

APPENDIX A
Comment Letters on the January 2006
Circulated MND

FROM :

FAX NO. : 8188806165

Jan. 23 2006 11:53AM P1

ARNOLD SCHWARZENEGGER, Governor

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING

RECEIVED ON



DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
100 SOUTH MAIN STREET
LOS ANGELES, CA 90012-3606
PHONE (213) 897-3747
FAX (213) 897-1337

JAN 20 2006

California State Parks
Angeles District

Flex your power!
Be energy efficient!

January 18, 2006

Ms. Suzanne Goode -- Senior Environmental Scientist
California State Department of Parks and Recreation
Angeles District Headquarters
1925 Las Virgenes Road, Calabasas, CA 91302

Topanga S P Rodeo Grounds Berm Removal
Mitigated Negative Declaration (MND)
SCH No. 2006011040
Vicinity LOS/ 1/40.77 27/0.00-0.30
IGR/CEQA No. 060119/EK

*add / improve
improve control
traffic
mit.*

Dear Ms. Goode:

We have received the Initial Study and Mitigated Negative Declaration for the application referenced at above right. The main purpose is restore lower riparian areas associated with a section of Topanga Creek. A berm that protected formerly residential areas is removed and somewhat less than 2 acres that it occupied is restored to natural conditions. Additionally more than 12 acres of floodplain is restored to natural conditions. Lower Topanga Creek then could again accommodate migratory fish. Very extensive earth haul is involved, for removing berm materials. For the California State Department of Transportation (Caltrans), we have the following comments on the application.

We appreciate the substantial attention to truck movements in the Initial Study, including recognition that a localized traffic control plan would be required, especially for intersections.

We ask that the applicant particularly consider measures to avoid excessive or poorly timed truck platooning (caravans of trucks), even on particular days when many truck trips per day to or from a location might be desirable. Conditional requirements might include minimum headway time between vehicles, as for example is sometimes required by Los Angeles City. Caravans of trucks could reduce traffic speeds, delay turns from and onto the State Highways, and also even lead to dangerous queue-backup into roadway travel lanes. Platooning might be of particular concern in circumstances such as a sudden acute demand for large amounts of fill material for another valuable project.

If you have any questions regarding our comments, please refer to our internal IGR/CEQA Record Number 060119/EK. Feel free, if you wish, to contact our review coordinator Edwin Kampmann at (213) 897-1346 or to contact me at (213) 897-3747.

Sincerely,

Cheryl J. Powell

CHERYL J. POWELL
IGR/CEQA Program Manager

cc: Mr. Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

FROM :

FAX NO. : 8188806165

Feb. 14 2006 11:18AM P17
TO 91818806165

FEB-06-2006 15:03 FROM LADPW/WSM



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE W-0

February 6, 2006

Ms. Suzanne Goode
California Department of Parks and Recreation
1925 Las Virgenes Road
Calabasas, CA 91302

*Mit needed?
or Unrelated
to berm*

Dear Ms. Goode:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU CALIFORNIA DEPARTMENT OF PARKS AND RECREATION RODEO GROUNDS BERM REMOVAL AND RESTORATION PROJECT RESPONSE TO MITIGATED NEGATIVE DECLARATION

We reviewed the subject environmental document as forwarded to us by the Resource Conservation District of the Santa Monica Mountains. The subject project site is located in the service area of the Los Angeles County Waterworks District No. 29, Malibu. We currently provide water service to a few homes and businesses within the project area and area south of your project. We will need to abandon the water main and service connections to these homes and businesses. Please coordinate with Mr. Mark Carney of our Malibu office, at (310) 456-6821, Extension 242, so we can abandon these lines in a timely manner.

Also, we have an upcoming construction project at our existing Topanga Beach Booster Pump Station located at 3800 Topanga Canyon Boulevard, in the general vicinity of the subject project. We seek to coordinate construction efforts by our agencies to minimize any conflicts. Please provide us with your anticipated construction schedule and a contact person.

Post-itTM brand fax transmittal memo 7671 # of pages 2

To	Suzanne Goode	From	Sami Kaber
Co.	Calif Dept of	Co.	L.A. Waterworks
Dept.	Parks + Rec	Phone #	300-3339
Fax #	818-880-6165	Fax #	626-300-3385

FROM :

FAX NO. :8188806165

Feb. 14 2006 11:18AM P18

FEB-06-2006 15:03 FROM LADPW\W5M

TO 918188806165

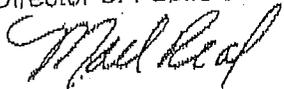
P.02/02

Ms. Suzanne Goode
February 6, 2006
Page 2

If you have any questions regarding this matter, please contact Mr. Michael Ignatius at (626) 300-3396 or email at mignatius@ladpw.org.

Very truly yours,

DONALD L. WOLFE
Director of Public Works



MANUEL DEL REAL
Assistant Deputy Director
Waterworks and Sewer Maintenance Division

MJ:lm
EH202

execrpts from
Lower Top Interim
Plan

Executive Summary

The *Interim Management Plan* is the first phase of planning efforts by the California Department of Parks and Recreation (Department or California State Parks) at Lower Topanga Canyon, a new addition to Topanga State Park in Los Angeles County. The Final *Interim Management Plan* prescribes a number of small projects that allow the Department to effectively manage the Lower Topanga Canyon area in the short-term and provide data recovery to assist in subsequent planning efforts for Lower Topanga Canyon.

This Environmental Impact Report (EIR) is being prepared to provide full public disclosure of the Department's proposed actions. The Department's purpose in moving forward with these activities in Lower Topanga Canyon is protection of natural and cultural features and provision of public access. The studies and actions described herein represent a proactive approach by the Department to gather the data necessary to utilize "Best Management Practices" in our park management efforts while stabilizing the environment. The activities proposed herein generally do not pose long-term significant impacts on the environment. However, implementation of the *Interim Management Plan* will cause an unavoidable significant disruption of an established community and a Statement Of Overriding Considerations will need to be adopted for this impact. This Statement will be prepared as part of the Notice of Determination, for signature by the Director of the California Department of Parks and Recreation.

Other potentially significant effects identified include temporary short-term impacts to vegetation, wildlife, archaeological resources, geology, water, air quality, noise, and circulation resulting from the demolition and removal of structures, removal of invasive plants, and miscellaneous minor public-use improvements. Mitigation measures proposed herein, however, reduce these potential impacts to a level below significance.

Impacts to the existing system through project implementation will be out-weighted by the overall benefit of habitat improvement and enhancement for visitors, as well as for native wildlife and their associated habitats.

ANGELES DISTRICT
RECEIVED

AUG 07 2002

CALIFORNIA STATE PARKS

Preferred Plan Goals and Actions

Goal #1

ENHANCE WILDLIFE HABITAT AND PLANT COMMUNITY VALUES BY PROMOTING SUSTAINABLE NATURAL ECOSYSTEMS. PROTECT RARE, THREATENED, AND ENDANGERED SPECIES.

The Lower Topanga Canyon Acquisition (Lower Topanga Canyon) encompasses one of the last remaining natural coastal stream courses in southern California. Topanga Creek is a free flowing, meandering creek that moves through a variety of natural vegetation communities and empties into the Pacific Ocean 8.8 miles from the top of Topanga Canyon. Topanga Creek has a uniquely small watershed (18 mi²) and is predominately undeveloped. The new acquisition area encompasses approximately 1,659 acres, and contains significant natural and scenic features. Topanga Canyon is an example of a diminishing ecosystem nestled in the midst of the highly urbanized Los Angeles metropolitan area.

Since riparian woodlands and clean free-flowing creeks are exceedingly and locally rare, many of the associated plants and animals are likewise rare. In addition, a wide variety of wildlife frequents the canyon indicating that much of the site still maintains biological integrity. Lower Topanga Canyon is significant in that it protects a remnant example of the natural heritage of southern California's coast. Coastal riparian woodlands are becoming a rare resource in southern California as urban development continues to expand. Lower Topanga Canyon supports native riparian woodlands along Topanga Creek and steep chaparral-covered canyon walls. Riparian woodlands in Topanga Creek include the California Sycamore series, Arroyo Willow series, and the White Alder series. Each woodland community supports a unique associated biotic community that include native fish, aquatic insects and amphibians in the creek, and a unique assemblage of endemic plants and a diverse suite of birds, insects, and reptiles on the slopes.

This plan delineates a Natural Habitat Area that represents land with a high potential for quality natural habitat and restoration of natural ecological processes. This Zone generally includes the creek, riparian woodland, flood plain, lagoon and steep backcountry.

It is important that the Department maintains natural processes including landforms, fluvial processes, natural erosion, sediment transportation, and vegetation succession to the maximum extent possible, while minimizing inputs from unnatural sources.

For the entire watershed system to thrive, the water quality of Topanga Creek must be protected from deterioration from both external and internal sources. (See Goal #4 below)

Action 1b

Monitor plant community health and development.

California State Parks will work to facilitate implementation of a program to monitor the condition of the native plant communities. Monitoring is essential to provide baseline data against which to judge the changes and variations in plant and animal populations over time, as well as the success of specific management actions. Methods will be simple and repeatable, using established and accepted sampling techniques and statistical procedures. Monitoring plant community health and development will help ensure the stability of the habitat quality and detect fluctuations in response to a range of environmental variables before negative effects occur.

Action 1c

Reintroduce displaced or extirpated species.

All seedlings and saplings used in habitat re-introduction and restoration projects will originate from seed collected from native plant taxa within Topanga State Park boundaries or from a nearby area supporting a comparable species composition. To be considered complete and successful, reintroduction and restoration areas must be similar in appearance, species composition, and ecosystem functions to the surrounding habitats.

Action 1d

Perpetuate wildlife assemblages.

California State Parks will work to facilitate protecting, restoring and interpreting the native terrestrial and aquatic animals in the Lower Topanga Canyon area. Protection may include, but is not limited to habitat preservation, restoration/enhancement, seed banking, (see Actions 1 a, 1c) and visitor education.



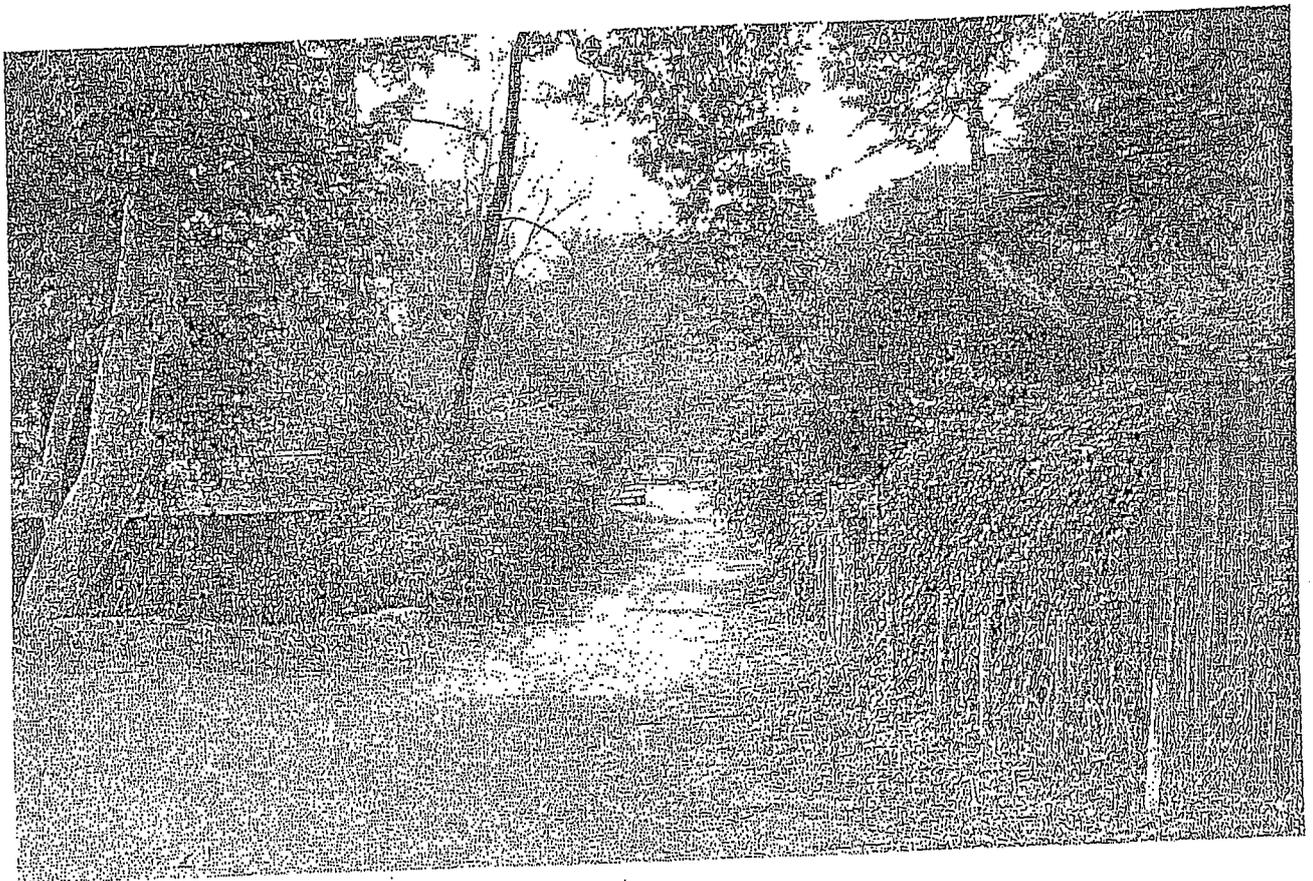
Action 1e

Remove manmade intrusions in the Natural Habitat Zone. Remove fences, structures and debris.

The removal of non-historic manmade features will increase natural habitat and will improve the natural movement of wildlife through the area. Removal also may have a positive effect on water quality.

Removal of the structural material and debris will be accomplished in a manner that will ensure protection of the site's natural and cultural resources as well as minimal effect on local traffic. To the degree necessary, portions of the work may be accomplished through hand labor. The work will be timed such that construction vehicles will not conflict with heavy traffic patterns along PCH and Topanga Canyon Boulevard.

During implementation, temporary educational signs will explain the benefits of this action.



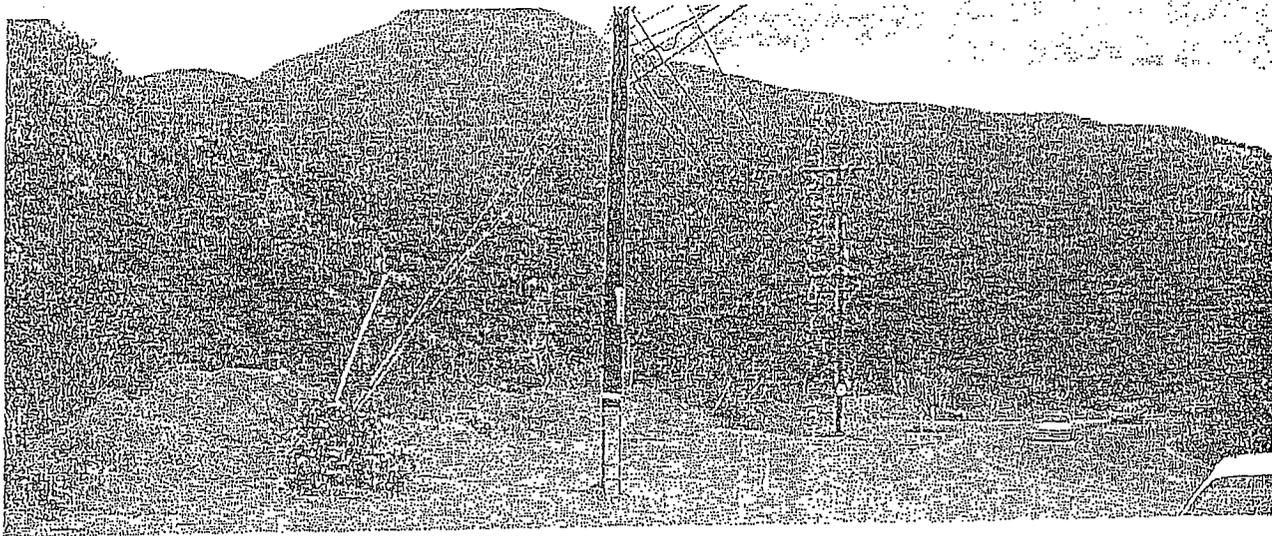
Rodeo Grounds

Action 1g

Work with the California Department of Transportation to discontinue dumping on California State Park property along Topanga Canyon Boulevard, and removal of existing dumped material and repair landslides associated with state route 27.

Previous and current practices, such as roadway maintenance and repair, coastal development, and human habitation in the floodplain, have changed the composition and ecological conditions in the Lower Topanga Canyon area. Changes such as these alter the ecological dynamics of the system and reduce wildlife and native plant values.

Material that is dumped along Topanga Canyon Boulevard may include hazardous substances, can introduce additional sediments into the stream system and is unsightly.



Debris piles along Topanga Canyon Boulevard

Action 1h

Continue to actively participate in and support planning efforts and studies that will result in restored natural processes, protection of rare, threatened, and endangered species, and preservation and enhancement of biocorridors.

These planning efforts will, most significantly include lagoon restoration and streambed restoration feasibility studies. Structures located in the floodplain (e.g., homes and levees) have altered the natural flow and direction of Topanga Creek, therefore, in order to restore the natural flow and meandering pattern of the creek, these structures should ultimately be removed. The current creek configuration has resulted in changes in water quality, sediment transportation, and lagoon size and configuration.

Plants

This action includes protection of listed species, those species that meet the legal requirements for listing, but are not currently listed, and those considered locally sensitive or endemic to the area.

Scientifically sound methods and protocols for sensitive plant surveys will be developed and implemented to find previously unknown sensitive plant populations within the park. California State Parks will work with local agencies to develop and facilitate implementation of a monitoring program to ascertain the condition of the native plant communities and wildlife habitats.

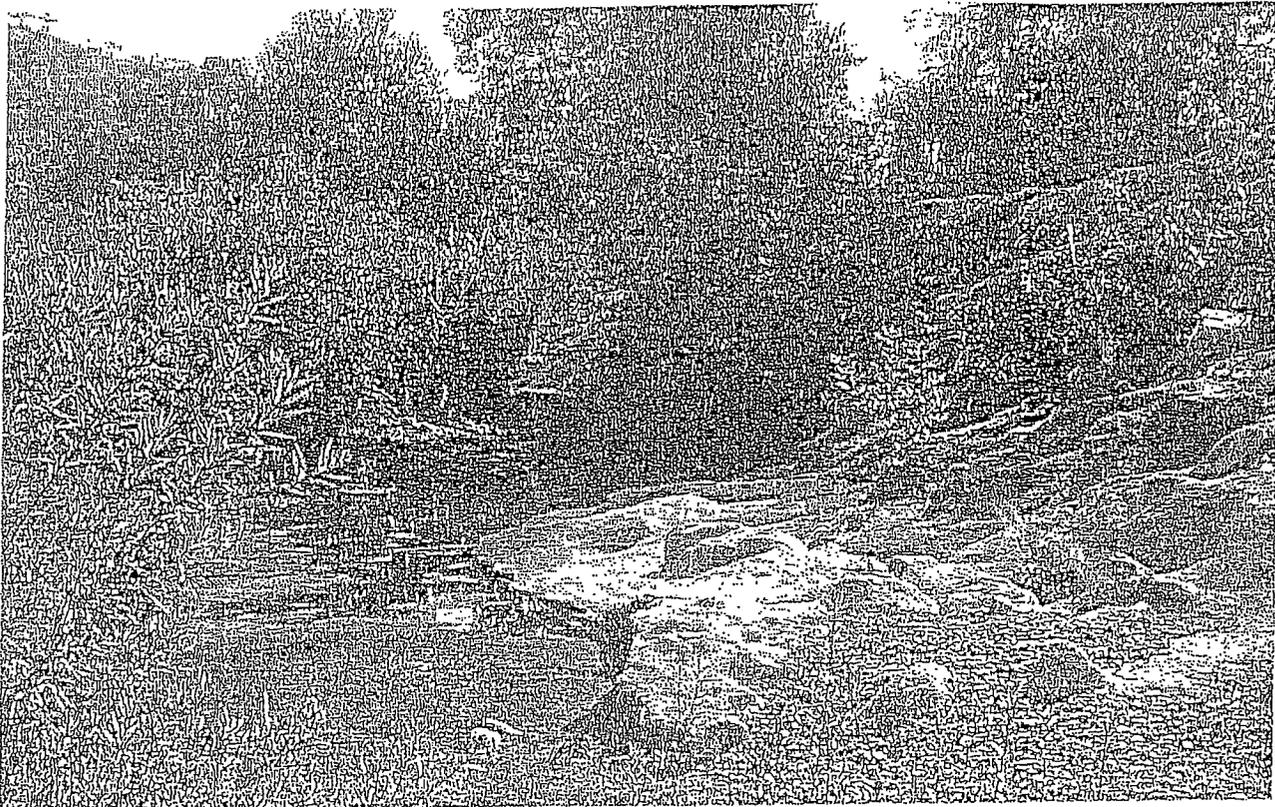
Rejected Alternatives

Incorporate complete lagoon restoration and streambed restoration.

In contrast with the preferred plan, the implementation of complete lagoon restoration and streambed restoration would mean that during the interim period:

- There would likely be no place to implement the temporary trailhead parking area (Action 3a).
- There may be a need to displace some commercial enterprises (Action 3e).

Though the restoration of natural processes is an important goal for California State Parks, it will take some time before lagoon and streambed restoration plans can be formulated and fully implemented, extending beyond the interim period. California State Parks is committed to continuing to work closely with participating agencies toward fulfilling these restoration goals (see also Action 1h, page 16), but it is not feasible, yet, to implement final lagoon and streambed restoration during the interim period.



Concrete-faced levee along Topanga Creek, protecting Rodeo Grounds area

Perform slope restoration in the area of extensive dumping along Topanga Canyon Boulevard. Additional studies should be performed that will evaluate the condition and extent of the fill material. California State Parks and the California Department of Transportation should work cooperatively to devise the best plan to restore these slopes to their natural condition. This work will take longer than the interim period, and therefore, should also not be part of this plan. (See also Action 1g, page 16.)

EIR

Southern California coastal areas are limited by space and market demand. The residential character of this area will be replaced by public open space use and natural systems. This effect is unavoidable because private residential use is inconsistent with State Park mission and policies, which govern the use of newly acquired land. All of the residences are on septic systems in a coastal area and studies indicate that there may be contamination from these systems into the creek. Further, many of the units are located within the 100-year floodplain presenting a risk to residents in the event of flooding. Maintaining year-round access for residents during the rainy season requires manipulation in the floodplain to protect structures, roads, and bridges. Allowing continued residential uses within the Canyon acquisition would interfere with the environmentally beneficial goals of the plan.

Finding: The significant effect to the local community is unavoidable and unmitigable; a statement of overriding considerations will need to be made.

Potentially Significant Effects and Proposed Mitigation

Vegetation

Impact: Actions involving the manipulation of vegetation in or adjacent to the Natural Habitat Zone (Actions 1a, 1e, 2a, 3a, 3b, 3c, 4a, 4b), have the potential to affect endangered, threatened, or rare species (Appendix D), and special status habitats.

Discussion: Currently three sensitive plant taxa are known to occur within the riparian corridor in the Lower Topanga Canyon Acquisition area. They are:

- Plummer's mariposa lily (*Calochortus plummerae*)
- Lewis' evening primrose (*Camissonia lewisii*)
- Fish's milkwort (*Polygala corunta* var. *fishae*)

The California Department of Fish and Game Natural Diversity Database classifies two native plant communities within the new acquisition area as sensitive, Topanga Creek (a perennial stream), and Sycamore Alder Riparian Woodland. Removal of invasive exotic vegetation, removal of manmade intrusions, trail construction and the development of picnic areas could create adverse impacts to native riparian vegetation, rare taxa or the perennial stream. All actions will be in compliance with local, state, and federal permitting and regulatory requirements.

Mitigation 1: Prior to the implementation of exotics removal, facilities development and the removal of manmade intrusions (including structures, fences, and debris), exotic plant populations will be mapped and all areas will be surveyed for the presence of sensitive species including endangered, threatened or rare plant taxa. Listed plant species found on site will be avoided to the fullest extent possible. If a listed plant species is detected within the area of potential impact, the area shall be flagged, personnel educated on the sensitivity of the area, and instructed to avoid it. Trails and picnic areas will be redesigned, and staging areas will be relocated to avoid all listed taxa locations.

Mitigation 2: Rare natural communities shall be avoided or impacts minimized to a level below significant. Picnic areas and trails will be designed to avoid the need for removal of any trees. Removal of invasive exotics (Action 1a) can serve as mitigation for any potential impacts resulting from construction of picnic areas and trails. Furthermore, trail construction design could include placing trails in areas of heavy infestation, thereby removing exotic species from the system and avoiding adverse impacts to native vegetation.

7

EIR

Alternatives Analysis

The objectives of the proposed project are to 1) protect natural and cultural values, and 2) provide interim public access to the newly acquired Lower Topanga Canyon of Topanga State Park, until such time as the General Plan can be amended to provide long-term guidance for the development and management of the site. The range of reasonable alternatives considered was chosen based on public comment received during a series of public meetings held during development of the *Interim Management Plan* and are discussed on Pages 35-40, and listed below:

1. Maintain private residential use.
2. Eliminate commercial enterprises along Pacific Coast Highway.
3. Incorporate complete lagoon restoration and streambed restoration.
4. Perform slope restoration in the area of extensive dumping along Topanga Canyon Boulevard.
5. Implement overnight camping or recreation vehicle use as suggested in 1977 General Plan.
6. Create formal trailhead parking along Topanga Canyon Boulevard.
7. Create trailhead parking area in the Creekside Area.
8. Create formal trailhead parking in front of the Topanga Ranch Motel.
9. Remove all non-native plant species.
10. Remove and revegetate all dirt roads within the natural habitat zone.

"No Project" Alternative

Alternative 1, listed above, essentially represents the "No Project" Alternative. Relative to the proposed project, this alternative would mean that the goals of natural and cultural resource protection and of providing public access would not be realized during the interim period. Impacts to vegetation, wildlife, cultural resources, water, recreation and aesthetics, as well as exposure of public to flood hazards could potentially occur under this alternative. This alternative is not considered to be environmentally superior to the proposed project, which ameliorates existing negative environmental effects. Please see discussion in Section on Known Controversies.

Environmentally Superior Alternatives

According to the *CEQA Guidelines* (Sec. 15126.6(c)&(f)), only those alternatives that could feasibly accomplish the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects are required to be analyzed in detail. For this project this would primarily mean alternatives that go further in ameliorating the existing negative environmental effects. Of the alternatives considered, those that meet this description are Alternatives 3, 4, 9, and 10 above.

Alternatives 3 & 4 would provide for complete restoration of the lagoon, streambed, and highway slopes. While this would accomplish the long-term goal of natural resource protection, there would be more significant short-term effects to vegetation, wildlife, cultural features, geology, water, air, and noise than the proposed project. These alternatives represent larger scale projects than can be accomplished during the interim period, but it is the intent of State Parks to study these alternatives during the interim period for potential future implementation. Any potential future actions involving large-scale restoration of the hydrologic system would be subject to further review under CEQA.

Alternative 9 would remove all non-native vegetation instead of just the most invasive species as proposed. While this would go further in accomplishing the long-term goal of natural resource protection, there would be more significant short-term effects to vegetation, wildlife, geology, water, air, and noise than the proposed project if it were attempted over the same two-year period. Phasing of the removal efforts would minimize these effects, and it is the intent of State Parks to continue exotic

From: Lynne Haigh <l.b.haigh@verizon.net>
Subject: Fwd: Rodeo Grounds Berm Removal Process
Date: February 15, 2006 11:36:56 AM PST
To: Rosi Dagil <oaksrus@mac.com>

Rosi,

I was not able to get this to go through to s. good or to sluce@waterboards. Please forward it for me to the correct addresses.

Thanks,

Lynne

Begin forwarded message:

From: Lynne Haigh <l.b.haigh@verizon.net>
Date: February 15, 2006 11:32:47 AM PST
To: rscha@parks.ca.gov
Cc: Rosi Dagil <oaksrus@mac.com>
Subject: Rodeo Grounds Berm Removal Process

Mr. Ron Schafer
Superintendent Angeles District, California State Parks,

I am writing this to let you know that as a long time resident of Topanga I am greatly in favor of moving ahead promptly with the Rodeo Grounds Berm Removal Project. Although, as usual, the issues involved are complex, it appears to me that sufficient steps have been taken to make this an appropriate project with which to continue at this time when funds are available for the work. I support moving ahead with soliciting funds on Thursday, and then resolving any problems with the Interim Plan.

I place a high priority on the timely removal of this berm both to allow for more public use of the area and to improve the habitat for steelhead trout. As a Topanga Canyon Docent I look forward to being able to share more of Topanga State Park's beautiful resources with the public, and I regret the long delays which have already occurred in regard to public use of the Lagoon area.

Thank you for giving this your consideration.

Lynne Haigh
21034 Hillside Dr.
Topanga, CA 90290
310 455-1696

From: Gerlinde Gautrey <ggautrey@earthlink.net>
Subject: Rodeo Grounds - lower Topanga State Park
Date: February 15, 2006 4:10:35 PM PST
To: rscha@parks.ca.gov, sluce@waterboards.ca.gov, mary.delancy@resources.ca.gov
Cc: sgood@parks.ca.gov

Dear Mr. Schafer: As a taxpayer and property owner in Topanga I was thrilled when the State Park made the acquisition of lower Topanga. That was many years ago. The Lower Topanga Acquisition Interim Management Plan was drafted, an Environmental Impact report, a Watershed Management Report etc etc all prepared and researched at great expense in time and money. And now you are putting the funding of the restoration of Topanga Creek and Lagoon in danger by not supporting, and even stonewalling, the implementation of the Rodeo Grounds Bern Project. I am sure you are well aware of how long it takes to get grant money and state financing approved. For the project to begin in summer 2007 there is no time to loose ! This week the SMBRC is scheduled to hold a meeting and a vote on earmarking money towards implementation of some of the goals for restoring Topanga creek is on the agenda. This money is vital to obtain matching funds from the NOAA Open Rivers grant project.

I understand that despite numerous court judgments and huge sums of relocation money paid out, some residents are still resisting. That cannot possible be the reason for you not supporting the go ahead on the funding applications. The deadline for everyone to move out has passed only a few weeks ago and it will be months before the work on the berm can begin. In the meantime the condition of the rodeo ground is steadily deteriorating!

My kids surf at Topanga Beach. Once again Heal the Bay gave Topanga Beach an F for the last four weeks reporting period. So the removal of the old septic tanks, the household waste and toxic materials is way way overdue !!!!!!!! Part of me wishes that this property would still be in private hands because I believe Public Health and Safety requirements would be enforced a lot more stringent !!!

Removing the old structures, the septic tanks, the hazardous waste and materials, the contaminated berm and close the area to public vehicular traffic should be on high on your agenda. Safe passage for steelhead trout and clean water for animals and people alike should be your goals. We taxpayers and residents are looking to the State Park management to be good stewards of our tax dollars and not delay the implementation of the interim plan which would only mean higher expenses down the road!

I do appreciate you taking the time reading this. I know you very often only hear from people who disagree with you. This is such a fabulous opportunity for extending our state parks and restoring and cleaning up a lovely place full of many threatened and rare species. I do hope you will get the support from all sources to go ahead with the project!

Gerlinde Gautrey
21437 Highvale
Topanga CA 90290
310.455.2869

From: Jackie Safonov <jsafonov@earthlink.net>
Subject: MND please approve
Date: February 15, 2006 5:00:47 PM PST
To: rscha@parks.ca.gov
Cc: sgood@parks.ca.gov, Rosi Dagit <oaksrus@mac.com>
Reply-To: jsafonov@earthlink.net

Dear Mr. Schafer:

We urge you to approve the MND for the Rodeo Grounds Berm removal project in Topanga. General Plan or not, this work needs to be done ASAP and the funds are needed to do the job. Please save us all from additional expenses down the line and approve the MND.

Sincerely,
Jackie & Greg Safonov
2711 Halsey Rd.
Topanga, CA 90290

From: Jackie Safonov <jsafonov@earthlink.net>
Subject: MND please approve
Date: February 15, 2006 5:03:45 PM PST
To: sluce@waterboards.ca.gov
Cc: sgood <sgood@parks.ca.gov>, Rosi Dagit <oaksrus@mac.com>
Reply-To: jsafonov@earthlink.net

Dear Shelley Lyce:

We urge you to approve the MND for the Rodeo Grounds Berm removal project in Topanga. General Plan or not, this work needs to be done ASAP and the funds are needed to do the job. Please save us all from additional expenses down the line and approve the MND.

Sincerely,
Jackie & Greg Safonov
2711 Halsey Rd.
Topanga, CA 90290

From: Clark Stevens <clark@newwestland.com>
Subject: Fwd: support for berm removal
Date: February 15, 2006 5:09:16 PM PST
To: Rosi Dagil <oaksrus@mac.com>

Begin forwarded message:

From: Clark Stevens <clark@rotoark.com>
Date: February 15, 2006 5:04:33 PM PST
To: rscha@parks.ca.gov
Subject: support for berm removal

dear mr. shafer

i am writing in strong support of the proposed berm removal project. the work proposed is long overdue to correct a practice that is not only unsustainable, but also in likely violation of several environmental laws

best regards,

clark stevens
21060 winfield road
topanga, ca 90290

Benjamin Allanoff
21936 Canon Dr
Topanga, CA 90290
(310) 455- 4156
Fax 455-0280

Suzanne Goode
California Department of Parks and Recreation
1925 Las Virgenes Road
Calabasas, CA 91302.

January 16, 2006

Suzanne,

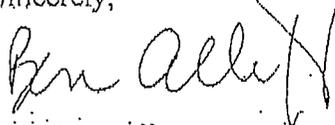
On behalf of the Topanga Creek Watershed Committee and all of the stakeholders and residents of Topanga Canyon, I'd like to request that you make a public presentation in the community with regard to the proposed berm removal project in Lower Topanga.

While I have no reason to think that there is anything objectionable about the project, the Committee met last week and unanimously agreed that the community should be directly informed about what kind of work this project will entail, what it's purpose is, and how that fits in to your long range plans for the Creek and Canyon. We are always interested in improving communication and partnership with the government agencies that work in the canyon, and feel that your presence here would go a long way towards letting the residents know that you are not ignoring them.

We appreciate that written copies of the proposal are available for public review in Malibu, Calabasas, and Pacific Palisades, but feel that (1) the residents of the canyon deserve an explanation that will be clear to non-scientists, and an opportunity to ask questions, and (2) we would also appreciate it if you could have a copy available at the RCD offices, where the folks who I'm guessing might be most directly impacted by your project could have access to it.

Please call me and let me know what you think. I would be happy to help arrange a meeting place and time if you so desire.

Sincerely,



Ben Allanoff

Introductory Comments on the Proposed Rodeo Grounds Berm Removal and Revegetation Project

1. The Mitigated Negative Declaration is inadequate: An EIR is required because the Mitigated Negative Declaration leaves numerous significant impacts that either have not been mitigated or are not mitigated to a level of insignificance. They include aesthetics, air quality, biological resources, geology, hazardous materials, hydrology and water quality, land use and planning, recreation and cumulative impacts.
2. CEQA requires review of cumulative impacts: The project violates CEQA's EIR requirement for "cumulatively considerable" impacts defined as including "probable future" projects. This is an attempt to take a piecemeal approach to a much larger project. There are several related streambed and lagoon restoration projects for which approximately \$1 million in study grants have already been expended. This proposal depends for its purported benefits on these other projects, especially restoration of Topanga lagoon – the only entry and exit point for Steelhead Trout. The lagoon project is a massive project with uncertain support from Caltrans or the public. It entails excavation and disposal of 800,000 cubic yards of fill dirt, replacement of the existing PCH bridge with one 470-foot long, relocation of identified historic resources, closure of visitor-serving businesses and years of construction. The current proposal, while much smaller, is still as Caltrans terms it "a very extensive earth haul" of 26,000 tons of earth. There is no doubt that a private developer would be required to prepare an EIR for such a volume of grading. There is no urgency for this project. It violates explicit provisions in the adopted Interim Management Plan for the park. It must be examined in an EIR for the cumulative impacts of the entire Topanga Creek and Lagoon restoration project, before making this first significant commitment without public involvement. [The Interim Management Plan for Lower Topanga acknowledges that this combined restoration effort will require further review under CEQA, see page 54 - "These alternatives represent larger scale projects than can be accomplished during the interim period, but it is the intent of State Parks to study these alternatives during the interim period for potential future implementation. Any potential future actions involving large-scale restoration of the hydrologic system would be subject to further review under CEQA."].
3. Public Safety: This proposal removes a public safety flood-control levee without addressing the increased flood hazard. Flooding or periods of heavy rain and flow of Topanga Creek have resulted in numerous deaths over the years. [See attached clippings of devastating floods in the Rodeo Grounds.] No mapping is provided as to what will happen in a flood or how park visitors will be protected.
4. Non-Compliance with the Interim Plan: This project violates CEQA's requirement for compliance with existing state-approved plans for the property. This project violates the Lower Topanga Interim Management Plan in several ways. It must be delayed until a General Plan is created with public input to balance a wide array of public use and access issues including restoration goals and alternatives. Firstly, the Lower Topanga Interim Management Plan and its accompanying EIR expressly

prohibit restoration of roads to natural conditions during the interim period and the berm is one of four roads specifically identified in the Interim Plan. [Page 15 (Action 1f) – “Four existing dirt roads will be closed to public use during the interim period: the routes from Topanga Canyon Boulevard through the Rodeo Grounds, the route through Topanga Lane, the route down into the Creekside Area from PCH, and Brookside Drive. Roadways will not be restored to natural conditions during the interim period. They will continue to be used temporarily by the Department for implementation of the actions contained herein and as non-vehicular routes for the visiting public.” Page 54 - “As part of the Interim Plan (Action 3d), studies are proposed to determine the appropriate disposition of roads and trails within the new acquisition area. Final disposition of roads will be addressed in future management plans and subject to further review under CEQA.” et al.] Secondly, the Interim Plan limits streambed and lagoon restoration to a category for study and research only [Pages 16, 37, 54 and 58], recognizing that it would be “subject to further review under CEQA.” This project is described on page I-1 as intended to “restore the natural floodplain, creek channel and sediment transport systems at the southern end of Topanga Creek.” This description clearly exceeds the scope of the Interim Plan and should be considered instead during the general planning process and in relation to other priorities for this public park property. [Letter from Rusty Areias to Sen. John Burton on July 11, 2001, overriding provisions in Proposition 12 against purchase of developed properties on grounds that it was a “unique opportunity” and fulfilled the desire to “bring parks and open space to our crowded urban metropolitan areas, especially in the Los Angeles region.” This premature project will further delay the opportunity for the public to access this park, and diverts funding priorities to an individual project instead of to creating a general plan to meet regional parkland needs. Thirdly, the Interim Plan rejects wholesale eradication of non-native plants and trees, focusing instead on “the most invasive exotic plants such as Giant Reed, Cape Ivy and Tree of Heaven.” This project calls for removal of more than 100 non-native trees over a 12-acre area. While occasionally State Parks maintenance has removed exotic trees due to hazardous conditions, there is no urgency to implement a broader program of eradication now, until a General Plan concludes that it should be done. Indeed, this option was examined as an alternative in the Interim Plan and rejected, recognizing short-term impacts not allowed under the limited goals of the Interim period. [See Pages 12 and 54]

5. Berm Excavation and Tree Eradication: The Interim Management Plan, as stated on page 3, “prescribes a number of small projects that allow the Department to effectively manage the Lower Topanga Canyon area in the short term and provide data recovery to assist in subsequent planning efforts for Lower Topanga Canyon.” It further states on the same page that the Interim Plan had been “prepared to provide full public disclosure of the Department’s proposed actions” with an overriding goal of “stabilizing the environment.” Similarly, on page 55, the public is assured that implementation of the Interim Plan “will not create any significant, irreversible changes to Lower Topanga Canyon” and that all proposed actions could be reversed if deemed appropriate in a General Plan. The lately proposed removal of the Rodeo Grounds Berm is nowhere listed among action or implementation items. Indeed the

berm is pictured on the page 37 to illustrate lagoon and streambed restoration projects that were considered alternatives, but were [Page 35] "deemed to be inconsistent with the interim management goals... and/or to be inappropriate for implementation during the approximately 2-year interim period."

The berm removal project requires excavation of 26,000 tons of material, removal of 36 to 42 mature native trees and more than 100 mature non-native tree species – e.g. palms, pines, eucalyptus and fruit trees. The excavation is itself a massive undertaking. Similarly, the tree removals over a 12-acre area exceed the target of reducing "the most invasive species" during the interim period. [See above] These trees include species that have been present for years in other parks in the Santa Monica Mountains National Recreation area and if they are to eventually be removed, should be removed gradually to reduce impact on wildlife. The Interim Plan rejects an alternative favoring wholesale removal of non-native plants because [Page 54] "there would be more short term effects to vegetation, wildlife, cultural features, geology, water, air, and noise than the proposed project." Also, removal of many of these trees is controversial because they are not an "invasive" threat that displaces other native habitat, and indeed preserve a measure of the cultural and aesthetic history of the property. CEQA is supposed to be a means for resolving public disputes, not for circumventing them. According to the Governor's Office of Planning and Research, "CEQA can help resolve public policy disputes relating to development projects. Technical issues that find their way into policy disputes, no matter how dependent on scientific considerations, are inherently value-laden. CEQA specifically addresses the potential for conflicting expert discussions and mandates that all sides of an issue are considered." [Also, please see Discover Magazine cover story "Are Invasive Species Really So Bad?" May 2005 for a discussion on the evolving thinking on the subject of non-native species. It suggests the line between real science and the human desire to control nature is sometimes unwittingly breached. The "real crime" of alien species, according to the Discover article, "isn't against nature; it's against us and our self-serving ideas of what nature is supposed to be." Similarly, scientists are quoted to say that invasive species have shown that there are many unused resources in a given ecosystem that can support the added diversity. The article concludes: "Rather, the point is that the only reliable measure for the value of native species is our desire. Whether invasions are good or bad is a question to ask ourselves, not our scientists." This would argue for complying with the existing Interim Plan and delaying an irreversible tree eradication project until the public can join in the discussion during a general planning process.]

6. MND Review Process: Announcement of MND review period, violated CEQA provisions by failing to provide for Internet access to the MND even though it could have been made available that way and by failing to provide a local public review copy at the Resource Conservation District in Topanga. The RCD is the closest public agency to the project and it is also the responsible entity applying for \$3.6 million to carry out this project. An RCD senior staff member, who prepared the funding application for this project, personally hired the contractor to prepare the MND and was well aware of these obligations under CEQA. Similarly, principal staff members

at both the RCD and State Parks were not available to answer questions during the review period.

Comments on the Project Description and Goals

The project description and goals include misinformation and exaggerations. Most important among them are the purported benefits to endangered Southern Steelhead Trout. Second perhaps is the assertion that eliminating 140 mature, shade-giving trees represents an aesthetic and environmental habitat improvement.

1. Southern Steelhead Trout: The description claims that, as a result of this project, steelhead will be able "to access four miles of suitable habitat that is now seasonally restricted due to the subsurface flows associated with the berm."
 - a. This project could not possibly provide four miles of suitable habitat because the RCD's own data shows a "full barrier" at 3.3 miles. [See figure 6, NOAA grant application] Indeed, no trout are currently found beyond 2.7 miles where the creek elevation rises sharply. A short stretch of improved habitat 2 miles downstream might be a good thing, but it strains credulity to suggest that it will help fish scale boulders to reach elevations upstream they do not currently attain.
 - b. The contention that fish are seasonally restricted due to "subsurface flows associated with the berm" needs further supporting evidence. First, how is widening the creek channel not going to make it shallower and similarly subject to drying out, as well as slower and subject to refilling itself with sediment? (Houses were originally constructed in the Rodeo Grounds before a berm was required, presumably because it was pretty dry and flood safe. Circumstances evidently have changed, perhaps with increased upstream development, erosion and imported water runoff.) Second, how does seasonal subsurface flow during dry periods affect steelhead migration when they can only get in or out during major storm events that open up the sandbar at Topanga lagoon and, of course, create surface creek flow through the Rodeo Grounds?
 - c. As it stands now, the documented presence of Steelhead trout occurs north of the berm, suggesting that they already have upstream access. This is apparently possible despite three huge landslides, which almost fill the creek just a little ways up from the berm.
 - d. The claim that "Ultimately, the project is expected to indirectly provide summer rearing habitat and improve over-winter habitat and critical passage links for endangered Southern Steelhead Trout" raises the question "What does 'indirectly' mean?" Is this just boilerplate verbiage?
 - e. Finally, the description makes no projections for increased fish populations as a result of this project, so there will be no way to measure the success or failure of this project. Clear data on current fish populations are not provided. Neither are results of genetic testing provided to establish that current fish counts represent a migrating species and not a resident population. Previous listings of threatened habitat range for Southern Steelhead, up until 2001, did not extend this far south, perhaps reflecting a historical view that Topanga Creek has only marginal potential as a sustained Southern Steelhead habitat.
2. Removal of 100 plus trees: Removal of more than 100 non-native trees represents a disturbing, purist approach to resource management that is ill-suited to the particular location and history of the Lower Topanga Rodeo Grounds. It is an approach that is not uniformly supported by environmental scientists [Discover magazine May 2005 cover story] or the

public and is therefore worthy of an honest public debate. It certainly cannot be claimed that loss of these trees constitutes an aesthetic improvement. This proposal would replace these trees with tiny seedlings, acorns and walnuts planted in plastic tubes, and a ground covering of hydroseed. It also calls for years of herbicide use against invasive plants that will be encouraged by the extreme environmental disturbance created by the project itself. If revegetation of Summit Valley/ Ed Edelman Park is any example, the new plantings will also come with an extensive latticework of plastic irrigation pipes to ensure that no one will forget for an instant the human hand at work. No one has considered that visitors from urban areas might enjoy the varied exotic tree specimens thriving among the native ones, which after all are well represented in Lower Topanga as in every Santa Monica Mountains park. Other parks have retained numerous examples of non-native trees. If this move is in preparation for the bigger restoration project ahead, it should surely be delayed until that project has been incorporated in a General Plan. Clearly, this loss will be a significant irreversible outcome prohibited by the Interim Plan.

Suzanne Goode - Fwd: Berm removal

From: Ron Schafer
To: Goode, Suzanne
Date: 2/6/2006 8:35:08 AM
Subject: Fwd: Berm removal

Suzanne,

This one is addressed to you but was not emailed to you. The plot thickens....

Ron

>>> "Herbert Petermann" <hpetermann@charter.net> 02/04/06 11:48 AM >>>

T A S C TOPANGA ASSOCIATION FOR A SCENIC COMMUNITY

P.O. BOX 352, TOPANGA, CALIFORNIA

February 2nd, 2006

Ms. Suzanne Goode, State Parks Environmental Scientist

Angeles District
1925 Las Virgenes Road
Calabasas, California 91302

Dear Ms. Goode,

The board of the Topanga Association for a Scenic Community (TASC) strongly objects to the proposed Rodeo Grounds Berm Removal and Restoration Project after reviewing the Mitigated Negative Declaration and State Parks Lower Topanga Acquisition Interim Management Plan and EIR. There must be no further action until the contradiction between the proposed project and the Interim Management Plan is addressed by public review.

TASC, representing 800 members, has concerns about many aspects of the massive excavation and plant eradication proposal, which, at a minimum require further study in an EIR, as was done for Malibu Creek restoration. This project should be reserved for inclusion in a General Plan for the park so that it can be balanced against other priorities and so that legitimate controversies can be properly aired. This project would stir up 17,000 tons of hazardous materials within Topanga Creek, requiring transport to distant classified disposal sites. On this point alone, it should be considered a significant environmental impact.

Moving forward with this plan at this time will potentially foreclose other options for the property, especially in areas that would require the berm road for access. During the general planning process, Rodeo Grounds Road would serve as an important trail access route to a beautiful section of the park and perhaps other connecting trails. This area should not be cut off to

public access before alternative access is in place. Also, eliminating the berm, which once protected residents and their homes from dangerous floodwaters, could create a hazard for park visitors if a safety plan is not in place. These are only a few of TASC's many concerns about this project.

TASC, a well established Topanga community organization, was not consulted during preparation of the Mitigated Negative Declaration. Similarly, community requests for a public meeting on this unexpected and unfamiliar project were rejected, despite numerous provisions in CEQA that clearly place a high value on public input. Review materials were not provided locally or electronically via the Internet, substantially reducing public review opportunities. In every respect, this project appears to be a rush job designed to limit public involvement, which in turn could result in increased risk to residents and commuters as well as to the environment of the new state park. There are still many priorities to be accomplished in the Interim Plan. It's time for State Parks now to get started on the general planning process and create a true, comprehensive vision for this extraordinary park property.

Your immediate attention to this matter is requested.

Sincerely yours,

Roger Pugliese
Chair

Cc: Ron Schafer, State Parks Superintendent, Angeles District Santa Monica Mountains Resource Conservation District, Board Superintendent Zev Yaroslavsky; Shelley Luce, Executive Director, Santa Monica

Bay Restoration Commission

FROM :

FAX NO. : 8188806165

Feb. 14 2006 11:13AM P3

FROM Susan Chasen, concerned
Citizen,
310-455-2788 Topanga residents

Comments on the Mitigated Negative Declaration for the Rodeo Grounds Berm Removal and Restoration Project

*received
2/6/06 by Pats*

Overview:

State Parks must prepare an EIR this project because the Mitigated Negative Declaration leaves numerous significant impacts that cannot be mitigated. This EIR should be part of a General Plan Amendment for the Lower Topanga State Park property. Now, more than four years since this property was acquired, this plan should have been in place long ago and certainly, an extensive excavation project such as this must not be allowed until a plan is completed. To do otherwise is to be preemptive of the public process, and to ignore CEQA requirements for examining cumulative impacts of this restoration project in relation to other creek and lagoon restoration goals.

First and foremost: This project which calls for removing a flood-control berm, a 520,000 cubic feet excavation project tainted with hazardous materials, violates the state-approved management plan for the property, far exceeding the limited number of "small projects" identified as priorities in the Lower Topanga Interim Management Plan and its accompanying EIR. This project is slated for study and planning only, until it can be considered in relation to a complete array of priorities in a future General Plan and EIR for the Park.

Please see references regarding streambed restoration, roadway removal and non-native plant removal on pages 37, 16 and 39, among others, in the Interim Plan.

This project, described as intended "to restore the natural floodplain, creek channel and sediment transport systems at the southern end of Topanga Creek" clearly stands in conflict with the scope of the Interim Plan and should be considered during the process for creating a General Plan for the park.

This MND review process violates the spirit of CEQA, and possibly the letter in the following ways:

- A. Review time and locations - documents not available in Topanga
- B. Electronic availability - documents not provided via Internet

C. Principal staff at both the lead agency, State Parks, and the collaborating, responsible agency, the Resource Conservation District of the Santa Monica Mountains, were not available to answer questions about process and about content during the comment period

This project is mischaracterized in numerous ways and contains misinformation.

Page I-1

A. The berm is described as the illegal work of former tenant residents of the property. Nowhere is the property owner and responsible party, LAACO Ltd, parent of the Los Angeles Athletic Club, mentioned regarding responsibility for the berm or its hazardous materials contents. This berm served to protect against flood hazards to LAACO's rental properties that at the time of the State Park purchase in 2001 were generating \$750,000 in annual income. Incidentally, State Parks was supposed to have completed environmental testing to assure that liabilities such as disposal of these hazardous materials were not to add to the \$43 million acquisition cost with additional \$7 million so far in relocation expenses.

B. Steelhead trout will be able "to access four miles of suitable habitat that is now seasonally restricted due to the subsurface flows associated with the berm." There is no explanation of what it meant here by "subsurface flows" or how widening the creek area by removing the berm will not make the creek shallower and subject to drying for months out of the year as has always been the case along numerous stretches of Topanga Creek. As it is, most of the steelhead count is found upstream of the project site. There are no projections offered as to how this will be increased as long as the fish are limited by the sand bar downstream at the lagoon which prohibits them from entering or exiting most of the year. Also, the report does not address any notion of exactly what level of steelhead trout habitat Topanga Creek is believed to have been before PCH construction largely eliminated the lagoon access. The northern barrier, a steep formation of boulders about two miles upstream will remain unchanged by this project which occurs much further downstream near the coast. So, at best, the projected habitat improvements for steelhead are a combination of exaggeration and vagueness. For example, "Ultimately, the project is expected to indirectly provide summer rearing habitat and improve over-winter habitat and critical passage links for the endangered southern steelhead trout." What does "indirectly" mean?

The MND does not: 1) characterize the Topanga Creek's potential with respect to any quantifiable standard for an optimal steelhead population, which should be required since much effort has gone into including Topanga Creek within the steelhead's range. Previously the range was not believed to go this far south. While that might have been an error, it might also reflect this area as having only marginal potential in the urgent need to assure sustained southern steelhead populations.

Surrounding Uses I-1

C. The MND misstates the certainty of future removal of commercial uses along PCH. It states that only historic buildings will be retained as part of the park, without explaining that in at least two or three cases, these historic buildings are commercial enterprises that will likely be retained as visitor serving concessions. Other commercial enterprises, have not been deemed historic, and yet, State Parks has so far retained them as visitor serving and may continue to do so. One of the reasons identified in the Interim Plan for not pursuing lagoon and streambed restoration was potential impact on these business. Without an EIR to look at such things as 50 and 100-year storm events, one cannot determine what the potential downstream effects of this project might be.

In addition, severe landslides upstream almost completely close up the creek. How is it that a wider, slower section of creek, which is what is contemplated once the berm is removed, will not become clogged again with sediment both from the landslides and upstream development effects that were not problems in the early 1900s. Perhaps, the berm, as well as the homes, were initially built along an area that was generally pretty dry, with the berm only being built up in response to catastrophic storms or changed conditions upstream increasing the ferocity of floodwaters. In other words, consider why the houses were built there in the first place, not just the berm.

Statement of no-confidence in sensible prioritizing by local State Parks staff

A. During heated local controversy over State Parks' support of using herbicides to eliminate arundo instead of allowing local volunteers to do the job manually, or in coordination with bulldozers and other mechanical means, park staff used the argument that the footsteps of volunteers would potentially be a significant environmental impact. As it turned out, volunteers were permitted to do the job and successfully eliminated arundo from several areas. Now, not only is State Parks proposing an unrestrained

use of herbicides to control an inevitable return of weeds from upstream, they propose countless bulldozer trips into the streambed and 2,000 trucks weighing 58 tons when full cycling through the riparian and floodplain zone.

LIST OF CONSULTED ORGANIZATIONS AND PUBLICATIONS

- Interim Plan is listed second to last
- Topanga Association for a Scenic Community is not consulted, nor other local groups like the emergency preparedness group TCEP

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Out of 17 categories of factors potentially affected, State Parks acknowledges nine potential impacts, but contends they can all be mitigated to insignificance. This will be examined in detail below. So will three additional categories which State Parks improperly dismissed as having no potential impacts - aesthetics, recreation, and planning impacts are not acknowledged at all.

- Loss of more than 100 beautiful and shade-giving trees to be replaced with tiny seedlings, acorns and walnuts planted in tubes, and a ground covering of hydroseed are far from a sufficient replacement. The MND does not consider that park visitors from urban areas might benefit from seeing varied tree specimens in addition to native specimens that are well represented in Lower Topanga and every other Santa Monica Mountains Park. Eradicating non-native trees does not have a scientific justification (Please see attached Discover magazine cover story), but rather only a narrow aesthetic one that falls comfortably in the realm of public debate. State Parks does well to preserve natural habitat from destruction whenever possible. However, draconian "restoration" measure to eliminate existing tree resources in this case is a needless, pathological erasure of the Rodeo Grounds' legacy of holiday and residential use. It sounds like an uncomfortably ironic mandate: "You have to kill the environment in order to save it." Lower Topanga does not have cancer. It is a beautiful paradise. State Parks should relax, create and general plan for the park, and get off its fast track to grant dollars.
- This project isn't completed for almost two years, which will mean public access continues to be denied for six years from acquisition. Also, the project clearly conflicts with identified goals in the Interim Plan and is therefore preemptive of a future General Plan's public process.

A No-Impact finding is not supported by information cited.

Since there is no State Parks General Plan and EIR in place authorizing this work, but only an Interim Plan, which doesn't authorize it, an EIR is absolutely required if this project is to go forward.

ENVIRONMENTAL ANALYSIS:

Initial Study Checklist

1. **Aesthetics** - b) and c) are clearly significant impacts of this project. State Parks' reasoning is purely subjective, dismissing as a "more scenic" improvement the loss of more than 130 trees. This project:
 - b. This project removes "more than 100 trees" and 36 to 42 native trees including a heritage cottonwood, beginning about 800 feet from PCH, a state scenic highway. The MND says "the project site is not currently visible from PCH." "Currently," refers to the fact that the MND's authors intend to eventually cut down the rest of the non-native trees on the property-- at which time it will be visible. This, even though no State Parks management plan authorizes such draconian measures. Also, State Parks is being disingenuous with respect to Topanga Canyon Boulevard. One of the goals actually contained in the Interim Plan, unlike the current project itself, is to pursue scenic highway status for Topanga Canyon Boulevard.
 - c. This project degrades the existing visual character or quality of the site and its surroundings because the loss of 130 trees is a very valuable aesthetic resource in a public park. State Parks' pathological hostility toward harmless non-native tree species that pose no threat of invasion as is seen with certain problem plant

species like *Arundo donax*. Removal of beach and surf emblems like palm trees, as well as pines, eucalyptus and many more is not supported by the latest science which is attempting to curb this lagging trend to make habitats more a matter of eco-enforcement and eradication than wholesome preservation. (Please see attached Discover magazine cover story, May 2005.) State Parks must justify species by species why these aesthetically very valuable public resources should be summarily cut down and turned to waste.

-
2. **Air Quality** – d) is a significant impact affecting sensitive receptors because the project is located close to a public school bus stop at the corner of Topanga Canyon Boulevard and PCH in the Malibu Feed Bin parking lot. That is where trucks filled with lead-contaminated dust will be idling, waiting at a long, at least 3 minutes, traffic light, and then accelerating onto PCH. The project would occur during June when school is in session. Similarly, beginning in June, the site is possibly used as a bus stop Calicamp.

Proposed Mitigation measures – Firstly, mitigations AQ1 and AQ6 are vague and merely propose a laundry list of options from watering to reduce fugitive dust two or three times daily to use of soil binders or chemical stabilizers. What do they expect to do? Soil stabilizers might present additional habitat concerns, particularly in the streambed. Same vagueness with the suggestion in AQ7 of reducing idling time “where possible” or utilizing non-diesel equipment “where available or feasible.” Have they got an agreement with Caltrans to streamline them onto PCH? Do they know if trucks capable of carrying 24-ton loads and weighing 34 tons empty come in non-diesel models? Do they cost more and would that render them not feasible?

Discussion : State Parks’ air quality mitigations in addition to being vague, also suggest a lot of ground water use. I would like to know where the onsite

wells are and if all the proposed washing will wash contaminants back onto the ground.

Perhaps more important is the question of who will enforce these mitigations. A private developer would be subject to fines if complaints were made. What is to prevent a contractor working for State Parks from cutting corners if possible? How will State Parks' monitor that hazardous waste dirt ends up reaching its destination disposal facility? How can the citizen be informed who to turn to if excessive dust is ending up on Topanga Canyon Boulevard – a commuter route serving thousands daily, in hot weather when windows are down.

Also, there is a disparity between the estimated 1,100 trucks and the anticipated 50 truckloads daily for 40 days which comes to 2,000 trips.

3. **Biological Resources** – the MND identifies a) and b) as potential impacts requiring mitigations. However, mitigation, aimed principally at minimal replantings doesn't address all the significant impacts, including to steelhead trout the ostensible beneficiary of this project. It also makes no compensation for the loss of non-native vegetation, providing cover, shade, perches and food wildlife. This wholesale removal of non-native trees exceeds the Interim Plan goal (See page 12, action 1a) and was rejected among the EIR's alternatives considered because of erosion and wildlife impacts (page 39). Here are some specific failings of the MND in this category:

- a) Topanga Creek's already tiny steelhead trout population will be threatened during summer rearing which is described as taking place in this area. Therefore the timing of this project, summer 2007, is a significant impact.

Also, the comments assert that subsurface creek flow will be restored to a surface creek flow without explaining how or why this will occur. The project appears to be widening the creek channel significantly. The potential for this to create shallower creek waters with longer dry periods is not addressed with respect to impact on steelhead.

b) Additional native tree species in the 10.5 acre riparian zone adjacent to the berm will be potentially significantly impacted by flood waters. No mitigation measures are proposed for this area. There is no inventory of the potential losses in this zone. So this is a big unknown. The number and character of the native species over this area are not identified. In a flood, these trees would be subject to being carried downstream, creating obstructions and other hazards.

Also, replanting mitigations described for the 1.8 acre berm area, are a long way from replacing the 36 to 42 mature native species being removed – 20 acorns and nuts in tubes, stakes and cuttings, eight 10 gallon trees, and assorted seeds.

c) This category is wrongly identified in the no impact column. This is a potentially significant impact since wildlife patterns have not been mapped in the area. Now, with residents and residential structures removed, along with the extensive removal of more than 130 trees in this project, it is possible that more animals, including deer, unimpeded by customary constraints and searching for a replacement food source, will end up dying on Topanga Canyon Boulevard or causing accidents, less than 100 feet away over a long stretch of the project area.

Also, there will be significant impacts on a special bird for many birdwatchers, the Common Nighthawk, a Nightjar and a relative of the famous Whip-poor-will. The Rodeo Grounds is the only place where I have seen this bird. I've seen several in the evening there on more than one occasion. Some local birdwatchers who haven't seen this park, have never seen one. Also, local parrot flocks which are possibly despised as non-natives by some overzealous members of State Parks and RCD staff, are

residents or frequent visitors, relying presumably in part on fruit trees. These birds are admired by the general public, who should have a say in these policies via a general planning process, which has been denied them. This project could eradicate them or drive them into more remote area. Many of our birds are naturalized exotics and State Parks should make a scientific case against their presence in this borderline urban/nature park location before eradicating them. (Please see the film "The Wild Parrots of Telegraph Hill").

f) MOST IMPORTANT SIGNIFICANT IMPACT – This project conflicts with provisions of an approved habitat conservation plan – the Interim Management Plan for Lower Topanga State Park. This plan forbids irreversible projects at this stage and favors a stabilizing approach until a general plan can be completed to address the property as a whole – balancing different public use needs and ambitious stream and lagoon restoration goals including this one.

Discussion: This project also calls for discrete, but ultimately unlimited, use of herbicides to kill weeds and non-natives attempting to be re-established in the project area. There is no discussion of alternative methods though this project occurs within a streambed and a wetland/riparian corridor. With many of these unwanted plants still plentiful upstream, there could be an unlimited use and re-use of chemical herbicides. Herbicide use, rejected in Topanga Canyon by Caltrans for roadwork, has been a huge local controversy and State Parks, a resource protecting agency has been more resistant to change than even a public works operation like Caltrans. Topangans in their own Watershed Management Plan attempt to discourage private herbicide use. State Parks' policies favoring herbicides threatened to undermine important local victories and to set precedents that will not serve the greater good of the environment.

6) Geology -- No impacts are identified. And yet there is no discussion of the severe erosion potential during storm events. Local residents describe how the creek changes course and bangs up against the hillside as it makes a near 90-degree turn at the north end of the project area. This threatens to create more landslides like those already located upstream -- a potentially significant impact.

7) Hazards and Hazardous Materials -- An EIR must address how removal of 17,000 tons of lead contaminated dirt spread over the length of the entire project area will be prevented from being stirred up in the excavation process. Will there be water exposed during excavation? If so how will these chemicals be kept from entering either the creek or groundwater. If groundwater is to be pumped and used to control fugitive dust, how will lead contaminated soil be prevented from being washed onto the ground? It is not enough to say, in effect, "all regulations will be followed," when it comes to safety concerns of handling hazardous waste. How will a tiny agency, inexperienced in these matters, like the RCD, ensure that truckloads of hazardous waste materials reach their distant disposal facilities. A private developer would be subject to fines and enforcement action if regulations are not complied with. What measures are in place to ensure that State Parks will enforce regulations and promised handling procedures? A less rushed project with a completed EIR would assure the public that these materials are being handled properly. In addition the MND fails to consider the following:

b) Releasing contaminated dirt into Topanga Creek and to the ocean just a little ways downstream is only avoided in the MND by existing regulations. This is an invisible contaminant being stirred up in a streambed. Are there oversight and response procedures to ensure that these contaminants don't end up in the creek, the ocean or in the local soil or beach?

c) There is a school bus stop at the Malibu Feed Bin at the Topanga Canyon and PCH intersection. Fugitive lead dust would be an environmental hazard to Topanga middle school and high school students who ride the bus. It also might be a bus stop for Calicamp, carrying younger children.

8. Hydrology and Water Quality -- EIR required to examine several potential significant impacts not addressed and/or not mitigated

b) A significant amount of groundwater will be pumped to control dust on the project site, and the streambed itself is going to be excavated to the point where subsurface water will purportedly run above ground. There is no data in the MND to quantify the potential of these impacts. Fifty trucks will be hosed down daily and a long newly established service loop road will be kept moistened as well as stockpiles and the excavation site itself to reduce fugitive lead contaminated dust. How runoff from these projects will avoid spreading lead is not addressed.

c) See above comment #6 Geology

f) See above comment #7 Hazards, intro paragraph

i) MOST IMPORTANT - This project could expose people to risk of injury or death from flooding, including flooding resulting from the failure of a levee or dam. This should be addressed in an EIR and a parks General Plan to ensure the safety of park visitors during floods on this site which have taken lives in the past.

The berm was initially established to protect people and property from flood danger which took the lives of five people in Lower Topanga and Topanga in 1969. The hazards to future park visitors should certainly be addressed in an EIR before the berm itself is removed. This represents a clearly significant impact of removing the berm. (See also, Project Background page I-4, for discussion of why the berm was erected)

Also, it seems relevant to consider that there have been significant changes upstream that affect the storm water flow in the Rodeo Grounds. This was not a threat when the homes were built initially. That's why they were built there. The berm was built in response to increased threat from floodwaters.

9) Land Use and Planning – The MND does not address item 9b at all, even though it clearly represents a significant impact requiring not only an EIR but a General Plan for Lower Topanga State Park as well.

b) The MND falsifies the goals in the Lower Topanga Canyon Interim Management Plan which sets much more modest goals and action items than represented by this project. It specifically rejects starting on restoration projects of this scale. (See page 37 et al) As a result, this project utterly lacks public review and approval which is conferred by the Interim Plan. Creek and lagoon restoration projects are only listed in the Interim Plan as study and planning items (See page 16, action 1h and page 58). Nowhere does an action item anticipate moving forward with implementation of streambed or lagoon restoration.

Consultation of the Interim Plan appears to have been an afterthought, judging by its placement at the bottom of the consulted publications list. From there, language in the Interim Plan, specifically forbidding road removal and restoration (See page 15, action 1f) as well as postponement of creek and lagoon restoration until a general plan is completed, was ignored or occasionally distorted to accommodate this project proposal.

14. Recreation – Further delay to public use of this property – six years after acquisition - represents a significant impact requiring an EIR and a General Plan.

a) Since this parkland was acquired to serve “park-starved Los Angeles as a justification in Prop 13, it stands to reason that failure to open it or to even create a comprehensive General Plan for it creates added burdens on existing park facilities. Creating a general plan should have been State Parks top priority after acquiring it. This project further delays not only public use of that area, but the much needed planning process as well. It appears that State Parks is attempting to avoid creating a General Plan by moving forward on grant driven projects beyond the scope of its Interim Plan.

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tend to dwarf this one, that is only testament to how massive those projects are. It is no excuse for minimizing the impacts of this project - a 520,000 cubic feet excavation, 2,000 trucks and at least 130 trees cut down - proposed during an Interim period. The Interim Plan requires only reversible projects and puts forth a general priority of "stabilizing the environment" until a General Plan with public input and review in place.