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Mr. David A. Bobardt
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City of Moorpark
799 Moorpark Avenue
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**Supplemental Comments on the Draft Environmental Impact Report for the North
Park Village project**

Dear Mr. Bobardt:

The Santa Monica Mountains Conservancy (Conservancy) is the principal state agency charged with planning and conservation for the Santa Monica Mountains Zone and Rim of the Valley Corridor pursuant to Division 23 of the Public Resources Code. The Conservancy offers the following comments on Draft Environmental Impact Report (DEIR) and Specific Plan for the North Park Village and Nature Preserve. The Conservancy commented on the Notice of Preparation (NOP) for this project in a letter dated February 25, 2002. The proposed project is within the zone of the Conservancy, in the Rim of the Valley Trail Corridor. Happy Camp Canyon Park, managed by the Mountains Recreation and Conservation Authority (MRCA), abuts the project site to the north and northwest.

Contrary to the conclusions presented in the DEIR, it is the Conservancy's opinion that the project as proposed will result in numerous significant adverse impacts to biological resources that have not been avoided or mitigated to a less than significant level. The DEIR states that the only impact to biological resources that would not be mitigated to below a level of significance is the loss of raptor foraging habitat (p. 3.6-44). Significant adverse impacts will result to several categories of biological resources (including raptor foraging habitat; wildlife movement; oak woodlands [development will result in direct loss of oak woodlands and development will abut several remaining oak woodland riparian corridors]; coastal sage scrub and other sensitive plant communities; and other sensitive wildlife and wildlife habitat). The DEIR has not demonstrated that these impacts have been reduced to a less than significant level.

To emphasize, the project site is part of the core habitat of the Santa Susana Mountains and plays an important role for wildlife moving between Santa Susana Mountains and Simi Hills. The Santa Susana Mountains also is part of the larger matrix of habitat connecting to the Santa Monica Mountains to the south across the 101 freeway, and to the Los Padres National Forest to the northwest and the Angeles National Forest to the northeast. In addition to other numerous DEIR deficiencies outlined in this letter, the DEIR lacks an adequate analysis of impacts to wildlife movement, in light of other proposed developments and landowners in the area.

The Conservancy urges additional analysis of adverse impacts to biological resources, project modifications to reduce the extent of those impacts, additional analysis of project alternatives, and additional mitigation, which should also be included in the mitigation monitoring program. Also, the proposed project and all alternatives must include the requirement to dedicate undisturbed open space to an appropriate public entity capable of managing open space for resource protection and recreational use, accompanied by management funding. A revised DEIR should be prepared to accommodate these changes and should be recirculated for public comment.

If the project applicant elects not to substantially modify the project to reduce these impacts, the Conservancy recommends denial of the project as proposed. The DEIR is inadequate in that it does not provide a thorough analysis of meaningful alternatives. The objective of this analysis is to include a range of *feasible* alternatives which are less likely to require a statement of overriding considerations from the City.

Inadequate analysis of impacts to wildlife movement

The project site is part of the core habitat of the Santa Susana Mountains and plays an important role for wildlife moving between Santa Susana Mountains and Simi Hills across State Route (SR) 118, and to the Santa Monica Mountains. The Santa Susana Mountains core habitat (of which the project is a part) also plays an important role connecting to the Los Padres and Angeles National Forests to the north. The DEIR (p. 3.6-9 to 10 and Exhibit 3.6-2) identifies several wildlife movement corridors, wildlife travel routes, and crossings on and near the project site. These wildlife movement corridors (and wildlife travel routes) identified in the DEIR include (from roughly south to north): Alamos Canyon, Hidden Creek Canyon, Big Mountain, Happy Camp Canyon, and Oak Ridge Mountain. All target mammals, e.g., coyote, gray fox, badger, deer, bobcat, and mountain lion, occur on the Specific Plan site (DEIR, p. 3.6-9). Of note, mountain lion sign and sign of other mammals were present on both sides of SR-118 and in the vicinity of Wildlife Crossings #2, #3, and

#4 (Exhibit 3.6-2). The DEIR (p. 3.6-9) states that Hidden Creek Canyon provides valuable resources for wildlife on the site, as evidenced by the presence of mountain lion tracks.

In addition, the National Park Service (NPS) conducted recent wildlife movement studies (in 1999 and 2000) in cooperation with California Department of Transportation (Caltrans) at four sites near the proposed project: Collins Road, Equipment Pass (identified as Hidden Creek Canyon, Crossing #1 in the DEIR), Alamos Canyon, and Simi Valley Landfill. Wildlife use was documented at all four crossings/culverts, and significant wildlife activity was documented at Equipment Pass and Alamos Canyon, including bobcat and coyote crossings. These studies demonstrate the importance of ensuring the integrity of these crossings/culverts *and* the habitat on either side of the freeway where these crossings occur.

The Conservancy is keenly concerned about the lack of any meaningful analysis in the DEIR of how the subject project, in conjunction with other projects in the vicinity, will adversely affect wildlife movement onsite and between the Santa Susana Mountains and the Simi Hills. In the Project Impacts section, the DEIR (p. 3.6-30) states that there would be a reduction in open space habitats north of SR-118 that would reduce connectivity between open spaces on both sides of SR-118. An obvious deficiency in the DEIR is the incomplete analysis of impacts to wildlife movement (particularly for target species) both on and off the project site, including along Hidden Creek, along Alamos Canyon, and across SR-118.

As described above, the DEIR references the importance of Hidden Creek Canyon for wildlife movement. The project would cut off, or at least severely compromise, the southern portion of the Hidden Creek Canyon on the project site because of the new roads, residences, a youth sports park, and modified open space. The DEIR has not analyzed the impacts to the target species (e.g., where the wildlife will go) once the project site is developed.

The vicinity of the project site (at Alamos Canyon and Hidden Creek Canyon) is one of only two substantial habitat linkages between the Simi Hills and Santa Susana Mountains. (The other one is located to the east at Santa Susana Pass, between Corriganville and Rocky Peak Park.) The recently published "Missing Linkages" study prepared by the South Coast Wildlands Project identifies Alamos Canyon wildlife corridor as one of the top ten wildlife corridors in the South Coast Ecoregion. The project site provides a substantial block of core habitat on the north side of SR-118 that target species utilize, likely before/after crossing SR-118 at Alamos Canyon and Hidden Creek Canyon. The current DEIR appears to rely on the preservation of adjacent and nearby properties to maintain the functionality of the Hidden Creek Canyon and Alamos Canyon wildlife movement areas

and SR-118 crossings. Specifically, both the western habitat linkage across SR-118 (including Alamos Canyon and Hidden Creek Canyon), and the eastern linkage (near Rocky Peak Park), must remain functional to protect the target species, as these two connections are the last feasible connections between habitat in the Santa Monica Mountains and Simi Hills, and the Santa Susana Mountains.

The DEIR also does not disclose the significance of the site for *larger scale regional* wildlife movement. As described above, core habitat in the Santa Susana Mountains is connected southward across the 118 freeway to the Simi Hills at generally at two habitat linkage areas: a western habitat linkage area (i.e., via Alamos Canyon and Hidden Creek Canyon) and an eastern habitat linkage area at Santa Susana Pass (i.e., by Rocky Peak Park). In addition, habitat linkage areas further connect the Simi Hills southward across the 101 freeway to the Santa Monica Mountains (i.e., Liberty Canyon, Las Virgenes Creek, and potentially Crummer Canyon). Furthermore, a habitat linkage and freeway crossings along the 23 Freeway connect the areas east of the 23 freeway westward to the Las Posas Hills. NPS has documented carnivores at crossings/culverts across all of these aforementioned habitat linkage areas. Furthermore, the Santa Susana Mountains core habitat is connected to the Los Padres National Forest and the Angeles National Forest.

The stability of species in each mountain range will depend on, among other factors, the extent that these corridors and habitat areas are preserved. In the wildlife crossing studies in this area conducted by NPS, corridor use by large mammals was positively correlated with the percentage of surrounding wild habitat. The DEIR did not disclose these other regional habitat linkage areas, nor provide a figure showing them.

Aside from those wildlife movement corridors and crossings shown on Exhibit 3.6-2, the DEIR did not disclose the extent of wildlife movement throughout the remainder of the site. This includes potential wildlife movement along the drainages throughout the site and in an east-west direction through the site. The Conservancy is concerned that Exhibit 3.6-2 may inaccurately portray to the public that there is no wildlife movement throughout the majority of the project site and that wildlife movement is limited to Hidden Creek and the extreme northern portion of the site.

Inadequate avoidance and mitigation for impacts to wildlife movement

The DEIR did not address the probability that the proposed mitigation measures will inadequately offset the lost of wildlife movement areas and core wildlife habitat resulting from the project. It is the Conservancy's opinion that even after implementation of the

proposed mitigation, impacts to wildlife movement and wildlife habitat will remain significant as a result of the proposed project.

In the Mitigation Program section, the DEIR (p. 3.6-36) states that culverts shall be provided under the access road connecting the Specific Plan site to the SR-118 Moorpark College interchange, and that wildlife guzzlers will be installed at existing SR-118 culverts and near project culverts. The DEIR also states that these culverts and guzzlers, including those under SR-118, will be monitored for three years. Reports will be submitted to the appropriate agency. The DEIR states that recommendations to enhance wildlife movement through SR-118 crossings will be provided as appropriate (e.g., fencing modification, vegetation enhancement, lighting adjustments, etc.).

These proposed mitigation measures are vague. What are the sizes and locations of the proposed project culverts and how will they accommodate the target species? How will lighting, plantings, and fencing be designed at the initial construction of these culverts? If monitoring shows that the development has deterred wildlife from using the area, is there any guarantee any recommendations will be implemented? Will monitoring reports be sent to California Department of Fish and Game (CDFG), and if so, will the recommendations of that agency be implemented? Even if recommendations (e.g., fencing modification, vegetation enhancement, lighting adjustments, etc.) are implemented, what if wildlife are still deterred from using the area?

Clearly, the appropriate approach would be to carefully design the project to avoid, or greatly minimize, these anticipated impacts to wildlife movement, rather than implementing a project where one may find out later that significant project modifications are needed to maintain wildlife movement. At that point, it will be obviously more difficult to convince the applicant to implement major project modifications (e.g., adding new culverts to already built roads including SR-118, or reducing the development footprint), and wildlife movement may be compromised forever on and near the site.

More importantly, even if the project provides a perfectly designed culvert across the new proposed access road, this mitigation does not address the larger issue of maintaining viable wildlife crossings across SR-118 that connect to habitat north and south of the freeway, in light of other proposed developments in the area.

Other adverse impacts to wildlife movement, and wildlife in general, are not adequately addressed in the DEIR. These include impacts resulting from: lighting, domestic pets, increased pressure to manage (i.e., kill) wildlife, and increased roadkill. Notably, many of

the canyons are proposed to be surrounded by development. If carnivores (e.g., mountain lions, bobcats, and/or coyotes) move through the canyons, they will be funneled into the development and conflicts with people/pets and these wildlife will increase, resulting in increased public pressure to control these animals. Also, one of the principal factors contributing to habitat fragmentation has been the construction of roadways (Meffe et al. 1997, as cited in Haas and Crooks 1999). Roads can create barriers for animals (e.g., mammals) attempting to move between patches, increase mortality (e.g., by collisions with vehicles), and can create deleterious edge effects. The revised DEIR must include clearly definable mitigation measures that will minimize those adverse impacts to wildlife. These mitigation measures must define restrictive measures for the areas to be developed (i.e., by requiring restrictive measures in the Covenants, Codes, & Restrictions).

Need for comprehensive analysis of cumulative impacts to wildlife movement, with adequate avoidance and mitigation

The proposed project must contribute to a solution to the wildlife movement problem across SR-118, specifically at Alamos Canyon and Hidden Creek Canyon. This solution includes providing adequate SR-118 crossings that are connected to land linkages on both sides of the freeway, that in turn connect to core habitat areas in the Simi Hills and Santa Susana Mountains. The DEIR is inadequate because it did not include this comprehensive analysis of cumulative wildlife movement impacts and mitigation (see California Environmental Quality Act [CEQA] guidelines 15130[b][5])¹.

The only means of providing a guaranteed inter-mountain range habitat linkage is to include all the necessary impact analysis and mitigation in one unified CEQA document. Other notable projects in the immediate area that should be included in this analysis are The Canyons Specific Plan (located east of the proposed North Park Village), the Alamos Canyon-118 Freeway Interchange project, the Unocal proposed development (Tentative Tract Map 5274, at Alamos Canyon, south of 118 freeway), and any Moorpark College Master Plan. (All of these projects should be listed in the Study Area Cumulative Development Projects.) This comprehensive analysis should include, at the very least, the

¹CEQA guidelines 15130(b) states, in part: “The following elements are necessary to an adequate discussion of significant cumulative impacts:...(5) A reasonable analysis of the cumulative impacts of the relevant projects. An EIR shall examine reasonable, feasible options for mitigation or avoiding the project’s contribution to any significant cumulative effects.”

following areas: the area from active channel of the Arroyo Simi northward and eastward to the north and east boundaries of The Canyons project site, the Alamos Canyon interchange, northward and westward to the north and west boundaries of the North Park Village and Nature Preserve, including Happy Camp Canyon Park, and including the private land between the west end of the North Park Village project site and Happy Camp Canyon Park.

This analysis must include land ownership of properties within this study area, along with a figure showing proposed project boundaries. Mitigation measures must be identified in this comprehensive analysis with responsible entities and sources of funding identified. For example, it may be possible to conclude from this figure showing proposed project boundaries which areas are critical to avoid in order to provide an uninterrupted swath of habitat for animals to move on either side of SR-118. It may be necessary to reduce or modify project footprints, or acquire land for permanent preservation. This effort must also result in the organized accumulation of funding from all the project proponents whose projects will contribute to the reduced viability of the western Santa Susana Mountains core habitat and Alamos Canyon and Hidden Creek Canyon linkages across SR-118. This funding source must be used for meaningful mitigation measures, for example, by creating a new SR-118 freeway underpass, substantially enhancing existing SR-118 underpass(es), and/or acquiring critical parcels of land to ensure the maintenance of this linkage.

The results of this comprehensive analysis must be included in the CEQA document for the North Park Village (see CEQA guidelines 15130[b][5]). Alternately, it can be done for the CEQA document for another project, but in this case, the North Park Village Specific Plan CEQA document must include the results of that analysis.

The Conservancy recognizes that multi-project and multi-agency planning takes more effort than planning for one project in one jurisdiction. This comprehensive planning effort would include, among others, Northpark LP, Moreland Investments, the City of Moorpark, the City of Simi Valley, Caltrans, Ventura Community College District, and Unocal (the large landowner on the north side of Los Angeles Avenue). However, the only other approach consisting of considering the subject North Park Village project in a vacuum, is short-sighted and based on assumptions that other land in the area will remain undeveloped and suitable for wildlife movement.

Significance of site for coastal California gnatcatcher

The DEIR is deficient in that it failed to mention the regional significance of the project site for the coastal California gnatcatcher, a species listed as threatened by the U.S. Fish and Wildlife Service (USFWS). The DEIR also does not mention that most of the site is proposed as Critical Habitat (Unit 13) for the coastal California gnatcatcher by the USFWS (see Federal Register Vol. 68, No. 79, April 24, 2003).

According to this Proposed Rule, this Unit 13 includes the only known breeding population of coastal California gnatcatchers in Ventura county and incorporates high quality coastal sage scrub in Moorpark. Its primary function is as a regional source population for the species and as the east-west linkage of sage scrub habitat between the core population in Ventura county and pairs documented in the foothills of the San Gabriel Mountains. This unit encompasses the northern and western distributional extreme of the coastal California gnatcatcher's current range, and as such would act as a source population for any future recovery of the gnatcatcher population to the north and west. Peripheral populations are also important in that they may contain unique genetic or behavioral adaptations that may be important to the species as environmental conditions change through time.

Impacts to plant communities and riparian areas, without adequate avoidance and mitigation

The Conservancy concurs in concept with the idea of mitigating the loss of native plant communities and habitats by restoring habitat. However, the mitigation proposed in the DEIR for impacts to native plant communities is deficient. It does not provide the necessary specificity to provide reasonable assurance that the mitigation will offset the significant adverse impacts to these native plant communities. Given the extensive loss of coastal sage scrub, and other sensitive plant communities, that would result from this project, this specificity is clearly warranted in the CEQA document, as well as in the mitigation monitoring program.

The DEIR proposes to mitigate the loss of about 343 acres of coastal sage scrub (including Phase A and Buildout) by restoring 685 acres within the Nature Preserve. The DEIR is deficient in that it does not provide specificity regarding how the coastal sage scrub will be restored, where it will be restored, and what performance standards will be required. For example, staff assumes that the restoration would most likely occur within non-native grassland in the proposed Nature Preserve, of which there are about 419 acres. Ecologically, it would be better to maintain a mosaic of habitats (i.e., by retaining some

native grassland in the Nature Preserve), rather than type converting all of the non-native grassland to coastal sage scrub. In order to find about 685 acres to restore in the Nature Preserve, it is unclear if the project includes type conversion of other native plant communities in the Nature Preserve to coastal sage scrub, or if existing coastal sage scrub is proposed to be “restored”. If the project includes “restoration” of existing coastal sage scrub, then this is better characterized as enhancement, which provides a different value than true restoration. If the project relies partially on enhancement, then higher mitigation ratios should be required.

Also, the DEIR (p. 3.6-37) is confusing in that it refers to “seeding” and it refers to “hydroseed mix and container plants.” Again, the mitigation proposed in the DEIR for impacts to native plant communities is deficient because it does not clearly define the restoration method.

Also, the performance standard of “similar...percent cover and species diversity of adjacent existing habitat” (DEIR, p. 3.6-38) could be interpreted to mean 51% percent of adjacent existing habitat, or it could mean 90%, depending on who defines it. The DEIR is inadequate in that it does not clearly define the performance standards and the likelihood that these performance standards can be met.

In addition, the remedial measures that will be implemented if performance standards are not met, must be identified. The mitigation measures must define a set period of time for preliminary remedial measures (e.g., additional restoration) to be implemented if the performance standards are not met. For example, after five years of monitoring, with an additional two years to implement remedial measures and monitor, if the performance standards are still not met, additional land supporting coastal sage scrub – equivalent to the acreage which did not meet the success criteria – should be acquired and preserved in perpetuity. This acquisition must be adjacent to permanently preserved open space land, and it must be demonstrated that it supports a configuration that will likely allow the natural plant and wildlife communities to persist over time (e.g., it should not be a linear strip of land surrounded by development).

Similarly, with respect to the proposed restoration of 69 acres of native grassland, the DEIR is inadequate in that it does not provide the necessary specificity to provide reasonable assurance that the mitigation will offset the significant adverse impacts to this native plant community. The additional specificity identified above for coastal sage scrub must also be provided for native grassland. This specificity must also be provided for the proposed mitigation for the loss of 709 oak trees. Impacts to the distinct oak woodlands (e.g., oak

woodland, oak savanna, oak chaparral, etc.) must be differentiated and the mitigation ratio (i.e., how many acres would be restored/preserved for each acre to be impacted) for each oak community must be defined. The locations for oak restoration must be shown and must be in an ecologically viable configuration. For example, planting oaks along residential streets does not mitigate the loss of oak woodland values as wildlife habitat.

Clearly, it is challenging to try to fit such a large amount of proposed restoration into the Nature Preserve while trying to maintain ecologically functioning habitat. The project must be modified to avoid some of these impacts to native plant communities (e.g., by reducing the project footprint at the eastern project edge). This approach of avoidance of significant adverse impacts is more in concert with the intent of CEQA and would make any mitigation/restoration requirements more feasible, less costly, and easier to implement.

With respect to impacts to about 5 acres of U.S. Army Corps of Engineers jurisdiction and 25 acres of CDFG jurisdiction, the DEIR is inadequate because the acreage to be restored has not been identified. Again, the specifics identified above for coastal sage scrub restoration must be included for riparian and wetland restoration. Relying on defining these specifics in permits to be obtained later, is insufficient mitigation in a CEQA document.

Impacts to vernal pools

It appears from Exhibits 3.6-4 and 3.8-5 in the DEIR that the Project Impact Buildout Area would abut, or almost abut, the existing vernal pool in the southeastern portion of the project area. Another vernal pool is located to the north of the proposed residential area, within the proposed Nature Preserve. The DEIR (p. 3.6-34) states that the vernal pools on the project will not be directly impacted by the project. The DEIR states that indirect impacts, such as hydrological changes, may be incurred during construction of the water tank, but that project design features, which include contour grading, would reduce this impact to a less than significant level. (We presume that this statement refers to the vernal pool in the southeast corner of the project area, as appears to be shown on Exhibit 3.8-5.) This analysis is confusing and incomplete and makes it impossible for the reviewer to conclude that any impacts to the vernal pool will be mitigated to a level of less than significant.

The DEIR does not identify how close (i.e., how many feet) any grading or other land disturbance (e.g., from any water tanks, the construction of the Moorpark College Interchange and access road, etc.) will be situated with respect to the two vernal pools onsite. The DEIR did not identify how the proposed buildout would cause hydrological

changes in the vernal pool and how those changes would be manifested. It is critical to identify the existing sources of water to the vernal pools, how slopes surrounding, and in the vicinity of, the vernal pools will be altered, and how the water regime and water quality of the vernal pools will be affected. The CEQA document must specifically prohibit any equipment from passing over the vernal pools even temporarily. Also, adequate buffers must be proposed around the vernal pools, such that development and human activity do not adversely affect the vernal pools. The CEQA document must identify how increased public access will affect these vernal pools. Finally, because the DEIR states that indirect impacts may occur to the vernal pool, it appears prudent that surveys be conducted for Riverside fairy shrimp in order to determine if this federally-listed species may be impacted.

Biological impacts resulting from proposed retention basins

According to Exhibit 3.8-8, many of the proposed retention basins would be located within native plant communities, including within the existing canyons such as southern coast live oak riparian forest, coastal sage scrub, and chaparral. Clearly, the ecological function of these canyons would already be greatly reduced because development would abut these canyons with no ecological buffer. Placement of retention basins within these canyons further degrades the current ecological values and functions of these canyons. The Conservancy strongly recommends a reduction in the project footprint to protect more of these canyons.

In any case, these proposed impact areas resulting from the retention basins must accurately be shown on a figure, depicting all impacts to vegetation communities (for example, it may be appropriate to modify Exhibit 3.6-4). Table 3.6-4 should also accurately reflect these anticipated impacts. In addition, the CEQA document should identify how these retention basins will be managed and whether they will be fenced, thus impeding accessibility for wildlife.

Phasing and timing of project construction

The project is proposed as Phase A, generally along the eastern side of the project site and Buildout (Phases B and C and implementation of the Moorpark College interchange), roughly the western and central portions of the project site. The Conservancy recommends that the possibility of implementing the first phase of the project along the western side of the project site, rather than the eastern side, be addressed. The need to construct the eastern portion first must be explained. The eastern side of the project supports more sensitive biological resources (e.g., oak woodland drainages) and it is closer to the primary

wildlife movement areas (Hidden Creek and Alamos Canyon) than the western side. If economic market conditions delay or prohibit complete implementation of all of the phases of the project, it would be better from an ecological standpoint to limit the development to the western side of the project site.

The DEIR (p. 2-5) states that Phases B and C are proposed to only be *permitted* upon the completion of an access road and interchange from SR-118 to the Specific Plan site (italics added). Specifically, Exhibit 2-11 indicates that the Specific Plan prohibits *the issuance of occupancy permits* in Phase B until the interchange is completed (italics added). It is absolutely necessary that the Specific Plan and CEQA document be changed to specify that *the vegetation removal or grading for Phase B or C shall not commence until the interchange and access road have been constructed and completed*. This would prevent irreversible ecological damage (e.g., by grading for Phase B residential development), in the case that the interchange cannot be successfully built for any reason.

The schedule for development implementation shown on pp. 2-20 to 2-21 of the DEIR shows that Phases B and C could occur concurrently with the implementation of Phase A. In fact, based on this schedule, Phase B could be completed prior to completion of Phase A. (According to Exhibit 2-11, the phasing plans depict the development of the interchange as part of Phase B; however, according to the Specific Plan (pp. 72-73), grading for the new Moorpark on/off ramp and community entry road would be concurrent with Phase 1 construction.) This schedule must clearly show when grading and construction would occur for the interchange and access road, and the schedule must show that the grading and construction for the interchange and access road will be completed *prior to* vegetation removal or grading of the residential areas in Phases B or C.

Phasing and timing of dedication of the Nature Preserve

The DEIR indicates that 1/3 of the Nature Preserve (707 acres) would be conveyed to the City of Moorpark as part of Phase A (DEIR, p. 2-5, 2-6). Another 707 acres would be dedicated as part of Phase B, and another 707 acres would be dedicated as part of Phase C (DEIR, p. 2-9), for a combined total of 2,121 acres (for Phases A, B, and C). The DEIR is inadequate in that it does not show the location of each dedication for each phase. The 1/3 of the Nature Preserve to be dedicated as part of Phase A must include the eastern edge of the project site and must be an ecologically-viable configuration. If later phases of project are delayed, at least this initial dedication must be able to stand-alone as an ecologically-viable subunit that is adjacent to other open space.

The Conservancy emphasizes that these dedications must be fee title dedications to an appropriate public entity capable of managing open space for resource protection and recreational use, such as MRCA, to guarantee that the biological resources in the dedication areas are not adversely affected in the future. (See “Protection of open space in the Nature Preserve” on p. 14 of this letter.) In all cases, a CEQA mitigation measure must require that every acre of the open space dedication remain as natural open space in perpetuity, to prevent future land use changes for active park uses. To ensure adequate protection of any fee title dedication, a mitigation measure must specify that fee title shall be legally transferred to such agency for each phase prior to vegetation clearing or grading on the site for that phase.

In addition, the CEQA document must specify any water rights that run with a land dedication or that would be reserved by other entities. An analysis of any potential impacts to water in the Nature Preserve (e.g., by any proposed wells) must be addressed.

Need for project modifications and adequate alternatives analysis

The Conservancy strongly recommends that the proposed project be modified to reduce significant adverse impacts to biological resources (e.g., compromised wildlife movement, loss of gnatcatcher habitat, loss of native plant communities, loss of raptor foraging habitat, development abutting oak woodlands, etc.). Again, this must be based on a comprehensive analysis of impacts to wildlife movement north and south of SR-118, that addresses the project site, and the other key properties and proposed projects in the area. For example, at the very least the project should be reduced at the eastern edge of the project site, as described in the Conservancy’s February 25, 2002 letter.

The existing alternatives analysis is deficient in that it does not provide a reasonable range of alternatives that are capable of avoiding or substantially lessening any significant impacts. One inaccuracy in the DEIR is that the DEIR claims that the project results in only one significant impact to biological resources after mitigation is implemented (i.e., loss of raptor foraging habitat). As stated in this letter, numerous significant adverse impacts to biological resources will result from this project, and the alternatives must be designed to avoid or substantially lessen those impacts.

The Conservancy recommended in the February 25, 2002 letter that several alternatives should eliminate Planning Units 3 and 4, and most of 5 at the eastern edge of the project site. (These have been renumbered in the DEIR and roughly represent elimination of the following newly numbered Planning Areas in the DEIR: 1, 2, and 3, and most of Planning

Areas 4-8, 28-31, 57, and 58.) Design Alternative 2 in the DEIR (p. 4-30), proposes elimination of Planning Area 1, and the eastern half of Planning Areas 2 and 3, and an extension of the project to the west. The DEIR states that the applicant is unwilling to increase the size of the Nature Preserve, so the applicant assumed continued use of this area of existing oil production and cattle grazing.

Even though the DEIR is a City of Moorpark document, and not the applicant's document, the applicant's willingness or unwillingness to accommodate project modifications should not drive the alternatives analysis. The Conservancy maintains that the current project must not be approved, and meaningful alternatives that avoid or substantially lessen project impacts must be analyzed. This would give the applicant options if his proposed project is denied by the City. The Conservancy recommends that any additional areas that are proposed to be avoided be included in the Nature Preserve in the Design Alternative 2, and other appropriate alternatives. The Conservancy continues to recommend alternatives which avoid the other Planning Areas at the eastern edge of the project as well (Planning Areas 1, 2, and 3, and most of Planning Areas 4-8, 28-31, 57, and 58).

In our February 25, 2002 letter, the Conservancy also recommended an alternative which eliminates the recreational lake because the water required for such a project may be incompatible with the water supply capacity of the region. Design Alternative 1 eliminates the lake from the project (DEIR, p. 4-27), and retains the same number of units as the proposed project. The additional area would be used for housing and additional open space areas. (The Conservancy notes that the open space designation allows for significant disturbances, including grading [DEIR, p. 2-15], compared to the Nature Preserve designation.) Eliminating the lake itself does eliminate this extra need for water. The Conservancy recommends that this alternative reduce the number of units, and redistribute the remaining units so that additional area is available for permanent preservation *in the Nature Preserve* at the eastern end of the project. "Recreation lake" should be eliminated from the project objectives. In any case, even if alternatives do not meet all the project objectives, they can still be considered.

As stated in our February 25, 2002 letter, we urge the City to make its decision on alternative projects' economic feasibility based on nothing less than an independently prepared economic analysis.

Protection of open space in the Nature Preserve

The DEIR states that 2,121 acres would be “retained” (p. 2-15), “dedicated” (3.6-31), or “preserved” (p. 3.6-35) in a Nature Preserve, and “conveyed to the City of Moorpark” (p. 2-5). Furthermore, “[t]he size of the open space cannot be changed without an affirmative vote of the electorate of the City of Moorpark” (DEIR, p. 1-19). The DEIR (p. 3.6-44) also states that an appropriate plan for the management of the Nature Preserve shall be submitted to the City of Moorpark, and the DEIR (p. 3.6-35) lists the management activities. Again, these mitigation measures are vague and do not adequately offset the project impacts.

Similar to our comments in our February 25, 2002 comment letter on the NOP, the DEIR is inadequate in that it does not include in the mitigation program a requirement to dedicate in fee all of the proposed Nature Preserve area to an appropriate public entity capable of managing open space for resource protection and recreational use. No other action provides adequate permanent protection of the land. The MRCA, the Conservancy’s joint powers partner, would be an appropriate entity to accept this dedication. The proposed project and every CEQA alternative must include this requirement. If fuel modification is required on any public open space, easements should be provided in favor of the development entity to allow for privately funded fuel modification on public land.

Also, it is critical that any restoration/mitigation areas are permanently preserved through dedication to an appropriate conservation agency, or by recordation of overlapping conservation easements to the City and to an appropriate conservation entity (e.g., MRCA, CDFG).

Permanent funding for open space management

The DEIR should incorporate a Landscape Maintenance District, or sufficient funds from the developer (e.g., in the form of a non-wasting endowment), in the mitigation measures to fund maintenance of the open space. Open space dedications are a form of mitigation. For such mitigation to stand the test of time, it must be protected and in some cases actively managed. A complete open space mitigation package must include maintenance funding. The proposed project and every CEQA alternative must require that the funding mechanism be established prior to grading or vegetation removal. Because of the proposed phasing of the project, it may be appropriate to require the establishment of 1/3 of the endowment, for example, prior to grading or vegetation removal for each of the three phases.

For a sense of scale, a 100-acre open space dedication adjacent to a housing development should fund a minimum of \$10,000 a year, in perpetuity. With larger acreage dedications

there is an economy of scale. We estimate that approximately \$35,000 annually would be the minimum needed to manage an approximately 2,000-acre proposed preserve. This would include, among other things, ranger staffing, monitoring of recreational uses, enforcement, and protection of the ecological resources onsite. For reference, *a one time* \$500 per-unit contribution to an open space fund, at a 1,500-unit level, would generate a \$750,000 endowment which would provide \$35,000 annually in perpetuity. Likewise, to fund \$35,000 annually, each of 1,500 theoretical units would only need to pay \$24 annually through an assessment district.

Proposed public trails

The project must include public trails that provide easy access to the Nature Preserve, accompanied by public parking. It is unclear from Exhibit 2-18 whether the public can access the south end of the Nature Preserve through the proposed development, or if the “neighborhood entry cottages,” or any gates, would limit public access. It is unclear if the only proposed public access to the Nature Preserve is at the eastern edge of the project site, and from the north of the proposed development. The only sound public policy is to allow public access through the proposed development, and public parking, in several areas near the north end of the proposed development. This figure must be modified to show exactly where the public could drive and park to access the public trails in the Nature Preserve.

View impacts from Happy Camp Canyon Park

The DEIR (p. 3.2-11) states that views from trails in the hills of the Specific Plan site and Happy Camp Canyon Regional Park are anticipated to be altered by implementation of Phase A and Buildout. The DEIR is inadequate in that it does not show views from Happy Camp Canyon Park. Before and after views from at least two locations along trails from Happy Camp Canyon Park, including any view that would be most adversely affected, must be included.

Inaccurate mapping of Happy Camp Canyon Park

The border of Happy Camp Canyon Park is inaccurately depicted on Exhibit 3.2-2 and should be corrected.

Watershed planning

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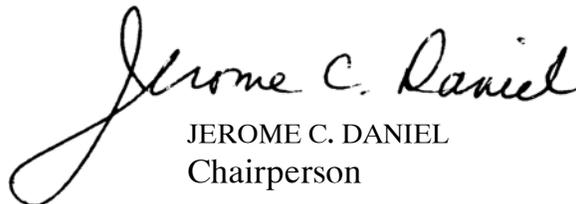
The CEQA document should explain how this project will be consistent and compatible with the current multi-agency watershed management planning efforts for the Calleguas Creek Watershed.

Clarification needed regarding property ownership

Exhibit 2.7 shows that part of the 118 freeway, and the area for the proposed access road, is owned by Moreland Investments. The CEQA document must disclose the relationship between Moreland and Northpark LP, as well as any and all rights that Caltrans has over the Moreland Investments property.

As this letter indicates, the Conservancy has numerous serious concerns with respect to this project. The Conservancy recommends that the City prepare a greatly revised DEIR with a revised project and alternatives and recirculate it for public review. Thank you for your serious consideration of these comments. Please direct any questions or future correspondence to Paul Edelman of our staff at (310) 589-3200 ext. 128.

Sincerely,



JEROME C. DANIEL
Chairperson

Literature cited

Haas, C. and K. Crooks. 1999. Carnivore, Abundance and Distribution Throughout the Puente-Chino Hills: Final Report. Prepared for the Mountains Recreation and Conservation Authority and State of California Department of Transportation District 8.

Meffe, G.K., R.C. Carroll, and contributors. 1997. Principles of Conservation Biology. Sinauer Associates, Inc. Sunderland, MA.