Covote Hills Task Force OR Joint Conservation Committee of the North and South Orange County Groups, Sierra Club, Angeles Chapter

P.O. Box 6647 Orange, California 92867 February 27, 2008

Joan Wolff, Project Planner Development Services Department City of Fullerton 303 West Commonwealth Avenue Fullerton, California 92832



Re: Recirculated Revised Draft Environmental Impact Report SCH No. 1997051056 West Coyote Hills Specific Plan and Robert E. Ward Nature Preserve January 2008 Including General Plan Amendment, Zone Change, Specific Plan Amendment, Subdivision Map and Development Agreement and related matters

Dear Ms. Wolff

Please make our comments part of the Administrative Record for the above-referenced Project.

We object to the lack of mitigation, or lack of adequate mitigation measures in such areas as Biological Resources, Air Quality, Public Health and Safety, and more. In the area of Biological Resources, the omission of a Reserve Design, following established principles of Reserve Design, is egregious.

Because the Project adversely impacts the last natural open space of its size in North Orange County, and because the coastal sage scrub habitat has been depleted by 95 percent, the Project would have tremendous direct and cumulative impacts. The only mitigation is preservation.

Executive Summary

On the last remaining natural habitat in North Orange County, the RRDEIR proposes to take the heart out of one of two primary occupied Critical Habitat areas for the California gnatcatcher. Critical Habitat is area into which the species can be expected to recover, according to the United States Endangered Species Act. This project is proposed by a company that takes in billions of dollars every quarter, and has gotten its intended use out of the land, namely oil extraction. The company has already developed 60 percent of its Fullerton/La Habra fields with no substantial mitigation for loss of natural resources.

No advantages can accrue to Fullerton by developing its last open space. A century of development has produced a city at least \$290 million in arrears in its infrastructure (Denny Bean, pers. Comm.). Neither the City Treasurer's office nor the Acting Director

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of Development can provide an algorithm that proves that development has a positive affect on the City budget. Judging by the arrears, it just digs the City deeper into the hole.

The RRDEIR assays to justify developing most of the designated Critical Habitat. One way it does this is by attempting to discredit a 2004 survey that shows that the California gnatcatchers are already recovering into the Critical Habitat. The RRDEIR says the survey is not reliable, because it was taken from June 24 to August 12, which it says is outside the breeding season. However, elsewhere the document names August to January as outside of the breeding season, tacitly showing that late June and all of July are in the breeding season.

This 510 acres supports rare habitats and other sensitive species, in addition to California gnatcatchers. It is the site of 36 acres of Endangered Species Act mitigations. The RRDEIR claims these 36 acres of prior mitigations as part of the mitigations for the current proposal, which is not legal under the California Environmental Quality Act (CEQA). In addition, the 23 acre 4d parcel is depicted with three houses and a road in it, as well as a detention basin. Promises that the houses will not be built are not reassuring, given their existence on the map, and there are no promises that the detention basin will be removed.

Mitigations consisting of handing literature to the inhabitants, and writing provisions into the Covenants, Codes and Restrictions (CC&Rs) are not enforceable. CC&Rs are renewed in about two decades, and inconvenient or unpopular measures are thrown out. A Keystone Species keeps the ecosystem in balance. Residents even now trap coyotes, the Keystone Species in West Coyote Hills, and there is no way to enforce prohibitions against it. A development project intruding into the habitat will cause further conflicts. The remainder of the mitigations, consisting of revegetating graded and other areas, don't really make up for the amount of destruction contemplated in the document.

The RRDEIR says that if California gnatcatchers survive, then the other species will survive, that is, that the California gnatcatcher is an Umbrella Species. However, California gnatcatchers are too small to be an effective Umbrella species for wintering birds of prey, migratory songbirds, coyotes and other species (Western Birds V. 29, No. 4, 1998, p. 458).

The RRDEIR is deficient in not considering cumulative impacts to Critical Habitat in the north Orange, south Los Angeles County area. A proposal to develop Montebello Hills, the only other significantly occupied Critical Habitat in this region, has recently surfaced. Critical Habitat on the south side of the Puente Hills is also in jeopardy. Some Critical Habitat has already been developed, as at Emery Ranch and in the Whittier Narrows area.

A growing body of scientific opinion supports the concept that people work better with access to natural surroundings, and that children in particular may suffer from Nature Deficit Disorder.

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A local group called Friends of Coyote Hills has identified sources of funding to buy the property to be turned over to a conservation agency or organization. The Friends have produced a plan illustrating how it could be a nature preserve with public access.

Reserve Design

Reserve Design planning considers target elements (*plural*), and saving species and community diversity as well as individual species. Minimizing urban edge and maintaining or corridors also are basic principles in successful Reserve Design. The RRDEIR has no corridor across Gilbert. A bridge now crosses Gilbert which, if the gates were opened, would connect the two sides of the property.

Genetic diversity is another factor that must be considered. Map 4.12-2, next to page 4.12-18, is deficient in not including delineation of other sensitive species, or their habitat and prey, in addition to the California gnatcatcher. Good reserve planning also includes rare plants, such as the rare Mariposa lily discovered on the site. The California Native Plant Society recommends preservation in situ, not transplantation of rare plants.

The coastal cactus wren found in West Coyote Hills is at least as rare as the California gnatcatchers, and the population is at least as important genetically and numerically. Project impacts to the coastal cactus wren population would be significant. No mitigations have been provided, and no impacts addressed.

The acreage which is supposed to support open space and California gnatcatcher habitat as stated in the RRDEIR will not function fully as a natural area, due to the extensive, sinuous urban edge, lack of corridor between the two parts of the Project area, and destruction of habitat by water retention basins, which are not functional wetlands.

Pesticides and herbicides must not be used in the Habitat areas. Pesticides etc. are dangerous to people and to wildlife, and in the end make the targeted pests immune.

What has been the impact of cumulative "Take" on the California gnatcatcher since the species was listed as Threatened by the US Fish and Wildlife Service? The California gnatcatcher is in fact an endangered species.

Alternatives

Although the RRDEIR focuses on Air Quality, Public Health and Safety, Hydrology and Flood Control, and Biological Resources, we make an additional comment on Alternatives, as these are discussed in the front of the document, but no hint is given as to the inconsistencies and omissions in the Alternatives section.

Given the sensitive nature of Project area lands, and that Chevron's Fullerton/La Habra fields have now been 60 percent developed, with no substantial mitigations for the loss of natural resources, especially species diversity and habitat, the RRDEIR must include more than one Alternative in which the established principles of Reserve Design are adhered to. Commenters have provided formulas for projecting the percent of species preserved with any given acreage of natural open space. Alternatives should include at least one Reserve Design in which at least 95 percent of the species would be preserved.

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This would be an Environmental Alternative. The RDEIR dismisses Alternatives that would destroy less acreage than the Preferred Project, which it calls the Environmental Alternative. CEQA requires a range of projects, including a Project with less effect on the environment than the Preferred Alternative.

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It is not too late for the city council to devote resources and energy into preserving the West Coyote Hills Property as open space and recreation. We only have one chance to do what we and future generations will perceive as our stewardship. Thank you for this opportunity to comment on the RDER.

Yours Truly,

Chuck Buck, Member, Chair Emeritus of the North Orange County Group of the Sierra Club, Angeles Chapter

Denny Bean, Conservation Chair, Rio Hondo Group of the Sierra Club, Angeles Chapter

Patricia Barnes, Chair, Joint Conservation Committee of the North and South Orange County Groups, Sierra Club, Angeles Chapter