

WILDLIFE CORRIDOR CONSERVATION AUTHORITY

407 W. IMPERIAL HWY, SUITE H, PMB 230, BREA, CALIFORNIA 92821

TELEPHONE: (310) 589-3230

FAX: (310) 589-2408

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September 1, 2004

Jeff Adams
City Planner
City of Chino Hills
2001 Grand Avenue
Chino Hills, California 91709-4869

This letter was previously sent
by WCCA.

Comments on Notice of Preparation for Vila Borba Project (Tentative Tract Maps 15989, 16413, 16338, and 16414)

Dear Mr. Adams:

The Wildlife Corridor Conservation Authority (WCCA) has reviewed the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Vila Borba project, Tentative Tract Maps (TTMs) 15989, 16413, 16338, and 16414. WCCA was created for the proper planning, conservation, environmental protection, and maintenance of the habitat and wildlife corridor between the Puente-Chino Hills and the Cleveland National Forest in the Santa Ana Mountains. WCCA commented on this project in a February 1, 2000 letter to the U.S. Army Corps of Engineers (Corps), and in March 21, 2001 and May 2, 2001 letters to the City. WCCA concurs with the determination of the City that an EIR is the appropriate document for this project.

The 336-acre project site is located just west of the Chino Valley Freeway (State Route 71 [SR-71]) (NOP, p. 1). The property abuts Chino Hills State Park (NOP, p. 15). Butterfield Ranch Road bisects the central portion of the site. At least three Southern California Edison easements traverse the property (p. 9). The project consists of four TTMs, including a maximum of 631 dwelling units and five acres of commercial land. The project includes 62.59 acres of improved open space and 155.46 acres of natural open space (p. 2). A General Plan Amendment and rezoning is proposed for Planning Area 4 to change it from existing commercial land to high-density multi family zone (RM-2). Permitted residential densities would be transferred from Planning Areas 1, 2, and 3 to Planning Area 4. The property is currently used for cattle grazing (p. 1).

Based on staff's initial analysis, it appears that the currently proposed project is quite similar to previously proposed projects for this site (i.e., Tracts 15989, 15987, 16988, and perhaps 15698 or 15696). However, Planning Area 1 of the currently proposed project appears to intrude further towards the western property boundary (presumably for a water tank), than the previously proposed project.

East of SR-71 is extensive open space of Prado Basin with substantial populations of several state and/or federally listed species, including the second largest extant population of least Bell's vireo (listed as endangered by the U.S. Fish and Wildlife Service) (NOP, p. 15). According to the U.S. Fish and Wildlife Service (as explained in USFWS 2001), the maintenance of wildlife corridors and associated connectivity within the Prado Basin/Chino Hills/adjacent Santa Ana River is essential to preserving, over time, the ecological integrity and function that sustains the local population of vireos and a vast array of other sensitive species that are rare or absent throughout the remainder of western Riverside and San Bernardino Counties.

WCCA is acutely aware of the wildlife habitat and wildlife movement issues with respect to the proposed project. Too many poorly informed land use decisions have occurred in this critical transition zone between Chino Hills State Park and Prado Basin. The fragility of the few remaining habitat linkages between the Caltrans installed-wildlife culverts under SR-71 and the State Park warrant a firm stance on any further reduction in this corridor capacity. To date, there is not one fully protected habitat linkage between these two areas. Butterfield Ranch Road is a constraint that must be dealt with, but it is not an insurmountable wildlife movement obstacle by any count.

The project does not correspond to the ecological constraints of the site, including wildlife movement, Corps jurisdictional areas, least Bell's vireo, four red-tailed hawk nests, habitat for other raptors (e.g., white-tailed kite, golden eagle), and sensitive plant communities such as Riversidian sage scrub. The regional implications of severing the described habitat linkage are severe. WCCA emphasizes that the proposed project does not adequately avoid significant impacts to biological resources, and specifically to wildlife movement.

Need for project modifications and adequate alternatives

The project must be modified to ensure functional wildlife movement through the site between Prado Basin and Chino Hills State Park. The project must be modified, or at the very least, the DEIR must include a feasible alternative with the following modifications. The east drainage (on the east side of Butterfield Ranch Road) should be completely avoided, which would likely result in the deletion of the majority of Planning Area 3. The only way to maintain the ecological function or viability of the drainage course is to provide an adequate buffer. The only way to maintain an adequate buffer is to exclude all development in this alternative between the drainage and the large Southern California Edison easement immediately to the north. In addition, no fences, non-native landscaping or any structures can be permitted within 100 feet of the southern boundary of the Corps jurisdictional boundary.

WCCA emphasizes that all project alternatives must explicitly provide for functional wildlife

movement between Prado Basin and Chino Hills State Park. Specifically, the project and alternatives should be designed such that any remaining areas of natural habitat are not habitat islands (i.e., surrounded by development).

Need for effective mitigation measures regarding habitat restoration and open space preservation

The DEIR must include a discussion regarding the feasibility and compatibility of any proposed mitigation areas (i.e., habitat restoration or land preservation), in light of existing easements. Open space mitigation areas that rely on areas with existing easements (e.g., utility) could be disturbed in the future from those uses permitted in those easements. Open space mitigation areas must include substantial areas that will not be disturbed from those uses in the future.

Specific mitigation measure should be identified to offset permanent loss of sensitive plant communities, including riparian areas and Riversidian sage scrub. Specific location(s), schedule(s), and acres of mitigation areas should be outlined in these mitigation measures. It is inadequate mitigation in a California Environmental Quality Act (CEQA) document to rely on the future obtainment of permits from regulatory agencies.

The DEIR must include a mitigation measure which requires all, or most of, the ungraded natural open space (excluding fuel modification areas) be dedicated in fee simple to a public conservation agency. Agencies such as California Department of Parks and Recreation or WCCA are possible recipients. If fuel modification areas were included in this fee title dedication, the homeowners association must be granted an easement to conduct fuel modification within the dedication area in order to preclude the need for the public conservation agency to pay for it. Alternately, at a minimum, the DEIR must require the recordation of overlapping conservation easements to the City and a public conservation agency. The DEIR should specify that the open space shall be transferred in fee title to a public conservation agency, or the conservation easements shall be recorded *prior* to any vegetation clearing or grading.

The FEIR must specify when any habitat restoration will be implemented. To maximize the benefit of the restoration for those resources to be impacted, it is preferable to implement the restoration prior to the impacts (e.g., vegetation removal or grading). This may not always be possible. The FEIR should state that the planting shall commence prior to the initiation of grading if possible, and all plants shall be installed within six months of the initiation of grading or construction.

The DEIR must specify a permanent funding source for management of the open space. Possible funding mechanisms include a non-wasting endowment set up by the developer or a community facilities district.

Need for compatibility with Chino Hills State Park General Plan

The DEIR must include a discussion regarding the compatibility of the project with the Chino Hills State Park General Plan. Modifications to the project must be incorporated to avoid any incompatibilities with this Plan. The DEIR must include line-of-sight before and after photos from Chino Hills State Park, in locations where the project will be visible from the Park.

Other comments

The DEIR should include an aerial showing the property boundaries onsite and in the vicinity. This aerial should identify open space connections through and near the project. On this aerial, or on another figure, the boundaries, ownerships, and existing and proposed land uses of all surrounding properties should be depicted. This figure should include protected public open space (e.g., Chino Hills State Park) and unprotected open space (e.g., private land).

The DEIR must include maps of vegetation types present onsite overlain with the proposed development boundary and that of each relevant DEIR alternative. All areas associated with the development should be shown on this figure, including fuel modification areas, grading, roads, water tanks, utilities, etc. Tables should be provided showing the acreage of each vegetation type to be impacted and preserved.

The DEIR must clearly identify what acreage of natural open space onsite would be preserved for each DEIR alternative. Only natural open space that is not disturbed by the project should be calculated into this amount, and other uses (e.g., water tanks, utilities, fuel modification, roads, graded areas, etc.) should be excluded from this amount. Any easements overlain on "open space" must be explicitly identified on a figure and these areas should be quantified.

The DEIR must explicitly state whether permits and approvals for the project are valid or have expired, and whether the project is consistent with any existing unexpired permits. This information is necessary in the DEIR because any mitigation approved by other agencies, will likely influence the mitigation proposed to satisfy CEQA documents.

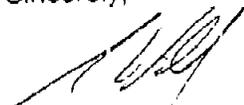
The NOP (p. 15) states that the issue of potential conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance will not be discussed in the EIR. Although the project may not conflict with the City's Tree Preservation Ordinance, WCCA assumes that impacts to native and non-native trees will be addressed in the DEIR and appropriate avoidance, minimization, and compensation measures will be proposed in the DEIR. Non-native trees such as eucalyptus, can provide nesting habitat for raptors (e.g., red-tailed hawks).

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The DEIR must disclose that the property supports numerous least Bell's vireo (seven vireos and two fledglings; USFWS 2001). The DEIR must also disclose the acres and linear feet of impacts to California Department of Fish and Game and Corps jurisdictional waters. Previous versions of the project would have resulted in the loss of about 9,500 feet of Corps jurisdictional waters.

To reiterate, the project must be modified to explicitly provide for functional wildlife movement between Prado Basin and Chino Hills State Park. All project alternatives must also provide this assurance. In addition, the DEIR must include mitigation measures with adequate specificity to ensure permanent protection of open space and restoration areas. If you have any questions, please contact Judi Tamasi of our staff at the above address, or by phone at (310) 589-3200, ext. 121.

Sincerely,



Steven A. Feld
Chairperson

