Santa Clarita Organization for Planning and the Environment
TO PROMOTE, PROTECT AND PRESERVE THE ENVIRONMENT, ECOLOGY
AND QUALITY OF LIFE IN THE SANTA CLARITA VALLEY
POST OFFICE BOX 1182, SANTA CLARITA, CA 91386

1-4-16

Executive Office and All Supervisors
LA County Board of Supervisors
500 W. Temple St.
Los Angeles, CA 90012

Via email and Submitted at the Board Meeting
Re: Oppose Agenda Item 57 – Flood Map Change for Santa Clara River, request for second reading
Please copy to all Supervisors

Honorable Supervisors:

The Center for Biological Diversity, the Ventura Coast Keeper and Wishtoyo Foundation join with SCOPE in making these comments.

We would like to express our opposition to this Flood map change prior to the County providing an EIR or any CEQA analysis for the change as required by law. Also your failure to properly inform the public of the purpose of the real purpose behind the flood map change has eliminated good public process and transparency on a matter of great concern to our community.

The stated purpose of this flood map change is to accommodate a proposed sheriff’s station located near Castaic Junction in the Newhall Land and Farming project “Entrada North” which is currently only in the first NOP stage of the EIR process. It will allow development where development could not occur before.

We would like to make it clear that we, of course, do not oppose having a new sheriff’s station in the community, but we DO oppose this location as do many other people in the Santa Clarita Valley due to its distance and service times from established residents and businesses, as well as the impact to a sensitive area of the river. For the health and safety of our community, this map change proposal should not be allowed to continue or a full EIR should be completed and circulated prior to its coming to your Board.

We note that narrowing the floodway of the Santa Clara River as we face an El Nino year should make all of you wonder as to the propriety and motivation for such actions.

EIR Required

A Categorical Exemption is not permitted for this project

This flood map change is clearly being proposed to accommodate the Sherriff’s station that will be located within the Entrada North project. This station will be a major facility located adjacent to a sensitive area of the Santa Clara River and is currently included in the Notice of Preparation for the Entrada North project (see 50,000 sq foot public facility in NOP that matches the location of the station.
There is no categorical exemption for a change that would facilitate and enable such a project.

Here are some excerpts from reports and emails included in the response to our Public Records request that clearly indicate the purpose of these map changes:

(from a Public Works status report)

Los Angeles County Floodway Map Revisions (SD 5) (George De La O) — A Board letter to revise the Santa Clara River floodway and floodplain from Castaic Creek to the 5 Freeway is being processed. It is anticipated that the Board will consider the item in mid-December 2015. The revision takes into account the construction of the bank protection, Private Drain 2615, that is part of the State Route 126 Commerce Center Drive Interchange Improvements Project, as well as new information and methods of analysis. The revision will enable the construction of a Sheriff’s Station adjacent to the River with the improved flood boundaries.

From: Jose Cruz <jcruz@pacewater.com>
Sent: Thursday, June 18, 2015 9:47 AM
To: George De La O; Bonitto Housen
Cc: Andrew Ross
Subject: RE: County Floodway Map Revision for the Sheriff’s Station
Attachments: FloodData.zip

George/Bonito,
Please find attached the shape files for the floodway/floodplain based on our updated existing condition analysis associated with the Sheriff Station project. Let me know if there is anything else you need from us to complete your review.

Thank you.

Jose Cruz, MS, PE, QSD
Project Manager - Stormwater Management
PACE | Advanced Water Engineering
direct: (714) 481-7248 • mobile: (714) 514-8870
jcruz@pacewater.com | www.pacewater.com

From: Art Vander Vis
Sent: Monday, June 15, 2015 9:43 AM
To: Andrew Ross; Michele Chimienti
Subject: RE: Timeline for Floodway Revision Santa Clara River Sheriffs Station

It looks like the tasks and timeline can’t be changed much, correct? You guys will discuss with Newhall? Per discussion with Anthony, we were willing to allow project to proceed?

Thanks,

Arthur Vander Vis, PE
Principal Engineer
Land Development Division
Los Angeles County Department of Public Works
(626) 458-4943
@LAPublicWorks
http://dpw.lacounty.gov

Please note - We have submitted the entire public record request as a CD attachment to the submission of this letter.

Failure to provide adequate CEQA documentation is a clear attempt to piecemeal the flood map change needed for the Sheriff station so that impacts will not have to be fully addressed in the Entrada North EIR.

1 Entrada North NOP included as exhibit 1
This change will allow flood control infrastructure in areas never reviewed by any other documentation. While bank stabilization was reviewed for a portion of this area in the 1998 River Management Plan, the review and biological surveys were all conducted with the old, 1985 WIDER flood plain maps. Narrowing the floodplain will allow building in sensitive areas not previously reviewed, surveyed or permitted or permitted.

**An EIR is required for Development in a Significant Ecological Area**

The location of the sheriff facility is adjacent to the Santa Clara River in the Significant Ecological Area 23, the Santa Clara River, changes or map changes that will enable development in an SEA require an EIR.

An EIR is required for changes that will enable development when endangered species are present. It is our understanding that this area has been known to provide habitat and/or be inhabited by endangered species and species such as the unarmored threespine stickleback fish that is fully protected under California law. It is well established California law\(^2\) that neither the habitat nor the animal itself may be destroyed or moved under such circumstances. Here is an excerpt from the Nov. 30th 2015 Supreme Court decision setting aside the Newhall Ranch EIR project for its failures in this area:

> “We agree with plaintiffs that specifying these actions as mitigation in an EIR violates the Fish and Game Code section 5515’s prohibition on authorizing the taking or possession of fully protected fish in mitigation of project impacts under CEQA. DFW may conduct or authorize capture and relocation of the stickleback as a conservation measure to protect the fish and aid in its recovery, but the agency may not rely in a CEQA document on the prospect of capture and relocation as mitigating a project’s adverse impacts.”\(^3\)

In addition to the endangered stickleback fish, a rare flower as described to you in comments by a biologist at the Dec. 15th, 2015 first hearing on this matter described this flower which may be impacted by changes to the flood maps that will allow previously unpermitted banking or changes to bank stabilization in this area. When

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\(^2\)See the CA Supreme Court Decision, Nov. 30th 2015, S217763, [http://www.courts.ca.gov/opinions/documents/S217763.PDF](http://www.courts.ca.gov/opinions/documents/S217763.PDF)

\(^3\)Ibid, Opinion at page 29
endangered species are present, a full EIR must be prepared. A categorical exemption is not available for this proposal.

**Location and Maps not adequate**

Although the ordinance describes the location, the maps that were included with the ordinance are hard to read and do not clearly delineate the amount of changes that will occur, particularly for the sheriff’s station, making it difficult to understand the full impact of this proposal. Here is a map which we obtained through a public records act request for information on this flood map change that makes the proposal clearer:

FEMA Hearings for Downstream users should be held before further reduction of the floodplain is permitted. A “CLOMR” letter from FEMA is required for this change (Please see the map attached as Exhibit 2 where a request is made to remove the note showing this requirement).

Further narrowing of the river will cause downstream flooding by merely concentrating and pushing flood flows downstream. FEMA hearings for downstream property owners should be held before further flood plain elimination is allowed. A CLOMR letter from FEMA permitting this action is required.
Conclusion

As your Board is aware, we have strongly opposed such flood plain development as it requires extensive levies and impacts to the Santa Clara River, not only in the project location, but downstream as well, since further flood protection may be required as a result of such upstream levies.

We urge you to take this agenda item off calendar until a more thorough review of the proposal can be completed. It is an inefficient use of County funds to prepare an EIR for a project and developer that must already provide that environmental documentation as required by law.

Thank you for considering our comments.

Sincerely,

John Buse
Senior Counsel, Legal Director
Center for Biological Diversity
Phone: (323) 533-4416

Flooding on the Santa Clara River Jan 10th 2005

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Lynne Plambeck
President

Exhibits:
1. Entrada North NOP
2. Map showing FEMA CLOMR requirement
3. CD of Public Record Act Responses submitted in person as the file is too large to email