

SANTA MONICA MOUNTAINS CONSERVANCY

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June 1, 2009

Anita Gutierrez
Los Angeles County Department of Regional Planning
320 West Temple Avenue
Los Angeles, California 90012

Request for Additional Conditions
R2008-00576-(3) ROAK200800016-(3)
3052 Triunfo Canyon Road - Triunfo Creek

Dear Ms. Gutierrez:

The proposed project to put a three hundred-foot-long concrete culvert crossing across Triunfo Creek may not seem so damaging at first glance. However such crossings approvals are increasingly rare in the Santa Monica Mountains particularly across a major stream that is tributary to Malibu Creek. It is a loss to the public trust that the California Department of Fish and Game's work load allowed this project to advance without the benefit of a Streambed Alteration Agreement.

Essentially the proposed 30-foot-wide concrete crossing would bifurcate the ecology of a major stream. As described in the biota section of the Initial Study, this a floristically sensitive area and a de facto wildlife corridor. Because the County biologist survey of site was at the height of the dry season, the full extent both plant and animal species potentially directly impacted is unknown. The only mitigation measures in the Initial Study call for a 2:1 oak tree replacement ratio. This level of mitigation is insufficient because it does nothing to address the direct loss of an eighth of an acre of stream habitat and in direct adverse impact to several thousand additional square feet. The Initial Study also does not address potential adverse geomorphological impacts on the creek bed.

The presence of both a directly adjacent similar crossing, and others such crossings upstream in Triunfo Creek, in no way obviate the need to adequately mitigate the proposed project. Because the applicant appears not to own or control any additional land in the Triunfo Creek riparian corridor there is no way to exact commensurate riparian mitigation. The only options are to require the permanent protection and enhancement of the closest applicable upland habitat.

The Conservancy urges the County to require a condition to permanently deed restrict: 1) an area a minimum of 100-foot-wide along the entire northern parcel boundary (from the

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eastern boundary to western boundary) and 2) along the entirety of the western boundary (from the northern boundary to the proposed new crossing). Clearly the 100-foot width will not be possible as the restricted area approaches the crossing. Only existing roads and the new proposed access road would ever be allowed in this restricted area. The ecological nexus of the exaction is to provide habitat connectivity between Triunfo Creek and the upland habitat to the east to compensate for habitat severance and degradation in the creek. The proposed condition for a permanent deed restriction would also compensate for the direct and indirect loss of high quality habitat that is not covered under any other mitigation measure.

To our knowledge the CEQA analysis is deficient for not addressing how the proposed project is redundant with the immediately downstream crossing. It appears that the owner of that crossing must also cross over the subject land to get to his/her property. Why is a second crossing needed and should not the existing crossing be removed as a condition of permit issuance?

Please address any questions to Paul Edelman of our staff at the above address and by phone at (310) 589-3200 ext. 128.

Sincerely,

RONALD P. SCHAFFER
Chairperson