

WILDLIFE CORRIDOR CONSERVATION AUTHORITY

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August 30, 2006

Ann J. Lungu, Associate Planner
City of Diamond Bar
Community Development Department
Planning Division
21825 Copley Drive
Diamond Bar, California 91765

DRAFT

Comments on Mitigated Negative Declaration No. 2006-03 for Vesting Tentative Tract Map No. 54081, Brea Canyon Watershed

Dear Ms. Lungu:

The Wildlife Corridor Conservation Authority (WCCA) provides the following comments on the Mitigated Negative Declaration (MND) No. 2006-03 for Vesting Tentative Tract Map (VTTM) No. 54081. WCCA was established to provide for the proper planning, conservation, environmental protection, and maintenance of the habitat and wildlife corridor between the Whittier-Puente Hills and the Cleveland National Forest in the Santa Ana Mountains.

Some basic information regarding the extent of impacts to biological resources was missing or not clear in the MND. WCCA recommends that the MND be revised and recirculated for public comment with this additional information. At the very least, a supplement staff report should be provided to the Planning Commission or City Council with this information, once the project is considered for approval. Without this information, it is quite difficult for public reviewers and decision makers to understand the real impacts of the project and to make meaningful comments regarding possible alternatives or project modifications. In addition, WCCA recommends that some mitigation measures be modified.

For example, it is not clear how many native walnut and oak trees would be impacted by the project (by removal of trees and by encroachment), including from the direct project footprint, grading, and fuel modification. Page 2-10 of the MND states that approximately 98 trees (including approximately 36 oaks and 62 walnut trees) would be removed. Page 2-8 states that 202 trees were identified in the grading limits, and approximately 27 trees were in the 50-foot buffer zone and could be affected. Page 4-10 refers to 269 trees that would be cut, removed, relocated or damaged. The MND (p. 4-10) states that the site contains 11.5 acres of mixed community of California walnut woodland and coast

live oak woodland. The MND should clearly state how many acres of this woodland would be impacted by all aspects of the project. Mitigation measure No. 4 requires a revised protected tree survey. This is deferring the evaluation of environmental impacts. This "mitigation" measure that requires an evaluation of environmental impacts does not satisfy the intent of the California Environmental Quality Act (CEQA).

A figure should be included in the MND showing the extent of vegetation communities overlain on the project and grading footprint and fuel modification boundaries. In addition, the MND should explicitly state how many acres of open space would remain, including how many acres of undisturbed open space.

WCCA concurs with several aspects of the tree mitigation plan (Mitigation Measure No. 5, pp. 4-11 to 4-12) such as "seek[ing] to establish a natural, viable plant community" and that the "plan shall...be designed to mitigate not only the loss of individual protected trees but also the loss or diminishment of the existing southern coast live oak and California walnut woodland habitat located on and adjacent to the project site."

However, additional specificity for the tree mitigation plan should be included upfront, in the MND. A schedule for planting should be proposed and should be enforceable. Otherwise, it is unclear when the restoration would be implemented (e.g., within one year, 10 years, 50 years?). To maximize the benefit of the restoration for those resources to be impacted, the trees (if installed off the impact area) should be installed prior to the vegetation removal or grading, or within six months of the initiation of grading or construction. Restoration to occur within the project impact area should occur as soon as possible, but before the issuance of the certificates of occupancy.

In addition, proposed locations for restoration should be included in the MND. At this time, it is not clear that there are available and suitable areas onsite, and/or offsite, to accomplish the proposed restoration.

WCCA concurs that grading should occur outside of the breeding bird season (p. 2-10). If tree removal occurs during grading season, a breeding bird survey should be conducted. A buffer of 100 feet is not typical for construction near raptor nests. A buffer of at least 500 feet should be required for raptor nests, if construction cannot be avoided during nesting season.

The MND (p. 2-2) states that no public dedication or conveyance of any of the four "open space" lots is currently proposed. However, Strategy 1.5.6 of the Land Use Element of the City's 1995 General Plan mandates the dedication of those [significant environmental] resources to the City or a conservancy (p. ES-4). Sometimes the management goals of a Homeowners' Association are in conflict with the maximum protection of the open space. WCCA recommends that the undisturbed open space be dedicated in fee simple to a

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public conservation agency. Fuel modification areas could be dedicated to a public conservation agency, if easements are granted to the Homeowners' Association. If a fee title dedication is not possible, a conservation easement should be recorded in favor of a public conservation agency and the City.

The subject site is adjacent to an area proposed as open space as part of the Aera Master Planned Community. An open space dedication on the VTTM No. 54081 site would be complementary to any adjacent open space preserve that may ultimately result on the Aera property.

The MND (p. 2-2) states that a 20-foot-wide "public access easement" is depicted at the end of Street "A," abutting the adjoining property to the south, in order to provide for emergency access. The MND should be explicit regarding whether this could be growth-inducing, by facilitating access to property to the south.

Please provide us any revised CEQA documents and any notices of hearings for this project. Thank you for the opportunity to comment. 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,

Bob Henderson
Chairperson