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SEP 21 2009

September 18, 2009

Ms. Martha Crusius
Project Manager
San Gabriel River and Mountains Special Resource Study
National Park Service
Park Planning and Environmental Compliance
1111 Jackson Street, Suite 700
Oakland, CA 94607

Ms. Crusius:

Thank you for taking the time to meet with my representative, Mr. Gary Neely, recently to discuss your Study's findings as detailed in your Newsletter #4, dated August 2009. As Mr. Neely explained to you at that time, I have some serious concerns, reservations and objections related to your Study's findings that I will detail as follows.

There have been two changes from Mr. Neely's original comments to you at the time of your meeting. Whereas, at the time, he indicated that since my offices had not heard any objections from any of my constituents or local governments to your Alternative "A" or "C", I would not be expressing any objections to those two proposals. My position on those two proposals has subsequently changed.

NPS STUDY ALTERNATIVE "A":

My staff has had a conversation with the Senior Leadership of the Angeles National Forest in which we were told that they had not as yet had a chance to form an opinion one way or the other regarding your Study's findings relative to this proposed alternative. As I consider their opinion related to such matters of significant importance, I would like to hold my comments regarding this Alternative in abeyance until they have had a chance to evaluate this particular proposal and register their comments. I trust you'll understand that with the recent wildfires in the area, they've been rather preoccupied with more important matters. We've been told that they will get their comments to you as soon as practical.

NPS STUDY ALTERNATIVE "C":

As with the comments above, I would like to hold my final comments regarding this Alternative in abeyance until such time as the Angeles National Forest's Senior Leadership has had a chance to form and express their opinion relative to this proposed Alternative.

Additionally, however, I can tell you that I have had some concerns regarding this Alternative expressed to my Staff by the San Gabriel Valley Main Water Basin's Watermaster's Office. You should know that I intend to associate my remarks regarding this Alternative with those expressed by that important stakeholder.

NPS STUDY ALTERNATIVE "B":

As Mr. Neely relayed to you during your meeting, I have very serious objections related to this proposed Alternative. In summary, I do not feel your Study has come to the appropriate conclusions related to its findings of certain Puente/Chino Hills properties being deemed "Of National Significance" or in the area of "Suitability" for inclusion into the National Parks Service. Nor, do I agree with the Study's proposed method of structuring these properties' future management. I will elaborate below. However, my request regarding this Alternative would be that the NPS either (1) delete those properties within the Coyote Creek Watershed from this Study's proposal, or (2) that you delete from any further consideration Alternative "B" altogether.

BACKGROUND INFORMATION:

When the NPS first announced that they were going to conduct this study, I (then as the State Assemblyman for the 60th District), the City of Diamond Bar, Congressman Miller and some other cities and landowners formally objected to NPS including any of the properties located within our jurisdictions, including the City of Diamond Bar's Sphere of Influence area, in this NPS study.

Although NPS chose to ignore them at that time, those objections are still valid. The most important of which is that the NPS has exceeded the limited geographical area it was specifically authorized by Congress to include in conducting this study.

On July 1, 2003, the 108th Congress passed an act cited as the "San Gabriel River Watershed Study Act". This act authorized National Parks Service's San Gabriel Watershed and Mountains Special Resource Study.

Specifically, the act said a special resource study of the following areas would be completed: (1) The San Gabriel River and its tributaries north of and including the city

of Santa Fe Springs. (2) The San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC).

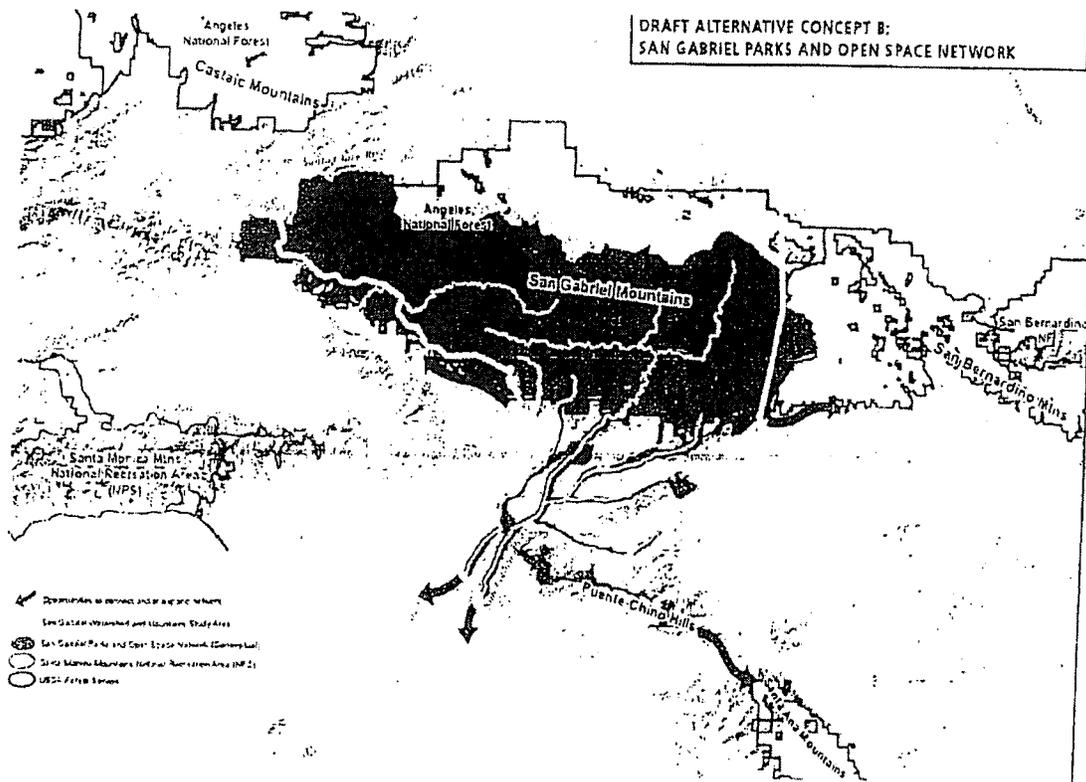
The description in number (1) specifically excludes any San Gabriel River tributaries SOUTH of the City of Santa Fe Springs. Of primary significance in this description is the fact that there is only one such tributary and that is Coyote Creek.

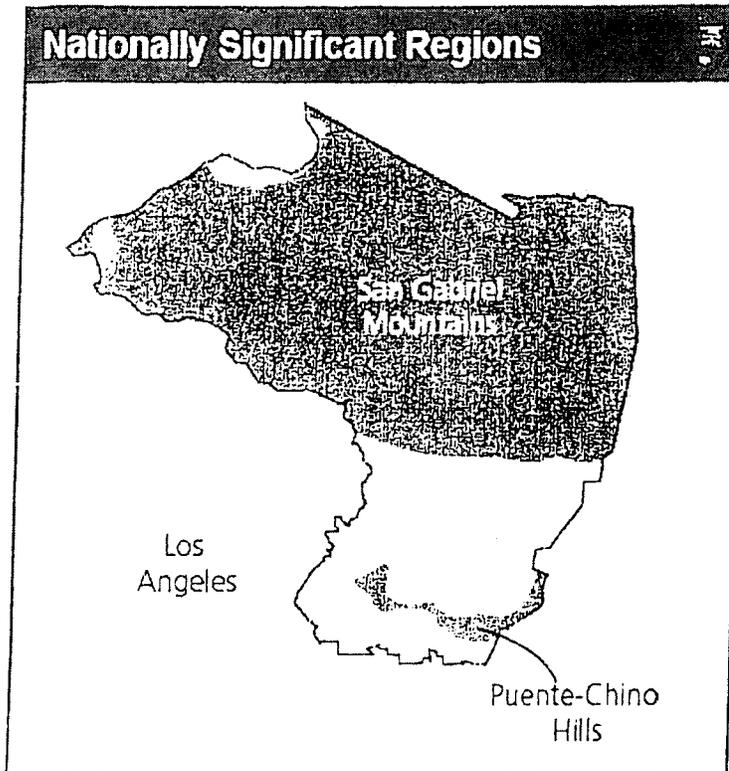
The majority of the undeveloped property in the Puente/Chino Hills area within Los Angeles County drains into the Coyote Creek AND SHOULD NEVER HAVE BEEN INCLUDED IN THIS STUDY.

It disturbs me greatly that, while the National Parks Service has consistently said it wants to WORK WITH and COOPERATE WITH the local landowners and local governments effected by their study, they have chosen to ignore the landowners' and local governments' wishes to have the Coyote Creek watershed properties within their jurisdictions removed from the study. You must be aware that by ignoring these requests and choosing, instead, to include these properties that are so clearly outside of this Study's Congressionally-defined jurisdiction, the NPS has not left any one of these stakeholders with an impression that it truly wanted to cooperate with them. That being the case, it should also come as no surprise that I, and they, would have no interest in Alternative "B"'s proposed future management structure.

VAGUENESS OF WORDING IN NEWSLETTER #4

Below are reproduced two of the maps included in NPS's 4th Newsletter. The first NPS map shows Alternative Concept "B" and the second map reflects NPS's findings relative to the areas within the Study that were found appropriate to be declared Properties of National Significance.





Both the map of Nationally Significant Areas and the Map of Alternative "B" have areas labeled Puente/Chino Hills (colored green) that are meant to represent the proposed boundaries of the properties in which NPS has an interest. Not only do the two maps differ in what the NPS would apparently consider to be Puente/Chino Hills, nowhere is there a map that specifically identifies which parcels NPS is referring to when they used the descriptor "Puente/Chino Hills".

Do the properties that make up what NPS refers to as "Puente/Chino Hills" amount to some twenty foot wide swatch of property? Or, is it ALL of the Puente/Chino Hills to which they refer? Reading the NPA mailer without the benefit of the included maps would lead one to believe the latter.

My staff tells me that when asked about this, you declined to be more specific. Rather, I understand, your explanation provided generally referred to having followed the boundaries of Los Angeles County's Puente/Chino Hills Significant Ecological Area (SEA).

Not only do I find the lack of specificity as to which properties would be included within the Puente/Chino Hills area you've deemed to be "Of National Significance" very disturbing, I understand that The City of Diamond Bar has a document written by the firm (PCR Services Corporation) that did the original resource study that led to the County identifying the SEA in Puente/Chino Hills and that document clearly states, "Our study is neither a strict template for preservation, nor a strict template for development." However, in this case, by not conducting any independent natural resources research of your own, NPS would seem to be inappropriately using it for exactly that for which it was not intended.

ADDITIONS TO NATIONAL PARK SYSTEM

NPS's August 31, 2006, *Management Policies – The Guide to Managing the National Park System* publication is very specific about how these type of NPS Studies must be conducted. It states that, To receive a favorable recommendation from the Service, a proposed addition to the national park system must

(1) possess nationally significant natural or cultural resources,

(2) be a suitable addition to the system,

(3) be a feasible addition to the system,

and

(4) require direct NPS management instead of protection by other public agencies or the private sector.

It goes on to say that these criteria are designed to ensure that the National Park System includes only the most outstanding examples of the nation's natural and cultural resources. These criteria also recognize that there are other management alternatives for preserving the nation's outstanding resources.

“Of National Significance”

NPS procedures dictate that an area will be considered nationally significant if it meets ALL of the following criteria:

- It is an outstanding example of a particular type of resource.
- It possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage.
- It offers superlative opportunities for public enjoyment or for scientific study.
- It retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource.

Although arguably not qualified by ANY of these four criteria's standards, let alone all four, your Study concluded that the "Puente/Chino Hills" area was property of National Significance because, they said, these areas have not been as heavily urbanized as the surrounding lowland valleys and flood plains and because they contained "rare native plant communities, including coastal sage scrub habitat and walnut woodlands."

In further defense of this conclusion, the NPS Newsletter #4 states that: "*Although this area is somewhat of an island of open space surrounded by urbanized areas, the Puente-Chino Hills and the Santa Ana Mountains, connected together, encompass about 500,000 acres of wildlands containing significant biological resources.*"

Even without removing those properties in the Coyote Creek watershed that should not have been included in the NPS Study in the first place, referring to the Puente/Chino Hills as "*somewhat of*

an island of open space surrounded by urbanized areas" is, at best, a misdirected representation of how this area really functions as it relates to wildlife protection.

Actually, the undeveloped properties in the Puente/Chino Hills area serve as a textbook example of a Mortality Sink (otherwise known as a Wildlife Death Trap).

Further, to claim that *"the Puente/Chino Hills and the Santa Ana Mountains, connected together, encompass about 500,000 acres of wildlands containing significant biological resources"* is an intentionally misleading statistic designed to assign more importance to the Puente/Chino Hills area than it deserves. It's like saying that, combined; Kobe Bryant and I have won a total of four NBA Championships.

The Santa Ana Mountains are listed by the NPS at a little less than 250,000 acres, of which about half are included in the Cleveland National Forest. Cleveland NF, however, is over 530,000 acres by itself.

In comparison, the portion of the Puente/Chino Hills that should have been included in the NPS's Study amounts to about 12,000 acres. 11,000 of which are already protected by a land conservancy set up by local governments.

Ignoring the Congressional definition of the Study area in order to include the Coyote Creek watershed properties jumps the total Puente/Chino Hills acreage within the Study to about 17,000 acres..... Or, a little over 3% of the 500,000 acres referenced in the NPS mailer.

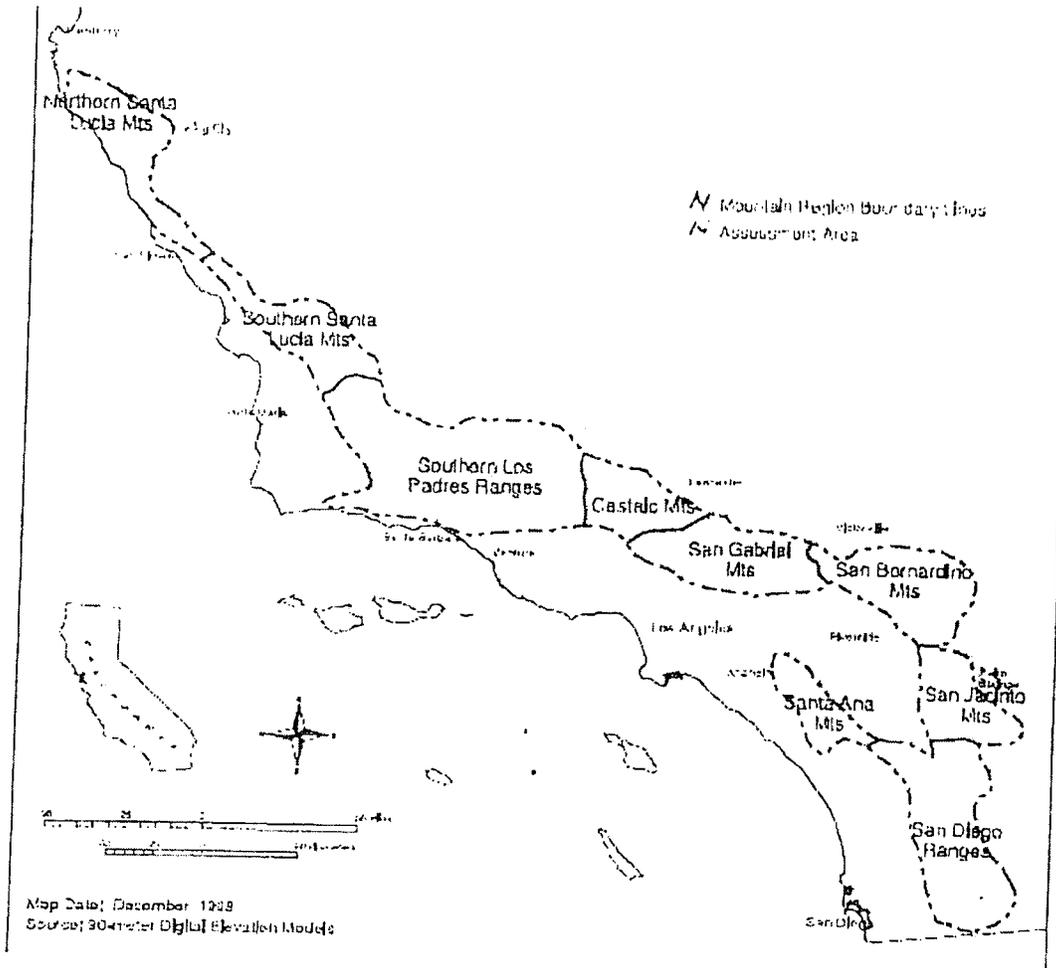
Regarding the topic of "Wildlife Corridors":

The NPS mailer goes on to say: *"The Puente-Chino Hills are part of a biologically diverse regional wildlife corridor that provides habitat for ecological communities with an abundance of endemic, threatened and rare plants and animals."*

The connection between and the differential in size and habitat quality between the Puente/Chino Hills undeveloped properties and the protected habitat included in Santa Ana Mountains/Cleveland National Forest is exactly what defines the Puente/Chino Hills as being a Mortality Sink and what causes the animals to be even more threatened and rare.

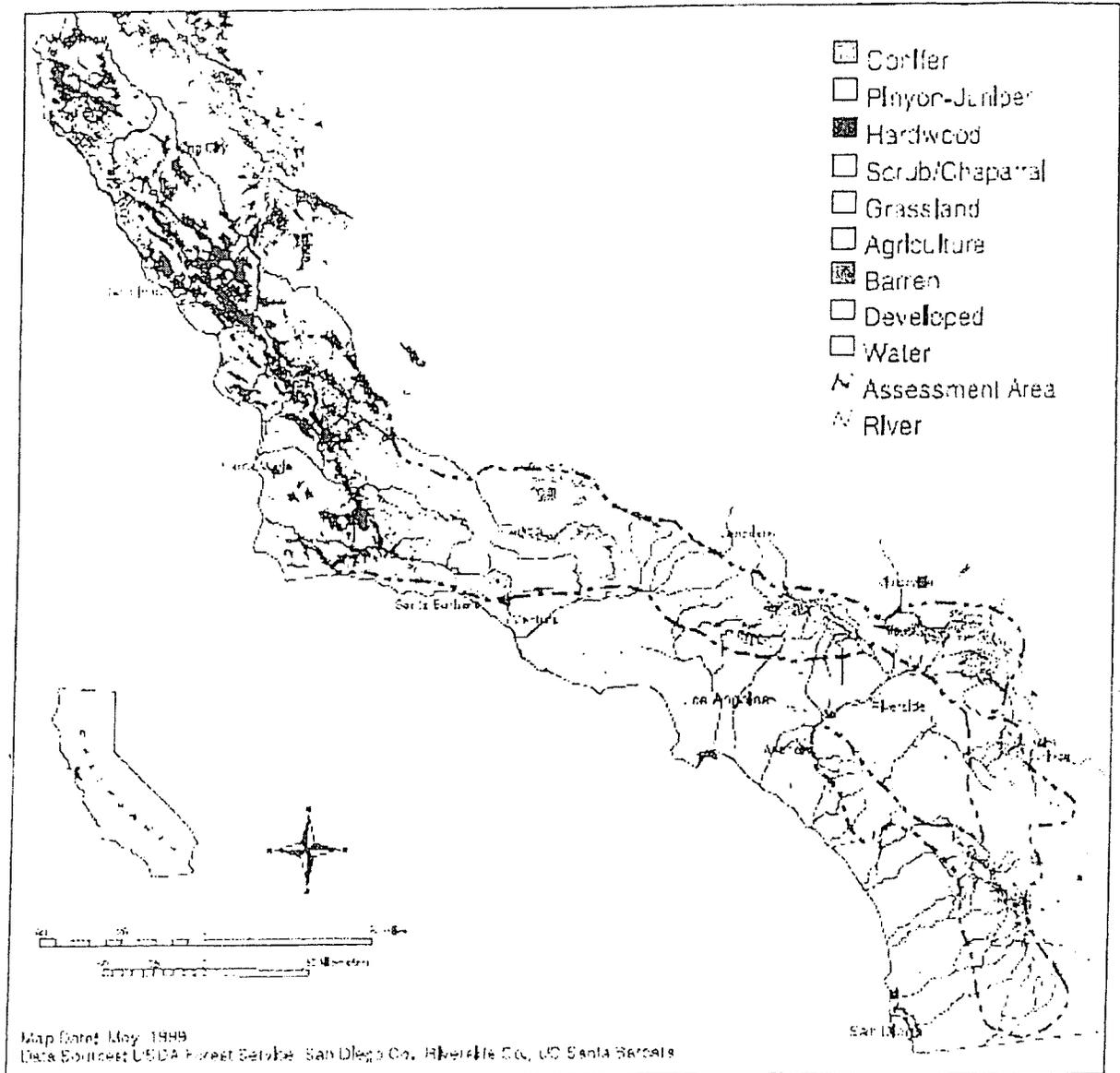
Turning to the United States Department of Agriculture's Forest Service General Technical Report (PSW-GTR-172) entitled *The Southern California Mountains and Foothills Assessment: Habitat and Species Conservation Issues, Dec. 99*, what follows is a number of maps that will better show this "Mortality Sink" concept.

Below is a map showing major mountain ranges in Southern California. (This also accurately depicts what a good wildlife corridor actually looks like.)

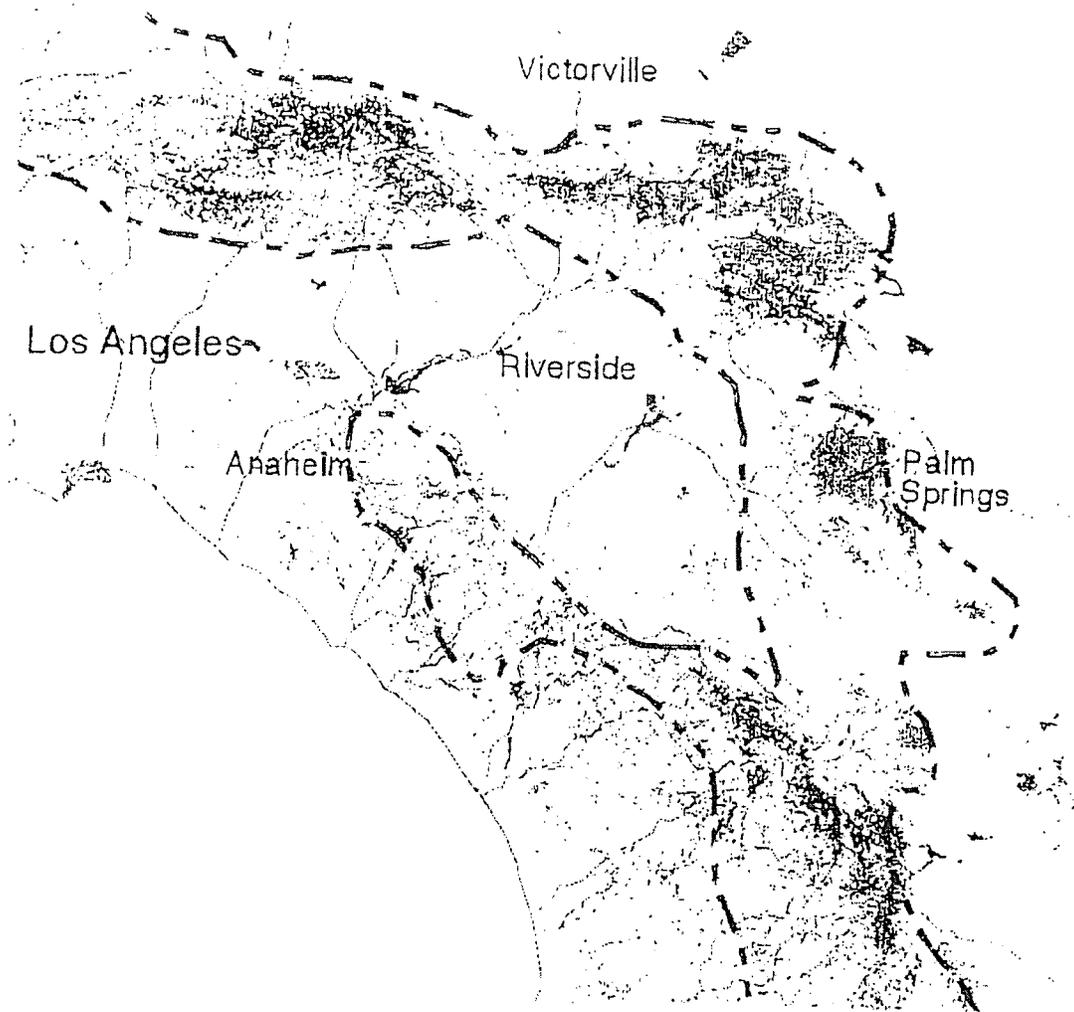


The next map shows the same area in terms of major land-cover distribution.

Figure 1.7. The distribution of major land-cover classes across the assessment area and surrounding lands.



The next map is just a blown up version of the above map, but which only shows the southern most area of the state. Notice the area between the northern most point of the Santa Ana Mountains/Cleveland NF and where it says "Los Angeles". That's the area that represents the Puente/Chino Hills (but also includes the Chino Hills State Park). Notice the disparity in size between the "Puente/Chino Hills" area and the Santa Ana Mountains/Cleveland NF area.



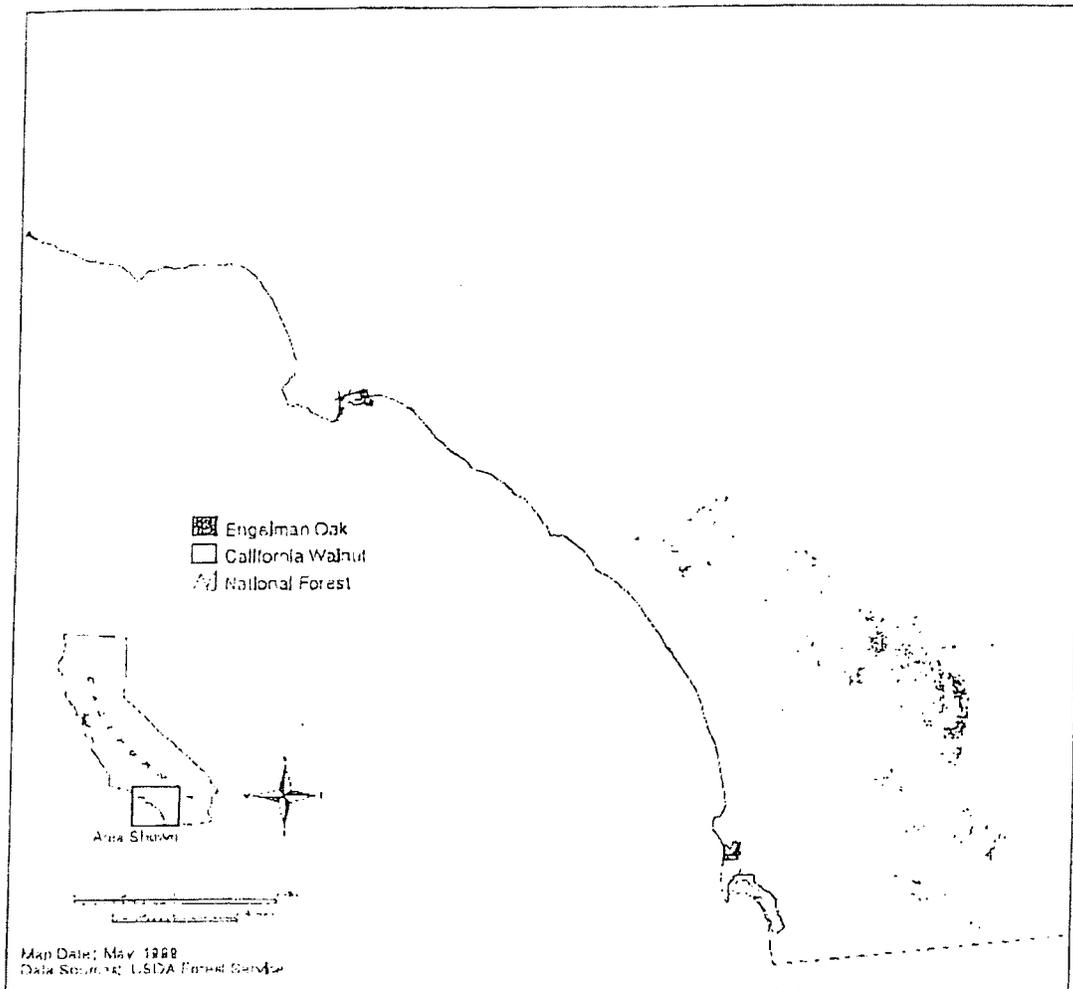
In the map above, the small area depicting the Puente/Chino Hills can easily be seen to be something akin to a finger of progressively more fragmented (and, logically, less safe for the wildlife) habitat extending off of the massive number of acres that represent the coherent (and considerably safer) wildlife habitat that is the Santa Ana Mountains/Cleveland NF. That may, indeed, be referred to as a "Wildlife Corridor", but rather than being an example of a "good" corridor, it is a textbook example of a "mortality sink" (or, Death Trap).

As wildlife is enticed away from the safe confines of the Santa Ana Mountains/ Cleveland NF, further and further into this "corridor" they are actually being lead into an area that will progressively reduce their lifespan expectancy the further they go.

It is also important to note that the only animal that would come close to requiring a "protected habitat" of the size represented by the acreage that makes up the currently undeveloped properties in the Puente/Chino Hills in order to maintain a sustainable presence is the Mountain Lion and every one of the studies that have been done to document Mountain Lion migration activities in this area has shown that Mountain Lions will NOT cross under the SR57 freeway located at the mouth of Tonner Canyon.

Regarding the topic of Walnut Tree Distribution

Figure 2.24. The distribution of Engelmann oak and black walnut in southern California.



NPS published documents readily available for downloading from their own web site report that Black Walnut woodlands are distributed from Santa Barbara County south to northern San Diego County. The easternmost stands occur in southwestern San Bernardino County in Day, Etiwanda, and San Sevaine canyons at the foot of the San Gabriel Mountains. Large stands also occur in Ventura and northern Orange counties.

Besides the Puente/Chino Hills area, walnut woodlands are also scattered in low foothills surrounding the Santa Clara River drainage (including the Santa Susana and Sulphur mountains), in the Santa Ynez Mountains, along the north side of the Santa Monica Mountains, along the base of the San Gabriel Mountains, and in the Simi and San Jose Hills. Other stands occur within the lower foothills of the southern Los Padres and Castaic regions.

All told, there are 23,569 acres of Walnut woodlands NPS has mapped in southern California, of which 12 percent are located on public lands. These trees may not grow like weeds, but we aren't going to run out of them anytime soon.

STUDY PROCEDURES: "Suitability"

As to the requirement that a proposed addition to the national park system must be determined to be "suitable" in order to receive a favorable recommendation from the NPS, the official NPS Procedures and Policies Guide to Managing the National Park System says that an area is considered suitable for addition to the national park system if it represents a natural or cultural resource type that is not already adequately represented in the national park system, or is not comparably represented and protected for public enjoyment by other federal agencies; tribal, state, or local governments; or the private sector.

Also, the Policies Guide requires that "Adequacy of Representation" be determined on a case-by-case basis by preparing a comparative analysis of the potential addition to other comparably managed areas representing the same resource type, while considering differences or similarities in the character, quality, quantity, or combination of resource values.

In another curious act of "cooperation" with the effected local governments, NPS has declined requests to produce this mandated "Comparative Analysis" prior to the conclusion of these public hearings or having reported their Study's draft recommendations to Congress.

Further, NPS has declined to answer the simple question as to whether this secret "comparative analysis" document includes an assessment of the resources available at Chino Hills State Park.

It should be noted that the official website for Chino Hills State Park states that the reasons for creating that park in the first place was to protect and preserve natural resources such as Walnut woodlands and Coastal Sage Scrub.

Nonetheless, NPS has concluded that the Puente/Chino Hills portion of their Study area is suitable to be added to the national park system because, it says, the area contained a unique combination of themes and resources not found in other national parks or comparably protected areas.

Clearly, Chino Hills State Park is already protecting similar, if not better, habitat.

STUDY PROCEDURES: "Feasibility"

The NPS mailer admits that the Puente/Chino Hills properties found to be "Nationally Significant" and curiously "Suitable" to receive their favorable recommendation for inclusion in the National Parks Service did, in fact, fail the "feasibility" test even if the Coyote Creek watershed properties were added in.

STUDY PROCEDURES: "NPS Management Requirement"

Or, at least, they failed the required "feasibility" test UNLESS they were managed in collaboration with local partners.

Apparently, this alternative is possible even though the forth and last stated criteria for properties to meet in order to receive a favorable recommendation for inclusion in the National Parks

Service clearly states that the properties must also require direct NPS management instead of protection by other public agencies or the private sector.

It is this "collaborative management" alternative that is Alternative "B". However, it isn't clear who these local partners might be that NPS seeks to collaborate with by suggesting Alternative "B", nor how "local" NPS's collaborators would need to be to meet "local partner" status criteria.

Further, it seems considerably more logical for the NPS to seek a seat on the Lower Los Angeles and San Gabriel Rivers and Mountains Conservancy's (RMC's) Board of Directors than to go to all this trouble just to create another government agency that would essentially be attempting to do the exactly the same thing that the RMC does.

REQUESTED ACTION

To reiterate my request stated earlier in relation to Alternative "B" it would seem prudent to grant the earlier requests from those local governments and landowners that have properties located within the Coyote Creek watershed in the Puente/Chino Hills area and remove their properties from this Study. Beyond that, I believe Alternative "B" should be removed altogether.

Thank you for this opportunity to provide my comments upon your Study. If you have any questions, please do not hesitate to give me or any of my Staff Members a call.

Sincerely,



BOB HUFF
Senator, 29th District

cc: Congressman Gary Miller
Assemblyman Curt Hagman
L.A. County Supervisor Don Knabe
Mayor, City of Chino Hills
Mayor, City of Diamond Bar
Mayor, City of Industry
Mayor, City of La Habra Heights
San Gabriel Valley Main Basin Watermaster
Angeles National Forest HQ
Walnut Valley MWD
Rowland MWD
Three Valleys MWD
Aera Energy