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Department of Regional Planning
Impact Analysis Section, Room 1348 *Draft*
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**Draft Environmental Impact Report for Copper Creek South project, VTTM No. 43589
(SCH No. 99101054), Bouquet Canyon area**

Mr. Silvas:

The Santa Monica Mountains Conservancy offers the following comments on the Draft Environmental Impact Report (DEIR) for the Copper Creek South residential project, Vesting Tentative Tract Map (VTTM) No. 43589.

Although partially bounded by development, the subject 75.5-acre property is directly integrated with the Angeles National Forest ecosystem to the north. The Conservancy is discouraged that the DEIR concludes that a project that eliminates 17 acres of National Forest proximate coastal sage scrub and includes a 65-foot-wide, one-third of a mile long access road with a quarter-mile-long, 400-foot-deep, and 150-foot-high cut into a mountain to provide access to a related 484 unit project would not result in unavoidable significant adverse impacts. Both projects are owned by the same entity and have simultaneous CEQA review periods. The subject 31-unit project would also cut 139,000 cubic yards of earth and receive 450,000 cubic yards of fill from the proposed Copper Creek North project (VTTM 47760). It would also completely fill and bury a blueline stream that drains 106.7 acres upstream habitat offsite and dozens of acres onsite.

The DEIR is deficient because it includes no less damaging alternative to reduce these significant landform alteration and coastal sage scrub significant impacts. The sum of the proposed ecological measures do not mitigate for the loss of coastal sage scrub at all. They are all speculative and depend on Homeowner's Association cooperation and funding without adequate oversight.

Proposed "E" Street through the project (connector to Copper Creek North) could bend slightly west where it is proposed to join Ranch View Terrace or Ranch View Terrace could

be eliminated to eliminate the need for the 400-foot-deep, and 150-foot-high cut into a mountain. The whole tone of the DEIR is that because the revised project is better than a 1998-2004 project addressed in a prior DEIR that that fact alone means the proposed project has adequately avoided and reduced impacts. The project must be analyzed by its current stand alone impacts, not relative to some prior project defined on paper.

If the County certifies the subject DEIR it would for all intents and purposes endorse an arbitrary and unscientific threshold for the assessment of impact significance. The below quoted conclusions from the DEIR already validate the use of a longstanding arbitrary threshold of ecological significance for projects in the subject portion of unincorporated Los Angeles County. That arbitrary and fully unsupported approach to determining impact significance has perpetuated unprecedented qualitative and quantitative ecological damage in the upper Santa Clara River watershed. Environmental conditions have changed because of this cumulative development and development approval. The ecosystems on the southern flank of the Angeles National Forest are more imperiled. To automatically continue to conclude in EIRs that projects eliminating 35 acres of mostly quality sensitive habitat with just a laundry list of band aid mitigation measures (that have little enforceability with current County development fee structures), does not provide adequate scientific or even speculative analysis of potential cumulative ecological impacts. Two examples follow.

Page 4.5-5 of the DEIR states:

“While it is recognized that cumulatively impacts to the regions biological resources are significant, it was determined that the County of Los Angeles does not consider a project of this size, with approximately 61% fo the site preserved as natural open space, to be a significant contributor to the cumulative impacts to biological resources in the region.”

The final sentence of the DEIR biological section states,

“Based on current standards and precedents for CEQA determination in Los Angeles County, the individual and cumulative impacts to biological resources on V.T.T.M. 43589 would be reduced to less-than-significant levels with the implementaion of the aforementioned mitigation measures and a lesser project footprint than was depicted in previous plans.”

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What then is the acreage impact threshold to reach a level of significance? Can a DEIR be adequate with such a sweeping assertion or proclamation and no supporting facts or analysis? The DEIR shall remain deficient until such analysis is included.

We assert that just having an Open Space Management Plan approved by Regional Planning and requiring an undetermined amount of money to implement is not a complete and enforceable mitigation measure. The same argument of DEIR deficiency applies to the proposed stream restoration plan to be approved by Regional Planning prior to grading. The same lack of adequate funding for oversight of topsoil salvaging is apparent. These types of mitigation measures are helpful but there is no adequate enforcement mechanism that they will occur. For this reason, impact avoidance must first be used to achieve an adequate reduction in impacts. Any necessary funding for mitigation enforcement must be permanently imbedded in all relevant Landscape Maintenance Districts, Community Facilities Districts, and CC & Rs.

Likewise permanent maintenance funding mechanisms to ensure that the open space is adequately protected must be permanently imbedded in all relevant Landscape Maintenance Districts, Community Facilities Districts, and CC & Rs. In addition, the only way to guarantee both the permanence and protection of open space is for it be transferred in fee simple to a public park or open space agency with an ironclad permanent funding source.

For mitigation purposes, the purchase by the applicant of riparian habitat must also require at a minimum a conservation easement, or better, fee simple transfer of land - whatever is preferred by the public agency.

One of the DEIR project objectives is to, "Retain and rezone approximately 56+ acres of the site as permanent, public open space." The DEIR shall remain deficient until it includes a well defined mechanism to dedicate public open with adequate maintenance funding.

Another deficiency in the DEIR is that it does not adequately disclose that VTTM 47760 (Copper Creek North) is part of the same project per CEQA. Copper Creek North currently has a DEIR in circulation. The impacts of the two projects must be considered as a whole project and the mitigation measures must address both elements of the otherwise piecemealed project. The main component of Copper Creek South is to grade down a mountain to create a 65-foot-wide access road to Copper Creek North and then to accept 450,000 cubic yards of fill from Copper Creek North. The two projects are inextricably linked.

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Thank you for your consideration of these comments. Please direct any questions and all future correspondence to Paul Edelman, Deputy Director for Natural Resources and Planning at the above address and by phone at (310) 589-3200, ext. 128.

Sincerely,

RONALD P. SCHAFFER
Chairperson

cc: State Clearinghouse