



**DESERT AND MOUNTAIN CONSERVATION AUTHORITY**

44811 North Date Avenue, Suite G  
Lancaster, California 93534  
Phone (310) 589-3200 • Fax (310) 589-2408

July 17, 2009

Michele Bush  
County of Los Angeles  
Department of Regional Planning  
Impact Analysis Section, Room 1348  
320 West Temple Street  
Los Angeles, California 90012

**Draft Environmental Impact Report Comments for the Fairmont Butte Motorsports  
Park Project, Parcel Map 26805 (SCH No. 2005031170)**

Dear Ms. Bush:

The proposed project located along Highway 138 (Avenue D) and between two Significant Ecological areas would undoubtedly result in multiple unavoidable significant adverse ecological impacts. The most recent report from the County's SEATAC Committee confirms this conclusion. The Draft Environment Impact Report (DEIR) also comes to this conclusion too.

With this consensus in place, both SEATAC and the DEIR confirm that moving the project 700 feet, north completely out of the SEA and the Broad Canyon Wash, will substantially reduce the proposed project's ecological impacts.

The California Environmental Quality Act (CEQA) requires lead agencies to reduce significant impacts when feasible. DEIR Alternative 5: Track Moved North-No Subdivision Alternative provides th is substantive reduction in the proposed project's significant ecological impacts. The DEIR contains no information stating that moving the whole project 700 feet north towards Highway 138 would make the project infeasible.

The DEIR alternatives analysis on page 6.0-12 in regards to Alternative 5 states,

**"This alternative results in little change in the construction and operation of the racetrack facility, but instead compares virtually identical racetracks in different locations on the project site for the purpose of primarily evaluating comparative benefits of avoiding development within the sea and Broad Canyon Wash as the facility is moved north approximately 700 feet."**

The DEIR concludes that Alternative 5 would still result in at least one unavoidable significant impact. Nonetheless SEATAC and the DEIR analysis state that this project modification substantively reduces ecological impacts as required per CEQA. The Desert and Mountain Conservation Authority (DMCA) further supports this conclusion. To be adequate, the FEIR must include a precise figure that shows the new maximum project disturbance boundary for Alternative 5 and how that boundary has been moved northward 700 feet.

The project can possibly be further modified and mitigated to reduce the Alternative 5 ecological impacts to a level less than significant. The answer to that question is the owner's willingness to accept various modifications and mitigation measures. The DMCA suggestions that the Final EIR (FEIR) include a modification of Alternative 5 or an additional Alternative with the following modifications and mitigation measures.

#### **Eastern Boundary Habitat Connectivity Conservation Easement**

The proposed project makes no provision for north-south habitat connectivity between SEA 57 south of Highway 138 and the easternmost section of SEA 60 north of the highway. The DMCA's May 8, 2007 NOP comment letter raised the issue of potential wildlife movement impacts between SEAS 57 and 60. The DEIR is deficient for not addressing this issue.

It is imprudent in regards to the public interest, and inequitable to landowners to disproportionately allocate the responsibility of providing habitat connectivity to a single owner. For this reason the proposed project should provide a habitat linkage on its eastern boundary from Broad Canyon Wash to Highway 138. Likewise arguments that future land uses may preclude the value of such a linkage are speculative and if adhered to they effectively eliminate the potential for maintaining existing levels of habitat connectivity. The eastern boundary of the property is better than the west because the west boundary leads to the edge of the proposed 2,100-acre solar facility. There are more options to create a habitat network from a corridor that onsite terminates at the northeast corner of the subject property.

It appears that if the project is approved that the County will reserve a 42-foot-wide street easement for 150<sup>th</sup> Street along the eastern property boundary. It cannot be fully assumed that the street will or will not be constructed in the future. In any case to provide some meaningful degree of permanent north-south habitat connectivity through the subject property, for the approximately 2,000 feet between the northern edge of Broad Canyon Wash and the highway, a mitigation measure must be added to Alternative 5 to include a minimum 75-foot-wide conservation easement along the eastern property boundary.

Apparently there is a designated County trail in a portion of this proposed conservation easement and thus the easement provides two important public benefits. That dedication must be completed prior to the issuance of any permits. The DMCA would accept that dedication.

#### **Fee Simple Dedication of Broad Canyon Wash and Southward**

The only means to provide permanent adequate protection to open space land near where thousands of people will potential park vehicles and congregate is to dedicate the land in fee simple to a public park or conservation agency. The FEIR must include a mitigation measure that requires the full fee simple dedication of all portions of the subject property located south of the new project disturbance line that would be established by moving the proposed impact boundary 700 feet north as per DEIR Alternative 5. That dedication must be free of all liens and encumbrances. That dedication must be completed prior to the issuance of any permits. The DMCA would accept that dedication.

#### **Irrevocable Provision for Open Space Maintenance Funding**

To ensure that public resources are protected and to correct deficiencies such as illegal dumping, scarring from off road vehicles, and accumulation of wind blown trash from a large public facility next door, some permanent funding is required for public employees to provide those services. Only with such funding would the subject open space dedication mitigation measure be complete. The FEIR must include a mitigation measure that guarantees such a funding mechanism to the satisfaction of the County. To provide adequate public guarantee, the applicant's CUP should be revoked if the payments are made in a timely manner. An approximately 175-acre open space dedication in the subject moderately-accessible location, with high quality ecological resources, must be patrolled at a minimum on a near-weekly basis. If State Parks held the property the cost could be reduced but not eliminated because of proximity to the Poppy Preserve. However, the State budget woes necessitate potential funding for an agency such as the Mountains Recreation and Conservation Authority (MRCA) to be funded to care for the property. The DMCA could contract with the MRCA . In any case with two-way drive time built in and some time to spend on the property to remove trash and possibly empty a trash can or two, each patrol visit should be funded for two hours. The MRCA rate for a ranger (including all benefits) with a truck is approximately \$70.00 per hour. Fifty weeks a year at \$140.00 per visit is \$7,000 annually. The project should not be approved without a mechanism that generates at least \$8,000.00 annually with some time of automatic inflation adjustor. An additional \$1,000 is a critical contingency for signage, clean up of dumping, and special operations.

### **Insufficient Disclosure About Applicant Proposed Commercial Park**

The DEIR is deficient for not addressing the potential impacts of the proposed 40-acre Fairmont Butte commercial park located between the proposed racetrack facility and Highway 138. The subject 40-acre area has common ownership with the race track and the design of the racetrack has clearly been modified to provide for the proposed commercial center. This is a textbook case of project piecemealing. The FEIR must explicitly address why this would or would not be project piecemealing.

### **Insufficient Disclosure About Adjacent Santa Monica Mountains Conservancy Land**

The DEIR is deficient for not addressing the presence of 160 acres of State-owned Santa Monica Mountains Conservancy land that straddles the high point of Fairmont Buttes. The DEIR visual impact analysis includes no assessment from this important public parkland. Unfortunately the DEIR states that the butte high points are all private land. That is false. The Santa Monica Mountains Conservancy, State of California has owned all 160 acres for over three years, probably longer. The DMCA notified the County of this ownership in its May 8, 2007 NOP comment letter. That comment letter did not appear in the DEIR. That letter is incorporated by reference.

There currently is no official public trail to the high point of this parkland cluster but such a trail has long been contemplated. The USGS-based maps in the DEIR visual analysis section clearly show a dirt road system originating to east and leading to the top of the buttes to the Conservancy's property. It is probable that portions of this historic dirt road system will comprise a public trails system to the subject Conservancy property in the next five to ten years. Such a trail may lead to the State Park property, to an existing paved or paper public street, or to the Department of Water and Power easement located just to the east.

### **Proposed After Approval Management Plans Constitute Deferred Mitigation**

The DEIR is deficient for not providing completed or draft General Habitat Mitigation, Lighting, and Burrowing Owl management plans. The efficacy and timing of such plans cannot be reasonably understood by concerned parties and decision makers based on the broad parameters and timeframes included in the DEIR.

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Please direct all future correspondence to Paul Edelman of our staff at the above address  
and by phone at 310-589-3200 ext. 128.

Sincerely



JIM DODSON  
Chairperson