to Ventura County from the Santa Clarita Valley." *Id.* at 2.5-161.

Response 11

Fox Canyon suggests that an initial 9,000 acre-feet of water be injected into the Saugus aquifer as part of the ASR program before commencing injection for the Specific Plan as a means of assuring that 4,500 acre-feet of water is never removed from the Saugus.

It is not possible for the County to respond to this comment because no information is provided by Fox Canyon to justify either the amount, or the rationale, for injecting water into the Saugus aquifer[57], nor why this should be done during the first year of the Saugus/ASR program. As identified in the Draft Additional Analysis, and Revised Draft Additional Analysis, the ASR program is feasible and does not result in any significant adverse impacts on groundwater storage or surface flows (see Revised Draft Additional Analysis p. 2.5-204). Accordingly, there is no basis for injecting an additional 9,000 acre-feet of water into the Saugus to offset "damage to downstream flows".

Response 12

Fox Canyon summarizes the three concerns raised in its letter and suggestions for resolving those concerns. The County has responded to each of the three issues in the responses provided above.

[57] In contrast, Lowell Preston suggests in his January 29, 2003 memorandum that "deletion of the Saugus ASR alternative would simplify the overall water availability picture."

119. Letter from the County of Ventura Resource Management Agency, dated January 17, 2002

RESPONSE 1

The copy of the figure submitted by Ventura County in this letter will be included in the Final Additional Analysis.

120. Letter from Robert H. Hethmon, Ph.D., dated January 20, 2003

Response 1

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

Response 2

The Revised Draft Additional Analysis contains an extensive amount of information regarding ammonium perchlorate beginning on page 2.5-70. Also see Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and Final Additional Analysis (2003) **Appendices U, V, W, and X**. The Revised Draft Additional Analysis indicates that the applicant has secured an adequate supply of water for the Specific Plan (*See,* Revised Draft Additional Analysis beginning on page 2.5-2).

Response 3

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

121. Letter from Linda Jenkins, dated March 22, 2002

Response 1

The Revised Draft Additional Analysis contains an extensive amount of information regarding ammonium perchlorate beginning on page 2.5-70. Also see Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and Final Additional Analysis (2003) **Appendices U, V, W, and X**. The Revised Draft Additional Analysis indicates that the applicant has secured an adequate supply of water for the Specific Plan. Furthermore, the Santa Clarita Valley has a clean and safe supply of water, as indicated in Section 2.5 of the Revised Draft Additional Analysis (*See*, Revised Draft Additional Analysis page 2.5-2).

Response 2

The commentator's opinions regarding traffic, air pollution and open space area noted and are incorporated into the Final Additional Analysis.

Response 3

As indicated in the Newhall Ranch Specific Plan Final EIR, the impacts of the Specific Plan on the Valley's educational facilities would be fully mitigated through various school funding agreements reached between the Specific Plan applicant and the school districts (*See*, Final EIR Section 4.16, Education, beginning on page 4.16-35).

122. Letter from Debra Bartke, dated January 20, 2002

Response 1

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

Response 2

The Revised Draft Additional Analysis indicates that the applicant has secured an adequate supply of water for the Specific Plan. Furthermore, the Santa Clarita Valley has a clean and safe supply of water, as indicated in Section 2.5 of the Revised Draft Additional Analysis, beginning on page 2.5-2.

Response 3

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

Response 4

As indicated in the Newhall Ranch Specific Plan Final EIR, the impacts of the Specific Plan on the Valley's educational facilities would be fully mitigated through various school funding agreements reached between the Specific Plan applicant and the school districts. See Final EIR Section 4.16, Education, beginning on page 4.16-35.

Response 5

This comment is acknowledged and hereby incorporated into the Final Additional Analysis.

123. Letter from Marion and Yet M. Siu, dated April 23, 2002

Response 1

The Revised Draft Additional Analysis contains an extensive amount of information regarding ammonium perchlorate beginning on page 2.5-70. Also see Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues**, and Final Additional Analysis (2003) **Appendices U, V, W, and X**. The Revised Draft Additional Analysis indicates that the applicant has secured an adequate supply of water for the Specific Plan. Furthermore, the Santa Clarita Valley has a clean and safe supply of water, as indicated in Section 2.5 of the Revised Draft Additional Analysis (*See*, Revised Draft Additional Analysis page 2.5-2).

Response 2

The traffic impacts of the Newhall Ranch Specific Plan can be mitigated to less than significant levels. See the original Draft Additional Analysis (2001), Section 2.1, page 2.1-2, Traffic in Ventura County and the Final EIR Section 4.8, Traffic and Access, page 4.8-1.

Response 3

The Newhall Ranch Specific Plan does include setbacks (buffers) from the Santa Clara River. See original Draft Additional Analysis Section 2.4, SEA General Plan Consistency, beginning on page 2.4-28.

124. Letter from Laurie Allen, dated January 16, 2002

Response 1

The water analysis presented in the Revised Draft Additional Analysis shows that an adequate amount of water is available to the Specific Plan at the time of need (*See,* Revised Draft Additional Analysis Section 2.5, Water Resources, beginning on page 2.5-2). Both the local water wholesaler (the Castaic Lake Water Agency) and the retailer (the Valencia Water Company) have prepared up-to-date water management plans. In the case of Castaic Lake Water Agency, that agency completed its "2000 Urban Water Management Plan" in 2000. The Valencia Water Company completed its "Water Management Program" in 2001. In addition, the Santa Clarita Valley water purveyors and the United Water Management District in Ventura County have agreed to cooperatively monitor water conditions in the Santa Clarita Valley.

Salt Canyon will receive protection as part of the High Country Special Management Area on the Newhall Ranch Specific Plan site. No significant impacts would occur on the portion of the corridor in Ventura County.

125. Letter from Heather Conn, dated January 14, 2002

Response 1

The topic of ammonium perchlorate and its influence on the Saugus Aquifer are fully addressed in the Additional Analysis. See Revised Draft Additional Analysis pages 2.5-69 to 76 for related information. See also Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues** and **Appendices U, V, W and X**. Because the Newhall Ranch Specific Plan does not rely on the water existing in the Saugus Aquifer, the issue of perchlorate clean-up funding and the Specific Plan are not related.

Traffic impacts are fully addressed in the Final EIR prepared for the Specific Plan (See Section 4.8, Traffic and Access) and the original Draft Additional Analysis dated 2001 (See Section 2.1, Traffic in Ventura County). The Specific Plan Final EIR also includes many mitigation measures designed to reduce impacts on biological resources. See Final EIR Section 4.6, Biota, beginning on page 4.6-131, and Revised Draft Additional Analysis Section 2.6, Spineflower and Other Sensitive Plant Species, beginning on page 2.6-41.

126. Letter from Lisa Edmondson, dated January 13, 2002

Response 1

The Revised Draft Additional Analysis shows that an adequate supply of water will be available for the Specific Plan at the time of need. Please see Section 2.5, Water Resources, of the Revised Draft Additional Analysis beginning on page 2.5-2.

Traffic impacts are fully addressed in the Final EIR prepared for the Specific Plan (See Section 4.8, Traffic and Access) and the original Draft Additional Analysis dated 2001 (See Section 2.1, Traffic in Ventura County). The Specific Plan Final EIR also includes many mitigation measures designed to reduce impacts on biological resources. See Final EIR Section 4.6, Biota, beginning on page 4.6-131, and Revised Draft Additional Analysis Section 2.6, Spineflower and Other Sensitive Plant Species, beginning on page 2.6-41.

127. Letter from Andrew Christie, dated January 18, 2002

Response 1

The Revised Draft Additional Analysis shows that an adequate supply of water will be available for the Specific Plan at the time of need. Please see Section 2.5, Water Resources, of the Revised Draft Additional Analysis beginning on page 2.5-2.

Traffic impacts are fully addressed in the Final EIR prepared for the Specific Plan (See Section 4.8, Traffic and Access) and the original Draft Additional Analysis dated 2001 (See Section 2.1, Traffic in Ventura County). The Specific Plan Final EIR also includes many mitigation measures designed to reduce impacts on biological resources. See Final EIR Section 4.6, Biota, beginning on page 4.6-131, and Revised Draft Additional Analysis Section 2.6, Spineflower and Other Sensitive Plant Species, beginning on page 2.6-41.

128. Letter from Susan Stephenson, dated January 22, 2002

Response 1

The Revised Draft Additional Analysis shows that an adequate supply of water will be available for the Specific Plan at the time of need. Please see Section 2.5, Water Resources, of the Revised Draft Additional Analysis beginning on page 2.5-2.

Traffic impacts are fully addressed in the Final EIR prepared for the Specific Plan (See Section 4.8, Traffic and Access) and the original Draft Additional Analysis dated 2001 (See Section 2.1, Traffic in Ventura County).

Salt Canyon will receive protection as part of the High Country Special Management Area on the Newhall Ranch Specific Plan site. No significant impacts would occur on the portion of the corridor in Ventura County.

The Specific Plan Final EIR also includes many mitigation measures designed to reduce impacts on biological resources. See Final EIR Section 4.6, Biota, beginning on page 4.6-131, and Revised Draft Additional Analysis Section 2.6, Spineflower and Other Sensitive Plant Species, beginning on page 2.6-41.

129. Letter from Scott Miller, dated January 17, 2002

Response 1

The water analysis presented in the Revised Draft Additional Analysis shows that an adequate amount of water is available to the Specific Plan at the time of need. See Revised Draft Additional Analysis Section 2.5, Water Resources, beginning on page 2.5-2. Both the local water wholesaler (the Castaic Lake Water Agency) and the retailer (the Valencia Water Company) have prepared up-to-date water management plans. In the case of Castaic Lake Water Agency, that agency completed its "2000 Urban Water Management Plan" in 2000. The Valencia Water Company completed its "Water Management Program" in 2001. In addition, the Santa Clarita Valley water purveyors and the United Water Management District in Ventura County have agreed to cooperatively monitor water conditions in the Santa Clarita Valley.

The topic of ammonium perchlorate and its influence on the Saugus aquifer are fully addressed in the Additional Analysis. See Revised Draft Additional Analysis pages 2.5-69 to 76 for related information. See also Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues** and **Appendices U, V, W and X**.

The Specific Plan Final EIR also includes many mitigation measures designed to reduce impacts on biological resources. See Final EIR Section 4.6, Biota, beginning on page 4.6-131, and Revised Draft Additional Analysis Section 2.6, Spineflower and Other Sensitive Plant Species, beginning on page 2.6-41.

130. Letter from the Hiszpanski Family, dated January 18, 2002

Response 1

The water analysis presented in the Revised Draft Additional Analysis shows that an adequate amount of water is available to the Specific Plan at the time of need. See Revised Draft Additional Analysis Section 2.5, Water Resources, beginning on page 2.5-2. Both the local water wholesaler (the Castaic Lake Water Agency) and the retailer (the Valencia Water Company) have prepared up-to-date water management plans. In the case of Castaic Lake Water Agency, that agency completed its "2000 Urban Water Management Plan" in 2000. The Valencia Water Company completed its "Water Management Program" in 2001. In addition, the Santa Clarita Valley water purveyors and the United Water Management District in Ventura County have agreed to cooperatively monitor water conditions in the Santa Clarita Valley.

The topic of ammonium perchlorate and its influence on the Saugus Aquifer are fully addressed in the Additional Analysis. See Revised Draft Additional Analysis pages 2.5-69 to 76 for related information. See also Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues** and **Appendices U, V, W and X**.

The Specific Plan Final EIR also includes many mitigation measures designed to reduce impacts on biological resources. See Final EIR Section 4.6, Biota, beginning on page 4.6-131, and Revised Draft Additional Analysis Section 2.6, Spineflower and Other Sensitive Plant Species, beginning on page 2.6-41.

131. Letter from Judy Ferkel, dated January 19, 2002

Response 1

The water analysis presented in the Revised Draft Additional Analysis shows that an adequate amount of water is available to the Specific Plan at the time of need. See Revised Draft Additional Analysis Section 2.5, Water Resources, beginning on page 2.5-2.

132. Form Letter dated April 20, 2002 (Multiple Copies)

Response 1

The opinion of the commentator is acknowledged. The County believes that the record in this case supports a finding of consistency between the Specific Plan and the County General Plan Significant Ecological Areas. See Draft Additional Analysis Section 2.4, SEA General Plan Consistency, beginning on page 2.4-17.

Response 2

The local aquifers are not in a state of "over-draft" and would not be over-drafted as a result of the Specific Plan. See the Revised Draft Additional Analysis beginning on page 2.5-57 for a discussion regarding the condition of the local aquifers. For additional information regarding this topic, see Response 12 to the letter from SCOPE dated June 15, 2001 presented in the Final Additional Analysis (2001).

Response 3

The Specific Plan does not rely on a polluted water supply. As indicated in the Revised Draft Additional Analysis (beginning on page 2.5-70), the eastern-most portion of the Saugus Aquifer is known to contain ammonium perchlorate. The health effects of this pollutant on humans is also addressed. The Saugus/ASR Groundwater Banking Program referred to in the Revised Draft Additional Analysis is indicated as a supplemental water supply for the Specific Plan. For clarification, any water pumped via the ASR Program would first be injected into the Saugus aquifer. Consequently, is it appropriate to consider the ASR water as a supplement to the Specific Plan primary water supplies. See also Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues**, Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues** and **Appendices U, V, W and X.**

133. Form Letter dated January 1, 2002 (Multiple Copies)

Response 1

As indicated in the Revised Draft Additional Analysis, a clean and safe source of drinking water exists in the Santa Clarita Valley. As also indicated in the Revised Draft Additional Analysis (beginning on page 2.5-70), the eastern-most portion of the Saugus Aquifer is known to contain ammonium perchlorate. The health effects of this pollutant on humans and the methods proposed to clean up this water source is also addressed. See **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues, Appendices U, V, W and X** of the Final Additional Analysis and **Topical Response 5: Perchlorate Issues** in the Draft Additional Analysis for related information. The Saugus/ASR Groundwater Banking Program referred to in the Revised Draft Additional Analysis is indicated as a supplemental water supply for the Specific Plan. For clarification, any water pumped via the ASR Program would first be injected into the Saugus aquifer. Consequently, is it appropriate to consider the ASR water as a supplement to the Specific Plan primary water supplies.

Response 2

As indicated in the Final Newhall Ranch Specific Plan EIR (*See*, EIR Section 4.8, Traffic and Access, page 4.8-1) and the original Draft Additional Analysis (2001; beginning on page 2.1-11), the traffic impacts of the Specific Plan can be mitigated to less than significant levels.

Response 3

This comment is acknowledged and hereby incorporated into the Final Additional Analysis. The designation of the Santa Clara River as undeveloped open space is part of the Newhall Ranch Specific Plan.

134. Letter from County of Ventura Resource Management Agency, Planning Division, Chris Stephens, February 10, 2003

General Response

All comment letters on the Additional Analysis, which were received after expiration of the lengthy public review and comment period ending on February 4, 2003, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters (*See*, CEQA *Guidelines* Section 15088(a)). However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by law.

The issues raised in this comment letter are similar to those raised by Lowell Preston in the Fox Canyon Groundwater Management Agency letter, dated December 24, 2001. (*See*, **Responses** to **Comment Letter 118** in this Final Additional Analysis.)

Comments provided by Ventura County seem to indicate some confusion regarding the methodology used in the Revised Draft Additional Analysis to calculate the amount of water Newhall has been pumping to irrigate its agricultural property in Los Angeles County. Ventura County appears to believe that the agricultural water supply should be calculated using just the California Irrigation Management Information System (CIMIS) data. This is not the case. As stated in the Revised Draft Additional Analysis:

> "W***ater use on Newhall's agricultural lands is calculated utilizing Southern California Edison (SCE) pump tests*** to calculate total acre-feet of pumpage. Total acre-feet of pumpage is then allocated to each crop based on crop type and historical use. Budgets are prepared each year for each crop and reconciled at the end of the year based on the actual acre-feet pumped. [ ] CIMIS [ ] data, which is provided by University of California, is a tool that can be used to compare each crop's demand for water with the estimated water allocation to each crop.
>
> ...
>
> ***Using CIMIS, Newhall has calculated a comparison to its estimated water use*** by crop in Los Angeles County for the past five years (1996 to 2000) by relying on data from the CIMIS station in Piru (Ventura County) and weather data collected to determine the evapotranspiration (ET) of a base crop, which is usually grass with full ground cover, and is used as the basis to calculate the actual water needs of other crops. The CIMIS program takes into consideration all weather factors, which determine a plant's water demand. [ ] To convert that to the various crops in the area, crop coefficients are applied (again see Exhibit 1 in Appendix 2.5), which are established by the University of California to determine the ET of the specific crop for any given year. The application efficiency of the irrigation system in then considered to determine the acre-feet (or inches) of water required to meet the crop's needs. [ ]
>
> ...
>
> ***To compare actual estimated water usage in Los Angeles County*** by crop, actual crop acres planted each year can be multiplied by the crop demand based on the CIMIS

calculation." (Emphasis added.) (*See,* Revised Draft Additional Analysis, pages 2.5-139 to 2.5-140.)

As indicated in the Revised Draft Additional Analysis and above, the adjusted CIMIS evapotranspiration (ET) data is only used as a means to *allocate* the total amount of water actually pumped, as calculated from pump test data to each crop type. The actual pumpage at the end of each year is calculated using the SCE pump test data and kilowatt hours or engine hours that are recorded for the year. In response to these comments, the portion of the Revised Draft Additional Analysis that addresses this topic (*i.e.,* the subsection entitled, "Newhall Agricultural Water," beginning on page 2.5-138) has been revised to clarify the information used in determining Newhall's Los Angeles County historical agricultural water use. Please see the FAA in the section entitled, "Amended Revised Draft Additional Analysis Pages," beginning on page 2.5-139. As shown on the revised Table 2.5-32, using the actual SCE pump test data a 5-year annual average of 7,246 acre-feet of water per year was pumped by Newhall and utilized for irrigation of its Los Angeles County crops. Using the adjusted CIMIS ET data to compare to actual pumpage, a total of 7,038 acre-feet of water per year is the calculated pumping demand for Los Angeles County crops. The Revised Draft Additional Analysis used the lower (*i.e.,* the more conservative) of the two methods to determine the amount of agricultural groundwater pumped and delivered to Newhal's Los Angeles County agricultural lands.

Response 1

Ventura County references its previous comments regarding the Revised Draft Additional Analysis, Draft Additional Analysis and 2001 Final Additional Analysis, and indicates that additional comments are attached (dated January 29, 2003) which are responded to beginning with **Response 2** below.

Response 2

The Ventura County Water Resources and Development Department, Water Resources Division, references its previous memorandum, dated June 11, 2001. Los Angeles County is not in receipt of a June 11, 2001 and presumes this is a typographical error intended to reference comments, dated June 18, 2001 (*See,* 2001 Final Additional Analysis, pages 25 and 49) from the Water Resources and Development Department, or the Fox Canyon Groundwater Management Agency letter, dated December 24, 2001 (see **Comment Letter 118** in this Final Additional Analysis). The Water Resources Division agrees with the use of groundwater historically pumped for agricultural purposes as a water source for Newhall Ranch Specific Plan, but questions how the amount of water was determined. Los Angeles County responds to this question in the responses set forth below.

Response 3

This comment is acknowledged and incorporated in the Final Additional Analysis.

Response 4

The Water Resources Division questions how groundwater use can be determined without supporting data on groundwater pumpage.

The Draft Additional Analysis, Appendix 2.5(m) contains a description of how historical agricultural water pumping was determined using Southern California Edison (SCE) actual pump tests and this Final Additional Analysis' Appendix AB (Underhill) shows the calculation by dividing the total kilowatt hours (kwh) of energy used by each pump per year, by the kilowatt-hours required for each acre-foot (kwh/AF) of water from that pump as derived from annual pump test data. The total water pumped from each of Newhall's agricultural wells, as determined by this method, is illustrated and summarized in Exhibit 1 to the Underhill report (see FAA **Appendix AB**). These calculations represent the *actual* water pumped and used on all of Newhall's farmfields in Los Angeles County for the years 1996 to 2000, and is representative of both wet and dry rainfall periods.58 It is important to understand that there can be variations from year to year primarily due to the actual number of acres farmed in that year, the type of crops grown, rainfall and temperatures. As described in the Draft Additional Analysis (page 2.5-127 to 2.5-131), Revised Draft Additional Analysis (pages 2.5-138 to 2.5-142), and Final Additional Analysis **Appendix AB** (Underhill), adjusted CIMIS evapotranspiration data were only used as a means of allocating the amount of water pumped for crops in Los Angeles County. The results indicate that using the adjusted CIMIS data to allocate the actual amount of water pumped for crops derived from the SCE pump test method yields an average annual pumping amount of 7,246 acre-feet of water per year on Newhall's Los Angeles County crop land. Using the adjusted CIMIS-based method alone to determine the amount of water that would need to be pumped to meet crop water demand based upon the acres of crop type yields an estimated required annual average pumping amount of 7,038 acre-feet of water per year. The lower of the two methods (*i.e.*, the adjusted CIMIS method) was used in the Revised Draft Additional Analysis.

Response 5

The comment suggests a discrepancy between the lack of consistent climatic and soils conditions and using CIMIS evapotranspiration (ET) data for crop water demand.

The Draft Additional Analysis, Revised Draft Additional Analysis and Final Additional Analysis **Appendix AB** (Underhill) includes a discussion of the differences between the climate and soil conditions in the immediate vicinity of the Piru CIMIS station in Ventura County and the weather conditions in the upper Santa Clara River Valley; Newhall's agricultural operations are farther inland in a much warmer

58 Calendar year rainfall measured at the Newhall County Water District rain gage varied from a high of 40 inches in 1998 to 10 inches in 1999. For those two years, Newhall's actual agricultural water pumping varied correspondingly to rainfall, with 5,799 acre feet pumped in the wet year and 8,492 acre feet pumped in the dry year for L.A. County.

climate zone with less rainfall than the cooler coastal areas. As a result, more water would need to be applied for the same crop type grown more westerly in the Santa Clara River valley compared with locations in Ventura County downstream. Soil conditions are also sandier on the Los Angeles County farmland than in Ventura County and, therefore, have less moisture retention properties, which requires the application of more water for a given crop type. However, for the purposes of comparing the historical actual pumpage with the CIMIS estimates, no specific soil type or reduced rainfall adjustments were made to the CIMIS estimates. As described below in **Response 13** below, an adjustment was made to the CIMIS estimates based upon irrigation efficiencies to correlate the CIMIS ET data to pumping requirements.

Response 6

This comment is acknowledged and incorporated in the Final Additional Analysis.

Response 7

This comment is acknowledged and incorporated in the Final Additional Analysis.

Response 8

This comment is acknowledged and incorporated in the Final Additional Analysis.

Response 9

The Water Resources Division reiterates its agreement with the use of groundwater historically pumped for agricultural purposes as a water source for Newhall Ranch Specific Plan, but questions how the amount of water was determined, as previously stated in **Response 2** above. It states that the use of electric meters is an acceptable practice, but only when the meters are regularly calibrated.

Newhall has historically used annual pump tests performed by SCE as the basis for determining the actual amount of water pumped and delivered to farm fields. This frequency of testing (*i.e.,* annual testing) has provided a consistently reliable method for determining the amount of water pumped each year, which varies depending on the actual number of acres farmed, the type of crops grown, the amount and distribution of rainfall, temperatures, *etc.* No additional calibration is required.

Response 10

The comment shows that while the Piru CIMIS Station has not been maintained on a routine basis, the ET values are reasonable.

The Piru CIMIS Station is the nearest State agricultural weather monitoring location to Newhall Ranch and its ET rates (which would actually be lower than a similar station in Los Angeles County) were, therefore, used for the purposes of comparing Newhall's actual pumped water based upon SCE pump tests with estimates of crop water demand using the adjusted CIMIS methodology.

Response 11

The Water Resources Division notes that the Specific Plan agricultural water supply is to be partially derived from historical agricultural water use on irrigated cropland outside the Specific Plan boundaries within Los Angeles County. The use of that water would be appropriate provided a mitigation measure is provided to assure an accounting when it is used to meet the project's water demands.

County staff agrees with this comment and recommends that the Newhall Ranch Additional Analysis/Final EIR mitigation measures be revised to add the following new mitigation measure:

> "4.11-21 Beginning with the filing of the first subdivision map allowing construction on the Specific Plan site and with the filing of each subsequent subdivision map allowing construction, the Specific Plan applicant, or its designee, shall provide documentation to the County of Los Angeles identifying the specific portion(s) of irrigated farmland in the County of Los Angeles proposed to be retired from irrigated production to make agricultural water available to serve the subdivision. As a condition of subdivision approval, the applicant or its designee, shall provide proof to the County that the agricultural land has been retired prior to issuance of building permits for the subdivision."

Response 12

The Water Resources Division acknowledges the Piru CIMIS data does not include rainfall in its calculation of crop water demand and suggests that 25% of the rainfall, or perhaps 5 inches, should be deducted from the amount of water required for the crops.

It is important to note, again, that the adjusted CIMIS ET data was not relied on to determine the amount of agricultural water actually pumped to irrigate Newhall's farm fields in Los Angeles County; SCE pump test were used. The CIMIS ET data is only an estimate or guide for farmers in determining their individual crop needs, and therefore was used solely as a "cross check" to corroborate Newhall's allocation of actual water pumped based on pump test calculations (*See,* Final Additional Analysis **Appendix AB** (Underhill). The adjusted CIMIS ET data used does not incorporate rainfall data, but rainfall is factored into the actual amount of water pumped and delivered by the simple fact that farmers do not irrigate crops during rain events or shortly thereafter while soil moisture is higher and available for plant uptake. For this reason, rainfall is automatically factored into the pumping requirement for Newhall's crops.

Response 13

The comment suggests that using an irrigation efficiency factor with the CIMIS method overstates the crop water needs. The Fox Canyon Groundwater Management Agency requires a minimum of 80% irrigation efficiency. Lower irrigation efficiency means more runoff and deep percolation, which cannot be counted on when the water applied for agricultural purposes is switched to urban uses.

The Revised Draft Additional Analysis did analyze changes in the amount of deep percolation from irrigation under the existing conditions and after project development (*See*, RDAA, Appendix 2.5(a), Table 1, p. 21-22). Approximately 1,595 acre-feet per year of deep percolation was calculated under the existing conditions and 2,044 acre-feet under the proposed conditions, and increase of 28 percent. This is due to the overall increase in the amount of irrigation that will take place on the Newhall Ranch Specific Plan. Under existing conditions, approximately 4,690 acre-feet are applied for irrigation of crops within the Newhall Ranch Specific Plan project area (and 7,038 acre-feet on all Newhall Land and Farming Company farmland in Los Angeles County using the adjusted CIMIS allocation). Under the proposed conditions, approximately 12,050 acre feet will be applied to irrigate parks, slopes, golf courses, *etc.*

Irrigation efficiency is an important factor in determining pumping requirements for crops to actually receive the water they need based upon evapotranspiration. The Fox Canyon Groundwater Management Agency is located in the coastal Oxnard plain. Farm fields are much larger, located on very flat lands, the farm fields are generally more regularly shaped, irrigation methods are different and water cost is much higher, which leads to improved irrigation efficiency. The Newhall farm fields are generally not regularly shaped (*i.e.*, rectangular or square) and instead are multi-sided and are located on significantly more sloped ground, soils tend to be much sandier than Oxnard soils, and much of the land is irrigated with flood or furrow methods and irrigation systems are older. These physical features result in the need for more water to be applied to reach all parts of the field and meet the crops plant uptake requirements. Therefore, crop irrigation efficiency factors were applied to the CIMIS ET data, based upon field observations to more closely equate CIMIS data to actual pumping requirements. (*See*, Final Additional Analysis, **Appendix AB** (Underhill.

Response 14

The comment acknowledges that the ASR model has been revised to show the changes in percolation, but suggests it is being double counted. A chart showing the Water Resources Division calculation of net agricultural water use is provided using the CIMIS method and adjusted for rainfall.

Deep percolation is irrelevant when calculating the amount of irrigation water historically pumped on Newhall's agricultural property. For the reasons stated in the responses above, the County does not agree that using CIMIS ET data is the most accurate method for determining the actual amount of water that is pumped and applied to the farm fields in Los Angeles County. A historical water pumping record for a five-year period was used for determining the amount of water pumped and applied to crop land based upon a recent Supreme Court ruling.59 The SCE pump tests accurately reflect the actual historical water pumped over the last 5 years (7,246 acre-feet). Actual pumpage reflects the actual number of acres farmed, the type of crops, the shape and slope of the farm fields, irrigation efficiency, soil type, the amount and distribution of rainfall, and temperatures. Nevertheless, the more conservative estimate of agricultural water pumping of 7,038 acre-feet was used for the water supply analysis. As noted in the comment, deep percolation has been incorporated into the groundwater flow model used to determine the overall net change in ground and surface flows to Ventura County with the proposed Specific Plan (*See*, Revised Draft Additional Analysis Technical Appendix 2.5(a) Table 1, p. 2 to -22).

Response 15

The Water Resources Division acknowledges that the Revised Draft Additional Analysis provides data to support the feasibility of the ASR project. However the lack of calibration to transient conditions is still questioned. While constructing a model calibrated to steady-state conditions facilitated a conclusion that the total water flowing into Ventura County would be increased, this analysis is inaccurate because Ventura County claims that increasing the water crossing the County line during a wet year does not contribute to recharge, nor does lowering water levels during a drought.

The comment is incorrect in stating that a steady state solution was used to determine the effects of the injection/extraction that would occur with the ASR program. A transient model simulation approach, not a steady-state modeling technique, was used to determine the effects of injection and extraction. The modeling that simulated the proposed operation of the ASR system was run in a transient mode to account for the fact that each ASR well will not operate uniformly at all times. Under the proposed design of the ASR system, each ASR well will inject water at certain times, pump water at certain times, and be idle at certain times. The ASR system as a whole will inject 4,500 AFY during non-drought years (which occur approximately 7 out of every 10 years) and withdraw 4,100 AFY during drought years (which occur approximately 3 out of every 10 years). Therefore, only a transient simulation can account for these variations in the operational aspects of the ASR system.

The ASR operations, and the transient nature of how they were simulated in the model, were described in substantial detail in the Newhall Ranch DAA, Appendix 2.5(d), Sections 5.3 and 5.4. The comment is

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59 The Supreme Court in *City of Barstow v Mojave Water Agency* (2000) Cal.4th 1224 upheld a physical solution that determined water use rights that "sets a 'base annual production' amount for each party, determined by the producer's maximum annual production for the five-year period from 1986 to 1990."

attempting to connect the fate of water flowing in the Santa Clara River through Ventura County and the estimates of water entering Ventura County. The comment misstates the physical nature of the surface water and groundwater system in eastern Ventura County, as well as the percent share of ASR increased flows.

Based on studies by DWR and others, there is little, if any, subsurface groundwater flow from the Upper Basin to the Lower Basin. The two basins are separated by shallow bedrock at Blue Cut, which is located about one mile downstream of the County Line. Physically, Blue Cut is an area where a bedrock promontory is present on the north side of the river. This promontory juts into the Alluvial valley from the north and forces the river to take a U-shaped jog around the south side of the promontory. At the southern-most point on this "U," the river lies not only against the promontory on the north, but also against the bedrock hills forming the south side of the Alluvial valley, and the valley has its narrowest width at this location. Bedrock of the Pico Formation is visible in the channel of the river and along its northern bank as the river jogs around the promontory. There is very little, if any, saturated thickness to the thin mantle of Alluvial materials that is present at the ground surface on the riverbanks at Blue Cut.

As the river passes the Blue Cut area, its flow during non-storm events infiltrates into the underlying alluvial materials, which thicken to the west in Ventura County over a very short distance downstream of Blue Cut. The river is actually dry between storm events for several miles below Blue Cut. This is the case during years of below-normal, normal, and above-normal rainfall. Only relatively large storm flows eliminate the long dry reach below Blue Cut, and the dry reach reappears soon after each individual storm runoff event. Between storm events, there is no flow in the dry reach. Because there are far fewer days with storm flows, the reach just west of Blue Cut is dry during most days of the year, even in years of above-normal annual rainfall.

Hence, the comment is incorrect in stating that excess water flowing out of the Upper Basin due to ASR would automatically be lost to the ocean. To the contrary, this water would infiltrate into the Alluvial materials at the eastern end of the Lower Basin in Ventura County because of how few days there is storm-flow in the normally dry reach of the river west of Blue Cut. Even during a wet year, the number of days in which increased river flows attributable to ASR operations would be lost to the ocean is far less than the number of days when these flows would instead infiltrate into the Lower Basin alluvium west of Blue Cut. Only when increased river flows attributable to ASR coincide with increased flows due to relatively large storm events would the flows attributable to ASR potentially be lost to the ocean.

Furthermore, as stated in Table 2.5-39 of the Revised Draft Additional Analysis, total average flows into Ventura County originating in Los Angeles County is approximately 57,000 acre-feet per year measured at the USGS gaging station near the Los Angeles County line. The River's total average annual flow is 220,000 acre-feet measured near the mouth of the river at the Pacific Ocean. Therefore, the Los Angeles County portion of the River's flow represents approximately 26 percent of total flows. The large majority

of Ventura County's "loss" of water to the Pacific Ocean is from sources within the County itself. Furthermore, the increase in flows from ASR represent an insignificant contribution to these total flows (<0.5 percent). As stated in the Revised Draft Additional Analysis:

> "a relatively small percentage of the surface and subsurface flows downstream into Ventura County actually originate upstream in Los Angeles County. As shown on Table 2.5-39, Major Inflows to Santa Clara River, approximately 26 percent of the surface and subsurface flows downstream in Ventura County come from the portion of the Santa Clara River watershed located upstream in Los Angeles County. The vast majority (approximately 74 percent) of the surface and subsurface flows enter the Santa Clara River in Ventura County (e.g., from the Piru Creek watershed (approximately 19 percent), Sespe Creek watershed (approximately 39 percent), Santa Paula Creek watershed (approximately 7 percent), etc.). [ ] Some comments have inferred that virtually all of Ventura County's water supply originates in Los Angeles County and would be threatened by the proposed Newhall Ranch Specific Plan and WRP, including the proposed Saugus Groundwater Banking/ASR program. This analysis, however, does not concur with those comments." (*See*, Revised Draft Additional Analysis page 2.5-178.)

This information is consistent with other information provided by the California Department of Water Resources. As stated in the Revised Draft Additional Analysis:

> "The fact that surface and subsurface flows originating in Los Angeles County have a relatively minor influence on the hydrologic environment in Ventura County is supported by other studies as well. For example, DWR updated the Ventura County groundwater basin plan in a report entitled, "Final Project Report, Update of Basin Plan for Piru, Sespe, and Santa Paula Hydrologic Areas, June 1989." [ ] As to groundwater conditions, the Basin Plan reports that the upstream Santa Clara groundwater basin in Los Angeles County contributes very little to the recharge of the Santa Felicia groundwater basin. On page 24 of the Basin Plan, DWR summarized its findings with respect to the recharge of the basin in Ventura County:
>
> > "Natural recharge of the [Piru] basin occurs intermittently and is largely from percolation of surface flows of the Santa Clara River, Piru and Hopper Creeks, and smaller tributaries (about 75 percent of the total recharge). About 10 percent of recharge comes from percolation of precipitation. Although steady, subsurface inflow from [the] Eastern Basin, the basin upstream [in Los Angeles County] on the Santa Clara River, *is essentially negligible* (estimated at about 240 acre-feet per year) because of the thin alluvial deposits." (*Emphasis added.*)
>
> Although subsurface flows from Los Angeles County are essentially negligible, the surface flows from Los Angeles County downstream into Ventura County have increased over time due to the importation of SWP water by CLWA in the Santa Clarita Valley. Running averages of rainfall and river flow document that these flows have increased at the Los Angeles County/Ventura County line even without significant increases in rainfall. The result of the importation of SWP water in the Santa Clarita Valley has resulted in, and is projected to be, a significant beneficial impact on the amount of surface water flows to Ventura County from the Santa Clarita Valley." *Id.* at 2.5-161.

Response 16

This comment restates the same concern regarding the flows lost to the ocean during wet years discussed above in **Response 15**.

Response 17

The comment summarizes the Water Resources Division concerns regarding the amount of agricultural transfer, the static model calibration and the loss of wet year flows as a means to offset dry year deficits, all of which are responded to above.

Response 18

The Water Resources Division has no issues with the Nickel Family water and the Semitropic Water Bank, and, therefore, believes the Saugus ASR alternative would not be needed for project water supply purposes.

The County agrees and has also concluded that the Nickel Family water and Semitropic Groundwater Banking Project, along with the other Newhall Ranch water supplies, will adequately meet the project water demand for both average and dry years. As noted in the Newhall Ranch RDAA, Section 2.5.1.4, p. 2.5-4 to 2.5-8, ASR supplies are not a primary source of potable or non-potable water supplies needed to serve the Specific Plan site. Nevertheless, the feasibility of the ASR program was analyzed to respond to the trial court writ of mandate and demonstrates that the ASR program is feasible, that the properties of the aquifers are understood, and that there will not be a significant adverse impact from the ASR program to the aquifers or downstream water users.

135. Form Letter dated January 18, 2003 (Received by the County of Los Angeles after February 4, 2003)

General Response

All comment letters on the Additional Analysis, which were received after expiration of the lengthy public review and comment period ending on February 4, 2003, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters (*See*, CEQA *Guidelines* Section 15088(a)). However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by law.

Response 1

The opinion of the commentator is acknowledged. The County believes that the record in this case supports a finding of consistency between the Specific Plan and the County General Plan Significant Ecological Areas. See Draft Additional Analysis Section 2.4, SEA General Plan Consistency, beginning on page 2.4-17.

Response 2

The local aquifers are not in a state of "over-draft" and would not be over-drafted as a result of the Specific Plan. See the Revised Draft Additional Analysis beginning on page 2.5-57 for a discussion regarding the condition of the local aquifers. For additional information regarding this topic, see Response 12 to the letter from SCOPE dated June 15, 2001 presented in the Final Additional Analysis (2001).

Response 3

The Specific Plan does not rely on a polluted water supply. As indicated in the Revised Draft Additional Analysis (beginning on page 2.5-70), the eastern-most portion of the Saugus Aquifer is known to contain ammonium perchlorate. The health effects of this pollutant on humans is also addressed. See **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues, Appendices U, V, W and X** of the Final Additional Analysis and **Topical Response 5: Perchlorate Issues** in the Draft Additional Analysis for related information. The Saugus/ASR Groundwater Banking Program referred to in the Revised Draft Additional Analysis is indicated as a supplemental water supply for the Specific Plan. For clarification, any water pumped via the ASR Program would first be injected into the Saugus aquifer. Consequently, is it appropriate to consider the ASR water as a supplement to the Specific Plan primary water supplies.

136. Letter from the Center For Biological Diversity, dated February 4, 2003 (Received by the County of Los Angeles after February 4, 2003)

General Response

All comment letters on the Additional Analysis, which were received after expiration of the lengthy public review and comment period ending on February 4, 2003, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters (*See*, CEQA *Guidelines* Section 15088(a)). However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by law.

Response 1

The opinion expressed in this comment is noted and included in the Final Additional Analysis.

Response 2

Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure Information of Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**.

Response 3

Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure Information of Regarding Spineflower**, and **Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures**. The opinion expressed in this comment is noted and included in the Final Additional Analysis.

Response 4

The arroyo toad has not been found on the Newhall Ranch Specific Plan site. The biologists that conducted surveys for arroyo toads and red-legged frogs on Newhall Ranch are all well qualified field biologists properly permitted by the U.S. Fish and Wildlife Service (USFWS) and, under the federal Endangered Species Act, Section 10(a) requirements, these biologists/permit-holders are required to submit their survey results to the USFWS within 45 days of survey completion. Consequently, information collected during such surveys has been disclosed to the USFWS. Based on the surveys, neither the arroyo toad nor the red-legged frog has been found on Newhall Ranch by any field biologist. This is consistent with the information presented in the Final EIR (March 1999), DAA (April 2001) and FAA (October 2001).

All toad surveys were completed during the appropriate season and following survey protocols of USFWS. Based on this information, County staff does not believe that additional surveys for the arroyo toad, or other sensitive animal species, are needed at this time, particularly in light of the performance-

based mitigation program for listed plant and animal species (*e.g.*, Final EIR, Section 4.6, pp. 4.6-131 to 4.6-152, and RDAA, Section 2.6, pp. 2.6-43 to 2.6-45). It should be noted that, prior to approval of any future subdivision maps associated with the Specific Plan which would allow construction on the site, updated surveys are required, along with the application of appropriate mitigation measures, pursuant to state and federal requirements for referenced plant and animal species. The opinions expressed in this comment are noted; however, no additional response can be provided because the comment does not provide information to support the statements.

Response 5

Potential impacts to the Unarmored Threespine Stickleback fish and its habitat have been addressed in the Final EIR (*See,* Final EIR Section 4.6, Biota, pages 4.6-2, 17, 22, 27, 74 to 75, 77, 118, 124, and 151), and Draft Additional Analysis (*See,* Draft Additional Analysis Section 2.3, Floodplain Modifications, pages 2.3-1, 17 and 18, 27, 50, and 87 and 88. The opinions expressed in this comment are noted; however, no additional response can be provided because the comment does not provide information to support the statements.

Response 6

Please see **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation Through Newhall/CDFG Conservation Easement and Agreement** for related information. Because this comment does not address the content of the Additional Analysis, no further response is warranted.

Response 7

The topic of environment safety, including information relating to oil-related uses on the Specific Plan site, was addressed in the Final EIR, Section 4.5, Environmental Safety. In addition, please see **Response 3** to **Comment Letter 101** from the Ventura County Resource Management Agency, dated January 16, 2003.

Response 8

Please see **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues** for responsive information.

Response 9

The opinions expressed in this comment are noted and included in the Final Additional Analysis. Because no information has been provided to support the statements made in this comment, no further response can be provided.

137. Letter from Denice Schelling, dated January 22, 2003 (received after February 4, 2003)

General Response

All comment letters on the Additional Analysis, which were received after expiration of the lengthy public review and comment period ending on February 4, 2003, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters (*See*, CEQA *Guidelines* Section 15088(a)). However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by law.

Response 1

Please see Draft Additional Analysis Section 2.3, Flood Modifications, for information relating to this topic.

Response 2

This comment is incorrect. The Castaic Lake Water Agency prepared an Urban Water Management Plan in 2000. See Draft Additional Analysis Appendix 2.5(a) for a copy of this Plan. The Specific Plan has an adequate supply of water. See Revised Draft Additional Analysis Section 2.5, beginning on page 2.5-2, for related information.

Response 3

See Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues** and Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues** for related information. Also see Final Additional Analysis (2003) **Appendices U, V, W, and X**.

Response 4

The traffic impacts of the Specific Plan have been addressed. Please see Final EIR Section 4.8, Traffic and Access, and Draft Additional Analysis Section 2.1, Traffic in Ventura County.

138. Letter from J.A. McClure, dated February 1, 2003 (received after February 4, 2003)

General Response

All comment letters on the Additional Analysis, which were received after expiration of the lengthy public review and comment period ending on February 4, 2003, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters (*See*, CEQA *Guidelines* Section 15088(a)). However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by law.

Response 1

The Draft Additional Analysis addressed the Specific Plan's consistency with the General Plan as it pertains to SEAs. See Draft Additional Analysis Section 2.4, General Plan Consistency, beginning on page 2.4-17. The opinion of the commentator is noted. However, information has been provided to support the statements made, no further response can be provided.

Response 2

The comment is incorrect. At the January 14, 2003 SEATAC meeting, it was confirmed that arroyo toads have *not* been found on the Newhall Ranch Specific Plan site. Such a conclusion is consistent with all information presented in the Final EIR, Draft Additional Analysis and Final Additional Analysis. Because the Revised Draft Additional Analysis and Final EIR were both prepared and circulated prior to the January 14, 2003 SEATAC meeting, information relating to that meeting could not have been presented in the Revised Draft Additional Analysis or EIR.

Response 3

Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure Information of Regarding Spineflower, Topical Response 9: Spineflower Surveys and the County's Existing EIR Procedures** and **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation Through Newhall/CDFG Conservation Easement and Agreement** for information relating to this topic.

Response 4

Please see **Topical Response 10: Spineflower Mitigation Program and Additional Mitigation Through Newhall/CDFG Conservation Easement and Agreement** for information relating to this topic. The charge relating to the alleged alteration of a streambed has been dropped. See Final Additional Analysis **Appendix AF** for a copy of the Civil Compromise Agreement reached between the parties.

Response 5

Bird hazing machines have never been used on the Newhall Ranch Specific Plan site, nor were they in use off-site at the time bird surveys were being completed on Newhall Ranch.

Response 6

Please see **Topical Response 7: The Use of Confidentiality Agreements and Disclosure Information of Regarding Spineflower**, for related information.

Response 7

The topic of environment safety, including information relating to oil-related uses on the Specific Plan site, was addressed in the Final EIR. See Section 4.5, Environmental Safety. Also see **Response 3** to **Comment Letter 101** received from the Ventura County Resource Management Agency, dated January 16, 2003.

Response 8

The consultant preparing the EIR for the County (Impact Sciences) did not sign a confidentiality agreement for preparation of the EIR prohibiting the provision of information to public agencies, including the County of Los Angeles. See **Topical Response 7: The Use of Confidentiality Agreements and Disclosure Information of Regarding Spineflower** for related information.

139. Letter from Gary Kodel, dated January 30, 2003 (received after February 4, 2003)

General Response

All comment letters on the Additional Analysis, which were received after expiration of the lengthy public review and comment period ending on February 4, 2003, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters (*See*, CEQA *Guidelines* Section 15088(a)). However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by law.

Response 1

The topic of Specific Plan impacts to oak resources was extensively addressed in the Final EIR. Please see Final EIR Section 4.6, Biota, pages 4.6-2, 3, 6, 7, 8, 11, 23, 27, 29, 30, 28, 41, 42, and 45. Impacts to oak resources are mitigated. See EIR Mitigation Measures 4.6-16, 4.6-26(a), 4.6-28, 4.6-43, 4.6-48, and 4.6-62.

Response 2

The opinions of the commentator are noted. Because no information has been provided in support of the statements made, no further response can be provided.

140. Letter from Carole Cole, dated January 22, 2003 (received after February 4, 2003)

General Response

All comment letters on the Additional Analysis, which were received after expiration of the lengthy public review and comment period ending on February 4, 2003, are considered "late" comments. Because CEQA does not require a lead agency to respond to late comments, Los Angeles County is not required to provide a written response to such comment letters (*See*, CEQA *Guidelines* Section 15088(a)). However, the County has responded to the comments without waiving its position that written responses to late comment letters are not required by law.

Response 1

The Castaic Lake Water Agency prepared an Urban Water Management Plan in 2000. See Draft Additional Analysis Appendix 2.5(a) for a copy of this Plan. The Specific Plan has an adequate supply of water. See the Revised Draft Additional Analysis Section 2.5, beginning on page 2.5-2, for related information. The local water supply is not "over-burdened." See the Revised Draft Additional Analysis beginning on page 2.5-57 for a discussion regarding the condition of the local aquifers. For additional information regarding this topic, see Response 12 to the letter from SCOPE dated June 15, 2001 presented in the Final Additional Analysis (2001).

See also Final Additional Analysis (2001) **Topical Response 5: Perchlorate Issues** and Final Additional Analysis (2003) **Topical Response 11: Update Regarding the Status of Perchlorate and Related Issues** for information relating to perchlorate.

Response 2

Please see Draft Additional Analysis Section 2.3, Flood Modifications, for information relating to impacts caused by bank hardening.

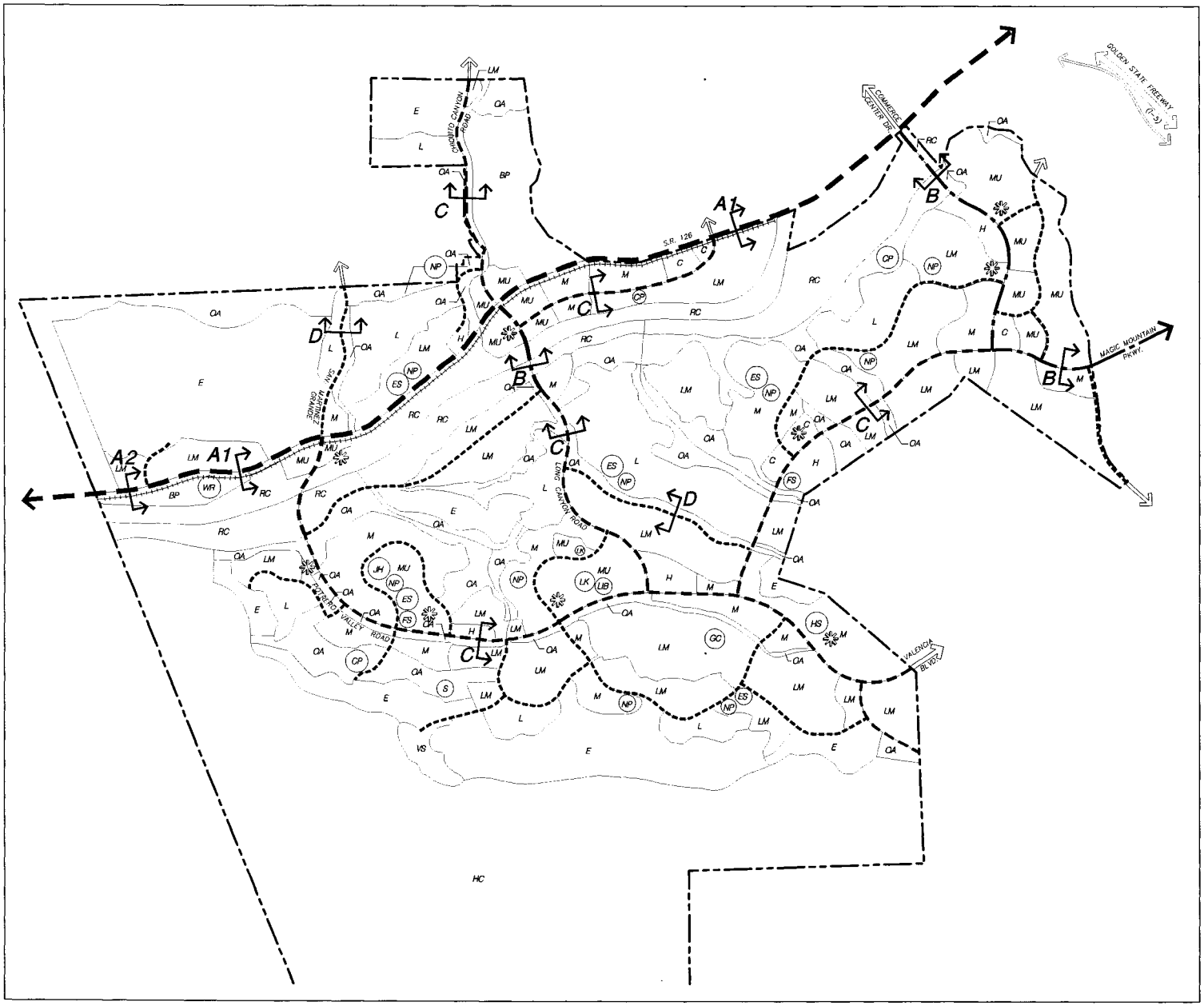
Regarding chloride, please see Revised Draft Additional Analysis pages 2.5-48, 183, 184, 186, 223 to 227, and 236 and 237, as well as responses to **Comment Letter 98** received from the California Regional Water Quality Control Board dated February 3, 2003.

Response 3

This comment is incorrect. The Specific Plan includes the reservation of right-of-way for a future Metrolink rail line. See Final EIR Section 1.0, Project Description, page 1-28.

Amended Revised Draft
Additional Analysis Pages

NOTE: The following illustration represents a revision to page 1-23 from the Final EIR (1999). This illustration (Figure 1.0-5, Backbone Circulation Plan) has been revised to be consistent with the text of the Newhall Ranch Specific Plan as approved by the County in 1999 regarding the classification of roadways.



NEWHALL RANCH
SPECIFIC PLAN

Prepared For: Newhall Ranch Company

LEGEND

- STATE HIGHWAY
- MAJOR HIGHWAY
- SECONDARY HIGHWAY
- COLLECTOR
- POSSIBLE FUTURE COLLECTOR ALIGNMENT
- BUS PULL-IN

STREET SECTIONS

SECTIONS A1 & A2	EXHIBIT 2.4-3
SECTIONS B, C & D	EXHIBIT 2.4-4

English 0 1000' 2000'
Metric 0 225m 450m 900m
NORTH
10 ACRES 40 ACRES
Computer Mapping by FORMA Systems

FIGURE 1.0-5
BACKBONE CIRCULATION PLAN

FEBRUARY 1999
m:\newhall1\sp-eir-0299\circ.dwg

NOTE: The following page represents a revision to the Final EIR (1999). This page has been revised to provide an additional mitigation measure (5.0-52(b)) for the Water Reclamation Plant.

Recently, the RWQCBLAR has determined that the water quality in certain portions of the Santa Clara River, within the Newhall Ranch site, do not meet the Basin Plan standards. To date, discharges of treated wastewater have not been identified as a factor in this problem. Nevertheless, future NPDES requirements for discharges by reclamation plants to the River may be different than under current standards if the RWQCBLAR determines that such actions are needed to achieve overall River water quality standards. The proposed WRP would comply with all standards in effect at the time it obtains a NPDES permit.

Reclaimed water is further subject to Water Reclamation Requirements, as specified by the applicable reclamation criteria in Title 22, California Code of Regulations, Division 4, Chapter 3. These Title 22 requirements incorporate the requirements of the California Department of Health Services. Under Title 22 health requirements, Newhall Ranch WRP reclaimed water would meet criteria allowing its use for the following purposes:

- landscape irrigation of golf courses, cemeteries, freeway landscapes, and open areas;
- irrigation of parks, playgrounds, school yards, and similar areas;
- non-restricted recreational impoundment (with no limitations on body-contact sports and activities); and
- surface and spray irrigation of food crops.

Based on required compliance with State and Federal water quality requirements, as discussed above, and the information contained in **Appendix 4.11** of this EIR, no significant wastewater-related impacts would occur as a result of the construction and operation of the proposed water reclamation plant or the formation of the proposed sanitation district.

c. Mitigation Measures

5.0-52~~3~~. A new County sanitation district shall be formed to administer operation of the Newhall Ranch water reclamation plant. The district shall encompass the entire Newhall Ranch Specific Plan site.

5.0-52(b) The applicant shall initiate a request to the new County sanitation district formed for the Newhall Ranch Specific Plan site to adopt an ordinance prohibiting the installation and use of self-regenerating water softeners within the new sanitation district prior to connection of the first residential unit to the sanitary sewer system.

In addition, the following two new sections have been added to the Draft Additional Analysis:

- **Section 2.6 Spineflower and Other Sensitive Plant Species**, and
- **Section 2.7 Additional Alternatives.**

Please refer to the April 2001 Draft Additional Analysis for the unchanged portions of the Draft Additional Analysis.

PROJECT DESCRIPTION AND BACKGROUND

The applicant has prepared the Newhall Ranch Specific Plan which covers a total of 11,963 acres. The Specific Plan as originally approved by the County of Los Angeles Board of Supervisors includes a potential buildout of 21,615 dwelling units on 4,835 acres (including an 18-hole golf course, 10 neighborhood parks and seven schools), 630 acres of mixed uses (including residential, office, and retail commercial uses), 67 acres of commercial uses, 256 acres of business park uses (including light manufacturing, warehousing and distribution), 37 acres of visitor serving uses, 6,138 acres of open area, 3 community parks on 186 acres, and 367 acres of arterial roads and community facilities (including a new 6.9 million gallon per day water reclamation plant, one library and two fire stations). The Specific Plan would build out over approximately 25 to 30 years, based upon market conditions.

In March 1999, the County of Los Angeles Board of Supervisors (the County) certified the Final Environmental Impact Report (FEIR) for the Newhall Ranch Specific Plan and Water Reclamation Plant (WRP) (SCH No. 95011015), and approved the Newhall Ranch Specific Plan and WRP. Subsequently, various parties challenged the County's certification of the Final EIR and approval of the Specific Plan and WRP in a consolidated action in Kern County Superior Court entitled, *United Water Conservation District v. County of Los Angeles, et al.*, Case No. 239324 RDR. The trial court found that the FEIR required additional analysis with regard to the following issues: (1) traffic impacts to Ventura County arterial roadways exiting State Routes 23 and 126; (2) biological impacts to the Ventura County portion of the Salt Creek wildlife corridor; (3) biological impacts in the Santa Clara River corridor caused by channelization and bank hardening; (4) adequacy of water sources for the proposed Specific Plan, including impacts caused by employment of the Aquifer Storage and Recovery (ASR) alternative; and (5) the alternative of siting the Specific Plan's Water Reclamation Plant off-river, including an analysis of biological impacts of that siting. The trial court also instructed the County to ensure that the Specific Plan is consistent with the County General Plan policies requiring protection of natural resources in Significant Ecological Areas (SEAs) as those standards apply to SEA 23, and the General Plan Development Monitoring System (DMS) policies as they relate

Indirect impacts to spineflower and other sensitive plants, all seven indirect impacts/edge effects are considered significant in connection with the proposed development of Newhall Ranch, absent implementation of the Newhall Ranch mitigation program described in Section 2.6.

Conclusion - Because actions are to be taken that would be sufficient to minimize the take of the spineflower, fully mitigate the loss, and create additional spineflower populations, both onsite and offsite, the impacts to the spineflower are considered significant, but mitigable under CEQA and the CEQA Guidelines. This finding nevertheless requires the project applicant to obtain an incidental take permit(s) from CDFG after project approval, and the take permit(s) will not be issued unless CDFG makes findings of "no jeopardy" regarding the spineflower. A summary of the types of actions/measures to be followed include:

- Spineflower Special Study Mitigation Overlay,
- Spineflower Preserves,
- Connectivity, Reserve Design and Buffers,
- Preserve Protection/Fencing,
- Preserve Protection/Hydrological Alterations,
- Engineering, Design and Grading Modifications,
- Fire Management Plan,
- Water Flow Diversion and Management Program,
- A Biological Monitor,
- Construction Impact Avoidance Measures, including water control, storm water flow redirection, and treatment of graded slopes,
- Reassessment Requirement,
- Newhall Ranch Monitoring and Management Program,
- Translocation/Reintroduction Program, and
- Notification of and Limitation on Ongoing Agricultural Activities

-For additional information regarding all the mitigation measures being required, see Section 2.6, Spineflower and Other Sensitive Plant Species, beginning on page 2.6-41.

Additional Alternatives

In keeping with CEQA's requirement that an EIR assess a range of reasonable alternatives to a project, and given the information regarding the spineflower located on the Specific Plan site and the potential for significant impacts to the plant, this Revised Draft Additional Analysis identifies an expanded analysis of "Alternative 1 - No Project Alternative," and provides three additional alternatives to the Specific Plan that are specifically intended to address potentially significant impacts to the spineflower. These alternatives are referred to as "Alternative 7 – Spineflower Translocation

Alternative 8 – Spineflower Avoidance Alternative I (21,182 Units, Four Percent Reduction in Residential Development, 13 Percent Reduction in Non-Residential Development, Smaller Footprint) - The primary purpose of Alternative 8 is to avoid or minimize the potentially significant direct and indirect biological impacts to the spineflower created by the Specific Plan by reducing the amount of development and by reducing the footprint upon which such development would occur. Under this alternative, a setback of 150 feet from populations of spineflower is proposed. In doing so, many other impacts which could occur as a result of site development might also be reduced in magnitude. Alternative 8 proposes 21,182 Residential units, 5.24 million square feet of Commercial uses, a water reclamation plant, and a golf course (It should be noted that the commercial square footage indicated is an estimate only for impact evaluation purposes). Development under Alternative 8 would not occur at or near most areas that have known populations of spineflower. This alternative assumes that a minor "take", or impact, would occur to small spineflower populations that are isolated and/or would occur in other areas to allow for the construction of major infrastructure components, such as the extension of Magic Mountain Parkway through the site to future Potrero Canyon Road would impact the spineflower near Grapevine Mesa. In addition, many of the proposed spineflower mitigation measures proposed in **Section 2.7** would not occur.

Because some of the environmental impacts of the Specific Plan would be avoided or minimized with Alternative 8, it is environmentally superior to the Specific Plan in some respects (e.g., air quality impacts, traffic impacts, noise impacts, etc). However, Alternative 8 has been rejected in favor of the Specific Plan because Alternative 8 too narrowly limits the range of housing opportunities provided and because many of the basic objectives of the Specific Plan identified in the Project Description of this EIR (Revised Draft EIR Section 1.0) would not be achieved. In addition, when compared with the Specific Plan with the proposed mitigation to spineflower impacts, the preserved spineflower populations under this alternative would not be connected to proposed open areas as proposed under the Specific Plan. In addition, grazing activities would continue with Alternative 8 in the High Country SMA and in areas not within spineflower preserve boundaries. Also, the applicant has indicated that the Open Areas of the High Country Special Management Area would not be dedicated for public use, but would remain in private ownership with no provision for public access. From a biological standpoint, the reduction in grading and avoidance of most on-site spineflower populations under Alternative 8 could environmentally outweighs the loss to the public of the High Country Special Management Area. However, this alternative also allows a "take", or impact, to occur to small spineflower populations that are isolated and/or in other areas to allow for the construction of major infrastructure components, such as the extension of Magic Mountain Parkway. When compared with the Specific Plan with the proposed mitigation to spineflower impacts presented in **Section 2.6**, the preserved spineflower populations would not be connected to proposed open areas as proposed under the

Specific Plan. Nor would other proposed mitigation measures occur. Specific measures proposed within this Revised Draft Additional Analysis that would not occur with this alternative include:

- the Agency consultation provisions proposed in **Section 2.6**;
- the provision of Spineflower Special Study Mitigation Overlays;
- the creation of managed preserves as described in **Section 2.6**;
- the connectivity and buffer provisions as described in **Section 2.6**;
- the provision for future engineering, design and grading review and modifications;
- the monitoring and management provisions as described in **Section 2.6**; and
- consultation provisions regarding ongoing agricultural activities.

In effect, under Alternative 8 populations of spineflower would essentially be surrounded by proposed development within 150 feet with fencing to prohibit trespass, thereby eliminating any connection to open space areas and the active preserve management and consultation provisions proposed as mitigation in **Section 2.6**. Based on this information, Alternative 8 is not biologically superior to the Specific Plan with respect to impacts to the spineflower. For all the reasons provided in **Section 2.7**, Alternative 8 has been rejected in favor of the proposed Specific Plan as mitigated.

Alternative 9 – Spineflower Avoidance Alternative II (20,281 Units, Eight Percent Reduction in Residential Development, 20 Percent Reduction in Non-Residential Development, Smaller Footprint) - The primary purpose of Alternative 9 is, like Alternative 8, to avoid or minimize the potentially significant direct and indirect biological impacts to the spineflower created by the Specific Plan by reducing the amount of development and by reducing the footprint upon which such development would occur. Under this alternative, a setback of 300 feet from populations of spineflower is proposed. In doing so, many other impacts which could occur as a result of site development might also be reduced in magnitude. Alternative 9 proposes 20,281 Residential units, 4.98 million square feet of Commercial uses, a water reclamation plant, and a golf course (It should be noted that the commercial square footage indicated is an estimate only for impact evaluation purposes). Development under Alternative 9 would not occur at or near most areas that have known populations of spineflower.

Because some of the environmental impacts of the Specific Plan would be avoided or minimized with Alternative 9, it is environmentally superior to the Specific Plan in some respects (e.g., air quality impacts, traffic impacts, noise impacts, etc). However, Alternative 9 has been rejected in favor of the Specific Plan because Alternative 9 too narrowly limits the range of housing opportunities provided

The Santa Clarita Valley Water purveyors have adopted resolutions approving the UWMP. The State Department of Water Resources (DWR) has also accepted the UWMP for filing. In addition, DWR indicated in its review that the Santa Clarita Valley water purveyors had addressed virtually all of the requirements of the Urban Water Management Planning Act, including all of the more significant provisions relating to water supply, demand and reliability. Accordingly, the UWMP is considered to be in compliance with the Urban Water Management Planning Act. Whatever the outcome of the UWMP litigation, however, it is not expected to have any impact on the validity of this water resources analysis. The bulk of the UWMP data utilized in this report relates to aspects of the plan not challenged in the current litigation. Moreover, all of the UWMP data cited in this report is provided for informational purposes only. It is not required for CEQA compliance.

(f) Water Reclamation Plants in the Santa Clarita Valley

Most existing wastewater generated in the Santa Clarita Valley is treated at two WRPs, which are upstream of the proposed Newhall Ranch Specific Plan site. The two plants are operated by the County Sanitation Districts of Los Angeles County ("CSDLAC").

The Saugus WRP, a tertiary treatment plant, is located southeast of the intersection of Soledad Canyon Road and San Fernando Road. The Valencia WRP, also a tertiary treatment plant, is located on The Old Road, north of Magic Mountain Parkway. The two facilities are illustrated in **Figure 2.5-5**. The Saugus WRP, located in District No. 26, has a permitted capacity of 6.5 mgd. The Valencia WRP, in District No. 32, is presently undergoing expansion of an additional 9 mgd, which will be completed in 2003. Once constructed, the permitted capacity of the Valencia WRP is anticipated to be 21.6 mgd.~~recently completed an expansion of its facilities to increase its permitted capacity to 13.5 mgd.~~

These two WRPs have been interconnected to form a regional treatment system known as the Santa Clarita Valley Joint Sewerage System ("SCVJSS"). The relationship between the two districts was established through a joint powers agreement that created the regional treatment system and permits the Valencia WRP to accept flows that exceed the capacity of the Saugus WRP.

Due to site space constraints, the Saugus WRP, completed in 1962, will not be expanded beyond its current permitted capacity of 6.5 mgd. In ~~1999~~2002, the Saugus WRP had an average monthly effluent flow of 5.6~~2~~2 mgd (6,294 AFY), which is approximately 86 percent of its ~~design~~ permitted capacity. Effluent from the Saugus WRP contains about 723 milligrams per liter TDS (total dissolved solids) and is discharged to the Santa Clara River west of Bouquet Canyon Road (UWMP 2000).

The Valencia WRP, completed in 1967, has a current permitted capacity of 12.6~~13.5~~ mgd. The ultimate planned capacity for the Valencia WRP is 27.6~~22~~ mgd. In ~~1999~~2002, the average monthly effluent flow for the Valencia WRP was ~~10.44~~12.11 mgd ~~(11,693 AFY)~~, which is approximately ~~83~~ 96 percent of its current ~~design~~ permitted capacity. Effluent from the Valencia WRP is discharged to the Santa Clara River west of The Old Road (UWMP 2000).

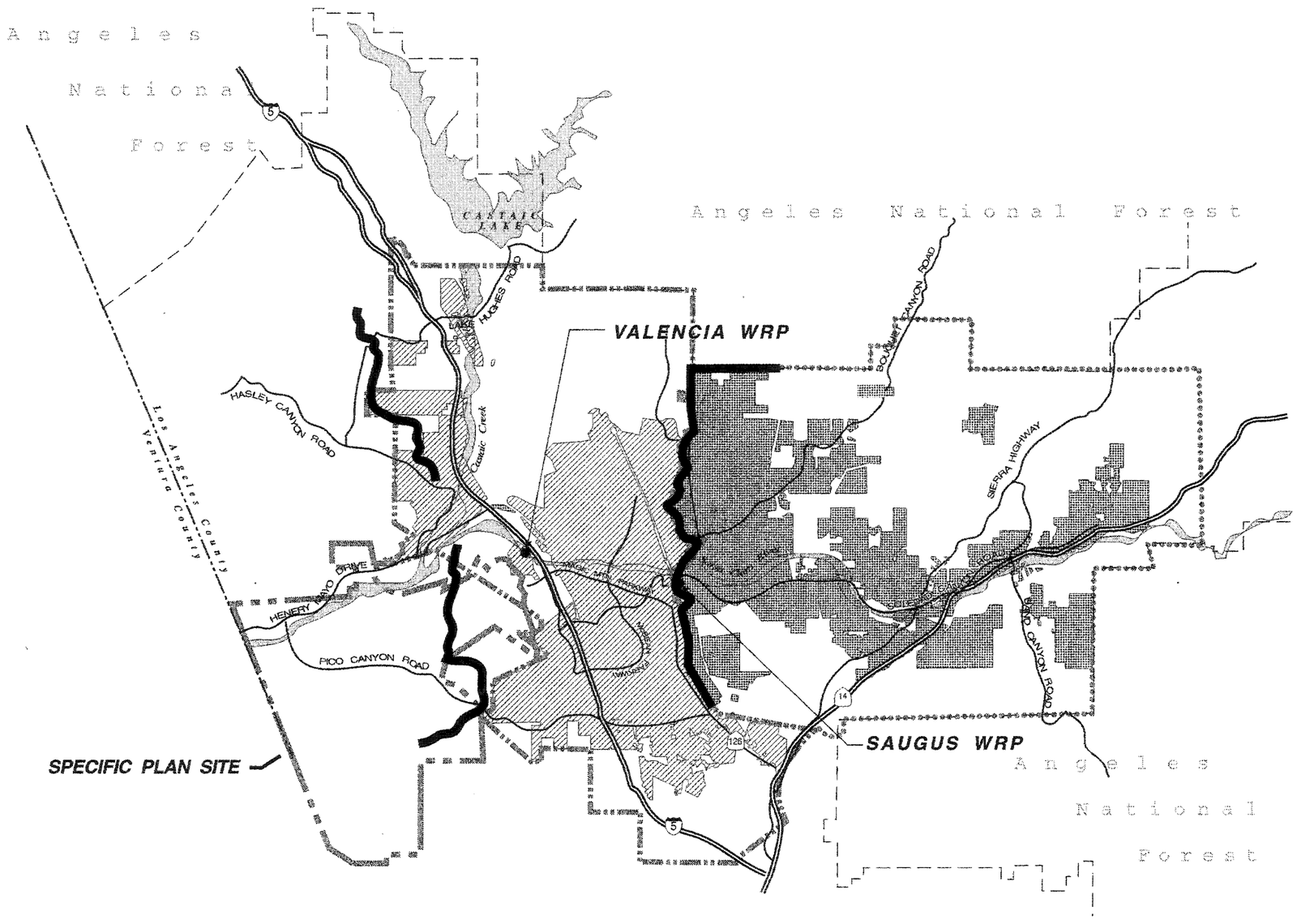
The Newhall Ranch Specific Plan proposes a new 6.9 mgd WRP on the Newhall Ranch site to exclusively serve the Specific Plan. The proposed Newhall Ranch WRP would be located near the western edge of the Specific Plan site along the south side of State Route (SR)-126. Effluent from the proposed Newhall Ranch WRP would be used to partially meet non-potable water demands within the Specific Plan site. According to the Newhall Ranch Final EIR, the proposed WRP is projected to produce an average of approximately 5,630 AFY. Of this amount, 5,344 AFY would be used for irrigation, with the remaining 286 AFY discharged to the Santa Clara River during winter months when demands are low. This supply is projected to meet 59 percent of the 9,035 AFY of potential non-potable water demands for the Specific Plan (please see Newhall Ranch Specific Plan and Water Reclamation Plant Final EIR, Appendix 4.11). The remainder of the non-potable demand is expected to be met by using reclaimed water to be provided through CLWA as part of CLWA's projected reclaimed water program. This program is described in Chapters 2.0, 5.0 and 7.0 of the UWMP.

For further information regarding use of reclaimed water from the existing WRPs and the proposed Newhall Ranch WRP, please refer to **Section 2.5.5** below.

2.5.3.3 Existing Water Service Area Characteristics

To understand water supplies and demand in the Santa Clarita Valley, it is important to highlight some of the important local conditions or characteristics of the area. These local conditions affect water demand and supplies in the Santa Clarita Valley, including the Specific Plan site and surrounding areas. The section describes local climatic conditions, regional demographics, existing topography and regional area geology and surface water flows in the Santa Clarita Valley and downstream.

In addition, the section briefly summarizes the effects of statewide drought conditions on the Santa Clarita Valley. As explained below, in general, there was minimal impact on the Santa Clarita Valley prior to the 1990-1991 statewide drought conditions. The 1990-1991 statewide drought impacted water supplies in the Santa Clarita Valley; however, on balance, the Valley responded well to those drought conditions. Since the 1990-1991 drought, CLWA and the other retail water purveyors have continued to work cooperatively to ensure that water demands are met in response to varying hydrologic conditions and increasing demand from existing and planned growth. This effort includes the decision by most of the Valley's water agencies to jointly prepare the UWMP. The UWMP describes current and future



NEWHALL RANCH™
Newhall Ranch Company

L E G E N D

- COUNTY SANITATION DISTRICT No 26
- COUNTY SANITATION DISTRICT No 26 POTENTIAL SERVICE AREA
- COUNTY SANITATION DISTRICT No 32
- COUNTY SANITATION DISTRICT No 32 POTENTIAL SERVICE AREA
- DRAINAGE AREA BOUNDARIES

IMPACT SCIENCES INC

NORTH

MILES 1 0 1 2

FIGURE 2.5-5

EXISTING WATER RECLAMATION PLANTS AND SANITATION DISTRICTS

Ranch has been estimated to be 1,275 acre-feet (approximately 13.8 mgd). Assuming re-approval of the Newhall Ranch Specific Plan, the total non-potable water demand within the CLWA's service area is expected to reach approximately 19,396 acre-feet per year. This demand will be highly seasonal, with peak demands during summer months when the weather is hot and dry and irrigation needs are greatest.

Table 2.5-10, below, summarizes the reclaimed water demands.

Table 2.5-10
Reclaimed Water Demand

Item	Annual Demand (acre-feet per year)	Peak Monthly Demand (acre-feet)	Peak Demand (acre-feet)	Daily mgd
Within CLWA Service Area[a]	9,146	1,690	55.6	18.00
Outside CLWA Service Area[a]	1,215	233	7.5	2.45
Newhall Ranch[b]	9,035	1,275	42.5	13.81
Total	19,396	3,198	105.6	34.26

[a] From *CLWA Reclaimed Water Master Plan*, September 1993
[b] From *CLWA Integrated Water Resources Plan, Water Demand and Supply Evaluation*, February 1998; *Technical Memorandum, Update to: Addendum to Water Resources and Wastewater Management for the Newhall Ranch Project*, January 18, 1999, CH2MHILL.
Source: UWMP 2000.

Reclaimed Water Supplies. The two existing WRPs in the Santa Clarita Valley that can potentially supply reclaimed water to meet the identified non-potable water demands in the CLWA service area are the Valencia WRP and the Saugus WRP. A third plant has been proposed as part of the Newhall Ranch Specific Plan.

Due to site space constraints, the Saugus WRP, completed in 1962, will not be expanded beyond its current permitted capacity of 6.5 mgd. In ~~1999~~2002, the Saugus WRP had an average monthly effluent flow of 5.6~~0~~2 mgd (6,294 AFY), which is approximately 86 percent of its ~~design~~ permitted capacity. Effluent from the Saugus WRP contains about 723 milligrams per liter TDS (total dissolved solids) and is discharged to the Santa Clara River west of Bouquet Canyon Road (UWMP 2000).

The Valencia WRP, completed in 1967, has a current permitted capacity of 12.6~~13.5~~ mgd. The ultimate planned capacity for the Valencia WRP is 27.6~~22~~ mgd. In ~~1999~~2002, the average monthly effluent flow for the Valencia WRP was ~~10.44~~12.11 mgd ~~(11,693 AFY)~~, which is approximately ~~77~~ 96 percent of its current ~~design~~ permitted capacity. Effluent from the Valencia WRP contains approximately 753 milligrams per liter TDS (total dissolved solids) and is discharged to the Santa Clara River west of The Old Road (UWMP 2000).

The Newhall Ranch Specific Plan proposes a 6.9 mgd WRP on the Newhall Ranch site to exclusively serve the Specific Plan. The proposed Newhall Ranch WRP would be located near the western edge of the Specific Plan site along the south side of SR-126. Effluent from the proposed Newhall Ranch WRP would be used to partially meet non-potable water demands within the Specific Plan site. According to the Newhall Ranch Final EIR, the proposed WRP is projected to produce on average approximately 5,630 AFY. Of this amount, 5,344 AFY would be used for irrigation, with the remaining 286 AFY discharged to the Santa Clara River during winter months when demands are low. This supply is projected to meet approximately 59 percent of the 9,035 AFY of potential non-potable water demands for the Specific Plan. The remainder of the non-potable demand is expected to be met by reclaimed water from CLWA, consistent with its updated Reclaimed Water System Master Plan.

Table 2.5-11 summarizes CLWA's reclaimed water supplies:

Table 2.5-11
Reclaimed Water Supplies

	Current Capacity (mgd)	Ultimate Capacity (mgd)	Flow (1999) mgd	Flow (1999) acre-feet	TDS (mg/1)
Saugus WRP	6.5	6.5	5.60~~2~~	6,27~~194~~	723
Valencia WRP	12.6~~13.5~~	~~22~~27.6	~~10.44~~12.1	12,856~~1,093~~	753
Total	~~20~~19.1	~~28.5~~34.1	16.06	19,127~~17,987~~	–

Source: UWMP 2000 and County Sanitation Districts of Los Angeles County, Letter Dated January 13, 2003.

2.5.4.4 Imported SWP Water Supplies

(a) SWP Overview

In 1951, the California Legislature authorized construction of a large state water storage and delivery system.[26] Eight years later, in 1959, the Legislature authorized the submission for voter approval of a $1.75 billion general obligation bond issue to build the State Water Project ("SWP") system. The voters approved the measure, which enabled DWR to commence construction of the SWP.[27]

26 *See*, DWR, Bulletin No. 132-95 (Nov. 1996) p. xxiii; DWR Bulletin No. 132-98 (Nov. 1999) p. xxvii-xxxv.

27 *See*, Wat. Code §12930 *et seq.*; DWR, Bulletin No. 132-93 (Sept. 1994) p. 15.

The local supplies received by CLWA from the SWP are treated, filtered and disinfected at the two existing filtration plants in Santa Clarita Valley. The plants have a current capacity to treat a total of 58 mgd. From the existing plants, the treated water is delivered by gravity throughout the CLWA service area through a distribution network of pipelines and turnouts. One of the existing plants, the Earl Schmidt Filtration Plant, has a current design capacity of 28 mgd. CLWA is currently designing an expansion of the plant's treatment capacity to a total of 50 mgd. In addition, the process performance of the plant is being evaluated and will be improved to assure continuous compliance with state and federal water quality regulations. The expanded plant is scheduled to be on-line by mid-2003. Ultimate plant design planning by CLWA indicates that the combined treatment capacity of the treatment plants would be approximately 180 mgd.

(h) SWP Reliability

The demands of SWP contractors vary from year-to-year depending on many factors, including the amount of winter rains, agricultural markets, the availability (and cost) of other water resources, municipal and industrial demands and environmental requirements associated with the Sacramento-San Joaquin Delta ("Delta"), where the water supplied by the SWP originates. To account for these variable supplies and demands, DWR and the SWP contractors have developed a system that annually allows for the identification of the anticipated demands of each SWP contractor (a request of supply) and the system supplies (a DWR allocation of those supplies). Other water resources (Turnback Pool and Interruptible Water) are available from time-to-time to SWP contractors whose needs are not met by the annual entitlement allocation. The total planned annual delivery capability of the SWP (approximately 4.2 million acre-feet) is distributed by contract among the 29 SWP contractors, based on their respective entitlements. As a result of various factors, the SWP annual deliveries of both entitlement water and non-entitlement water have ranged from approximately 550,000 acre-feet to 2,850,000 acre-feet (DWR 1997b). In 1999, the SWP delivered approximately 3.1 million AFY of both entitlement and non-entitlement water. (UWMP 2000.) The SWP delivered approximately 3.5 million acre-feet of entitlement and non-entitlement water in 2000.[32]

CLWA's current SWP Table A entitlement of 95,200 AFY is affected by, and can be reduced due to, a number of factors, including hydrologic conditions, the status of SWP facilities' construction, environmental requirements and evolving policies for the Delta. Because of these factors, SWP supplies

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32 *See*, The State Water Project Delivery Reliability Report, August 2002, Draft, found at http://swpdelivery.water.ca.gov.

In addition, there has been an expansion in groundwater recharge/storage capacity since the last statewide drought. **Table 2.5-17**, below, describes some of the larger groundwater recharge/storage projects currently operating in California. The projects that are now operational since the last drought are those operated by the Semitropic Water Storage District, the Arvin-Edison Water Storage District, the Kern Water Bank Authority, the Mojave Water Agency and the Calleguas Municipal Water District. These groundwater recharge/storage projects rely either wholly or in part on recharge supplies from the SWP. Therefore, the project's operations are subject to SWP restrictions in drought periods, as well as the availability of conveyance capacity. If water transfers provide a component of recharge supplies, availability of SWP conveyance capacity becomes a limiting factor (Contingency Plan, November 2000). ~~However, a~~As discussed above, the maximum capacity of SWP storage and conveyance facilities is extensive (4.2 million acre-feet); however, those facilities have not been completed. This capacity ~~also~~ has been enhanced since the statewide drought of 1987-1992.

The Newhall Land and Farming Company (Newhall) has been farming the land that includes portions of the Specific Plan area, and has drilled wells on its property and used the water from these wells to conduct its agricultural operations for many decades. Newhall owns and operates 26 wells to supply their agricultural water (see **Figure 2.5-24, Newhall Land and Farming Company Well Locations).** The total production of these wells are annually reported to the State Water Resources Control Board. Furthermore, the total amount of the agricultural water production by Newhall is reported in the annual Water Reports (see 1998, 1999 and 2000 Santa Clarita Valley Water Reports) which address the years 1980 through 2000. The average annual amount of water that has been pumped and used for agricultural operations in Los Angeles County from 1996 to 2000 is approximately 7,234~~038~~ AFY as shown in Revised **Table 2.5-32, Newhall Land and Farming Company Los Angeles County Agricultural Water Use**.

As discussed below, water use on Newhall's agricultural lands is calculated utilizing Southern California Edison (SCE) pump tests to calculate total acre-feet of pumpage. Total acre-feet of pumpage is then allocated to each crop based on crop type and historical use. Budgets are prepared each year for each crop and reconciled at the end of the year based on the actual acre-feet pumped. It is important to understand that there can be significant variations in actual water use each year primarily due to the actual number of acres farmed, the type of crops, the amount and distribution of rainfall, and temperatures. CIMIS (California Irrigation Management Information System) data, which is provided by University of California, is a tool that can be used to compare each crop's demand for water with the estimated water allocation to each crop.

Generally, water use for each crop tends to be significantly higher on Newhall's land in Los Angeles County than on land in Ventura County. The basic reason is that the water demand for crops tends to decline dramatically in cooler coastal areas, and Newhall's operations are the farthest inland in Ventura County and continue into Los Angeles County. In addition to a much warmer climate, Newhall's land in Los Angeles County receive less rainfall than other parts of the County, its soils are sandier and extremely sandy in some cases, and most of its irrigation systems are older and less efficient. In addition, Newhall often uses some water in Los Angeles County on dryland acreage for crop emergence, which increases overall water use, and is reflected in regular irrigated crops and is not shown separately. In addition, vegetables, other row crops, alfalfa and sudan pasture are grown on the Newhall Ranch in Los Angeles County year round with several growing cycles on vegetable acreage, which requires irrigation throughout the entire year. Using the SCE-based pump tests, a total of 7,246 acre-feet of water per year over the past five years (1996 to 2000) was pumped by Newhall to irrigate its farmland in Los Angeles County.

Using CIMIS for a comparison, Newhall has calculated a comparison to its estimated water use by crop in Los Angeles County for the past five years (1996 to 2000) by relying on data from the CIMIS station in Piru (Ventura County) and weather data collected to determine the evapotranspiration (ET) of a base crop, which is usually grass with full ground cover, and is used as the basis to calculate the actual water needs of other crops. The CIMIS program takes into consideration all weather factors, which determine a plant's water demand. The base ET for Piru for the most recent 12 months (prior to February, 2001) is 62.75 inches of water per year, which is the actual consumption of the base crop (see Exhibit 1 in *The Newhall Land and Farming Company's Agricultural Water Use Los Angeles County, California 1996 to 2000,* presented in **Appendix 2.5**). Annual evapotranspiration has varied from 56.39 inches to 63.08 inches over the past five calendar years. To convert that to the various crops in the area, crop coefficients are applied (again see Exhibit 1 in **Appendix 2.5**), which are established by the University of California to determine the ET of the specific crop for any given year. The application efficiency of the irrigation system in then considered to determine the acre-feet (or inches) of water required to meet the crop's needs. The application of efficiency is primarily a function of irrigation methods and soil types, which can vary greatly and can have a very large input on the amount of water, which must be pumped in order to deliver and make available to a plant the water it actually needs. Crop coefficients in Newhall's area for citrus are 0.7. Crop coefficients for most vegetables, alfalfa and sudan/pasture are 1.0. Newhall estimates its application efficiencies to be 70 percent for vegetables due primarily to the use of more efficient sprinkler application of water, 60 percent for citrus due to the use of contour furrow irrigation, and 50 percent for alfalfa and sudan/pasture due to strip check surface irrigation and very sandy soils. Given those assumptions, the water demands for Newhall's crops, based on the most recent 12 months of CIMIS data (year 2000), would be 7.41 acre-feet (AF)/acre for vegetables, 6.05 AF/acre for citrus, and 10.37 AF/acre for alfalfa and sudan/pasture.

To compare actual estimated water usage in Los Angeles County by crop as estimated by using the SCE-based pump test information, actual crop acres planted each year can be multiplied by the crop demand based on the CIMIS calculation. As shown below in the revised **Table 2.5-32**, water demand in Los Angeles County based on the CIMIS calculation would have averaged 7,038 AF over the past five years. The lower of the two methods (*i.e.*, the CIMIS method, which is the most conservative method) was selected to estimate the amount of Newhall's agricultural water annually pumped for irrigation, which is 7,038 acre-feet per year.

See Draft Additional Analysis **Appendix 2.5** and Final Additional Analysis **Appendix AB** for specific information regarding Newhall's past and present use of agricultural water on its land in Los Angeles County.

~~Table 2.5-32~~
~~Newhall Land and Farming Company~~
~~Los Angeles County Agricultural Water Use~~

~~Year~~	~~Acres~~	~~Crop Type~~	~~Based on CIMIS (a) Water Demand (AF)/acre~~	~~Water Use (AF)~~
~~2000~~	~~55~~	~~Alfalfa~~	~~10.37~~	~~570~~
	~~150~~	~~Sudan/pasture~~	~~10.37~~	~~1,556~~
	~~722~~	~~lsd.vegetables~~	~~7.41~~	~~5,350~~
		~~Subtotal~~		~~7,476~~
~~1999~~	~~55~~	~~Alfalfa~~	~~10.51~~	~~578~~
	~~150~~	~~Sudan/pasture~~	~~10.51~~	~~1,577~~
	~~709~~	~~lsd.vegetables~~	~~7.51~~	~~5,325~~
		~~Subtotal~~		~~7,479~~
~~1998~~	~~115~~	~~Alfalfa~~	~~9.4~~	~~1,081~~
	~~100~~	~~Sudan/pasture~~	~~9.4~~	~~940~~
	~~590~~	~~lsd.vegetables~~	~~6.71~~	~~3,959~~
		~~Subtotal~~		~~5,980~~
~~1997~~	~~160~~	~~Alfalfa~~	~~10.22~~	~~1,635~~
	~~103~~	~~Sudan/pasture~~	~~10.22~~	~~1,053~~
	~~663~~	~~lsd.vegetables~~	~~7.3~~	~~4,840~~
		~~Subtotal~~		~~7,528~~
~~1996~~	~~105~~	~~Alfalfa~~	~~10.21~~	~~1,072~~
	~~170~~	~~Sudan/pasture~~	~~10.21~~	~~1,736~~
	~~537~~	~~lsd.vegetables~~	~~7.3~~	~~3,920~~
		~~Subtotal~~		~~6,728~~
		~~Average for Period~~		~~7,038~~

~~a CIMIS = California Irrigation Management Information System. Does not include dryland farming or Christmas tree use.~~
~~b AF = acre feet~~

(2) Nickel Water

The applicant has secured water under contract with Nickel Family LLC in Kern County. This water is 100 percent reliable on a year-to-year basis, and not subject to the annual fluctuations that can occur in dry year conditions. The Nickel water is part of a 10,000 acre-foot quantity of annual water supply that Nickel obtained from Kern County Water Agency ("KCWA") in 2001 pursuant to an agreement between Nickel, KCWA and Olcese Water District ("Olcese"). Under that agreement, Nickel has the right to sell the 10,000 AFY to third parties both within or outside Kern County. See **Appendix 2.5** for copies of the applicable agreements and attachments to the agreements. Because it is not subject to reductions in dry years, the Nickel water is an extremely reliable water supply source for the Specific Plan. The water

Revised Table 2.5-32
Los Angeles County Agricultural Water Use
Using Adjusted CIMIS ET Data to Allocate Actual Water Pumped

Year	Crop Type	Total Irrigated Acres	Adjusted CIMIS Water Use (af/ac)	Adjusted CIMIS Water use (af/yr)	%of Water Use by Crop	Total Pumped Water Based on SCE (af)	Allocation of Total Pumped Water by Crop (af/yr)	Acre Feet/Year per Acre of Crop	LA Co. Irrigated Crops (acres)	LA Co Crop Share of Actual Pumped Water (af/yr)	LA Co Crop Share Using Adjusted CIMIS (af/yr)
2000	Citrus (furrow)	291	6.05	1,761	12.35%	13,798	1,704	5.86			
	Citrus (micro)	811	4.54	3,682	25.83%		3,565	4.40			
	Alfalfa (flood)	55	10.37	570	4.00%		552	10.04	55	552	570
	Sudan/pasture (flood)	150	10.37	1,556	10.91%		1,506	10.04	150	1,506	1,556
	lsd. Vegetables (sprinkler)	902	7.41	6,684	46.90%		6,471	7.17	722	5,180	5,350
					100.00%		13,798		927	7,238	7,476
1999	Citrus (furrow)	291	6.13	1,784	12.56%	16,131	2,025	6.96			
	Citrus (micro)	781	4.6	3,593	25.29%		4,079	5.22			
	Alfalfa (flood)	55	10.51	578	4.07%		656	11.93	55	656	578
	Sudan/pasture (flood)	150	10.51	1,577	11.10%		1,790	11.93	150	1,790	1,577
	lsd. Vegetables (sprinkler)	889	7.51	6,676	46.99%		7,580	8.53	709	6,046	5,325
					100.00%		16,131		914	8,492	7,479
1998	Citrus (furrow)	291	5.48	1,595	13.47%	11,477	1,546	5.31			
	Citrus (micro)	743	4.11	3,054	25.80%		2,961	3.99			
	Alfalfa (flood)	115	9.4	1,081	9.13%		1,048	9.11	115	1,048	1,081
	Sudan/pasture (flood)	100	9.4	940	7.94%		911	9.11	100	911	940
	lsd. Vegetables (sprinkler)	770	6.71	5,167	43.65%		5,010	6.51	590	3,839	3,959
					100.00%		11,477		805	5,798	5,980
1997	Citrus (furrow)	291	5.96	1,734	12.12%	14,862	1,801	6.19			
	Citrus (micro)	803	4.47	3,589	25.08%		3,727	4.64			
	Walnuts (micro)	33	4.47	148	1.03%		153	4.64			
	Alfalfa (flood)	160	10.22	1,635	11.42%		1,698	10.61	160	1,698	1,635
	Sudan/pasture (flood)	103	10.22	1,053	7.35%		1,093	10.61	103	1,093	1,053
	lsd. Vegetables (sprinkler)	843	7.3	6,154	43.00%		6,390	7.58	663	5,026	4,840
					100.00%		14,862		926	7,816	7,528
1996	Citrus (furrow)	291	5.96	1,734	12.84%	13,702	1,760	6.05			
	Citrus (micro)	801	4.47	3,580	26.51%		3,633	4.54			
	Walnuts (micro)	33	4.47	148	1.09%		150				
	Alfalfa (flood)	105	10.21	1,072	7.94%		1,088	10.36	105	1,088	1,072
	Sudan/pasture (flood)	170	10.21	1,736	12.85%		1,761	10.36	170	1,761	1,736
	lsd. Vegetables (sprinkler)	717	7.3	5,234	38.76%		5,311	7.41	537	3,978	3,920
					100.00%		13,702		812	6,826	6,728
Average						13,994	13,994		877	7,234	7,038

CIMIS = California Irrigation Management Information System. Does not include dryland farming or Christmas tree use.
af = acre-feet; ac = acres; yr = year.

Based on this information, the expected change in groundwater levels and/or hydraulic conditions in the Santa Clara River caused by the proposed ASR program would not cause (1) scouring of the channel bed that would remove a significant amount of aquatic, wetland, and riparian habitats from the river channel; (2) substantial modification of the relative amounts of these different habitats in the river, essentially altering the nature and quality of the riverine environment; (3) direct removal of sensitive habitat; and/or (4) substantial effects to rare, endangered, or sensitive species. The distinct habitat types and sensitive species that occur in the river corridor would not be significantly impacted because the degree of groundwater and/or river flow fluctuations (both up and down) would not be of a substantial magnitude to cause adverse effects.

(6) Potential for Degradation of Water Quality in the Alluvial Aquifer, Saugus Formation or Santa Clara River

The suggestion has been made that the Saugus Groundwater Banking/ASR program could adversely impact water quality in the local aquifers in the Santa Clarita Valley and aquifers in Ventura County, as well as surface water flows in the Santa Clara River downstream of the proposed Specific Plan. Numerical objectives have been set by the RWQCB for various water quality parameters to protect local beneficial uses of groundwater and surface water, including human consumption and habitat uses (i.e., sensitive plants and animals) (LARWQCB Basin Plan 1994). Exceedence of these objectives as a result of ASR or the Specific Plan as whole would be considered a significant impact to such beneficial uses.

a) Chloride

Since circulation of the Draft Additional Analysis, the RWQCB has adopted a TMDL (Total Maximum Daily Load) to address the chloride impairment in the Upper Santa Clara River (October 28, 2002). Due to excessive chloride, the agricultural supply designated beneficial use is not supported. The Clean Water Act requires that a TMDL be established to restore the Santa Clara River and implement the established water quality objective for chloride. The Newhall Ranch Specific Plan is located within one of the impaired reaches, Reach 5, which is addressed by the TMDL.

The TMDL components include problem identification, development of numeric targets, source assessment, linkage analysis, allocations, critical conditions and seasonality, margin of safety and future growth. With respect to growth (Section 2.5.2 ~~Draft~~ TMDL Staff Report August 21,2002):

> "the [chloride] concentration-based target accommodates future growth by allowing increased mass as long as it is accompanied by additional flow . . . . Regional Board staff

months of any 12 months, then an alternative water supply shall be provided for agricultural surface water diversions.

The ~~Draft~~ RWQCB TMDL Staff Report identifies source reduction programs as an effective method of meeting the TMDL requirements. Since WRP discharge is the largest contributor of chloride in the watershed, options for reducing the WRP contribution include alternative disinfection methods, reducing the urban waste load, and reducing the load in the source water. According to the ~~Draft~~ TMDL Staff Report, "These remedies may be sufficient to eliminate 50 mg/L in non-drought and over 100 mg/L during drought conditions. If source reduction methods are effective, they may eliminate the necessity of WRP treatment to meet the numeric target for chloride."

Newhall Ranch Specific Plan Compliance with ~~Draft~~ Adopted Chloride TMDL

a) Newhall Ranch WRP

A new county sanitation district (NRCSD) is proposed to be formed to provide wastewater disposal services for the Newhall Ranch Specific Plan area, and to operate the Newhall Ranch WRP. In order for the Newhall Ranch WRP to safely discharge effluent to the river, a National Pollutant Discharge Elimination System (NPDES) permit must be obtained from RWQCB in accordance with the Federal Clean Water Act. The NPDES permit would set effluent discharge limits for the Newhall Ranch WRP in accordance with the water quality objectives contained in the Basin Plan and chloride TMDL. At a minimum, the Newhall Ranch WRP would have to meet the interim chloride limits as set forth in the ~~Draft~~ Adopted TMDL.

b) Newhall Ranch Reclaimed Water Use

In order to safely utilize reclaimed water for non-potable irrigation uses, the Newhall Ranch WRP must comply with Title 22, California Code of Regulations, Division 4, Chapter 3 Water Reclamation Requirements. The policy of the State Water Resources Control Board (SWRCB Resolution 77-1) directs the Regional Boards to encourage reclamation of wastewaters, and to promote water reclamation projects that preserve, restore or enhance in-stream beneficial uses and lessen the demand for higher quality fresh waters. Permitted uses of reclaimed water include irrigation of parks, schools and other landscape areas, agricultural irrigation, recreational impoundments, and to recharge ground water. In addition, California Water Code Section 13523.5 states: "A regional board may not deny issuance of water reclamation requirements to a project which violates only a salinity standard in the basin plan."

c) Newhall Ranch ASR Operations

As identified in the ~~Draft~~ adopted Chloride TMDL, chloride concentrations in the Santa Clara River and any changes to the assimilative capacity of the river with respect to chloride are a concern in the region. As described in **Section 2.5.5** above the proposed ASR program would inject/bank SWP water supplies in the Saugus Formation during wet years, and extract/pump water during drought years. Chloride concentrations in SWP water at Castaic Lake are typically 60 mg/L. Concentrations can be as high as 105 mg/L or higher (144 mg/L is maximum recorded value) if there is an extended drought in northern California, which has occurred in the past. However, under the ASR program, injection would not occur during drought periods because SWP deliveries could be curtailed. Thus, the ASR wells will be used for extracting or pumping water. It is possible that there will be a slight increase in chloride concentrations near the ASR injection well compared with native Saugus Formation groundwater quality because the injected SWP may, at times, have higher chloride concentrations. However, this increase will not impair the quality of Saugus Formation groundwater, particularly because the concentrations of other constituents present in SWP water, including total dissolved solids (a measure of all salts), are lower than native Saugus Formation groundwater. As shown in **Table 2.5-43**, treated SWP water (one of the primary ASR injection water sources) has lower concentrations of most dissolved constituents than native Saugus Formation groundwater, Alluvial aquifer groundwater, and Santa Clara River water.

Table 2.5-43
Comparison of Selected Water Quality Parameters
(mg/L)

Constituent	Injection Water[a]	Saugus Aquifer Groundwater[b]	Alluvial Aquifer Groundwater[c]	Surface Water Quality Objective[d]	Groundwater Quality Objective[e]
Chloride	60	35	68	100	150
Sulfate	81	35	286	400	350
Total Dissolved Solids	325	619	764	1,000	1,000
PH	8.1	7.8	7.5	--	--
Nitrate (as Nitrogen)	2.0	3.3	2	5	--

[a] Castaic Lake Water Agency, 1999 Imported SWP Water Quality.
[b] Final EIR for the Newhall Ranch Specific Plan and Water Reclamation Plant, Appendix 4.11, CH2MHill, Table 3-10, p. 3-37.
[c] Average values for Alluvial aquifer wells E, E-9, C, B-6, and B-11 located west of I-5; sampled by NLF on 5/17/2000
[d] Surface water quality objective for Santa Clara River West Pier 99 to Blue Cut as set by the RWQCB.
[e] Groundwater Quality Objectives for Santa Clara-Castaic Valley area as set by the RWQCB.

A reduction in discharge to Ventura County (approximately 125 acre feet [2.1 cfs] in the driest month and 1,050 acre feet [1.5 cfs] in the driest year) is predicted with continued ASR pumping near the end of an

extended drought. This volume is considered insignificant, and is substantially less than the observed fluctuation in Santa Clara River flows on a year-to-year basis.

Because water delivered through the SWP system would be available for recharge in most years, the ASR program would show an overall positive impact on Santa Clara River water quality. Based on the observations from the modeling analyses, injecting 4,500 AFY of water into the Saugus Formation during 14 years out of every 19 or 20 years will result in improved water quality in the Saugus Formation, Alluvial aquifer, and Santa Clara River. Model simulations indicate that the Saugus Groundwater Banking/ASR program would result in an average increase of about 1,050 to 1,100 AFY in the amount of groundwater discharge to the Santa Clara River because the ASR program will bank more SWP water than it will pump. An increase in the discharge of Saugus Formation groundwater to the Alluvial aquifer and, hence, the River, as a result of the ASR program, would increase the assimilative capacity of the river because the increased rate of groundwater discharge would result in dilution of chloride concentrations in the River.

d) Newhall Ranch Non-Point Sources

Development of the Newhall Ranch Specific Plan will result in the conversion of agricultural fields and open grazing land to urban uses. The RWQCB ~~draft~~ adopted chloride TMDL does not make any non-point load allocations for urban runoff in the Upper Santa Clara River watershed because "tributary, groundwater and other non-point sources contribute 2.8%" of the chloride load in the watershed. Therefore no significant adverse effects to water quality due to chlorides in urban runoff from the Newhall Ranch Specific Plan are expected.

e) Nitrogen Compounds

The RWQCB has determined that several reaches of the Upper Santa Clara River are impaired for ammonia and nitrate/nitrite (collectively referred to as nutrients). Due to the ammonia and nitrate/nitrite impairments, aquatic life and municipal drinking water supply designated beneficial uses are not supported. The Newhall Ranch Specific Plan is located within one of the impaired reaches, Reach 5.

The RWQCB has begun the process of preparing a draft nutrient TMDL in coordination with various interested stakeholders. A watershed model is being prepared to simulate the physical and chemical processes that affect river hydrology and water quality for the entire Santa Clara River watershed with input from various stakeholders. The model will be used to assess the sources of pollutant loads, link

information about the existing and planned water supplies in the Santa Clarita Valley. The County will consider the information contained in the updated UWMP in connection with the County's future local land use decision-making process. The County will also consider the information contained in the updated UWMP in connection with the County's future consideration of any Newhall Ranch tentative subdivision maps allowing construction.

~~4.11-10 In conjunction with the submittal of applications for and prior to approval of tentative tract and parcel maps which permit construction, a letter from the retail water provider will be submitted to the County identifying the source(s) of supply of water for the land uses within that tentative tract or parcel map. The source(s) of water identified shall not result in the net use of groundwater over that which is planned for the Santa Clarita water basin, which is identified as the "annual safe perennial yield" of the Alluvial Aquifer and the "annual recharge rate" of the Saugus Aquifer in the Final EIR for the Newhall Ranch Specific Plan or subsequent environmental documentation.~~ (See, Mitigation Measure 4.11-15~~X~~, below.)

2.5.7.4 Additional Specific Plan Mitigation Measures

4.11-11 With implementation of the proposed Saugus ASR program, ASR wells shall be spaced so that adjacent non-project wells will not lose pumping capacity as a result of drawdown occurring during pumping of the ASR wells.

4.11-12 With implementation of the proposed Saugus ASR program, the ultimate number of ASR wells to be constructed shall be sufficient to inject the ultimate target injection volume of 4,500 acre-feet per year and withdraw the ultimate target withdraw volume of 4,100 acre-feet per year.

4.11-13 With implementation of the proposed Saugus ASR program, ASR wells shall be constructed in the following two general areas:

(a) South of the Santa Clara River and west of Interstate 5. This location includes areas within the Newhall Ranch Specific Plan boundary. (This area is referred to as the "south ASR well field."); and

(b) North of the Santa Clara River and west of Castaic Creek. (This location is referred to as the "north ASR well field.")

4.11-14 The Saugus Groundwater Banking/ASR program injection water must meet the water quality requirements of the State Regional Water Quality Control Board, Los Angeles Region. The

water extracted for use on the Specific Plan site shall meet the Title 22 drinking water standards of the State Department of Health Services.

4.11-15 Groundwater historically and presently used for crop irrigation on the Newhall Ranch Specific Plan site and elsewhere in Los Angeles County shall be made available by the Newhall Land and Farming Company, or its assignee, to partially meet the potable water demands of the Newhall Ranch Specific Plan. The amount of groundwater pumped for this purpose shall not exceed 7,038 AFY. This is the amount of groundwater pumped historically and presently by the Newhall Land and Farming Company in Los Angeles County to support its agricultural operations. Pumping this amount will not result in a net increase in groundwater use in the Santa Clarita Valley. To monitor groundwater use, the Newhall Land and Farming Company, or its assignee, shall provide the County an annual report indicating the amount of groundwater used in Los Angeles County and the specific land upon which that groundwater was historically used for irrigation. For agricultural land located off the Newhall Ranch Specific Plan site in Los Angeles County, at the time agricultural groundwater is transferred from agricultural uses on that land to Specific Plan uses, The Newhall Land and Farming Company, or its assignee, shall provide a verified statement to the County's Department of Regional Planning that Alluvial aquifer water rights on that land will now be used to meet Specific Plan demand.

4.11-16 The agricultural groundwater used to meet the needs of the Specific Plan shall meet the drinking water quality standards required under Title 22 prior to use.

4.11-17 In conjunction with each project-specific subdivision map for the Newhall Ranch Specific Plan, the County shall require the applicant of that map to cause to be prepared a supplemental or subsequent Environmental Impact Report, as appropriate, pursuant to CEQA requirements. By imposing this EIR requirement on each Newhall Ranch tentative subdivision map application allowing construction, the County will ensure that, among other things, the water needed for each proposed subdivision is confirmed as part of the County's subdivision map application process. This mitigation requirement shall be read and applied in combination with the requirements set forth in revised Mitigation Measure 4.11-6, above, and in Senate Bills 221 and 610, as applicable, regardless of the number of lots in a subdivision map.

4.11-18 The storage capacity purchased in the Semitropic Groundwater Banking Project by the Newhall Ranch Specific Plan applicant shall be used in conjunction with the provision of water to the Newhall Ranch Specific Plan. The applicant, or entity responsible for storing Newhall

4.11-20 The Specific Plan applicant, or its successors, shall assign its acquired Nickel Water rights to the Valencia Water Company or Castaic Lake Water Agency (CLWA), and, in consultation with~~, and~~ the Valencia Water Company, CLWA or their designee(s), the applicant shall ensure that the Nickel Water is delivered to the appropriate place of use necessary to serve the Newhall Ranch Specific Plan at the time of need, as determined by the County of Los Angeles through required SB221 and/or SB610 analyses for future subdivision map applications. Upon approval of the Specific Plan, the applicant, Valencia Water Company, CLWA or a designee, will take delivery of the Nickel Water, so that such water will be used, or stored for use, for the Specific Plan in future years.

4.11-21 Beginning with the filing of the first subdivision map allowing construction on the Specific Plan site and with the filing of each subsequent subdivision map allowing construction, the Specific Plan applicant, or its designee, shall provide documentation to the County of Los Angeles identifying the specific portion(s) of irrigated farmland in the County of Los Angeles proposed to be retired from irrigated production to make agricultural water available to serve the subdivision. As a condition of subdivision approval, the applicant or its designee, shall provide proof to the County that the agricultural land has been retired prior to issuance of building permits for the subdivision.

2.6.2.3 Newhall Ranch Draft Additional Analysis

(a) Scope of the DAA

The Newhall Ranch Draft Additional Analysis (DAA; April 2001) was prepared to address the six specific issues raised by the Court in the Newhall Ranch litigation. For further information regarding the analysis of the six issues, please refer to the Draft Additional Analysis, Executive Summary and Section 1.0.

(b) DAA Analysis Of Spineflower And Approach To Surveys

One of the six issues to be addressed in the DAA was an additional analysis of the WRP alternatives, including an alternative of siting the Specific Plan's WRP off-river. This analysis also assessed the biological impacts of that siting.

A project-specific analysis was conducted for the WRP alternatives in response to the Court's direction, and because the applicant was seeking construction-level approvals for the WRP portion of the Specific Plan. The DAA included biological survey data on the WRP site and based on the survey data, it was determined that neither the spineflower nor any other sensitive species were present on the WRP site.

In addition, the DAA discussed the spineflower on the Newhall Ranch Specific Plan site. Specifically, the DAA described the spineflower's historical range and habitat requirements, and confirmed the presence of spineflower on the Grapevine Mesa location of Newhall Ranch. See, DAA, Section 3.4, pp. 3.0-13-3.0-14. The DAA's appendix materials also included the petition to list the spineflower as an endangered plant species under the California Endangered Species Act. A copy of the petition, dated December 1, 1999, was provided in the DAA, Appendix 3.0(e).

After public circulation of the Newhall Ranch DAA in April 2001, the DAA's responses to comments were prepared. The responses noted the Fish and Game Commission's August 23, 2001, determination that the listing of the spineflower as an endangered species was warranted. Thereafter, the Commission published a proposed rule change on November 13, 2001. This rule change was finalized, and the regulations regarding the listing of spineflower under the California Endangered Species Act became effective, as of September 8, 2002.

As to the presence of the spineflower found on the Specific Plan site, both the Newhall Ranch Final EIR and the DAA state that site-specific surveys would be conducted within the Specific Plan areas where the spineflower, and other sensitive plant species, have the potential to occur (see attached Appendix Table

2). These surveys were to be completed in conjunction with the filing of a subdivision map with the County (Final EIR Mitigation Measures 4.6-53 and 4.6-59). The purpose of the Newhall Ranch mitigation program for sensitive plant and animal species (e.g., EIR Mitigation Measures 4.6-53, 4.6-59) is to require site-specific surveys at the subdivision map filing level, which is the time when project-specific impacts can be identified, since the precise location of the residential lots, the specific internal street alignments within each tract, open area lots and other facilities and infrastructure is known at that time.

In contrast to the subdivision map level, the DAA found that, at the Specific Plan and program EIR level, for long-term development plans that do not allow for construction, it was too early in the land use planning process for detailed, project-level biological surveys, and, even if performed, the surveys would be out-dated by the time subdivision maps were submitted for processing. Therefore, as stated in the DAA, the "better practice" is to require site-specific plant and animal surveys at the subdivision map submittal phase, so that current, up-to-date data regarding the species is obtained prior to subdivision project approvals and actual disturbance of the species or its habitat.

(c) The DAA's Mitigation Relating To Spineflower/Sensitive Species

As previously stated in the Final EIR, potential project impacts to the spineflower include the potential loss of individual spineflower due to development. This impact was considered significant, absent implementation of the identified mitigation measures. However, with appropriate mitigation in place (e.g., Mitigation Measure 4.6-53, 4.6-59), these impacts were considered to be reduced to below a level of significance.[4] Two of the applicable mitigation measures were then revised to further strengthen the overall mitigation program for the spineflower and other sensitive animal or plant species. The revised measures are found in the DAA, Mitigation Measures 4.6-53 and 4.6-59, which are discussed further below.

With implementation of the two revised mitigation measures, the Newhall Ranch DAA found that potential impacts to sensitive, threatened ~~and~~ or endangered plant or animal species occurring, or likely to occur, on Newhall Ranch were reduced to below a level of significance.

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4 *See*, Newhall Ranch Revised Draft Additional Analysis, pp. 3.0-14, for the revised text regarding the spineflower.

As indicated above, rare plant surveys were completed by FLx in 2001 and Dudek & Associates in 2002. Both firms used specific methods to estimate the size of plant populations, and to determine which plant populations were placed into separate polygons. Dudek used a 4-meter (13.1 feet) rule to separate polygons. It chose this distance based on the topography, vegetation, detectability of the plants, and general accuracy of the global positioning system (GPS) that was used. To obtain plant estimates, Dudek either directly counted all individuals in a polygon or conducted a clumped counting and extrapolation method, which involved counting individual plants in small areas of a polygon, then extrapolating over other areas of the polygon, until a total was obtained. Most of the polygon estimates were conducted by two botanists, independently, then compared for consistency. The survey methods used by DUDEK in 2002 will be used in subsequent surveys for purposes of consistency.

Regarding the surveys completed by FLx, when sensitive plants were observed, their locations were mapped and population sizes were estimated. Single plants of a species or small populations were marked on the map with a point; larger populations were indicated with a polygon representing the spatial extent of the plants. The determination of which individual plants were included in a given polygon was based on their distribution or spatial clustering. Each population composed of more than one plant represents a cluster of plants. Clusters were mapped either separately or combined into larger clusters based on applied field judgment regarding the degree of continuity of species cover as well as the scale of the maps used in the field. For example, at the scale of a USGS 7.5 minute quadrangle, the smallest area that can be mapped with a polygon is about 1 acre; on maps at scales of 1 inch=200 feet, or 1 inch=400 feet, such as those used in the field by FLx for the project sites, much smaller areas can be mapped. The population size, when small, was based on counting individual plants. For larger populations, plants were counted in a small representative area, and then an estimate for the entire population was made based on visual extrapolation over the larger area.

(b) Off-Site Surveys

During the 2000 surveys, URS found what was thought to be spineflower at one off-site location in the vicinity of Newhall Ranch. This location, shown generally on **Figure 2.6-3, On and Off-Site San Fernando Valley Spineflower Locations**, is south of the Magic Mountain Theme Park and Magic Mountain Parkway near existing Southern California Edison electrical towers (i.e., "Magic Mountain" location). The applicant also hired FLx in June 2001 to conduct rare plant surveys at another off-site location near the Newhall Ranch Specific Plan site. This off-site location, also shown on **Figure 2.6-3**, is within the Valencia Commerce Center site (i.e., "Commerce Center" location). **Figures 2.6-4** and **2.6-5** depict where the spineflower was specifically observed on both the Commerce Center and Magic Mountain locations.

(c) Additional Spineflower Surveys

Spineflower was found on the Ahmanson Ranch project site, located in Ventura County, in 1999. The proposed development of the Ahmanson Ranch project would result in the direct loss of spineflower and existing spineflower habitat. The impacts to spineflower were considered significant, but mitigated to below levels of significance, if the recommended Ahmanson Ranch mitigation program is adopted. For further information regarding Ahmanson Ranch, please refer to the Draft Supplemental Environmental Impact Report for Ahmanson Ranch Project (SCH No. 89041908), February 2002, which is available for public review at County of Ventura Resource Management Agency, 800 S. Victoria Avenue, Ventura, California 93009, Dennis Hawkins, Senior Planner (805) 654-2492. It is not known at this time if mitigation proposed by Ahmanson will fully mitigate impacts to the spineflower. A 2081 permit has not yet been issued for this project.

In 1999, environmental studies prepared for the Ahmanson Ranch project report that spineflower surveys were conducted at three historic site localities (Chatsworth Park, Little Tujunga Wash, and Lake Elizabeth) and at a larger number of sites that were adjacent to historic localities or that supported potentially suitable spineflower habitat, and that no additional spineflower populations were found as a result of these surveys (Sapphos 2001; GLA 1999).[5] The California Department of Fish and Game also reviewed ~~91~~120 plant surveys undertaken in Southern California in the process of designating spineflower as a candidate for state listing as endangered, and each of the reviewed reports concluded that spineflower was not present (CDFG 2001).

In 2000, environmental studies prepared for the Ahmanson Ranch project also report that historic spineflower sites that were accessible and/or extant were visited to determine the presence or potential occurrence of spineflower in these locations; the remaining historic sites were assessed through the use of aerial photographs or other mapping aids (Sapphos 2001). Based on this work, it has been determined that agricultural, residential, flood control, and recreational development have occurred within or in proximity to all of the known historic sites. However, potentially suitable habitat for spineflower remains in the vicinity of seven of the ten historic sites listed by the CNDDB (CDFG 1999). The status of historic spineflower locations is presented in further detail in the Sapphos 2001 report (see, **Appendix 2.6** of this document).

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5 A copy of the report entitled, "*An Investigation Of The San Fernando Valley Spineflower For The Ahmanson Land Company,*" prepared by Sapphos Environmental, Inc., dated February 27, 2001, is included in **Appendix 2.6** of this document.

The geologic evaluation prepared for the Newhall Ranch applicant focused on the geologic and geomorphic conditions of the three locations where spineflower was observed on Newhall Ranch. Based on the Seward report (**Appendix 2.6**), nearly all of the spineflower plants at Grapevine and Airport Mesas occur on granular, nonmarine terrace deposits or lithologically similar portions of the upper member of the Saugus Formation. The spineflowers plants at the San Martinez location occur primarily on old landslide debris.

Soils. According to environmental reports, the spineflower populations at the Ahmanson Ranch development site occurred in association with three USDA mapping units: Zamora clay loam, San Andreas sandy loam, and Santa Lucia shaly silty clay loam (GLA 1999; Sapphos 2001). Site observations in 2000 on Ahmanson Ranch indicated that occupied habitat was frequently characterized by a lack of soils (plants growing on exposed bedrock) or poorly developed soils (lacking true soil horizons). While occupied habitat frequently occurred in the vicinity of the three identified mapping units, spineflower appeared to grow most frequently in exposed bedding planes of the parent material.

On Newhall Ranch, nearly all of the spineflower plants at the three onsite locations occur on soils mapped as slightly eroded to eroded Castaic-Balcom silty clay loam or Terrace escarpments. Most of the spineflower plants at Grapevine Mesa and some at Airport Mesa are down slope of Terrace surfaces capped by Zamora clay loam. In addition, the vast majority of observed spineflower on Newhall Ranch grow on silty sand surface soils.

Soil conditions at historic sites were also reviewed and determined to be highly variable (Sapphos 2001). No other historic site was found to be characterized by Zamora loam, San Andreas sandy loam, or Santa Lucia shaly silty clay loam; however, certain consistent parameters were observed among the 2 extant sites and the 10 known historic sites. Of particular interest was the propensity for the plant to occur in locations with highly mineralized, poorly developed soils (or lack of soils). These conditions were created by two very different geomorphic processes. Several sites were located where bedding planes were exposed at the surface in association with a syncline (rock layers upturned by the movement of the underlying tectonic plate) of drainages characterized by alluvia deposits consisting of large granitic material. <u>It is the County's understanding that a geologist did not conduct a site-specific investigation at Ahmanson Ranch in association with the Sapphos report.</u>

General Site Observations. Field observations on both Ahmanson Ranch and Newhall Ranch indicated that spineflower occurs in areas of relatively low vegetative cover (e.g., open ground, bare areas) regardless of the surrounding plant community. Open ground occurs within coastal sage scrub or as a result of rock outcroppings or soil surface disturbance. Spineflower plants were found growing at the

edge of scrub habitat, on and adjacent to rock outcroppings or exposed bedrock, and in disturbed soils. Open ground has become the visual signature for potential spineflower habitat because of the taxon's apparent preference for it (Sapphos 2001; Seward 2002).

Soil Physical Properties. Soil analyses conducted on the Ahmanson Ranch site indicated that areas characterized by a dense cover of grasses generally had better soil physical properties and higher nutrient levels (with the exception of nitrogen, which was low in all samples) than adjacent areas that supported spineflower and a sparse vegetative cover (Sapphos 2001). Based on this data, it appears that spineflower favors (or is restricted to) soils with poorly developed physical properties (i.e., friable soils), which would align with assumptions that spineflower may have an affinity for poorly developed soils (Sapphos 2001).

Soil Compaction. Environmental studies also suggest that spineflower tolerates compacted soils. The ability of spineflower to exploit compacted soils is demonstrated by its ~~affinity for~~occurrence in roads or trails that run through otherwise undisturbed locations (Sapphos 2001). Spineflower may not be able to compete with non-native grasses in better-developed and less compacted soils that have higher moisture and nutrient contents and higher levels of soils aeration (Sapphos 2001).

Elevation and Aspect. Of the 10 historic spineflower localities listed by the CNDDB (CDFG 1999), 7 lie between 500 and 1,500 feet above msl. Two historic sites (North Hollywood and Ballona) were recorded at lower elevations, and one historic site (Lake Elizabeth) was recorded at a higher elevation (CDFG 1999).

On Ahmanson Ranch, an analysis of elevation and aspect determined that spineflower polygons occur at elevations ranging from 1,220 to 1,406 feet (Sapphos 2001). In addition, spineflower polygons occur primarily on south-to-west and south-to-east facing aspects, with slopes ranging from 0 feet to 0.47 feet. For further information regarding Ahmanson Ranch populations, please refer to Sapphos 2001 report, Figure 5.2.1.3-1 and Table 5.2.1.3-1 (**Appendix 2.6**).

In addition, the relationship of plants to drainages and subdrainages has been evaluated (Sapphos 2001). The location of plants within the watershed helps to explain the lack of soil development and associated lack of competition from plants requiring better-developed soils found in spineflower areas, for soils are typically relocated from the top of the watershed to lower elevations by water movement (Sapphos 2001).

On Newhall Ranch, all of the observed spineflower occur within an elevation range of between 1,040 feet and 1,290 feet above sea level (Seward 2002). With rare exceptions, the spineflower populations on Newhall Ranch are generally observed on south-facing slopes at Grapevine and Airport Mesas. The

spineflower populations on the San Martinez location generally occur on elevated slopes and along rounded ridges facing to the south or east.

Vegetation. Based on a review of the CNDDB and other sources, h~~H~~istoric site records describe spineflower as occurring in scrub habitats, historic localities in association with sandy washes would mostly likely characterized as Riversidean alluvial fan sage scrub ~~(Holland 1986)~~, whereas upland localities would likely be characterized as coastal sage scrub (Sapphos 2001). However, independent verification of herbaria data has not been conducted with regard to vegetation communities at historic locations of the spineflower. Within the Ahmanson Ranch area, the spineflower occurs primarily on slopes, in transitional scrub-grassland habitat. Plants also occur in openings of coastal sage scrub habitat, or at the margins of dense grassland on Laskey Mesa. Within these habitats, spineflower was observed in natural and disturbed openings that were sparsely vegetated, such as the interface between non-native grassland and scrub communities, exposed bedrock, roads, abandoned stock pens, trails, gopher mounds and fox burrows. These conditions of thin, compacted, and disturbed soils, characteristic of spineflower, appear to limit competition from other vegetation and allow spineflower to exploit those conditions (Sapphos 2001).

On Newhall Ranch, the vast majority of observed spineflower existed on silty sand soils. Spineflower populations were also observed on both disturbed and undisturbed ground. In undisturbed areas, the spineflower consistently occurred in sparsely vegetated areas consisting of barren ground, small annual grasses, and scattered bushes of buckwheat and sage scrub (Seward 2002).

Climate. Both timing and amount of precipitation may be important factors in germination and survival of the spineflower. For general information regarding climatic conditions, please refer to the Sapphos 2001 report (**Appendix 2.6**). In addition, the Newhall Ranch survey reports prepared by DUDEK and FLx provide that low rainfall in calendar year 2002 contributed to lower counts of observed spineflower and other sensitive plant species (see, **Appendix 2.6**).

2.6.6 IMPACT ANALYSIS

The Newhall Ranch Revised Draft EIR (March 8, 1999) contained an extensive analysis of potential impacts to biological resources, including potential impacts to sensitive plants and wildlife. Project opponents challenged the adequacy of the analysis and the mitigation measures proposed in the EIR through the court process. The Court found that the biological analysis and mitigation program were adequate and complete under CEQA. This section of the Revised Draft Additional Analysis is, in part, intended to set forth additional biological information, discuss potential impacts to sensitive plants found

(g) Increased Fire Frequency

Development near known spineflower populations can increase the possibility of fire because of human-related activities. Arson, or sparks from construction or utility maintenance activities, could lead to an increase in fires which indirectly may threaten the spineflower. The effect of fire on the spineflower is not yet known; however, under certain conditions a fire could damage a percentage of individual spineflower plants, or it could destroy an entire population. Direct scorching can create open areas, which are then susceptible to non-native plant and animal invasion. Colonization of an area by non-native grasses provides the fuel needed to start and maintain fires, increasing their frequency, extent, and intensity. Non-native plants tend to recover more quickly than native species, leading to their domination over natives like the spineflower. Consequently, this risk factor poses a threat to known spineflower populations (CBI 2000, Sapphos 2000, CDFG 2001, Sapphos 2001).

(h) Summary

The CBI (2000) report noted that these edge effects, or indirect impacts, pose various degrees of threat to spineflower plants depending on the distance of the plants to the edge of development. The report stated that literature on invasive non-native animals indicated that most adverse effects on spineflower as a result of these two factors are concentrated within 100-325 feet of the development edge. Literature reviewed on invasive non-native plants (as a result of vegetation clearing, increased fire frequency, or other disturbances) indicated that most impacts would occur within the first 80-100 feet, with a gradual decline in invasive species beyond 100 feet. Changes in hydrological regimes resulting in increased surface and subsurface runoff may have a zone of influence that extends up to 200 feet. The majority of pesticide drift from chemicals will extend less than 35 feet from the source while fertilizers, though typically localized, can be more widely dispersed through surface runoff or seepage. The effects of trampling are generally direct and limited to the area of impact.

The CBI (2000) report concluded that the ability of buffer areas to be effective in minimizing edge effects depends upon the width of the buffer between the development edge and spineflower populations. For chemicals, buffers need to be from 30-50 feet in width to be moderately effective; for invasive plants, vegetation clearing, hydrological changes, and trampling, buffers need to be at least 80-100 feet to be moderately effective; and buffers need to be at least 200 feet in width to be moderately effective for invasive animals and increased fire frequency.

However, the CBI report also concluded that a number of other biological and geomorphological factors can influence the overall ability of buffers at varying widths to minimize indirect impacts of development

on spineflower populations. These factors included the size and juxtaposition of spineflower preserves to developed areas; the degree of fragmentation or continuity between preserved spineflower populations and to open space areas; the percentage of non-native vegetation to native vegetation in proposed buffer and preserve areas; soil chemistry and type; and the disturbance history of proposed buffers and preserves. In addition, the implementation of various short-term and long-term management actions to buffers and the development edge can result in buffers being more effective at shorter widths, up to a point, than if the actions were not taken. Depending on the degree to which other factors discussed above are present, and to the extent management actions are implemented, buffers can be effective at widths of 80 to 200 feet. It is acknowledged that in the absence of management actions, the buffer widths may need to be greater than 200 feet.

Based on this analysis of indirect impacts to spineflower and other sensitive plants, all seven indirect impacts/edge effects are considered significant in connection with the proposed development of Newhall Ranch, absent implementation of the Newhall Ranch mitigation program described below.

2.6.6.5 Cumulative Impacts

The San Fernando Valley spineflower is known to exist on several locations within Ahmanson Ranch, in Ventura County, and on several locations within the applicant's property holdings. Those property holdings consist of three locations within the Newhall Ranch Specific Plan site, namely, Grapevine Mesa, Airport Mesa and San Martinez, and two off-site locations known as the Commerce Center and Magic Mountain (see **Figure 2.6-3, above**). Given the distance of these sites from each other (i.e., Ahmanson Ranch, Newhall Ranch, Commerce Center, and Magic Mountain site), potential impacts created by human disturbance on one of the sites is not expected to impact spineflower populations on any other site. However, because the spineflower's range is limited, significant impacts to individual spineflower populations due to development are considered cumulatively significant if unmitigated.

2.6.7 MITIGATION MEASURES

2.6.7.1 Introduction

This section sets forth mitigation measures that the County and applicant propose to undertake to conserve the state-listed San Fernando Valley spineflower, in conjunction with the mitigation of other sensitive plant species. This mitigation program consists of:

moderate to high likelihood of effectiveness in avoiding or minimizing indirect impacts (e.g., invasive plants, increased fire frequency, trampling, chemicals, etc.) to the spineflower preserve(s). Open space connections for the spineflower preserve(s) shall be configured in consultation with the County and CDFG. Open space connections for the spineflower preserve(s) shall be established for the entire Specific Plan area in conjunction with approval of the first Newhall Ranch subdivision map filed in either the Mesa Village, or that portion of the Riverwood Village in which the San Martinez spineflower location occurs.

For preserves and/or those portions of preserves not connected to Open Area, River Corridor, or High Country land use designations, buffers shall be established at variable distances of between 80 and 200 feet from the edge of development to achieve a moderate to high likelihood of effectiveness in avoiding or minimizing indirect impacts (e.g., invasive plants, increased fire frequency, trampling, chemicals, etc.) to the spineflower preserve(s). The buffer size/configuration shall be guided by the analysis set forth in the "*Review of Potential Edge Effects on the San Fernando Valley Spineflower*," prepared by Conservation Biology Institute, January 19, 2000, and other sources of scientific information and analysis, which are available at the time the preserve(s) and buffers are established. Buffers for the spineflower preserve(s) shall be configured in consultation with the County and CDFG for the entire Specific Plan area. Buffers for the spineflower preserve(s) shall be established in conjunction with approval of the first Newhall Ranch subdivision map filed in either the Mesa Village, or that portion of the Riverwood Village in which the San Martinez spineflower location occurs.

Buffer configurations may include the width of any adjacent roadway system or associated rights-of-way, because roadways and rights-of-way can afford some protection to the spineflower preserve(s) and contribute to the effectiveness of the buffers by further avoiding or minimizing the potential indirect impacts of future development. In designing buffers that include roads, the design shall take into account edge effects from the roads by assessing, among other factors, the likelihood of disturbance based upon topography, road runoff and adjacent vegetation types.

The project applicant, or its designee, shall be responsible for revegetating open space connections and buffer areas of the Newhall Ranch spineflower preserve(s) to mitigate temporary impacts due to grading that will occur within portions of those open space connections and buffer areas. The impacted areas shall be reseeded with a native seed mix to prevent erosion, reduce the potential for invasive non-native plants, and maintain functioning habitat areas within the buffer area. Revegetation seed mix shall be reviewed and approved by the County and CDFG.

Preserve Protection/Fencing

4.6-68 To protect the preserved Newhall Ranch spineflower populations, and to further reduce potential direct impacts to such populations due to unrestricted access, the project applicant, or its designee, shall erect and maintain temporary orange fencing and prohibitive signage around the Newhall Ranch preserve(s), open space connections and buffer areas, which are adjacent to areas impacted by proposed development prior to and during all phases of construction. The areas behind the temporary fencing shall not be used for the storage of any equipment, materials, construction debris or anything associated with construction activities.

Following the final phase of construction of any Newhall Ranch subdivision map adjacent to the Newhall Ranch spineflower preserve(s), the project applicant, or its designee, shall install and maintain permanent fencing along the subdivision tract bordering the preserve(s). Permanent signage shall be installed on the fencing along the preservation boundary to indicate that the fenced area is a biological preserve, which contains protected species and habitat, that access is restricted, and that trespassing and fuel modification are prohibited within the area. The permanent fencing shall be designed to allow wildlife movement.

Road Construction Measures

4.6-70 Consistent with the Spineflower Special Study Mitigation Overlay areas reflected in Mitigation Measure 4.6-65, direct impacts to known Newhall Ranch spineflower populations shall be further assessed for proposed road construction at the Newhall Ranch subdivision map level, in conjunction with the required supplemental or subsequent EIR process. To avoid or substantially lessen **direct** impacts to known spineflower populations, Specific Plan roadways shall be redesigned or realigned, as practicable, to achieve the spineflower preserve and connectivity/preserve design/buffer standards set forth in Mitigation Measures 4.6-66 and 4.6-67. Road redesign or alignments to be considered include:

(a) Commerce Center Drive;

(b) Magic Mountain Parkway;

(c) Chiquito Canyon Road;

(d) Long Canyon Road;

(e) San Martinez Grande Road;

(f) Potrero Valley Road;

(g) Valencia Boulevard; and

(h) Any other or additional roadways that have the potential to significantly impact known Newhall Ranch spineflower populations.

Engineering, Design and Grading Modifications

4.6-71 Consistent with the Spineflower Special Study Mitigation Overlay areas reflected in Mitigation Measure 4.6-65, direct ~~and indirect~~ impacts to known Newhall Ranch spineflower populations shall be further assessed at the Newhall Ranch subdivision map level, in conjunction with the required supplemental/subsequent EIR process. To avoid or substantially lessen impacts to known spineflower populations at the subdivision map level, the project applicant, or its designee, shall adjust development footprints, roadway alignments, and the limits, patterns and techniques associated with project-specific grading to achieve the spineflower preserve and connectivity/preserve design/buffer standards set forth in Mitigation Measures 4.6-66 and 4.6-67 for all future Newhall Ranch subdivision maps that encompass identified spineflower populations.

Fire Management Plan

4.6-72 A Fire Management Plan shall be developed to avoid and minimize direct and indirect impacts to the spineflower, in accordance with the adopted Newhall Ranch Resource Management Plan (RMP), to protect and manage the Newhall Ranch spineflower preserve(s) and buffers.

The Fire Management Plan shall be completed by the project applicant, or its designee, in conjunction with approval of any Newhall Ranch subdivision map adjacent to a spineflower preserve.
The final Fire Management Plan shall be approved by the County of Los Angeles Fire Department through the processing of subdivision maps.

Under the final Fire Management Plan, limited fuel modification activities within the spineflower preserves will be restricted to selective thinning with hand tools to allow the maximum preservation of Newhall Ranch spineflower populations. No other fuel modification or clearance activities shall be allowed in the Newhall Ranch spineflower preserve(s). Controlled burning may be allowed in the future within the Newhall Ranch

Road Construction Measures

4.6-70 Consistent with the Spineflower Mitigation Area Overlay reflected in Mitigation Measure 4.6-65, direct ~~and indirect~~ impacts to known Newhall Ranch spineflower populations associated with proposed road construction or modifications to existing roadways shall be further assessed for proposed road construction at the Newhall Ranch subdivision map level, in conjunction with the tiered EIR required for each subdivision map. To avoid or substantially lessen direct impacts to known spineflower populations, Specific Plan roadways shall be redesigned or realigned, to the extent practicable, to achieve the spineflower preserve and connectivity/preserve design/buffer standards set forth in Mitigation Measures 4.6-66 and 4.6-67. The project applicant, or its designee, acknowledges that that road redesign and re-alignment is a feasible means to avoid or substantially lessen potentially significant impacts on the now known Newhall Ranch spineflower populations. Road redesign or alignments to be considered at the subdivision map level include:

(a) Commerce Center Drive;

(b) Magic Mountain Parkway;

(c) Chiquito Canyon Road;

(d) Long Canyon Road;

(e) San Martinez Grande Road;

(f) Potrero Valley Road;

(g) Valencia Boulevard; and

(h) Any other or additional roadways that have the potential to result in significant impacts to known Newhall Ranch spineflower populations.

Engineering, Design and Grading Modifications

4.6-71 Consistent with the Spineflower Mitigation Area Overlay reflected in Mitigation Measure 4.6-65, direct ~~and indirect~~ impacts to known Newhall Ranch spineflower populations shall be further assessed at the Newhall Ranch subdivision map level, in conjunction with the required tiered EIR process. To avoid or substantially lessen impacts to known spineflower populations at the subdivision map level, the project applicant, or its designee, may be required to adjust Specific Plan development footprints, roadway alignments, and the limits, patterns and techniques associated with project-specific grading to achieve the spineflower preserve and connectivity/preserve design/buffer standards set forth in Mitigation Measures 4.6-66 and 4.6-67 for all future Newhall Ranch subdivision maps that encompass identified spineflower populations.

Fire Management Plan

4.6-72 A Fire Management Plan shall be developed to avoid and minimize direct and indirect impacts to the spineflower, in accordance with the adopted Newhall Ranch Resource Management Plan (RMP), to protect and manage the Newhall Ranch spineflower preserve(s) and buffers.

The Fire Management Plan shall be completed by the project applicant, or its designee, in conjunction with approval of any Newhall Ranch subdivision map adjacent to a spineflower preserve.
The final Fire Management Plan shall be approved by the County of Los Angeles Fire Department through the processing of subdivision maps.

Under the final Fire Management Plan, limited fuel modification activities within the spineflower preserves will be restricted to selective thinning with hand tools to allow the maximum preservation of Newhall Ranch spineflower populations. No other fuel modification or clearance activities shall be allowed in the Newhall Ranch spineflower preserve(s). Controlled burning may be allowed in the future within the Newhall Ranch preserve(s) and buffers, provided that it is based upon a burn plan approved by the County of Los Angeles Fire Department and CDFG. The project applicant, or its designee, shall also be responsible for annual maintenance of fuel modification zones, including, but not limited to, removal of undesirable non-native plants, revegetation with acceptable locally indigenous plants and clearing of trash and other debris in accordance with the County of Los Angeles Fire Department.

Water Flow Diversion and Management

4.6-73 At the subdivision map level, the project applicant, or its designee, shall design and implement project-specific design measures to minimize changes in surface water flows to the Newhall Ranch spineflower preserve(s) for all Newhall Ranch subdivision maps adjacent to the preserve(s) and buffers, and avoid and minimize indirect impacts to the spineflower. Prior to issuance of a grading permit for each such subdivision map, the project applicant, or its designee, shall submit for approval to the County plans and specifications that ensure implementation of the following design measures:

(a) During construction activities, drainage ditches, piping or other approaches will be put in place to convey excess storm water and other surface water flows away from the Newhall Ranch spineflower preserve(s) and connectivity/preserve design/buffers, identified in Mitigation Measures 4.6-66 and 4.6-67;

(b) Final grading and drainage design will be developed that does not change the current surface and subsurface hydrological conditions within the preserve(s);

(c) French drains will be installed along the edge of any roadways and fill slopes that drain toward the preserve(s);

(d) Roadways will be constructed with slopes that convey water flows within the roadway easements and away from the preserve(s);

(e) Where manufactured slopes drain toward the preserve(s), a temporary irrigation system would be installed to the satisfaction of the County in order to establish the vegetation on the slope area(s). This system shall continue only until the slope vegetation is established and self-sustaining;

(f) Underground utilities will not be located within or through the preserve(s). Drainage pipes installed within the preserve(s) away from spineflower populations to convey surface or subsurface water away from the populations will be aligned to avoid the preserve(s) to the maximum extent practicable; and

(g) Fencing or other structural type barriers that will be installed to reduce intrusion of people or domestic animals into the preserve(s) shall incorporate footing designs that minimize moisture collection.

Biological Monitor

4.6-74 A knowledgeable, experienced botanist/biologist, subject to approval by the County and CDFG, shall be required to monitor the grading and fence/utility installation activities that involve earth movement adjacent to the Newhall Ranch spineflower preserve(s) to avoid the incidental take through direct impacts of conserved plant species, and to avoid disturbance of the preserve(s). The biological monitor will conduct bi-weekly inspections of the project site during such grading activities to ensure that the mitigation measures provided in the adopted

Newhall Ranch Mitigation Monitoring Program (Biota section) are implemented and adhered to.

Monthly monitoring reports, as needed, shall be submitted to the County verifying compliance with the mitigation measures specified in the adopted Newhall Ranch Mitigation Monitoring Program (Biota section).

The biological monitor will have authority to immediately stop any such grading activity that is not in compliance with the adopted Newhall Ranch Mitigation Monitoring Program (Biota section), and to take reasonable steps to avoid the take of, and minimize the disturbance to, spineflower populations within the preserve(s).

Construction Impact Avoidance Measures

4.6-75 The following measures shall be implemented to avoid and minimize indirect impacts to Newhall Ranch spineflower populations during all phases of project construction:

(a) **Water Control.** Watering of the grading areas would be controlled to prevent discharge of construction water into the Newhall Ranch preserve(s) or on ground sloping toward the preserve(s). Prior to the initiation of grading operations, the project applicant, or its designee, shall submit for approval to the County an irrigation plan describing watering control procedures necessary to prevent discharge of construction water into the Newhall Ranch preserve(s) and on ground sloping toward the preserve(s).

(b) **Storm Water Flow Redirection.** Diversion ditches would be constructed to redirect storm water flows from graded areas away from the Newhall Ranch preserve(s). To the extent practicable, grading of areas adjacent to the preserve(s) would be limited to spring and summer months (May through September) when the probability of rainfall is lower. Prior to the initiation of grading operations, the project applicant, or its designee, would submit for approval to the County a storm water flow redirection plan that demonstrates the flow of storm water away from the Newhall Ranch spineflower preserve(s).

(c) **Treatment of Exposed Graded Slopes.** Graded slope areas would be trimmed and finished as grading proceeds. Slopes would be treated with soil stabilization measures to minimize erosion. Such measures may include seeding and planting, mulching, use of geotextiles and use of stabilization mats. Prior to the initiation of grading operations, the project applicant, or its designee, would submit for approval to the County the treatments to be applied to exposed graded slopes that would ensure minimization of erosion.

Reassessment Requirement

4.6-76 In conjunction with submission of the first Newhall Ranch subdivision map in either Mesas Village or that portion of Riverwood Village in which the San Martinez spineflower location occurs, the project applicant, or its designee, shall reassess project impacts, both direct and indirect, to the spineflower populations using subdivision mapping data, baseline data from the Newhall Ranch Final EIR and data from the updated plant surveys (see, Specific Plan EIR Mitigation Measure 4.6-53).

This reassessment shall take place during preparation of the required tiered EIR for each subdivision map. If the reassessment results in the identification of new or additional impacts to Newhall Ranch spineflower populations, which were not previously known or identified, the mitigation measures set forth in this program, or a Fish and Game Code section 2081 permit(s) issued by CDFG, shall be required, along with any additional mitigation required at that time.

Newhall Ranch Monitoring and Management

4.6-77 Direct and indirect Iimpacts to the preserved Newhall Ranch spineflower populations shall require a monitoring and management plan, subject to the approval of the County. The applicant shall consult with CDFG with respect to preparation of the Newhall Ranch spineflower monitoring/management plan. This plan shall be in place when the preserve(s) and connectivity/preserve design/buffers are established (see Mitigation Measures 4.6-66 and 4.6-67). The criteria set forth below shall be included in the plan.

Monitoring. The purpose of the monitoring component of the plan is to track the viability of the Newhall Ranch spineflower preserve(s) and its populations, and to ensure compliance with the adopted Newhall Ranch Mitigation Monitoring Program (Biota section).
The monitoring component of the plan shall investigate and monitor factors such as population size, growth or decline, general condition, new impacts, changes in associated vegetation species, pollinators, seed dispersal vectors and seasonal responses. Necessary management measures will be identified. The report results will be sent annually to the County, along with photo documentation of the assessed site conditions.

The project applicant, or its designee, shall contract with a qualified botanist/biologist, approved by the County, with the concurrence of CDFG, to conduct quantitative monitoring over the life of the Newhall Ranch Specific Plan. The botanist/biologist shall have a minimum of three years experience with established monitoring techniques and familiarity with southern California flora and target taxa. Field surveys of the Newhall Ranch spineflower preserve(s) will be conducted each spring. Information to be obtained will include: (a) an estimate of the numbers of spineflowers in each population within the preserve(s); (b) a map of the extent of occupied habitat at each population; (c) establishment of photo monitoring points to aid in documenting long-term trends in habitat; (d) aerial photographs of the preserved areas at five-year intervals; (e) identification of significant impacts that may have occurred or problems that need attention, including invasive plant problems, weed problems and fencing or signage repair; and (f) overall compliance with the adopted mitigation measures.

For a period of three years from Specific Plan re-approval, all areas of potential habitat on the Newhall Ranch site will be surveyed annually in the spring with the goal of identifying previously unrecorded spineflower populations. Because population size and distribution limits are known to vary depending on rainfall, annual surveys shall be conducted for those areas proposed for development in order to establish a database appropriate for analysis at the project-specific subdivision map level (rather than waiting to survey immediately prior to proceeding with the project-specific subdivision map process). In this way, survey results gathered over time (across years of varying rainfall) will provide information on ranges in population size and occupation. New populations, if they are found, will be mapped and assessed for inclusion in the preserve program to avoid impacts to the species.

Monitoring/Reporting. An annual report will be submitted to the County and CDFG by December 31st of each year. The report will include a description of the monitoring methods, an analysis of the findings, effectiveness of the mitigation program, site photographs and adoptive management measures, based on the findings. Any significant adverse impacts, signage, fencing or compliance problems identified during monitoring visits will be reported to the County and CDFG for corrective action by the project applicant, or its designee.

Management. Based on the outcome of ongoing monitoring and additional project-specific surveys addressing the status and habitat requirements of the spineflower, active management of the Newhall Ranch spineflower preserve(s) will be required in perpetuity. Active management activities will be triggered by a downward population decline over 5 consecutive years, or a substantial drop in population over a 10-year period following County re-approval of the Specific Plan. Examples of management issues that may need to be addressed in the future include, but are not limited to, control of exotic competitive non-

Although the translocation program is experimental at this stage, it is considered to be feasible based upon available studies. Botanists/biologists familiar with the ecology and biology of the spineflower would prepare and oversee the translocation program.

Ongoing Agricultural Activities

4.6-79 The project applicant, or its designee, shall engage in regular and ongoing consultation with the County and CDFG in connection with its ongoing agricultural operations in order to avoid or minimize significant direct impacts to the spineflower.

In addition, the project applicant, or its designee, shall provide 30 days advance written notice to the County and CDFG of the proposed conversion of its ongoing rangeland operations on Newhall Ranch to more intensive agricultural uses. The purpose of the advance notice requirement is to allow the applicant, or its designee, to coordinate with the County and CDFG to avoid or minimize significant impacts to the spineflower prior to the applicant's proposed conversion of its ongoing rangeland operations to more intensive agricultural uses. This coordination component will be implemented by or through the County's Department of Regional Planning and/or the Regional Manager of CDFG. Implementation will consist of the County and/or CDFG conducting a site visit of the proposed conversion area(s) within the 30-day period, and making a determination of whether the proposed conversion area(s) would destroy or significantly impact spineflower population in or adjacent to those areas. If it is determined that the conversion area(s) do not destroy or significantly impact spineflower populations, then the County and/or CDFG will authorize such conversion activities in the proposed conversion area(s). However, if it is determined that the conversion area(s) may destroy or significantly impact spineflower populations, then the County and/or CDFG will issue a stop work order to the applicant, or its designee. If such an order is issued, the applicant, or its designee, shall not proceed with any conversion activities in the proposed conversion area(s). However, the applicant, or the designee, may take steps to relocate the proposed conversion activities in an alternate conversion area(s). In doing so, the applicant, or its designee, shall follow the same notice and coordination provisions identified above. This conversion shall not include ordinary pasture maintenance and renovation or dry land farming operations consistent with rangeland management.

2.6.8 CUMULATIVE MITIGATION MEASURES

No cumulative measures are proposed beyond the mitigation measures that would be implemented on a project-by-project basis. No such measures are proposed, because the project mitigation program specified above sufficiently mitigates the direct and indirect impacts of the proposed Specific Plan. As to Ahmanson Ranch, the impacts to the spineflower and other sensitive plant species are reported to be mitigated to below a level of significance as well. Finally, all proposed development in the region, which impacts the spineflower, or other listed plant species, must obtain an incidental take permit under Section 2081 of the California ESA. The take permit cannot be issued unless the impacts are fully mitigated and CDFG makes a "no jeopardy" finding as to the project impacts.

2.6.9 UNAVOIDABLE SIGNIFICANT IMPACTS ANALYSIS

The Newhall Ranch Specific Plan would result in the direct loss of San Fernando Valley spineflower and its habitat, would potentially cause indirect impacts due to development edge effects, and would

Translocation. Prior to the initiation of grading, the project applicant, or its designee, shall submit to the County a translocation program for the spineflower. Translocation would salvage the topsoil of spineflower areas to be impacted due to grading. Salvaged spineflower soil seed bank would be translocated to the candidate spineflower reintroduction areas. The translocation program shall include, among other information: (a) location map with scale; (b) size of each translocation polygon; (c) plans and specifications for site preparation, including selective clearing of competing vegetation; (d) site characteristics; (e) protocol for topsoil collection and application; and (f) monitoring and reporting. The translocation program shall be submitted to CDFG for input and coordination. Translocation shall occur within the candidate spineflower reintroduction areas onsite and offsite. Successful criteria for each site shall be included in the monitoring/management plan/with criteria for the germination and growth to reproduction of individual plants for the first year a specified period.

Although the translocation program is experimental at this stage, the County considers such a program to be a feasible form of mitigation at this juncture based upon available studies. Botanists/biologists familiar with the ecology and biology of the spineflower would prepare and oversee the translocation program.

Ongoing Agricultural Activities

4.6-79 The project applicant, or its designee, shall engage in regular and ongoing consultation with the County and CDFG in connection with its ongoing agricultural operations in order to avoid or minimize significant direct impacts to the spineflower.

In addition, the project applicant, or its designee, shall provide 30 days advance written notice to the County and CDFG of the proposed conversion of its ongoing rangeland operations on Newhall Ranch to more intensive agricultural uses. The purpose of the advance notice requirement is to allow the applicant, or its designee, to coordinate with the County and CDFG to avoid or minimize significant impacts to the spineflower prior to the applicant's proposed conversion of its ongoing rangeland operations to more intensive agricultural uses. This coordination component will be implemented by or through the County's Department of Regional Planning and/or the Regional Manager of CDFG. Implementation will consist of the County and/or CDFG conducting a site visit of the proposed conversion area(s) within the 30-day period, and making a determination of whether the proposed conversion area(s) would destroy or significantly impact spineflower population in or adjacent to those areas. If it is determined that the conversion area(s) do not destroy or significantly impact spineflower populations, then the County and/or CDFG will authorize such conversion activities in the proposed conversion area(s). However, if it is determined that the conversion area(s) may destroy or significantly impact spineflower populations, then the County and/or CDFG will issue a stop work order to the applicant, or its designee. If such an order is issued, the applicant, or its designee, shall not proceed with any conversion activities in the proposed conversion area(s). However, the applicant, or the designee, may take steps to relocate the proposed conversion activities in an alternate conversion area(s). In doing so, the applicant, or its designee, shall follow the same notice and coordination provisions identified above. --This conversion shall not include ordinary pasture maintenance and renovation or dry land farming operations consistent with rangeland management.

2.6.8 CUMULATIVE MITIGATION MEASURES

No cumulative measures are proposed beyond the mitigation measures that would be implemented on a project-by-project basis. No such measures are proposed, because the project mitigation program specified above sufficiently mitigates the direct and indirect impacts of the proposed Specific Plan. As to Ahmanson Ranch, the impacts to the spineflower and other sensitive plant species are reported to be

REVISED DUDEK TABLE 2 (Revised Draft Additional Analysis Appendix 2.6(a))

Sensitive Plant Species Subject of Field Surveys

Scientific Name	Common Name	Status Federal/ State	CNPS List	Habitat	Substrate	Slope/Aspect	Elevation	Bloom Period	Habit	Comments
Arenaria paludicola	marsh sandwort	FE/SE	1B	Bogs and fens, Marshes and Swamps (freshwater)	boggy, peaty soils	flat	3-170	May-Aug	Perennial herb	Known from only two occurrences at Inglenook Fen (MEN Co.) and Black Lake Cyn. (SLO Co.). Threatened by development, erosion, and non-native plants. See Proceedings of the California Academy of Natural Sciences 3:61 (1863) for original description.
Astragalus brauntonii	Braunton's milk-vetch	FE/None	1B	Closed-cone coniferous forest, Chaparral, Coastal scrub, Valley and foothill grassland / recent burns or disturbed areas	usually carbonate, also gravely, clayey soils over-lying granite or limestone	gentle to steep W, S, and E slopes	4-640	Feb-Jul	Annual herb	Known from fewer than ten extant occurrences, with fewer than 300 total plants as of 1997. Threatened by development and alteration of local fire regimes. See Bulletin of the Southern California Academy of Sciences 2:26-27 (1903) for original description, and Fremontia 19(3):6-7 (1991) for species account.
Atriplex coulteri	Coulter's saltbush	None/None	1B	Coastal bluff scrub, Coastal dunes, Coastal scrub, Valley and foothill grassland	alkaline, gravel, or clay	flats, ridge tops, bluffs, low places, gentle slopes	3-460	Mar-Oct	Shrub (deciduous)	Few recent sightings. Need quads for RIV Co. Threatened by development, and probably by feral herbivores.
Atriplex serenana var. *davidsonii*	Davidson's saltscale	None/None	1B	Coastal bluff scrub, Coastal scrub	alkaline soils	flat	10-200	Apr-Oct	Shrub (evergreen)	Is plant extirpated from LAX Co.? Known from SCZ Isl. from a single collection in 1930. Need quads for SDG Co. and SCT and SRO islands. See North American Flora 21:57 (1916) for original description.
Baccharis malibuensis	Malibu baccharis	None/None	1B	Chaparral, Cismontane woodland, Coastal scrub	volcanic soils	documented on steep S, W, and N slopes	150-260	Aug	Perennial herb (bulbiferous)	Known only from four occurrences near Malibu Lake in the Santa Monica Mtns.; fewer than 100 individuals as of 1995. Threatened by urbanization. Not in The Jepson Manual. See Aliso 14(3):202 (1995) for original description.
Berberis nevinii	Nevin's barberry	FE/SE	1B	Chaparral, Cismontane woodland, Coastal scrub, Riparian scrub	sandy or gravelly	steep N to NW (occasionally S) or gentle sloped (no aspect pref) washes	295-825	Mar-Apr	Perennial herb (bulbiferous)	Many historical occurrences have been extirpated; likely fewer than 1000 plants remaining as of 1992. Threatened by development and road maintenance. Angeles NF has adopted species management guidelines. See Synoptical Flora of North America 1(1):69 (1895) for original description, and Journal of the Linnean Society of London 57(369):354 (1961) for revised nomenclature.
Brodiaea filifolia	Thread-leaved brodiaea	FT/SE	1B	Chaparral (openings), Cismontane woodland, Coastal scrub, Playas, Valley and foothill grassland, Vernal pools	often clay, also fine loamy sand, granitic beadrock outcrops, gravel, cobbly soils	flats to gentle slopes (N, W, S, and E)	40-1220	Mar-Jun	Perennial herb (bulbiferous)	Seriously threatened by residential development, agriculture, grazing, and vehicles. Hybridization with B. orcuttii and B. terrestris ssp. kernensis probably caused by European honeybee. See Proceedings of the American Academy of Arts and Sciences 17:381 (1882) for original description.
Calochortus clavatus var. *clavatus*	club-haired mariposa lily	None/None	4	Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland	usually serpentinite, clay, rocky	reported from gentle NW slopes	75-1300	May-Jun	Perennial herb (bulbiferous)	

REVISED DUDEK TABLE 2 (Revised Draft Additional Analysis Appendix 2.6(a))

Sensitive Plant Species Subject of Field Surveys

Scientific Name	Common Name	Status Federal/ State	CNPS List	Habitat	Substrate	Slope/Aspect	Elevation	Bloom Period	Habit	Comments
Calochortus clavatus var. *gracilis*	Slender mariposa lily	None/None	1B	Chaparral, Coastal scrub	granitic, sandy loam, sandstone	gentle to steep E, S, to NW slopes	360-1000	Mar-May	Perennial herb (bulbiferous)	Known from only nine occurrences. Threatened by development. See Annals of the Missouri Botanical Garden 27(4):371-561 (1940) for original description.
Calochortus plummerae	Plummer's mariposa lily	None/None	1B	Chaparral, Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Valley and foothill grassland	granitic, rocky, clays, sandstone, alluvial	flats to steep slopes (N, E, to S)	100-1700	May-Jul	Perennial herb (rhizomatous)	Significantly reduced by development, and continues to decline. Less common at higher elevations. Hybridizes with C. weedii var. intermedius in the San Jose Hills and Puente Hills. See Pittonia 2:70 (1890) for original description, and Annals of the Missouri Botanical Garden 27:515 (1940) for taxonomic treatment.
Calochortus weedii var. *vestus*	late-flowered mariposa lily	None/None	1B	Chaparral, Cismontane woodland, Riparian woodland	often serpentinite, also sandstone, gravel, and clay	gentle to steep slopes	275-900	Jun-Aug	Perennial herb (rhizomatous)	Threatened by grazing and development. See Proceedings of the California Academy of Sciences III 2:133 (1901) for original description.
Calystegia peirsonii	Peirson's morning glory	None/None	4	Chaparral, Chenopod scrub, Cismontane woodland, Coastal scrub, Lower montane coniferous forest, Valley and foothill grassland	clays and sandy loams	flat - gentle - steep	30-1500	May-Jun	Annual herb	Threatened by grazing. Intergrades with other Calystegia spp. See Illustrated Flora of the Pacific States 3:387 (1951) by L. Abrams for original description, and Annals of the Missouri Botanical Garden 52(2):214-216 (1965) for revised nomenclature.
Calystegia sepium ssp. *binghamiae*	Santa Barbara morning-glory	None/None	1A	Marshes and Swamps (coastal)	boggy soils	flat	0-20	Apr-May	Shrub (evergreen)	Probably extirpated by wetland modification and urbanization. See Bulletin of the California Academy of Sciences 2:417 (1887) for original description.
Centromadia [=Hemizonia] parryi ssp. *australis*	southern tarplant	None/None	1B	Marshes and Swamps (margins), Valley and foothill grassland (vernally mesic), Vernal pools	alkaline, sandy, sandy loams	flat to gentley sloping	0-425	May-Nov	Annual herb	Need confirmation of SCT Isl. occurrences. Many ORA Co. occurrences recently extirpated. Many historical occurrences also extirpated; need information. Population fragmentation a serious problem, and plant continues to be threatened by urbanization, vehicles, and foot traffic. A synonym of Hemizonia parryi ssp. australis in The Jepson Manual. See Madrono 3(1):15 (1935) for original description, and Novon 9:462-471 (1999) for revised nomenclature.
Cercocarpus betuloides var *blancheae*	island mountain-mahogany	None/None	4	Closed-cone coniferous forest, Chaparral		genreally N facing gentle to moderate slopes	30-600	Feb-May	Shrub (deciduous)	Does plant occur on other Channel Islands?
Chorizanthe parryi var. *fernandina*	San Fernando Valley spineflower	FC/SE	1B	Coastal scrub (sandy)	sandy soils	flat - gentle slopes (E, S, to W), also washes	150-1220	Apr-Jun	Annual herb	Rediscovered in 1999; now known from only two occurrences. Most historical habitat is now heavily urbanized. Seriously threatened by development. See Botany of California 2:481 (1880) for original description, and Phytologia 66(2):147-149 (1989) for taxonomic treatment.

REVISED DUDEK TABLE 2 (Revised Draft Additional Analysis Appendix 2.6(a))

Sensitive Plant Species Subject of Field Surveys

Scientific Name	Common Name	Status Federal/ State	CNPS List	Habitat	Substrate	Slope/Aspect	Elevation	Bloom Period	Habit	Comments
Deinandra [=Hemizonia] minthornii	Santa Susana tarplant	None/SR	1B	Chaparral, Coastal scrub	rocky, sandstone outcrops and crevices, and volcanic soils	flat to steep ridges and slopes (N, E, S, and W)	280-760	Jul-Nov	Perennial herb	Threatened by development. State-listed as Hemizonia minthornii; see this name in The Jepson Manual. See Manual of the Flowering Plants of California, p. 1092 (1925) by W.L. Jepson for original description, and Novon 9:462-471 (1999) for revised nomenclature.
Dodecahema leptoceras	Slender-horned spineflower	FE/SE	1B	Chaparral, Cismontane woodland, Coastal scrub (alluvial fan)	sandy alluvial benches	generally flat	200-760	Apr-Jun	Perennial herb	Many historical occurrences lost to urbanization and stream channelization; currently threatened by development, sand and gravel mining, flood control, proposed reservoir construction, vehicles, and non-native plants. See Proceedings of the American Academy of Arts and Sciences 12:269 (1877) for original description, Great Basin Naturalist Memoirs 2:169-190 (1978) for taxonomic treatment, Phytologia 66(2):83-88 (1989) for revised nomenclature, and Madrono 44(3):305 (1997) for discussion of Vail Lake occurrence.
Dudleya blochmaniae var. *blochmaniae*	Blochman's dudleya	None/None	1B	Coastal bluff scrub, Chaparral, Coastal scrub, Valley and foothill grassland	rocky or sandy, often clay or serpentinite	flats to gentle to steep slopes	5-450	Apr-Jun	Perennial herb	Known from fewer than twenty occurrences in CA, and fewer than five in BA. Seriously threatened by development. Northern and southern populations genetically distinct.
Dudleya cymosa ssp. *marcescens*	marcescent dudleya	FT/CR	1B	Chaparral (volcanic)	volcanics, rocky soils	steep primarily N facing slopes	150-520	Apr-Jun	Perennial herb	Known from only eight occurrences in the Santa Monica Mtns. Threatened by development and foot traffic. See Madrono 14(3):106 (1957) for original description.
Dudleya cymosa ssp. *ovatifolia*	Santa Monica Mountains dudleya	FT/None	1B	Chaparral, Coastal scrub	volcanics, sandstones	moderate to steep primarily N facing slopes	150-1675	Mar-Jun	Perennial herb	Known from fewer than ten occurrences. Threatened by development and recreation. Does not include D. cymosa ssp. agourensis.
Dudleya multicaulis	Many-stemmed dudleya	None/None	1B	Chaparral, Coastal scrub, Valley and foothill grassland	often clay, also rocky, sandstone, and volcanic	ridgetops and slopes (N, W, S, and E)	15-790	Apr-Jul	Annual herb	Seriously threatened by development, road construction, grazing, and recreation. See Bulletin of the New York Botanical Garden 3:38 (1903) for original description, and Madrono 45(3):215-220 (1998) for population ecology information.
Dudleya parva	Conejo dudleya	FT/None	1B	Coastal scrub, Valley and foothill grassland	rocky or gravelly, clay, volcanic	N to NW slopes, cliffs, and summits	60-450	May-Jun	Perennial herb (rhizomatous)	Known from approximately ten occurrences from the western end of Simi Hills to Conejo Grade. Threatened by horticultural collecting, recreation, vehicles, and urbanization. Federally-listed as D. abramsii ssp. parva; see this name in The Jepson Manual. See Bulletin of the Southern California Academy of Sciences 22:5 (1923) for original description, and Madrono 30(3):191 (1983) for distributional information.

REVISED DUDEK TABLE 2 (Revised Draft Additional Analysis Appendix 2.6(a))

Sensitive Plant Species Subject of Field Surveys

Scientific Name	Common Name	Status Federal/ State	CNPS List	Habitat	Substrate	Slope/Aspect	Elevation	Bloom Period	Habit	Comments
Erodium macrophyllum	round-leaved filaree	None/None	2	Cismontane woodland, Valley and foothill grassland	clay	gentle to moderate E, N, and W slopes	15-1200	Mar-May	Perennial herb	Most collections historical; need information on current distribution. Does plant occur in SON Co.? Need quads for LAS, MNT, SMT, TEH, and VEN counties. Threatened by urbanization and non-native plants. See Boisseira 20:1-154 (1972) for taxonomic treatment.
Helianthus nuttallii ssp. *parishii*	Los Angeles sunflower	None/None	1A	Marshes and Swamps (coastal salt and freshwater)	loamy, boggy	flat	10-500	Aug-Oct	Tree (deciduous)	Last seen in 1937. Extirpated by urbanization. See Proceedings of the American Academy of Arts and Sciences 14:7 (1883) for original description, and Memoirs of the Torrey Botanical Club 22(3):147-152 (1969) for taxonomic treatment.
Horkelia cuneata var. *puberula*	Mesa horkelia	None/None	1B	Chaparral, Cismontane woodland, Coastal scrub	sandstone, sandy or gravelly	generally flats (bluffs) and gentle to moderate slopes	70-810	Feb-Sep	Shrub (deciduous)	Many historical occurrences extirpated; need current information on status of occurrences. Intergrades with other sspp.; populations representing true ssp. puberula declining. See Pittonia 1:102 (1887) for original description, and Lloydia 1:87-88 (1938) for revised nomenclature.
Juglans californica	southern California black walnut	None/None	4	Chaparral, Cismontane woodland, Coastal scrub	alluvial	gentle - moderate / northerly trending	50-900	Mar-May	Annual/Perennial herb	Walnut forest is a much fragmented, declining natural community, rare in ORA, RIV, SBD, and SDG counties. Threatened by urbanization and grazing, and possibly by lack of natural reproduction. A synonym of J. californica var. californica in The Jepson Manual. See Proceedings of the American Academy of Arts and Sciences 10:349 (1875) for original description, and Southern California Botanists Special Publication No. 3, pp. 42-54 (1990) for additional information.
Malacothamnus davidsonii	Davidson's bush mallow	None/None	1B	Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland	sandy, rocky, gravelly	flats and gentle to steep slopes (generally N)	185-855	Jun-Jan	Shrub (evergreen)	Threatened by urbanization in LAX Co. Intergrades with M. fasciculatus; see Madrono 46(3):142-152 (1999) for information.
Nama stenocarpum	mud nama	None/None	2	Marshes and Swamps (lake margins, riverbanks)	clay	flats	5-500	Jan-Jul	Shrub (stem succulent)	See Proceedings of the American Academy of Arts and Sciences 10:331 (1875) for original description, and American Journal of Botany 20:415-430, 518-534 (1933) for taxonomic treatment.
Nolina cismontane	chaparral nolina	None/None	1B	Chaparral, Coastal scrub	sandstone or gabbro	gentle to steep slopes	140-1275	May-Jul	Annual herb	Threatened by development, agriculture, road construction, and recreational activities. Not in The Jepson Manual (mentioned as "undescribed sp." under N. parryi). See Novon 5:162 (1995) for original description.

REVISED DUDEK TABLE 2 (Revised Draft Additional Analysis Appendix 2.6(a))

Sensitive Plant Species Subject of Field Surveys

Scientific Name	Common Name	Status Federal/ State	CNPS List	Habitat	Substrate	Slope/Aspect	Elevation	Bloom Period	Habit	Comments
Opuntia basilaris var. *brachyclada*	Short-joint beavertail	None/None	1B	Chaparral, Joshua tree "woodland", Mohavean desert scrub, Pinyon and juniper woodland	sandy, course granitic loam	flats (washes), ridgetops, and slopes (N, W, S, and E)	425-1800	Apr-Jun	Annual herb	Threatened by urbanization, mining, horticultural collecting, grazing, and vehicles. Angeles NF has adopted species management guidelines. See Proceedings of the Biological Society of Washington 27:25 (1914) for original description.
Oxytheca parishii var. *abramsii*	Abram's oxytheca	None/None	1B	Chaparral (sandy or shale)	sandy or shale	moderate to steep slopes	1700-2000	Jun-Aug	Perennial herb (rhizomatous)	See Bulletin of the Torrey Botanical Club 36:605 (1909) for original description, and Brittonia 32(1):70-102 (1980) and Phytologia 66(4):386-87 (1989) for taxonomic treatments.
Pentachaeta lyonii	Lyon's pentachaeta	FE/SE	1B	Chaparral (openings), Coastal scrub, Valley and foothill grassland	soils derived from shales or volcanics, clay	ridge tops or slopes (SW, W, N, NE, and E)	30-630	Mar-Aug	Annual herb	Known from fewer than twenty extant occurrences in Santa Monica Mtns. And western Simi Hills. Historical collection of single plant from SCT Isl. was likely introduced. Threatened by development, fire regimes, and recreational activities. No successful translocation attempts as of 1994. See Synoptical Flora of North America 1(2):446 (1884) for original description, and University of California Publications in Botany 65:1-41 (1973) for taxonomic treatment.
Rorippa gambellii	Gambel's watercress	FE/ST	1B	Marshes and Swamps (freshwater or brackish)	brackish	flat	5-330	Apr-Sep	Perennial herb	Nearly extinct in U.S.; known in CA from only four occurrences. Historic SDG Co. occurrence (33C, 33D) may be misidentified R nasturtium-aquaticum, as most likely is VEN Co. occurrence (141D). Seriously threatened by habitat loss, erosion, and Eucalyptus may be altering hydrology at Black Lake Cyn. Recovery plan prepared by USFWS in 1994. See Proceedings of the American Academy of Arts and Sciences 11:147 (1876) for original description, and Journal of the Arnold Arboretum 69:65-71 (1988) for revised nomenclature.
Senecio aphanactis	Rayless ragwort	None/None	2	Chaparral, Cismontane woodland, Coastal scrub	alkaline, rocky, clay, sandy, serpentine	flats, escarpments, and slopes (N to W)	15-800	Jan-Apr	Perennial herb (rhizomatous)	Rare in LAX, ORA, and RIV counties. Need quads for RIV Co. and SCT Isl. Not seen on SCZ Isl. between 1934 and 1991. See Pittonia 1:220 (1888) for original description, and North American Flora II 10:50-139 (1978) for taxonomic treatment.
Sidalcea neomexicana	Salt spring checke	None/None	2	Chaparral, Coastal scrub, Lower montane coniferous forest, Mohavean desert scrub, Playas	alkaline, mesic clay loams	flat	15-1530	Mar-Jun		Need quads for SBA Co. See University of Washington Publications in Biology 18:1-96 (1957) for taxonomic treatment.
Thelypteris puberula var. *sonorensis*	Sonoran maiden fern	None/None	2	Meadows (seeps and streams)	mesic	flat - gentle - steep along seeps and drainages	50-610	Jan-Sep		See University of California Publications in Botany 59:91 (1971) for original description.

References: CNDDB, CNPS inventory (electronic and hard copy), Jepson 1993, Munz 1974, and pers. obs. Mark Elvin